

School Ethics Commission Special Meeting Public Session Minutes

June 15, 2021

Chairperson Robert Bender called the special meeting of the School Ethics Commission (Commission or SEC) to order at 1:02 p.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 ¹	X	X	X	X	6
Absent							0

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance; Jeannine Pizzigoni, staff member; 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, 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 3:00 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.

1:03 p.m. Sarah Aziz, the named Complainant in the matter docketed as C03-21, noted her attendance, but did not offer any public comments/statements.

III. Executive Session

At **1:04 p.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

¹ Commission member Carucci arrived at 1:12 p.m.

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: C72-19; C03-21; C04-21; C07-21; C09-21; A22-20 (*Request for Clarification*); Doctrine of Necessity submitted by the Little Egg Harbor Board of Education; update on the status of Chapter 28 regulations; and adoption of Resolution Delegating Authority to Act pursuant to *N.J.A.C.* 6A:28; 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 Richard Tomko, 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 **2:49 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	X	6
No							0
Abstention							0

No one from the public appeared for the second public comment portion of the Commission's meeting.

V. Complaints to Review

C72-19 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

C03-21 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	X	6
No							0
Abstention							0

C04-21 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	X	6
No							0
Abstention							0

C07-21 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

C09-21 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	X	X	6
No							0
Abstention							0

VI. Advisory Opinions

A22-20 (*Request for Clarification*) Motion was made by Mark Finkelstein, and seconded by Jude A. Tanella, 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	X	6
No							0
Abstention							0

VII. Other Business

Doctrine of Necessity: Little Egg Harbor Board of Education. 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.

Vote on the adoption of Resolution Delegating Authority to Act Pursuant to N.J.A.C. 6A:28. 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	X	6
No							0
Abstention							0

VIII. Minutes

Motion was made by Mark Finkelstein, and seconded by Jude A. Tanella, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on May 25, 2021.

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	2

IX. Adjournment

At 2:53 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	X	6
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director