

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

NOVEMBER 28, 2017

Chairperson Robert Bender called the meeting to order at 9:35 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 Michael Carucci, Michael Collins, Mark Finkelstein, Dan Kaplan, Dennis Roberts, Richard Tomko and Chairperson Bender. New Commission members Michael Collins and Michael Carucci, and reappointed Commission member Dennis Roberts, were introduced by Chairperson Bender, and welcomed by all.

In addition, Kathryn Whalen, Director, Offices of School Ethics and Compliance, and staff members Karin Molnar and Jeannine Pizzigoni, along with Deputy Attorney General Donna Arons, were in attendance.

9:39 a.m. Motion was made by Dan Kaplan, and seconded by Dennis Roberts, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following complaints and matters involving possible litigation: C40-16, C61-17, C70-17, C73-17, T03-17, T05-17, T06-17, T08-17, T10-17, T11-17, T12-17, T14-17, T15-17, T16-17 T18-17, T19-17, T20-17, T21-17, T22-17, C39-13, C49-17, C57-17, C68-17, C70-17, A31-17 through A35-17, Doctrines of Necessity filed by the Wayne Township and Pleasantville Boards of Education, the nepotism investigation, Lodi Board of Education election results, C79-17, C71-17, T01-17, and an anonymous complaint regarding the Irvington Board of Education, and T30-16.
Vote: 7 – Yes 0 – No

11:37 a.m. Open Session

Complaints

C40-16 Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to table this matter. Vote: 7 – Yes 0 - No

C61-17 Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 7 – Yes 0 - No

C70-17 Motion was made by Dennis Roberts, and seconded by Michael Collins, to draft a letter decision as discussed. Vote: 7 – Yes 0 - No

C73-17 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft a letter decision as discussed. Vote: 7 – Yes 0 - No

Orders to Show Cause

T10-17, T14-17, T15-17, T18-17, T20-17, T22-17 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft decisions as discussed. Vote: 7 – Yes 0 – No

T03-17, T05-17, T06-17, T08-17, T11-17, T12-17, T16-17, T19-17, and T21-17 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft decisions as discussed. Vote: 7 – Yes 0 – No

Decisions to Adopt

C39-13 Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt the decision as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

C49-17 Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt the decision as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

C57-17 Motion was made by Dan Kaplan, and seconded by Richard Tomko, to adopt the decision as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

C68-17 Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to adopt the modified decision as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

C70-17 Motion was made by Richard Tomko, and seconded by Dan Kaplan, to adopt the decision as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

Advisory Opinions

A35-17 Motion was made by Michael Collins, and seconded by Dennis Roberts, to advise as discussed. Vote: 7 – Yes 0 - No

A31-17 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

A32-17 Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

A32-17 A second motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to make this Advisory Opinion public. Vote: 6 – Yes 0 – No 1 – Abstain (Michael Carucci abstained)

A33-17 Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

A34-17 Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

Other Business

Doctrines of Necessity Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Wayne Township and Pleasantville Boards of Education. After discussion, a motion was made by Michael Collins, and seconded by Richard Tomko, to direct staff to draft letters to each Board to address the deficiencies in the Doctrines of Necessity submitted. Vote: 7 – Yes 0 – No

Doctrine of Necessity Investigation This matter was on the Agenda for informational purposes only.

C79-17 Motion was made by Richard Tomko, and seconded by Michael Collins, to place this matter in abeyance. Vote: 7 – Yes 0 – No

C71-17 This matter was on the Agenda for informational purposes only.

T01-17 Motion was made by Mark Finkelstein, and seconded by Michael Collins, to direct staff to draft a letter as discussed. Vote: 7 – Yes 0 – No

Anonymous Complaint This matter was on the Agenda for informational purposes only.

New Business

T30-16 Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to add this matter to the Agenda. This matter was added to the Agenda for informational purposes only.

Minutes

Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt the minutes of the October 31, 2017 meeting as written. Vote: 4 – Yes 0 – No 3 – Abstain (Michael Carucci, Michael Collins, and Dennis Roberts abstained)

11:53 a.m. Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adjourn. Vote: 7 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director