

# School Ethics Commission Meeting Public Session Minutes

May 21, 2024

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:39 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 <sup>1</sup>	X	X <sup>2</sup>	5
Absent			X				0

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics, Jeannine Pizzigoni, staff member, and Francesco Ferrantelli<sup>3</sup> and Matthew Lynch,<sup>4</sup> Deputy Attorney General (DAG).

## II. First Public Comment

There were not any members of the public present.

## III. Executive Session

At 9:43 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

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<sup>1</sup> Commissioner Roberts participated via Teams.

<sup>2</sup> Commissioner Tomko arrived at 9:51 a.m.

<sup>3</sup> DAG Ferrantelli arrived at the start of the meeting; however, due to a conflict related to C03-21 and C22-22, DAG Ferrantelli left executive session so the Commission could discuss the matters with DAG Lynch. At the conclusion of the discussion of the two matters, DAG Lynch left the meeting and DAG Ferrantelli returned.

<sup>4</sup> DAG Lynch participated via Teams. He left the meeting at 10:37 a.m.

regarded as confidential and also to discuss matters possibly involving litigation: C03-21; C22-22; C45-23; C76-23; C80-23; C85-23; C87-23; C88-23; C62-23; C79-23; C81-23; C82-23; C84-23; C86-23; C89-23; C90-23; A07-24; A15-23 and A16-23 (Request for Clarification); A01-24; A02-24; A03-24; A04-24; A05-24; A06-24; A09-24; Doctrines of Necessity submitted by the Edgewater Park and the Ocean Township Boards of Education; adopt the Resolution of Censure in connection with C04-20; consider whether to grant withdrawal of C65-22; consider whether to grant withdrawal of C78-22; discuss the Commissioner of Education’s remand of T17-23; nominating committee to present name of nominee for the position of SEC Chairperson for the term of July 1, 2024, through June 30, 2025; and adopt the Resolution setting forth the 2025 SEC meeting dates; 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 Carol E. Sabo, and seconded by Michael Carucci, 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		4
<b>No</b>							0
<b>Abstention</b>							0

**IV. Return to Public**

At **12:11 p.m.**, a motion was made by Dennis Roberts, and seconded by Richard Tomko, 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**

**C03-21** 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

**C22-22** Motion was made by Richard Tomko, and seconded by Michael Carucci, 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

**C45-23** Motion was made by Richard Tomko, 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

**C76-23** Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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

**C80-23** Motion was made by Richard Tomko, 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

**C85-23** 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

**C87-23** Motion was made by Carol E. Sabo, and seconded by Richard Tomko, to place Complainant’s supplemental filing on the agenda.

**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

**C87-23** Motion was made by Michael Carucci, and seconded by Richard Tomko, to consider Complainant’s supplemental filing.

**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

**C87-23** Motion was made by Carol E. Sabo, and seconded by Richard Tomko, 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

**C88-23** Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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<sup>5</sup>**

**C62-23** Motion was made by Richard Tomko, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

**C79-23** Motion was made by Richard Tomko, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

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<sup>5</sup> Commissioner Roberts was not present at the meeting on April 30, 2024, and therefore, he did not participate in the votes related to these matters.

**C81-23** Motion was made by Richard Tomko, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

**C82-23** Motion was made by Richard Tomko, and seconded by Carol E. Sabo, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

**C84-23** Motion was made by Richard Tomko, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

**C86-23** Motion was made by Richard Tomko, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

**C89-23** Motion was made by Richard Tomko, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1

**C90-23** Motion was made by Richard Tomko, and seconded by Carol E. Sabo, 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	4
<b>No</b>							0
<b>Abstention</b>				X			1



**VII. Advisory Opinions<sup>6</sup>**

**A15-23 and A16-23 (Request for Clarification)** Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to adopt the request for clarification 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

**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.

**A03-24** 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.

**A04-24** 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.

**A05-24** 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.

**A06-24** 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.

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

**A07-24** Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to adopt the advisory opinion 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			1

**A09-24** 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. Other Business**

**Doctrines of Necessity submitted by the Edgewater Park and Ocean Township Boards of Education.** These matters were on the agenda for informational purposes only.

**Adopt Resolution of Censure in connection with C04-20.** Motion was made by Richard Tomko, 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>							0

**Consider whether to grant withdrawal of C65-22.** Motion was made by Richard Tomko, and seconded by Michael Carucci, to table this matter for further review and consideration.

**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

**Consider whether to grant withdrawal of C78-22.** Motion was made by Richard Tomko, and seconded by Michael Carucci, to table this matter for further review and consideration.

**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

**Discuss the Commissioner of Education’s remand of T17-23.** Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to administratively dismiss this matter.

**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

**Nominating committee to present a nominee for the position of SEC Chairperson for the term of July 1, 2024, through June 30, 2025.** Motion was made by Richard Tomko, and seconded by Dennis Roberts, to nominate Chairperson Bender as the Chairperson for the term of July 1, 2024, through June 30, 2025.

**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						1

**Adopt the Resolution setting forth the 2025 SEC meeting dates.** Motion was made by Richard Tomko, and seconded by Dennis Roberts 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>							0

**IX. Minutes**

Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on March 26, 2024.

**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		3
<b>No</b>							0
<b>Abstention</b>		X <sup>7</sup>				X <sup>8</sup>	2

Motion was made by Carol E. Sabo, and seconded by Richard Tomko, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on April 30, 2024.

**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>9</sup>			1

**X. Second Public Comment**

There were not any members of the public present.

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<sup>7</sup> Commissioner Carucci was not present at the meeting on March 26, 2024, and therefore, did not participate in the vote related to this matter.

<sup>8</sup> Commissioner Tomko was not present at the meeting on March 26, 2024, and therefore, did not participate in the vote related to this matter.

<sup>9</sup> Commissioner Roberts was not present at the meeting on April 30, 2024, and therefore, did not participate in the vote related to this matter.

**XI. Adjourment**

At 12:25 p.m., a motion was made by Dennis Roberts, 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	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, Director-  
School Ethics Commission