

School Ethics Commission Meeting Public Session Minutes

March 21, 2023

Chairperson Robert Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:32 a.m.

Notice of the regularly scheduled 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		4
Absent		X				X	2

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.

9:36 a.m. Chrissy Skurbe, Complainant in the matter docketed as C115-22, noted her attendance, and offered the following statement:

Thank you. Yes, it's in reference to the C115-22. I, I just I. I just wanted to say I'm you know I'm the Board of Education President, Monroe Township and this was

brought forth by myself, as an agent for the entire board, and I just wanted to, you know, thank the Commission for listening to all of these cases and just offer that you know, we tried to deal with this ourselves and because we couldn't we brought this forth to the Ethics Commission, so I thank you for your service and look forward to hearing back from the, from the Commission on this.

9:36 a.m. Brian Fabiano, a member of the public and interested party in the matter docketed as C115-22, noted his attendance, and offered the following statement:

Hi, Kathy, good morning. This is Brian Fabiano calling in from Monroe Township, NJ. Good morning. Are you ready for my comment? OK, I am also calling in on matter C115, uh, that originates out of Monroe Township. It should be no surprise to this Commission, uh, that Monroe Township, given the number of complaints that have come before this Commission, is in serious need of overhaul. Quite frankly, we had the board president who shows up today to render an opinion or even give some, you know, to, to talk about this case, which in my opinion, as a community member is just another clue into a revengeful tactic that some members of this board have taken to use the Ethics Commission as a means of retaliation and a weapon. And if anyone were to know about Kate Rattner, I could tell you a lot about her. She is a great person in our community. Not only is she, a volunteer board member, but she's a volunteer on our, on our Cultural Arts Commission. She is well liked throughout the community and unlike the board president who just spoke, she is credentialed in her appropriate credentials for this Board of Education. She does her continuing education, and she's one of very few on this Board of Education, Monroe, who takes their job serious and as a public we see it, we hear about the trainings they attend, and we see the way they conduct themselves. This Ethics Commission has been weaponized by a few in the majority on Monroe Township Board of Education, and it needs to stop. The board president, along with the Superintendent, have bragged for months about their connections at the State Department of Education. They have bragged about the relationships of some members who sit on this Commission, including Mark Finkelstein, who also has other roles outside of this Commission where the Superintendent and Board president have said they've tried to infiltrate, part, you know, judgment on cases that they have brought forward to this Commission. I'm very passionate, as you can tell, probably in my voice that we have good people on this Board of Education who do everything they can to further the education process, for our kids, but are continually attacked and are continually put down and are continually treated with not only a disrespect, but in a way that no one in our society should ever be treated, never mind a volunteer. So, I hope the Commission looks at this case, looks at the cases that it's tied to, which actually happens to even be one case that I've brought before the Commission that was put into abeyance and bragged about by members of the board, or a member that just called in all of the Superintendent based on their connections. But yet this case looks to go forward. Commission needs to do a total, you know, a total look at everything in this case and every case it's related to and remind the Commission of its prior statements in, in previous Commission, in previous complaints that have come before this Commission about Monroe Township, where the Commission said quite clearly the Commission is not a avenue of weaponizing and is not a, an avenue of settling the score, and this board president, all she's

looking to do is settle a score with this particular board member who is a asset to our community. And with that I'll leave my comments at that, and I do appreciate your time and all the volunteer hours that you put into your jobs as well. Thank you.

Chairperson Bender responded to Mr. Fabiano's comment as follows:

I can just say that, being that you mentioned a member of the Commission and your statement that the Commissioners at our level here are very much in, in, involved in each of the cases, and that we take them on its value and also as it applies to the statute, there is not any favoritism. There's not any connections. This Commission does sit by itself and try to render the, the best decisions that are for the benefit of this State and particularly for the students of our, of our, of our State. So, I just, I just want to let you to know that I, I hear your passion, but we also have the passion too, that we have, we are an independent Commission. We are a group of volunteers, and we take our, our roles very seriously. So don't allude to any type of connections or whatever because that does not take place at this Commission. And I thank you for your comments.

Mr. Fabiano then responded:

I bring it forward to this Commission because those comments have been put forth in our community and I think it's important for the Commission to understand what has been said and, and, and what is put out there. Thank you.

III. Motion to Add Matter to the Agenda

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to add a request for *Advisory Opinion A06-23* (A06-23) to the agenda.

