

School Ethics Commission Special Meeting Public Session Minutes

January 31, 2023

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

Roll Call	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Present	X	X	X	X	X		5
Absent						X	1

Also, in attendance were Kathryn Whalen, Esquire, Director, Office of School Ethics; Jeannine Pizzigoni, staff member; and Carolyn Labin, Deputy Attorney General (DAG). 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 12:30 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.

9:37 a.m. Angela Reading, Respondent in the matters docketed as C75-22 and C81-22, noted her attendance, but did not offer any public statements/comments.

9:37 a.m. Kelly Prince, counsel on behalf of Respondents in the matters docketed as C75-22 and C81-22, noted her attendance, but did not offer any public statements/comments.

9:38 a.m. Olivia Lancpot, counsel on behalf of Respondent in the matter docketed as C87-22, noted her attendance, but did not offer any public comments/statements.

9:38 a.m. Robin Canetti, Complainant in the matter docketed as C88-22, noted her attendance, but did not offer any public comments/statements.

9:38 a.m. Pamela Richmond, Complainant in the matter docketed as C102-22, noted her attendance, but did not offer any public comments/statements.

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: C69-19 and C70-19 (Consolidated); C45-22; C80-22; C88-22; C90-22; C95-22; C96-22; C100-22; C101-22; C102-22; C106-22; C107-22; C25-21; C44-21 (Partial Settlement); C44-21 (Severance); C75-22; C81-22; C87-22; C89-22; C92-22; C97-22; C105-22; A01-23; A02-23; A03-23; A17-21; A02-22; A12-22; C91-22; C94-22; C98-22; C104-22; C111-22; C114-22; C121-22; Doctrines of Necessity submitted by the Pleasantville Board of Education and the Wayne Township Board of Education; consider whether to permit Complainant to amend Complaint in connection with C103-22 pursuant to *N.J.A.C. 6A:28-6.7*; follow-up on the status of C99-22; and update on the status of the Commission's proposed Chapter 28 regulations (amendments and readoption); 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

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

IV. Return to Public

At **12:03 p.m.**, a motion was made by Mark Finkelstein, and seconded by Dennis Roberts, 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	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

V. Complaints to Review

C69-19 and C70-19 (Consolidated) Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C45-22 Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C80-22 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C88-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C90-22 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	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C95-22 Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C96-22 Motion was made by Dennis Roberts, and seconded Michael Carucci, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C100-22 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a letter decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C101-22 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a letter decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C102-22 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C106-22 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

C107-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a letter decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

VI. Decisions to Adopt as Written¹

C25-21 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C44-21 (Partial Settlement) Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written, and to combine it with C44-21 (Severance).

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

¹ Commissioner Carucci was not present during the meeting on December 20, 2022, and, therefore, did not participate in the votes related to any of the matters listed under “Decisions to Adopt as Written.”.

C44-21 (Severance) Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written, and to combine it with C44-21 (Partial Settlement).

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C75-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C81-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C87-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C89-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C92-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C97-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C105-22 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as amended.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

VII. Advisory Opinions

A17-21 This matter was on the agenda to make public only, but action could not be taken because the Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A02-22 This matter was on the agenda to make public only, but action could not be taken because the Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A12-22 This matter was also on the agenda to make public. However, action could not be taken because the Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A01-23 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	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

A02-23 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	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

A03-23 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	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

VIII. Administrative Dismissals

C91-22 This matter was on the agenda for informational purposes only.

C94-22 This matter was on the agenda for informational purposes only.

C98-22 This matter was on the agenda for informational purposes only.

C104-22 This matter was on the agenda for informational purposes only.

C111-22 This matter was on the agenda for informational purposes only.

C114-22 This matter was on the agenda for informational purposes only.

C121-22 This matter was on the agenda for informational purposes only.

IX. Other Business

Doctrines of Necessity: The Commission reviewed and discussed the Doctrines of Necessity submitted by the Pleasantville and the Wayne Township Boards of Education; however, this matter was on the agenda for informational purposes only.

