

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: December 12, 2002

RE: Advisory Opinion 02-05

At its November 21, 2002, meeting, the Ethics Review Panel adopted Advisory Opinion 02-05 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 02-05

Advisory Opinion 02-05 is in response to a request by the Petitioner requesting clarification of gifts from vendors.

The issue concerns the Petitioner soliciting donations from vendors for the purpose of supporting the replacement of technology equipment (hardware) and the training of educators. All donated money is placed in the Baltimore County Education Foundation. The Petitioner is encouraging partnerships with corporations. This approved program is

supplemental funding important to the Petitioner's department. The application contained a facsimile message dated October 15, 2002, which indicates that the Petitioner cannot authorize the buying of a vendor's product even though the vendor may have donated money for equipment. The Petitioner is emphasizing his inability to give someone "favors" because he is not in a position to authorize purchases.

The relevant section of the Ethics Code is as follows:

ETHICS CODE: Gifts

Section 8362

1. *Gifts to the Board of Education, Schools, and Offices within the School System*

As the Baltimore County Public Schools continue the practice of school-based management, it becomes increasingly important to establish firm guidelines on the acceptance of gifts by school and offices on behalf of the Board of Education.

The Board of Education encourages the formation of partnerships between schools and businesses and recognizes that these relationships frequently include gifts to schools and offices to enhance the educational programs of students.

The Board of Education, schools, and offices may accept any bequest or gift of money or property for a purpose deemed suitable. All gifts shall be accepted in the name of the Board of Education. All gifts will become the property of the Board of Education and may be designated by the Board for use in a particular school or office.

Any gifts presented to the Board of Education, schools, and offices must be accompanied by a document of intent from the donor for official action and recognition.

To be acceptable, a gift must meet the following criteria:

- *have a purpose consistent with those of the Board of Education, schools, or offices*
- *be offered by a donor acceptable to the Board of Education, schools, or offices*
- *be manageable by existing staff*
- *not begin a program with the assumption that the Board of Education will take over if the funds are exhausted*
- *place no restrictions on the school program*
- *be appropriate to the best education of students*
- *not imply endorsement of any business or product*
- *not carry an excessive cost of maintenance or installation*
- *be consistent with the provisions of the school code or public law.*

When installation is required, the gift will be installed under the supervision of personnel of the Board of Education. The Board is under no obligation to replace the gift if it is destroyed or becomes worn out.

A letter of appreciation will be sent to the donor.

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 independence of judgment 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 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: Conflict of Interest

Section 8363

Board members, employees, and volunteers shall not participate on behalf of the school system in any manner which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, ward, parent, or other who shares the Board member's, employee's, or volunteer's legal residence or a business entity with which they are affiliated.

The Panel concluded that this function of the Petitioner's job does not create a conflict of interest since he does not have direct decision making authority for the purchase of equipment. There is no personal use or gain for the Petitioner.

It is the decision of the Panel that there is no conflict of interest and no violation of the Ethics Code Gifts policy for the Petitioner to solicit donations from vendors as set forth in his application.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on November 21, 2002.

Donald A. Gabriel, Chair
Roland Unger, CPA, Vice Chair
Merle D. Burgin, Esq., Panel Member

Joy Shillman, Panel Member
Karen Strand, RN, Panel Member