

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

JANUARY 28, 2014

Robert Bender called the meeting to order at 9:30.

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 Randy Beverly, Mark Finkelstein, Dennis Roberts and Chairperson Robert Bender. Commission member Ellen Polaner participated via telephone.

Interim Executive Director Joanne Restivo, Administrative Assistant Karin Molnar and Deputy Attorney General Chris Huber were also in attendance.

9:32 a.m. Motion was made by Mark Finkelstein and seconded by Dennis Roberts 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: C38-13, C48-13, C55-13, C46-13, C49-13, C51-13, C52-13, C01-13, C21-13, C39-13, C40-13, C41-13, C42-13, C44-13, C45-13, C10-12, A22-13, A23-13, A02-14, A03-14, A21-13, C25-08 and Doctrines of Necessity filed by the East Rutherford, Woodbridge, and Kearny Boards of Education. Vote: 5 – Yes 0 – No

12:37 p.m. Return to Public Session.

Minutes Motion was made by Randy Beverly and seconded by Ellen Polaner to approve the Minutes of the December 19, 2013 Commission meeting with edits. Vote: 5 – Yes 0 – No

Complaints

C38-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to reaffirm the vote taken at the November, 2013 School Ethics Commission meeting and to transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 5 – Yes 0 - No

C48-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to deny the Motion to Dismiss N.J.S.A. 18A:12-24.1(a) and (e) in Allegation One, N.J.S.A. 18A:12-24.1(a) in Allegation Two and N.J.S.A. 18A:12-24.1(d) in Allegation Three and grant the Motion to Dismiss as to N.J.S.A. 18A:12-24.1 (f) in Allegation One and N.J.S.A. 18A:12-24.1(a) in Allegation 3; and transmit to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 - No

C55-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to find deny the Motion to Dismiss and to transmit the matter to the OAL for a hearing to be held at a later date. Vote 5 – Yes 0 – No

C46-13 Motion was made by Mark Finkelstein and seconded by Randy Beverly to grant the Motion to Dismiss Allegations Two and Three. Vote: 5 – Yes 0 – No

C49-13 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to deny the Motion to Dismiss and to find not frivolous. Vote: 5 – Yes 0 – No

C51-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to have staff write a letter directing further briefing on the issue of jurisdiction. Vote: 5 – Yes 0 - No

C52-13 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to transmit the matter to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 No

C01-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the written decision with edits. Vote: 5 – Yes 0 No

C21-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the written decision with edits. Vote: 5 – Yes 0 - No

C39-13 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision as written. Vote: 5 – Yes 0 – No

C40-13 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the decision as written. Vote: 5 – Yes 0 – No

C41-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the decision as written and transmit to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 – No

C42-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the decision as written and transmit to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 – No

C44-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the decision as written and transmit to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 – No

C45-13 Motion was made by Dennis Roberts and seconded by Randy Beverly to adopt the decision as written and transmit to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 – No

C10-12 Motion was made by Mark Finkelstein and seconded by Randy Beverly to adopt the decision as written. Vote: 5 – Yes 0 – No

Advisory Opinions

A22-13 Motion was made by Mark Finkelstein and seconded by Randy Beverly to advise as discussed. Vote: 5 – Yes 0 – No

A23-13 Motion was made by Mark Finkelstein and seconded by Randy Beverly to adopt as written. Vote: 5 – Yes 0 – No

A02-14 Motion was made by Mark Finkelstein and seconded by Randy Beverly to advise as discussed. Vote: 5 – Yes 0 – No

A03-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to advise as discussed. Vote: 5 – Yes 0 – No

A-21-13 Motion was made by Mark Finkelstein and seconded by Ellen Polaner to adopt as written. Vote: 5 – Yes 0 - No

Other Business

C25-08 Motion was made by Dennis Roberts and seconded by Randy Beverly to transmit this matter to the Commissioner of Education for a decision on the issue of who has authority to issue a RICE notice. Vote: 5 – Yes 0 - No

1:44 p.m. Motion was made by Dennis Roberts and seconded by Randy Beverly to adjourn. Vote: 5 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Interim Executive Director