

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**MAY 26, 2015**

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 Frank Digesere, Mark Finkelstein, Dan Kaplan, Louis Modugno, Ellen Polaner, Dennis Roberts, and Chairperson Robert Bender.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar, and Deputy Attorney General Christopher Huber were also in attendance.

**9:35 a.m.** Motion was made by Dennis Roberts and seconded by Frank Digesere 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: C46-14, C05-15, C06-15, C52-14, C50-14, C51-14, C57-14, C59-14, C58-14, C30-14, C02-13, A08-15, A06-15, A07-15, A45-14, A04-12, Doctrines of Necessity filed by the Woodbridge Township, Carteret and Brick Township Boards of Education and the 2016 Meeting Dates Resolution. Vote: 7 – Yes 0 - No

**12:49 p.m.** Return to Public Session.

**Minutes** Motion was made by Frank Digesere and seconded by Ellen Polaner to approve the Minutes of the April 28, 2015 Commission meeting. Vote: 7 – Yes 0 – No

## **Complaints**

**C46-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to find no probable cause and to transmit the remaining allegation of Code of Ethics violations to the Office of Administrative Law (OAL) for a hearing on to be held at a later date. Vote: 7 – Yes 0 - No

**C05-15** Motion was made by Dennis Roberts and seconded by Ellen Polaner to deny the Motion to Dismiss Counts 1, 2 and 9 of the complaint; grant the Motion to Dismiss all other Counts, direct the Respondent to file an Answer to the remaining Counts and hold this matter for a Probable Cause hearing at a later date before the Commission. Vote: 7 – Yes 0 - No

**C06-15** Motion was made by Louis Modugno and seconded by Frank Digesere to transmit this matter of the OAL for a hearing to be held at a later date. Vote: 7 – Yes 0 - No

**C52-14** Motion was made by Dennis Roberts and seconded by Ellen Polaner to vacate the motion passed at the April 28, 2015 meeting finding probable cause as to Count 6 of this complaint. Vote: 7 – Yes 0 – No

A second motion was made by Dennis Roberts and seconded by Ellen Polaner to find no probable cause as to Count 6 of this complaint. Vote: 7 – Yes 0 – No

A third motion was made to adopt the written decision with amendments. Vote 7 – Yes 0 - No

**C50-14** Motion was made by Mark Finkelstein and seconded by Ellen Polaner to approve the May 5, 2015 letter denying respondent’s request to dismiss this matter. Vote: 7 – Yes 0 – No

A second motion was made by Mark Finkelstein and seconded by Ellen Polaner to approve the decision as written. Vote: 7 – Yes 0 - No

**C51-14** Motion was made by Dennis Roberts and seconded by Louis Modugno to rescind the April 28, 2015 vote denying the Motion to Dismiss in its entirety. Vote: 7 – Yes 0 – No

A second motion to made by Dennis Roberts and seconded by Louis Modugno to grant the Motion to Dismiss. Vote: 7 – Yes 0 - No

**C57-14** Motion was made by Frank Digesere and seconded by Mark Finkelstein to rescind the portion of the April 28, 2014 vote granting the Motion to Dismiss N.J.S.A. 18A:12-24.1(f) and (g). Vote: 7 – Yes 0 – No

A second motion was made by Frank Digesere and seconded by Mark Finkelstein to deny the Motion to Dismiss as to N.J.S.A. 18A:12-24.1(f) and (g). Vote: 7 – Yes 0 – No

**C59-14** Motion was made by Dan Kaplan and seconded by Dennis Roberts to adopt the decision as written. Vote: 7 – Yes 0 – No

**C58-14** Motion was made by Ellen Polaner and seconded by Louis Modugno to adopt the decision as written. Vote: 7 – Yes 0 – No

**C30-12** Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt to decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

**C02-13** Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt to decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

### **Advisory Opinions**

**A08-15** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 7 – Yes 0 – No.

**A06-15** Motion was made by Frank Digesere and seconded by Ellen Polaner to advise as discussed. Vote: 7 – Yes 0 – No.

**A07-15** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the opinion with amendments. Vote: 7 – Yes 0 – No.

**A45-14** This matter was on the agenda for informational purposes only

**A04-12** Motion was made by Dennis Roberts and seconded by Dan Kaplan to make this opinion public. Vote: 7 – Yes 0 – No.

A second motion was made by Dennis Roberts and seconded by Dan Kaplan to remove the opinion docketed as A01-15 from the public domain. Vote: 7 – Yes 0 – No

**Other Business**

**Chairperson Nominating Committee** The Committee announced that it was putting forth the name of Robert Bender to hold the position of Chairperson of the School Ethics Commission for the 2015-16 year. A motion was made by Mark Finkelstein and seconded by Dennis Roberts to offer the position of Committee Chairperson to Robert Bender, who, after a unanimous vote, accepted the position. Vote: 7 – Yes 0 – No

**2016 School Ethics Commission Meeting Dates Resolution** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the Resolution. Vote: 7 – Yes 0 - No

**12:58 p.m.** Motion was made by Dennis Roberts and seconded by Louis Modugno to adjourn. Vote: 7 – Yes 0 – No

Submitted by:

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Karin L. Molnar

Approved by:

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Joanne M. Restivo, Acting Executive Director