

School Ethics Commission Meeting Public Session Minutes

April 25, 2023

Chairperson Robert Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:33 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	X		5
Absent						X	1

Also, in attendance were Kathryn Whalen, Esquire, Director, Office of School Ethics; Jeannine Pizzigoni, staff member; and Carolyn Labin, Michal Czarnecki, David L. Kalisky, Erin Herlihy, and Laurie Fichera, 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.

9:39 a.m. Regina Discenza, Respondent in the matter C75-19, noted her attendance, but did not offer any public comments/statements.

9:40 a.m. Roger Sisco, a member of the public and interested party in the matter docketed as C63-21, noted his attendance, but did not offer any public comments/statements.

9:40 a.m. Margaret Bennett, Complainant in the matter docketed as C02-23, noted her attendance, but did not offer any public comments/statements.

9:40 a.m. Leonard Thor, Complainant in the matter docketed as C125-22, noted his attendance, and offered the following statement:

Yes, good morning. I'm Leonard Thor, the Complainant in C125-22. I know this is not the place to litigate my case, they, it is disappointing that in my opinion, Mrs. Amster, the Marlboro Township president, is now using BOE meetings as a way to silence anyone who's considering filing ethics charges for behavior that violates the school Code of Ethics. Thank you.

9:40 a.m. Alyssa Weinstein, counsel on behalf of Respondent in the matter docketed as C90-22, noted her attendance, but did not offer any public comments/statements.

9:41 a.m. Gavin Rozzi, Complainant in the matter C73-19, and interested party in the matter C04-20, noted his attendance, and offered the following statement:

Thank you, Director Whalen and members of the School Ethics Commission. I wish to address two separate, but related sets of certifications filed before the OAL in connection with SEC cases C73-19 and C04-20. I'll note that following the probable cause determination and C73-19.

Director Whalen interjects to ask Mr. Rozzi a question:

Mr. Rossi, before you, before you continue, are these matters that are being litigated at the OAL right now?

Mr. Rozzi responds:

They're before the OAL, but I'm not a party to either of the matters.

Director Whalen responds:

OK, so that matter is not on our agenda for today, right?

Mr. Rozzi replies:

Not that I'm aware of. OK, so, but I believe the, I believe the initial decision is still under review by the SEC. So, I do wish to, to make a comment if there's a better time for me to do that, I'm amenable to that, but please advise.

Director Whalen states:

Alright, let me let me look. It's. What numbers did you say 73 what?

Mr. Rozzi responds: 19. 73-19 and 04-20, I just wish to speak about some supplementary certifications that were submitted by counsel for one of the parties.

Director Whalen notes:

So, so, those matters are not before us for an initial decision. So, when those matters are on an agenda for adoption by the School Ethics Commission, public comment would be appropriate at that time. But not again, not regarding the merits of the case, but that that matters not pending before the Commission today.

Mr. Rozzi inquires:

Yes, but isn't there still a general public comment?

Director Whalen responds:

We're doing agenda items now. OK. So, it's not on the agenda for today's meeting.

Mr. Rozzi questions:

OK. So. will there be a subsequent public comment for other items? I guess that's my question.

Director Whalen responds:

If you want to offer public comment about a matter that's pending before the Commission during second public comment, which will happen after executive session, you can do that. But again, it's not pending before the Commission at this time.

Mr. Rozzi states:

OK, I understand that alright. I'll save my comments for the second round of public comment then. Thank you.

9:43 a.m. Kate Rattner, Respondent in the matter docketed as C155-22, noted her attendance, and offered the following statement:

Ah, yes. Hi, good morning. My name is Kate Rattner. I'm the respondent in C115-22. I just wanted to thank you all for what you do. I'm, I'm sure it's a thankless job, and I just had two questions not pertaining specifically to the matter, but I was curious, what if there is a protocol, if it's determined that an individual who filed the complaint did so in a fraudulent matter, I'm sure that you guys have limited time. And so, I'd hope that people are respectful of your time in general and I was wondering if there are consequences for that. And then also, and you know, I was curious if this, if there is a variant forum, if it's determined that there is a board member that's intimidating or harassing another board member, the Code of Ethics itself does not really lend itself in regards to that manner, and so I was just wondering if that's something that's ever been discussed, or if it's in,

there's another way that, that is handled, and that's really all I had to say. And again, I just wanted to thank you all for what you do.

