

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 10-01

This Advisory Opinion 10-01 is in response to a request made by the petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring whether it is permissible under the BCPS Ethics Code for the petitioner to participate on an advisory board. As described by the petitioner, the National Joint Powers Alliance (NJPA) is a national consortium of procurement contracts. BCPS is already a member of this consortium and, therefore, can participate in comparison shopping a variety of services, equipment, and supplies. As an advisory board member, the petitioner would represent and advise the consortium on procurement issues from its K-12 education members. Although many of the advisory board meetings would be handled through telephonic/video conferencing, there would be at least two face-to-face meetings per year. NJPA has indicated they would cover the costs of hotel and travel. The petitioner is requesting an advisory opinion regarding whether this would violate the Ethics Code.

The relevant section of the Ethics Code is as follows:

Policy 8362, Section II. D. (iv) Gifts to Individuals

- D. A Board member or employee may accept the following, unless exceeding a \$50 market value:
- (i) meals and beverages consumed in the presence of the donor
 - (ii) ceremonial gifts or awards
 - (iii) unsolicited gifts of nominal value or trivial items of informational value
 - (iv) 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
 - (v) 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
 - (vi) 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

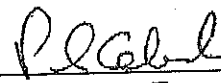
the business of the school system and that the gift is purely personal and private in nature.

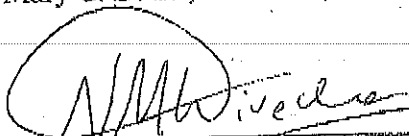
The matter before the Ethics Review Panel is whether an employee can be reimbursed for travel and accommodations by a national consortium as part of his participation on an advisory board.

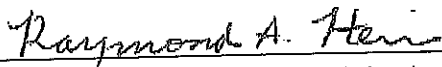
The Ethics Review Panel has concluded that such reimbursement would be in violation of Policy 8362, Gifts, Section II. D. (iv) if the costs are in excess of the \$50 market value set forth in Policy 8362. The panel further noted that this is the case regardless of the non-vendor status of the organization. As it has been noted in previous advisory opinions, most recently Advisory Opinion 05-03, if the school system believes that the employee's participation is of benefit to the school system, the administration may determine that the employee may attend the meetings at the expense of the school system.

This opinion has been signed by the Ethics Review Panel members and adopted on March 18, 2010.


Mary C. Burke, LCSW-C, BCD, Chair


Philip Abraham, Esq., Vice Chair


Nikhil M. Divecha, M.B.A., Panel Member


Raymond A. Hein, Esq., Panel Member


John Van Emden, Panel Member