

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 98-03

This advisory opinion is in response to a request made by [REDACTED] requesting that an exception to Ethics Code Section 8362 be created for [REDACTED] in order to effectively cultivate and pursue business partnerships with area corporations.

Policy 8362 of the Ethics Code prohibits employees from accepting "gifts, gratuities or discounts" from persons or business entities that conduct business with the Baltimore County Public Schools. From time to time [REDACTED] is invited to cultural, social or sporting events by the chief executive officers of local businesses, such as Bell Atlantic and Blue Cross Blue Shield of Maryland. Both of these companies conduct business with the school system. These corporations, and many others like them, regularly donate their assistance, equipment and expertise to our local schools. The petitioner feels that the cultivation of business partnerships with these corporations clearly benefits the school system, and requests that an exception be created in accordance with Ethics Code Section 8366 for [REDACTED] to be included in a class of persons to accept tickets or free admission to sporting, social or political events as a courtesy to [REDACTED]. Such acceptance is now prohibited under Ethics Code Section 8362 if the value of such gratuity exceeds a \$25.00 value.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Gifts

Sec. 8362. 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 independent judgement 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 blood 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.*

ETHICS CODE: Ethics Review Panel

Sec. 8366. 2. (c) Role of the Ethics Panel

The Ethics Review Panel shall recommend exceptions or modifications to the provisions of these Ethics policies if it is determined that there would be an unreasonable invasion of privacy, that there would be a significant reduction of the availability of qualified individuals for public service, and if it is deemed not necessary to preserve the purposes of these Ethics policies. Recommendations for exceptions are not approved or rejected until the Board acts.

Ethics Review Panel members recognize that it is within their authority to recommend an exception to Section 8362 of the Policy. However, the Panel members believe that it was the intent of the authors of the Policy to strictly prohibit these types of exceptions by clearly setting a \$25 market value limit on the acceptance of such gifts. Additionally, the members feel that while it is certain that the impartiality of [REDACTED] would not be impaired by the acceptance of such gratuities exceeding a \$25 market value, it is the appearance and perception of such acceptance that causes the members to preclude such exception.

It is clear that the school system would probably benefit from the petitioner attending special events with CEOs from various area companies. However, such companies have already demonstrated a willingness to be generous to the school system in spite of the absence of the petitioner or any other school official accepting gratuities offered by these companies.

There is no rule which prohibits the petitioner or any other school official from paying their own way into any event they would want to attend with any business leader. Fraternity with business leaders who can financially support the school system should be encouraged. Such fraternity can occur by inviting these business leaders to 6901 Charles Street for breakfast or lunch meetings to enhance and build relationships. Such relationships are important to the school system, and may be built on activities not currently prohibited by the Ethics Code.

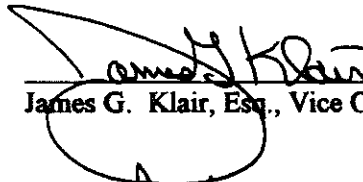
It is the decision of the Panel to deny the request of the petitioner.

This opinion has been signed by the Ethics Panel members.

5/21/98



Roland L. Unger, C.P.A., Chair



James G. Klair, Esq., Vice Chair

ABSENT

Karen W. Allen, Panel Member



Donald A. Gabriel, Panel Member



Joy Shillman, Panel Member