

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 15-01

This Advisory Opinion 15-01 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, Policy 8362; specifically, whether or not there is a monetary limitation on the amount of expenses for food, travel, lodging, and scheduled entertainment a school official may accept in return for participation in a panel or speaking engagement at a meeting.

Current Board Policy 8362, Section III(E)(4) provides:

a school system official may accept ... [r]easonable expenses for food, travel, lodging, and scheduled entertainment of the school system official at a meeting which is given in return for the participation of the official in a panel or a speaking engagement at the meeting.


The petitioner noted that the Ethics Review Panel, in Advisory Opinion 10-01 (March 18, 2010) and in Advisory Opinion 05-03 (June 16, 2005), responded to requests of a similar nature, in which the Panel found that there was a monetary limit to such payments of \$50.00 or \$25.00, respectively. However, when Advisory Opinion 05-03 was issued, the language in the Ethics Code that preceded the provision cited above, read: “the Board member or employee may accept the following, *unless exceeding a \$25 market value.*” (Emphasis added). When Advisory Opinion 10-01 was issued, the relevant section of the Ethics Code read: “A Board member or employee may accept the following, *unless exceeding a \$50 market value... .*” (Emphasis added). The language that currently exists in the Policy contains no monetary limitation or restriction.

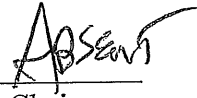
The Panel cautions, however, that Policy 8362, also contains the following language, that would apply to the issue presented here:


- F. *Section E above does not apply to any gift, regardless of the amounts set forth in Section E above:*
1. *That would tend to impair the impartiality and independence of judgment of the school system official receiving the gift;*
 2. *Of significant value that would give the appearance of impairing the impartiality and independent judgment of the school system official; or*
 3. *Of significant value that the recipient school system official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.*

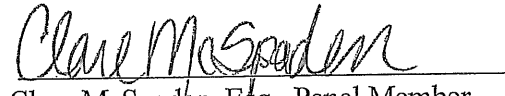
Therefore, as long as the reimbursement is not precluded as a result of Section F, above, school system officials are now permitted to accept reimbursement for "reasonable expenses for food, travel, lodging, and scheduled entertainment of the school system official at a meeting which is given in return for the participation of the official in a panel or a speaking engagement at the meeting," even if it is in excess of \$50.00.

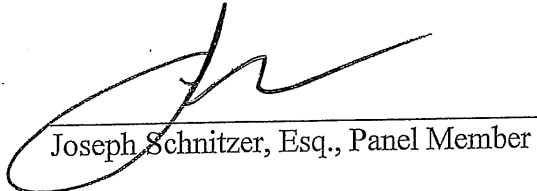
This opinion has been signed by the Ethics Review Panel members and adopted on July 16, 2015.


Theresa E. Barrett, Chair


Michael Hofmann, Sr., Vice Chair


Mary C. Burke, LCSW-C, BCD,
Panel Member


Clare McSpaden, Esq., Panel Member


Joseph Schnitzer, Esq., Panel Member