

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

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**Mary C. Burke, LCSW-C, BCD, Vice Chair**  
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TO: Principals and Office Heads  
FROM: Ethics Review Panel  
DATE: January 19, 2007  
RE: Advisory Opinion 06-05

At its December 14, 2006, meeting, the Ethics Review Panel adopted Advisory Opinion 06-05 in response to an application received from petitioners.

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.

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**BOARD OF EDUCATION OF BALTIMORE COUNTY**

**ETHICS REVIEW PANEL**

**ADVISORY OPINION 06-05**

This advisory opinion is in response to a request by Petitioner. Petitioner states that the school's yearbook advisor, an employee of the Baltimore County Public Schools (BCPS), is married to a "representative" of Walsworth Publishing Company, the company with which the school, in the past, has contracted to publish its yearbook. The yearbook

advisor's spouse handles the school's account at Walsworth. Petitioner seeks the panel's opinion as to whether this arrangement violates any provision of the BCPS Ethics Code.

Policy 8363 of the Ethics Code prohibits Board members, employees and volunteers from participating "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." Based upon the facts presented in this application, the panel concludes that if the school yearbook advisor has any decision-making authority or input, even if limited or indirect, in the selection of a yearbook publisher, it violates Policy 8363 for the school yearbook to be published by a company that employs the advisor's spouse. Such an arrangement poses a conflict of interest due to the direct financial impact on the BCPS employee's spouse as distinguished from the public generally.

Because the application did not specify the extent of the yearbook advisor's involvement in the selection of the school yearbook publisher, the panel also considered whether the company employing the yearbook advisor's spouse could be selected to publish the yearbook if the advisor does not participate at all in the selection process. Noting that the Ethics Code "advocates positive behavior and the avoidance of impropriety or the appearance of impropriety" (Policy 8361), the panel finds that the school's selection of the company which employs the spouse of the school's yearbook advisor would raise an appearance of impropriety even if the advisor does not participate in selecting the publisher. Therefore, the panel does not consider it acceptable for the school to contract with that publisher as long as the factual circumstances set forth in the application continue to exist.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on December 14, 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