

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

JULY 22, 2014

Robert Bender called the meeting to order at 9:30 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 Dan Kaplan, Ellen Polaner and Chairperson Robert Bender. Commission member Dennis Roberts arrived at 10:11 a.m. Frank Digesere, a new Commission member who was appointed by Governor Christie, was welcomed by Chairman Bender and sworn in by Joanne Restivo. Commission member Mark Finkelstein was absent

Interim Executive Director Joanne Restivo, Administrative Assistant Karin Molnar, Legal Assistant Jill Kail and Deputy Attorney General Chris Huber were also in attendance. In addition, Jesse Landon, a new member of the School Ethics Office, was introduced and welcomed.

9:39 a.m. Motion was made by Ellen Polaner and seconded by Dan Kaplan 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: C37-13, C08-14, C19-14, C03-14, C15-14, C28-13, C43-13, C36-13, C12-14, C13-14, C14-14, C24-13, A28-14, A29-14, A30-14, A31-14, A32-14, A33-14, A34-14, A35-14, A26-14, A27-14, C05-13, C30-13, C11-13, C13-13, C26-13, A24-14 and a Doctrine of Necessity filed by the Kearney Board of Education. Vote: 4 – Yes 0 – No

1:14 p.m. Return to Public Session.

Minutes Motion was made by Dan Kaplan and seconded by Ellen Polaner to approve the Minutes of the June 24, 2014 Commission meeting as written. Vote: 4 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

Complaints

C37-13 Motion was made by Dan Kaplan and seconded by Ellen Polaner to find no probable cause and to find not frivolous. Vote: 6 – Yes 0 - No

C08-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to grant the motion to dismiss N.J.A.C. 18A:12-24(a) as to Count 1 and N.J.A.C. 18A:12-24.1(c) as to Count 2; to deny the motion to dismiss as to all other allegations and to find not frivolous. Vote: 6 – Yes 0 - No

C19-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to grant the motion to dismiss Count 1 as untimely and direct respondent to file as answer as to Counts 2 and 3. Vote: 6 – Yes 0 - No

C03-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to table this matter. Vote: 6 – Yes 0 – No

C15-14 Motion was made by Dennis Roberts and seconded by Dan Kaplan to find not frivolous 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

C28-13 This matter was on the agenda for informational purposes only.

C43-13 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

C36-13 Motion was made by Ellen Polaner and seconded by Dennis Roberts to grant the motion to dismiss. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

C36-13 A second motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt the failure to appear decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

C12-14 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

C13-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

C14-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

C24-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the Initial Decision of the Administrative Law Judge (ALJ) as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

Advisory Opinions

A28-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A29-14 Motion was made by Ellen Polaner and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A30-14 Motion was made by Dennis Roberts and seconded by Dan Kaplan to advise as discussed. Vote: 6 – Yes 0 - No

A31-14 Motion was made by Dennis Roberts and seconded by Dan Kaplan to table this matter. Vote: 6 – Yes 0 – No

A32-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A33-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to advise as discussed. Vote: 6 – Yes 0 – No

A34-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A35-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to decline to advise. Vote: 6 – Yes 0 – No

A26-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt version 2 of this advisory as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

A27-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the advisory as written. Vote: 5 – Yes 0 – No 1 – Abstain (Frank Digesere abstained.)

Other Business

C05-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to accept the Initial Decision of the ALJ. Vote: 6 – Yes 0 - No

C30-13 Motion was made by Ellen Polaner and seconded by Dennis Roberts to accept the Initial Settlement Decision of the ALJ. Vote: 6 – Yes 0 – No

C11-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to refer this matter to the State Board of Examiners. Vote: 6 – Yes 0 – No

C13-13 This matter was on the agenda for informational purposes only.

C26-13 This matter was on the agenda for informational purposes only.

A24-14 This matter was on the agenda for informational purposes only.

Chairperson Bender announced that since the practice of the Commission has been to pair each new Commission member with a current member of the Commission for mentoring purposes, he would personally mentor Frank Digesere.

1:25 p.m. Motion was made by Ellen Polaner and seconded by Frank Digesere to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Interim Executive Director

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