The panel is issuing this advisory opinion pursuant to Section III(B)(5) of the Code of Ethics, which provides that “[a]ny Board member, employee or other person subject to the provisions of this policy may request an advisory opinion from the Ethics Panel concerning the application of this policy.”

On February 1, 2019, this Panel received a request for an opinion regarding whether there is a conflict of interest for an employee to own a business that bids on a contract with the school system. The contract referenced for bid is for business services to schools.

Based on the facts provided, the panel concludes that the policy is implicated. Pursuant to the Code of Ethics, Article III(C)(1)(a)(i)(a), which states “Except as permitted by Board policy or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in: any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or any matter in which any of the following is a party: a business entity in which the official has a direct financial interest of which the official may reasonably be expected to know.”

This advisory opinion is based solely on the facts as presented. The Panel expresses no opinion as to matters that exist that may now or in the future that have not been presented. Panel decisions are based on a case-by-case examination of the relevant factual information and applicable regulations.

For these reasons, this Panel determines there is a conflict of interest in this matter.

Date: 24 April 2019

Respectfully submitted,

Andrew Flacks
Chairman
Ethics Panel