

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 13-02

This advisory opinion is in response to the request of an employee (hereinafter “Petitioner”), an employee of the Baltimore County Public Schools (BCPS). Petitioner is employed as a lunch helper at a BCPS elementary school. Outside of her employment, she proposes “to sell lunch packets of fresh fruit and vegetables to staff and faculty” before and after her working hours. She adds that her proposed sales would not compete with the school cafeteria because she would not offer similar items. Petitioner seeks guidance as to whether her proposal violates any provision of the Ethics Code adopted by the Board of Education of Baltimore County.

The Ethics Review Panel considered the applicability of Board Policy 8363, *Conflict of Interest – Prohibited Conduct*, and focused on Section VI., which provides:

VI. Prestige of Office

- A. A school system official may not intentionally use the prestige of office or public position for private gain of that official or the private gain of another. This section does not prohibit the performance of the usual and customary constituent services by a member of the Board without additional compensation.

As an employee of BCPS, Petitioner is a “School System Official” as that term is defined in Policy 8360 II. T., and she therefore is governed by Policy 8363, Section VI. A. The Panel concluded that Petitioner’s proposal to sell fruits and vegetables at her school is prohibited by Policy 8363, Section VI. A., because it would involve using the prestige of office for Petitioner’s private gain, even if otherwise well-intentioned.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on January 16, 2014.

Mary C. Burke, LCSW-C-BCD, Chair

Theresa E. Barrett, Vice Chair

Philip Abraham, Esq., Panel Member(absent)

Raymond A. Hein, Esq., Panel Member

Michael Hofmann, Panel Member (abstained)