

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 20-01

This Advisory Opinion 20-01 is in response to a request for an Advisory Opinion from a Member of the Board of Education, who is also a member of the Federal Relations Network (FRN) Committee of the Maryland Association of Boards of Education (MABE), who, in that capacity, was invited to attend the Advocacy Institute Conference of the National School Boards Association (NSBA), with MABE offering to cover the expenses for hotel accommodations and the registration fee. Although the request did not reference any particular sections of the Ethics Code, the Panel reviewed the Gift provision of the Code in its analysis of the issue presented. The relevant sections are as follows:

**Policy 8362 - Gifts**

III. Gifts to a School System Official

A. A school official may not solicit any gift.

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- C. A school official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
1. Is doing business with or seeking to do business with the Board or school system;
  2. Is subject to the authority of the school system;
  3. Is a lobbyist with respect to matters within the jurisdiction of the school official; or
  4. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the school official.

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E. Notwithstanding the restrictions set forth in this paragraph, a school official may accept:

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4. 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.

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6. A specific gift or class of gifts which the Panel exempts from the operation of this subparagraph 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 Board or school system and that the gift is purely personal and private in nature.

F. Subparagraph E above does not apply to a gift, regardless of value:

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 official; or
3. Of significant value that the recipient school official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

The Panel has reviewed and discussed the provisions of the Ethics Code set forth above, along with the facts as provided by the Board Member. The Panel reviewed a letter from MABE appointing the Member to the Federal Relations Network (FRN) Committee, which “meets throughout the year to discuss pending issues, attend the annual NSBA Advocacy Institute in Washington, D.C., and coordinate meetings on Capitol Hill.” The letter further notes that the primary purpose of the FRN Committee is “to ensure that our federal officials are well informed on the priorities and perspectives of local boards of education and the fiscal and policy issues arising under federal programs impacting public education.” Therefore, it seems clear that the purpose of the meeting at issue here is to benefit the Baltimore County Public School System and other school systems in the State of Maryland. Ethics Code section 8362.III.E.4. expressly permits a school system official to accept “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.” Although it is not clear that the Board Member in this instance will participate in a panel or a speaking engagement, it does seem to be the case that the Member will attend this meeting in her capacity as a Member of the FRN Committee of MABE and the registration fee and lodging expenses are substantially similar to the types of expenses that the Ethics Code permits school system officials to accept under these circumstances. Furthermore, the Panel does not believe

that the acceptance of the complimentary items would impair or give the appearance of impairing the impartiality and independence of judgment of the Member. This Advisory Opinion is consistent with previous Opinions of the Panel. *See, e.g.,* A.O. 18-02, 19-02.

Accordingly, for the reasons set forth above, the Panel has concluded that the Member's acceptance of the complimentary registration fee and lodging expenses would be permitted under the Ethics Code. The Panel further notes that if MABE is deemed to be doing business with the Board or School System, then pursuant to Ethics Code Section 8364.D., the complimentary items received should be reported on the Member's Financial Disclosure Statement. This Opinion has been signed by the Ethics Review Panel Members and adopted on February 20, 2020.

Samuel Johnson, Chair  
T. Ross Mackesey, Panel Member

Ralph Sapia, Esq., Vice Chair  
Tim Topoleski, Panel Member