

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**AUGUST 28, 2018**

Chairperson 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 School Ethics Commission (Commission) members Michael Carucci, Mark Finkelstein, Dan Kaplan, Dennis Roberts, Jude Tanella, Richard Tomko, and Chairperson Bender. Commission member Michael Collins 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) Joan Scatton, Lauren Jensen, and Geoffrey Stark.

**9:39 a.m.** Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following complaints and matters involving possible litigation: C92-17; C06-18; C10-18; C34-18, C36-18, D01-18, D02-18, D03-18, C18-18, C22-18, C30-18, A28-18; A26-18, A27-18; C31-18; C32-18; C33-18; C41-18, Doctrines of Necessity filed by the Saddle Brook (2), Monroe Township, and Hammonton Boards of Education; C01-16, C09-15, T27-17; C20-18, Superior Court of NJ, Law Division, Dkt.# MID-L-1814-18; and C23-18. Vote: 7 – Yes 0 – No

**11:03 a.m.** Open Session

## **Complaints to Review**

**C92-17** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 7 – Yes 0 - No

**C06-18** Motion was made by Jude Tanella, and seconded by Michael Carucci, to take this matter out of abeyance. Vote: 7 – Yes 0 - No

**C06-18** Motion was made by Jude Tanella, and seconded by Michael Carucci, to draft a decision as discussed. Vote: 7 – Yes 0 - No

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

**C34-18** Motion was made by Jude Tanella, and seconded by Michael Carucci, to find the Complaint not frivolous; and to retain the matter for a hearing. Vote: 7 – Yes 0 - No

**C36-18** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 7 – Yes 0 - No

### **Orders To Show Cause**

**D01-18** Motion was made by Jude Tanella, and seconded by Dan Kaplan, to adopt and mail the Order to Show Cause as written. Vote: 7 – Yes 0 - No

**D02-18** Motion was made by Jude Tanella, and seconded by Dan Kaplan, to adopt and mail the Order to Show Cause as written. Vote: 7 – Yes 0 - No

**D03-18** Motion was made by Jude Tanella, and seconded by Dan Kaplan, to adopt and mail the Order to Show Cause as written. Vote: 7 – Yes 0 - No

### **Decisions to Adopt as Written**

**C18-18** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Michael Carucci abstained.)

**C22-18** Motion was made by Mark Finkelstein, and seconded by Jude Tanella, to adopt the decision as written. Vote: 7 – Yes 0 - No

**C30-18** Motion was made by Richard Tomko, and seconded by Dan Kaplan, to adopt and mail the Order to Show Cause as written. Vote: 7 – Yes 0 – No

### **Advisory Opinions**

**A28-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to advise as discussed. Vote: 7 – Yes 0 - No

**A26-18** Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 - No

**A27-18** Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 - No

**Administrative Dismissals**

**C31-18** This matter was on the Agenda for informational purposes only.

**C32-18** This matter was on the Agenda for informational purposes only.

**C33-18** This matter was on the Agenda for informational purposes only.

**C41-18** This matter was on the Agenda for informational purposes only.

**Other Business**

**Doctrines of Necessity** Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Saddle Brook (2), Monroe Township, and Hammonton Boards of Education.

**C01-16** This matter was on the Agenda for informational purposes only.

**C09-15** This matter was on the Agenda for informational purposes only.

**T27-17** Motion was made by Jude Tanella, and seconded by Mark Finkelstein, to adopt the Resolution of Suspension as drafted. Vote: 6 – Yes 0 – No 1 – Abstention (Dennis Roberts abstained.)

**C20-18** Motion was made by Michael Carucci, and seconded by Mark Finkelstein, to direct staff to draft correspondence granting the request to file an Amended Complaint. Vote: 7 - Yes 0 – No

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

**C23-18** This matter was on the Agenda for informational purposes only.

**Minutes**

Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the minutes of the July 24, 2018, meeting as written. Vote: 7 – Yes 0 – No

**New Business**

**October Meeting Date** Robert Bender requested that the date of the October meeting be changed to October 30, 2018. After discussion, it was determined that Director Whalen would draft a Resolution for presentation at the September meeting.

**11:17 a.m.** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adjourn. Vote: 7 – Yes 0 - No

I hereby certify that the minutes were duly adopted by the School Ethics Commission at its public meeting on September 25, 2018.

---

Kathryn A. Whalen, Director