

## School Ethics Commission Meeting Public Session Minutes

**June 23, 2020**

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission) to order at 9:31 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***

<b>Roll Call</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Present</b>	X	X <sup>1</sup>		X	X	X	X	6
<b>Absent</b>			X					0

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff member Jeannine Pizzigoni, and Deputy Attorneys General (DAsG) David Kalinsky and 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.

9:34 a.m. Alyssa K. Weinstein, Esquire, noted her attendance, but did not offer any public statements or comments.

9:35 a.m. Regina Discenza, the named Respondent in C75-19, and the named Complainant in C04-20, noted her attendance, and informed the Commission that she is available to answer any questions from the Commission.

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<sup>1</sup> Commissioner Carucci arrived at 9:35 a.m.

9:36 a.m. Lorraine Sansone noted her attendance, but did not offer any public statements or comments.

### ***III. Agenda***

**C45-19** Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to add the matter captioned as C45-19 to the Commission's Agenda.

#### **Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

### ***IV. Executive Session***

At **9:35 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: C73-19 and C02-20 (Consolidated); C75-19; C04-20; C16-20; C72-18; C54-19; C59-19; C07-20; C11-20; C14-20; T15-19; T17-19; T19-19; T26-19; A12-20; A13-20; A14-20; A10-20; A11-20; Doctrines of Necessity submitted by the Willingboro Township and Lodi Boards of Education; continued discussion regarding communication from the Cumberland County Office of Education; adoption of Resolution Delegating Authority to Act pursuant to *N.J.A.C. 6A:28*; and C45-19; 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 Richard Tomko, and seconded by Jude A. Tanella, to adjourn to Executive Session to discuss the matters set forth in the foregoing Resolution.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>6</b>
<b>No</b>								<b>0</b>
<b>Abstention</b>								<b>0</b>

***V. 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**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>6</b>
<b>No</b>								<b>0</b>
<b>Abstention</b>								<b>0</b>

12:02 p.m. Regina Discenza, the named Respondent in C75-19, and the named Complainant in C04-20, again noted her attendance, but did not offer any public statements or comments.

12:03 p.m. Heather Garcia, the named Respondent in C16-20, noted her attendance, but did not offer any public statements or comments.

***VI. Complaints to Review***

**C73-19 and C02-20 (Consolidated)** Motion was made by Michael Carucci, and seconded by Mark Finkelstein, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C75-19** Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C04-20** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C16-20** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**VII. Decisions to Adopt as Written**

**C72-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C54-19** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C59-19** Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C07-20** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C11-20** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C14-20** Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

***Orders to Show Cause***

**T15-19** This matter was on the agenda for informational purposes only.

**T17-19** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as revised.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X			X	X	X		4
<b>No</b>								0
<b>Abstention</b>		X					X	2

**T19-19** This matter was on the agenda for informational purposes only.

**T26-19** This matter was on the agenda for informational purposes only.

***VIII. Advisory Opinions***

**A12-20** Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**A13-20** Motion was made by Richard Tomko, and seconded by Dennis Roberts, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**A14-20** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**A10-20** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the advisory opinion as written.



**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X			X	X	X	5
<b>No</b>								0
<b>Abstention</b>				X				1

**A11-20** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the advisory opinion as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**IX. Other Business**

**Doctrines of Necessity (2):** Willingboro Township Board of Education and Lodi Board of Education. This matter was on the agenda for informational purposes only.

**Continued discussion regarding communication from Cumberland County Office of Education** This matter was on the agenda for informational purposes only.

**Vote to Adopt the Resolution Delegating Authority to Act pursuant to N.J.A.C. 6A:28.**

Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the Resolution as drafted.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**X. Minutes**

Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the minutes of the meeting (public and executive) conducted on May 19, 2020, as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**XI. Adjournment**

At 12:12 p.m., a motion was made by Mark Finkelstein, and seconded by Jude A. Tanella, to adjourn.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

Submitted by:

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Jeannine Pizzigoni

Approved by:

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Kathryn A. Whalen, Director