Consider whether to permit Complainant to amend the Complaint in connection with C103-22, and pursuant to N.J.A.C. 6A:28-6.7. Motion was made by Michael Carucci, and seconded by Mark Finkelstein, to permit Complainant to amend the Complaint.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

Follow-up on the status of C99-22. This matter was on the agenda for informational purposes only.

Update on the status of the School Ethics Commission's proposed Chapter 28 regulations. Director Whalen advised the Commission that the proposed regulations were being presented to the State Board of Education for adoption at its meeting on February 1, 2023.

X. Minutes

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on December 20, 2022.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X ²					1

XI. Second Public Comment

² Commissioner Carucci was not present at the meeting on December 20, 2022, and, therefore, he did not participate in the vote related to this matter.

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.

12:04 p.m. Kelly Prinz, counsel on behalf of Respondents in the matters docketed as C75-22 and C81-22, again noted her attendance, but did not offer any public comments/statements.

12:04 p.m. Robin Canetti, Complainant in the matter docketed as C85-22, again noted her attendance, but did not offer any public comments/statements.

12:04 p.m. Pamela Richmond, Complainant in the matter docketed as C102-22, again noted her attendance, but did not offer any public comments/statements.

12:05 p.m. Eliza Schleifstein, interested party in the matter docketed as C25-21, noted her attendance and offered the following statement:

I am one of the co-complainants in C39-20, which has the same Respondent, Jeanne Stifelman, as C25-21, which is on your docket today. Ms. Stifelman is also the Respondent in C37-21, in which the AG's Office is prosecuting on behalf of the SEC. I'm here today because, at her last Board of Education meeting before her term expired, Ms. Stifelman bragged the following about the three ethics complaints: "What will happen now? Likely nothing. Or very little. At this point, maybe a censure or a reprimand if I am found to have unknowingly been in violation. What a huge waste of district money and resources these cases have been. Here I am at my last Board meeting having served my entire term." Ms. Stifelman then admonished us to "put our time and energy towards something positive," and to "be better and move on."

This is the second time in less than a year that a Randolph Board of Education member has thumbed his or her nose at the Commission and the School Ethics Act. The last time, another member used a Facebook group to publicly ridicule the Commission's reprimand of a former member as totally meaningless and then referred to the Commission's recommended disclaimer as "our scarlet letter," comparing that important tool for instilling public trust in school boards with the 19th century punishment for the ultimate betrayal of trust, adultery.

I know that I'm not the only one concerned with how long this process takes and I know it's not the Commission's fault, but something needs to change. The School Ethics Act is meaningless if Board members are able to violate it and serve their terms out with no consequences because it takes so long for the process to play out. In 18 days, the record will have been closed for an entire year in C39-20 and we're still waiting for a decision from the ALJ. In C37-21, I understand that Ms. Stifelman has been fighting discovery requests from the DAG for almost the same amount of time. Today, you'll be discussing a summary judgment decision from an ALJ in C25-21, although according to Ms. Stifelman's speech, the entire case has already been dismissed and she was totally exonerated.

Again, I know the Commission has no control over the OAL, but consider the hypocrisy of the message being sent to our children. These are our elected officials who ensure our schools are run well and approve the most serious of the

punishments of our children: HIB violations, suspensions and worse. They are being allowed to run the clock out on their terms and call potential punishments for violating the rules meaningless, showing that they learn nothing from breaking those rules. They provide a poor example to their fellow and future board members that acting improperly has no consequences.

Why should our children take the laws and punishments those same elected officials must ensure are enforced seriously? How are they learning that breaking school rules have consequences when the most senior role models in our school districts demonstrate the exact opposite?

You have a tough job and you are volunteers. This is not your fault, I know, but we all have a responsibility to teach our children right from wrong and this process unfortunately allows some Board members whose ethical actions come under question to teach our children a bad lesson. Thank you for your service.

XII. Adjournment

At 12:22 p.m., a motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adjourn.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by

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