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							0

IV. 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, C81-20; C60-21 et al.; C33-22; C92-22; C103-22; C115-22; C119-22; C120-22; C122-22; C03-23; C14-23; C84-22; C93-22; C108-22; C109-22; C110-22; C123-22; A04-23; A06-23; C07-23; C15-23; C16-23; C21-23; C24-23; consider whether to hold C11-23 in abeyance pursuant to *N.J.S.A.* 18A:12-32 and *N.J.A.C.* 6A:28-1.5; review correspondence submitted by Jessica DeCicco, a member of the public; and update on the status of the 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

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

V. Return to Public

At **12:01 p.m.**, a motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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		4
No							0
Abstention							0

VI. Complaints to Review

C81-20 Motion was made by Mark Finkelstein, 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		4
No							0
Abstention							0

C60-21 et al. 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		4
No							0
Abstention							0

C33-22 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		4
No							0
Abstention							0

C92-22 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		4
No							0
Abstention							0

C103-22 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		4
No							0
Abstention							0

C115-22 Motion was made by Richard Tomko, 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		3
No							0
Abstention			X ¹				1

¹ Commissioner Finkelstein had a conflict of interest and, therefore, did not participate in the executive session discussion or the vote related to this matter.

C119-22 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		4
No							0
Abstention							0

C120-22 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		4
No							0
Abstention							0

C122-22 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		4
No							0
Abstention							0

C03-23 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		4
No							0
Abstention							0

C14-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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		4
No							0
Abstention							0

VII. Decisions to Adopt as Written

C84-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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							0

C93-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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							0

C108-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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							0

C109-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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							0

C110-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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							0

C123-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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							0

VIII. Advisory Opinions

A04-23 Motion was made by Carol E. Sabo, 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		4
No							0
Abstention							0

A06-23 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft an advisory opinion as discussed.

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							0

IX. Administrative Dismissals

C07-23 This matter was on the agenda for informational purposes only.

C15-23 This matter was on the agenda for informational purposes only.

C16-23 This matter was on the agenda for informational purposes only.

C21-23 This matter was on the agenda for informational purposes only.

C24-23 This matter was on the agenda for informational purposes only.

X. Other Business

Doctrines of Necessity: None.

Consider whether to hold C11-23 in abeyance. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to hold the matter in abeyance.

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							0

Review correspondence sent by Jessica DeCicco, a member of the public. This matter was on the agenda for informational purposes only.

Update on the status of the newly adopted Chapter 28 regulations. Director Whalen addressed the new procedures for filing a complaint with the Commission, and informed the public where directions and information related to the newly adopted regulations could be found on the Commission's website.

XI. Minutes

Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on February 21, 2023.

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							0

XII. 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.

12:04 p.m. Sarah Aziz, community member in Monroe Township and interested party in the matter docketed as C115-22, noted her attendance and offered the following statement:

My name is Sarah. I live in Monroe Township, Sarah Aziz. Umm yes, I would, uh it is, it came to my attention that the board president of Monroe Township, uh spoke earlier about case C115-22, the board president Christine Skurbe has several ethics complaints against her, some of which have been referred to the Office of Administrative Law and some which are pending. There are credible public allegations that she has retaliated against other board members, school district employees, members of the public, the, the Director of Security recently resigned, accusing her specifically and the Superintendent of harassing him, and so if she brings forth a complaint that is found to be baseless, I hope that the School Ethics Commission imposes a strict penalty on this kind of behavior because nobody should waste the resources of your organization in this way.

12:05 p.m. Alyssa Weinstein, counsel on behalf of Respondents in the matter docketed as Complainant in the matter docketed as C110-22, noted her attendance, but did not offer any public comments/statements.

