

## **School Ethics Commission Meeting Public Session Minutes**

**September 14, 2022**

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

Notice of the special 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***

<b>Roll Call</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Present</b>	X		X	X	X	X	X	6
<b>Absent</b>		X						1

Also, in attendance were Kathryn Whalen, Esquire, Director, Office of Legal Affairs and School Ethics; Jeannine Pizzigoni, staff member; and Jaclyn Frey and Carolyn Labin, Deputy Attorneys General (DAsG). Everyone in attendance at the meeting participated via telephone/video.

### ***II. First Public Comment***

At the start of the meeting, Chairperson Bender explained to the public (who also accessed the meeting by telephone/video) 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.

Director Whalen also advised the public as follows: individuals wishing to provide public comments/statements during First and Second Public Comment must be speaking about matters on the Commission's agenda; anyone wishing to provide public comments/statements about a matter not on the agenda should reserve their public comments/statements for New Business; anyone offering public comments/statements about a matter on the agenda is asked not to relitigate the merits of their case as the Commission's review of matters is limited to the written submissions; and everyone in attendance is asked to exercise an appropriate degree of decorum as this is a public forum.

**9:44 a.m.** Steven Riback, resident of Monroe Township, N.J., former Monroe Township School District Board of Education member and concerned citizen in the matter docketed as C56-22, noted his attendance and offered a statement summarized as follows:

OK, this is Steven Riback. I'm here to speak on C 56-22. I'm a, I'm a resident of Monroe Township and former Board of Ed member there. I don't think any BOE member should retaliate against citizens who file ethics charges or speak out against them falsely.

Linking a member of the public to a known hate group is dangerous and that is forced to deal feelings in the community, emboldens hate groups, makes the Board, we look bad by showing disregard for the Code of Ethics, and discourages citizens from practicing free speech, which is their right. It also endangers the children of the citizens being retaliated against by these board members, by exposing them to such hate, I encourage the SEC to find against these board members and use this decision to show that lying and encouraging hate against minorities or any group is not tolerated. Thank you.

**9:44 a.m.** Jean Tubley, concerned citizen from Hunterdon Central Regional School District in a recent matter docketed as C46-22, noted her attendance and offered a statement summarized as follows:

Hello, I pressed. Yeah, I'm calling about the recent decision by the board on Hunterdon Central Regional High School Board member in relation to wearing a mask that had a definite, a political message on it, and I really think that we need to have board members be a little bit more without taking sides publicly with messages. I mean, it'd be like a member of the public wearing a, a shirt with a message on it. I think we need more of our board members to show less of, less particularity when they come to a specific board meeting. I think the decision allowing that mask with a political message was wrong, and I'm calling to express my dissatisfaction with that kind of decision.

I also think that you should know the way we have to get on this thing, on this call could be a little less oppressive. And if you, it feels like an inquisition when you're calling in that you have to give your phone number, you have to, It seems excessive. I've been to other meetings of the state commissions and none of them seem to be held in quite this oppressive manner. Thank you very much for listening.

**9:45 a.m.** Mary Ann Moretti, one of the Complainants in the matters docketed as C58-22, C59-22, C60-22 and C61-22 (Consolidated), noted her attendance and offered a statement summarized as follows:

OK, good. I just would like to speak out and encourage the SEC this morning to really consider the matter. This is a matter that has been ongoing for over two years regarding my child and a HIB appeal against the school district has been impeding, that appeal has caused, Umm, a deprivation of our child's right to a non-hostile, safe, secure learning environment. The school district has complied with orders of the Commissioner to resolve this. This has been ongoing and because of the seriousness of the matter and the ongoing harm to the child and his educational welfare, as well as emotional welfare, Umm, my husband and myself encourage the Commission to please consider what has been ongoing for two years and the harm basically to a child, was the innocent victim here, while the school district continues by parents and litigation, the school district has also taken other retaliatory actions that have caused harm, not only to the child, but for our entire family. This has deprived our child of his right to his education. And, again, we just encourage that the, the Commission take a very close look at what has been going on and what is happening to this child and not dismiss these complaints. And thank you for the opportunity to speak.

**9:48 a. m.** Sarah Aziz, Complainant in the matter docketed as C56-22, noted her attendance, and offered a statement as follows:

My name is Sarah Aziz. I live in Monroe Township. Regarding case C56-22, board members should not be allowed to use their public office to retaliate against community members who file ethics complaints against them. It is especially egregious when board members, in their official capacity as board members, legitimize false information obtained from hate groups to attack complainants who belong to vulnerable minority groups. The specific hate group involved in case C56-22 has been referenced by white supremacists to justify mass murder and hate crimes. If this ethics complaint gets dismissed, board members will feel emboldened to legitimize other hate groups, like the KKK, to attack black people, Jewish people, or any other vulnerable minority. According to the NJ attorney general's office, there was a 29% rise in hate crimes last year and the recent actions of board members could contribute to this rise. Board members should be role models for our children. When prominent board members participate in this type of behavior on social media, it shows children that this type of behavior is acceptable and tolerated, particularly when there are no consequences for it. Board members who exhibit this behavior cannot be entrusted to make sound decisions for the educational welfare of our children nor should they be in charge of the safety of our children.

