

School Ethics Commission Meeting Public Session Minutes

September 26, 2023

Commissioner Dennis Roberts called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:41 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, staff member; and Carolyn Labin and David Kalisky Deputy Attorneys General (DAsG).

II. 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, C39-20; C94-21; C98-21; C31-22; C48-22; D01-23 through D09-23; C59-20; C86-21; C22-23; A01-01; C53-23; C54-23; C57-23; Doctrines of Necessity submitted by the Atlantic City and Southern Regional High School District Boards of Education; Acting Director Martens to provide an update on the status of C43-20; DAG Kalisky to present a settlement proposal in connection with C90-22; Adoption of Resolution of Censure in connection with C20-20; Adoption of Resolution of Censure in connection with C68-20; and discussion regarding public comment at the Commission's meeting; 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 Richard Tomko, 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

III. Return to Public

At **11:12 a.m.**, a motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, 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 Bender¹	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes			X	X	X	X	4
No							0
Abstention							0

IV. Complaints to Review

C39-20 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							0

¹ Chairperson Bender left the meeting, during executive session, at approximately 10:08 a.m., due to a personal matter, and therefore, did not participate in the votes related to these matters.

C94-21 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

C98-21 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

C31-22 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	4
No							0
Abstention							0

C48-22 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

V. Orders to Show Cause

D01-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D02-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D03-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D04-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D05-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D06-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D07-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D08-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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

D09-23 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the Order to Show Cause and to email.

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. Decisions to Adopt as Written

C59-20 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

C86-21 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		3
No							0
Abstention						X ²	1

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

C22-23 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	3
No							0
Abstention			X ³				1

VII. Advisory Opinions⁴

A01-01 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to remove the advisory opinion from public.

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. Administrative Dismissals

C53-23 This matter was on the agenda for informational purposes only.

C54-23 This matter was on the agenda for informational purposes only.

C57-23 This matter was on the agenda for informational purposes only.

³ Commissioner Finkelstein has a conflict, and therefore, did not participate in the executive session discussion and/or vote related to this matter.

⁴ Upon further review of the regulations, the Commission concluded that the need for six votes is only necessary when making an advisory opinion public, not when voting to remove one from public, and therefore, the Commission determined that there was a sufficient number of Commissioners present to take action.

IX. Other Business

Doctrine of Necessity(2): The Atlantic City and the Southern Regional Boards of Education
These matters were on the agenda for informational purposes only.

Acting Director Martens to provide an update on the status of C43-20. This matter
was on the agenda for informational purposes only.

DAG Kalisky to present a settlement proposal in connection with C90-22. Motion was
made by Mark Finkelstein, and seconded by Dennis Roberts to reject the settlement offer, and to
proceed with discovery.

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

Adoption of Resolution of Censure in connection with C20-20. Motion was made by
Carol E. Sabo, and seconded by Mark Finkelstein 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	4
No							0
Abstention							0

Adoption of Resolution of Censure in connection with C68-20. Motion was made by
Carol E. Sabo, and seconded by Mark Finkelstein 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	4
No							0
Abstention							0

Discussion regarding public comment at the School Ethics Commission's public meetings

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 August 22, 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

XI. Adjournment

At 11:17 a.m., a motion was made by Carol E. Sabo, 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	4
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Brigid C. Martens, Acting Director
School Ethics Commission