

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

JUNE 25, 2018

Chairperson Robert Bender called the meeting to order at 9:35 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 and participating via telephone were School Ethics Commission (Commission) members Michael Carucci, Michael Collins, Mark Finkelstein, Dan Kaplan, and Dennis Roberts. Chairperson Bender was in attendance and participated in person. Jude Tanella and Richard Tomko were 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 9:44 a.m.).

9:37 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 and matters involving possible litigation: C23-18; C10-18; C12-18; C15-18; A18-18, A19-18, A22-18, A23-18; A24-18; A25-18; A10-18; A20-18, A21-18, Doctrines of Necessity filed by the Wayne Township, Bayonne, Little Egg Harbor, Long Branch and Pleasantville Boards of Education; Resolution Delegating Authority to Act pursuant to N.J.A.C. 6A:28, Superior Court of NJ, Law Division, Dkt.# MID-L-1814-18; review of revised versions of Resolution on Invoking the Doctrine of Necessity, C01-18, Senate Bill S-868, Acting Commissioner of Education's decision in connection with C10-16 and C11-16, and an article regarding a Bayonne Board of Education member. Vote: 6 – Yes 0 – No

10:50 a.m. Open Session

Complaints to Review

C23-18 Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to draft a letter decision as discussed. Vote: 6 – Yes 0 – No

Decisions to Adopt as Written

C10-18 Motion was made by Dennis Roberts, and seconded by Michael Collins, to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C12-18 Motion was made by Michael Carucci, and seconded by Dan Kaplan, to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C15-18 Motion was made by Dennis Roberts, and seconded by Dan Kaplan, to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

Advisory Opinions

A18-18 Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to advise as discussed. Vote: 6 – Yes 0 – No

A19-18 Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to advise as discussed. Vote: 6 – Yes 0 – No

A22-18 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to advise as discussed. Vote: 6 – Yes 0 – No

A23-18 Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to advise as discussed. Vote: 6 – Yes 0 – No

A24-18 Motion was made by Dennis Roberts, and seconded by Michael Collins, to advise as discussed. Vote: 6 – Yes 0 – No

A25-18 Motion was made by Michael Collins, and seconded by Mark Finkelstein, to decline to advise, and communicate as discussed. Vote: 6 – Yes 0 – No

A10-18 Motion was made by Dennis Roberts, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

A20-18 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt this Advisory Opinion as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

A21-18 Motion was made by Michael Carucci, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

Other Business

Doctrines of Necessity Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Wayne Township, Bayonne, Little Egg Harbor, Long Branch and Pleasantville Boards of Education.

Resolution Delegating Authority to Act pursuant to N.J.A.C. 6A:28. Motion was made by Michael Collins, and seconded by Mark Finkelstein, to adopt the Resolution as written. Vote: 6 – Yes 0 - No

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

Resolution on Invoking the Doctrine of Necessity Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to rescind Version B of the Resolution. Vote: 6 – Yes 0 – No

Resolution on Invoking the Doctrine of Necessity A second motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to adopt Version A of the Resolution. Vote: 6 – Yes 0 – No

C01-18 Update This matter was on the agenda for informational purposes only.

S-868 (P.L.2018, c.20) This matter was on the agenda for informational purposes only.

C10-16 and C11-16 (consolidated) This matter was on the agenda for informational purposes only.

Article regarding Bayonne Board of Education Member This matter was on the agenda for informational purposes only.

Minutes

Motion was made by Dennis Roberts, and seconded by Dan Kaplan, to adopt the minutes of the May 22, 2018, meeting as written. Vote: 5 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained)

11:00 a.m. Motion was made by Michael Carucci, and seconded by Dennis Roberts, to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director