

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 99-07

Advisory Opinion 99-07 is in response to a request made by [REDACTED] ("Petitioner") asking if it is appropriate for him to serve as an author of an activity booklet for inclusion students in secondary [REDACTED] courses. He would not be named as an author and he would be paid on a per page basis only. The company that would be employing him has clients which include publishing companies that sell materials to Baltimore County schools. Although the Petitioner states that per page payment would not benefit him no matter how many books may be sold to the county schools, he is benefiting from his relationship with the school system by being chosen for this particular assignment.

The relevant section of the Ethics Code is as follows:

ETHICS CODE: *Conflict of Interest*

Section 8363

Board members, employees, and volunteers shall not participate on behalf of the school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, ward, parent, or other who shares the Board member's, employee's, or volunteer's legal residence or a business entity with which they are affiliated.

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.

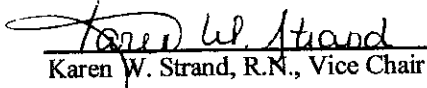
From the information provided by the Petitioner it is the opinion of the Panel that because Monotype Company's clients include companies that may sell this material to Baltimore County schools, this authorship assignment would be a conflict of interest benefiting the county school employee. The Petitioner cannot do indirectly what he cannot do directly. In this instance Monotype Company could be construed as an intermediary for the Petitioner's work to be sold to the Baltimore County School System, his employer. Therefore, in reference to the Advisory Opinion, the Panel finds that the Petitioner should not engage in the secondary employment as described in his application.

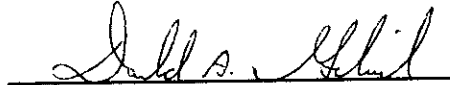
This Advisory Opinion has been signed by the Ethics Panel members and adopted

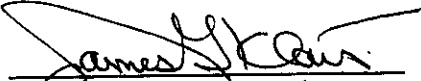
on 2/17/00


Joy Shillman, Chair

ABSENT
Roland L. Unger, C.P.A., Panel Member


Karen W. Strand, R.N., Vice Chair


Donald A. Gabriel, Panel Member


James G. Klair, Esq., Panel Member