

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

In the Matter Of

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Advisory Opinion No.: 2012-02

Request for Standing
Advisory Opinion

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ADVISORY OPINION

On June 28, 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 a standing advisory opinion from Dr. Michael J. Martirano, Superintendent of St. Mary's County Public Schools (the "Superintendent"), regarding the receipt of awards by St. Mary's County Public Schools employees who are recognized for their outstanding service and contributions. In his initial request, the Superintendent advised that, from time to time, such employees are recognized by the Board of Education and by various community organizations for the outstanding services that they perform on behalf of students and the community. As a result, the Superintendent initially asked the Ethics Panel to consider issuing a standing advisory opinion for instances where the following factors apply: (1) The award or gift is provided solely in recognition for volunteer service. (2) The employee did not solicit or seek the award or gift in any way. (3) The acceptance of the award or gift would not be detrimental to the impartial conduct of business in the St. Mary's County Public Schools.

Upon discussion of the Superintendent's request at the Ethics Panel's May 31, 2012 meeting, it was mentioned that some employees are also recognized and rewarded for outstanding service even when their services are *not* voluntary. For example, every year several employees are rewarded for providing exemplary service as employees rather than as volunteers (*e.g.*, teacher of the year). As a result, the Ethics Panel made a request of whether the Superintendent wished to broaden his request for a standing advisory opinion to also cover these additional non-volunteer awards. The Superintendent has indicated that he does, indeed, desire to have these additional awards covered in a standing advisory opinion.

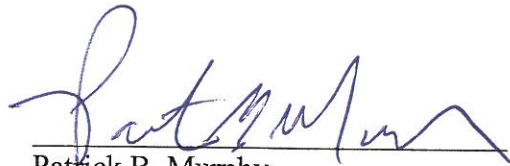
For the reasons discussed below, the Ethics Panel agrees with the Superintendent that a standing advisory opinion will provide general guidance and clarity for employees and community organizations and thereby avoid the necessity of individual employees needing to seek an advisory opinion in each case where they receive unsolicited awards for outstanding service and where the receipt of such awards would not be detrimental to the impartial conduct of business in St. Mary's County.


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." The Ethics Regulation also 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 receipt of such awards by school system employees falls within this exception if the following conditions apply:

- (1) The award or gift is provided solely in recognition for outstanding volunteer service or for exemplary performance of school system duties;
- (2) The employee did not solicit or seek the award or gift in any way; and
- (3) The acceptance of the award or gift would not be detrimental to the impartial conduct of business in the St. Mary's County Public Schools.

Outstanding service to the school system, the community, and especially to students should be encouraged. Under such circumstances, where it is clear that receipt of an award "would not be detrimental to the impartial conduct of the business of the school system or Board," the employee may accept the award without seeking a specific advisory opinion from the Ethics Panel.

7/19/2012
Date


Patrick B. Murphy,
Ethics Panel Chair



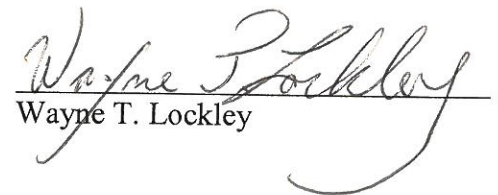
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