

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

APRIL 25, 2017

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 Mark Finkelstein, Dan Kaplan, Ellen Polaner and Chairperson Robert Bender. Commission members Frank Digesere and Louis Modugno were absent.

Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorneys General Donna Arons and Caroline Jones were also in attendance.

9:34 a.m. Motion was made by Dan Kaplan 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: C40-17; D04-16; D05-16; T05-16 through T34-16; C25-16; C30-16; A10-17 through A19-17; C01-17; C05-17 through C29-17; C41-17; Doctrines of Necessity filed by the Atlantic City, Hammonton, Wayne Township, Elsinboro Township, Elizabeth and Ridgefield Park Boards of Education; C34-15 and C35-15; presentation of the committee's nominee for Chairperson; Resolution with 2018 SEC Meeting Dates; potential SEC meeting date change; C10-16 and C11-16; Merit Preparatory Charter School of Newark correspondence; and review of the Pannucci matter. Vote: 4 – Yes 0 - No

11:55 a.m. Open Session

Chairperson Robert Bender welcomed the public to the meeting.

Complaints

C40-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to draft a decision as discussed. Vote: 4 – Yes 0 - No

Orders To Show Cause

D04-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the decision as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

D05-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the decision as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

T05-16, T06-16, T17-16 and T22-16 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to draft a decision as discussed. Vote: 4 – Yes 0 - No

T07-16 through T16-16, T18-16 and T20-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to draft a decision as discussed. Vote: 4 – Yes 0 - No

T19-16 and T21-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to administratively dismiss these matters. Vote: 4 – Yes 0 - No

T23-16 through T33-16 Motion was made by Ellen Polaner and Dan Kaplan to adopt and mail the Orders to Show Cause. Vote: 4 – Yes 0 - No

Decisions to Adopt

C25-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt the decision as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

C30-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt the decision as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

Advisory Opinions

A15-17 Motion was made by Ellen Polaner and seconded by Dan Kaplan to advise as discussed. Vote: 4 – Yes 0 - No

A16-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to advise as discussed. Vote: 4 – Yes 0 - No

A17-17 Motion was made by Ellen Polaner and seconded by Dan Kaplan to advise as discussed. Vote 4 – Yes 0 - No

A18-17 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to advise as discussed. Vote: 4 – Yes 0 - No

A19-17 Motion was made by Ellen Polaner and seconded by Dan Kaplan to advise as discussed. Vote: 4 – Yes 0 - No

A10-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion with edit. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

A11-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

A12-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

A13-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

A14-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 3 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

Administrative Dismissals

C01-17, C05-17 through C29-17, C41-17 All matters in this section were listed for informational purposes only.

Other Business

Doctrines of Necessity Robert Bender acknowledged receipt of Doctrines of Necessity submitted by Atlantic City, Hammonton, Wayne Township, Elsinboro Township, Elizabeth and Ridgefield Park Boards of Education.

Motion was made by Mark Finkelstein and seconded by Ellen Polaner to direct staff to draft a letter to the Ridgefield Park Board of Education concerning the deficiencies in the Doctrine of Necessity submitted to the Commission. Vote: 4 – Yes 0 – No

C34-15 and C35-15 These matters were on the agenda for informational purposes only.

Nominating Committee Motion was made by Committee member Mark Finkelstein and seconded by Ellen Polaner to nominate Robert Bender as the Chairperson for the 2017-2018 term. Vote: 4 – Yes 0 – No

2018 Meeting Dates Resolution Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the Resolution as written. Vote: 4 – Yes 0 – No

Meeting Date Changes Motion was made by Mark Finkelstein and seconded by Ellen Polaner to cancel the May 23, 2017 Commission meeting, and to change the date of the October, 2017 Commission meeting from October 24, 2017 to October 31, 2017. Vote: 4 – Yes 0 – No

C10-16 and C11-16 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to grant an extension for the filing of Exceptions in these matters. Vote: 4 – Yes 0 - No

Merit Preparatory Charter School of Newark Correspondence Motion was made by Mark Finkelstein and seconded by Dan Kaplan to remove review of this correspondence from the agenda. Vote: 4 – Yes 0 - No

Pannucci Review Motion was made by Mark Finkelstein and seconded by Dan Kaplan to table this matter. Vote: 4 – Yes 0 - No

Minutes

Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the minutes of the March 28, 2017 meeting as written. Vote: 3 – Yes 0 – No 1 – Abstain (Ellen Polaner abstained.)

Matt Shapiro, a member of the public, asked how to obtain copies of the Commissions legal decisions and advisories. Robert Bender directed him to the New Jersey Department of Education website.

12:12 p.m. Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adjourn. Vote: 4 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director