

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: January 30, 2009

RE: Advisory Opinion 08-13

On January 15, 2009, the Ethics Review Panel adopted Advisory Opinion 08-13 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 08-13

Advisory Opinion 08-13 is in response to a request made by a petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible under the BCPS Ethics Code for BCPS employees to solicit BCPS students (and their parents) to attend trips which are scheduled over winter, spring and/or summer breaks. The petitioner advises the Ethics Review Panel that the solicitations occur during the

academic year, and, in return for students registering for trips, BCPS employees receive free trips or free airline miles from the travel companies who plan and sponsor the trips. These trips are not sponsored by BCPS.

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

ETHICS CODE: Conflict of Interest (Section 8363)

6. Prohibitions

(a) *No board member or employee shall:*

- *represent any party, for a contingent fee, before or involving the Board of Education*
- *act as a compensated representative of another party in connection with a case, contract, or any specific matter in which he or she participated substantially as a board member or employee, within one (1) year following termination of service to the school system*
- *use the prestige of office for personal benefit or that of another*
- *use confidential information acquired in an official school system position for personal benefit or that of another.*

ETHICS CODE: Definitions (Section 8360)

The following terms used within the Ethics Code are defined as follows:

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.

The matter before the panel is whether, under the Ethics Code, BCPS employees may personally benefit from the solicitation of students and parents to attend trips that are planned by independent travel organizations.

Section 8363(6)(a) prohibits school system employees from using “the prestige of office for personal benefit.” Section 8360 defines “personal benefit” to mean “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.”

Clearly, the acceptance of free travel, travel miles and/or other tangible benefits by BCPS employees resulting from the solicitation of students and parents to participate in non-school sponsored trips constitutes the use of the prestige of office for personal benefit.

Accordingly, it is the opinion of the panel that it would constitute a violation of the Ethics Code for BCPS employees to obtain any personal benefit from independent travel organizations due to their solicitation of students and parents to participate in these trips.

This opinion has been signed by the Ethics Review Panel members and adopted on January 15, 2009.

Raymond A. Hein, Esq., chair

*Nikhil M. Divecha, panel member

Mary C. Burke, LCSW-C, BCD, vice chair

Janel D. Sexton, M.A., Ph.D., panel member

*Philip Abraham, panel member

*Panel members Mr. Abraham and Mr. Divecha were not members of the panel at the time this Application to Provide an Advisory Opinion was originally considered. Therefore, they abstained from voting on the adoption of this opinion.