

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

In the Matter Of

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Advisory Opinion No.: 2012-03

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Request for Advisory Opinion

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**ADVISORY OPINION**

At its meetings on May 31, 2012 and June 28, 2012, 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 ("SMCPS"). In \_\_\_\_\_ request, \_\_\_\_\_ advises that \_\_\_\_\_ attended the May, 2011 Spring Conference of the Association of School Business Officials of Maryland and the District of Columbia ("ASBO"), where \_\_\_\_\_ "won a door prize of a 20" flat screen TV from a vendor we [*i.e.*, SMCPS] do business with." In addition to the TV, \_\_\_\_\_ also won a fifty dollar (\$50.00) cash door prize during the breakfast meeting on the last day of the conference. \_\_\_\_\_ has advised that \_\_\_\_\_ has kept the TV in its box unopened since the time of the award and that \_\_\_\_\_ is "happy to return the prizes to the school system" if the Ethics Panel determines that the receipt of such prizes violates the St. Mary's County Public Schools Ethics Regulation. For the reasons discussed below, the Ethics Panel is of the opinion that \_\_\_\_\_ may not keep the door prizes and must turn the prizes over to the school system.

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." Neither the Ethics Regulation nor the Maryland State Ethics Commission Regulations found in COMAR 19A specifically address "door prizes"; accordingly, it was necessary for the Ethics Panel to conduct research on the issue before addressing \_\_\_\_\_ request for an advisory opinion.

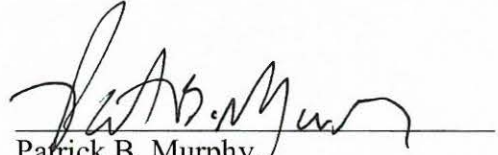
According to the Maryland Attorney General's Office, the different branches of Maryland state and local governments are split on the issue; however, employees of Maryland state agencies are not allowed to keep door prizes when the employee attends a conference as part of the employment. In such a situation, when an employee of a Maryland state agency receives a door prize at a conference attended by virtue of his or her employment, the prize goes to the agency itself rather than to the individual employee. We are of the opinion that this is a sound practice, and we shall use it as guidance in this advisory opinion.

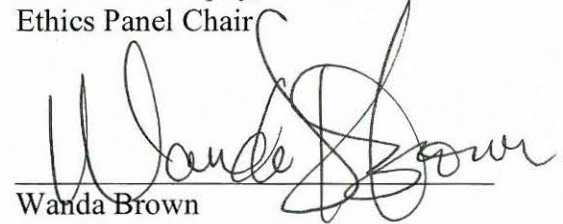
In this particular case, it is undisputed that [redacted] participation in ASBO and [redacted] attendance at the conference was part of [redacted] employment with SMCPS. The school system paid for [redacted] expenses in attending the conference, and [redacted] attended the conference as a representative of SMCPS. Although ASBO is an organization composed of school business officials who meet and confer on matters of importance to the respective school systems that they serve, they are also attended by numerous vendors who provide information on products and also seek to do business with the school systems. In this case, the door prizes were supplied by vendors.

Under the circumstances, we are of the opinion that [redacted] should turn the awards over to the school system. We are of the opinion that when a school system employee attends a conference or event as a representative of the school system and wins an award (such as a door prize) solely by virtue of the employee's attendance, that the award must be turned over to the school system. This is especially so where, as here, the donor of the door prize is a vendor and the recipient of the prize is a person with procurement authority.

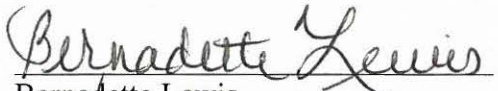
Although [redacted] must turn over the door prizes to the school system, it is abundantly clear that [redacted] did not engage in any wrongful conduct. [redacted] won the door prizes during the months preceding the adoption of the Ethics Regulation and the formation of this Ethics Panel. Nonetheless, [redacted] retained the TV in its original box and then sought guidance on this issue that very clearly involves a "grey" area. [redacted] coming forward to seek an advisory opinion is to be commended, and it provides the Ethics Panel with an opportunity to bring clarity to this issue for the benefit and guidance of all SMCPS employees.

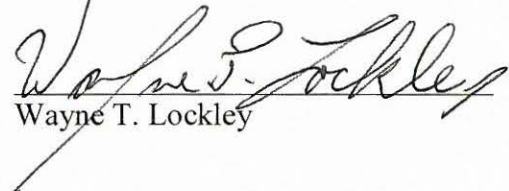
Sept. 13, 2012  
Date

  
Patrick B. Murphy,  
Ethics Panel Chair

  
Wanda Brown

  
Stephen Kracinovich

  
Bernadette Lewis

  
Wayne T. Lockley