Director Whalen responds:

OK. Thank you. So, this is public comment. So, after public comment closes, if you want to stay on the line to have a conversation with me that's you know, it's not officially happening on the record about processes and procedures we can do that.

Ms. Rattner replies:

OK, wonderful. Thank you so much.

9:44 a.m. Martin Welzmuller, Complainant in the matter docketed as C90-22, noted his attendance, and offered the following statement:

Hi, this is Martin Welzmuller. I wanna thank Director Whalen and the other team members of School Ethics Commission for the What this task that you guys always have in front of you. I'm talking to my public comment today or in regards to Mount Olive and the doctrine of necessity that I feel that was illegally instituted by the Board of Ed.

I know you guys received lot of documents over this past week, some regarding this matter, but I, I wanted to bring to attention is that I've addressed the Board of Ed and Mount Olive and several occasions regarding the illegal practices of the board attorney and what he's doing. And I'm hoping to have the School Ethics Commission OPRA request my emails to the Board of Ed, which will put a lot of light and clarity on some of the misdoings of the board in Mount Olive concerning proper procedures in code of conduct and ethics. I myself am a certified financial planner. I live with code of conduct and ethics, and I try and hold people accountable to those rules. In order for them to try to do the doctrine necessity because they were running out of time, they intentionally tried to conflict two board members out which were not conflicted in order to illegally do the doctrine of necessity. And I really want you guys to address this on the poor practices.

Director Whalen interjects:

So, Mr. Welzmuller, let me, let me stop you for a second. So, this matter also is not on our agenda. It's under other business.

Mr. Welzmuller responds:

Ohh I'm sorry then.

Director Whalen states:

OK, so, so, but we're not going to do matters that are not on the agenda in this round of public comment. If you would like to come back, that's OK.

Mr. Welzmuller asks:

So, that would be for them to 12:00 o'clock comment section then?

Director Whalen confirms.

Mr. Welzmuller replies:

OK. Then I, I'll. I'll stop here then. Thank you so much. And I do apologize.

9:46 a.m. Lauren Connell-Madia, counsel on behalf of Respondent in the matter docketed as C02-23, noted her attendance, and offered the following statement:

I'm, I'm the attorney for a respondent in CO2-23 and just the public comment I would make before I, obviously I'm not going to rehash our papers. I'm just., just to make the Commission aware that every time a complainant filed an ethics complaint against a school board member, taxpayer dollars are, are spent in defending those claims and then the rest of it, which, as you know the rest will rely on our papers for the, the remaining issues.

9:47 a.m. Angela Gurrera, counsel on behalf of Respondents in the matters docketed as C93-22 and C04-23, noted her attendance, but did not offer any public comment/statement.

9:47 a.m. Jennifer Grana, Complainant in the matter docketed as C116-22, noted her attendance, but did not offer any public comment/statement.

9:47 a.m. Margaret Bennett, Complainant in the matter docketed as C02-23, again noted her attendance, and offered the following statement in response to counsel Connell-Madia's comment:

It's Margaret Bennett, C02-23. I would like to respond or add one statement. Given that the respondents lawyer has just made a statement. Of course, it's obvious to everyone on this call that it does take taxpayer dollars to defend because board members are indemnified. If board members are concerned about that, then they should, with, they should not violate the Code of ethics.

9:48 a.m. Chairperson Bender addresses the public:

OK. Just, just a, a note here too, is that we get a voluminous amount of paper that goes to us each month and we spend a lot of time going through each of those pages. And I just want you know that we, we do the due diligence and reviewing these, these cases, and we understand the concern that a lot of people have there, but I want you to know that we tried to do that with the unbiased and also according to what the statute calls for. So, with that minor, I believe we would entertain then a request to go into executive session.

