

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

May 27, 2014

Robert Bender called the meeting to order at 9:30 a.m.

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, Mark Finkelstein, Dennis Roberts and Chairperson Robert Bender.

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 Lauren Jensen was in attendance from 9:32 until 9:47 to discuss a settlement offer proffered in Koch matter.

1:21 p.m. Return to Public Session.

Minutes Motion was made by Dennis Roberts and seconded by Randy Beverly to approve the Minutes of the April 22, 2014 Commission meeting with an edit. Vote: 5 – Yes 0 – No

Complaints

C26-13 Motion was made by Dennis Roberts and seconded by Ellen Polaner to find a violation of N.J.A.C. 18A:12-24(c) with a recommended penalty of reprimand. Vote: 5 – Yes 0 - No

C36-13 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to direct staff to write a letter to the complainant requiring an explanation for her failure to appear and prosecute her complaint. Vote: 5 – Yes 0 - No

C02-14 Motion was made by Ellen Polaner and seconded by Randy Beverly transmit to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 5 – Yes 0 - No

C07-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to transmit this matter to the OAL. Vote: 4 – Yes 0 – No 1 – Abstention (Randy Beverly abstained)

C11-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to retain this matter for a hearing to be held at a later date. Vote: 5 – Yes 0 - No

C04-14 Motion was made by Ellen Polaner and seconded by Randy Beverly to deny the motion to dismiss filed by the Respondent in this matter. Vote: 5 – Yes 0 - No

C05-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to grant the motion to dismiss Count One as to Respondent Bauer for lack of jurisdiction. Vote: 5 – Yes 0 – No

C05-14 A second motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the written decision with corrections. Vote: 5 – Yes 0 - No

C03-12 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision with amendments. Vote: 5 – Yes 0 - No

C07-13 Motion was made by Ellen Polaner and seconded by Randy Beverly to adopt the Initial Decision of the Administrative Law Judge (ALJ). Vote: 5 – Yes 0 - No

Advisory Opinions

A24-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote 5 – Yes 0 - No

A25-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to advise as discussed. Vote: 5 – Yes 0 - No

A04-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion with edits. Vote: 5 – Yes 0 - No

A17-14 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the advisory opinion as written. Vote: 5 – Yes 0 - No

A18-14 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the advisory opinion as written. Vote: 5 – Yes 0 - No

A19-14 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt the advisory opinion as written. Vote: 5 – Yes 0 - No

A20-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion as written. 5 – Yes 0 - No

A21-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion as written. 5 – Yes 0 - No

A22-14 Motion was made by Mark Finkelstein and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 4 – Yes 0 – No 1 – Abstention (Dennis Roberts abstained)

A23-14 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the advisory opinion as written. Vote: 5 – Yes 0 - No

Other Business

C25-13 This matter was on the agenda for informational purposes only.

C53-13 This matter was on the agenda for informational purposes only.

C33-10 This matter was on the agenda for informational purposes only.

C08-13 This matter was on the agenda for informational purposes only.

C11-13 This matter was on the agenda for informational purposes only.

C13-13 This matter was on the agenda for informational purposes only.

C01-14 This matter was on the agenda for informational purposes only.

Issues in Penns Grove-Carneys Point This matter was on the agenda for informational purposes only.

FY 2015 Meeting Dates Resolution Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the Meeting Dates Resolution but check to see if February 26th would be a viable alternate date. Vote: 5 – Yes 0 - No

Nominating Subcommittee The Committee, consisting of Dennis Roberts, Ellen Polaner and Mark Finkelstein, nominated Robert Bender to the position of Chairperson for the 2015 Fiscal Year with Mark Finkelstein moving the nomination and Dennis Roberts seconding. Vote: 4 – Yes 0 – No (Robert Bender did not participate in this vote.)

Robert Bender accepted the nomination and thanked the Commission members for their support.

1:32 p.m. Motion was made by Dennis Roberts and seconded by Randy Beverly to adjourn. Vote: 5 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Interim Executive Director