

School Ethics Commission Meeting Public Session Minutes

January 21, 2020

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission) 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.

I. Roll Call

Roll Call	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Present	X	X			X		X	4
Absent			X	X		X		3

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff member Jeannine Pizzigoni, and Deputy Attorney General (DAG) Jaclyn Frey.

At the start of the meeting, Chairperson Bender acknowledged the attendance of the Complainant in connection with C48-18, James Smith, and asked Complainant if he would like to offer any public comments.

9:42 a.m. In his remarks, Complainant detailed his employment background as a retired Captain for the Paterson Police Department, as well as his employment history with the Paterson Public Schools, including his duties and responsibilities. Complainant also reiterated the allegations in his Complaint, including that the Superintendent and the Board President “ordered” him to conduct the investigation; he conducted the investigation as requested; he found that Respondent attended the unauthorized conference; and then he (Complainant) was refused counsel after filing a complaint. Even though he was not provided with counsel, Complainant said he was not “going to look the other way.” Complainant also beseeched the Commission to read the summary report he submitted to the Administrative Law Judge, along with the Exceptions that he filed with the Commission. Complainant also provided the Commission with a written copy of his prepared remarks.

9:56 a.m. Mr. Smith departs.

II. Executive Session

At 9:56 a.m., a motion was made by Dennis Roberts, and seconded by Richard Tomko, to adjourn to Executive Session pursuant to the following **Resolution**:

Whereas, the Open Public Meetings Act (*N.J.S.A. 10:4-6 et seq.*) authorizes the Commission, a public body, to meet in Executive Session under certain circumstances; and

Whereas, the Open Public Meetings Act requires that the Commission adopt a Resolution at a public meeting to go into Executive Session; and

Now therefore be it resolved that, consistent with the provisions of *N.J.A.C. 10:4-12(b)*, the Commission will adjourn to executive session to discuss matters which, by statute, are regarded as confidential and also to discuss matters possibly involving litigation, specifically: C14-15 and C08-16 (Consolidated); C48-18; C45-19; C64-19; C67-19; C60-19; A21-19; A27-19; C13-18; T09-19; T10-19; T11-19; and proposed revisions to Chapter 28 regulations.

Now therefore be it further resolved that the Commission will return to open session to conduct business at the conclusion of Executive Session.

Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adjourn to Executive Session to discuss the matters set forth in the foregoing Resolution.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

III. Return to Public

At 11:37 a.m., a motion was made by Richard Tomko, and seconded by Dennis Roberts, to return to public session.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

IV. Complaints to Review

C48-18 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to table this matter until the Commission’s meeting on February 25, 2020.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

C14-15 and C08-16 (Consolidated) Motion was made by Dennis Roberts, and seconded by Michael Carucci, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

C45-19 Motion was made by Michael Carucci, and seconded by Richard Tomko, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

C64-19 Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

C67-19 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

V. Decisions to Adopt as Written

C60-19 Motion was made by Richard Tomko, and seconded by Michael Carucci, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

VI. Advisory Opinions to Adopt as Written

A21-19 (Reconsideration) Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

A27-19 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

VII. Administrative Dismissals

C13-18 This matter was on the agenda for informational purposes only.

VIII. Other Business

Adoption of Resolution of Suspension Agency Dkt. No. 306-11/19, SEC Dkt. No. T09-19

Motion was made by Richard Tomko, and seconded by Michael Carucci, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

Adoption of Resolution of Suspension Agency Dkt. No. 307-11/19, SEC Dkt. No. T10-19

Motion was made by Richard Tomko, and seconded by Michael Carucci, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

Adoption of Resolution of Suspension Agency Dkt. No. 304-11/19, SEC Dkt. No. T11-19

Motion was made by Richard Tomko, and seconded by Michael Carucci, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

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

IX. Minutes

Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the minutes of the meeting (public and executive) conducted on December 17, 2019, as written.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

X. Adjournment

At 11:41 a.m., a motion was made by Dennis Roberts, and seconded by Richard Tomko, to adjourn.

Vote

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X			X		X	4
No								0
Abstention								0

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director