

School Ethics Commission Meeting Public Session Minutes

November 16, 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		4
Absent			X			X	2

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, Deputy Attorney General (DAG). 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.

9:36 a.m. Regina Discenza, an interested party, noted her attendance and stated she is listening because she has time, she does not have a case on the agenda.

9:36 a.m. Robert Stickel, an interested party in the matter docketed as C31-21, noted his attendance, and stated the Complaint should move forward.

9:37 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.

9:37 a.m. Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to add the matters docketed as T18-21 and T21-21 to the agenda.

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							0

III. Executive Session

At **9:37 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); C26-21; C27-21; C28-21; C31-21; C32-21; C35-21; C37-21; C56-19 and C57-19 (Consolidated); C12-21; C15-21; C17-21; C23-21; C25-21; A18-21; A19-21; A01-19; A12-19; A01-21; A03-21; A04-21; A12-21; A13-21; Doctrine of Necessity submitted by the Woodbridge Township Board of Education; Adoption of Resolutions of Removal in connection with T09-20; T13-21; T18-21; T20-21; T21-21; T23-21; T31-21; T32-21; T33-21; T36-21; and Corrected Commissioner decision in connection with T39-21; 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		4
No							0
Abstention							0

IV. Return to Public/Second Public Comment

At **12:20 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, 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		4
No							0
Abstention							0

12:21 p.m. Regina Discenzo, an interested party, again noted her attendance, but did not offer any public comments/statements.

12:21 p.m. Robert Stickel, an interested party in the matter docketed as C31-21, again noted his attendance, but did not offer any public comments/statements.

12:21 p.m. Alyssa Weinstein, counsel for Respondent in the matter docketed as C15-21, again noted her attendance, but did not offer any public comments/statements.

12:22 p.m. Heather Henry, Complainant in the matter docketed as C31-21, noted her attendance, but did not offer any public comments/statements.

12:22 p.m. Jeff Merlino, counsel for Respondent in the matter docketed as C31-21, noted his attendance, but did not offer any public comments/statements.

V. Complaints to Review

C19-15 and C20-15 (Consolidated) 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							0

C26-21 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		4
No							0
Abstention							0

C27-21 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		4
No							0
Abstention							0

C28-21 Motion was made by Jude A. Tanella, 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		4
No							0
Abstention							0

C31-21 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		4
No							0
Abstention							0

C32-21 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			3
No							0
Abstention					X ¹		1

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

C35-21 Motion was made by Jude A. Tanella, 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							0

C37-21 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		4
No							0
Abstention							0

VI. Decisions to Adopt as Written

C56-19 and C57-19 (Consolidated) Motion was made by Michael Carucci, and seconded by Dennis Roberts, 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			3
No							0
Abstention					X		1

C12-21 Motion was made by Michael Carucci, and seconded by Dennis Roberts, to table this matter.

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		1

C15-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as amended.

Vote

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

C17-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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		1

C23-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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		1

C25-21 Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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		1

VIII. Advisory Opinions

A18-21 This matter was on the agenda for informational purposes only. Board counsel withdrew the matter due to a change in employment

A19-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft correspondence 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							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.

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. Other Business

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

Adoption of Resolution of Removal in connection with T09-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T13-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T18-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T20-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T21-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T23-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T31-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T32-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T33-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Adoption of Resolution of Removal in connection with T36-21 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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		4
No							0
Abstention							0

Corrected Commissioner decision in connection with T39-21 This matter was on the agenda for informational purposes only.

XI. Minutes

Motion was made by Michael Carucci, and seconded by Dennis Roberts, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on October 19, 2021.

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		1

12:31 p.m. Chairperson Bender welcomed new staff member Dominic Rota to the Commission's staff.

XII. Adjournment

At 12:33 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		4
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Salma T. Chand, Executive Director