# School Ethics Commission Meeting Public Session Minutes

# March 27, 2020 Special Meeting

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission) to order at 9:44 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	Х			Х	Х		Х	4
Absent		Х	Х			Х		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. Everyone in attendance at the meeting participated via telephone due to the ongoing COVID-19 pandemic.

## II. First Public Comment

At the start of the meeting, Director Whalen explained to the public (who also accessed the meeting by telephone due to the ongoing COVID-19 pandemic) how the meeting would be conducted. More specifically, it was explained that the public would be afforded the opportunity to provide public comment regarding his/her case; the Commission would then adjourn to executive session (on a different conference line); the Commission would return to public at approximately 12:00 p.m.; at that time, members of the public would be afforded another opportunity to provide public comment in connection with his/her case; and then the Commission would vote on matters pertinent to its business.

9:45 a.m. Counsel for Respondent in connection with C60-19 noted her attendance, and indicated she understood how the meeting would progress. Counsel did not offer any other public comments.

9:46 a.m. The named Respondent in C05-20 noted her attendance, and indicated that, if requested by the Commission, she could provide copies of the e-mail communications mentioned in her Answer to Complaint.

## III. Executive Session

At 9:49 a.m., the following **Resolution** was read:

*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 C60-19; C62-19, C69-19, and C70-19 (Consolidated); C63-19; C68-19; C74-19; C01-20; C05-20; C40-15, C05-16, C31-15, and C43-15 (Consolidated); C61-19; C71-19; C03-20; A05-20; A06-20; A07-20; A08-20; A01-20; A02-20; A03-20; A04-20; review information related to Sparta BOE; reminder regarding obligation to file Financial Disclosure Statements; and update on status of proposed Chapter 28 regulations; and

*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 Mark Finkelstein, and seconded by Dennis Roberts, to adjourn to Executive Session to discuss the matters set forth in the foregoing Resolution.

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

Vote

## IV. Return to Public/Second Public Comment

At **12:01 p.m.**, a motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to return to public session for the purpose of receiving public comment/testimony.

#### Vote

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

Although the public was offered the opportunity to provide public comment regarding his/her case, no one appeared.

## V. Complaints to Review

C60-19 Motion was made by Mark Finkelstein, 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	Х			Х	Х		Х	4
No								0
Abstention								0

**C62-19, C69-19, and C70-19 (Consolidated)** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft a decision as discussed.

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

C63-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

#### Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	Х		X	Х			3
No							0
Abstention						Х	1

C68-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

### Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	Х		X	Х			3
No							0
Abstention						Х	1

C74-19 Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to draft a decision as discussed.

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

**C01-20** Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to draft a decision as discussed.

#### Vote

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

**C05-20** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

### Vote

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

## VI. Decisions to Adopt as Written

C40-15, C05-16, C31-15, and C43-15 (Consolidated) Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

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

Vote

C61-19 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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	Х				Х		X	3
No								0
Abstention				Х				1

C71-19 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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	Х				Х		Х	3
No								0
Abstention				Х				1

**C03-20** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	Х			Х		Х	3
No							0
Abstention			Х				1

# VII. Advisory Opinions

A05-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft the advisory opinion as discussed.

Vote	Robert Bender		Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	Х		Х	Х		Х	4
No							0
Abstention							0

A06-20 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft the advisory opinion as discussed.

Vote

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

A07-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft the advisory opinion as discussed.

Vote

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

A08-20 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft the advisory opinion as discussed.

#### Vote

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

A01-20 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	Х				Х		Х	3
No								0
Abstention				Х				1

A02-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written.

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X				Х		Х	3
No								0
Abstention				Х				1

A03-20 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	Х				Х		X	3
No								0
Abstention				X				1

A04-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written.

Vote	Robert Bender	Michael Carucci	Michael Collins	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	Х				Х		Х	3
No								0
Abstention				Х				1

## Vote

## VIII. Other Business

**Review information regarding the Sparta Township Board of Education** This was on the agenda for informational purposes only.

**Reminder regarding obligation to file Financial Disclosure Statements by May 15, 2020** This was on the agenda for informational purposes only.

**Update on the status of the Commission's proposed Chapter 28 regulations** This was on the agenda for informational purposes only.

## IX. Minutes

Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the minutes of the meeting (public and executive) conducted on February 25, 2020, as written.

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	Х			Х		Х	3
No							0
Abstention			Х				1

Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the minutes of the special meeting (public and executive) conducted on March 17, 2020, as written.

Vote

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

## X. Adjournment

At 12:11 p.m., a motion was made by Dennis Roberts, and seconded by Richard Tomko, to adjourn.

Vote

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

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director