

## School Ethics Commission Meeting Public Session Minutes

September 21, 2021

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission or SEC) to order at 9:38 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, 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, 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.

**9:38 a.m.** Anthony DePasquale, the named Complainant in the matter docketed as C21-21, noted his attendance, but did not offer any comments/statements.

### *III. Executive Session*

At **9:38 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: C18-20 and C22-20 (Consolidated); C21-21; C29-21; C30-21; C04-21; C09-21; C10-21; C16-21; C18-21; C19-21; C22-21; T08 -21; T17-21; D02-21; A16-21; A01-19; A12-19; A01-21; A03-21; A04-21; A12-21; A13-21; T07-21; T14-21; Doctrine of Necessity submitted by the Little Egg Harbor Board of Education; consider whether to grant Complainant's request to amend Complaint in connection with C26-21; 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**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

#### ***IV. Return to Public/Second Public Comment***

At **12:01 p.m.**, a motion was made by Mark Finkelstein, 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**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

**12:01 p.m.** Anthony DePasquale, the named Complainant in the matter docketed as C21-21, again noted his attendance, but did not offer any comments/statements.

**12:01 p.m.** Commissioner Roberts welcomed the new Executive Director to the School Ethics Commission and noted that the former Director would be missed.

***V. Complaints to Review***

**C18-20 and C22-20 (Consolidated)** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

**C21-21** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

**C29-21** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, to draft a letter decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

**C30-21** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a letter decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

**VI. Decisions to Adopt as Written**

**C04-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**C09-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**C10-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**C16-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**C18-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**C19-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**C22-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the decision as written.

**Vote**

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

**VII. Orders to Show Cause**

***C. Training – Charter School Trustees***

**T08-21** Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to adopt the decision as amended.

**Vote**

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

**T17-21** Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to adopt the decision as amended.

**Vote**

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

***D. 2021 Personal/Relative and Financial Disclosure Statements***

**D02-21** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to place this matter in abeyance until the next meeting.

**Vote**

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

***VIII. Advisory Opinions***

**A16-21** Motion was made by Mark Finkelstein, and seconded by Jude A. Tanella, to adopt the advisory opinion as amended.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							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. Administrative Dismissals***

**T11-20** This matter was on the agenda for informational purposes only.

**T07-21** This matter was on the agenda for informational purposes only.

**T14-21** This matter was on the agenda for informational purposes only.

#### ***X. Other Business***

**Doctrines of Necessity:** Little Egg Harbor Board of Education. This matter was on the agenda for informational purposes only.

**In connection with C26-21, consider whether to grant Complainant's request to amend Complaint.** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft correspondence as discussed.

#### **Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0



**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 Jude A. Tanella, to adopt the minutes of the special meeting (public and executive) conducted on August 30, 2021.

**Vote**

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

**12:11 p.m.** Chairperson Bender thanked the staff for their work during this transitional period.

***XII. Adjournment***

At 12:12 p.m., a motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adjourn.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X		4
<b>No</b>							0
<b>Abstention</b>							0

Submitted by:

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Jeannine Pizzigoni

Approved by:

*Salma T. Chand*

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Salma T. Chand, Executive Director