

## ADVISORY OPINION 19-02

This ethics advisory opinion is based upon a request from a manager level employee involving his appointment, by the Superintendent to serve as a trustee to Maryland Association of Boards of Education Group Insurance Pool (“MABE”). The School System is self-insured through the Pool for property, vehicle, and general liability insurance and the School System pays contributions and premiums to the Pool. Each member School System is represented by a trustee appointed by the Superintendent. MABE conducts an annual retreat which involves professional development. Participants in the retreat are not compensated, but they receive lodging and meals. As part of the request for an advisory opinion the itinerary was provided and shows substantial sessions on risk management, issues related to Homeland Security and reducing liability exposure, etc.

The application did not reference any specific sections of the Ethics Code, but it requested an opinion as to whether the Applicant may accept the hotel accommodations and meals without violating the Code. Based on our analysis the relevant Policy at issue Policy 8362 regarding gifts.

### **GIFTS**

Policy 8362(IV)(C) provides:

A school 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 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 official.

Notwithstanding the above, Section E. allows for the acceptance of certain items, such as “meals and beverages consumed in the presence of the donor or sponsoring entity” and:

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

The nature of the “gift” in this situation is similar to the exceptions above. The Applicant will be attending the Retreat as a representative of the School

System, not for any personal business or gain. His participation is designed to provide benefit to the School System in terms of the information that will be provided there.

The Panel has issued several prior Advisory Opinions that found that acceptance of “gifts” were not violations of the Ethics Code under similar circumstances. Advisory Opinion 18-05 concluded that an employee could accept complimentary registration fees, lodging expenses and reimbursement, to attend a meeting of Steering Committee of a software users group. Advisory Opinion 18-04 dealt with a complimentary registration fee for a national user forum conference held by a Baltimore County Public School (BCPS) vendor. Advisory Opinion 18-03 concluded that a teacher could participate and receive a stipend as an AP exam reader. Advisory Opinion 18-02 concluded that an individual could accept the complimentary registration fee, lodging expense, and reimbursement of reasonable expenses for attending a meeting of the MABE Federal Relations Network Committee.

Although the gift prohibition cited above in Policy 8362 generally prohibit a school system official such as the Applicant to accept gifts from individual entities who do business with the school system, MABE is unique in that it is a pool of school boards that permit BCPS to be self-insured<sup>1</sup> and the Applicant’s participation in the Retreat will serve to benefit the School System.

#### CONCLUSION:

The panel has reviewed the provisions of the BCPS Ethics Code and has concluded that there would be no violation of the gift provision. The panel believes that participation in this would ultimately lead to improved services for the School System.

This opinion has been signed by the Ethics Review Panel members and adopted on April 24, 2019.

T. Ross Mackesey, Chair  
Ralph Sapia, Esq., Panel Member  
Tim Topoleski, Panel Member

Samuel Johnson, Vice Chair  
Joseph Schnitzer, Panel Member

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<sup>1</sup> Self-Insurance pools are a method of risk management in which large institutions and organizations set aside a “pool” of funds to be used to remedy an unexpected loss. In many instances they are necessary because the insured is involved in activities that typical sureties are not inclined to cover.