Finally, people who file ethics complaints against powerful board members normally lack legal representation when they are up against the professional taxpayer-funded attorneys who represent board members. Complainants already take some risk and this risk becomes exponentially greater when board members use their position to retaliate against them, especially if complainants are members of vulnerable minority groups. If this behavior is not penalized, there could be an "open season" on complainants that would lead to even more abuses of power and violations of the School Ethics Act.

**9:50 a.m.** Angela Guerrero, counsel on behalf of Respondents in the matters docketed as C51-22, C58-22, C59-22, C60-22 and C61-22 (Consolidated) and C68-22, noted her attendance, but did not offer any public comments/statements.

**9:51 a.m.** Brian Fabiano, interested party in the matter docketed as C56-22, noted his attendance and offered a statement summarized as follows:

... I came this morning with two comments that I wanted to bring forward to the Commission. The first being uh, I noticed in a number of cases that have been listed on the Commission's website that there have been references within the Commission's, Uh, Findings to public, Uh, comments that are not in the public comment minutes that have been released.

So. I would just caution the Commission that if you are referencing public comments to a particular case and make reference of that in your decision or whatever you call it that you get, you post about the case that it actually ties back to the meeting minutes because there have been a number of recent Monroe Township cases where you reference public, Umm, comment on the cases, but those comments cannot be found in the Minutes, which I find a little bit peculiar.

Uh, the second piece is you start this call off by saying that this is not a place to litigate cases. And you and, and, that public comments are not, but the, if I hear this right, are not

taken into consideration in the merits of the case, but then you specifically ask callers to reference case numbers, which kind of sounds like an oxymoron. If you're not really interested in using that information in your decision or findings. So, I'm kind of I guess interested and I don't know that I'll have my answer, my question answered here, but I will pursue it with the Commission to get an answer at another time. Why you ask callers to or, you know, public speakers to reference case numbers when that information isn't, it doesn't hold any bearings on the merits of, of, of the details of, of a case. And then the last thing that I would offer, well, go ahead.

In response to Mr. Fabiano's statement, Chairperson Bender offered the following:

Yeah, this is a Mr. Bender, the Chair of the Commission. I can tell you I'm sitting in my office right now, which is my in my house and my, my table is full of papers that I've reviewed and made comments on and so on. So, when a person calls in and I'm here listening on the phone, it makes it very easy for me if someone reports that case, I can then go right to my papers right there and look at my notes. That's why I do that. And you know, today it is very difficult in operating meetings when you can't meet face to face and it's very difficult, I'm sure, for the people that are listening on the phone to, to follow through and, and, and, and follow the cases and so on. But we are trying to do the best we can since COVID hit that we have not been able to meet face to face in in Trenton, which we normally do. So, these are unusual circumstances as well. So, when we, when, I, I, I can just.

Mr. Fabiano interjected:

No, no, most, most, most definitely. But I know that these. Yeah, go ahead.

Chairperson Bender continued:

But, I, I can just tell you personally that when I asked for that, it's basically for me in organization to be able to go to that group of papers, which I have spread out here on my on my desk to be able to go into that, look into my notes so that I can reference that with comments that you might be making. That's all I do. There is not to be any way to be nefarious. It's just to be to be organizational for me.

Mr. Fabiano continued:

Sure, sure, sure. No. And, and I, and I, and I respect that comment. I just think that public comments pertaining to certain cases, you know, should be in the minutes if they're referenced in cases. And moreover, you know the, the Commission keeps these things in confidentiality until cases happen. So, I believe that from some complainant's perspective, they're at an unfair advantage if they keep their case confidential versus others that, others that try to politicize them and have 15 people show up to talk about a case where the Commission clearly says that the public comments don't have any bearing on the case. So, just one thing to be to, to be, do to consider, you know, for the Commission.

And then my last comment would be this. I did read a case recently where the Commission, regarding a case in Monroe Township, you are familiar with a number of cases that have been brought in Monroe Township. A number of them that have moved on to the Office of Administrative Law for probable cause which, which we take serious

as community members and I know that the Commission does as well. I think it's the, I'm not sure I have the right word, but I think it's a little. Maybe, I, something not respectful to the complainants who, who, who bring legitimate complaints to the SEC for review, you know, based on, on, on the Commission's existence and the Department of Education's guidance when there are concerns to use this Commission, I think the Commission should be cautious of the language they use in some of these decisions. I did see a decision last month that was dismissed where the Commission referred to the case as a way to settle the score in Monroe Township. I think that is, is, is language that the Commission treads a very fine line on in suppressing other citizens who may have legitimate concerns, who are not represented by attorneys who are unguided, and, and use this process that is, is very in depth for a layman person and I think for the Commission to make an arbitrary statement that says a complaint is just a, another, you know, it is a complaint to settle a score without actually looking at the totality of, of what's happening in the Township, the level of concern that's being brought to the Commission could suppress legitimate concerns from, from taxpayers and community members and I, and I would just caution the, the Commission to use that type of language because it could be taken the wrong way and things may not be addressed properly. Thank you.

