BEFORE THE ST. MARY'S COUNTY PUBLIC SCHOOLS
ETHICS PANEL

In the Matter Of

Advisory Opinion No.: 2012-01

Request for Advisory Opinion

ADVISORY OPINION

On March 29, 2012, a quorum of the St. Mary’s County Public Schools Ethics Panel (the "Ethics Panel") met in executive session to consider a request for an advisory opinion from for the St. Mary’s County Public Schools. In request, advises that was awarded a check from the in recognition for many years of involvement with the development and implementation of a Tri-County activity for students known as the and now known as the . seeks guidance from the Ethics panel as to whether may keep the award or whether must return it. For the reasons discussed below, the Ethics Panel is of the opinion that may keep the award.

began involvement with this activity in 1999. Since that time through January of 2012, spent one weekend each year crafting seventy-five questions for students aligned to mathematics, reading, language arts, science, social studies, health, fine arts, and current events. At no time was compensated for time or travel. At a Board of Education meeting in of 2012, was recognized by for years of service and was given an envelope containing a check from in the amount of . did not directly or indirectly solicit the award, and was unaware of the award prior to its receipt. After receiving the award, promptly sought advice on whether should retain it or return it.

The St. Mary’s County Public Schools Ethics Regulation BCA-R (the "Ethics Regulation") provides that a "Board member, school official, or school employee may not solicit any gift" and further provides that such persons "may not knowingly accept any gift, directly or indirectly, from any person or business entity that the Board member,"
school official, or school employee knows, or has reason to know ... [i]s doing business with ... the school system or the Board." It is undisputed that does business with the Board; however, it is also undisputed that has no involvement in the procurement of electricity or other services or commodities from . The Ethics Regulation provides several exceptions to the prohibition against the acceptance of gifts including where a "specific gift or class of gifts which the Ethics Panel exempts from the operation of the Ethics Policy and/or Ethics Regulation 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 or Board and that the gift is purely personal and private in nature." It is the opinion of the Ethics Panel that the award to falls within this exception.

It is clear that the award to was provided solely in recognition and gratitude for years of service to the students within the Tri-County region rather than for any other purpose. acceptance of the award "would not be detrimental to the impartial conduct of the business of the school system or Board." Accordingly, may retain the award.

March 29, 2012
Date

Patrick B. Murphy,
Acting Ethics Panel Chair

Wayne T. Lookley

(recused)

Bernadette Lewis