

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 01-06

This advisory opinion 01-06 is in response to a written request by the Petitioner. Follett Library Resources of McHenry, Illinois, a library book jobber vendor, has invited the Petitioner and two staff members to attend a national sales force meeting in Colorado with all expenses paid by the company. The inquiry has requested the appropriateness of attending this meeting to give a professional presentation. The company is a current vendor of the Baltimore County Public Schools.

Policy 8362.2 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.

The relevant section of the Ethics Code is as follows:

Section 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 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.

The Petitioner and the two staff members are being solicited to attend this sales meeting, and the company that is inviting them is a current vendor to the Baltimore County school system. If the County school system were requesting the Petitioner and staff members to attend for beneficial purposes such as information gathered strictly for sharing, attendance may be appropriate. However, this is a sales approach by a vendor doing business with the Baltimore County school system and attendance would be inappropriate. While the Petitioner may certainly be able to maintain impartiality and independence, the perception of impairment of independence and impartiality is possible. Thus, the Panel finds that Ethics Code 8362.2 prohibits it.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 19, 2001.

Karen Strand, Chair
 Donald A. Gabriel, Vice Chair
 James G. Klair, Esq., Panel Member

Joy Shillman, Panel Member
 Roland Unger, C.P.A., Panel Member