

School Ethics Commission Meeting Public Session Minutes

July 23, 2024

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:43 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 ¹		X	X	X	5
Absent			X				0

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics, Jeannine Pizzigoni, staff member, and Amna Toor and David Kalisky Deputy Attorneys General (DAsG).

II. First Public Comment

9:45 a.m. Kit Applegate, interested party in the matter docketed as C15-24, noted his attendance, but did not offer any public comments/statements.

9:45 a.m. John Baird, Respondent in the matter docketed as C91-23, noted his attendance, but did not offer any public comments/statements.

III. Executive Session

At 9:50 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: C01-24; C07-24; C08-24; C09-24; C10-24; C11-24; C15-24; C16-24, C17-24, C28-24, C38-24, C43-24 and C44-24 (Consolidated); C20-24; C96-21; C78-23; C91-23; T01-24; T02-24; T03-24; T04-24;

¹ Commissioner Carucci participated via Teams.

T06-24; T08-24; T09-24; T10-24; T11-24; T12-24; T13-24; T15-24; T16-24; A01-24; A02-24; A03-24; A04-24; A05-24; A06-24; A07-24; A09-24; T05-24; T07-24; T14-24; T17-24; C36-24; Doctrines of Necessity submitted by the Woodbridge Township and the Waterford Township Boards of Education; DAG Kalisky to present settlement offer in connection with C67-19; DAG Kalisky to discuss the status of C82-21; consider Complainant's request to submit a supplement to the Complaint in connection with C41-24 and adopt the Resolution in connection with the Failure to Appear related to C32-23; 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 **12:29 p.m.**, a motion was made by Richard Tomko, 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

C01-24 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

C07-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to table the matter for further review.

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

C08-24 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

C09-24 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

C10-24 Motion was made by Richard Tomko, 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	X	5
No							0
Abstention							0

C11-24 Motion was made by Dennis Roberts, and seconded by Michael Carucci, 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

C15-24 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

C16/C17/C28/C38/C43 and C44-24 (Consolidated) 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

C20-24 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

VI. Decisions to Adopt as Written

C96-21 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	X	5
No							0
Abstention							0

C78-23 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 ²			1

C91-23 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	X	X	5
No							0
Abstention							0

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

VII. Orders to Show Cause

T01-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T02-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T03-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T04-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T06-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T08-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T09-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T10-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T11-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T12-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T13-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T15-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

T16-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written and to mail electronically.

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

VIII. Advisory Opinions³

A01-24 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.

A02-24 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.

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.

³ The Commission did not have the statutorily required number of Commissioners present to make the advisory opinions public.

A07-24 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.

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.

IX. Administrative Dismissals

T05-24 This matter was on the agenda for informational purposes only.

T07-24 This matter was on the agenda for informational purposes only.

T14-24 This matter was on the agenda for informational purposes only.

T17-24 This matter was on the agenda for informational purposes only.

C36-24 This matter was on the agenda for informational purposes only.

X. Other Business

Doctrines of Necessity submitted by the Woodbridge Township and Waterford Township Boards of Education. These matters were on the agenda for informational purposes only.

DAG Kalisky to present settlement offer in connection with C67-19. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to accept the settlement offer.

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

DAG Kalisky to discuss the status of C82-21. Motion was made by Dennis Roberts, and seconded by Michael Carucci, to withdraw the Probable Cause Notice in this matter.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X		X	X		4
No						X	1
Abstention							0

Consider Complainant's request to submit a supplement to the Complaint in connection with C41-24. Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to deny Complainant's request.

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 a Resolution in connection with the Failure to Appear related to C32-23. Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

XI. Minutes

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 June 17, 2024.

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

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 July 17, 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 ⁴					1

XII. Second Public Comment

12:29 p.m. Kit Applegate, interested party in the matter docketed as C15-24, again noted his attendance, but did not offer any public comments/statements.

12:29 p.m. John Baird, Respondent in the matter docketed as C91-23, again noted his attendance, but did not offer any public comments/statements.

⁴ Commissioner Carucci was not present at the special meeting on July 17, 2024, and therefore, did not participate in the vote related to this matter.

XIII. Adjournment

At 12:39 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, Director
School Ethics Commission