### ***III. Executive Session***

At 9:58 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: C13-19; C22-22; C24-22; C49-22; C51-22; C55-22; C56-22; C58-22, C59-22, C60-22, and C61-22 (Consolidated); C64-22; C68-22; T36-21; C35-20; C39-22; D01-22; D03-22; D07-22; D08-22; D09-22; T01-22 through T05-22; A12-22; A14-22; A15-22; C72-22; D02-22; D04-22; D05-22; D06-22; D10-22; discussion of 2022 New Jersey School Boards Association (NJSBA) Workshop topic, *School Ethics: What's New and What's Next*; 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 Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

***IV. Return to Public***

At **12:35 p.m.**, a motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

***V. Complaints to Review***

**C13-19** 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C22-22** 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C24-22** Motion was made by Jude A. Tanella, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C49-22** Motion was made by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X		X	X	X	5
<b>No</b>								0
<b>Abstention</b>				X <sup>1</sup>				1

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<sup>1</sup> Commissioner Roberts did not participate in the executive session discussion due to a conflict of interest and, therefore, did not participate in the vote related to this matter.

**C51-22** Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C55-22** Motion was made by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C56-22** 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0



**C58-22, C59-22, C60-22, and C61-22 (Consolidated)** Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C64-22** 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**C68-22** Motion was made by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

## Orders to Show Cause

**T36-21** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the Order to Show Cause as written, and to mail it.

### Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X	X	X	6
No								0
Abstention								0

## VI. Decisions to Adopt as Written

**C35-20** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, to adopt the decision as written.

### Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Jude A. Tanella	Richard Tomko	Total
Yes	X		X		X	X	X	5
No								0
Abstention				X <sup>2</sup>				1

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<sup>2</sup> Commissioner Roberts was not present during the time the Commission discussed this matter at the August 23, 2022, meeting.

**C39-22** Motion was made by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**Orders to Show Cause**

**D01-22** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**D03-22** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**D07-22** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**D08-22** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**D09-22** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**T01-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**T02-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**T03-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**T04-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**T05-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

***VII. Advisory Opinions***

**A12-22** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to table the advisory opinion for further review and discussion. Prior to the vote, Chairperson Bender acknowledged the importance of the subject of the advisory opinion, and indicated that the Commission needed additional time to discuss and deliberate an appropriate advisory opinion.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**A14-22 (Response to Request for More Information)** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the advisory opinion as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

**A15-22** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the advisory opinion as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

***VIII. Administrative Dismissals***

- C72-22** This matter was on the agenda for informational purposes only.
- D02-22** This matter was on the agenda for informational purposes only.
- D04-22** This matter was on the agenda for informational purposes only.
- D05-22** This matter was on the agenda for informational purposes only.
- D06-22** This matter was on the agenda for informational purposes only.
- D10-22** This matter was on the agenda for informational purposes only.

## ***IX. Other Business***

### **Discussion of 2022 NJSBA Workshop Topic, School Ethics: What's New, and What's Next**

Director Whalen advised that members of the Commission would be presenting at the NJSBA Workshop on Tuesday, October 25, 2022, at 10:00 a.m.

### **Update on the status of Chapter 28 regulations**

Director Whalen advised that the proposed Chapter 28 regulations were still in the “comment-response” period, which was set to expire on September 16, 2022, and that additional information would be discussed at future meetings.

## ***X. Minutes***

Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on August 23, 2022.

### **Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

## ***XI. Second Public Comment***

Members of the public in attendance at the meeting were again invited to offer public comment/statements regarding any matter on the Commission's Agenda.

**12:45 p.m.** Chairperson Bender Chairperson Bender acknowledged that DAG Frey will be leaving the Commission and DAG Labin will be replacing her, and offered a statement as follows:

We know that there are big shoes to fill, and we know that you'll be able to do a, a very, will be very good in that task again, as another lawyer that will be assisting our Commission. So again, thank you, Jackie and, and welcome, Carolyn.

To those in the public can hear this, that the cases that you see in front of you have taken hours and hours of a lot, of deliberation and consultation and discussion with our staff and our Commission, and this is done with a very, very limited number of people that work on a regular basis at the State level. The rest of the Commissioners are all volunteers. Again, to further the education in this State. We have to remember too that education is certainly, the bottom line is what is best for our children of our State. So, we'd like to commend the, the staff for their hard work on behalf of many, many issues



that are now presented before the State and our Commission, and again to the members of our Commission. Thank you for your service to our State.