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, C63-21; C90-22; C93-22; C116-22; C118-22; C125-22; C02-23; C04-23; C08-23; C13-23; C81-20; C60-21 et al.; C33-22; C92-22; C103-22; C115-22; C119-22; C120-22; C122-22; C03-23; A05-23; A06-23; A07-23; A08-23; A09-23; A22-13; A18-19; A04-23; C01-23; C17-23; C36-23; Doctrine of Necessity submitted by the Mount Olive Township Board of Education; DAG Czarnecki to discuss the status of C75-19; DAG Kalisky to present settlement offer in connection with C04-21; DAG Herlihy to present settlement offer in connection with C12-21; DAG Fichera to present updated settlement offer in connection with C22-22; follow-up on the status of C14-23; Chairperson to select nominating committee (3 persons) to select a nominee for the position of SEC Chairperson for the term of July 1, 2023, through June 30, 2024; discussion of potential 2024 SEC meeting dates; 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 **12:36 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	X		5
No							0
Abstention							0

V. Complaints to Review

C63-21 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 Mark Finkelstein, 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

C93-22 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		X ¹					1

C116-22 Motion was made by Carol E. Sabo, 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

C118-22 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

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

C125-22 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	X		5
No							0
Abstention							0

C02-23 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

C04-23 Motion was made by Michael Carucci, 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

C08-23 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

C13-23 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	X		5
No							0
Abstention							0

VI. Decisions to Adopt as Written²

C81-20 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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

² Commissioner Carucci was not present at the March 21, 2023, meeting, and therefore, he did not participate in the vote related to these matters.

C60-21 et al. 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		X					1

C33-22 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		X					1

C92-22 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		X					1

C103-22 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		X					1

C115-22 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		X					1

C119-22 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		X					1

C120-22 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		X					1

C122-22 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		X					1

C03-23 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		X					1

VII. Advisory Opinions

A22-13 This matter was on the agenda to vote to remove from public, but the Commission could not take action because it did not have the statutorily required number of Commissioners present to remove the public advisory opinion.

A18-19 This matter was on the agenda to vote to remove from public, but the Commission could not take action because it did not have the statutorily required number of Commissioners present to remove the public advisory opinion.

A04-23 This matter was on the agenda to vote to make public only, but the Commission could not take action because it did not have the statutorily required number of Commissioners present to remove the public advisory opinion.

A05-23 This matter was on the agenda for discussion; however, the requestor did not respond to the Commission's request for more information, and therefore, the matter was tabled.

A06-23 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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

A07-23 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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

A08-23 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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				X ³			1

A09-23 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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

C01-23 This matter was on the agenda for informational purposes only.

C17-23 This matter was on the agenda for informational purposes only.

C36-23 This matter was on the agenda for informational purposes only.

IX. Other Business

Doctrine of Necessity: The Doctrine of Necessity submitted by the Mount Olive Township Board of Education, was on the agenda for informational purposes only.

DAG Michal Czarnecki to discuss the status of C75-19. This matter was on the agenda for informational purposes only.

³ Commissioner Roberts had a conflict of interest and, therefore, did not participate in the vote related to this matter.

DAG David L. Kalisky to present settlement offer in connection with C04-21. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo to accept the settlement offer as presented.

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

DAG Erin Herlihy to present settlement offer in connection with C12-21. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to accept the settlement offer as presented.

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

DAG Laurie Fichera to present updated settlement offer in connection with C22-22.

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to accept the updated settlement offer as presented.

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 C14-23. This matter was on the agenda for informational purposes only.

Chairperson to select nominating committee (3 persons) to select a nominee for the position of SEC Chairperson for the term of July 1, 2023, through June 30, 2024. Chairperson Bender chose Commissioner Finkelstein to serve as the Chairperson for the nominating

committee, and Commissioner Finkelstein chose Commissioner Roberts and Commissioner Sabo to serve on the nominating committee with him.

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

Discussion of potential 2024 SEC meeting dates. This matter was on the agenda for informational purposes only.

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 March 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		X ⁴					1

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.

12:52 p.m. Margaret Bennett, Complainant in the matter docketed as C02-23, again noted her attendance, but did not offer any further public comments/statements.

12:52 p.m. Regina Discenza, Respondent in the matter C75-19, which was not on the agenda and is still pending at the Office of Administrative Law, again noted her attendance, but did not offer any public comments/statements.

⁴ Commissioner Carucci was not present at the meeting on March 21, 2023, and therefore, did not participate in the vote related to this matter.

