

**BOARD OF EDUCATION OF BALTIMORE COUNTY**  
**Ethics Review Panel**

**Meryl D. Burgin, Esq., Chair**  
**Raymond A. Hein, Esq., Vice Chair**  
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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: June 28, 2005

RE: Advisory Opinion 05-03

At its June 16, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 05-03 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 Dr. Carol Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

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**BOARD OF EDUCATION OF BALTIMORE COUNTY**

**ETHICS REVIEW PANEL**

**ADVISORY OPINION 05-03**

This advisory opinion is in response to a request made by the Petitioner, an employee of the Baltimore County Public Schools (BCPS). This request for an opinion relates to an invitation from the Executive Director for the Alliance for School Foodservice Leadership ("Alliance"), for the Petitioner to attend a conference in Las Vegas. The conference is described as a "*think tank* of foodservice professionals who are working to highlight the contribution of child nutrition services within the educational community". Client members of the group are provided time during the conference to explain their

businesses and products to the attendees. Based upon the facts presented, expenses to attend the three day conference are paid for by the Alliance.

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.*

This Panel has rendered numerous prior Opinions, in which it has consistently opined that, the acceptance of the payment of expenses and/or remuneration to attend conferences violates the Ethics Code, if in excess of \$25.00. As this Panel has stated in the past, if Petitioner's administration feels that participation at this conference would be beneficial for the school system, it may make a determination as to whether Petitioner may attend the conference at the expense of BCPS.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on June 16, 2005.**

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

Karen Strand, RN, Panel Member  
Roland Unger, CPA