

School Ethics Commission Meeting Public Session Minutes

March 23, 2021

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission) 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 Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff member Jeannine Pizzigoni, and Deputy Attorneys General (DAsG) Jaclyn Frey and Hasibul Haque. 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.

There were not any members of the public in attendance.

Motion was made by Richard Tomko, and seconded by Jude A. Tanella, to add the matters T01-21, T02-21, T03-21, and T05-21 to the agenda.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X	X	X	5
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: C71-18; C56-20; C62-20; C68-20; C69-20; C70-20; C71-20; C65-20; C72-20; C74-20; C78-20; C81-20; C84-20; A22-20; A05-21; A06-21; A07-21; A08-21; Undocketed (Avon-By-the-Sea); A23-20; A01-21; A02-21; A03-21; A04-21; C66-19; C47-20; C82-20; C67-19; consider and vote on whether to submit draft Chapter 28 regulations to the State Board of Education; consider formation of monthly advisory opinion committees; T01-21; T02-21; T03-21; and T05-21; 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	X	5
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 Richard Tomko, 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	5
No							0
Abstention							0

12:12 p.m. Deborah Bronfeld, one of the named Respondents in the matter docketed as C65-20, noted her attendance, and inquired when she would receive information regarding the outcome of the matter. Director Whalen advised Ms. Bronfeld she would receive information at the conclusion of the meeting.

V. Complaints to Review

C71-18 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

C56-20 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	5
No							0
Abstention							0

C62-20 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	5
No							0
Abstention							0

C68-20 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

C69-20 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	5
No							0
Abstention							0

C70-20 Motion was made by Jude A. Tanella, 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

C71-20 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	5
No							0
Abstention							0

VI. Decisions to Adopt as Written

C65-20 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							0

C72-20 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							0

C74-20 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							0

C78-20 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							0

C81-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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							0

C84-20 Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, 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							0

VII. Advisory Opinions

A05-21 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	5
No							0
Abstention							0

A06-21 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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	5
No							0
Abstention							0

A07-21 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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	5
No							0
Abstention							0

A08-21 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	5
No							0
Abstention							0

Undocketed (Avon-By-The-Sea) Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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	X	5
No							0
Abstention							0

A22-20 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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

A23-20 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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

A01-21 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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

A02-21 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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

A03-21 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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

A04-21 Motion was made by Jude A. Tanella, and seconded by Richard Tomko, 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

VIII. Administrative Dismissals

C66-19 This matter was on the agenda for informational purposes only.

C47-20 This matter was on the agenda for informational purposes only.

C82-20 This matter was on the agenda for informational purposes only.

IX. Other Business

Doctrine of Necessity: None.

C67-19 This matter was on the agenda for informational purposes only.

Consider and vote on whether to submit the draft Chapter 28 regulations to the State Board of Education Motion was made by Michael Carucci, and seconded by Richard Tomko, to submit the regulations as written, subject to technical edits from the State Board of Education and/or Attorney General’s Office.

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

Consider formation of monthly advisory opinion committees Motion was made by Dennis Roberts, and seconded by Richard Tomko, to form monthly committees.

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

T01-21 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	X	5
No							0
Abstention							0

T02-21 Motion was made by Richard Tomko, 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	X	5
No							0
Abstention							0

T03-21 Motion was made by Richard Tomko, 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	X	5
No							0
Abstention							0

T05-21 Motion was made by Richard Tomko, 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	X	5
No							0
Abstention							0

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 February 23, 2021.

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

XI. Adjournment

At 12:22 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	5
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director