

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**JUNE 24, 2014**

Robert Bender called the meeting to order at 9:32 a.m.

Notice of the meeting was provided to the State House Press Corps and the Secretary of State and filed as required by the Open Public Meetings Act. In attendance were Commission members Ellen Polaner, Mark Finkelstein, Dennis Roberts and Chairperson Robert Bender.

Interim Executive Director Joanne Restivo, Administrative Assistant Karin Molnar, Legal Assistant Jill Kail and Deputy Attorney General Chris Huber were also in attendance.

Three new members, Frank Digesere, Dan Kaplan and Louis Modugno, were appointed to the Commission by Governor Christie; however, Mr. Digesere was not present to be sworn in. Mr. Kaplan and Mr. Modugno were in attendance and were welcomed by Chairman Bender. Current members then introduced themselves, providing a summary of their respective positions and their views of the Commission and its workings. Mr. Kaplan and Mr. Modugno followed up by doing the same.

Dan Kaplan and Louis Modugno both took their respective Oaths of Office and were sworn in by Joanne Restivo. Chairperson Bender assigned a current board member to each new member to mentor. Mark Finkelstein was assigned to Dan Kaplan and Dennis Roberts was assigned to Louis Modugno.

**9:37 a.m.** Motion was made by Ellen Polaner and seconded by Dennis Roberts to adjourn to executive session to discuss confidential matters and to obtain legal advice regarding the following complaints, advisory requests, and matters involving possible litigation: C12-14, C20-14, C13-14, C14-14, C02-14, C04-14, C07-14-14, C11-14, C21-13, C36-13, C26-13, C07-13, A26-14, A27-14, A28-14, A24-14, A25-14, C10-14, C25-13, C16-13, C22-13, Doctrines of Necessity filed by the Lodi, Hammonton and Woodbury Boards of Education and a Resolution Delegating Functions for FY 2015. Vote: 6 – Yes 0 – No

**12:08 p.m.** Return to Public Session.

**Minutes** Motion was made by Dennis Roberts and seconded by Ellen Polaner to approve the Minutes of the April 22, 2014 Commission meeting as written. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

## **Complaints**

**C12-14** Motion was made by Dennis Roberts and seconded by Ellen Polaner to find not frivolous and to transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 6 – Yes 0 - No

**C20-14** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to table this matter. Vote: 6 – Yes 0 - No

**C13-14** Motion was made by Dennis Roberts and seconded by Ellen Polaner to transmit to the OAL for a hearing to be held at a later date. Vote: 6 – Yes 0 - No

**C14-14** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to retain this matter for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

**C02-14** Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C07-14** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C11-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to rescind the Commission’s previous vote to retain for hearing and now transmit to the OAL for a hearing to be held at a later date. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C11-14** A second motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the written decision with amendments. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C04-14** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the written decision with amendments. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C21-13** Motion was made by Dennis Roberts and seconded by Ellen Polaner to grant the motion made verbally by Respondent’s attorney to dismiss this matter. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C21-13** A second motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C36-13** Motion was made by Ellen Polaner and seconded by Mark Finkelstein to table this matter. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C26-13** Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written and to direct staff to refer this matter to the appropriate agency. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**C07-13** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the initial decision of the Administrative Law Judge (ALJ) in this matter. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

### **Advisory Opinions**

**A26-14** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to decline to advise. Vote: 6 – Yes 0 - No

**A27-14** Motion was made by Mark Finkelstein and seconded by Ellen Polaner to decline to advise. Vote: 6 – Yes 0 - No

**A28-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to table this matter. Vote: 6 – Yes 0 - No

**A24-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the advisory opinion with amendments. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**A25-14** Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the advisory opinion with amendments. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

### **Other Business**

**C10-14** Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Louis Modugno abstained.)

**12:15 p.m.** Ellen Polaner departed.

**12:16** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to return to executive session. Vote: 5 – Yes 0 – No

**12:25 p.m.** Return to Public Session

**SEC Resolution Delegating Functions for FY 2015** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to approve the Resolution. Vote: 6 – Yes 0 - No

**12:30 p.m.** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adjourn. Vote: 5 – Yes 0 - No

Submitted by:

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Karin L. Molnar

Approved by:

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Joanne M. Restivo, Interim Executive Director

Minutes 06-24-14 Public