

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: February 26, 2004
RE: Advisory Opinion 03-08

At its February 19, 2004, meeting, the Ethics Review Panel adopted Advisory Opinion 03-08 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY
ETHICS REVIEW PANEL
ADVISORY OPINION 03-08

This advisory opinion is in response to a request made by Petitioner, an employee of the Baltimore County Public Schools (BCPS). This request for an opinion relates to an invitation from the Don Johnston Company (the Company) for the staff to attend a 2.5 day training session sponsored by the Company in the State of Illinois. All expenses would be paid by the Company. The Company is a current BCPS vendor who provides software technology to support students with special needs. The request for an opinion centers on the appropriateness of attending this 2.5 day training session at the expense of the Company.

Policy 8362.2 of the Ethics Code prohibits employees from accepting gifts, gratuities or discounts from persons or business entities that conduct business with BCPS.

The relevant section of the Ethics Code is as follows:

ETHICS CODE: Gifts

Section 8362.2

2. *Gifts to Individuals*

(a) A Board member, employee, or volunteer may not solicit gifts, gratuities, or discounts for personal use or gain.

(b) No Board member, employee, or volunteer may knowingly accept gifts, gratuities, or discounts for personal use or gain, directly or indirectly, from any person or business entity that he or she knows or has reason to know:

- *is doing business with the Baltimore County Public Schools*
- *is subject to the authority of the school system*
- *has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty*
- *is involved in lobbying.*

(c) Unless a gift of any of the following would tend to impair the impartiality and independence of judgment of the Board member or employee receiving it, or if of significant value would give the appearance of doing so, or, if of significant value the recipient has reason to believe that it is designed to do so, then the Board member or employee may accept the following, unless exceeding a \$25 market value:

- *meals and beverages consumed in the presence of the donor*
- *ceremonial gifts or awards*
- *unsolicited gifts of nominal value or trivial items of informational value*
- *reasonable expenses for food, travel, lodging, and scheduled entertainment of the Board member or employee for a meeting which is given in return for participating in a panel or speaking engagement at a meeting*
- *tickets or free admission extended to a Board member to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy extended to the office*

- *a specific gift or class of gifts which the Ethics Review Panel exempts upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system and that the gift is purely personal and private in nature.*

(d) It is not the intent of the Code to prohibit students and employees from participating in and accepting awards exceeding a \$25 market value at events which are determined by the Ethics Review Panel to have an educational benefit.

(e) It is not the intent of the Code to prohibit gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who share the Board member's, the Superintendent's or an employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control.

The Panel has reviewed the information provided by the Petitioner and the Company; and although the Company asserts that there will be no obligation to purchase additional products at the training session, it is the opinion of the Panel that due to the expense of the trip (well in excess of the \$25 permitted by the Ethics Code) and the nature of the training, which is to “offer participants information regarding the integration of technology and literacy solutions utilizing the Don Johnston company product line”, such expense paid trip sponsored by a current BCPS vendor would violate Code Section 8362.2. However, if Petitioner’s administration feels the trip is beneficial for educational purposes, they may make a determination as to whether Petitioner and staff should attend the session at the expense of BCPS.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on February 19, 2004.

Meryl D. Burgin, Esq., Chair
Karen Strand, RN, Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Roland Unger, CPA, Panel Member
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