

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 12-01

This Advisory Opinion 12-01 is in response to a request made by petitioner, an employee of the Baltimore County Public Schools ("BCPS"), who is also employed as a service provider in a private practice. The petitioner inquired if the petitioner's name may be placed on referral lists in BCPS schools in which the petitioner is not assigned. Additionally, the petitioner has been invited to provide presentations at BCPS events outside the petitioner's assigned school and would like to know if the petitioner's BCPS work experience may be referenced when the petitioner is introduced as a private practitioner at these events.

The petitioner is requesting an advisory opinion regarding whether any of these actions would violate the Ethics Code.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Definitions and Conflict of Interest

Policy 8360 Applicability and Definitions

I. Applicability

A. The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the Board, the Superintendent, employees, consultants of the Baltimore County Public Schools, and the Board's volunteer appointees to its panels and councils (hereinafter, "School System Official").

II. Definitions

(F) Employee - means an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.

Policy 8361 Statement of Purpose and Policy

I. Policy Statement

A. The Board of Education of Baltimore County (Board) and the Baltimore County Public Schools (BCPS) 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 Ethics Code (hereinafter, "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-Prohibited Conduct

1. Policy Statement

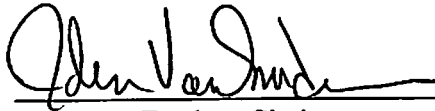
A. Members of the Board of Education of Baltimore County (Board), the Superintendent, employees, consultants, and volunteers (hereinafter, "School System Official") shall not participate on behalf of the school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their immediate family, or a business entity with which they are affiliated.

VI. Prestige of Office

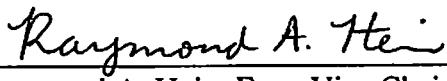
A. A school system official may not intentionally use the prestige of office or public position for private gain of that official or the private gain of another. This section does not prohibit the performance of usual and customary constituent services by a member of the Board without additional compensation.

The Ethics Review Panel concluded that the petitioner's name may not be added to a referral list of professionals in schools, which would be a violation of Policy 8363, VI.A., because placement on such list would be using the prestige of office for the private gain of the petitioner's private practice and is also in violation of Policy 8361, I.A., under which the Ethics Code advocates the avoidance of impropriety or the appearance of impropriety; and, although the petitioner may reference experience as a BCPS professional when asked to be a presenter at events in BCPS schools, the petitioner's private practice may not be referenced during the events or in the promotion of the events, which would be a violation of Policy 8363, I.A. and VI.A.

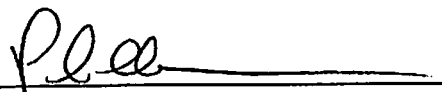
This opinion has been signed by the Ethics Review Panel members and adopted on May 17, 2012.



John Van Emden, Chair



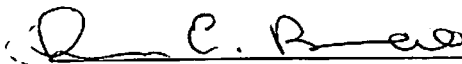
Raymond A. Hein, Esq., Vice Chair



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Mary C. Burke, LCSW-C, BCD, Panel Member



Theresa E. Barrett, Panel Member