

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

AUGUST 23, 2016

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 (participated via telephone from 10:18 a.m. to adjournment), Dan Kaplan, Louis Modugno (participated via telephone from 9:30 a.m. to 10:17 a.m.) and Chairperson Robert Bender. Commission member Ellen Polaner was absent.

Acting Executive Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorney General Angela Velez 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: C07-16, C08-16, C21-16, C27-16, D01-16, D02-16, D03-16, C01-16, C10-16, C06-16, C09-16, C15-16, A23-16, A15-16, A22-16, C19-16, C20-16, C22-16, C24-16 and Doctrines of Necessity filed by the Elizabeth, Phillipsburg (2), Perth Amboy (2) and Bayonne Boards of Education. Vote: 4 – Yes 0 – No

11:50 p.m. Open Session

C07-16 Motion was made by Frank Digesere and seconded by Daniel Kaplan to find no probable cause and dismiss this matter. Vote: 4 – Yes 0 - No

C08-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to find probable cause to credit the allegations that Respondent may have violated N.J.S.A. 18A:12-24(b), (c) and (f) as well as N.J.S.A. 18A:12-24.1(a), (c) and (f) and to transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 4 – Yes 0 - No

C21-16 Motion was made by Frank Digesere and seconded by Mark Finkelstein to find probable cause to credit the allegations in Counts 1, 2 and 4 entirely; to find no probable cause to credit the allegations in Count 3 and to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 4 – Yes 0 - No

C27-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to table this matter in order to request additional information. Vote: 4 – Yes 0 - No

Orders To Show Cause

D01-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to issue a reprimand in this matter. Vote: 4 – Yes 0 - No

D02-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to issue a suspension for thirty (30) days or until properly completed disclosure statements are filed; removal if Respondent fails to file her disclosure statements prior to the end of the thirty (30) day period or issuance of a reprimand if the disclosure statements are filed within thirty (30) days. Vote: 4 – Yes 0 - No

D03-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to issue a reprimand in this matter. Vote: 4 – Yes 0 - No

Complaints (continued)

C01-16 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt the decision as written. Vote: 4- Yes 0 - No

C10-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 - No

C06-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 - No

C09-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to adopt the decision as written. 4 – Yes 0 - No

C15-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the decision as written. Vote: 4 – Yes 0 - No

Advisory Opinions

A23-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to advise as discussed. Vote: 4 – Yes 0 - No

A15-16 No action could be taken on this matter as there were not enough Commission members present to take action.

A22-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the Opinion as written. Vote: 4 – Yes 0 – No

Administrative Dismissals

- C19-16 This matter was on the agenda for informational purposes only.
- C20-16 This matter was on the agenda for informational purposes only.
- C22-16 This matter was on the agenda for informational purposes only.
- C24-16 This matter was on the agenda for informational purposes only.

Other Business

School Ethics Commission Meeting Dates Resolution Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the Resolution. Vote: 4 – Yes 0 - No

Resignation of Dennis Roberts Motion was made by Dan Kaplan and seconded by Frank Digesere to accept the resignation of Commission member Dennis Roberts with regret. Vote: 4 – Yes 0 – No

- C19-14 This matter was on the agenda for informational purposes only.

Minutes

Motion was made by Dan Kaplan and seconded by Frank Digesere to approve the Minutes of the July 26, 2016 meeting as written. Vote 4 – Yes 0 – No

11:56 a.m. Motion was made by Dan Kaplan and seconded by Frank Digesere to adjourn. Vote: 4 – Yes 0 - No

Submitted by:



Karin L. Molnar

Approved by:



Kathryn A. Whalen, Acting Executive Director