

## School Ethics Commission Meeting Public Session Minutes

**November 28, 2023**

Chairperson 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**

<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 <sup>1</sup>	1

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics; Jeannine Pizzigoni, staff member; and Erin Herlihy, and Colin Klika Deputy Attorneys General (DAsG).

### **II. Public Comment**

Director Martens advised the public as follows: individuals wishing to provide public comments/statements during Public Comment must be speaking about matters on the Commission's agenda; 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.** Alix Hayes, a member of the Ocean Township Board of Education, Monmouth County, was in attendance at the meeting and offered the following public comment/statement:

Good Morning Chairperson Bender and Members of the Commission,

My name is Alix Hayes and I live in Ocean Township in Monmouth County. I am an elected school board member, and I am leaving office in a little more than a month. To hopefully complete my 3-part disclaimer, I am here today to express my personal opinions, I do not speak on behalf of the Township of Ocean School District's Board of Education, nor do I have their permission to do so.

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<sup>1</sup> Commissioner Tomko arrived at 9:37 a.m.

First, I wanted to thank the Commission and all the staff for the incredibly important work you do — I recognize that there has been an influx of cases, particularly over the last couple of years.

I also wanted to thank you for having the sessions in person though I do wish the Public Comment (session) could be via Zoom because that opens up a greater chance of public discourse. But, I thank you for the opportunity to be here. As a former TV journalist and advocate for equity in education, I could not in good conscience NOT be here for the first public testimony in-person in a couple of years. It is an honor to speak to you here.

Full disclaimer: I am not part of any pending Ethics Complaint before you; however, C56- 23 was filed on behalf of a colleague of mine, against two other colleagues of mine ... You may be familiar with it, since it seems to be among the largest, if not THE largest complaint ever filed in the state of New Jersey with more than three dozen alleged ethics violations by two members of our school board over a period of six months.

Incidentally, complaint C56-23 was OPRA'd to our BOE by the president of our teachers' union, by the Asbury Park press and by Sylvia Sylvia (Cioffi) a member of the State School Board who also lives in town (and who did not disclose her position/state appointment in doing so, in clear violation of state ethics). Somehow, unredacted versions were released to these parties and posted to social media — namely Ms. Sylvia posted it several times to the Facebook page she runs with 9,000+ town residents on it. This has led to countless — and I do mean hundreds — of vitriolic comments against the complainant and myself — many of them spearheaded by family members of one of the respondents. (They're) false attacks and public shaming aimed at us to distract from the alleged ethics violations.

While the Ethics Commission requests confidentiality among all parties in the case of C56-23, it has been anything but. Mind you the complainant and myself have never commented publicly on C56-23 — until me, here now, because it would be improper for any school board member to comment on the substance of any grievance investigation pending before the NJ School Ethics Commission, as to do so would undermine the State's mandated confidentiality of the process.

My district also submitted an (SEC) Advisory Opinion earlier this year to which this body graciously rendered a ruling — AO 05-23 which essentially negated a previous AO about the ethical rules of conflicted presidents and vice presidents, in appointing committee members and committee chairs.

And that is why I am here: since before we got your (AO) ruling, and after, I have asked my fellow school board members (in public sessions) no less than four times 'if we are going to abide by the (SEC) Advisory Opinion'... after it was sent out *and after* the Commission ruled essentially that our president did *not* have the authority to appoint board members to committees since she was twice conflicted... Our school board has refused to abide by the AO.

Our last school board meeting two weeks ago is what I want to bring to your attention because I believe our school board might not be alone in trying to dilute your authority, your expertise, and essentially best practices that school districts follow the Commission's Advisory Opinions as if they were Case Law.

During 'New Business' of our last meeting (11/14/23) here is the motion I put forth and here is the response from (my colleagues on) our school board: (TC 1:14:00 from meeting video)

(Alix Hayes) "I'd like to make a motion that as a board, when we seek an Advisory Opinion from the State School Ethics Commission that we abide by it."

This was one sentence. I was asked "to clarify," so I responded: (TC 1:14:15)

(Alix Hayes) "When we as a Board or a member of the Board seeks a State Ethics Commission AO, and when we have received the Ethics Commission's response, it is to be followed."

And then, another BOE member says:

(John McCarthy) "(They) Change so frequently and this body gives us such varied opinions"... I don't believe it's a smart move to put such a restrictive policy in."

Then, another BOE member -- who himself is 1/2 of the state's largest Ethics Complaint (C56-23) currently before you -- which makes me wonder if he should even have been allowed to comment), said:

(Jeff Weinstein) "(The Ethics Commission's) Advisory Opinions are pretty nebulous ... because they cite prior rulings, which are often in conflict of their own rulings, so we want to always rely on our own counsel on what should and shouldn't be adopted."

