

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

JULY 25, 2017

Robert Bender called the meeting to order at 9:33 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 and participating via telephone were Commission members Frank Digesere, Mark Finkelstein, Dan Kaplan and Ellen Polaner. Chairperson Robert Bender was also in attendance. Commission member Louis Modugno arrived at 9:51 a.m.

Also in attendance were Director Kathryn Whalen, Legal Specialist Jesse Landon, Office of School Ethics and Compliance staff members Karin Molnar, Jeannine Pizzigoni and Nichole Simmons-Graham, along with Deputy Attorneys General (DAsG) Kathryn Duran (departed at 10:08 a.m.), Caroline Jones (departed at 10:08 a.m.) and Jennifer Hoff.

9:35 a.m. Motion was made by Dan Kaplan and seconded by Frank Digesere 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: C14-16; C30-16; C43-17; C46-17; C47-17; C10-16, C11-16, C42-17, C44-17, T24-16, T25-16, T28-16 through T33-16; A20-17, A21-17; Doctrines of Necessity filed by the Ridgefield, Clinton-Glenn Gardner, Carteret, Phillipsburg, Lodi, Hammonton, Black Horse Pike Regional, Woodbridge Township, Pleasantville, and Paulsboro Boards of Education; C08-15; C34-15; C35-15; T23-16, T26-16, T27-16 and Pannucci. Vote: 5 – Yes 0 - No

12:38 p.m. Open Session

Complaints

C14-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to draft a decision as discussed. Vote: 6 – Yes 0 – No

C30-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to draft a decision as discussed. Vote: 5 – Yes 1 – No (Frank Digesere voted no.)

C43-17 Motion was made by Louis Modugno and seconded by Dan Kaplan to draft a letter decision as discussed. Vote: 6 – Yes 0 – No

C46-17 Motion was made by Louis Modugno and seconded by Mark Finkelstein to draft a letter decision as discussed. Vote: 6 – Yes 0 – No

C47-17 Motion was made by Louis Modugno and seconded by Dan Kaplan to draft a decision as discussed. Vote: 6- Yes 0 - No

Decisions to Adopt

C10-16 and C11-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

C42-17 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

C44-17 Motion was made by Ellen Polaner and seconded by Dan Kaplan to adopt the decision as written. Vote: 4- Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

Orders To Show Cause

T24-16, T25-16, T28-16 and T31-16 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the decisions as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

T29-16, T30-16, T32-16 and T33-16 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the decisions as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

Advisory Opinions

A20-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the written Opinion in this matter with edits. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

A21-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the written Opinion in this matter with edits. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

Other Business

Doctrines of Necessity Robert Bender acknowledged receipt of Doctrines of Necessity submitted by the Ridgefield, Clinton-Glenn Gardner, Carteret, Phillipsburg, Lodi, Hammonton, Black Horse Pike Regional, Woodbridge Township Pleasantville, and Paulsboro Boards of Education. Afterward, a motion was made by Louis Modugno and seconded by Mark Finkelstein to direct staff to draft correspondence to the Woodbridge, Paulsboro and Pleasantville Boards of Education concerning the Doctrines filed by those Boards of Education. Vote: 6 – Yes 0 - No

C08-15 This matter was on the Agenda for informational purposes only.

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

T23-16, T26-16 and T27-16 These matters were on the Agenda for informational purposes only.

C33-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to take this matter out of abeyance, and to grant Complainants an extension of time to file a response to the motion to dismiss. Vote: 6 – Yes 0 - No

I/M/O/ F. Pannucci This matter was on the Agenda for informational purposes only.

Minutes

Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the minutes of the June 27, 2017 meeting as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Louis Modugno abstained.)

Robert Bender announced that this would be the last Commission meeting that Legal Specialist Jesse Landon would be attending, and extended a heartfelt thank you to him for his involvement with the Commission and for his contributions to the work of the Commission. The Commission, as a whole, wished him well in all his future endeavors.

12:50 p.m. Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director

Minutes 07-25-17 public