

School Ethics Commission Meeting Public Session Minutes

December 14, 2021

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission or SEC) to order at 9:34 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, 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, Chairperson Bender 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.

9:37 a.m. Debra Maida, Complainant in the matter docketed as C38-21, noted her attendance, stated she is just listening and thanked the Commission.

9:37 a.m. Mark DiIunno, Complainant in the matter C45-18, which was not on the Commission's agenda, noted his attendance, and stated he does not understand why the matter is taking so long. Executive Director Chand and Chairperson Bender explained the matter is currently at the Office of Administrative Law, and the status of the matter is unknown to the Commission.

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: C28-20; C36-21; C38-21; C40-21; C41-21; C42-21; C19-15 and C20-15 (Consolidated); C12-21; C26-21; C27-21; C28-21; C31-21; C32-21; C35-21; C37-21; A20-21; A01-19; A12-19; A21-20; A01-21; A03-21; A04-21; A12-21; A13-21; A16-21; A19-21; C39-21; C42-21; 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 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	5
No							0
Abstention							0

IV. Return to Public/Second Public Comment

At **12:04 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	X	5
No							0
Abstention							0

12:04 p.m. Frank Cavallo, counsel for Respondent in the matter docketed as C38-21, noted his attendance, but did not offer any public comments/statements.

12:04 p.m. Debra Maida, Complainant in the matter docketed as C38-21, again noted her attendance, but did not offer any public comments/statements.

V. Complaints to Review

C28-20 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	5
No							0
Abstention							0

C36-21 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	X	5
No							0
Abstention							0

C38-21 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	X	5
No							0
Abstention							0

C40-21 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

C41-21 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	4
No							0
Abstention					X ¹		1

C42-21 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	X	X	X	5
No							0
Abstention							

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

VI. Decisions to Adopt as Written

C19-15 and C20-15 (Consolidated) 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		3
No							0
Abstention			X			X	2

C12-21 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		3
No							0
Abstention			X			X	2

C26-21 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		3
No							0
Abstention			X			X	2

C27-21 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		3
No							0
Abstention			X			X	2

C28-21 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		3
No							0
Abstention			X			X	2

C31-21 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		3
No							0
Abstention			X			X	2

C32-21 Motion was made by Dennis Roberts, and seconded by Robert Bender, to table the matter.

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

C35-21 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		3
No							0
Abstention			X			X	2

C37-21 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		3
No							0
Abstention			X			X	2

VII. Advisory Opinions

A20-21 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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							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.

A21-20 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.

A19-21 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.

VIII. Administrative Dismissals

C39-21 This matter was on the agenda for informational purposes only.

C43-21 This matter was on the agenda for informational purposes only.

IX. Other Business

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

X. Minutes

Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on November 16, 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			X	2

XI. Adjournment

At 12:11 p.m., a motion was made by Jude A. Tanella, 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