School Ethics Commission Meeting Public Session Minutes

May 21, 2019

Chairperson Robert Bender called the meeting to order at 9:33 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 Mark Finkelstein, Dan Kaplan (via telephone), Dennis Roberts, Jude Tanella, Richard Tomko, and Chairperson Bender. Commission members Michael Carucci and Michael Collins were absent.

Also, in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, and staff member Jeannine Pizzigoni, along with Deputy Attorneys General (DAsG) Caroline Jones, Laurie Fichera and Joan Scatton.

9:35 a.m. Motion was made by Jude Tanella, 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: C70-18; C71-18; C03-19; C06-19; C07-19; C08-19; C09-19; C16-19; C15-18; C39-18; C05-19; A09-19; A10-19; A11-19; A12-19; A13-19; A08-19; C19-19; Doctrines of Necessity filed by the Jersey City (x2) and Rahway Boards of Education; presentation by the nominating committee of the name for Chairperson; adoption of Resolution with 2020 Commission meeting dates/times; C16-10; C74-17; C10-19; discussion of proposed Chapter 28 revisions; discussion of correspondence regarding the Jersey City Board of Education; and discussion of scheduling a special meeting.

Vote: $6 - Yes \quad 0 - No$

12:24 p.m. Open Session

Complaints to Review

C71-18 Motion was made by Jude Tanella, and seconded by Richard Tomko, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

C03-19 Motion was made by Dennis Roberts, and seconded by Dan Kaplan, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

C06-19 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

C07-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

C08-19 Motion was made by Jude Tanella, and seconded by Dan Kaplan, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

C09-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

C16-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote: $6 - Yes \qquad 0 - No$

Decisions to Adopt as Written

C15-18 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to adopt the decision as written.

Vote: 4 - Yes 0 - No 2 - Abstention (Mark Finkelstein and Dan Kaplan)

C39-18 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to adopt the decision as written.

Vote: 4 - Yes 0 - No 2 - Abstention (Mark Finkelstein and Dan Kaplan)

C05-19 Motion was made by Richard Tomko, and seconded by Jude Tanella, to adopt the decision as written.

Vote: 4 - Yes 0 - No 2 - Abstention (Mark Finkelstein and Dan Kaplan)

Advisory Opinions

A09-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to table this matter.

Vote: $6 - Yes \qquad 0 - No$

A10-19 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to advise as discussed.

Vote: $6 - Yes \qquad 0 - No$

A11-19 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft correspondence as discussed.

Vote: $6 - Yes \qquad 0 - No$

A12-19 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to advise as discussed.

Vote: $6 - Yes \qquad 0 - No$

A13-19 Motion was made by Jude Tanella, and seconded by Dan Kaplan, to advise as discussed.

Vote: $6 - Yes \qquad 0 - No$

A08-19 Motion was made by Dennis Roberts, and seconded by Jude Tanella, to adopt the advisory opinion as written.

Vote: 4 - Yes 0 - No 2 - Abstention (Mark Finkelstein and Dan Kaplan)

Administrative Dismissals

C19-19 This matter was on the agenda for informational purposes only.

Other Business

Doctrine of Necessity Chairperson Bender acknowledged receipt of the Doctrines of Necessity submitted by the Jersey City (x2) and Rahway Boards of Education.

Nominating Committee Motion was made by Dennis Roberts, and seconded by Jude Tanella, to nominate Robert Bender to serve as Chairperson for the 2019-2020 term.

Vote: $6 - Yes \qquad 0 - No$

2020 Meeting Dates Resolution Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to adopt the Resolution with the Commission's 2020 meeting dates/times.

Vote: $6 - Yes \quad 0 - No$

C16-10 This matter was on the agenda for informational purposes only.

C74-17 This matter was on the agenda for informational purposes only.

C10-19 This matter was on the agenda for informational purposes only.

Discussion Regarding Chapter 28 Regulations This matter was on the agenda for informational purposes only.

Discussion Regarding Letter from Jersey City School District This matter was on the agenda for informational purposes only.

Schedule a Special Meeting on June 19, 2019 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to schedule a special meeting for June 19, 2019.

Vote: $6 - Yes \qquad 0 - No$

Minutes

Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the minutes of the May 2, 2019, meeting, as written.

Vote: 4 - Yes 0 - No 2 - Abstention (Mark Finkelstein and Dan Kaplan)

C70-18 Complainant, Rodney Etheridge, and his spouse, Leslie Etheridge appeared and offered public comments to the Commission.

In Complainant's remarks, he explained his educational background, as well as the history of his employment with PCTI. Complainant also reiterated the allegations in his Complaint, including the rescinded acceptance of approximately eighteen (18) or nineteen (19) students in the Electronics Department, his transfer/reassignment to the Science Department, his inadequate "prep" time to teach three (3) courses, and the fact that all other staff members from the Electronics Department – with the exception of him - were transferred/reassigned to the same department. Complainant also explained that the students who were accepted into the Electronics Department were "distributed" to other programs, and that decisions were made to denounce the importance of the Electronics Department, and not to allow the Electronics Department to thrive and receive recognition.

In her remarks, Ms. Etheridge echoed the concerns raised by her husband, and indicated she was present to support her husband. Ms. Etheridge also reiterated her husband's love of engineering, and stated that not only should the Electronics Department continue to exist, but her husband should still be teaching courses in the Electronics Department.

12:47 p.m. Commissioner Kaplan departed.

12:47 p.m. Motion was made by Dennis Roberts, and seconded by Richard Tomko, to return to Executive Session to discuss confidential matters and to obtain legal advice regarding C70-18.

Vote: $5 - Yes \qquad 0 - No$

12:57 p.m. Motion was made by Dennis Roberts, and seconded by Jude Tanella, to return to public session.

Vote: $5 - Yes \qquad 0 - No$

Complaints to Review (Continued)

C70-18 Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to draft a decision as discussed.

Vote: $5 - Yes \qquad 0 - No$

1:03 p.m. Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adjourn.

Vote: $5 - Yes \qquad 0 - No$

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director