**12:48 p.m.** Mary Ann Moretti, one of the Complainants in the matters docketed as C58-22, C59-22, C60-22, and C61-22 (Consolidated), once again notes her attendance and stated that she will not be offering comments this time; however, her husband would like to offer a public statement.

**12:48 p.m.** Sarah Aziz, Complainant in the matter docketed as C56-22, again noted her attendance, but did not offer any further comments/statements.

**12:48 p.m.** William Moretti, one of the Complainants in the matters docketed as C58-22, C59-22, C60-22, and C61-22 (Consolidated), noted his attendance and offered a statement summarized as follows:

Alright, good afternoon myself, William Moretti and my wife, Mary Ann, are complainants and also parents of a child significant significantly affected by the unethical acts and behaviors of the school board of in Lafayette Township.

Director Whalen asks Mr. Moretti, to pause for a moment so that she can mute the other callers because there is a lot of feedback on the call and it is very difficult to understand him. She requests that Mr. Moretti unmute himself after she mutes all of the caller so that he can proceed without interruption.

Mr. Moretti continues:

Great, thanks. No problem myself, William Moretti and my wife, Marianne, are Complainants and also parents of a child significantly affected by the unethical acts and behaviors of the school board in Lafayette Township. My wife spoke at the earlier comment session. I was unable to attend this morning due to work. I would like to add to my wife's comments on Complaints C58-22, C59-22, C60-22 and C61-22 Consolidated.

The school board in this matter has been using teams of attorneys to suppress evidence for an HIB appeal for over 2 years, preventing a vulnerable, fearful child of accessing his education rather than use the evidence to fairly determine the events and ensure the safety of a child in their district without discrimination. They have been ordered to provide copies of the evidence in litigation, yet still refuse, continuing to appease application of school laws and continuing the educational and other harm to our child. Schools should not be allowed to use taxpayer funded attorneys to discriminate against the child in favor of others and skirt the laws our child has the right to be protected by New Jersey harassment, intimidation and bullying statutes, and the right to a safe, secure, non-hostile learning environment. Allowing this is exactly counter to hook Governor Murphy's most recent update to the Anti-bullying Bill of Rights, specifically not to allow school districts to suppress acts of harassment, intimidation, and bullying in schools.

The school district could have willingly reviewed and released this evidence over two years ago and instead have recently alluded publicly that there is nothing on the videos. If there's nothing on the videos, why would they unethically drag parents through years of litigation at harm to a child and parents, rather than allow a fair appeal? Was it was intentionally to cause harm? As they say, quote, "there is nothing on the videos that would not only be unethical, it would be malicious." Whether or not there is something

significant on the evidence, that's, that, I'm sorry, whether or not there's something significant on the evidence they suppress is secondary to the fact that they've suppressed it for two years rather than release them and allow the school laws to be applied fairly for the educational and emotional welfare of an innocent child who was a victim. Either way, suppression of the information, fighting parents and courts for two years, I'm sorry, uh, either way, it's suppression of that information finding parents and courts for two years was unethical and cause for a child being able to, being unable to access his education, being deprived of his rights to an education in a non-hostile, safe, secure learning environment and further, still being deprived of the civil and constitutional rights as a result of the school district and the retaliatory actions against parents who are simply asking for the truth and that their child be safe and supportive, like the other children, while learning this matter is a public, this matter is of public importance, not only in our matter and Complaints, but in all school districts. When a Board of Education is allowed to use teams of attorneys against parents simply trying to ensure the safety of their children to escape laws and statutes created to protect children and hide any negligence. Parents have to entrust their children to the school district and staff. It is not unreasonable for parents to expect honesty and that the statutes, particularly those involving children, safety and well-being, are followed. This is not only unethical, but immoral, and the Department of Education should not continue to allow the school district to escape responsibility and continue to suppress the violations in the school statute at harm to a child. They have resulted to personal attacks, legal harm and defamation while enjoying the taxpayer funded attorneys, and their actions and behaviors are out of control. We ask that the ethics Commission to please consider these unnecessary and egregious acts that have been retaliatory and at harm to a child, educationally and emotionally, and not allow them to escape responsibility.

What kind of message are they sending to children by not being honest, not following rules and laws like they are taught and failing to protect? Thank you for your time to speak.

## ***XII. Adjournment***

At 12:56 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>Carol E. Sabo</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X		X	X	X	X	X	6
<b>No</b>								0
<b>Abstention</b>								0

Submitted by:

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Jeannine Pizzigoni

Approved by

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Kathryn A. Whalen, Esq., Director,  
School Ethics Commission