

School Ethics Commission Meeting Public Session Minutes

August 19, 2025

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:32 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 ²	4
Absent		X ³	X				2

Also, in attendance were Dana Jones and Jeannine Pizzigoni, staff members for the Office of School Ethics, and Amna Toor, Rachel Kristol and David Kalisky, Deputy Attorneys General (DAG).

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.

Dana Jones 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.

9:36 a.m. Commissioner Tomko leaves.

¹ Commissioner Roberts attended the meeting virtually.

² Commissioner Tomko attended the meeting virtually

³ Commissioner Carucci joined the meeting virtually at 12:25 p.m.

9:36 a.m. Giulia Lima, Esq.⁴, counsel for Respondents in the matter docketed as C89-24, noted her attendance, and offered the following statement:

Good Morning, Members of the Commission.

I am Giulia Lima, counsel for Respondents, the North Hunterdon-Voorhees Board of Education members named in the matter #C89-24.

This matter involves a May 7, 2024, vote by the North Hunterdon-Voorhees Board of Education on a library book challenge.

The challenge was handled under established district policy. A review committee of educators, administrators, and a parent considered the book and issue a divided recommendation. At the public meeting, more than twenty residents spoke, with most supporting the book remain. The Board then voted not to remove it. That decision was made through the proper process and within the Board's authority.

This process was consistent not only with district policy but also with the principles later codified in New Jersey's Freedom to Read Act, which affirms students' right to access information and prohibits book bans based on disagreement with ideas.

Dana Jones, staff member, reminds Ms. Lima that she cannot discuss the merits of the case and upon their review, the Commission will only consider the filings that were received e.g., the Complaint and the Written Statement, including an allegation of frivolous filing and the response to the frivolous allegation, not the statements that are being made.

Ms. Lima continues:

School libraries, as centers for voluntary inquiry, play a unique role in promoting intellectual freedom, providing equitable access to learning resources and promoting democracy by providing services to all regardless of race, ethnicity, creed, age, ability, gender or socio-economic status.

In sum, the record shows that members acted in good faith, within policy, and in line with state law protecting access to books.

Thank you for your time and your commitment to our schools, our teachers and our students.

⁴ Ms. Lima emailed her statement to the Commission's staff on August 19, 2025.

9:39 a.m. Dan Kleinman,⁵ Complainant in the matter docketed as C89-24, noted his attendance, and offered the following statement:

I came here because I'm interested in the administration of justice. I'm fascinated by this School Ethics Commission. I wanted to just observe for myself what was going on in this case. I wasn't planning to say anything.

And then the attorney spoke up. She's a very nice lady. But she did speak up on the, on the, uh, related to the case and, and how you should basically be voting because she pointed out to how important libraries are and it's essential to our democracy that we have libraries.

Then she was told, "We're sorry, you can't talk about things related to this case." And then she proceeded to proceed with more things related to this case. It's an attempt to spin the Ethics Commission.

I'm not impressed with that. I just came to observe today. And what I observed was the continuing effort to claim that librarians are wonderful people and all books are wonderful, as the reason why this case should be, in your mind, just set aside.

It's not the issue whether all libraries are wonderful, and I'm not gonna argue the merits of the case. I'm not impressed that she would, came up here and talked about this in violation of your rules, was warned about it, and then proceeded to continue to talk about this case in violation of the rules.

It's not impressive. I hope when you make your decision that your decision is based on everything it's supposed to be based on, and the justice of the matter, and whether the law was violated, and that's it.

And this is a very fascinating process. And I thank you guys for the efforts that you all put into doing this every month, it's a very important issue. Thank you.

Robert Bender, Chairperson states:

I can tell you that, uh, as a commissioner, uh we've read, this material, it's not just a statement here or there, but we look into the depth of each case. And uh, uh, are we swayed? Uh, no, uh, we listen, uh, just as, as, you know, free speech, but at the same time, what we're dealing with is very serious. And, right now, we, we have read this, uh, we are certainly in detail in this, uh, and, uh, we'll give that great consideration. So, we don't take these things lightly.

