

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: September 14, 2007

RE: Advisory Opinion 07-07

On August 16, 2007, the Ethics Review Panel adopted Advisory Opinion 07-07 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 07-07

This Advisory Opinion 07-07 is in response to a request made by petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible for a BCPS employee to lease space to provide summer camp services.

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

ETHICS CODE: Conflict of Interest (Section 8363)

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 action 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.*

The matter before the Ethics Review Panel is whether a BCPS employee may lease space in order to conduct a summer camp program located in a Baltimore County public school. The mere act of leasing space is governed by the process that speaks to leasing BCPS facilities. The matter concerning the panel is the fact that the petitioner would be operating a business and providing services in a BCPS system facility. The very nature of these services requires the petitioner to carry on business with the BCPS system, from which the petitioner will benefit. Section 8363 (b) prohibits such activity, and as such, the panel finds that the petitioner may not engage in such activity.

This opinion has been signed by the Ethics Review Panel members and adopted on August 16, 2007.

Roland L. Unger, CPA, chair
Mary C. Burke, LCSW-C, BCD, vice chair
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