

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

APRIL 28, 2015

Robert Bender called the meeting to order at 9:38 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 Donna Arons were also in attendance.

9:41 a.m. Motion was made by Dennis Roberts and seconded by Frank Digesere 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: C52-14, C50-14, C51-14, C57-14, C59-14, C58-14, C30-12, C02-13, C01-15, C02-15, C03-15, C04-15, C19-14, C30-14, C31-14, C32-14, C56-14, C34-14, C55-14, C09-14, C15-14, A05-14, A06-15, A07-15, A04-15, A05-15, A45-14, the Doctrine of Necessity filed by the Bayonne Board of Education and the selection of a nominating committee as a prerequisite to vote for Chairperson of the School Ethics Commission. Vote: 7 – Yes 0 - No

12:35 p.m. Return to Public Session.

Minutes Motion was made by Dan Kaplan and seconded by Louis Modugno to approve the Minutes of the March 24, 2015 Commission meeting. Vote: 7 – Yes 0 – No

Complaints

C52-14 Motion was made by Dennis Roberts 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) in Counts 4 and 6 of the complaint, N.J.S.A. 18A:12-24(c) in Count 5 and N.J.S.A. 18A:12-24.1(e) and (i) in Count 4; the Commission dismissed all other allegations in the complaint, found not frivolous and moved to transmit to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 7 – Yes 0 - No

C50-14 Motion was made by Louis Modugno and seconded by Daniel Kaplan to deny the Motion to Dismiss the complaint and to transmit to the OAL for a hearing to be held at a later date. Vote: 7 – Yes 0 - No

C51-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to deny the Motion to Dismiss the complaint. Vote: 7 – Yes 0 - No

C57-14 Motion was made by Louis Modugno and seconded by Ellen Polaner to grant the Motion to Dismiss as to N.J.S.A. 18A:12-24.1(a), (b), (f), (g) and (j); to deny the Motion to Dismiss as to N.J.S.A. 18A:12-24.1(c), (d) and (e); to find not frivolous and to hold for a hearing before the Commission. Vote: 7 – Yes 0 - No

C59-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to grant the Motion to Dismiss as to N.J.S.A. 18A:12-24.1(b) and (e) in Count one of the complaint and to deny the Motion to Dismiss as to all other allegations. Vote: 7 – Yes 0 - No

C58-14 Motion was made by Dennis Roberts and seconded by Ellen Polaner to hold this matter for a hearing before the Commission. Vote: 7 – Yes 0 – No

C30-12 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the Initial Decision/Settlement as discussed. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C02-13 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the Initial Decision/Settlement as discussed. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C01-15 Motion was made by Dennis Roberts and seconded by Ellen Polaner to direct staff to issue a letter inviting parties to testify before the Commission. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C02-15 Motion was made by Dennis Roberts and seconded by Ellen Polaner to direct staff to issue a letter inviting parties to testify before the Commission. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C03-15 Motion was made by Dennis Roberts and seconded by Ellen Polaner to direct staff to issue a letter inviting parties to testify before the Commission. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C04-15 Motion was made by Dennis Roberts and seconded by Ellen Polaner to direct staff to issue a letter inviting parties to testify before the Commission. Vote: 6 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C19-14 Motion was made by Ellen Polaner and seconded by Dennis Roberts to adopt the decision with amendments. 7 – Yes 0 – No

C30-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision as written. 7 – Yes 0 – No

C31-14 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision as written. 7 – Yes 0 – No

C32-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the decision as written. 7 – Yes 0 – No

C56-14 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. 7 – Yes 0 – No

C34-14 Motion was made by Dennis Roberts and seconded by Louis Modugno to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 7 – Yes 0 – No

A second motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. 7 – Yes 0 – No

C55-14 Motion was made by Mark Finkelstein and seconded by Frank Digesere to adopt the decision as written. 7 – Yes 0 – No

C09-14 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt the decision as written. Vote: 7 – Yes 0 – No

C15-14 Motion was made by Dan Kaplan and seconded by Frank Digesere and seconded by Frank Digesere to adopt the decision as written. Vote: 7 – Yes 0 – No

Advisory Opinions

A06-15 Motion was made by Ellen Polaner and seconded by Dennis Roberts to advise as discussed. Vote: 7 – Yes 0 – No.

A07-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to advise as discussed. Vote: 7 – Yes 0 – No.

A04-15 Motion was made by Louis Modugno and seconded by Dennis Roberts to decline to advise based on a pending complaint. Vote: 7 – Yes 0 – No

A05-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the opinion as written. Vote: 7 – Yes 0 – No.

A second motion was made by Dennis Roberts and seconded by Mark Finkelstein to make this opinion public. Vote: 7 – Yes 0 – No

A05-14 Motion was made by Ellen Polaner and seconded by Louis Modugno to make the opinion in this matter public. Vote: 6 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A45-14 Motion was made by Dennis Roberts and seconded by Frank Digesere to table this matter. Vote: 7 – Yes 0 – No.

Other Business

Financial Disclosures Commission member Dennis Roberts praised members of Department of Education staff for all the hard work done on behalf of the School Ethics Commission. In particular, Jill Greenberg Kail of the School Ethics Office and Lisa Brunetto of the Office of Information Technology put forth an extraordinary effort in relation our new automated Financial Disclosure system. A motion was made by Dennis Roberts and seconded by Frank Digesere to write letters of thanks to Jill Greenberg Kail and Lisa Brunetto for all of their hard work and tireless efforts in relation to the new Financial Disclosure system. Vote: 7 – Yes 0 - No

Chairperson Nominating Committee The Commission was briefed on this matter by Joanne Restivo. After discussion, a motion was made by Dennis Roberts and seconded by Mark Finkelstein to approve a subcommittee, consisting of Dennis Roberts, Mark Finkelstein and Frank Digesere, charged with the responsibility of putting forth a candidate to hold the position of Chairperson of the School Ethics Commission for the upcoming year. This Committee will report back to the full Commission at the next scheduled meeting with their nomination choice. Vote: 7 – Yes 0 - No

12:48 p.m. Motion was made by Ellen Polaner and seconded by Frank Digesere to adjourn. Vote: 7 – Yes 0 – No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director