(Alix Hayes) To which I stated that AO 05-23 is "all about our town... hasn't been changed since 2001... has it been changed, sure, but 22 years later."

### **My motion to was voted down 5-3.**

I am personally and professionally saddened that they have such disrespect for the Commission, but this seems to also be a sign of the times: to seek an opinion from a higher authority, and then, when you don't like that opinion, you ignore it.

(My school board is basically saying to you, the SEC, that your rulings and determinations don't matter, and 'we're not going to follow them anyway'. In fact, our board president once said in a public meeting that the SEC's opinions were 'written poorly'. I know this Commission has a packed schedule of Complaints, but I would *implore you to please advance C56-23 as soon as possible*. The respondents' and their families continue to attempt to intimidate, defame and attack

my character online and in person -- in addition to the Complainant's; their actions and promotions of others' actions have gone above and beyond being egregious and malicious. Still, I have maintained silence to respect the confidentiality of the process.

Ignoring SEC opinions erodes the public's confidence in our public education system. The flagrant disregard for school ethics and the School Ethics Commission's purpose, decisions and authority are glaring -- and antithetical to showing the 3,300 amazing students of our school district that rules are meant to be followed -- and one must be ethical all ways, always. Our students and staff deserve ethical leadership from leaders who follow the law and rules instead of casting them aside like as alleged in C56-23.)

Besides coming here as just to provide commentary and for it be on record, I do hope the School Ethics Commission can at some point address your disapproval of what is happening across the state where some school districts do not following *your* decisions that you have taken great time and great labor to deliberate and render rulings. Thank you.

## **II. Executive Session**

At 9:45 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: C18-23; C37-23; C47-23; C49-23 and C50-23 (Consolidated); T01-23 through T22-23; C37-21; C44-21; C87-21; C05-23; C12-23; C25-23; C28-23; C29-23; C31-23; C34-23; D01-23; A14-23; C61-23; D04-23; Doctrine of Necessity submitted by the Seaside Heights Board of Education; Adoption of Resolution of Censure in connection with C71-20; Adoption of Resolution of Censure in connection with C86-21; DAG Klika to make a recommendation regarding the status of C62-20; 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**

<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

**III. Return to Public**

At **12:10 p.m.**, a motion was made by Dennis Roberts, and seconded by Michael Carucci, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**IV. Complaints to Review**

**C18-23** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**C37-23** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**C47-23** 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**C49-23 and C50-23 (Consolidated)** Motion was made by Richard Tomko, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**V. Orders to Show Cause**

**T01-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T02-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T03-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T04-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T05-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T06-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0



**T07-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T08-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T09-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T10-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T11-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T12-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T13-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T14-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T15-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T16-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T17-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T18-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T19-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T20-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T21-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**T22-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to email.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**VI. Decisions to Adopt as Written**

**C37-21** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**C44-21** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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>						X <sup>2</sup>	1

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

**C87-21** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**C05-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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>						X <sup>3</sup>	1

**C12-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

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

**C25-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**C28-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as amended.

**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>						X <sup>4</sup>	1

**C29-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as amended.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

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<sup>4</sup> Commissioner Tomko has a conflict, and therefore, he did not participate in the executive session discussion and vote related to this matter.



**C31-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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		6
<b>No</b>							0
<b>Abstention</b>						X <sup>5</sup>	0

**C34-23** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**VII. Orders to Show Cause**

**D01-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

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<sup>5</sup> Commissioner Tomko has a conflict, and therefore, he did not participate in the executive session discussion and vote related to this matter.

## **VIII. Advisory Opinions**

**A14-23** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written and to make public.

### **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	X	6
<b>No</b>							0
<b>Abstention</b>							0

## **IX. Administrative Dismissals**

**C61-23** This matter was on the agenda for informational purposes only.

**D04-23** This matter was on the agenda for informational purposes only.

## **X. Other Business**

**Doctrine(s) of Necessity:** The Seaside Heights Board of Education. This matter was on the agenda for informational purposes only.

**Adoption of Resolution of Censure in connection with C71-20.** Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, to adopt the 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

**Adoption of Resolution of Censure in connection with C86-21.** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the 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>						X <sup>6</sup>	1

**DAG Klika to make recommendation regarding C62-20.** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to accept the recommendation to withdraw the probable cause notice regarding Respondent Wyatt.

**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	X	6
<b>No</b>							0
<b>Abstention</b>							0

## **XI. Minutes**

Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on October 17, 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	X	6
<b>No</b>							0
<b>Abstention</b>							0

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<sup>6</sup> Commissioner Tomko has a conflict, and therefore, he did not participate in the executive session discussion and vote related to this matter.

## **XII. Adjourment**

At 12:19 p.m., a motion was made by Mark Finkelstein, and seconded by Richard Tomko, 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	X	6
<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, Director  
School Ethics Commission