

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

Roland L. Unger, CPA, Chair
Mary C. Burke, LCSW-C, BCD, Vice Chair
Meryl D. Burgin, Esq.
Raymond A. Hein, Esq.
Janel D. Sexton, M.A., Ph.D.

6901 Charles Street
Towson, Maryland 21204-3711
Phone: 410-887-4138
Fax: 410-887-4308

TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: December 7, 2007

RE: Advisory Opinion 07-11

On November 15, 2007, the Ethics Review Panel adopted Advisory Opinion 07-11 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 07-11

This Advisory Opinion 07-11 is in response to a request made by a petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible to sell hot dogs and other snacks at recreational events occurring on BCPS property.

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

ETHICS CODE: Definitions (Section 8360)

Doing business with means having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of school system funds; or being subject to the authority of the school system; or being registered as a lobbyist in accordance with the lobbying disclosure provisions of Board of Education Policy 8365.

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 sell hot dogs and other miscellaneous snacks at athletic events that occur on BCPS property.

Section 8363 (b) of the Code restricts outside employment when such employment involves doing business with the BCPS system. One definition of “doing business with” outlines “being subject to the authority of the school system.” Persons conducting business on school property are subject to the authority of BCPS. If such business is conducted off of BCPS property, the panel feels there would be no violation of the Ethics Code. However, conducting such business on BCPS property would violate the relevant sections of the Code cited above.

This opinion has been signed by the Ethics Review Panel members and adopted on November 15, 2007.

Roland L. Unger, CPA, chair
Mary C. Burke, LCSW-C, BCD, vice chair
Meryl D. Burgin, Esq., panel member

Raymond A. Hein, Esq., panel member
Janel D. Sexton, M.A., Ph.D., panel member