

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 10-03

This Advisory Opinion 10-03 is in response to a request made by the petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring whether it is permissible for BCPS employees to lease space to provide summer camp services. The petitioner had submitted a similar advisory opinion request in 2007. At that time, the Ethics Review Panel determined that the petitioner could not engage in such activity (07 AO/ERP 07). For the current consideration of the request, the petitioner is suggesting that she would separate her name from the application and serve as a volunteer. She is joined in the request by another person not employed by BCPS.

The relevant sections of the Ethics Code are as follows:

Policy 8360, Definitions

(M) Personal benefit means anything that promotes or enhances the well being of the individual, or his/her immediate family, or accrues to the personal advantage of that individual, or his/her immediate family.

Policy 8361, General

The Baltimore County Public Schools are committed to promoting and practicing moral principles and values in both the delivery of instruction and the delivery of support services. Consistent with this conviction, the school system's "Precepts, Beliefs, and Values" and local public ethics laws in accordance with the State Ethics Commission, the Ethics Code establishes guidelines of ethical and professional conduct. This Code formally acknowledges the school system's commitment to its institutional responsibility to the students, parents, and the community. It advocates positive behavior and the avoidance of impropriety or the appearance of impropriety.

Policy 8363, Conflict of Interest

1. Outside Employment

(b) A person engaged in outside employment may not:

- benefit from business with the school system or from relationships with students*
- represent any party before the school system*
- use confidential information acquired in his or her official school system position for personal benefit or that of another.*

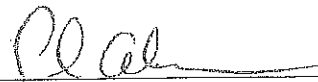
2. Stock Ownership

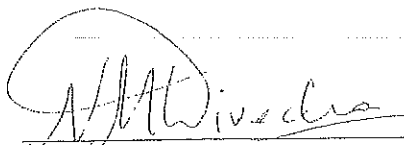
- (a) *A Board member or employee may own stock in an entity that does business with the Board of Education as long as the individual is not in a position of influence with a publicly-traded company and if the individual is not in a school system position which can benefit the company.*
- (b) *A Board member or employee may not hold a position of influence in a non-stock company that does business with the Board of Education (including, but not limited to, a partnership or a limited liability corporation).*

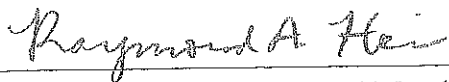
The matter before the Ethics Review Panel is whether a BCPS employee may lease space in order to conduct a summer camp. The petitioner suggests that she would remove her name from the application and serve as a volunteer. The Ethics Review Panel does not have complete information about the relationship between the petitioner and the corporation that would sponsor the camp. If she is employed by the corporation, then she would stand to benefit from the request, a violation of Ethics Code 8363 1(b) which states that "a person engaged in outside employment may not benefit from business with the school system or from relationships with students." If the petitioner owns stock in the company, then Ethics Code 8363 2(a) would apply. If this is a non-stock company and the petitioner holds a position of influence, then Ethics Code 8363 2(b) would apply. Regardless of the nature of these issues, the Ethics Review Panel is concerned that the petitioner's involvement in this outside business violates the Code's general prohibition against the appearance of impropriety (Policy 8361). This would be the case even if she chose to serve as a volunteer at the camp.


This opinion has been signed by the Ethics Review Panel members and adopted on August 19, 2010.


Mary C. Burke, LCSW-C, BCD, Chair


Philip Abraham, Esq., Vice Chair


Nikhil M. Divecha, M.B.A., Panel Member


Raymond A. Hein, Esq., Panel Member


John Van Emden, Panel Member