

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 10-06

This Advisory Opinion 10-06 is in response to a request made by the petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring whether it is permissible to accept two tickets to an intercollegiate sports event. The donor was giving them in appreciation for a gift card provided to him (with the petitioner's own money) for volunteer work he had done for the school. The volunteer did not pay for the tickets and the face value on the tickets indicated "\$0.00," but they would cost anyone else \$48 each.

The relevant section of the Ethics Code is as follows:

Policy 8361 General

The Baltimore County Public Schools are committed to promoting and practicing moral principles and values in both the delivery of instruction and the delivery of support services. Consistent with this conviction, the school system's "Precepts, Beliefs, and Values" and local public ethics laws in accordance with the State Ethics Commission, the Ethics Code establishes guidelines of ethical and professional conduct. This Code formally acknowledges the school system's commitment to its institutional responsibility to the students, parents, and the community. It advocates positive behavior and the avoidance of impropriety or the appearance of impropriety.

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

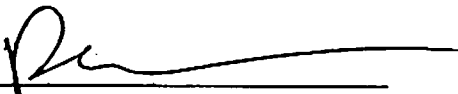
- D. A Board member or employee may accept the following, unless exceeding a \$50 market value:*
- (i) meals and beverages consumed in the presence of the donor*
 - (ii) ceremonial gifts or awards*
 - (iii) unsolicited gifts of nominal value or trivial items of informational value*
 - (iv) reasonable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

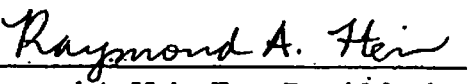
The matter before the Ethics Review Panel is whether a BCPS employee may accept two complimentary tickets to a sports event. Although the price on the tickets showed that they were free, this is because the donor had received them for free. In fact, he indicated that he would be violating NCAA rules to accept reimbursement for the tickets. Additionally, the petitioner, recognizing that there might be an ethics violation, suggested sending a check for \$50 to the athletics department as a donation and as a way of offsetting the \$96 value of the tickets. All of this was done in an attempt not to hurt the feelings of the donor by refusing the tickets. Policy 8362, II., Gifts to Individuals, D. prohibits the acceptance of gifts by employees that exceed a \$50 market value. Even if the petitioner were willing to make a contribution to offset the costs, there would still be the appearance of impropriety. When the donor raised the issue of not wanting to violate NCAA rules by accepting money for the tickets, the petitioner had the opportunity to educate him about the ethics code BCPS employees are obligated to observe and, thereby, avoiding any potential violation.

This opinion has been signed by the Ethics Review Panel members and adopted on January 20, 2011.


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