

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: March 14, 2008

RE: Advisory Opinion 07-15

On February 7, 2008, the Ethics Review Panel adopted Advisory Opinion 07-15 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "any board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through the *Superintendent's Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 07-15

This Advisory Opinion 07-15 is in response to a request made by a petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring whether it is permissible for the school to purchase holiday, appreciation, and thank you gifts for school staff and bus drivers, from a company in which the husband of a school staff

member is the factory manager and cousin of the company owners. The petitioner has represented to the panel that the staff member's husband does not benefit from this business with the school. The company is not the sole vendor, and a discount is provided to the school when it purchases in bulk.

The relevant section(s) of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest (Section 8363)

1. Outside Employment

(a) *Board members, employees, and volunteers may not participate in outside employment if the work:*

- *is incompatible with the proper performance of official duties*
- *impairs the impartiality or independence of judgment or action of the employee*
- *affects the performance of the employee.*

(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.*

(c) *Any employee with instructional responsibility shall not tutor, for compensation, any student whom he or she is currently teaching.*

The matter before the Ethics Review Panel is whether a school may purchase items from a company when an employee of the school is related by marriage to the company owners, and the employee's husband is employed by the company. The panel finds that based upon the facts as presented, this practice does not constitute a violation of the Ethics Code.

Ethics Code Section 8363(1)(b) prohibits a person engaged in outside employment from benefiting from business with the school system or from relationships with students. The facts presented in this application state that the employee's husband does not benefit from this business with the school system. As long as this fact remains unchanged and the employee is not making the decision to purchase goods from this company, it is the panel's decision that there is no conflict of interest. This decision is further supported by the fact that the petitioner advised the panel that this company is not an exclusive vendor of the school.

This opinion has been signed by the Ethics Review Panel members and adopted on February 7, 2008.

Meryl D. Burgin, Esq., chair

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Mary C. Burke, LCSW-C, BCD, panel member

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