

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

MARCH 28, 2017

Robert Bender called the meeting to order at 9:39 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 and Chairperson Robert Bender. Commission member Ellen Polaner was absent.

Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorney General Donna Arons were also in attendance.

9:40 a.m. Motion was made by Mark Finkelstein and seconded by Dan Kaplan 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: C25-16, C30-16, D04-16, D05-16, T05-16, T06-16, T07-16, T08-16, T09-16, T10-16, T11-16, T12-16, T13-16, T14-16, T15-16, T16-16, T17-16, T18-16, T19-16, T20-16, T21-16, T22-16, C37-16, A10-17, A11-17, A12-17, A13-17, A14-17, A01-17, A02-17, A03-17, A04-17, A05-17, A06-17, A07-17, A08-17, A09-17, a Doctrine of Necessity filed by the Woodbridge Township Board of Education, T01-16, T03-16, C33-16, C34-17, C35-17, the Pannucci matter, C10-16 and C11-16.
Vote: 5 – Yes 0 – No

11:52 a.m. Open Session

Complaints

C25-16 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to draft a decision as discussed. Vote: 5 – Yes 0 – No

C30-16 Motion was made by Dan Kaplan and seconded by Louis Modugno to draft a decision as discussed. Vote: 5 – Yes 0 – No

Orders To Show Cause

D04-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to draft a decision as discussed. Vote: 5 – Yes 0 – No

D05-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to draft a decision as discussed. Vote: 5 – Yes 0 – No

T05-16 through T22-16 Motion was made by Mark Finkelstein and seconded by Louis Modugno to adopt and mail all Orders to Show Cause in these matters. Vote: 5 – Yes 0 – No

Decisions to Adopt

C37-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the decision as written. Vote 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

Advisory Opinions

A10-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to advise as discussed. Vote: 5 – Yes 0 – No

A11-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to advise as discussed. Vote: 5 – Yes 0 – No

A12-17 Motion was made by Frank Digesere and seconded by Louis Modugno to advise as discussed. Vote: 5 – Yes 0 – No

A13-17 Motion was made by Mark Finkelstein and seconded by Louis Modugno to advise as discussed. Vote: 5 – Yes 0 – No

A14-17 Motion was made by Dan Kaplan and seconded by Louis Modugno to advise as discussed. Vote: 5 – Yes 0 – No

A01-17 Motion was made by Mark Finkelstein and seconded by Frank Digesere to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A02-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A03-17 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A04-17 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A05-17 Motion was made by Mark Finkelstein and seconded by Frank Digesere to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A06-17 Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A07-17 Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A08-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

A09-17 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

Other Business

Doctrines of Necessity Robert Bender acknowledged receipt of a Doctrine of Necessity submitted by the Woodbridge Township Board of Education.

T01-16 and T03-16 These matters were on the Agenda for informational purposes only.

C33-16 This matter was on the Agenda for informational purposes only.

C34-17, C35-17 and Related Matters Motion was made by Frank Digesere and seconded by Dan Kaplan to, upon submission of valid complaints, hold all of these matters in abeyance pending resolution of related federal litigation. Vote: 5 Yes 0 – No

C10-16 and C11-16 Motion was made by Louis Modugno and seconded by Frank Digesere to grant an extension for the filing of exceptions in these matters. Vote: 5 – Yes 0 – No

Pannucci and Related Opinions Motion was made by Mark Finkelstein and seconded by Frank Digesere to table this matter. Vote: 5 – Yes 0 - No

Minutes

Motion was made by Mark Finkelstein and seconded by Frank Digesere to adopt the minutes of the February 28, 2017 meeting as written. Vote: 4 – Yes 0 – No 1 – Abstain (Louis Modugno abstained.)

12:00 p.m. Motion was made by Dan Kaplan and seconded by Frank Digesere to adjourn. Vote: 5 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director