OFFICE OF THE GENERAL COUNSEL
Mark C. Blom, General Counsel

September 17, 2021

[redacted]

Dear [redacted]

As the Staff Liaison to the Ethics Panel, please find attached the Ethics Panel's decision regarding your July 21, 2021 Advisory Opinion Request.

In accordance with Ethics Policy 2070-IP, Section I.D.4., "A Board member, the Superintendent, or the subject of an advisory opinion may request that the Board review an Ethics Panel advisory opinion."

Sincerely,

Mark C. Blom

Mark C. Blom
General Counsel

MCB/kc
Enclosure

Howard County
Public School System

September 13, 2021

[redacted]

Dear [redacted]

Thank you for submitting your application to Provide an Advisory Opinion on July 21, 2021 (hereafter "Request") to the Howard County Public School System Ethics Panel ("Panel"). In your Request, you indicated that you would be [redacted] from the Howard County Public School System on August 31, 2021 and that you would thereafter begin human resources consulting services with the Howard County Administrator's Association ("HCAA"). You also indicated that your position prior to [redacted] was that of [redacted] representing the Howard County Board of Education ("Board") in [redacted] for the immediate past [redacted] years. Lastly, you indicated that current collective bargaining agreement with the HCAA, which you [redacted] will expire on June 30, 2022, further stating that you would have no knowledge of the Board's position or bargaining parameters for any future agreements. After due consideration, it is the Panel's finding that you are in violation of Sections VI Prohibited Conduct and Interests (A) (1) (b) (iii) and VII Prohibitions (A), (B) (1), and (D) (1) (a), which will be explained in greater detail below.

In order to establish a violation under these clauses, one must be an "employee" or an "official"[1] of the Howard County Public School System ("HCPSS") and that while you were an employee, violative acts occurred. To aid in that determination, you provided a timeline of both your [redacted] on behalf of HCPSS and your concurrent discussion regarding employment with the HCAA. On April 12, 2021, you notified [redacted] that you were considering [redacted] and had a meeting scheduled with [redacted] on April 14th. Then, on May 25, 2021, you officially notified [redacted] in writing that you were [redacted] Next, on May 27, 2021, you participated in a zoom meeting with HCAA leadership to discuss the possibility of doing some consulting for them after you [redacted] Subsequent to this meeting, on June 16, 2021, the Board directed the negotiating team, [redacted] to respond to HCAA's best and final offer before then reaching a tentative agreement. On June 25, 2021, you met with the HCAA [redacted] to discuss a possible consulting agreement in more detail. Lastly, on June 30, 2021 the HCAA [redacted] sent you a signed consulting agreement which was set to go into effect on September 1. Section VI (A) (1) (b) (iii) states that unless permitted by the Board, an official may not participate in any matter if a party is a business entity with which the official is negotiating or has any arrangement concerning prospective employment. With respect to Section

[1] See HCPSS Ethics Regulations, Section II *Definitions* (G) for "employee" and (N) for "official"

VII (B) (1), employees will not hold any outside employment relationship that would impair their ability to be impartial or exercises independence of judgment. As established by your statements in both the Request and your interview with the Panel, you were an employee of HCPSS while [redacted] the HCAA and concurrently negotiating a position with them.

In consideration of Section VII (D) (1) (a), an official may not intentionally use the prestige of office or position for the private gain of that official or the private gain of another. In examining that, when asked by the Panel if there was a job posting, cover letter, or resume utilized to interview for the position, you again stated that there was not and that [redacted] last held the position, with [redacted] having had the title that you were [redacted] While you indicated [redacted] had knowledge and approved of your transition to the HCAA, he indicated that you only mentioned it to him in passing and that he did not approve your plan to move to the HCAA. With knowledge of your [redacted] having been communicated to HCPSS [redacted] and your immediate supervisor, and your understanding that a previous [redacted] had made a similar transition, you made plans to enter into employment with HCAA, and utilized your position to do so.

Lastly, Section VII (A) states that, unless permitted by the regulations, current employees will not represent another party other than the Board for compensation in a case, contract, or other specific matter involving the Board if the matter is one in which they have significantly participated while with the school system. In examining the possibility of a violation of that section, you indicated that you had a consulting company for over 10 years and that your work with the HCAA will be done through your consulting company. As discussed earlier, you have been the [redacted] for the past [redacted] years. Your position assumes significant participation within HCPSS in [redacted] the HCAA. Accordingly, the Panel encourages you to decline the offer to work for the HCAA and trusts that this information provides appropriate guidance to you in response Request and appreciates your seeking advice on this matter. Please contact the Panel if you have questions regarding this Advisory Opinion.

Sincerely,

Dean Christmon

Dean E. Christmon, Esq.
Ethics Panel Chairman