

**BOARD OF EDUCATION OF BALTIMORE COUNTY**  
**Ethics Review Panel**

**Donald A. Gabriel, Chair**  
**Roland Unger, CPA, Vice Chair**  
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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: November 7, 2002

RE: Advisory Opinion 02-04

At its October 17, 2002, meeting, the Ethics Review Panel adopted Advisory Opinion 02-04 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "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 Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

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**BOARD OF EDUCATION OF BALTIMORE COUNTY**

**ETHICS REVIEW PANEL**

**ADVISORY OPINION 02-04**

Advisory Opinion 02-04 is in response to a request by the Petitioner to address the appropriateness of having the Petitioner's spouse solicit new business through the distribution of letters or flyers to each Baltimore County Public School for his own company. The company sells items included in the Emergency Safety Team Tool Box which is required in each school.

The relevant section of the Ethics Code is as follows:

**ETHICS CODE: Conflict of Interest**

**Section 8363**

Board members, employees, and volunteers shall not participate on behalf of the school system in any manner which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, ward, parent, or other who shares the Board member's, employee's, or volunteer's legal residence or a business entity with which they are affiliated.

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 actions 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.

2. Stock Ownership

- (a) A Board member or employee may own stock in an entity that does business with the Board of Education as long as the individual is not in a position of influence with a publicly-traded company and if the individual is not in a school system position which can benefit the company.
- (b) A Board member or employee may not hold a position of influence in a non-stock company that does business with the Board of Education (including, but not limited to, a partnership or a limited liability corporation).

The Panel indicated that it is not their responsibility to render an opinion on the distribution of advertising material since the Baltimore County School System has internal controls in place on this matter. According to Policy 8363, an employee shall not participate on behalf of the school system in any purchasing matter which would have a direct or indirect financial impact for themselves or spouse. Therefore, if the advertising is permitted by the Baltimore County Public Schools, the Petitioner may not personally send out letters or flyers nor may the Petitioner participate in any purchasing decision regarding the spouse's company.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on October 17, 2002.**

Donald A. Gabriel, Chair  
Roland Unger, CPA, Vice Chair  
Merle D. Burgin, Esq., Panel Member

Joy Shillman, Panel Member  
Karen Strand, RN, Panel Member