

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: March 11, 2011

RE: Advisory Opinion 10-05

On January 20, 2011, the Ethics Review Panel adopted Advisory Opinion 10-05 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 *Weekly 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 10-05

This Advisory Opinion is in response to a request made by the petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring whether it is permissible under the BCPS Ethics Code to serve as an author of a national version of a program. The petitioner contacted a company for a price on transferring a previously developed presentation into an online program for school system use. The company offered to provide BCPS a complimentary version of the program in return for the petitioner's

agreement to be an author for the company. The company also offered to provide the petitioner with a stipend for the completion of the national version of the petitioner's program.

The relevant section of the Ethics Code is as follows:

Policy 8363, Conflict of Interest

5. *Royalties/Personal Gain*

- (a) *No royalties will be paid to employees or volunteers for textbooks, instructional materials, or programs written or produced during working hours.*

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 matter before the Ethics Review Panel is whether the petitioner can give a work product to another company for further development if the product was developed while the petitioner is a BCPS employee. Additionally, another issue is whether the petitioner can accept a stipend from a company for serving as an author for its company. The Ethics Review Panel believes that it is a violation of Ethics Code Section 5 (a) for the petitioner to share any information developed while employed by BCPS and to benefit from such a relationship. Only the superintendent has the authority to approve or disapprove of this type of business relationship under terms and conditions he decides. Additionally, by accepting a stipend, the petitioner would be in violation of Ethics Code Section 6 (a), which prohibits an employee from using the prestige of office for personal benefit or that of another.

This opinion has been signed by the Ethics Review Panel members and adopted on January 20, 2011.

Mary C. Burke, LCSW-C, BCD, chair
Philip Abraham, Esq., vice chair
Nikhil M. Divecha, M.B.A., panel member

Raymond A. Hein, Esq., panel member
John Van Emden, panel member