12:52 p.m. Alyssa Weinstein, counsel on behalf of Respondent in the matter docketed as C90-22, again noted her attendance, but did not offer any public comments/statements.

12:53 p.m. Gavin Rozzi, Complainant in the matter C73-19, and interested party in the matter C04-20, neither of which are on the agenda, again noted his attendance, and offered the following statement:

Thank you, Director Whalen, members of the Commission. I wish to comment on two separate, but related sets of certifications filed before the OAL and SEC in connection with cases C73-19 and C04-20. I'll note the following, the SEC probable cause determination in C73-19 I was dropped as a party and the SEC stepped into my shoes as the complainant. I'd like to thank DAG single scene and Czarnecki for treating these matters with the seriousness they deserve. I know all of you put a lot of work into these cases and I really appreciate it.

Since I filed C 79, three and C7319, all documents that evidence that I've obtained as well as Mr. Census testimony has indicated that former board president of Lacey, Shawn Giordano, it was politically motivated investigations of private citizens were a conspiracy between himself and his longtime personal friend, former board attorney Christopher Subsea. Now, I wish to draw the Commission's attention to a desperate 11th hour attempts to exonerate Shawn Giordano as part of this attorney subsidized subsidy and Dasti submitted two sets of certifications in which they now claim that these instances, a majority of board members, secretly met with Mr. Giordano to approve these investigations outside of the strictures of the open Public Meetings Act in these instances.

Director Whalen interjects:

Mr. Rozzi, can I stop you for just just one second? ... I'm glad you're reading from a statement. So, if I interrupted ... your place, I apologize. But the, the issues and the statements that you're making. And my question is, aren't these matters that are still pending at the Office of Administrative Law?

Mr. Rozzi answers:

So, I'm commenting on the response to the initial decision. I'm not attempting to litigate the merits of any case. I'm commenting on a procedural propriety issue with some of the stuff, but yes, I understand the initial decision has been issued and whatever will happen further at the OAL will happen there.

Director Whalen states:

So, ... I can tell you we have not received an initial decision and an initial decision has not been issued. There was an order but not an initial decision. So the initial decision is still waiting. I have an initial decision from a partial summary decision, but it's, it's an order. It's an order. It's not an initial decision. So, the matter is still being litigated, OK, and that matter when it comes back as an initial decision, will come before the Commission to review on the merits based on the

written record and it's not appropriate for the Commission to hear argument about an initial decision it has not yet received from the OAL.

Mr. Rozzi replies:

OK, well I ... would like to proceed with my public comment. I ... think the OPRA does provide a mechanism for me to make this statement, and certainly the Commission can consider or not consider whatever they feel appropriate respectfully.

Director Whalen comments:

But, but, you're arguing the merits of the claims in the case and we do not have a determination from the office of Administrative Law yet. And again, even if we did, we will only consider the written record and not argument about what the record may contain. It is not appropriate for the Commission to hear argument and accept, accept argument that, that, that's detailed in the record and your claims, as you noted, you were dismissed as a party. So, you're, the, the case is being prosecuted by a deputy attorney general. So those arguments will be set forth by counsel and those are the things that we will consider that the Commission will consider.

Mr. Rozzi continues:

OK, I I understand your position, but I believe the legal mechanism of the open Public Meetings Act does provide a mechanism for me to make a public comment. I'm not making argument. I'm making a public comment in my capacity as a member of the public. So respectfully, I would wish to be able to proceed on that.

Director Whalen states:

As long as it doesn't go on the merits of that case. I mean, it would be very unfair for us then to listen to that if it's still something that we have not received from the OAL and I hope you can understand.

Mr. Rozzi responds:

OK, well I, I understand. I, I understand that, but I understand the, the submission that I reviewed from Mr. Dasti was also directed to Director Whalen, with those exceptions to the decision and the accompanying certifications that I wish to discuss the propriety of.

Director Whalen replies:

OK. And, and I understand your position on what you believe was submitted, but what I can represent to you in public is that an initial decision has not been issued by the Office of Administrative Law yet. Therefore, any exceptions that were

filed are not in compliance with the procedure. Once an initial decision is issued, then exceptions will be filed.

