

School Ethics Commission Meeting Public Session Minutes

August 22, 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 Brigid C. Martens, Acting Director, Office of School Ethics; Jeannine Pizzigoni and Ericka Pressley, staff members; and Carolyn Labin, Laurie Fichera and David Kalisky 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.

9:36 a.m. Laurie Weber, Complainant in C68-20 and C71-20, which were not on the agenda, noted her attendance, and wanted to ask a procedural question related to both matters. Acting Director Martens asked Ms. Weber if she would call the office at a later date, to discuss the matters because they had been adjudicated, Ms. Weber explained that she has attempted to

call the office, but no one answers. It was explained to Ms. Weber that the staff is in the office and will respond to her call after the meeting.

9:39 a.m. Gavin Rozzi, interested party in the matter docketed as C04-20, noted his attendance, but did not offer any public comment/statement.

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, C59-20; C86-21; C22-23; C09-20; C19-22; C20-22; C115-22; C125-22; C04-23; C12-23; A01-01; C48-23; DAG Fichera to provide an update on the status of C22-22; DAG Kalisky to provide an update on the status of C227-22; and update on 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

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 **12:01 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	X	5
No							0
Abstention							0

V. Complaints to Review

C59-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

C86-21 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		4
No							0
Abstention						X ¹	1

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

C22-23 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	X	4
No							0
Abstention			X ²				1

VI. Decisions to Adopt as Written³

C09-20 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

C19-22 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

² Commissioner Finkelstein has a conflict, and therefore, did not participate in the executive session discussion and/or vote related to this matter.

³ Commissioner Finkelstein was not present at the July 25, 2023, meeting, and therefore, did not participate in the votes related to these matters.

C20-22 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

C115-23 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

C125-22 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

C04-23 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

C12-23 Motion was made by Dennis Roberts, and seconded by Richard Tomko, 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

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. Other Business

Doctrine of Necessity: None.

DAG Fichera to provide update on the status of C22-22. This matter was on the agenda for informational purposes only.

DAG Kalisky to provide update on the status of C27-22. recommendation was made to accept the offer of reprimand.

After discussion, a

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

Update on the status of the February 2023 Personal/Relative and Financial Disclosure Statement filings. Staff member Jeannine Pizzigoni informed the Commission that there were still approximately 108 school officials who still have not filed or amended their forms.

IX. 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 July 25, 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

There were not any members of the public in attendance at this portion of the public session. 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.

⁴ Commissioner Finkelstein was not present at the July 25, 2023, meeting, and therefore, did not participated in the vote related to this matter.

XII. Adjournment

At 12:11 p.m., a motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adjourn.

Vote

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

Submitted by:

Jeannine Pizzigoni

Approved by

Brigid C. Martens, Acting Director
School Ethics Commission