⁵ Mr. Kleinman emailed his statement to the Commission's staff on August 24, 2025. In his email correspondence, Mr. Kleinman informed the Commission that the public comment he was providing was "an exact copy of exactly what was said based on a recording [he] made."

Mr. Kleinman continues:

Okay. This, her argument that the Freedom to Read Act passed in New Jersey, you know, that was written by Chicago's American Library Association. It's almost proof of what I've been saying. But thank you very much.

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 regarded as confidential and also to discuss matters possibly involving litigation: C15-24; C85-24; C89-24; C95-24; C96-24; C97-24; C99-24; C101-24; C75-18; C109-22; C115-22; C88-24; C90-24; C91-24; C92-24; C93-24; C94-24; A09-25 (Request for Reconsideration); A12-25; A13-25; A14-25; A15-25; A01-25; A02-25; A04-25; A05-25; A06-25; A07-25; A08-25; A10-25; A11-25; Discuss Interlocutory Review in connection with C04-23; Adopt the Resolutions of Censure in connection with T05-25; T06-25; T09-25; T13-25; T18-25 and T21-25; Adopt the Resolutions of Removal in connection with T07-25; T11-25; T14-25; T19-25; T20-25; T22-25 and T23-25; Adopt the Resolution of Suspension in connection with T15-25; DAG Kristol to present settlement offer in connection with C82-23; DAG Kalisky to present settlement offer in connection with C22-24; and Discuss whether to place C53-25 in abeyance; 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 Dennis Roberts, 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	5
No							0
Abstention							0

IV. Return to Public

At **12:45 p.m.**, a motion was made by Dennis Roberts 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

C89-24 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 ⁶		X	X		4
No							0
Abstention						X ⁷	1

C15-24 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	4
No							0
Abstention							0

C85-24 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	4
No							0
Abstention							0

⁶ Commissioner Carucci leaves the meeting after the Commission votes on this matter.

⁷ Commissioner Tomko has a conflict, and therefore, did not participate in the discussion or vote related to this matter.

C95-24 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	4
No							0
Abstention							0

C96-24 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	4
No							0
Abstention							0

C97-24 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	4
No							0
Abstention							0

C99-24 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	4
No							0
Abstention							0

C101-24 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

VI. Decisions to Adopt as Written

C75-18 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

C109-22 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

C115-22 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

C88-24 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

C90-24 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

C91-24 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

C92-24 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

C93-24 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

C94-24 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

VII. Advisory Opinions

A09-25 (Request for Reconsideration) Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft the advisory opinion 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

A12-25 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft the advisory opinion 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

A13-25 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft the advisory opinion 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

A14-25 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft the advisory opinion 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

A15-25 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft the advisory opinion 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

A01-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A02-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A04-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A05-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A06-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A07-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A08-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A10-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A11-25 This matter was on the agenda to make public only. The Commission did not have the statutorily required number of Commissioners present to make the advisory opinion public.

VIII. Other Business

Doctrines of Necessity: None.

C04-23 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to grant the request for Interlocutory Review.

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

Adopt the Resolutions of Censure in connection with T05-25, T06-25, T09-25, T13-25, T18-25 and T21-25. Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to adopt the Resolutions of Censure.

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

Adopt the Resolutions of Removal in connection with T07-25, T11-25, T14-25, T19-25, T20-25, T22-25 and T23-25. Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to adopt the Resolutions of Removal.

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

Adopt the Resolution of Suspension in connection with T15-25. Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to adopt the Resolution of Suspension.

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

DAG Rachel Kristol to discuss a potential settlement in connection with C82-23.

Motion was Dennis Roberts, and seconded by Carol E. Sabo, to reject 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

DAG David Kalisky to discuss a potential settlement in connection with C22-24.

Motion was Dennis Roberts, and seconded by Carol E. Sabo, to rescind the probable cause notice.

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 place C53-25 in abeyance. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to place the matter in abeyance.

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

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 July 22, 2025.

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. Second Public Comment

There were not any members of the public present during the second public session.

XI. Adjournment

At 12:57 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	4
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Dana Jones
School Ethics Commission