

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**JUNE 30, 2015**

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, Mark Finkelstein, Dan Kaplan, Louis Modugno (arrived at 9:54), Ellen Polaner, Dennis Roberts (arrived at 9:37), and Chairperson Robert Bender.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar, and Deputy Attorney General Christopher Huber were also in attendance.

Chairperson Bender and Joanne Restivo informed the Commission of the status of a Bill pending in the Legislature to transfer the authority of the School Ethics Commission to the State Ethics Commission.

**9:46 a.m.** Motion was made by Mark Finkelstein and seconded by Dennis Roberts 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: C30-14, C31-14, C32-14, C01-15, C02-15, C03-15, C04-15, C12-15, C08-15, C10-15, C59-14, C11-14, C46-14, C05-15, C06-15, A09-15, A10-15, A08-15, Doctrines of Necessity filed by the Beach Haven, Penns Grove-Carneys Point, Woodbury City and Brick Boards of Education and the upcoming proposed regulations for the School Ethics Commission. Vote: 7 – Yes 0 - No

**12:47 p.m.** Return to Public Session.

**Minutes** Motion was made by Louis Modugno and seconded by Dan Kaplan to approve the Minutes of the May 26, 2015 Commission meeting. Vote: 7 – Yes 0 – No

## **Complaints**

**C30-14** Motion was made by Dennis Roberts and seconded by Dan Kaplan to find a violation of N.J.S.A. 18A:12-24(c); to deem actions *de minimus* and, therefore, to issue no penalty. Vote: 6 – Yes 1 – No 0 – Abstention.

**C31-14** Motion was made by Dennis Roberts and seconded by Dan Kaplan to find a violation of N.J.S.A. 18A:12-24(c); to deem actions *de minimus* and, therefore, to issue no penalty. Vote: 6 – Yes 1 – No 0 – Abstention.

**C32-14** Motion was made by Dennis Roberts and seconded by Dan Kaplan to find a violation of N.J.S.A. 18A:12-24(c); to deem actions *de minimus* and, therefore, to issue no penalty. Vote: 6 – Yes 1 – No 0 – Abstention.

**C01-15** Motion was made by Louis Modugno and seconded by Dennis Roberts to vacate the Order to Show Cause issued in this matter. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

**C02-15** Motion was made by Louis Modugno and seconded by Dennis Roberts to vacate the Order to Show Cause issued in this matter. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

**C03-15** Motion was made by Louis Modugno and seconded by Dennis Roberts to vacate the Order to Show Cause issued in this matter. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

**C04-15** Motion was made by Louis Modugno and seconded by Dennis Roberts to vacate the Order To Show Cause issued in this matter. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

**C12-15** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to table this matter pending receipt of the video. Vote: 7 – Yes 0 - No

**C08-15** Motion was made by Louis Modugno and seconded by Dennis Roberts to deny the Motion to Dismiss submitted by the respondents in this matter. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

**C10-15** Motion was made by Dan Kaplan and seconded by Frank Digesere to deny the Motion to Dismiss entirely and to find not frivolous. Vote: 7 – Yes 0 - No

**C59-14** Motion was made by Frank Digesere and seconded by Dennis Roberts to transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 7 – Yes 0 – No

**C11-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to accept the Initial Decision/Settlement in this matter. Vote: 7 – Yes 0 – No

**C46-14** Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the decision as written. Vote: 7 – Yes 0 - No

**C05-15** Motion was made by Frank Digesere and seconded by Mark Finkelstein to vacate May 26, 2015 vote. Vote: 7 – Yes 0 – No

A second motion was made by Frank Digesere and seconded by Mark Finkelstein to dismiss the complaint in its entirety and adopt the decision as written. Vote: 7 – Yes 0 - No

**C06-15** Motion was made by Louis Modugno and seconded by Dennis Roberts to adopt the decision as written. Vote: 7 – Yes 0 – No

**Advisory Opinions**

**A09-15** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 7 – Yes 0 – No.

**A10-15** Motion was made by Ellen Polaner and seconded by Dennis Roberts to advise as discussed. Vote: 7 – Yes 0 – No.

**A08-15** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the opinion as written and make public. Vote: 7 – Yes 0 – No.

**Other Business**

**Resolution Delegating Functions** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the Resolution delegating certain functions to the Acting Executive Director of the School Ethics Office. Vote: 7 – Yes 0 – No

**A07-15** Motion was made by Mark Finkelstein and seconded by Louis Modugno to reaffirm the prior advisory issued by this Commission in this matter. Vote: 7 – Yes 0 - No

**12:52 p.m.** Motion was made by Dennis Roberts and seconded by Ellen Polaner to adjourn. Vote: 7 – Yes 0 – No

Submitted by:

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Karin L. Molnar

Approved by:

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Joanne M. Restivo, Acting Executive Director