

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 16-01

This Advisory Opinion 16-01 is in response to an Application to Provide an Advisory Opinion ("Application") filed by Petitioner, an Assistant Superintendent of the Baltimore County Public Schools ("BCPS"). Petitioner indicated that she learned a BCPS school principal had referred the principal's brother, an artist, to paint a mural in the lobby of the principal's school. A parent at the school then paid the principal's brother \$1,000 to paint the mural.

After reviewing the initial Application, the Ethics Review Panel ("Panel") sought additional information from Petitioner and was supplied with the following facts. The principal and the parent discussed painting a mural in the lobby and the parent said he would pay for it. The subject of the mural was the school mascot and school themed art. The principal recommended her brother to paint the mural. No application process was used to find an artist to paint the mural and no other artists were considered. The principal's brother was not a BCPS employee. The money to pay for the mural came from one parent, who was not a member of the Parent Teacher Association ("PTA"). The parent was the person who determined the amount to be paid. The amount was a flat fee, and there were no invoices documenting the transaction. The artist expected to be paid for the work and was paid upon completion of the mural.

At the outset, the Panel wishes to note that the conduct described in the Application has already occurred. Because the Panel believes that the situation described raises several potential ethical issues, the Panel is issuing this Advisory Opinion for the future reference of BCPS officials and employees who may encounter similar situations.

The issues raised by the Petitioner concern potential conflicts of interest, so in reviewing the Application, the Panel reviewed the various provisions of Policy 8363. Section VI of Policy 8363 prohibits a school system official from intentionally using the prestige of office or public position for private gain of that official or the private gain of another. Additionally, the Panel considered Section II.A.1 of Policy 8363 which is set forth below:

- A. Except as permitted by Board policies or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, a school system official may not participate in: 1. Any matter in which, to the knowledge of the school system official, the official or a qualified relative of the official has an interest.*

After discussing the matter the Panel concluded that, based upon the information supplied, it appears the conduct may be in violation of the aforementioned policies. The principal's referral of her brother to paint the mural could be viewed as a school system official using her position for the private gain of her brother in violation of Section VI. Furthermore Section II.A.1 prohibits the principal from participating in any matter in which a qualified relative, in this case the principal's brother, has an interest.

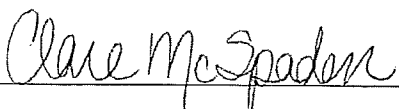
The Panel does note that the money paid was not from BCPS, the artist was not a BCPS employee, and the school received a benefit in the form of a mural. Additionally, the Panel notes that there is no suggestion that the parent was coerced in any way to pay for the mural. However, in order to avoid the appearance of a conflict of interest, the Panel suggests that in any similar situation in the future, a school system official should recuse himself/herself from any matter involving a financial benefit to a relative. Furthermore, where such a service is desired in the future, a school system official may wish to refer the

transaction to an independent committee, such as the school PTA, to determine selection of the service provider and appropriate payment.

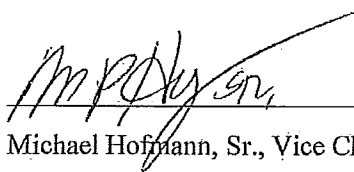
The Panel also considered whether the mural was meant to be considered a gift to the school from the parent who paid for the mural. If that is the case, the Panel would caution school officials to be mindful that they comply with the provisions of Policy 8362 relating to gifts.

For all of the above reasons, the Panel cautions school officials and employees who encounter situations similar to that described in the Application to be mindful of the Conflict of Interest and Gift Policies of the Ethics Code.

This opinion has been signed by the Ethics Review Panel members and adopted on April 21, 2016.



Clare McSpaden, Esq., Chair



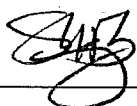
Michael Hofmann, Sr., Vice Chair



Theresa E. Barrett, Panel Member



Joseph Schnitzer, Esq., Panel Member



Scott Bryson, Panel Member