

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

**July 25, 2023**

Chairperson Robert Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:39 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**

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

Also, in attendance were Brigid C. Martens, Acting 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 12:00 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.

**9:42 a.m.** Lisa Mucci, a member of the public, noted her attendance, but did not offer any public comment/statement.

**9:42 a.m.** Gavin Rozzi, interested party in the matter docketed as C04-20, noted his attendance, and offered the following statement:

Inverse to C04-20, if a board president surreptitiously commencing a taxpayer funded witch hunt against his fellow board member outside of a public meeting is not unethical, then I don't know what it is. Policy 0174 is a red herring, does not obviate the violation. Umm, I tried to comment on this back in April and I was summarily shut down. I respectfully, I feel that the Commission has not been even handed in their enforcement of the public comment guideline, I think respectfully, you do let attorneys get away with a lot more in terms of what they're able to say. But you know, I see the members of the public being shut down. I just wanted to say, you know, in terms of the frivolous certifications that were filed in this matter, I would just urge the Commission to give them absolute consideration and strike them from the record. It was not right at the time they submitted them in March. Other than that, that'll conclude my comments. Thank you.

**9:44 a.m.** Leonard Thor, Complainant in the matter docketed as C125-22, noted his attendance, and offered the following statement:

Good morning. My name is Leonard Thorn and I'm the Complainant in C125-22. I hope that the School Ethics Commission will ask Mrs. Amster for proof of her resignation from SEPAG in January. She did not announce her resignation until March 8th, 2023, at a SEPAG meeting and stated it was because her son was graduated the district. It is my understanding she attended two SEPAG meetings in February in her capacity as a SEPAG leader. I'm also puzzled that Mrs. Amster and her legal counsel still do not understand that her case is not about her being a member of SEPAG, but rather a co-leader of SEPAG and her conflicts of interest. Thank you.

**9:46 a.m.** Sarah Aziz, interested party in the matters docketed as C115-22 and C12-23, noted her attendance, and offered the following statement:

Yes, my name is Sarah Aziz. I'm here to speak about the Monroe ethics complaints. There are two on the agenda tonight. I mean, today C115-22 and C12-23. As you know there have been nearly a dozen ethics complaints filed against the Monroe Township Board of Education since 2021.

I think ethics complaint C03-24 was filed in February 2021 and was referred to the OAL in July 2021. This case, alleged a board member, had a conflict of interest with her current Superintendent due to an alleged business relationship with her. The hearing date has been continued to be pushed back and is now set for October 2023, a year after the respondent board member provided this school district employee with a crucial 6th vote she needed to become permanent Superintendent, despite this Commission having found probable cause prior to the Superintendent search and vote for her contract. The respondent in that case is no longer on the board.

There are three other Monroe ethics complaints, C76-22, C10-22 and C65-22, that are in abeyance because case C0-21 has not yet been adjudicated. Ethics complaints against both Board President Chris Skurbe and the Superintendent have continued to be filed even as they both already face hearings before the OAL. Miss Skurbe currently has two cases pending with the OAL that have not yet been adjudicated.

In addition to multiple cases in abeyance with this Commission due to the lack of consequences for their actions thus far, there's evidence that both of these individuals have retaliated against those who expose their misconduct, including staff members and members of the public who have spoken up about their troubling behavior regarding C115-22. This is another example of a retaliatory act by Miss Skurbe. All the board, respondent board member Kate Rattner did was filed an affidavit to share the truth about Miss Skurbe's actions related to another ethics complaint, followed by a member of the public, C65-22, which is still in abeyance. The board president then threatened this board member with filing charges against her if she didn't resign and even threatened to involve her husband, who happens to be a teacher in our school district. The Respondent in this case, Kate Rattner, has shared this information and with the SEC in an SEC public forum a few months ago. Anyone who watches the Monroe Township Board meetings can see for themselves that Kate Rattner continues to ask important questions of these board meetings and stands up for the public interest. She has the overwhelming support of our students, teachers and taxpayers, and I just really wanted to make sure that we're holding the right people accountable.

While I fully believe that people, individuals who are dishonest and have multiple ethics complaints filed against them should be held accountable in an expeditious fashion, individuals who tell the truth to expose misconduct must be protected from retaliatory ethics complaints. What can the SEC do to expedite consideration of the Monroe cases? The people in Monroe have been waiting a long time and have yet to see justice served, and our students and staff are paying the price.

### **III. Executive Session**

At 9:49 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, C09-20; C19-22; C20-22; C105-22; C115-22; C125-22; C04-23; C12-23; C04-20; C20-20; C90-21; C05-23; C09-

23; C27-23; A01-01; C48-23; Doctrine of Necessity submitted by the Greater Egg Harbor Regional High School Board of Education; update on the status of C24-20, C27-20, C46-20 (Consolidated) regarding withdrawal at the Office of Administrative Law (OAL); update on the status of C42-21 regarding withdrawal at the OAL and discussion related to the February 2023 Personal/Relative and Financial Disclosure Statements; 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 Richard Tomko, to adjourn to Executive Session to discuss the matters set forth in the foregoing Resolution.

#### Vote

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

#### **IV. Return to Public**

At **12:39 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

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

**V. Complaints to Review**

**C09-20** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

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

**C19-22** Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed.

**Vote**

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

**C20-22** Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed.

**Vote**

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

**C105-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed and adopt as written.

**Vote**

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

**C115-22** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

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

**C125-22** Motion was made by Michael Carucci, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

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

**C04-23** Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed.

**Vote**

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

**C12-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

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

**VI. Decisions to Adopt as Written**

**C04-20** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

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

**C20-20** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

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

**C90-21** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

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

**C05-23** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

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

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<sup>1</sup> Commissioner Tomko had a conflict, and therefore, did not participate in the executive discussion or the vote related to this matter.



**C09-23** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

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

**C27-23** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X		4
<b>No</b>							0
<b>Abstention</b>						X <sup>3</sup>	1

**VII. Advisory Opinions**

**A01-01** 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.

**VIII. Administrative Dismissals**

**C48-23** This matter was on the agenda for informational purposes only.

**IX. Other Business**

**Doctrine of Necessity:** The Doctrine of Necessity submitted by the Greater Egg Harbor Regional High School Board of Education, was on the agenda for informational purposes only.

**Update on the status of C24-20, C27-20 and C46-20 (Consolidated) regarding withdrawal at the Office of Administrative Law (OAL).** This matter was on the agenda for informational purposes only.

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<sup>2</sup> Commissioner Tomko had a conflict, and therefore, did not participate in the executive discussion or the vote related to this matter.

<sup>3</sup> Commissioner Tomko had a conflict, and therefore, did not participate in the executive discussion or the vote related to this matter.

**Update on the status of C42-21 regarding withdrawal at the OAL.** This matter was on the agenda for informational purposes only.

**Discuss the status of the February 2023 Personal/Relative and Financial Disclosure Statement filings.** 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 June 27, 2023.

### **Vote**

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

## **XI. Second Public Comment**

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

**12:47 p.m.** Lisa Mucci, a member of the public, again noted her attendance, but did not offer any further public comments/statements.

**12:48 p.m.** Gavin Rozzi, interested party in the matter docketed as C04-20, again noted his attendance, but did not offer any further public comments/statements.

## **XII. Adjournment**

At 12:48 p.m., a motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adjourn.

### **Vote**

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

Submitted by:

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Jeannine Pizzigoni

Approved by

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Brigid C. Martens, Acting Director  
School Ethics Commission