

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 12-05

This Advisory Opinion 12-05 is in response to a request made by petitioner, employee of the Baltimore County Public Schools ("BCPS"), who requested clarification of the Ethics Code as it applies to United Way offering a \$25 discount restaurant coupon to BCPS employees who become new United Way contributing members and to current members who increase their pledges this year.

The relevant sections of the Ethics Code are as follows:

*ETHICS CODE: Definitions and Conflict of Interest*

*Policy 8360 Applicability and Definitions*

*I. Applicability*

*A. The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the Board, the Superintendent, employees, consultants of the Baltimore County Public Schools, and the Board's volunteer appointees to its panels and councils (hereinafter, "School System Official").*

*II. Definitions*

*E. **Economic value** - means a good that is useful and its worth can be measured in financial terms.*

*F. **Employee** - means an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.*

*I. **Gift** - means the transfer of any service or thing of economic value, regardless of the form, without adequate and lawful consideration.*

*(1) "Gift" does not include political campaign contributions regulated under the elections law article, Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.*

*Policy 8362 Internal Board Operations: Ethics Code*

*III. Gifts to a School System Official*

*A. A school system official may not solicit any gift.*

*B. A school system official may not directly solicit or facilitate the solicitation*

*of a gift, on behalf of another person, from an individual lobbyist.*

- C. *A school system official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:*
- (1) Is doing business with or seeking to do business with the Board or school system;*
  - (2) Is subject to the authority of the school system;*
  - (3) Is a lobbyist with respect to matters within the jurisdiction of the school system official; or*
  - (4) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the school system official.*
- D. *A Board member may not accept complimentary tickets to attend events that the Board member may know or have reason to know are from or on behalf of political candidates or elected officials.*
- E. *Notwithstanding the restrictions set forth in this section, a school system official may accept:*
- (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;*
  - (2) Ceremonial gifts or awards that have insignificant monetary value;*
  - (3) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;*
  - (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the school system official at a meeting which is given in return for the participation of the official in a panel or a speaking engagement at the meeting;*
  - (5) Gifts of tickets or free admission extended to members of the Board to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board;*
  - (6) A specific gift or class of gifts which the panel exempts from the operation of this subsection 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 Board of school system and that the gift is purely personal and private in nature;*

*(7) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the school system official; or*

*(8) An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the Board of school system position of the school system official.*

*F. Section E above does not apply to any gift, regardless of the amounts set forth in Section E, above:*

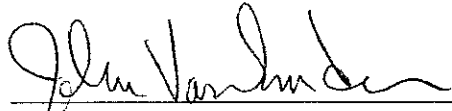
*(1) That would tend to impair the impartiality and independence of judgment of the school system official receiving the gift;*

*(2) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the school system official;*  
*or*

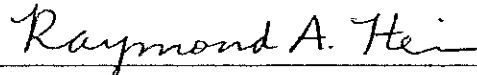
*(3) Of significant value that the recipient school system official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.*

The Ethics Review Panel agreed that the \$25 discount restaurant coupons United Way proposes to offer meet the definition of "Gift" set forth in Policy 8360 II. Because the amount exceeds \$20, such coupons are not exempt "unsolicited gifts of nominal value" under Policy 8362 III. E. (3). The panel therefore considered whether acceptance would violate Policy 8362 III. C. and decided that United Way is not an organization within the class of persons "doing business with" the Board or school system, "subject to the authority of the school system," or otherwise covered under Policy 8362 III. C. Accordingly, the panel finds that Policy 8362 III. C. does not prohibit acceptance of the \$25 discount restaurant coupons offered by United Way. Furthermore, even if United Way was a "person" covered by Policy 8362 III. C., the panel determined that it would exempt this class of gifts from the operation of Policy 8362 III. , as permitted by Policy 8362 III. E. (6), on the basis that acceptance of this class of gifts "would not be detrimental to the impartial conduct of the business of the Board or school system" and that such gifts would be "purely personal and private in nature."

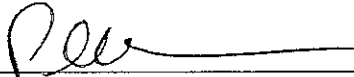
This opinion has been signed by the Ethics Review Panel members and adopted on November 15, 2012.



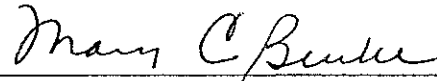
John Van Emden, Chair



Raymond A. Hein, Esq., Vice Chair



Philip Abraham, Esq.



Mary C. Burke, LCSW-C, BCD, Panel Member



Theresa E. Barrett, Panel Member