

School Ethics Commission Special Meeting Public Session Minutes

February 27, 2024

Chairperson Bender called the special meeting of the School Ethics Commission (Commission or SEC) to order at 9:31 a.m.

Notice of the special 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		4
Absent			X			X ¹	2

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics, Jeannine Pizzigoni, staff member, and Anna Toor, Deputy Attorney General (DAG). Commissioners Michael Carucci and Dennis Roberts participated by telephone/video.

II. First Public Comment

At the start of the meeting, Chairperson Bender explained to the public how the meeting would be conducted. More specifically, Chairperson Bender explained that the public would be afforded the opportunity to provide public comment; the Commission would then adjourn to executive session; 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; and then the Commission would vote on matters pertinent to its business.

Director Martens also advised the public as follows: individuals wishing to provide public comments/statements during Public Comment regarding a matter pending before the Commission are asked not to litigate 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.

9:34 a.m. Graceanne Talarico, Complainant in the matter docketed as C56-23, was present at the meeting and offered the following comment/statement:

My name is Graceanne Talarico and I am the Complainant for C56-23. I would just like to acknowledge and thank all the SEC members for all the hard work and time you put in to ensuring that the school board member code of ethics and prohibited conduct is followed. Thank you for providing advisory opinion guidance and structure for school board members to abide

¹ Commissioner Tomko arrived at 9:39 a.m.

by. What you do is very much appreciated and needed to create fairness and a respectful environment for all. Thank you.

9:34 a.m. Alix Hayes, Ocean Township community member and former member of the Ocean Township Board of Education, noted her attendance and offered the following public comment/statement:

Hi. My name is Alix Hayes. I wanted to thank the Commission and all the staff for the incredibly important work you do — I recognize that there has been a huge influx of cases, particularly over the last couple of years and seems you're working diligently to usher in some extra meetings and to get these cases heard as quickly as possible and I appreciate that. I also wanted to thank you for having the sessions in person ... as a former TV journalist and advocate for equity in education, transparency is incredibly important, as you know.

The Ocean Township School District submitted an Advisory Opinion earlier this year to which this body graciously rendered a ruling in A05-23, which essentially negated a previous advisory opinion about the ethical rules of a conflicted (school board) president and vice president appointing committee members and committee chairs — and also those conflicting folks (members) serving on committees to which they have conflicts of family members.

Our School Board has since refused to abide by your advisory opinion and in November (2023) voted, in a motion in open session, *not to follow advisory opinions rendered by the SEC*. This has been brought up since the new leadership in January, and our district and majority board members *still will not follow your advisory opinion*. This dilutes your authority, your expertise, and essentially best practices that school districts follow the SEC's advisory opinions as if they were case law. 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 simply ignore it. It's sad and in a perfect world the SEC's Advisory Opinions would be followed. Thank you.

III. Executive Session

At 9:39 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: C21-21; C99-22; C25-23; C44-23; C55-23; C56-23; C58-23; C36-19; C62-20; C24-22; C10-23; C39-23; C41-23; C45-23; A02-24; A03-24; A04-24; A15-23; A16-23; C83-23; Doctrines of Necessity submitted by the Plainfield, Upper Deerfield Township (x2) and East Rutherford Boards of Education; Adopt Resolution of Removal in connection with D08-23; Adopt Resolution of Removal in connection with T03-23; Adopt Resolution of Removal in connection with T04-23; Adopt Resolution of Removal in connection with T06-23; Adopt Resolution of 60-day Suspension in connection with T07-23; Adopt Resolution of Censure in connection with T09-23;

Adopt Resolution of Removal in connection with T13-23; Adopt Resolution of 30-day Suspension in connection with T19-23; Adopt Resolution of 30-day Suspension in connection with T20-23; Adopt Resolution of Censure in connection with T21-23; Adopt Resolution of Removal in connection with T22-23; provide an update on the status of C76-21; provide an update on the status of C85-21 and provide an update on the status of C09-20; 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 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

IV. Return to Public

At **12:00 p.m.**, a motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

C21-21 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	5
No							0
Abstention							0

C99-22 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	X	5
No							0
Abstention							0

C25-23 Motion was made by Carol E. Sabo, 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

C44-23 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		4
No							0
Abstention						X ²	1

C55-23 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	4
No							0
Abstention		X ³					1

C56-23 Motion was made by Carol E. Sabo, 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

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

³ Commissioner Carucci has a conflict, and therefore, did not participate in the discussion and vote related to this matter.

C58-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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 ⁴	1

VI. Decisions to Adopt as Written⁵

C36-19 Motion was made by Richard Tomko, 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		X					1

C62-20 Motion was made by Richard Tomko, 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		X					1

⁴ Commissioner Tomko has a conflict, and therefore, did not participate in the discussion and vote related to this matter.

⁵ Commissioner Carucci was not present at the January 23, 2024, meeting, and therefore, did not participate in the executive session discussions and votes related to these matters.

C24-22 Motion was made by Richard Tomko, 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	X	4
No							0
Abstention		X					1

C10-23 Motion was made by Richard Tomko, 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	X	4
No							0
Abstention		X					1

C39-23 Motion was made by Richard Tomko, 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		X					1

C41-23 Motion was made by Richard Tomko, 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		X					1

C45-23 Motion was made by Richard Tomko, 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		X					1

VII. Advisory Opinions⁶

A02-24 (Request for Reconsideration) Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written only.

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

⁶ The Commission did not have the statutorily required number of Commissioners present to make the advisory opinions public.

A03-24 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written only.

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

A04-24 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the advisory opinion as written only.

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

A15-23 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A16-23 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A01-23 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A02-23 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

VIII. Administrative Dismissals

C83-23 This matter was on the agenda for informational purposes only.

IX. Other Business

Doctrine(s) of Necessity: the Plainfield, the Upper Deerfield Township (x2) and the East Rutherford Boards of Education. These matters were on the agenda for informational purposes only.

Resolution of Removal in connection with D08-23. Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Removal in connection with T03-23. Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Removal in connection with T04-23.
 Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Removal in connection with T06-23.
 Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adoption of Resolution of 60-day Suspension in connection with T07-23.
 Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Censure in connection with T09-23.
 Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Removal in connection with T13-23.
 Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of 30-day Suspension in connection with T19-23.
 Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of 30-day Suspension in connection with T20-23. Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Censure in connection with T21-23. Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Adopt Resolution of Removal in connection with T22-23. Motion was made by Richard Tomko, 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	5
No							0
Abstention							0

Provide an update on the status of C76-21. The Commission was briefed on this matter by Director Martens, which was on the agenda for informational purposes only.

Provide an update on the status of C85-21. The Commission was briefed on this matter by Director Martens, which was on the agenda for informational purposes only.

Provide an update on the status of C09-20. The Commission was briefed on this matter by Director Martens, which 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 January 23, 2024.

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 ⁷					1

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the minutes of the special meeting (public and executive) conducted on February 13, 2024.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X		X	X	X		3
No							0
Abstention		X ⁸				X ⁹	2

⁷ Commissioner Carucci was not present at the January 23, 2024, meeting, and therefore, did not participate in the vote related to this matter.

⁸ Commissioner Carucci was not present at the February 13, 2024, special meeting, and therefore did not participate in the vote related to this matter.

⁹ Commissioner Tomko was not present at the February 13, 2024, special meeting, and therefore, did not participate in the vote related to this matter.

XI. Second Public Comment

The were not any members of the public in attendance at the second public session of the meeting.

XII. Adjournment

At 12:09 p.m., a motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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, Director
School Ethics Commission