

School Ethics Commission Meeting Public Session Minutes

January 26, 2021

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

I. Roll Call

Roll Call	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Present	X	X	X	X	X	X	6
Absent							

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff member Jeannine Pizzigoni, and Deputy Attorneys General (DAsG) Michal Czarnecki and Jaclyn Frey. Everyone in attendance at the meeting participated via telephone/video 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. Michael D'Andrea, the named Complainant in the matter docketed as C76-20, noted his attendance. Mr. D'Andrea also stated that, although the Respondent in the matter argued that the information he (Respondent) shared was public information, a member of the public attempted to obtain this same information through an Open Public Records Act (OPRA) request, but the request was denied; therefore, it is not public information.

9:35 a.m. Sonya Still, the named Complainant in the matter docketed as C49-20, noted her attendance, and informed the Commission that Respondent is continuing to exhibit the same behavior that is the subject of the Complaint. Complainant also notes that it hurts the Board when Board members have "a complete hissy fit when they don't get their way."

9:36 a.m. Debbie DeFelice, the named Complainant in the matter docketed as C75-20, noted her attendance and stated, “This is not something [she] takes lightly.” Ms. DeFelice noted that she filed an OPRA request, and briefly summarized what the OPRA request revealed.

9:38 a.m. Peter Went, a supporter of the named Complainant in the matter docketed as C49-20, noted his attendance, and stated that the Respondent in the matter is displaying “unethical behavior,” and he is continuing to “release confidential information to the public.”

9:40 a.m. Raina Pitts, Esquire, counsel for the named Respondent in the matter docketed as C39-20, noted her attendance, but did not offer any public statement/comment.

Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to add C08-14 to the Agenda.

Vote

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

III. Executive Session

At **9:42 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: C19-15 and C20-15 (Consolidated); C39-20; C52-20; C59-20; C67-20; C68-20; C69-20; C70-20; C71-20; C75-20; C76-20; C77-20; C79-20; C45-18; C45-19; C35-20; C49-20; C55-20; C56-20; C60-20; C62-20; C64-20; T01-20; T02-20; T03-20; T04-20; T05-20; T06-20; A22-20; A23-20; A01-21; A02-21; A21-20; C63-20; Doctrine of Necessity submitted by Gloucester City Board of Education; consider request to issue amended decision in connection with C44-20; adoption of Resolutions of Removal in connection with T28-19, D02-20, and D03-20; consider and vote on whether to place C51-20 in abeyance; and C08-14; 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 Dennis Roberts, and seconded by Jude A. Tanella, to adjourn to Executive Session to discuss the matters set forth in the foregoing Resolution.

Vote

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

IV. Return to Public/Second Public Comment

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

Vote

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

12:14 p.m. Anne Mucci, one of the named Respondents in the matter docketed as C45-18, noted her attendance, but did not offer any public statement/comment.

12:15 p.m. Sonya Still, the named Complainant in the matter docketed as C49-20, again noted her attendance, but did not offer any further public statement/comment.

12:16 p.m. Lisa Yourman, the named Complainant in the matter docketed as C51-20, noted her attendance, but did not offer any public statement/comment.

12:17 p.m. Michael D'Andrea, the named Complainant in the matter docketed as C76-20, again noted his attendance, but did not offer any further public statement/comment.

12:18 p.m. Mark Wenczel, Esquire, counsel for the named Respondent in the matter docketed as C52-20, noted his attendance, but did not offer any public statement/comment.

12:19 p.m. Heather Garcia, the named Complainant in the matter docketed as C56-20, noted her attendance, but did not offer any public statement/comment.

12:20 p.m. Peter Went, a supporter of the named Complainant in the matter docketed as C49-20, again noted his attendance, but did not offer any further public statement/comment.

12:21 p.m. Laurie Tietjen, the named Complainant in the matter docketed as C59-20, noted her attendance, but did not offer any public statement/comment.

12:22 p.m. Debbie DeFelice, the named Complainant in the matter docketed as C75-20, again noted her attendance, but did not offer any further public statement/comment.

12:23 p.m. Kelly Prinz, Esquire, counsel for the named Respondent in the matters docketed as C75-20, C76-20, C77-20 and C79-20, noted her attendance, but did not offer any public statement/comment.

