

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

OCTOBER 28, 2014

Robert Bender called the meeting to order at 9:36 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, Dennis Roberts and Chairperson Robert Bender. Commission member Ellen Polaner participated via telephone. Commission members Mark Finkelstein, Dan Kaplan and Louis Modugno were absent.

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

9:39 a.m. Motion was made by Dennis Roberts and seconded by Frank Digesere 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: C25-14, C27-14, C30-14, C31-14, C32-14, C35-14, C36-14, C21-14, C14-14, C17-14, C18-14, C26-14, C03-14 (C25-08 on Remand), C49-12, C35-13, C04-14, A40-14, A41-14, A42-14, A42A-14, A43-14, A44-14, A45-14, A36-14, A37-14, A38-14, A39-14, C29-14 and A13-13. Vote: 4 – Yes 0 – No

12:56 p.m. Return to Public Session.

Minutes Motion was made by Frank Digesere and seconded by Dennis Roberts to approve the Minutes of the September 23, 2014 Commission meeting with edits. Vote: 4 – Yes 0 – No

Complaints

C25-14 Motion was made by Frank Digesere and seconded by Ellen Polaner to find probable cause to credit the allegation that the respondent may have violated N.J.S.A. 18A:12-24(d) as to Count 3, N.J.S.A. 18A:12-24.1(f) as to Court 6 as well as all allegations in Count 7 and to decide this matter on a summary basis. Vote: 4 – Yes 0 - No

C27-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to grant the motion to dismiss for lack of jurisdiction. Vote: 4 – Yes 0 - No

C30-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to deny the motion to dismiss. Vote: 4 – Yes 0 – No

C31-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to deny the motion to dismiss. Vote: 4 – Yes 0 – No

C32-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to deny the motion to dismiss. Vote: 4 – Yes 0 – No

C35-14 Motion was made by Frank Digesere and seconded by Dennis Roberts to grant the motion to dismiss. Vote: 4 – Yes 0 – No

C36-14 Motion was made by Frank Digesere and seconded by Dennis Roberts to grant the motion to dismiss. Vote: 4 – Yes 0 – No

C21-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to dismiss *sua sponte* for failure to state a claim upon which relief could be granted. Vote: – Yes 0 – No

C14-14 There were three separate motions in this matter. All were moved by Dennis Roberts and seconded by Frank Digesere. Those motions were to:

1. Rescind the prior vote of the School Ethics Commission, which was taken on September 23, 2014. Vote: 4 – Yes 0 – No
2. Find a violation of N.J.S.A. 18A:12-24.1(e) and (g) with a recommended penalty of reprimand. Vote: 4 – Yes 0 – No
3. Adopt the decision as written. Vote: 4 – Yes 0 – No

C17-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written and transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 4 – Yes 0 – No

C18-14 Motion was made by Frank Digesere and seconded by Dennis Roberts to adopt the decision as written. Vote: 4 – Yes 0 – No

C28-14 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the decision as written. Vote: 4 – Yes 0 – No

C26-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written. Vote: 4 – Yes 0 – No

C03-14 (C25-08) Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written. Vote: 4 – Yes 0 – No

C49-12 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision and as written. Vote: 4 – Yes 0 – No

C35-13 Motion was made by Dennis Roberts and seconded by Frank Digesere to table the matter until all related matters are returned from the OAL. Vote: 4 – Yes 0 – No

C04-14 Motion was made by Frank Digesere and seconded by Dennis Roberts to adopt the decision of the Administrative Law Judge. Vote: 4 – Yes 0 - No

Advisory Opinions

A40-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 4 – Yes 0 - No

A41-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 4 – Yes 0 - No

A42-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to table pending receipt of additional information. Vote: 4 – Yes 0 - No

A42A-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 4 – Yes 0 - No

A43-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 4 – Yes 0 – No

A44-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 4 – Yes 0 – No

A45-14 Motion was made by Frank Digesere and seconded by Dennis Roberts to table pending receipt of additional information. Vote: 4 – Yes 0 – No

A36-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the opinion as written. Vote: 4 – Yes 0 – No

A37-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the opinion as written. Vote: 4 – Yes 0 – No

A38-14 Motion was made by Frank Digesere and seconded by Dennis Roberts to adopt the opinion as written. Vote: 4 – Yes 0 – No

A39-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the opinion as written. Vote: 4 – Yes 0 - No

Other Business

A13-13 This matter was on the agenda for informational purposes only.

1:05 p.m. Motion was made by Dennis Roberts and seconded by Frank Digesere to adjourn. Vote: 4 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director