

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

SEPTEMBER 22, 2015

Robert Bender called the meeting to order at 9:40 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 Frank Digesere, Mark Finkelstein, Louis Modugno, Ellen Polaner, Dennis Roberts, and Chairperson Robert Bender. Commission member Dan Kaplan was absent.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar, Deputy Attorney General Christopher Huber and Deputy Attorney General Donna Arons were also in attendance.

Chris Huber announced that this would be his last meeting as he has accepted a position outside of the Department of Law and Public Safety. He informed the Commission that Donna Arons would be taking his place. The Commission wished him well and welcomed DAG Arons.

Robert Bender and Mark Finkelstein updated the Commission on the status of proposed Senate Bill No. S729.

9:52 a.m. Motion was made by Dennis Roberts and seconded by Ellen Polaner 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: C08-15, C10-15, C09-15, C15-15, C16-15, C19-15, C20-15, C23-15, C13-14, C58-14, C17-15, C18-15, C13-15, C07-14, C21-15A03-15, A11-15, A13-15, A15-15, A16-15, A17-15, A18-15, A07-15 and Doctrines of Necessity filed by the Lodi and Brick Boards of Education. Vote: 6 – Yes 0 - No

12:20 p.m. Return to Public Session.

Minutes Motion was made by Dennis Roberts and seconded by Louis Modugno to approve the Minutes of the August 25, 2015 Commission meeting. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

Complaints

C08-15 Motion was made by Louis Modugno and seconded by Frank Digesere to find probable cause to credit the allegation that the Respondents may have violated N.J.S.A. 18A:12-24(c) and to transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C10-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find no probable cause and to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

C09-15 Motion was made by Frank Digesere and seconded by Louis Modugno to deny the Motion to Dismiss and find not frivolous. Vote: 6 – Yes 0 – No

C15-15 Motion was made by Dennis Roberts and seconded by Ellen Polaner to grant the Motion to Dismiss Count 3 of the Complaint, to deny the Motion to Dismiss Count 2, to find the matter not frivolous and to transmit to the OAL for a hearing to be held as a later date. Vote: 6 – Yes 0 – No

C16-15 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

C19-15 Motion was made by Ellen Polaner and seconded by Frank Digesere to dismiss the allegation that the Respondent violated N.J.S.A. 18A:12-24.1(a) and transmit to the OAL for a hearing on the remaining allegations to be held at a later date. Vote: 6 – Yes 0 – No

C20-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

C23-15 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

C13-14 Motion was made by Louis Modugno and seconded by Mark Finkelstein to accept the initial settlement decision as the final decision. Vote: 6 – Yes 0 – No

C58-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to amend the August 25, 2015 vote to include the finding of a violation of N.J.S.A. 18A:12-24.1(e) as to Paragraph 4. Vote: 6 – Yes 0 – No

C58-14 A second motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. Vote: 6 – Yes 0 – No

C17-15 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the decision as written. Vote: 6 – Yes 0 – No

C18-15 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt the decision as written. Vote: 6 – Yes 0 – No

C13-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written. Vote: 6 – Yes 0 – No

C07-14 Motion was made by Louis Modugno and seconded by Mark Finkelstein to adopt the initial decision with amendments as the final decision and to unseal the record in this matter. Vote: 6 – Yes 0 – No

Advisory Opinions

A03-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to table this matter. Vote: 6 – Yes 0 – No

A11-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to table this matter. Vote: 6 – Yes 0 – No

A13-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to table this matter. Vote: 6 – Yes 0 – No

A15-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to table this matter. Vote: 6 – Yes 0 – No

A16-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to table this matter. Vote: 6 – Yes 0 – No

A17-15 Motion was made by Louis Modugno and seconded by Ellen Polaner to advise as discussed. Vote: 6 – Yes 0 – No

A18-15 Motion was made by Louis Modugno and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A07-15 Motion was made by Louis Modugno and seconded by Ellen Polaner to adopt as written. Vote: 6 – Yes 0 – No

12:30 p.m. Motion was made by Ellen Polaner and seconded by Dennis Roberts to adjourn. Vote: 6 – Yes 0 – No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director