

# **BOARD OF EDUCATION OF BALTIMORE COUNTY**

## **Ethics Review Panel**

**Meryl D. Burgin, Esq., Chair**  
**Karen W. Strand, RN, Vice Chair**  
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**TO:** Principals and Office Heads  
**FROM:** Ethics Review Panel  
**DATE:** October 1, 2004  
**RE:** Advisory Opinion 04-03

At its September 23, 2004, meeting, the Ethics Review Panel adopted Advisory Opinion 04-03 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.

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## **BOARD OF EDUCATION OF BALTIMORE COUNTY**

### **ETHICS REVIEW PANEL**

### **ADVISORY OPINION 04-03**

This Advisory Opinion 04-03 is in response to a request made by the Petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring as to whether a BCPS marching band may accept t-shirts, donated by a bus company, or whether the acceptance of the t-shirts would violate the Ethics Code. The Petitioner advised that the bus company would like to put the name of the bus company on the back of the t-shirts. The Panel reviewed this request for an Advisory Opinion and the issue of whether the acceptance of the t-shirts, with the bus company's name on the back of the shirts, would violate any section of the Ethics Code.

Based upon these facts, the Panel examined the issue of whether the donation of the t-shirts to the BCPS marching band would constitute a “gift” under the Ethics Code. A “gift,” is defined by *Code Section 8360*, as a “transfer of anything of economic value, regardless of the form, without adequate and lawful consideration,” and with a gift, the presenting owner typically relinquishes its ownership rights to the object. Therefore, the Panel concluded that the donation of the t-shirts would constitute a “gift” under the Ethics Code. Section 8362 of the Ethics Code governs the receipt of “gifts” by BCPS.

## **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 schools 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 (Emphasis Added)***

- *not carry an excessive cost of maintenance or installation*
- *be consistent with the provisions of the school code or public law.*

In this situation, the Panel concluded that the donation of the t-shirts to the marching band, with the bus company's name on the back of the shirt, would violate Section 8362(1) of the Ethics Code, because the donation would "imply endorsement of any business or product" e.g. the bus company who donated the t-shirts. Even though the BCPS may not actually endorse the bus company, the Ethics Code prohibits the receipt of gifts that could "imply" or could be perceived as an endorsement. The BCPS' marching band, may however, accept a "gift" of t-shirts, without the bus company's name or identifying marks such as logos, without violating the terms of the Ethics Code, as long as all of the requirements set forth in Section 8362(1) are satisfied. Additionally, the Ethics Code does not preclude public recognition of a donor/sponsor to the BCPS through means that do not imply endorsement of the donor/sponsor such as in, but not limited to: school publications, performance programs and at school sponsored events.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on September 23, 2004.**

Meryl D. Burgin, Esq., Chair  
Karen Strand, RN, Vice Chair  
Donald A. Gabriel, Ph.D., Panel Member

Raymond A. Hein, Esq., Panel Member  
Roland Unger, CPA, Panel Member