

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 98-09

This advisory opinion is in response to a request made by [REDACTED] of Baltimore County Public Schools, relating to the acceptance of tickets to a sporting event from a person who is conducting business with Baltimore County Public Schools.

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. Such receipt is 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: Definitions*

*Section 8360*

- *Gift means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of Annotated Code of Maryland, Article 33, §26-1 et seq., or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.*

*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 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 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.*

The facts as presented are that the Petitioner wants to accept tickets for the Petitioner and Petitioner's spouse that total \$50.00 in value. Furthermore, these tickets are being given to the Petitioner by a person who is conducting business with Baltimore County Public Schools. Both the Petitioner and the donor will be involved on opposite sides of the negotiating table in the near future regarding an existing contract.

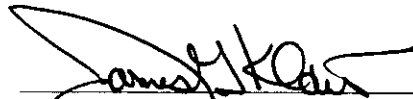
Although the Petitioner has clearly stated that the petitioner views the gift of tickets in this case as "personal and private in nature" and that the gift will not "impair (my) impartiality and independence of judgement," the Panel does not concur. While the Petitioner may certainly be able to maintain impartiality and independence, the perception of impairment of independence and impartiality is possible.

It is the opinion of the Panel that this gift would violate the Ethics Code and should not be accepted.

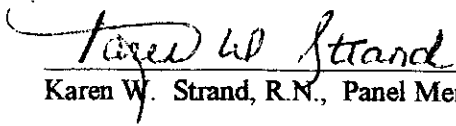
This opinion has been signed by the Ethics Panel members and adopted on August 27, 1998.



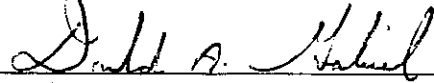
Roland L. Unger, C.P.A., Chair



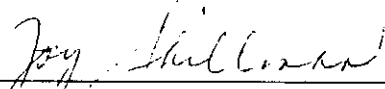
James G. Klair, Esq., Vice Chair



Karen W. Strand, R.N., Panel Member



Donald A. Gabriel, Panel Member



Joy Shillman, Panel Member