

School Ethics Commission Meeting Public Session Minutes

December 19, 2023

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:34 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		4
Absent			X			X	2

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics; Jeannine Pizzigoni, staff member; and Erin Herlihy, and David Kalisky Deputy Attorneys General (DAsG). Commissioners Michael Carucci, Dennis Roberts, Carol E. Sabo participated by telephone/video.

II. Executive Session

At 9:36 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: C12-23; C40-23; C42-23; C46-23; C51-23; C52-23; C18-23; C37-23; C47-23; C49-23 and C50-23 (Consolidated); T01-23; T03-23 through T07-23; T09-23; T12-23; T13-23; T17-23; T19-23 through T22-23; A15-23; A16-23; A59-95; T02-23; T08-23; T10-23; T11-23; T14-23 through T16-23; T18-23; DAG Kalisky to present settlement offer in connection with C32-19; discuss whether to remand C75-18 to the Office of Administrative Law following the Commissioner of Education's decision; adoption of Resolution of Censure in connection with D03-23; adoption of Resolution of Removal in connection with D05-23; adoption of Resolution of Suspension in connection with D06-23; adoption of Resolution of Censure in connection with D07-23 and consider whether to grant withdrawal of C59-23; 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 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		4
No							0
Abstention							0

III. Return to Public

At **12:03 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

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

IV. Complaints to Review

C12-23 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							0

C40-23 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		4
No							0
Abstention							0

C42-23 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							0

C46-23 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							0

C51-23 Motion was made by Michael Carucci, 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

C52-23 Motion was made by Michael Carucci, 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

V. Decisions to Adopt as Written

C18-23 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		4
No							0
Abstention							0

C37-23 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		4
No							0
Abstention							0

C47-23 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		4
No							0
Abstention							0

C49-23 and C50-23 (Consolidated) 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

VI. Orders to Show Cause

T01-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T03-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T04-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T05-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T06-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T07-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T09-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T12-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T13-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T17-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T19-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T20-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T21-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

T22-23 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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

VII. Advisory Opinions¹

A15-23 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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		4
No							0
Abstention							0

¹ The Commission did not have the statutorily required number of Commissioners present to make the advisory opinions public.

A16-23 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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		4
No							0
Abstention							0

A59-95 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to table the advisory opinion and to conduct further research.

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

- T02-23** This matter was on the agenda for informational purposes only.
- T08-23** This matter was on the agenda for informational purposes only.
- T10-23** This matter was on the agenda for informational purposes only.
- T11-23** This matter was on the agenda for informational purposes only.
- T14-23** This matter was on the agenda for informational purposes only.
- T15-23** This matter was on the agenda for informational purposes only.
- T16-23** This matter was on the agenda for informational purposes only.
- T18-23** This matter was on the agenda for informational purposes only.

IX. Other Business

Doctrine(s) of Necessity: None.

DAG Kalisky to present settlement offer in connection with C32-19. 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		4
No							0
Abstention							0

Discuss whether to remand C75-18 to the Office of Administrative Law (OAL) following the Commissioner of Education’s decision. Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to retransmit the matter to the OAL.

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 D03-23. Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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 Removal in connection with D05-23. Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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 30-day Suspension in connection with D06-23. Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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 D07-23. Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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

Consider whether to grant withdrawal of C59-23. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to grant withdrawal of the matter.

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

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 November 28, 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 12:13 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		4
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Brigid C. Martens, Director
School Ethics Commission