

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**FEBRUARY 27, 2018**

Chairperson 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 School Ethics Commission (Commission) members Michael Carucci, Michael Collins, Mark Finkelstein, Dan Kaplan, Dennis Roberts, Jude Tanella, Richard Tomko, and Chairperson Bender.

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff members Jeannine Pizzigoni and Karin Molnar, along with Deputy Attorneys General (DAsG) Donna Arons, Kathryn Duran (departed at 9:40 a.m.) and Joan Scatton (departed at 9:40 a.m.).

Chairperson Bender introduced new Commission member, Jude Tanella, and welcomed him.

**9:34 a.m.** Motion was made by Richard Tomko, 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: C29-16, C74-17, C85-17, C90-17, D05-17, D06-17, D07-17, C31-13, C28-13, C45-13, C41-13, C43-13, C42-13, C44-13, C61-17, C76-17, C84-17, A04-18, A05-18, A06-18, A07-18, A08-18, A09-18, A01-18, A02-18, A03-18, C86-17, C88-17, Doctrines of Necessity filed by the Lodi (2) and Wayne Township Boards of Education, C08-15, C78-17, A10-14, A23-17, update on correspondence sent to the Stanhope, Mountain Lakes, and Atlantic City Boards of Education regarding prior Doctrines of Necessity, T03-17, T06-17, T08-17, T11-17, T12-17 and C08-16. Vote: 8 – Yes 0 – No

**11:54 a.m.** Open Session

## Complaints

**C29-16** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**C74-17** Motion was made by Michael Carucci, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 8 – Yes 0 – No

**C85-17** Motion was made by Dan Kaplan, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 8 – Yes 0 – No

**C90-17** Motion was made by Dennis Roberts, and seconded by Michael Collins, to accept the amended answer, and to table this matter to allow for a responsive brief to be filed. Vote: 8 – Yes 0 – No

### **Orders to Show Cause**

**D05-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the Order to Show Cause (“OTSC”) in this matter as written, and to mail it. Vote: 8 – Yes 0 – No

**D06-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the OTSC in this matter as written, and to mail it. Vote: 8 – Yes 0 – No

**D07-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the OTSC in this matter as written, and to mail it. Vote: 8 – Yes 0 – No

### **Complaints (continued)**

**C31-13, C28-13, C45-13, C41-13, C43-13, C42-13 and C44-13 (consolidated)** Motion was made by Dan Kaplan, and seconded by Richard Tomko, to adopt the decision as written. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**C61-17** Motion was made by Dan Kaplan, and seconded by Michael Carucci, to adopt the decision as written. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**C76-17** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written. Vote: 7 – Yes 0 – No 0 – Abstention (Jude Tanella abstained)

**C84-17** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written. Vote: 7 – Yes 0 – No 0 – Abstention (Jude Tanella abstained)

### **Advisory Opinions**

**A04-18** Motion was made by Dennis Roberts, and seconded by Michael Collins, to advise as discussed. Vote: 8 – Yes 0 - No

**A05-18** Motion was made by Michael Carucci, and seconded by Jude Tanella, to advise as discussed. Vote: 8 – Yes 0 - No

**A06-18** Motion was made by Michael Collins, and seconded by Mark Finkelstein, to advise as discussed. Vote: 8 – Yes 0 - No

**A07-18** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to advise as discussed. Vote: 8 – Yes 0 - No

**A08-18** Motion was made by Dennis Roberts, and seconded by Michael Collins, to advise as discussed. Vote: 8 – Yes 0 – No

**A09-18** Motion was made by Jude Tanella, and seconded by Richard Tomko, to advise as discussed. Vote: 8 – Yes 0 – No

**A01-18** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**A02-18** Motion was made by Richard Tomko, and seconded by Michael Carucci, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**A03-18** Motion was made by Michael Collins, and seconded by Dan Kaplan, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

### **Administrative Dismissals**

**C86-17** This matter was on the Agenda for informational purposes only.

**C88-17** This matter was on the Agenda for informational purposes only.

**Other Business**

**Doctrines of Necessity** Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Lodi (2) and Wayne Township Boards of Education.

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

**C78-17** This matter was on the Agenda for informational purposes only.

**A10-14** Motion was made by Dennis Roberts, and seconded by Michael Collins, to remove this Opinion from the Department of Education’s website.

**A23-17** This matter was on the Agenda for informational purposes only.

**Correspondence Sent to the Stanhope, Mountain Lakes, and Atlantic City Boards of Education Regarding Doctrines of Necessity** This matter was on the Agenda for informational purposes only.

**T03-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the Resolution as drafted. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**T06-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the Resolution as drafted. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**T08-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the Resolution as drafted. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**T11-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the Resolution as drafted. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**T12-17** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the Resolution as drafted. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**C08-16** Motion was made by Michael Collins, and seconded by Jude Tanella, to add this matter to the Agenda, for informational purposes only. Vote: 8 – Yes 0 – No

**New Business**

Director Whalen reminded Commission members of the May 15th deadline to file their Financial Disclosure Statements with the State Ethics Commission. In addition, the date each Commissioner completed mandatory ethics training would be provided via e-mail.

**Minutes**

Motion was made by Michael Collins, and seconded by Dan Kaplan, to adopt the minutes of the January 23, 2018, meeting as written. Vote: 7 – Yes 0 – No 1 – Abstention (Jude Tanella abstained)

**12:05 p.m.** Motion was made by Dan Kaplan, and seconded by Dennis Roberts, to adjourn. Vote: 8 – Yes 0 - No

Submitted by:

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Karin L. Molnar

Approved by:

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Kathryn A. Whalen, Director