

BOARD OF EDUCATION OF BALTIMORE COUNTY  
ETHICS REVIEW PANEL  
ADVISORY OPINION 16-04

This Advisory Opinion 16-04 is in response to an Application to Provide an Advisory Opinion (“Application”) filed by Petitioner, an employee of the Baltimore County Public Schools (“BCPS”). Petitioner is a member of the [REDACTED]. [REDACTED] hosts an annual [REDACTED] Seminar and has invited Petitioner to serve as an instructor at the 2017 seminar. According to Petitioner, [REDACTED] has indicated that it will cover the costs of airfare and lodging, which she believes would be permissible under section 8362.III.E. of the Ethics Code. [REDACTED] has also offered to provide a complimentary registration for the seminar, which Petitioner estimates will be worth approximately \$615. Petitioner is seeking an advisory opinion about whether it would be permissible for her to accept the complimentary registration fee under the Ethics Code.

The issues raised by Petitioner concern section III of Policy 8362 – Gifts, which is set forth below.

- 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 or 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 or 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:

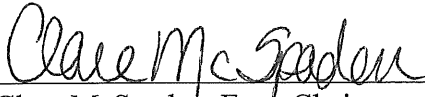
1. That would tend to impair the impartiality and independence of judgment of the school system official receiving the gift;
2. Of significant value that would give the appearance of impairing the impartiality and independent judgment of the school system official; or
3. Of significant value that the recipient school system official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

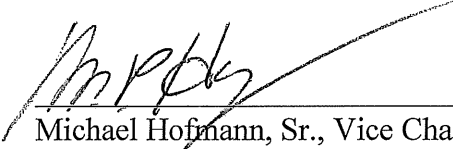
The Panel has reviewed and discussed the provisions of the Ethics Code set forth above along with the facts provided by Petitioner. The Panel agrees with Petitioner's determination that section 8362.III.E.4. expressly permits a school system official to accept "[r]easonable expenses

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.” Although not expressly included in this list of expenses, it appears to the Panel that a meeting registration fee is substantially similar to the types of expenses that the Ethics Code permits a school system official to accept under these circumstances. Additionally, the Panel does not believe that acceptance of the complimentary registration fee would impair or give the appearance of impairing the impartiality and independence of judgment of Petitioner.

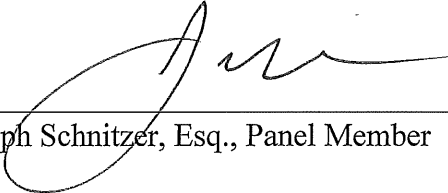
Accordingly, for the reasons set forth above, the Panel has concluded that Petitioner’s acceptance of the complimentary registration fee would be permitted under the Ethics Code.

This opinion has been signed by the Ethics Review Panel members and adopted on November 17, 2016.

  
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Clare McSpaden, Esq., Chair

  
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Michael Hofmann, Sr., Vice Chair

  
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Theresa E. Barrett, Panel Member

  
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Joseph Schnitzer, Esq., Panel Member

  
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Scott Bryson, Panel Member