

School Ethics Commission Meeting Public Session Minutes

October 19, 2021

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission or SEC) 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	5
Absent					X		1

Also, in attendance were Salma T. Chand, Executive Director, Office of Legal Affairs and School Ethics; Jeannine Pizzigoni and Dominic Rota, staff members; and Jaclyn Frey and David Kalisky, Deputy Attorneys General (DAsG). 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, Chairperson Bender explained to the public (who also accessed the meeting by telephone/video 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. Thomas Whittles, the named Complainant in the matter docketed as C23-21, noted his attendance, and offered the following statement:

My name is Tom Whittles and I represent the Clifton Against Substance Abuse, and the City of Clifton, New Jersey, and I have filed an ethics complaint against the Clifton Board of Education Commissioner, Fahim Abedrabbo for what we look at as theft and endangerment of children. The complaint speaks for itself upon the nature of Project Graduation. In June 2021, Mr. Abedrabbo stole two entry bracelets to the Project Graduation event, gave them to a student, a graduating student and a non-graduating student, which allowed them to enter the venue without going through proper security and protocol procedures. They drove themselves to the venue, which is a violation of the rules and regulations.

Mr. Abedrabbo then admitted to this at an emergency Board meeting when after he was questioned and found out that it was him that took these bracelets. The bracelets are valued at about \$125.00 a piece, which is a total of \$250.00. But, the underlying issue is Mr. Abedrabbo admitted to this step, uh, and failed to resign his position after being called to do so. So, all he really did was resigned from his position as the Board Vice President and it's our body, the body of Clifton Against Substance Abuse, which I serve as President, our feeling is Mr. Abedrabbo was unfit to serve as a Board member and he has stolen from the taxpayers in the City of Clifton, and he endangered not only, not only, the two children that he gave the bracelets to, but every, everybody that was at the venue. Yeah, and it really, we have very, very tight security protocols for Project Graduation as we need, and we now had two students breach those security protocols with the help of Mr. Abedrabbo.

It is our position that Mr. Abedrabbo should be removed from the Board of Education. I know his attorney sent in a letter, a motion to dismiss and I believe that will be discussed today and our position is crystal clear. Our statement of facts seems on its merits. Mr. Abedrabbo admitted doing this. He admitted to creating this theft and admitted to giving these bracelets to two children that breached our security protocols. That's the statement of facts here and I would hope that the body that I am speaking to today takes that into consideration. Thank you.

Jeannine Pizzigoni, a staff member, asked Mr. Whittles if he had a written statement prepared (that would be used for the minutes). He responded, "No that was off the cuff, from the ... I've been living this process since June when it started and I will just go on to say that I've been operating Project Graduation for many years in the City of Clifton. This is the first time we've ever had to call an emergency Board meeting because of a security breach, and for a security breach to be created by a Board Commissioner, the Vice President of the Board, is disheartening at best."

9:38 a.m. Alyssa Weinstein, counsel for Respondent in the matter docketed as C15-21, noted her attendance, but did not offer any public comments/statements.

9:38 a.m. Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to add A05-21 (Request for Clarification) 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	5
No							0
Abstention							0

III. Executive Session

At **9:40 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: C56-19 and C57-19 (Consolidated); C12-21; C15-21; C17-21; C23-21; C25-21; C18-20 and C22-20 (Consolidated); C21-21; D02-21; A17-21; A05-21 (Request for Clarification); A01-19; A12-19; A01-21; A03-21; A04-21; A12-21; A13-21; C24-21; Doctrine of Necessity submitted by the Atlantic City Board of Education; C09-20; Adoption of Resolutions of Censure in connection with D05-21; D06-21; D14-21; Adoption of Resolutions of Removal in connection with D07-21; D08-21; D10-21; Adoption of Resolutions of Suspension in connection with T06-21; T12-21; T15-21 and update on the status of 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

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							0

IV. Return to Public/Second Public Comment

At **12:53 p.m.**, a motion was made by Dennis Roberts, and seconded by Richard Tomko, to return to public session for the purpose of receiving public comment/testimony, and to vote on matters discussed in Executive Session (as appropriate).

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							0

12:53 p.m. Thomas Whittles, the named Complainant in the matter docketed as C23-21, again noted his attendance, and stated that he finds the process very interesting and thanked the Commission for their service.

V. Complaints to Review

C56-19 and C57-19 (Consolidated) 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	5
No							0
Abstention							0

C12-21 Motion was made by Richard Tomko, and seconded by Dennis Roberts, 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	5
No							0
Abstention							0

C15-21 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	5
No							0
Abstention							0

C17-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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	4
No							0
Abstention			X ¹				1

C23-21 Motion was made by Richard Tomko, and seconded by Michael Carucci, 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	5
No							0
Abstention							0

C25-21 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	5
No							0
Abstention							0

¹ 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

C18-20 and C22-20 (Consolidated) Motion was made by Dennis Roberts, 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			3
No							0
Abstention		X				X	2

C21-21 Motion was made by Dennis Roberts, 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			3
No							0
Abstention		X				X	2

D05-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein²	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

² Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

D06-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein³	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

D07-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein⁴	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

D08-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein⁵	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

³ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

⁴ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

⁵ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

D10-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein⁶	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

D14-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein⁷	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

T06-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein⁸	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

⁶ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

⁷ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

⁸ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

T12-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein⁹	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

T15-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the Resolution as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein¹⁰	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

VII. Orders to Show Cause

D. 2021 Personal/Relative and Financial Disclosure Statements

D02-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as amended.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein¹¹	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

⁹ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

¹⁰ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

¹¹ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

VIII. Advisory Opinions

A17-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein¹²	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

A05-21 (Request for Clarification) Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft correspondence as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein¹³	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X		X	4
No							0
Abstention							0

A01-19 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

A12-19 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

A01-21 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

A03-21 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

¹² Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

¹³ Commissioner Finkelstein was having technical difficulties and was unable to cast his vote.

A04-21 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

A12-21 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

A13-21 This advisory opinion was on the agenda to make public only. The Commission did not have a sufficient number of Commissioners present to make the advisory opinion public and, therefore, no action was taken.

IX. Administrative Dismissals

C24-21 This matter was on the agenda for informational purposes only.

X. Other Business

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

C09-20 This matter was on the agenda for informational purposes only.

Update on the status of Chapter 28 regulations. This matter was on the agenda for informational purposes only.

XI. Minutes

Motion was made by Dennis Roberts, and seconded by Robert Bender, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on September 21, 2021.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X ¹⁴	X			3
No							0
Abstention		X				X	3

1:08 p.m. Chairperson Bender welcomed new staff member Dominic Rota to the Commission's staff.

¹⁴ At approximately 1:07 p.m. Commissioner Finkelstein returned to public session.

XII. Adjournment

At 1:08 p.m., a motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adjourn.

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							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Salma T. Chand, Executive Director