

## **ADVISORY OPINION 19-04**

This Advisory Opinion 19-04 is in response to an Application by a Board member seeking a clarification regarding Ethics Policy 8363 VI(A)(B) titled “Prestige of Office.”

The question presented, as the Panel understand, is:

1. Is it a violation of the Policy to list your service as a member of the Board of Education on your professional resume?

### **SHORT ANSWER**

No. Listing one’s participation as a member of the Baltimore County Board of Education on their professional resume would not alone be a violation of the policy.

### **OPINION**

Policy 8363 VI provides:

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

This provision of the Ethics Code is modeled Title 5 of the Md. General Provisions Code Ann. The purpose of the Statute and the Policy is to ensure that individuals do not intentionally use their position or office in such a manner as to achieve any “gain” for that individual or for any other person. Part of that “intentional use” may be publicizing to third parties the individual’s decision-making role within the School System, in order to achieve such “gain.” However, merely listing an individual’s position or office on a resume or on some other format, without further action by that individual would not, by itself, rise to the level of intentionally using the prestige of office. However, it should be noted that it is possible to imagine a situation where inclusion of such position might be a violation of the Ethics Code; for example, if a Board Member knowingly contacted a School System vendor soliciting employment and listed their position as a means of obtaining an hiring advantage.

Service on the Board, although time consuming, is not full-time employment. It would be reasonable to expect that Members of the Board are engaged in other full-time employment. Members of the Board should be allowed to disclose their position in order to show their community involvement; as well as to provide employers complete picture of the potential employees, skills and duties, as long as it is not intentionally done as a means of using the prestige of office for the Member’s private gain or the private gain of another.

## **PARTICIPATION AND DISCLOSURE**

Board Members must be mindful of two other aspects of the Ethics Code when considering employment. First, Policy 8363 II. provides a list of matters on which a Board Member may not participate. It is important to be aware of those prohibited activities when being employed and performing duties as a Board Member.

Second, Board Members should also be mindful of Policy 8364 which would require disclosure of any employment which engages in business with Baltimore County Public Schools. As is required, pursuant to 8364VII.E the Member and any employee is required to disclose any fees received from an “Entity doing Business with the Board.” Furthermore, section VII.H. requires the disclosure of any sources of earned income, including places of employment.

## **CONCLUSION**

Accordingly, for the reasons set forth above, the Panel has concluded that listing involvement as Member of the Board is not a violation of the Ethics Code, subject to the conditions detailed above.

This opinion has been signed by the Ethics Review Panel members and adopted on November 14, 2019.

T. Ross Mackesey, Chair  
Ralph Sapia, Esq., Panel Member  
Tim Topoleski, Panel Member

Samuel Johnson, Vice Chair  
Joseph Schnitzer, Esq., Panel Member