

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

JANUARY 23, 2018

Chairperson Robert Bender called the meeting to order at 9:40 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 School Ethics Commission (Commission) members Michael Carucci (arrived at 9:52 a.m.), Michael Collins, Mark Finkelstein, Dan Kaplan, Dennis Roberts, Richard Tomko, and Chairperson Robert Bender. New Commission member, Jude Tanella, was absent.

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff members Jeannine Pizzigoni and Karin Molnar, along with Deputy Attorneys General Donna Arons and Kathryn Duran (departed at 10:26 a.m.).

9:42 a.m. Motion was made by Dan Kaplan, and seconded by Michael Collins, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following complaints and matters involving possible litigation: C31-13, C28-13, C45-13, C41-13, C43-13, C42-13, C44-13, C61-17, C76-17, C78-17, C84-17, C40-16, A01-18, A02-18, A03-18, A37-18, A38-18, A39-18, C77-17, C81-17, C82-17, C83-17, C87-17, Doctrines of Necessity filed by the Stanhope, Mountain Lakes and Atlantic City Boards of Education, C08-05, recommended penalties for Training and Disclosure Statements delinquencies, T05-17, T10-17, T16-17, T19-17, T21-17, D01-17, C68-17, C75-17, C80-17, C91-17, correspondence sent to Saddle River Doctrine of Necessity, and the South Bergen Joint Venture Commission matter.
Vote: 6 – Yes 0 – No

9:52 a.m. Michael Carucci arrived.

1:20 p.m. Open Session

Complaints

C31-13, C28-13, C41-13, C42-13, C43-13 and C44-13 (consolidated) Motion was made by Mark Finkelstein, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 7 – Yes 0 - No

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

C76-17 Motion was made by Michael Carucci, and seconded by Mark Finkelstein, to draft a letter decision as discussed. Vote: 7 – Yes 0 - No

C78-17 Motion was made by Michael Carucci, and seconded by Dennis Roberts, to draft a decision as discussed. Vote: 7 – Yes 0 - No

C84-17 Motion was made by Michael Collins, and seconded by Mark Finkelstein, to draft a letter decision as discussed. Vote: 7 – Yes 0 - No

C40-16 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as written. Vote: 7 – Yes 0 - No

Advisory Opinions

A01-18 Motion was made by Dennis Roberts, and seconded by Michael Carucci, to advise as discussed. Vote: 7 – Yes 0 - No

A02-18 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to advise as discussed. Vote: 7 – Yes 0 - No

A03-18 Motion was made by Richard Tomko, and seconded by Dan Kaplan, to advise as discussed. Vote: 7 – Yes 0 - No

A37-17 Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 - No

A38-17 Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 - No

A39-17 Motion was made by Michael Carucci, and seconded by Michael Collins, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 - No

Administrative Dismissals

C77-17 This matter was on the Agenda for informational purposes only.

C81-17 This matter was on the Agenda for informational purposes only.

C82-17 This matter was on the Agenda for informational purposes only.

C83-17 This matter was on the Agenda for informational purposes only.

C87-17 This matter was on the Agenda for informational purposes only.

Other Business

Doctrines of Necessity Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Stanhope, Mountain Lakes and Atlantic City Board's of Education. After discussion, a motion was made by Michael Carucci, and seconded by Richard Tomko, to direct staff to draft correspondence to each Board to address the deficiencies in the Doctrines of Necessity submitted. Vote: 7 – Yes 0 - No

C08-05 This matter was on the Agenda for informational purposes only.

Discussion of Recommended Penalties for Training and Disclosure Statements Delinquencies

This matter was on the Agenda for informational purposes only.

T05-17 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to rescind the prior decision, adopted on December 19, 2017, in this matter. Vote: 7 – Yes 0 - No

T10-17 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to rescind the prior decision, adopted on December 19, 2017, in this matter. Vote: 7 – Yes 0 - No

T16-17 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to rescind the prior decision, adopted on December 19, 2017, in this matter. Vote: 7 – Yes 0 – No

A second motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the revised decision as written. Vote: 7 – Yes 0 - No

T19-17 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to rescind the prior decision, adopted on December 19, 2017, in this matter. Vote: 7 – Yes 0 - No

T21-17 Motion was made by Rihcard Tomko, and seconded by Dennis Roberts, to rescind the prior decision, adopted on December 19, 2017, in this matter. Vote: 7 – Yes 0 - No

D01-17 Motion was made by Richard Tomko, and seconded by Dennis Roberts, to rescind the prior decision, adopted on October 31, 2017, in this matter. Vote: 7 – Yes 0 – No

A second motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the revised decision as written. Vote: 7 – Yes 0 - No

C68-17 This matter was on the Agenda for informational purposes only.

C75-17 This matter was on the Agenda for informational purposes only.

C80-17 This matter was on the Agenda for informational purposes only.

C91-17 This matter was on the Agenda for informational purposes only.

Correspondence Sent to the Saddle Brook Board of Education This matter was on the Agenda for informational purposes only.

South Bergen Joint Venture Commission Discussion This matter was on the Agenda for informational purposes only.

Minutes

Motion was made by Michael Collins, and seconded by Dan Kaplan, to adopt the minutes of the December 19, 2017 meeting as written. Vote: 7 – Yes 0 – No

Motion was made by Michael Collins, and seconded by Dan Kaplan, to adopt the minutes of the January 3, 2018 meeting as written. Vote: 6 – Yes 0 – No 1 – Abstention (Robert Bender abstained.)

1:30 p.m. Motion was made by Dennis Roberts, and seconded by Michael Collins, to adjourn. Vote: 6 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director