

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**MARCH 24, 2015**

Robert Bender called the meeting to order at 9:32 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, Ellen Polaner, Dennis Roberts, and Chairperson Robert Bender.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar, and Deputy Attorney General Chris Huber were also in attendance.

**9:35 a.m.** Motion was made by Dan Kaplan and seconded by Ellen Polaner 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: C08-14, C19-14, C30-14, C31-14, C32-14, C56-14, C34-14, C55-14, C09-14, C15-14, C16-14, C20-14, C44-14, C46-14, C47-14, C48-14, C42-09, A04-15, A05-15, A42-14, A47-14, A51-14, A52-14, A53-14, A54-14, A01-15, A02-15, A03-15, A07-13, A45-14, C35-14, Disclosure Filings for 2014, and Doctrines of Necessity filed by the Vineland, Woodbridge, Kearny and Seaside Park Boards of Education. Vote: 7 – Yes 0 - No

**1:35 p.m.** Return to Public Session.

**Minutes** Motion was made by Dan Kaplan and seconded by Dennis Roberts to approve the Minutes of the February 24, 2015 Commission meeting. Vote: 7 – Yes 0 – No

## **Complaints**

**C19-14** Motion was made by Dennis Roberts and seconded by Dan Kaplan to find probable cause to credit the allegations that the respondent may have violated Counts 1, 2, 5 and 6 in their entirety and transmit to the Office of Administrative Law (“OAL”) for a hearing to be held at a later date. Vote: 6 – Yes 0 – No 1 – Abstention (Frank Digesere recused himself from all deliberations in this matter and abstained from the vote.)

**C28-14** This matter was withdrawn from the agenda.

**C30-14** Motion was made by Louis Modugno and seconded by Dennis Roberts to find probable cause as to N.J.S.A. 18A:12-24(c) and hold for summary review. Vote: 7 – Yes 0 - No.

**C31-14** Motion was made by Louis Modugno and seconded by Dennis Roberts to find probable cause as to N.J.S.A. 18A:12-24(c) and hold for summary review. Vote: 7 – Yes 0 - No.

**C32-14** Motion was made by Louis Modugno and seconded by Dennis Roberts to find probable cause as to N.J.S.A. 18A:12-24(c) and hold for summary review. Vote: 7 – Yes 0 - No.

**C56-14** Motion was made by Ellen Polaner and seconded by Frank Digesere to find probable cause to credit the allegations that the respondent may have violated N.J.S.A. 18A:12-24(b) and N.J.S.A. 18A:12-24.1(c) and (e) in Count 3 and transmit to the OAL for a hearing to be held at a later date. Vote: 7 – Yes 0 – No.

**C34-14** Motion was made by Frank Digesere and seconded by Ellen Polaner to grant the motion to dismiss as to Counts 4 and 6 entirely with prejudice, grant the motion to dismiss as to N.J.S.A. 18A:12-24.1(h) in Counts 5, 7 and 8, grant the motion to dismiss as to Counts 9 and 10 without prejudice, find not frivolous and direct the filing of an answer on all remaining Counts. Vote: 7 – Yes 0 – No.

**C55-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to grant the motion to dismiss. Vote: 7 – Yes 0 – No.

**C09-14** Motion was made by Mark Finkelstein and seconded by Louis Modugno to find not frivolous and transmit Count 3 to the OAL for a hearing to be held at a later date. Vote: 7 – Yes 0 – No

**C15-14** Motion was made by Dennis Roberts and seconded by Dan Kaplan to accept the settlement. Vote: 7 – Yes 0 – No.

**C16-14** Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt the decision as written. 7 – Yes 0 – No.

**C20-14** Motion was made by Dennis Roberts and seconded by Ellen Polaner to adopt the decision as written. 7 – Yes 0 – No.

**C08-14** Motion was made by Frank Digesere and seconded by Ellen Polaner to adopt the decision as written. 7 – Yes 0 – No.

**C44-14** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. 7 – Yes 0 – No.

**C46-14** Motion was made by Louis Modugno and seconded by Mark Finkelstein to adopt the decision as written. 7 – Yes 0 – No.

**C47-14** Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written. 7 – Yes 0 – No.

**C48-14** Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the decision as written. 7 – Yes 0 – No.

**C42-09** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the decision as written. 7 – Yes 0 – No.

**Advisory Opinions**

**A04-15** Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 7 – Yes 0 – No.

**A05-15** A second motion was made by Dan Kaplan and seconded by Mark Finkelstein to advise as discussed. Vote: 7 – Yes 0 – No.

**A42-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the opinion as written and make public. Vote: 7 – Yes 0 – No

**A47-14** Motion was made by Louis Modugno and seconded by Ellen Polaner to adopt the opinion as written. Vote: 7 – Yes 0 – No.

**A51-14/A54-14** Motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt the opinion as written. Vote: 7 – Yes 0 – No.

**A52-14** Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt the opinion as written. Vote: 7 – Yes 0 – No.

**A53-14** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the opinion as written. Vote: 7 – Yes 0 – No.

**A01-15** Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the opinion as written and make public. Vote: 7 – Yes 0 – No.

**A02-15** Motion was made by Frank Digesere and seconded by Louis Modugno to adopt the opinion as written. Vote: 7 – Yes 0 – No.

**A03-15** Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt the opinion as written and make public. Vote: 7 – Yes 0 – No.

**Other Business**

**A07-13/A45-14** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to Rescind December 2014 vote making these opinions public. Vote: 7 – Yes 0 – No.

**Bill #S387** This matter was on the agenda for informational purposes only.

**C35-14** This matter was on the agenda for informational purposes only.

**C49-12** Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the Resolution of Censure. Vote: 6 – Yes 0 – No.

**Orders to Show Cause**      This item was on the agenda for informational purposes only.

**Organizational Chart**      This item was on the agenda for informational purposes only.

**Financial Disclosure Filings for 2014**      Jill Greenberg Kail announced that 100% compliance was achieved for the 2014 filing cycle and that, to date, the 2015 filing cycle is maintaining a very high compliance rate also.

**1:45 p.m.**      Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adjourn.  
Vote: 7 – Yes    0 – No.

Submitted by:

---

Karin L. Molnar

Approved by:

---

Joanne M. Restivo, Acting Executive Director