Baltimore City Board of School Commissioners  
200 E. North Avenue  
Baltimore, Maryland 21202

ADVISORY OPINION OF THE 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 review whether an employee of City Schools may operate a tutoring program, some of the participants of which may be City Schools students. The employee has indicated the following key facts:

- The students of the tutoring program are recommended for the program by their parents, not by the City Schools employee;
- The program is not advertised by City Schools;
- None of City Schools’ facilities are used to run the program;
- None of the students attending the program are students of the school in which the employee is teaching;
- The employee is not soliciting City Schools students for the program; and
- The employee’s tutoring program does not offer tutoring services for an admissions test for a City Schools program.

It is the understanding of this Panel, as well, that none of the resources of City Schools are being used to support the tutoring program.

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.”

It is also stated in the Code that “[a]n official shall disclose to his or her supervisor, or directly to the Ethics Panel, any new, secondary employment opportunities.” The Code does not permit employment that creates a conflict or the appearance of a conflict of interest, nor does it permit an employment relationship that “would impair the impartiality or independence of judgment” of the employee (Section III(B)(2)(a)).

As the tutoring program does not have a contract with City Schools, and the employee has taken several measures, noted above, to ensure there is no appearance of a conflict of interest,

it is the conclusion of this Panel that neither a conflict of interest nor violation of the Code of Ethics is presented by the Request for Advisory Opinion referenced herein.

The cautionary measures taken by the employee are critical to the conclusion of this Panel and if, at some point in the future, the facts outlined herein materially change, the employee should request another Advisory Opinion from this Panel.
This Panel notes, as well, the employee has properly observed the requirement of the Ethics Code to disclose secondary employment.

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: August 10, 2021

Respectfully submitted,

[Brianna Davidson Jarrett, Esquire]
Chair, Ethics Panel