

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

SEPTEMBER 27, 2016

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 (arrived at 9:40 a.m.), Dan Kaplan, Louis Modugno, Ellen Polaner and Chairperson Robert Bender.

Acting Executive Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorneys General Donna Arons, Geoffrey Stark, Beth Shore and Kathryn Duran were also in attendance.

Chairperson Bender greeted Commission member Ellen Polaner and welcomed her back.

9:36 a.m. Motion was made by Dan Kaplan and seconded by Ellen Polaner 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: C25-16, C26-16, C27-16, C29-16, C07-16, C08-16, C21-16, D01-16, D02-16, D03-16, A24-16, A15-16, A22-16, A23-16, C17-16, C32-16, C17-12, C18-12, C21-12, C16-12, C08-15, C50-12, C51-12, C52-12 and a Doctrine of Necessity filed by the Lodi Board of Education. Vote: 5 – Yes 0 – No

12:20 p.m. Open Session

Complaints

C25-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to grant the motion to dismiss Count 2 in its entirety as well as N.J.S.A. 18A:12-24.1(a) in Count 3, to deny the motion to dismiss all other allegations in this matter and to find not frivolous. Vote: 6 – Yes 0 – No¹

¹ At its meeting on October 22, 2016 and prior to adoption of this decision and the September 27, 2016 minutes, the School Ethics Commission voted to reconsider this matter, and to hold any decision in abeyance until conclusion of the matter pending before the Commissioner of Education.

C26-16 Motion was made by Dan Kaplan and seconded by Frank Digesere 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

C27-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to find no probable cause and to dismiss this matter in its entirety. Vote: 6 – Yes 0 – No

C29-16 Motion was made by Mark Finkelstein and seconded by Louis Modugno to find not frivolous and to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

C07-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Louis Modugno and Ellen Polaner abstained.)

C08-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Louis Modugno and Ellen Polaner abstained.)

C21-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Louis Modugno and Ellen Polaner abstained.)

Orders To Show Cause for Failure to File Personal/Relative and Financial Disclosure Statements

D01-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the Order To Show Cause in this matter. Vote: 4 – Yes 0 – No 2 – Abstentions (Louis Modugno and Ellen Polaner abstained.)

D02-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the Order To Show Cause in this matter. Vote: 4 – Yes 0 – No 2 – Abstentions (Louis Modugno and Ellen Polaner abstained.)

D03-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the Order To Show Cause in this matter. Vote: 4 – Yes 0 – No 2 – Abstentions (Louis Modugno and Ellen Polaner abstained.)

Advisory Opinions

A24-16 Motion was made by Louis Modugno and seconded by Ellen Polaner to advise as discussed. Vote: 6 – Yes 0 - No

A15-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to make this Opinion public. Vote: 6 – Yes 0 - No

A22-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to make this Opinion public. Vote: 6 – Yes 0 – No

A23-16 Motion was made by Mark Finkelstein and seconded by Louis Modugno to adopt the Opinion as written. Vote 6 – Yes 0 – No

Administrative Dismissals

C17-16 This matter was on the agenda for informational purposes only.

C32-16 This matter was on the agenda for informational purposes only.

Other Business

Orders to Show Cause for Failure to Complete Board Member Training (2015) Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt as written and mail the Orders To Show Cause for K. Coll (Stowe Creek, Cumberland County), K. Harris (Woodland Township, Burlington County), R. Lamazares (Chesilhurst, Camden County) and R. Murphy (Beverly, Burlington County). Vote: 6 – Yes 0 – No

C17-12, C18-12, C21-12, C16-12 and C08-15 These matters were on the agenda for informational purposes only.

C50-12, C51-12 and C52-12 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the Resolutions of Censure in these matters as written. Vote: 6 – Yes 0 - No

Minutes

Motion was made by Dan Kaplan and seconded by Frank Digesere to approve the Minutes of the August 23, 2016 meeting as written. Vote 5 – Yes 0 – No 1 – Abstention (Ellen Polaner abstained.)

12:32 p.m. Motion was made by Louis Modugno and seconded by Frank Digesere to adjourn.
Vote: 6 - Yes 0 - No

Submitted by:



Karin L. Molnar

Approved by:



Kathryn A. Whalen, Acting Executive Director

Minutes 09-27-16 public