

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: April 3, 2009

RE: Advisory Opinion 09-01

On March 19, 2009, the Ethics Review Panel adopted Advisory Opinion 09-01 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 Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 09-01

This opinion is issued in response to a request by the petitioner, an employee of the Baltimore County Public Schools (BCPS). The petitioner is the principal of a BCPS elementary school. The petitioner inquires whether it is permissible under the BCPS Ethics Code for a BCPS school to participate in "online fundraisers" in association with vendors selling products or newspaper subscriptions.

As described by the petitioner, the school advertises the availability of the fundraising company's products for purchase via the company's website. Typically, the advertising is accomplished by sending home flyers with students or by posting an item in the school newsletter. People then can make online purchases identifying the school as the fundraising organization, and the school receives a percentage of the profits from each sale so designating that school. The petitioner indicates there is no handling of products or money by the school or its students, nor do students have to engage in any selling activities.

Upon consideration of the facts presented, the panel did not find any provisions of the Ethics Code which would prohibit or restrict schools from participating in the type of online fundraising described. In reaching its conclusion, the panel reviewed the Conflict of Interest provisions of Policy 8363, as well as Policy 8362(2)(a), which prohibits solicitation by Board members, employees or volunteers of "gifts, gratuities or discounts for personal use or gain." No Ethics Code provision was determined to be applicable, and the panel therefore finds no violation. Apart from any ethics consideration, however, the panel is mindful, and hereby suggests, that individual schools should obtain guidance and any necessary approval from appropriate BCPS administration officials before entering into such fundraising arrangements.

This opinion has been signed by the Ethics Review Panel members and adopted on March 19, 2009.

Raymond A. Hein, Esq., chair
Mary C. Burke, LCSW-C, BCD, vice chair
Philip Abraham, Esq., panel member

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