

School Ethics Commission Meeting Public Session Minutes

June 27, 2023

Chairperson Robert Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:34 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	X	6
Absent							0

Also, in attendance were Brigid C. Martens, Acting Director, Office of School Ethics; Jeannine Pizzigoni, staff member; and Carolyn Labin 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.

Acting Director Martens 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.

9:38 a.m. Laurie Weber, Complainant in the matter docketed as C35-21, noted her attendance, and offered the following statement:

I'm Laurie Weber and I am the complainant in C35-21, which is on today's agenda for settlement presentation and I do have a comment.

May I go ahead? Thank you.

OK, so basically, I just want to say the reason that ordinary citizens, like me, file these complaints with the School Ethics Commission is because the laws don't work for us unless someone is willing to file those complaints and bring them to your attention. I'm really not familiar with the settlement process and obviously I don't know what exactly is being proposed to settle the complaint that I filed, but I would like to say that, and I'll just, we'll tread lightly because I don't wanna be stopped. The Respondent did use his position on the Board to hurt a member of the high school staff and secure that person's job for a friend of his. And yet, throughout the process, he has publicly called himself a victim of a witch hunt. He also, in his own documented words, which are in evidence, demonstrated that he lied multiple times in his certification to the Commission and altered evidence in order to back up those falsehoods.

This case is just so well documented it, it's hard to imagine any settlement less than a full admission, along with the appropriate penalty, especially when we're less than a month away from the hearing date. This is a particularly bad actor who has even resorted to harassing me privately just for filing this complaint. He could very well run for a return to the Board of Education, and it is therefore critical that the School Ethics Commission make a full review of his actions and hold him fully responsible for them.

And that's what all I have to say then. Thank you for the opportunity.

III. Executive Session

At 9:40 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, C04-20; C20-20; C90-21; C20-22; C05-23; C09-23; C27-23; C69-18; C75-18; C52-21; C88-21; C32-23; A11-23; A12-23; A22-13; A04-23; A05-23; A06-23; A07-23; A08-23; A09-23; A10-23; A11-23; C06-23; C38-23; C43-23; Doctrines of Necessity submitted by the Waterford Township and Pleasantville Boards of Education; vote to adopt Resolution Delegating Authority to Act pursuant *N.J.A.C. 6A:28-1.1 et seq.*; discuss the Consent Order to seal records in connection with C09-20; DAG Fichera to present settlement offers in connection with C35-21 and C22-22; and adoption of a Resolution of Censure in connection with C12-21; 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	X	6
No							0
Abstention							0

IV. Return to Public

At **12:49 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	X	6
No							0
Abstention							0

V. Complaints to Review

C04-20 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	X	6
No							0
Abstention							0

C20-20 Motion was made by Richard Tomko, 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	X	6
No							0
Abstention							0

C90-21 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	X	6
No							0
Abstention							0

C20-22 Motion was made by Michael Carucci, and seconded by Richard Tomko, to table the matter for further discussion.

Vote

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

C05-23 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						X ¹	1

C09-23 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						X ²	1

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

² Commissioner Tomko had a conflict of interest, and therefore, did not participate in the executive session discussion or the vote related to this matter.

C27-23 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						X ³	1

VI. Decisions to Adopt as Written⁴

C69-18 Motion was made by Mark Finkelstein, 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	X		5
No							0
Abstention						X	1

C75-18 Motion was made by Mark Finkelstein, 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	X		5
No							0
Abstention						X	1

³ Commissioner Tomko had a conflict of interest, and therefore, did not participate in the executive session discussion or the vote related to this matter.

⁴ Commissioner Tomko was not present at the May 23, 2023, meeting, and therefore, he did not participate in the vote related to these matters.

C52-21 Motion was made by Mark Finkelstein, 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 ⁵				X	2

C88-21 Motion was made by Mark Finkelstein, 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	X		5
No							0
Abstention						X	1

C32-23 Motion was made by Mark Finkelstein, 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	X		5
No							0
Abstention						X	1

⁵ Commissioner Carucci had a conflict of interest, and therefore, did not participate in the executive session discussion or the vote related to this matter.

VII. Advisory Opinions

A22-13 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to remove the public advisory opinion.

Vote

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

A04-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A05-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A06-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A07-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A08-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A09-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A10-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to make the advisory opinion public.

Vote

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

A11-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the advisory opinion as written and to make public.

Vote

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

A12-23 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft correspondence as discussed and to send correspondence to requestor.

Vote

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

VIII. Administrative Dismissals

- C06-23** This matter was on the agenda for informational purposes only.
C38-23 This matter was on the agenda for informational purposes only.
C43-23 This matter was on the agenda for informational purposes only.

IX. Other Business

Doctrines of Necessity: The Doctrines of Necessity submitted by the Waterford Township and Pleasantville Boards of Education, were on the agenda for informational purposes only.

Vote to adopt a Resolution Delegating Authority to Act pursuant to N.J.A.C. 6A:28-1.1.

Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to adopt the Resolution.

Vote

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

Discuss the Consent Order to seal record in connection with C09-20. This matter was on the agenda for informational purposes only.

DAG Fichera to present settlement offer in connection with C35-21. This matter was on the agenda for informational purposes only.

DAG Fichera to present settlement offer in connection with C22-22. This matter was on the agenda for informational purposes only.

Adoption of a Resolution of Censure in connection with C12-21. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Resolution.

Vote

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

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 May 23, 2023.

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						X ⁶	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.

12:59 p.m. Laurie Weber, Complainant in the matter docketed as C35-21, again noted her attendance, but did not offer any further public comments/statements.

1:00 p.m. An unidentified member of the public would not provide his name and noted he was just listening.

⁶ Commissioner Tomko was not present at the May 23, 2023, meeting, and therefore, he did not participate in the vote related to this matter.

XII. Adjournment

At 1:04 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	X	6
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by

Brigid C. Martens, Acting Director
School Ethics Commission