

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

MARCH 6, 2014

Robert Bender called the meeting to order at 9:37.

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. (This meeting was originally scheduled for February 18, 2014 and then rescheduled for March 3, 2014; however, both dates were cancelled due to state government shutdowns caused by bad weather.) In attendance were Commission members Randy Beverly, Mark Finkelstein, Ellen Polaner, Dennis Roberts and Chairperson Robert Bender.

Interim Executive Director Joanne Restivo, Administrative Assistant Karin Molnar, Legal Assistant Jill Kail and Deputy Attorney General Chris Huber were also in attendance.

9:39 a.m. Motion was made by Ellen Polaner and seconded by Randy Beverly 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: C21-13, C26-13, C36-13, C46-13, C49-13, C51-13, C52-13, A04-14, A05-14, A06-14, A07-14, A22-13, A02-14, A03-14, C13-13 (Deo), C38-13, C48-13, C55-13, C06-14, C01-13, C51-13, C05-14 and two Doctrines of Necessity filed by the Kearny Board of Education. Vote: 5 – Yes 0 – No

1:52 p.m. Return to Public Session.

Minutes Motion was made by Randy Beverly and seconded by Ellen Polaner to approve the Minutes of the January 28, 2014 Commission meeting as written. Vote: 5 – Yes 0 – No

Complaints

C21-13 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to find no probable cause to credit the allegation that the respondent may have violated N.J.S.A. 18A:12-24(c) and (f) and to uphold the Commission's vote of December 19, 2013, which found no probable cause to credit the allegation that the respondent may have violated N.J.S.A. 18A:12-24(b), and to retain for a hearing on the remaining Code of Ethics allegations. Vote: 5 – Yes 0 – No

C26-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to find probable cause to credit the allegation that the respondent may have violated N.J.S.A. 18A:12-24(c) in Count 3, to find no probable cause as to all other allegations; and to decide the matter by summary decision pursuant to N.J.A.C. 6:28-10.7(c)1. Vote: 5 – Yes 0 – No

C36-13 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to find no probable cause as to Counts 1 and 3 and to retain for a hearing on the remaining Code of Ethics allegations in Count 2. Vote 5 – Yes 0 – No

C46-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to find probable cause to credit the allegation in Count 1 that the respondent may have violated N.J.S.A. 18A:12-24(b) and (c) in Count 1 and to find no probable cause as to N.J.S.A. 18A:12-24(a) and (e) in that Count. Vote: 5 – Yes 0 - No

C46-13 Motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt the decision on the motion to dismiss with edits. Vote: 5 – Yes 0 – No

C49-13 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision as written. Vote: 5 – Yes 0 – No

C51-13 Motion was made by Mark Finkelstein and seconded by Randy Beverly to place this matter in abeyance and direct staff to act as discussed. Vote: 5 – Yes 0 - No

C52-13 Motion was made by Mark Finkelstein and seconded by Randy Beverly to adopt the decision as written. Vote: 5 – Yes 0 No

Advisory Opinions

A04-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to table this matter and direct staff to request additional information as discussed. Vote: 5 – Yes 0 – No

A05-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to advise as discussed. Vote: 5 – Yes 0 – No

A06-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A07-14 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to advise as discussed. Vote: 5 – Yes 0 – No

A-22-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt as written. Vote: 5 – Yes 0 – No

A02-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt as written. Vote: 5 – Yes 0 – No

A03-14 Motion was made by Ellen Polaner and seconded by Randy Beverly adopt as written. Vote: 5 – Yes 0 – No

1:56 p.m. Dennis Roberts departed.

1:56 p.m. Motion was made by Mark Finkelstein and seconded by Ellen Polaner to return to Executive Session to discuss the process for updating N.J.A.C. 6A:28-1.1. et seq., Regulation Governing the School Ethics Act. Vote: 4 – Yes 0 – No

2:17 p.m. Return to Public Session.

2:18 p.m. Motion was made by Randy Beverly and seconded by Ellen Polaner to adjourn. Vote: 4 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Interim Executive Director

Minutes 03-06-14 Public