

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

APRIL 22, 2014

Robert Bender called the meeting to order at 9:34.

Notice of the meeting was provided to the State House Press Corps and the Secretary of State and filed as required by the Open Public Meetings Act. In attendance were Commission members Randy Beverly, Ellen Polaner, Dennis Roberts and Chairperson Robert Bender. Commission member Mark Finkelstein participated by telephone from 10:45 until 11:05.

Interim Executive Director Joanne Restivo, Administrative Assistant Karin Molnar, Legal Assistant Jill Kail and Deputy Attorney General Chris Huber were also in attendance. Deputy Attorney General Geoffrey Stark was in attendance from 9:34 until 9:52 to provide an update on the Koch matter. He was welcomed by Chairperson Bender.

9:37 a.m. Motion was made by Dennis Roberts and seconded by Ellen Polaner to adjourn to executive session to discuss confidential matters and to obtain legal advice regarding the following complaints, advisory requests, and matters involving possible litigation: C21-13, C49-13, C04-14, C05-13, C03-12, C53-13, A04-14-13, A17-14, A18-14, A19-14, A20-14, A21-14, A22-14, A23-14, A05-14, A06-14, A07-13, A08-14, A09-14, A10-14, A11-14, A12-14, A13-14, A14-14, A15-14, A16-14, C10-12, C51-13, C28-13, C37-13, C43-13, C56-13, C57-13, C58-13, C11-13, the Koch Matter and Doctrines of Necessity filed by the Kearny and Garfield Boards of Education. Vote: 4 – Yes 0 – No

12:28 p.m. Return to Public Session.

Minutes Motion was made by Randy Beverly and seconded by Dennis Roberts to approve the Minutes of the March 25, 2014 Commission meeting with an edit. Vote: 4 – Yes 0 – No

Complaints

C21-13 Motion was made by Randy Beverly and seconded by Dennis Roberts to direct staff to send out a Failure to Appear letter. Vote: 4 – Yes 0 - No

C49-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to accept the withdrawal request of complainant. Vote: 4 – Yes 0 - No

C04-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to deny the motion to dismiss, find not frivolous and transmit this matter to the Office of Administrative Law (OAL) after receipt of an answering brief. Vote: 4 – Yes 0 – No

C05-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to deny the motion to dismiss as to Respondent Hartmann only, find not frivolous and transmit this matter to the OAL after receipt of an answering brief. Vote: 4 – Yes 0 – No

C03-12 Motion was made Dennis Roberts and seconded by Ellen Polaner to accept the Initial Decision of the Administrative Law Judge (ALJ) with cautionary language added. Vote: 4 – Yes 0 - No

C53-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision with amendments and to find not frivolous. Vote: 4 – Yes 0 - No

Advisory Opinions

A04-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to accept withdrawal and advise as discussed. Vote: 4 – Yes 0 – No

A17-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to decline to advise. Vote: 4 – Yes 0 – No

A18-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to decline to advise. Vote: 4 – Yes 0 – No

A19-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to decline to advise. Vote: 4 – Yes 0 – No

A20-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to advise as discussed. Vote: 4 – Yes 0 – No

A21-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to decline to advise as requestor has no standing. Vote: 4 – Yes 0 – No

A22-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to advise as discussed. Vote: 3 – Yes 1 – No (Dennis Roberts recused himself.)

A23-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to advise as discussed. Vote: 4 – Yes 0 – No

A05-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to adopt the advisory opinion with edits. Vote: 4 – Yes 0 – No

A06-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the advisory opinion with edits. Vote: 4 – Yes 0 – No

A07-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A08-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A09-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A10-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to adopt the advisory opinion with edits. Vote: 4 – Yes 0 – No

A11-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A12-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A13-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A14-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion with edits. Vote: 4 – Yes 0 – No

A15-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No

A16-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to adopt the advisory opinion with edits. Vote: 4 – Yes 0 – No

Other Business

C10-12 This matter was on the agenda for informational purposes only.

C51-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to find that no further reconsideration will be given. Vote: 4 – Yes 0 – No

C28-13 This matter was on the agenda for informational purposes only.

C37-13 This matter was on the agenda for informational purposes only

C43-13 This matter was on the agenda for informational purposes only.

C56-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to accept withdrawal request of complainant with prejudice. Vote: 4 – Yes 0 – No

C57-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to accept withdrawal request of complainant with prejudice. Vote: 4 – Yes 0 – No

C58-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to accept withdrawal request of complainant with prejudice. Vote: 4 – Yes 0 – No

C11-13 Motion was made by Ellen Polaner and seconded by Randy Beverly to direct the return of this matter from the OAL to the School Ethics Commission. Vote: 4 – Yes 0 – No

Nominating Subcommittee Dennis Roberts and Ellen Polaner agreed to be the members of a subcommittee to select nominees for the position of Commission Chairperson for the 2015 Fiscal Year.

12:38 p.m. Motion was made by Randy Beverly and seconded by Ellen Polaner to adjourn. Vote: 4 – Yes 0 – No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Interim Executive Director

Minutes 04-22-14 Public