# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

# **SEPTEMBER 25, 2018**

Chairperson Robert Bender called the meeting to order at 9:38 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 (arrived at 9:54 a.m.), Michael Collins, Dan Kaplan, Dennis Roberts, Jude Tanella (arrived at 9:45 a.m.), Richard Tomko, and Chairperson Bender. Commission member 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) Caroline Jones and Jennifer Hoff.

**9:40 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: C29-18; C35-18; C42-18; C48-18; C92-17; C06-18; C10-18; C36-18; D01-18; D02-18; D03-18; A29-18; A30-18; A28-18; C25-18; Doctrines of Necessity filed by the Deerfield Township and Hoboken Boards of Education; October 2018 Meeting Date Resolution; C34-15; C35-15; C20-18; C34-18; C38-18; and T30-16. Vote:  $5 - \text{Yes} \quad 0 - \text{No}$ 

#### 10:55 a.m. Open Session

### **Complaints to Review**

**C29-18** Motion was made by Dennis Roberts, and seconded by Dan Kaplan, to draft a decision as discussed. Vote:  $6 - \text{Yes} \quad 0 - \text{No} \quad 1 - \text{Abstention (Richard Tomko abstained)}$ 

C35-18Motion was made by Michael Collins, and seconded by Richard Tomko, to draft adecision as discussed. Vote: 7 - Yes = 0 - No

C42-18Motion was made by Dan Kaplan, and seconded by Michael Collins, to draft adecision as discussed. Vote: 6 - Yes = 0 - No = 1 - Abstention (Richard Tomko abstained)

C48-18Motion was made by Dennis Roberts, and seconded by Jude Tanella, to draft a<br/>decision as discussed. Vote: 7 - Yes = 0 - No

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

**C92-17** Motion was made by Jude Tanella, and seconded by Richard Tomko, to adopt the decision as written. Vote:  $6 - \text{Yes} \quad 0 - \text{No} \quad 1 - \text{Abstention (Michael Collins abstained)}$ 

**C06-18** Motion was made by Dan Kaplan, and seconded by Dennis Roberts, to adopt the decision as written. Vote: 6 - Yes = 0 - No = 1 - Abstention (Michael Collins abstained)

**C10-18** Motion was made by Richard Tomko, and seconded by Jude Tanella, to adopt the decision as written. Vote:  $6 - \text{Yes} \quad 0 - \text{No} \quad 1 - \text{Abstention (Michael Collins abstained)}$ 

C36-18Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adoptthe decision as written. Vote: 6 - Yes0 - No1 - Abstention (Michael Collins abstained)

#### **Orders To Show Cause**

**D01-18** Motion was made by Richard Tomko, and seconded by Jude Tanella, to adopt the decision as written. Vote: 7 - Yes = 0 - No

**D02-18** Motion was made by Richard Tomko, and seconded by Jude Tanella, to adopt the decision as written. Vote: 7 - Yes = 0 - No

**D03-18** Motion was made by Richard Tomko, and seconded by Jude Tanella, to adopt the decision as written. Vote: 7 - Yes = 0 - No

### **Advisory Opinions**

A29-18 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to advise as discussed. Vote: 7 - Yes = 0 - No

A30-18Motion was made by Michael Carucci, and seconded by Michael Collins, to adviseas discussed.Vote: 7 - Yes = 0 - No

A28-18 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 Collins abstained)

# **Administrative Dismissals**

C25-18 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 Deerfield Township and Hoboken Boards of Education.

**October 2018 Meeting Date Resolution** Motion was made by Jude Tanella, and seconded by Dan Kaplan, to adopt the Resolution as written. Vote: 7 - Yes = 0 - No

C34-15 and C35-15Motion was made by Dan Kaplan, and seconded by Michael Collins,to approve the settlement/consent order. Vote: 6 - Yes = 0 - No = 1 - Abstention (MichaelCarucci abstained)

C20-18	This matter was on the agenda for informational purposes only.
C34-18	This matter was on the agenda for informational purposes only.
C38-18	This matter was on the agenda for informational purposes only.
T30-16	This matter was on the agenda for informational purposes only.

### **Minutes**

Motion was made by Jude Tanella, and seconded by Dennis Roberts, to adopt the minutes of the August 28, 2018, meeting as written. Vote:  $6 - \text{Yes} \quad 0 - \text{No} \quad 1 - \text{Abstention}$  (Michael Collins abstained)

Motion was made by Jude Tanella, and seconded by Dennis Roberts, to adopt the minutes of the September 5, 2018, special meeting as written. Vote:  $4 - \text{Yes} \quad 0 - \text{No} \quad 3 - \text{Abstentions}$  (Michael Carucci, Michael Collins, and Dan Kaplan abstained)

### New Business

**N.J.A.C. 6A:28** The Commission was briefed on this matter by Director Whalen, who provided a brief overview of the Code amendment process and its timelines.

**11:11 a.m.** Motion was made by Michael Collins, and seconded by Dan Kaplan, to adjourn. Vote: 7 - Yes = 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director