Mr. Rozzi states:

Yes, I understand that. And the substance of my comment, Director Whalen, what I was getting at is I just wanted to address the propriety of that supplemental submission of the exceptions because it is in possession of the relevant authorities. And that was the substance of the public comment that I wish to make.

Director Whalen replies:

I'll defer to the [C]hair[person].

Chairperson Bender states:

Yeah, I, I, I think, I think what was said so far is sufficient. We understand the passion that you have for regarding that, but it is also, you know, rules that we have to follow as well and I think it would be unfair for us to listen any further with something that we have not had the opportunity to reveal from the OAL. So, at this time we're you know, should order to shut off that part of the public's speak, with respect.

12:58 p.m. Lauren Connell-Madia, counsel on behalf of Respondent in the matter docketed as C02-23, again noted her attendance, and offered the following statement:

Yes, good afternoon. Just to echo my comments from earlier that at the taxpayers expense, the continuous filings of ethics complaints are utterly unnecessary and for those same parties to be filing the complaints and then complain and cause many more Oprah requests, again at taxpayers dollars, is utterly unnecessary. And that's one of the main reasons that sanctions should be imposed against these complainants for just continuously filing ethics complaints. one after another. I believe there's almost 10 that were filed in 2023 alone, and sanctions are the only way to prevent this from going forward.

12:59 p.m. Margaret Bennett, Complainant in the matter docketed as C02-23, again noted her attendance, and responded to Ms. Connell-Madia's statement:

I, I would like to respond to that please, because only I, I had no intention of making it public comment today, but, a, clearly miss Madia's statement is directed towards me, and the substance of the complaint stands on its own. I do not know of 10 complaints that were filed last year. I know that I filed this complaint, and I filed the follow up to this complaint, which is referenced in this complaint. I do not understand why Miss Madia is making an argument against community members requesting public records and I also would like to remind that the rules by which board members must abide by are in place for a reason, and if they are taking issue with being held accountable, then I would suggest to Miss Madia's

client that she advised her to honor the rules. Thank you very much to the Commission for your time.

1:01 a.m. Martin Welzmuller, Complainant in the matter docketed as C90-22, noted his attendance, and offered the following statement:

I ... wanna comment in regards to statement about ethics charges and the cost of OPRA requests. This is the only venue that parents and citizens have in order to hold board members accountable for unethical behavior. And the fact that an attorney or someone would say that to me is disrespectful to the people in New Jersey, citizen of New Jersey and also your organization. That's why this organization was founded was in order to hold board members accountable and to give a voice to the parents and citizens of New Jersey. The fact that an attorney would make such a statement to me is disrespectful to all. Alright. And that, like I said, you know, I never knew about the Commission until like two years ago, and I wish I would have found you guys earlier, OK. And I really respect the work and effort that you people put into this. I run on a few nonprofits and boards, and I know the work that goes behind the scenes, and you guys need to be commended for your work. But like I said, any attorney or any public official that says that OPRA requests and or filing charges through the proper channels is abusive and frivolous to me, they're not doing their job well. And, and, and I don't know what I'm commenting on that statement, but hearing that right now just got me a little upset because there is no other venue for parents. There is no other venue for people in the community to stress grievances for poor behavior of board members. You know, I've read actually, you know, verbatim, all your rules, codes and conducts verbatim because many times I've had to read them to make sure people file them. And you guys are the guiding light for the citizens of New Jersey, we count on you to hold people accountable for their action, since otherwise most boards which are self-governed and will not. So I take it to heart what that attorney said is this, this ingenuine, and that's a comment they should not be making and that's all I have to say. And thank you for everything that you guys do. And like I said, one day, hopefully I'd like to find out how to become a member of your organization, but that's a different conversation for another day.

Thank you.

Lauren Connell-Madia asks to respond to Mr. Welmuller's comment, but Chairperson Bender denied her request.

1:04 p.m. Chairperson Bender states:

You know, one that, one of the things here is that I don't want to have, he said, she said back and forth. The, I think we put an end to that right now, you've had your chance to say something. I know you didn't like what you heard, but at the same time, we're not gonna keep on going back and forth, but do we have any other members of the public that have, you know, would like to make a statement that haven't spoken yet? Ok, hearing none, do we have a motion to adjourn?

XII. Adjournment

At 1:04 p.m., a motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adjourn.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	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