

**SCHOOL ETHICS COMMISSION MEETING  
PUBLIC SESSION MINUTES**

**OCTOBER 31, 2017**

Chairperson Robert Bender called the meeting to order at 9:34 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, Mark Finkelstein, Louis Modugno, Richard Tomko (who was recently appointed) and Chairperson Robert Bender. New Commission member Richard Tomko, who replaces Ellen Polaner, was introduced by Chairperson Bender and welcomed by all.

In addition, Kathryn Whalen, Director, Offices of School Ethics and Compliance, and staff members Karin Molnar and Jeannine Pizzigoni, along with Deputy Attorney General Donna Arons, were in attendance.

**9:36 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 and matters involving possible litigation: C39-13, C49-17, C57-17, C68-17, C70-17, C71-17, D01-17, D02-17, D03-17, T01-17 through T22-17, C33-16, C51-17, C55-17 and C62-17 (consolidated), C61-17, A27-17 through A34-17, C67-17, C69-17, C72-17, Doctrines of Necessity filed by the Middle Township, Bergen County Special Services, Lodi, Hanover, and Perth Amboy Boards of Education, C12-15, D04-17, denied request from Hasbrouck Heights Board of Education for an Advisory Opinion, T05-16, T25-16, South Bergen Joint Venture Commission, request from Woodbridge Township for a declaratory ruling (from the Commissioner of Education), and potential 2019 meeting dates. Vote: 6 – Yes 0 – No

**11:37 a.m. Open Session**

**Complaints**

**C39-13** Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 6 – Yes 0 - No

**C49-17** Motion was made by Louis Modugno, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 6 – Yes 0 - No

**C57-17** Motion was made by Mark Finkelstein, and seconded by Louis Modugno, to draft a decision as discussed. Vote: 6 – Yes 0 - No

**C68-17** Motion was made by Frank Digesere, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 6 – Yes 0 - No

**C70-17** Motion was made by Louis Modugno, and seconded by Frank Digesere, to draft a decision as discussed. Vote: 6 – Yes 0 - No

**C71-17** Motion was made by Louis Modugno, and seconded by Mark Finkelstein, to draft a letter decision as discussed. Vote: 6 – Yes 0 – No

### **Orders to Show Cause**

**D01-17** Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Richard Tomko abstained)

**D02-17 and D03-17** Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Richard Tomko abstained)

**T01-17** Motion was made by Frank Digesere, and seconded by Dan Kaplan, to draft a decision as discussed. Vote: 6 – Yes 0 - No

**T02-17 through T22-17** Motion was made by Frank Digesere, and seconded by Louis Modugno, to adopt and mail the Orders to Show Cause, unless proof of completion is provided by New Jersey School Boards Association. Vote: 6 – Yes 0 - No

### **Decisions to Adopt**

**C33-16** Motion was made by Frank Digesere, and seconded by Louis Modugno, to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

**C51-17** Motion was made by Mark Finkelstein, and seconded by Frank Digesere, to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

**C55-17 and C62-17 consolidated** Motion was made by Mark Finkelstein, and seconded by Frank Digesere, to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

**C61-17** Motion was made by Frank Digesere, and seconded by Dan Kaplan, to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

### **Advisory Opinions**

**A31-17** Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to advise as discussed. Vote: 6 – Yes 0 - No

**A32-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to advise as discussed. Vote: 6 – Yes 0 - No

**A33-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to advise as discussed. Vote: 6 – Yes 0 - No

**A34-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to advise as discussed. Vote: 6 – Yes 0 - No

**A27-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

**A28-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

**A28-17** A second motion was made by Dan Kaplan, and seconded by Frank Digesere, to make this Advisory Opinion public. Vote: 6 – Yes 0 - No

**A29-17** Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt this Advisory Opinion with edits. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

**A30-17** Motion was made by Mark Finkelstein, and seconded by Frank Digesere, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

### **Administrative Dismissals**

**C67-17** This matter was on the Agenda for informational purposes only.

**C69-17** This matter was on the Agenda for informational purposes only.

**C72-17** This matter was on the Agenda for informational purposes only.

**Other Business**

**Doctrines of Necessity** Robert Bender acknowledged receipt of Doctrines of Necessity submitted by the Middle Township, Bergen County Special Services, Lodi, Hanover Township, and Perth Amboy Boards of Education.

**C12-15** Motion was made by Frank Digesere, and seconded by Louis Modugno, to adopt the Resolution of Censure as written. Vote: 5 – Yes 0 – No 1 – Abstain (Richard Tomko abstained)

**D04-17** This matter was on the Agenda for informational purposes only.

**Denied Request for Advisory Opinion from Hasbrouck Heights BOE** This matter was on the Agenda for informational purposes only.

**T05-16** This matter was on the Agenda for informational purposes only.

**T25-16** This matter was on the Agenda for informational purposes only.

**South Bergen Joint Venture Commission** This matter was on the Agenda for informational purposes only.

**Request for Declaratory Ruling/Woodbridge Township** This matter was on the Agenda for informational purposes only.

**2019 Meeting Dates** This matter was on the Agenda for informational purposes only.

**New Business**

**Ellen Polaner** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to acknowledge Ms. Polaner's years of service.

**Minutes**

Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to adopt the minutes of the September 26, 2017 meeting as written. Vote: 4 – Yes 0 – No 2 – Abstain (Louis Modugno and Richard Tomko abstained)

Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to adopt the minutes of the October 17, 2017 meeting as written. Vote: 4 – Yes 0 – No 2 – Abstain (Dan Kaplan and Richard Tomko abstained)

**11:56 a.m.** Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

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Karin L. Molnar

Approved by:

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Kathryn A. Whalen, Director