

BALTIMORE COUNTY PUBLIC SCHOOLS

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Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: August 29, 2012

RE: Advisory Opinion 12-02

On August 16, 2012, the Ethics Review Panel adopted Advisory Opinion 12-02 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "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 the *Weekly Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 12-02

This Advisory Opinion 12-02 is in response to a request made by petitioner, an employee of the Baltimore County Public Schools ("BCPS"), who requested clarification of the Ethics Code on

Gifts as it applies to specific situations that occur when BCPS employees attend events held by non-profit professional organizations to which they belong.

The petitioner is requesting an advisory opinion regarding whether BCPS employees may accept a door prize offered by a sponsoring professional organization of which they are a member.

It is clear that gifts from vendors who are or may seek to do business with the school system are not allowable, nor are door prizes/drawing for items provided by vendors who are or may seek to do business with the school system.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Definitions and Conflict of Interest

Policy 8360 Applicability and Definitions

I. Applicability

A. The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the Board, the Superintendent, employees, consultants of the Baltimore County Public Schools, and the Board's volunteer appointees to its panels and councils (hereinafter, "School System Official").

II. Definitions

*(F) **Employee** - means an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.*

*(I) **Gift** - means the transfer of any service or thing of economic value, regardless of the form, without adequate and lawful consideration.*

(1) "Gift" does not include political campaign contributions regulated under the elections law article, Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

Policy 8362 Internal Board Operations: Ethics Code

III. Gifts to a School System Official

(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.

The Ethics Review Panel agreed that BCPS employees may accept a door prize offered by a sponsoring professional organization of which they are a member, provided that the organization is (1) not itself doing business with or seeking to do business with the Board or school system or (2) subject to the authority of the school system and further provided that the door prize is not provided to the organization by vendors who are or may seek to do business with the school system.

This opinion has been signed by the Ethics Review Panel members and adopted on August 16, 2012.

John Van Emden, Chair
Philip Abraham, Esq.
Theresa E. Barrett, Panel Member

Raymond A. Hein, Esq., Vice Chair
Mary C. Burke, LCSW-C, BCD, Panel Member