

**State Board of Examiners
Minutes of Special Meeting by Conference Call
200 River View Plaza
Second Floor Conference Room
Trenton, New Jersey
June 18, 2018**

Present: Ms. Caroline Jones, Deputy Attorney General
Dr. Jonathan Dauber
Mr. Derek Jess
Dr. Mary Jane McNally
Ms. Naomi Johnson-Lafleur
Ms. Dayna Desiderio Orlak
Ms. Kristin Ludman
Ms. Eileen Johnson
Ms. Fidelia Sturdivant

Absent: Assistant Commissioner Robert Bumpus,

All Members appeared by telephone.

The meeting was called to order by Mr. Jess, Acting Chairperson, who read the appropriate notice that the meeting complied with the Open Public Meetings Act.

Mr. Jess noted the first item on the agenda would be the Legal Consent List.

Legal Consent List

Dr. Dauber made a motion that the Board adopt the following matters that were on the legal consent list, memorializing the Board's legal decision from a previous meeting. Dr. McNally seconded the motion and the Board adopted the following orders by a unanimous vote:

Matters with Board Member Recusals

- a. Neicy Della Crote – reject the Initial Decision – Robert Bumpus Recusal
- b. Rolando Laguna – revoke – Robert Bumpus Recusal

At 3:06 pm Mr. Jess left the meeting by ending his participation on the telephone conference call. Dr. Dauber took seat as Acting Chair of the meeting.

Legal Report

Dr. Dauber made a motion to go into closed session in order to receive legal advice regarding matters on the Legal Report portion of the agenda, which was duly seconded by Ms. Desiderio Orlak and carried by a unanimous vote. The Board went into closed session at 3:07 pm.

The Board returned to the public session at 3:35 pm following a motion by Ms. Desiderio Orlak, seconded by Dr. McNally and carried by a unanimous vote.

The Board then took the following action:

Andrea Giuffrida – By a vote of 7-0, with Ms. Ludman making the motion and Dr. McNally seconding, the Board denied Ms. Giuffrida's Motion for a Stay of the Board's previously issued decision. The Board read the following into the record on this matter:

Given that in order to justify the extraordinary remedy of a stay of our order pending appeal, all four factors in the Crowe v. DeGioia test must be present. And given that Ms. Giuffrida has failed to satisfy all of these factors.

And notably that the equities balance against issuing a stay. Ms. Giuffrida was afforded a full and fair hearing on this matter, and was found to have engaged in a pattern of unwanted physical contact and created a hostile work environment for her colleagues. That conduct warrants the immediate revocation of her certificates. Ms. Giuffrida makes no unique argument for equity that does not exist for any other certificate holder in the same position. The amount of time between the alleged conduct and the decision of the Examiners in this matter has no bearing on the appropriateness of the penalty here.

For these reasons, I make a motion to DENY the request for a stay.

Adjournment

Ms. Johnson-LaFleur made a motion to adjourn the meeting, which was duly seconded by Ms. Ludman and carried by a unanimous vote. The meeting was adjourned at 3:37 p.m.

The next scheduled public meeting of the State Board of Examiners will be held on Friday, June 29, 2018 in the first floor conference room, 200 River View Plaza, Trenton, New Jersey.

Minutes prepared by Kimberly A. Gatti

Minutes certified by Robert R. Higgins, Secretary

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