ADVISORY OPINION

OF THE

BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS

ETHICS PANEL

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."

It has been requested that this Panel provide an opinion regarding the Applicant’s potential part-time employment by an entity known as [Redacted], which is an organization that has been hired by City Schools.

First, it is the opinion of the Panel that a conflict of interest would exist under the scenarios presented by the Applicant and, second, it is the opinion of the Panel that an exemption or modification is appropriate.

With regard to establishing that a conflict of interest exists in the employment of City Schools teachers by vendors who have contracts with City Schools whether during the school year or spring summer break, the applicable section of the Code of Ethics is III(C)(2)(b)(i), which states that "[e]xcept as permitted by policy of the Board when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not: [b]e employed by or have a financial interest in an entity that is doing business with the Board or City Schools."

The Applicant has presented several questions to this Panel concerning the Applicant’s potential employment with [Redacted]. In applying the rule outlined above, this Panel emphasizes to the Applicant that any level of employment with [Redacted] creates a conflict of interest, under the relevant portion of the Code of Ethics. The conflict will exist when or if the Applicant is being paid by [Redacted] (which is entity doing business with City Schools), at the same time that the Applicant is an employee of City Schools.

It is the opinion of this Panel that, with some exceptions, exemptions or modifications would be appropriate to address the conflict of interest described above. The applicable section of the Code of Ethics is III(F). According to this section, "[t]he Ethics Panel may grant exemptions and modifications to the provisions of §§ III.C. and III.D. of this policy, for a specified period of time, if the interests of the employee are too remote and insubstantial to affect the integrity of public actions."

It is the understanding of this Panel that, in most instances concerning the employment of City Schools teachers by vendors who also have a contract with City Schools, an exemption or modification should be granted, although a conflict of interest exists, because the interests of the employee are too remote and insubstantial to affect the integrity of public actions. For example, the Applicant in this scenario is proposing only part-time, and during the summer. It is difficult to imagine that this hourly, temporary employment could affect the integrity of the public
action of the teacher. Further, the Panel is not aware of any scenario in which the City Schools teacher would be in a position to exercise favoritism or partial treatment toward the vendor. For example, in a bid or request to enter into or renew their contract with City Schools, the teacher is not in a position of decision-making.

This Panel concludes, for the above reasons, that a conflict of interest exists and that exemptions or modifications should be granted, in most cases, in order to allow the teachers to continue to serve the community when their employment with the vendor would not have a negative impact on the integrity of the teachers' public actions or their impartiality or independence of judgment.

Respectfully submitted,

Andrew G. Flacks
Chair, Ethics Panel