

# BOARD OF EDUCATION OF BALTIMORE COUNTY

## Ethics Review Panel

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TO: Principals and Office Heads  
FROM: Ethics Review Panel  
DATE: September 8, 2006  
RE: Advisory Opinion 06-01

At its July 13, 2006, meeting, the Ethics Review Panel adopted Advisory Opinion 06-01 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 R. Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

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**BOARD OF EDUCATION OF BALTIMORE COUNTY**

**ETHICS REVIEW PANEL**

**ADVISORY OPINION 06-01**

This Advisory Opinion 06-01 is in response to a request made by the Petitioner, a part-time employee of the Baltimore County Public Schools (BCPS). Petitioner is the boys varsity lacrosse coach at a BCPS high school. He is also a real estate agent within the community in which the high school is located. The high school's athletic programs are supported by a booster club. Petitioner has expressed a desire "to donate \$500 to the booster club in the name of my [real estate] clients" who are boosters/supporters of the athletic programs at the high school where Petitioner coaches boys lacrosse. He indicates the \$500 donation in the name of the client would be made "at time of settlement."

Petitioner provided the additional information that he is a graduate of the high school at which he now coaches and a life long resident of the community. He further states that his proposal is not intended to be a fundraiser and that is he “not asking for business from anybody.”

Based upon the facts presented in Petitioner’s application, the Panel does not find that the proposed donations would directly violate any section of the Ethics Code. The Panel does have concerns, however, about the potential for violations of the following provisions of Policy 8363.

Policy 8363 of the Ethics Code addresses conflicts of interest.

*ETHICS CODE: Conflict of Interest*

*Section 8363*

*Board members, employees, and volunteers shall not participate on behalf of the school system in any matter 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*

*(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.*

*5. Royalties/Personal Gain*

*(c) No Board member, employee, or volunteer will be permitted to compile lists of students' and/or parents' names, addresses, phone numbers, or related information available through his or her position for any other person or commercial enterprise unless the compilation of such data has been approved in writing by the individual's supervisor and serves a valid educational purpose and only as permitted by the provisions of the Annotated Code of Maryland, State Government Article, 10-611 et seq.*

*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.*

The sole issue before the Panel is whether an employee who coaches at a BCPS high school and who is engaged in outside employment as a real estate agent may make donations to the high school's athletic booster club in the names of his real estate clients who also support the school's athletic programs. As long as there is no related promotion of the Petitioner's services as a real estate agent, such a proposal, in and of itself, does not violate any section of the Ethics Code.

The Panel believes it would violate sections 8363 1.(b) and 8363 6.(a) if Petitioner attempted to solicit business as a real estate agent by mentioning the proposed \$500 donation to parents, students, and athletic program boosters with whom he comes in contact through his position as boys varsity lacrosse coach. Such solicitation could enable Petitioner to benefit personally as a real estate agent from his association with the school system, the prestige of his position as a coach, and/or his relationships with students. The Panel believes it also would violate the same sections if Petitioner were to advertise his services as a real estate agent in any publication of the high school or its athletic booster club while he remains the boys varsity lacrosse coach at the school.

Finally, the Panel also considered Policy 8363 5.(c) and notes it would be improper for Petitioner to compile and use lists of students' and/or parents' names and addresses that may be available to him through his position as a coach, or through the athletic booster club, when sending out any literature promoting his services as a real estate agent.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 13, 2006.**

Raymond A Hein, Esq., Chair  
 Karen W. Strand, RN, Vice Chair  
 Meryl D. Burgin, Esq., Panel Member

Mary C. Burke, LCSW-C, BCD, Panel Member  
 Roland L. Unger, CPA, Panel Member