

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 18-04

This Advisory Opinion 18-04 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 attends annually a national user forum conference held by a BCPS vendor. BCPS pays for employee's registration and all travel expenses. At the most recent conference, employee was randomly selected to receive free conference registration for next year's conference. Petitioner is seeking an advisory opinion about whether it would be permissible to accept the complimentary registration fee.

The issues raised by Petitioner concern primarily Section II of Policy 8360 and section III of Policy 8362 — Gifts, which are set forth below.

Section II of Policy 8360 defines gift as follows:

“J. Gift means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration...”

Section III of Policy 8362 further elaborates on gifts, as follows:

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 believes that Ethics Code section 8360 and 8362, as they define a gift, permits Petitioner to accept the free registration, provided such registration inures to the benefit of BCPS. Since BCPS pays Petitioner's annual registration fee, assuming BCPS receives the free registration, there is no gift received by Petitioner. Additionally, the Panel does not believe that acceptance of the complimentary registration

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, provided such registration inures to the benefit of BCPS. The Panel also believes that as the vendor noted is deemed to be doing business with the Board or school system, then pursuant to Ethics Code Section 8364.D, the complimentary registration received would need to be reported on Petitioner's Financial Disclosure Statement. This opinion has been signed by the Ethics Review Panel members and adopted on July 19, 2018.

Joseph M. Schnitzer, Esq., Chair
Theresa E. Barrett, Panel Member
Samuel Johnson, Panel Member

Ross Mackesey, Vice Chair
Ralph Sapia, Esq., Panel Member