12:05 p.m. Chrissy Skurbe, Complainant in the matter docketed as C115-22, again noted her attendance, and offered the following statement:

Yes, hi, good afternoon. I was on earlier. This is Chrissy Skurbe from Monroe Township. I am the Monroe Township Board of Education and I just wanted to comment on some of the claims that Mr. Fabiano and Mrs. Aziz have been, fourthly, accusing myself and the Superintendent for over a year now of many allegations that are not founded, and I would hope this Commission would understand and look at what has come before you on the multitude of ethics complaints, many of which have been dismissed. There are some that have moved forward, and I understand the reasons for that, but I would just like to, you know,

let the Commission know that. It has been a year now that Mrs. Aziz and Mr. Fabiano have launched this personal attacks on our Superintendent and many members of our Board of Education. If C115-22 was brought forth by the members of the Board of Education, not by myself personally, but as an agent of the board. So, I would just like to remind those speaking out against this, this is not something that I personally did. I did it as an agent of the Board of Education. And as you've seen from the multitude of complaints that have come in. There are members of our community that is using the Ethics Commission to weaponize, to weaponize it against us board members, so I appreciate all the work you, you have done and I apologize for anything that comes before you from us and we are trying to do what is right for our students and, and our staff in Monroe Township. And we worked very tirelessly with, in collaboration with our administration/Superintendent to do the good work of what board members and a district should be doing. So, I thank you for your time and attention.

12:08 p.m. Kate Rattner, Respondent in the matter docketed as C115-22, noted her attendance, and offered the following statement:

Ah, yes, hi, good afternoon. My name is Kate Rattner. I'm from Monroe Township, discussing the C115-22. I want to thank all of you for the important role you play. Education has been a priority in my life. I was a public school teacher for over a decade, and I resigned from that only because I was blessed to have three children of my own. But my passion for education continued, and that was my driving force to become a member of the Monroe Township Board of Education. Someone shared earlier that Ms. Skurbe, who is the president of the Monroe Township Board education, spoke about Docket C115-22. Sadly, Ms. Skurbe, misrepresented the facts, so I wanted to provide an accurate depiction of what had occurred. I think it's important for the condition to know.

At this time Director Whalen states, "... I'm, I'm sorry for interrupting you, Ms. Rattner, but we're, this this is not an opportunity to litigate the merits of your case." To which Ms. Rattner replied:

No, I'm not going to bring up anything in the actual case. I can, but I do think it's important that you're aware that the case was only brought to most of the Board of Education members because she became angry with me for filing an affidavit on another case which was C65-22, which is a complaint against her currently in abeyance. I really never planned to get involved in any ethics cases against fellow board members just because I don't think it's, you know, the best way to work together. But in that case, she used my name and lied about a conversation. All I did was file an affidavit, with a factual recap of that conversation. I also think it's important that the Commission is aware that when Ms. Skurbe brought these concerns to the board, I was away for that month and asked Ms. Skurbe if there was anything that would be discussed other than routine appointments/employees and she said there would be nothing controversial because we do have a policy which states board member can attend remotely. However, about a month later she brought me into a closed room with two other board members and threatened to file ethics charges unless I resigned from my position as a board member. And then she also said that my husband would be brought into the matter, which was gravely concerning to me because my husband has been a teacher in the district

for 14 years. I'll be honest, I've been a volunteer in many capacities in our town. I've been at Girl Scout leader, soccer coach and I've never been treated the way I have as a board member, you know, I've been told of many other stories from community members where they have been harassed and bullied by Skurbe and a lot of them have resigned because it's just not worth the headache. And to be honest, I thought of doing so myself. But, you know, backing down from someone who's building me really just stands against everything that I have, you know, trained for as someone with a master's degree in school counseling. You know I won't get into the fabrications and stuff that were put into that ethics case. However, I do just want to remind the Commission that in an earlier ethics case, C50-22, it was stated as a final note, that Commission reminds all members that the Commission is not a medium through which vendettas, quarrels, grudges and sour grapes are to be filed. The filing of complaints are solely designed, which are designed to settle the score unnecessary, delay the processing of other complaints which concerned behavior and conduct that may actually violate the Act. And you know, I really do think what you guys do is, is very important. And I know that there have been many concerns brought up and probably more to come regarding Ms. Skurbe, and I really hope that the Commission can keep this in mind pertaining to C115-22 as there is documentation to prove this was solely.

12:18 p.m. Director Whalen offers the following information about the Commission's newly adopted Chapter 28 Regulations:

Update on the status of Chapter 28 regulations. I just would like to advise the Commission and the members of the public that there are resources and guidance materials on our website for the new processes and procedure that became effective March 6, 2023, and if anyone has any questions, they are welcome to submit them to school.ethics@doe.nj.gov.

XIII. Adjournment

At 12:20 p.m., a motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to adjourn.

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							0

Submitted by:

Jeannine Pizzigoni

Approved by

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