The panel is issuing this advisory opinion pursuant to Section III(B)(S) 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 review whether the participation of an employee of City Schools in [redacted] and [redacted], in exchange for a monthly stipend, constitutes a violation of the Code of Ethics.

Along with the request for Advisory Opinion, the City Schools employee submitted a Memorandum of Understanding and Nondisclosure Agreement, both of which were executed between [redacted] and the employee, directly.

The Code of Ethics indicates, in Section III(C)(2)(b)(i), 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.”

“Doing business with” is defined to include: 1. contractual relationships with City Schools involving a commitment “of $5,000 or more of City Schools funds;” 2. a relationship “subject to the authority of the Board or City Schools;” or 3. a lobbyist relationship (Section II, paragraph (D)).

It is the understanding of this Panel that City Schools does not have a contractual relationship with either one of [redacted] or [redacted]. Furthermore, the Memorandum of Understanding and Nondisclosure Agreement that were submitted with the Request for Advisory Opinion establish a relationship between the employee, directly, and each entity; City Schools is not a party under either document. It is therefore the conclusion of this Panel that neither a conflict of interest or violation of the Code of Ethics is presented by the Request for Advisory Opinion referenced herein.

This advisory opinion is based solely on the facts as presented. The Panel expresses no opinion as to matters that may exist 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.

Date: May 19, 2021

Respectfully submitted,

The Reverend Domanic A. Smith, M.Div., CHM
Chair, Baltimore City Public Schools Ethics Panel