

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: January 28, 2005
RE: Advisory Opinion 04-07

At its January 20, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 04-07 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "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 04-07

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 Harcourt (a textbook publishing company that does business with the BCPS), for the Petitioner to "participate in a panel of education experts to address the conditions and needs among students in large urban-characterized school districts." The Petitioner asserts that the invitation to participate on the panel is not due to Petitioner's role with BCPS, but is due to her expertise, reputation, and name recognition as a

consultant around the country. The Petitioner further states that she is not in a position with the BCPS to make decisions regarding the purchasing of books from Harcourt.

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 Petitioner has not provided the Ethics Panel with information regarding the details of the invitation from Harcourt, including whether Harcourt would be paying Petitioner's expenses (such as travel, lodging, meals, or entertainment) or whether Harcourt would be providing Petitioner any type of remuneration for her participation on the panel. However, pursuant to Ethics Code Section 8362(c), if any such expenses or remuneration were to be provided to Petitioner by Harcourt, it would be a violation of the Ethics Code, if such expenses and/or remuneration were to exceed a \$25 market value. Although Petitioner contends that the invitation from Harcourt is not related to her employment with the BCPS, the Ethics Panel has insufficient facts before it to enable it to make such a determination. Moreover, the Panel believes it cannot separate and completely distinguish the purpose of the panel created by Harcourt, from Petitioner's duties for and the educational objectives of BCPS.

This Panel has rendered numerous prior Opinions, consistent with this one, regarding the acceptance of the payment of expenses and remuneration from vendors of BCPS, over \$25. As the Ethics Panel has stated in the past, if Petitioner's administration feels that participation on this panel would be beneficial for the school system, it may make a determination as to whether Petitioner may participate on the panel at the expense of BCPS.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on January 20, 2005.

Meryl D. Burgin, Esq., Chair
Raymond A. Hein, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Karen W. Strand, RN, Panel Member
Roland Unger, CPA, Panel Member