

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

FEBRUARY 28, 2017

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, Mark Finkelstein, Dan Kaplan, Ellen Polaner (by telephone) and Chairperson Robert Bender. Commission member Louis Modugno was absent.

Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorney General Donna Arons were also in attendance.

9:39 a.m. Motion was made by Frank Digesere and seconded by Mark Finkelstein 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, C37-16, D04-16, D05-16, A01-17, A02-17, A03-17, A04-17, A05-17, A06-17, A07-17, A08-17, A09-17, A16-16, A28-16, A29-16, A30-16, a Doctrine of Necessity filed by the Alloway Township Board of Education, C19-14, C40-16, C41-16, North Wildwood correspondence, C31-15, C40-15, C43-15, C05-16, the Pannucci matter, M.E., Sr. correspondence and C30-16. Vote: 5 – Yes 0 – No

11:47 a.m. Open Session

Complaints

C25-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to remove this matter from this portion of the Agenda. Vote: 5 – Yes 0 – No

C37-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to draft a decision as discussed. Vote: 5 – Yes 0 – No

Orders To Show Cause

D04-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the Order to Show Cause as written, and to mail it. Vote: 5 – Yes 0 – No

D05-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the Order to Show Cause as written, and to mail it. Vote: 5 – Yes 0 – No

Decisions to Adopt

C25-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt the decision as written. Vote 4 – Yes 0 – No 1 – Abstain (Ellen Polaner abstained.)

Advisory Opinions

A01-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to advise as further discussed. Vote: 5 – Yes 0 – No

A02-17 Motion was made by Mark Finkelstein and seconded by Frank Digesere to advise as further discussed. Vote: 5 – Yes 0 – No

A03-17 Motion was made by Frank Digesere and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A04-17 Motion was made by Dan Kaplan and seconded by Frank Digesere to advise as discussed. Vote: 5 – Yes 0 – No

A05-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A06-17 Motion was made by Frank Digesere and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A07-17 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A08-17 Motion was made by Frank Digesere and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A09-17 Motion was made by Frank Digesere and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A16-16 This matter was tabled as there were not enough Commissioners present to vote.

A28-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt this Opinion as written. Vote: 3 – Yes 0 – No 2 – Abstain (Mark Finkelstein and Ellen Polaner abstained.)

A29-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt this Opinion as written. Vote: 3 – Yes 0 – No 2 – Abstain (Mark Finkelstein and Ellen Polaner abstained.)

A30-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt this Opinion as written. Vote: 3 – Yes 0 – No 2 – Abstain (Mark Finkelstein and Ellen Polaner abstained.)

A01-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to remove this item from the agenda. Vote: 5 – Yes 0 – No

A02-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to remove this item from the agenda. Vote: 5 – Yes 0 – No

Other Business

Doctrines of Necessity Robert Bender acknowledged receipt of a Doctrine of Necessity submitted by the Alloway Township Board of Education.

C19-14 Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt the Resolution of Censure in this matter. Vote: 5 – Yes 0 – No

C40-16 and C41-16 Correspondence This matter was on the Agenda for informational purposes only.

Doctrine of Necessity Correspondence This matter was on the Agenda for informational purposes only.

C31-15, C40-15, C43-15 and C05-16 Correspondence This matter was on the Agenda for informational purposes only.

C30-16 This matter was on the Agenda for informational purposes only.

S-1297 Motion was made by Mark Finkelstein and seconded by Frank Digesere to authorize the Director of the School Ethics Commission to draft comments on Senate Bill S-1297. Vote: 5 – Yes 0 – No

Minutes

Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the minutes of the January 24, 2017 meeting as written. Vote: 3 – Yes 0 – No 2 – Abstain (Mark Finkelstein and Ellen Polaner abstained.)

New Business

Kathryn Whalen asked the Commission to confirm its interest in conducting a session at the New Jersey School Boards Association (NJSBA) convention. Mark Finkelstein, Robert Bender and Frank Digesere expressed interest in attending the convention and participating in a workshop. In addition, discussion as to what the session agenda, conceptually, would include. Ms. Whalen indicated that she would develop a Power Point presentation for the NJSBA session.

12:12 p.m. Motion was made by Dan Kaplan and seconded by Frank Digesere to adjourn. Vote: 5 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director