

Advisory Opinion 23-04

This advisory opinion is in response to your request regarding the permissibility of hiring staff members at [REDACTED] BCPS [REDACTED] to work at a summer camp [REDACTED] starting in the summer of 2023.

In your request for an advisory opinion, you state that:

You are [REDACTED] at [REDACTED] BCPS [REDACTED].

You plan to start a summer camp that is not associated with BCPS.

Some staff members [REDACTED], [REDACTED], [REDACTED], have expressed interest in working at the planned summer camp.

In response to follow-up questions from the Panel, you advised as follows:

The nature of the summer camp is to provide academic and recreational opportunities for children.

The summer camp opportunities include book clubs, arts activities, physical education, lunch, drama, and field trips.

Customers for the summer camp are being recruited by word of mouth, through social media, and use of flyers within the community.

Camp employees are being recruited by word of mouth and some individuals have been referred to you based on their experiences working with children.

The relevant sections of the Ethics Code, Policy 8363, *Conflict of Interest – Prohibited Conduct*, provide as follows:

VII. Use of Prestige of Office

A. A school official may not intentionally use the prestige of office or public position:

1. For private gain of that school official or the private gain of another; or
2. To influence, except as part of the official duties of the school official or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.

IV. 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 official may not:

1. Be employed by or have a financial interest in an entity that is:

- a. Subject to the authority of the Board or school system; or
 - b. Negotiating with or has entered into a contract with the Board or school system; or
2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the school official.

B. The prohibition described in Paragraph IV(A) does not apply to:

1. A school official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with policies adopted by the Board;
2. Subject to other provisions of regulation and law, a member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:
 - a. Was publicly disclosed to the appointing authority and the Ethics Review Panel at the time of appointment; or
 - b. Was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the school board; or
3. Employment or financial interests allowed by opinion of the Ethics Review Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

The Panel concludes from the facts presented that the Ethics Code does not prohibit the hiring of staff members who work at the BCPS school [REDACTED] for positions at your anticipated summer camp. The Panel notes, however, that the hiring of [REDACTED] employees at your summer camp could create human resources issues to which you should be sensitive, and that the acceptance or refusal of this employment by BCPS school personnel may not be grounds for favorable or unfavorable treatment of that employee [REDACTED].

The Panel would like to express its appreciation for this request for an advisory opinion and your sensitivity to the ethical considerations which generated the request.

This Advisory Opinion has been adopted by the Ethics Review Panel members on May 18, 2023.

Tim Topoleski, Ph.D.
Chair

Thomas Keech, Esq.
Vice Chair

Ralph Sapia, Esq.
Panel Member

Owen Jarvis, Esq.
Panel Member