12:24 p.m. Raina Pitts, Esquire, counsel for the named Respondent in the matter docketed as C39-20, again noted her attendance, but did not offer any further public statement/comment.

12:25 p.m. Felicia Spitz, the named Complainant in the matter docketed as C65-20, which was not on the Agenda this month, noted her attendance, but did not offer any public statement/comment.

V. Complaints to Review

C19-15 and C20-15 (Consolidated) Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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	X	X	X	X	6
No							0
Abstention							0

C39-20 Motion was made by Michael Carucci, and seconded by Jude A. Tanella, 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	X	X	X	X	6
No							0
Abstention							0

C52-20 Motion was made by Dennis Roberts, 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	X	X	X	X	6
No							0
Abstention							0

C59-20 Motion was made by Richard Tomko, 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	X	X	X	X	X	X	6
No							0
Abstention							0

C67-20 Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to draft a letter decision as discussed.

Vote

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

C68-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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	X	X	X	X	6
No							0
Abstention							0

C69-20 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	X	X	X	X	X	X	6
No							0
Abstention							0

C70-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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	X	X	X	X	6
No							0
Abstention							0

C71-20 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	X	X	X	X	X	X	6
No							0
Abstention							0

C75-20 Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to draft a letter decision as discussed.

Vote

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

¹ Commissioner Finkelstein did not participate in executive session discussion of this matter due to a legal conflict of interest.

C76-20 Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to draft a letter decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X	X	X	5
No							0
Abstention			X ²				1

C77-20 Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to draft a letter decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X	X	X	5
No							0
Abstention			X ³				1

C79-20 Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to draft a letter decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X	X	X	5
No							0
Abstention			X ⁴				1

² Commissioner Finkelstein did not participate in executive session discussion of this matter due to a legal conflict of interest.

³ Commissioner Finkelstein did not participate in executive session discussion of this matter due to a legal conflict of interest.

⁴ Commissioner Finkelstein did not participate in executive session discussion of this matter due to a legal conflict of interest.

VI. Decisions to Adopt as Written

C45-18 Motion was made by Mark Finkelstein, and seconded by Jude A. Tanella, to adopt the decision as written.

Vote

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

C45-19 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X		X	X	4
No							0
Abstention		X		X ⁵			2

C35-20 Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to adopt the decision as written.

Vote

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

⁵ Commissioner Roberts did not participate in the vote regarding this matter due to a legal conflict of interest.

C49-20 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the decision as amended.

Vote

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

C55-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

Vote

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

C56-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as amended.

Vote

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

C60-20 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

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

C62-20 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, to adopt the decision as amended.

Vote

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

C64-20 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

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

VII. Orders to Show Cause

T01-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote

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

T02-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote

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

T03-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote

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

T04-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote

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

T05-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote

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

T06-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to administratively dismiss this matter.

Vote

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

VIII. Advisory Opinions

A22-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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	X	X	X	X	6
No							0
Abstention							0

A23-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to table the advisory opinion request for further discussion.

Vote

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

A01-21 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to table the advisory opinion request for further discussion.

Vote

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

A02-21 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to table the advisory opinion request for further discussion.

Vote

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

A21-20 Motion was made by Dennis Roberts, and seconded by Richard, to adopt the advisory opinion as written.

Vote

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

IX. Administrative Dismissals

C63-20 This matter was on the agenda for informational purposes only.

X. Other Business

Doctrine of Necessity: Gloucester City Board of Education. This matter was on the agenda for informational purposes only.

C44-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the amended decision as written.

Vote

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

T28-19 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Resolution as written.

Vote

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

D02-20 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Resolution as written.

Vote

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

D03-20 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Resolution as written.

Vote

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

C51-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to place the matter in abeyance due to pending, and related, litigation.

Vote

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

C08-14 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to accept the settlement offer as presented.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X ⁶				X ⁷	2

⁶ Commissioner Carucci did not participate in executive session discussion of or the vote regarding this matter due to a legal conflict of interest.

⁷ Commissioner Tomko did not participate in executive session discussion of or the vote regarding this matter due to a legal conflict of interest.

XI. Minutes

Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on December 22, 2020.

Vote

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

XII. Adjournment

At 12:31 p.m., a motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adjourn.

Vote

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

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director