

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

OCTOBER 27, 2015

Robert Bender called the meeting to order at 9:35 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, Dan Kaplan, Louis Modugno, Dennis Roberts (arrived at 9:38) and Chairperson Robert Bender. Commission member Ellen Polaner was absent. Commission member Mark Finkelstein participated by phone briefly.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorney General Jennifer Hoff were also in attendance.

9:38 a.m. Motion was made by Frank Digesere 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: C27-15, C28-15, C26-15, C25-15, C08-15, C10-15, C09-15, C15-15, C16-15, C19-15, C20-15, C23-15, C13-14, A19-15, A20-15, A21-15, A22-15, A23-15, A24-15, A03-15, A11-15, A13-15, A16-15, A17-15, A18-15, C24-15, A04-12, A01-15, C40-13, C16-14, an Investigative Report from the Division of Criminal Justice regarding Angela Edwards, Senate Bill 3042 and Doctrines of Necessity filed by the Lindenwold, Tinton Falls, Cliffside Park, Woodbridge, Sterling, Oxford Township, Stafford, and Brick Township (2) Boards of Education. Vote: 5 – Yes 0 – No

11:45 a.m. Open session

11:45 a.m. Mark Finkelstein joined the meeting via telephone.

Advisory Opinions

A03-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to not restore this advisory to the public domain. Vote: 6 – Yes 0 – No

A11-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt this Opinion with edits and make public. Vote: 6 – Yes 0 – No

A13-15 Motion was made by Louis Modugno and seconded by Dan Kaplan to adopt this Opinion as written and make public. Vote: 6 – Yes 0 – No

A15-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A16-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt this Opinion with edits and make public. Vote: 6 – Yes 0 – No

A17-15 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt this Opinion as written and make public. Vote: 6 – Yes 0 – No

A18-15 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt this Opinion with edits and make public. Vote 6 – Yes 0 – No

11:52 a.m. Mark Finkelstein departed.

Complaints

C27-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find no Probable Cause as to all allegations. Vote: 5 – Yes 0 – No

C28-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to deny the Motion to Dismiss as to Counts 1 and 2 of the complaint and grant the Motion to Dismiss Count 3, find not frivolous and direct the filing of an answer. Vote: 5 – Yes 0 – No

C26-15 Motion was made by Frank Digesere and seconded by Dan Kaplan to grant the Motion to Dismiss and to find not frivolous. Vote: 5 – Yes 0 – No

C25-15 Motion was made by Frank Digesere and seconded by Dan Kaplan 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

C08-15 Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 5 – Yes 0 – No

C10-15 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt the decision as written. Vote: 5 – Yes 0 – No

C09-15 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt the decision as written. Vote: 5 – Yes 0 – No

C15-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the decision as written. Vote: 5 – Yes 0 – No

C16-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the decision as written. Vote: 5 – Yes 0 – No

C19-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the decision as written. Vote: 5 – Yes 0 – No

C20-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the decision as written. Vote: 5- Yes 0 – No

C23-15 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt the decision as written. Vote: 5 – Yes 0 – No

C13-14 Motion was made by Louis Modugno and seconded by Dennis Roberts to adopt the decision as written. Vote: 5 – Yes 0 – No

C40-13 Motion was made by Dennis Roberts and seconded by Louis Modugno to direct the return of this matter from the OAL to the School Ethics Commission. Vote: 5 – Yes 0 – No

Minutes

Motion was made by Louis Modugno and seconded by Dennis Roberts to adopt the Minutes as written. Vote: 4 – Yes 0 – No 1 – Abstention (Dan Kaplan abstained.)

12:06 p.m. Return to Executive Session

12:14 p.m. Louis Modugno departed.

12:52 p.m. Return to Public Session.

Other Business

Senate Bill No. 3042 This matter was on the agenda for informational purposes only.

1:17 p.m. Motion was made by Dennis Roberts and seconded by Frank Digesere to adjourn. Vote: 4 – Yes 0 – No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director