

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

NOVEMBER 24, 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 (arrived at 9:45 a.m., departed at 2:30 p.m., participated again via telephone from 3:00 p.m. to 3:37 p.m.) and Chairperson Robert Bender.

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

9:32 a.m. Motion was made by Dan Kaplan 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: C57-14, C09-15, C34-13, C27-15, C26-15, C28-15, C25-15, C06-15, A23-15, A25-15, A26-15, A27-15, A28-14, A29-15, A30-15, A31-15, A19-15, A20-15, A21-15, A22-15, A24-15, C16-14, A11-15, A16-15, A14-15, A15-10, A04-12, A01-15, an Investigative Report from the Division of Criminal Justice regarding Angela Edwards, the issuance of Orders to Show Cause (“OTSC”) for failure to file disclosure statements and/or complete training and Doctrines of Necessity filed by the Hammonton, Elmwood Park, Stafford Township, Beach Haven, Lyndhurst, Florham Park and Washington Township Boards of Education. Vote: 6 – Yes 0 – No

3:50 p.m. Open Session

Complaints

C57-14 Motion was made by Ellen Polaner and seconded by Frank Digesere to grant the Motion proffered by the Respondent during the hearing to dismiss the complaint with prejudice and reiterating its previous finding of not frivolous. Vote: 6 – Yes 0 – No

C09-15 Motion was made by Frank Digesere and seconded by Mark Finkelstein to find probable cause to credit the allegations in Counts 1, 2, 4, 6 and 7 and to find no probable cause as to Counts 3 and 5. Vote: 6 – Yes 0 – No

C34-13 Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt the initial decision. Vote: 6 – Yes 0 – No

C27-15 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 6 – Yes 0 – No

C26-15 Motion was made by Dan Kaplan and seconded by Louis Modugno to adopt the decision as written. Vote: 6 – Yes 0 – No

C06-15 Motion was made by Dan Kaplan and seconded by Louis Modugno to adopt the decision as written. Vote: 6 – Yes 0 – No

Advisory Opinions

A19-15 Motion was made by Louis Modugno and seconded by Dan Kaplan to adopt the opinion as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Ellen Polaner abstained.)

A20-15 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt the opinion as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Ellen Polaner abstained.)

A21-15 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt the opinion as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Ellen Polaner abstained.)

A22-15 Motion was made by Dan Kaplan and seconded by Louis Modugno to adopt the opinion as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Ellen Polaner abstained.)

A24-15 Motion was made by Dan Kaplan and seconded by Louis Modugno to adopt the opinion as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Ellen Polaner abstained.)

Minutes

October Minutes Motion was made by Dan Kaplan and seconded by Louis Modugno to adopt the Minutes of October 27, 2015 as written. Vote: 4 – Yes 0 – No 2 – Abstentions (Mark Finkelstein and Ellen Polaner abstained.)

September Minutes Motion was made by Dan Kaplan and seconded by Louis Modugno to rescind the vote of October 27, 2015 adopting the September 2015 Minutes as written and now adopt the Minutes of September 22, 2015 with edits. Vote: 6 – Yes 0 – No

Other Business

C16-14 Motion was made by Dan Kaplan and seconded by Louis Modugno to adopt the Resolution of Censure as written. Vote: 6 – Yes 0 – No

Training/Financial Disclosures Motion was made by Frank Digesere and seconded by Ellen Polaner to authorize staff to prepare OTSC's to those Board members who are delinquent in their training requirement. Vote: 6 – Yes 0 – No

A23-15, A25-15, A26-15, A27-15, A28-15, A29-15, A30-15, A31-15, NJSBA Matters 1 through 4 and A. Edwards Investigation Motion was made by Ellen Polaner and seconded by Louis Modugno to move all items not handled in this meeting to the December meeting agenda.
Vote: 6 – Yes 0 - No

3:55 p.m. Motion was made by Louis Modugno and seconded by Dan Kaplan to adjourn.
Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director

Minutes 11-24-15 Public