

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

DECEMBER 15, 2015

Robert Bender called the meeting to order at 9:32 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 (arrived at 9:36 a.m.) and Chairperson Robert Bender. Commission member Louis Modugno was absent.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorney General Donna Arons were also in attendance. Deputy Attorney General Lauren Jensen was in briefly in attendance for the discussion of C52-14 only.

9:36 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: C57-14, C29-15, C31-15, C30-15, C09-15, C34-13, A23-15, A25-15, A26-15, A27-15, A28-15, A29-15, A30-15, A31-15, A32-15, A33-15, A34-15, A35-15, A38-15, A19-15, A20-15, A21-15, A22-15, A24-15, C52-14, A11-15, A16-15, A14-15, A15-10, A01-15, A04-12, C16-14, an Investigative Report from the Division of Criminal Justice regarding Angela Edwards, the review of the issuance of Orders to Show Cause (OTSC) for failure to complete training, and Doctrines of Necessity filed by the Brick Township, Hasbrouck Heights, Stafford Township, Brooklawn and Millville Boards of Education. Vote: 6 – Yes 0 – No

12:46 p.m. Open Session

Chairperson Bender greeted members of the public who were in attendance and allowed them to speak briefly.

Minutes

Motion was made by Dan Kaplan and seconded by Ellen adopt the Minutes of November 24, 2015 as written. Vote: 6 – Yes 0 – No

Complaints

C29-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to find no probable cause, find the complaint to be frivolous and impose a fine of \$500. Vote: 5 – Yes 0 – No (Ellen Polaner did not vote.)

C31-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to find no probable cause, to retain for summary decision and to find not frivolous. Vote: 4 – Yes 0 – No 1 – Abstention (Frank Digesere abstained. Ellen Polaner did not vote.)

C30-15 Motion was made by Dan Kaplan and seconded by Ellen Polaner to grant the Motion to Dismiss. Vote: 6 – Yes 0 – No

C09-15 Motion was made by Ellen Polaner 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: 6 – Yes 0 – No

A second motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt the written decision with edits. Vote: 6 – Yes 0 – No

C34-13 Motion was made by Dan Kaplan and seconded Mark Finkelstein to adopt the Initial decision of the Administrative Law Judge. (ALJ). Vote: 6 – Yes 0 – No

Advisory Opinions

A23-15 Motion was made by Dennis Roberts and seconded by Ellen Polaner to advise as discussed. Vote: 5 – Yes 0 – No 1 – Abstentions (Frank Digesere abstained.)

A25-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 6 – Yes 0 – No

A26-15 Motion was made by Frank Digesere and seconded by Ellen Polaner to advise as discussed. Vote: 6 – Yes 0 – No

A27-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A28-15 Motion was made by Dan Kaplan and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A29-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 6 – Yes 0 – No

A30-15 Motion was made by Frank Digesere and seconded by Ellen Polaner to advise as discussed. Vote: 6 – Yes 0 – No

A31-15 Motion was made by Mark Finkelstein and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A32-15 Motion was made by Frank Digesere and seconded by Dennis Roberts to advise as discussed. Vote: 6 – Yes 0 – No

A33-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 6 – Yes 0 – No

A34-15 Motion was made by Frank Digesere and seconded by Dan Kaplan to advise as discussed. Vote: 6 – Yes 0 – No

A35-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 6 – Yes 0 – No

A38-15 Motion was made by Frank Digesere and seconded by Dennis Roberts to advise as discussed. Vote: 6 – Yes 0 – No

A19-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to make this Opinion public. Vote: 6 – Yes 0 – No

A24-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to make this Opinion public. Vote: 6 – Yes 0 – No

Other Business

Training/Financial Disclosures Motion was made by Dennis Roberts and seconded by Mark Finkelstein to issue Orders to Show Cause to the seven remaining Board members who are delinquent in their training requirement. Vote: 6 – Yes 0 - No

12:55 p.m. Return to Executive Session

1:00 p.m. Mark Finkelstein departed.

1:02 p.m. Return to Open Session

Bridgeton Board of Education Investigation Inquiry Motion was made by Dennis Roberts and seconded by Dan Kaplan to send the inquiry in this matter to the Office of Fiscal Accountability and Compliance. Vote: 6 – Yes 0 - No

1:07 p.m. Motion was made by Dan Kaplan and seconded by Dennis Roberts to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director