

IN THE MATTER OF THE
MARYLAND PUBLIC
ETHICS LAW

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Order No. OR 19-03

ORDER

Tammy Fraley, a local board member in Allegany County, requests that the State Board issue a declaratory ruling regarding the application of Md. Code, General Provisions §5-815 through §5-820 (formerly Md. Code, State Government §15-811 through §15-815) to local board proceedings. Specifically, Ms. Fraley argues that two board members violated conflict of interest provisions contained in local, county, and State ethics laws by voting on the selection of new board legal counsel at a time when both board members had pending legal issues involving the board and school system. She seeks a declaration as to whether the board members violated the ethics law and whether their votes should be reversed as to the selection of legal counsel because of conflicts of interest.

COMAR 13A.01.05.05 allows a party to file a petition for declaratory ruling “on the interpretation of a public school law or regulation of the State Board that is material to an existing case or controversy.” The statutes that Ms. Fraley asks us to interpret are not “public school law[s] or regulation[s] of the State Board.” Instead, the statutes at issue fall under the Maryland Public Ethics Law. The State Ethics Commission has jurisdiction over the ethics laws. *See* Md. Code, General Provisions §5-104. Because the request for a declaration does not involve State education law and concerns matters entrusted to another State agency, we must dismiss this request for lack of jurisdiction. In so doing, we do not opine on the merits of Ms. Fraley’s request. We point out Md. Code, General Provisions §5-820 (attached) which may be a more appropriate avenue for relief in this matter.

Therefore, it is this 23rd day of April 2019 by the Maryland State Board of Education, ORDERED, that the request for a declaratory ruling is hereby dismissed for lack of jurisdiction.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Stephanie R. Iszard
Vice-President