

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

SEPTEMBER 23, 2014

Robert Bender called the meeting to order at 9:38 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, Ellen Polaner, Dennis Roberts and Chairperson Robert Bender. Commission member Louis Modugno arrived at 9:40.

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

9:40 a.m. Motion was made by Dan Kaplan 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: C23-14, C14-14, C17-14, C18-14, C26-14, C28-14, C23-14, C09-14, C19-14, C16-14, C20-14, C03-14 (C25-08 ON Remand), C30-12, C02-13, C35-13, C52-13, C53-13, C49-12, A31-14, A36-14, A37-14, A38-14, A39-14, C33-10, C26-13, C05-13, Doctrines of Necessity filed by the Kearny Board of Education and NJSBA Preliminary Resolutions regarding the School Ethics Act. Vote: 7 – Yes 0 – No

4:04 p.m. Return to Public Session.

Minutes Motion was made by Frank Digesere and seconded by Louis Modugno to approve the Minutes of the August 23, 2014 Commission meeting as written. Vote: 7 – Yes 0 – No

Complaints

C17-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to deny the motion to dismiss N.J.S.A. 18A:12-24.1(g) in Counts 1 and 5 and to grant the motion to dismiss all other allegations. Vote: 7 – Yes 0 - No

C18-14 Motion was made by Frank Digesere and seconded by Louis Modugno to grant the motion to dismiss and to find the complaint not frivolous. Vote: 7 – Yes 0 - No

C14-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to deny the motion to dismiss proffered by Mr. Tanksley during the hearing and to find a violation of N.J.S.A. 18A:12-24.1(e) with a recommended penalty of reprimand. Vote: 6 – Yes 1 - No

C26-14 Motion was made by Louis Modugno and seconded by Ellen Polaner to deny the motion to dismiss as to N.J.S.A. 18A:12-24.1(c) and (e), to grant the motion to dismiss as to N.J.S.A. 18A:12-24.1(g) and (i), and to transmit the matter to the Office of Administrative Law (OAL) upon submission of an Answer. Vote: 7 – Yes 0 – No (Dennis Roberts voted no to the

denial of the motion to dismiss as to N.J.S.A. 18A:12-24.1(c) but yes to the remainder of the motion)

C28-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to deny the partial motion to dismiss. Vote: 7 – Yes 0 - No

C23-14 Motion was made by Ellen Polaner and seconded by Dan Kaplan to adopt the decision with amendments. Vote: 7 – Yes 0 - No

C09-14 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt the decision as written. Vote: 7 – Yes 0 - No

C19-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision with edits. Vote: 7 – Yes 0 - No

C16-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written. Vote: 7 – Yes 0 - No

C20-14 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to adopt the decision as written. Vote: 7 – Yes 0 - No

C03-14 (C25-08) Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision on remand and find a violation of N.J.S.A. 18A:12-24.1(e). Vote: 7 – Yes 0 - No

C52-13 Motion was made by Dan Kaplan and seconded by Dennis Roberts to adopt the decision as written. Vote: 7 – Yes 0 - No

C53-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. Vote: 7 – Yes 0 - No

C49-12 Motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt the original decision and modify the penalty to a censure. Vote: 7 – Yes 0 - No

Advisory Opinions

A31-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the opinion as written. Vote: 7 – Yes 0 - No

A36-14 Motion was made by Dan Kaplan and seconded by Dennis Roberts to advise as discussed. Vote: 7 – Yes 0 - No

A37-14 Motion was made by Dennis Roberts and seconded by Louis Modugno to suggest that requestor see prior advisories. Vote: 7 – Yes 0 - No

A38-14 Motion was made by Mark Finkelstein and seconded by Frank Digesere to advise as discussed. Vote: 7 – Yes 0 - No

A39-14 Motion was made by Dan Kaplan and seconded by Dennis Roberts to advise as discussed. Vote: 7 – Yes 0 - No

Other Business

C33-10 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to accept the consent order. Vote: 7 – Yes 0 - No

4:12 p.m. Motion was made by Louis Modugno and seconded by Ellen Polaner to adjourn. Vote: 7 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Interim Executive Director