

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 12-04

This Advisory Opinion 12-04 is in response to a request made by petitioners, employees of the Baltimore County Public Schools (“BCPS”), who requested clarification of the Ethics Code on Conflicts of Interest as it applies to specific situations that occur when BCPS employees create proprietary programs and wish to be hired by BCPS to implement same.

The petitioners are requesting an advisory opinion regarding whether BCPS employees may donate their proprietary program to the BCPS and then be employed to supervise that program.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest – Prohibited Conduct

Policy 8363

III. Employment and Financial Interests

A. Except as permitted by Board policies when the interest is disclosed, or when the employment does not create a conflict of interest or appearance of a conflict, a school system official may not:

- 1. Be employed by or have a financial interest in an entity that is subject to the authority of the Board or school system;*
- 2. Have a financial interest in or maintain secondary employment with a business entity that is negotiating with or has entered into a contract with the Board or school system;*

VIII. Procurement

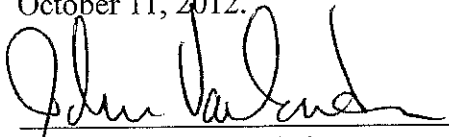
A. An individual or person that employs an individual who assists the Board or school system in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

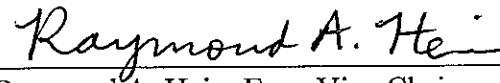
The term “business entity,” as defined in Policy 8360, means “any individual or organization, regardless of form” and it includes a sole proprietorship or a joint venture.


The Ethics Review Panel does not question the value of this program, but agreed that BCPS employees must not violate or appear to violate the Conflict of Interest sections of Policy 8363.

Based on the information supplied, the proposed project violates Policy 8363 III, Section A; subsections 1 and 2 as well as VIII Section A. These employees claim a financial interest in this program and also wish to set the terms for its use in the BCPS, by proposing that they be paid a salary, in addition to their salaries as BCPS employees, to coordinate the program. This situation will violate or appear to violate the Ethics Policy 8363.

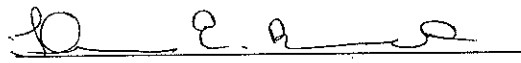
This opinion has been signed by the Ethics Review Panel members and adopted on October 11, 2012.


John Van Emden, Chair


Raymond A. Hein, Esq., Vice Chair


Philip Abraham, Esq.


Mary C. Burke, LCSW-C, BCD, Panel Member


Theresa E. Barrett, Panel Member