

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

MAY 22, 2018

Chairperson Robert Bender called the meeting to order at 9:40 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 School Ethics Commission (Commission) members Michael Carucci, Michael Collins (arrived at 9:42 a.m.), Dan Kaplan (departed at 12:50 p.m.), Dennis Roberts, Jude Tanella, Richard Tomko, and Chairperson Bender. Mark Finkelstein was absent.

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff members Jeannine Pizzigoni and Karin Molnar, along with Deputy Attorneys General (DAsG) Donna Arons and Lauren Jensen (departed at 10:25 a.m.).

9:43 a.m. Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following complaints and matters involving possible litigation: C01-18; C10-18; C12-18; C15-18; C04-18 and C05-18 (consolidated); C07-18; C14-18; T30-16; T24-17 through T28-17; A10-18, A20-18, A21-18, A13-18; A16-18; A17-18; A19-18; C16-18; T23-17; T29-17; Doctrines of Necessity filed by the Lodi Board of Education; recommendation from nominating committee for recommended Chairperson for the upcoming term; C08-15; D06-17, review of Assembly Bill A-557; Superior Court of NJ, Law Division, Dkt.# MID-L-1814-18; update on the status of Personal/Relative and Financial Disclosure Statements for a school official (JY); C09-18; C17-18; and a review of Personal/Relative and Financial Disclosure Statements and NJDOE web hosting policies/procedures. Vote: 7 – Yes 0 – No

12:35 p.m. Open Session

Complaints to Review

C01-18 Motion was made by Michael Carucci, and seconded by Dan Kaplan, to draft a letter decision as discussed. Vote: 6 – Yes 0 – No 1 – Abstention (Dennis Roberts abstained)

C10-18 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to draft a decision as discussed. Vote: 7 – Yes 0 – No

C12-18 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to draft a decision as discussed. Vote: 7 – Yes 0 – No

C15-18 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to draft a decision as discussed. Vote: 7 – Yes 0 – No

Decisions to Adopt as Written

C04-18 and C05-18 (consolidated) Motion was made by Jude Tanella, and seconded by Michael Collins, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

C07-18 Motion was made by Dennis Roberts, and seconded by Michael Collins, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

C14-18 Motion was made by Dan Kaplan, and seconded by Richard Tomko, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

T30-16 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

Orders to Show Cause

T24-17 Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

T25-17 Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the decision as written. Vote: 5 – Yes 0 – No 2 – Abstention (Michael Carucci and Dennis Roberts abstained)

T26-17 Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the decision as written. Vote: 5 – Yes 0 – No 2 – Abstention (Michael Carucci and Dennis Roberts abstained)

T27-17 Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the decision as written. Vote: 5 – Yes 0 – No 2 – Abstention (Michael Carucci and Dennis Roberts abstained)

T28-17 Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

Advisory Opinions

A10-18 Motion was made by Dan Kaplan, and seconded by Dennis Roberts, to advise as discussed. Vote: 7 – Yes 0 – No

A20-18 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to advise as discussed. Vote: 7 – Yes 0 – No

A21-18 Motion was made by Michael Carucci, and seconded by Dan Kaplan, to advise as discussed. Vote: 7 – Yes 0 – No

A13-18 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

A16-18 Motion was made by Dan Kaplan, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

A17-18 Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

A19-18 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to adopt this Advisory Opinion as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained)

Administrative Dismissals

C16-18 This matter was on the agenda for informational purposes only.

T23-17 Motion was made by Jude Tanella, and seconded by Dennis Roberts, to administratively dismiss this matter. Vote: 7 – Yes 0 – No

T29-17 Motion was made by Dennis Robert, and seconded by Richard Tomko, to administratively dismiss this matter. Vote: 7 – Yes 0 – No

Other Business

Doctrines of Necessity Chairperson Bender acknowledged receipt of three (3) Doctrines of Necessity submitted by the Lodi Board of Education.

Nominating Committee Motion was made by Richard Tomko, and seconded by Dennis Roberts, to nominate Robert Bender as the Chairperson for the 2018-2019 term. Vote: 7 – Yes 0 - No

C08-15 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Resolution of Censure as written. Vote: 7 – Yes 0 – No

D06-17 Motion was made by Richard Tomko, and seconded by Jude Tanella, to adopt the Resolution of Removal as written. Vote: 7 – Yes 0 – No

A-557 Review This matter was on the agenda for informational purposes only.

Superior Court of NJ, Law Division, Docket #MID-L-1814-18 This matter was on the agenda for informational purposes only.

Status Update on Information Provided by a School Official Regarding Her Personal/Relative and Financial Disclosure Statements This matter was on the agenda for informational purposes only.

C09-18 This matter was on the agenda for informational purposes only.

C17-18 This matter was on the agenda for informational purposes only.

Personal/Relative and Financial Disclosure Statements and NJDOE Web Hosting Policy/Procedure Review This matter was on the agenda for informational purposes only.

12:50 p.m. Dan Kaplan departed.

Minutes

Motion was made by Richard Tomko, and seconded by Michael Carucci, to adopt the minutes of the April 24, 2018, meeting as written. Vote: 5 – Yes 0 – No 1 – Abstain (Michael Carucci abstained)

12:52 p.m. Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director