

**SCHOOL ETHICS COMMISSION MEETING  
PUBLIC SESSION MINUTES**

**DECEMBER 20, 2016**

Robert Bender called the meeting to order at 9:34 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 (arrived at 9:36 a.m.), Ellen Polaner and Chairperson Robert Bender.

Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorneys General Donna Arons, Kathryn Duran (departed at 9:53 a.m.) and James Esposito (departed at 9:53 a.m.) were also in attendance.

**9:38 a.m.** Motion was made by Ellen Polaner 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: C38-16, C26-14, C31-16, C34-16, A25-16, A26-16, A27-16, C36-16, C52-14, C08-15, C19-14, C39-16 and a Doctrine of Necessity filed by the Greater Egg Harbor Board of Education. Vote: 6 – Yes 0 – No

**10:49 a.m.** Open Session

**Complaints**

**C38-16** Motion was made by Frank Digesere and seconded by Louis Modugno to draft a decision transmitting this matter to the Office of Administrative Law (“OAL”) for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

**C26-14** Motion was made by Ellen Polaner and seconded by Mark Finkelstein to draft a decision accepting the initial decision of the Administrative Law Judge (“ALJ”). Vote: 6 – Yes 0 – No

**C31-16** Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

**C34-16** Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the decision as written. Vote: 5 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

**Advisory Opinions**

**A26-16** Motion was made by Dan Kaplan and seconded by Louis Modugno to advise as discussed. Vote: 6 Yes 0 No

**A27-16** Motion was made by Dan Kaplan and seconded by Mark Finkelstein to advise as discussed. Vote: 6 Yes 0 No

**A25-16** Motion was made by Frank Digesere and seconded by Ellen Polaner to adopt the Opinion as written. Vote: 6 Yes 0 No

**Other Business**

**C36-16** This matter was on the agenda for informational purposes only.

**C52-14** Motion was made by Ellen Polaner and seconded by Louis Modugno to adopt the Resolution as written. Vote: 6 Yes 0 No

**C08-15** This matter was on the agenda for informational purposes only.

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

**C39-16** Motion was made by Frank Digesere and seconded by Mark Finkelstein to place this matter in abeyance until the resolution of a related matter pending in a separate venue. Vote: 6 Yes 0 No

**Correspondence from South River Public Schools** Motion was made by Frank Digesere and seconded by Louis Modugno to direct staff to draft a letter to the Superintendent of the South River Public Schools, as discussed. Vote: 5 Yes 0 No 1 Abstain (Mark Finkelstein abstained.)


**Minutes**

Motion was made by Ellen Polaner and seconded by Mark Finkelstein to adopt the minutes of the October 24, 2016 meeting as written. Vote: 6 Yes 0 No

Motion was made by Ellen Polaner and seconded by Mark Finkelstein to adopt the minutes of the November 22, 2016 meeting as written. Vote: 5 Yes 0 No 1 Abstain (Louis Modugno abstained.)

**10:56 a.m.** Motion was made by Ellen Polaner and seconded by Frank Digesere to adjourn. Vote: 6 Yes 0 - No

Submitted by:

  
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Karin L. Molnar

Approved by:

  
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Kathryn A. Whalen, Director

Minutes 12-20-16 public