

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

JANUARY 26, 2016

Robert Bender called the meeting to order at 9:34 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 (arrived at 9:36), Dan Kaplan, Louis Modugno, Ellen Polaner, Dennis Roberts (arrived at 9:36 a.m.) 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.

9:37 a.m. Motion was made by Ellen Polaner 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: C28-15, C40-15, C32-15, C33-15, C59-14, T01-15, T02-15, T03-15, T04-15, T05-15, T06-15, T07-15, C57-14, C29-15, C31-15, C30-15, A36-15, A37-15, A39-15, A40-15, A01-16, A02-16, A23-15, A25-15, A26-15, A27-15, A28-15, A29-15, A30-15, A31-15, A32-15, A33-15, A34-15, A35-15, A38-15, Doctrines of Necessity filed by the Stafford and Seaside Park Boards of Education, the rescission of a Doctrine of Necessity by the Fairlawn Board of Education and Bill A4386. Vote: 6 – Yes 0 – No

1:50 p.m. Open Session

Minutes

Motion was made by Dennis Roberts and seconded by Frank Digesere to vacate the vote of December 15, 2015 adopting the November 24, 2015 Minutes as written. Vote: 5 – Yes 0 – No 1 – Abstention (Louis Modugno abstained.)

Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the Minutes of November 24, 2015 as edited. Vote: 5 – Yes 0 – No 1 – Abstention (Louis Modugno abstained.)

Motion was made by Ellen Polaner and seconded by Dan Kaplan to adopt the Minutes of the December 15, 2015 meeting as written. Vote: 5 – Yes 0 – No 1 – Abstention (Louis Modugno abstained.)

Complaints

C28-15 Motion was made by Ellen Polaner and seconded by Dennis Roberts to find no probable cause and dismiss this matter. Vote: 6 – Yes 0 – No

C40-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to find no probable cause, to transmit this matter to the Office of Administrative Law (OAL) on the remaining code violations and to find not frivolous. Vote: 5 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

C32-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to grant the Motion to Dismiss and to find not frivolous. Vote: 6 – Yes 0 – No

C33-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to find not frivolous and to transmit this matter to the (OAL) for a hearing to be held at a later date. Vote: 6 – Yes 0 – No

C59-14 Motion was made by Dennis Roberts and seconded Ellen Polaner to adopt the Initial decision of the Administrative Law Judge. (ALJ). Vote: 6 – Yes 0 – No

Orders to Show Cause for Failure to Complete Training

T01-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of censure. Vote: 6 – Yes 0 – No

T02-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of removal. Vote: 6 – Yes 0 – No

T03-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of censure. Vote: 6 – Yes 0 – No

T04-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of censure. Vote: 6 – Yes 0 – No

T05-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of removal. Vote: 6 – Yes 0 – No

T06-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of censure. Vote: 6 – Yes 0 – No

T07-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to find a violation of N.J.A.C. 6A:28-4 with a penalty of censure. Vote: 6 – Yes 0 – No

Complaints, continued

C57-14 Motion was made by Ellen Polaner and seconded by Frank Digesere to adopt the decision with edits. Vote: 6 – Yes 0 – No

C29-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision as written. Vote: 6 – Yes 0 – No

C31-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to table this matter. Vote: 4 – Yes 0 – No 2 – Abstentions (Frank Digesere and Louis Modugno abstained.)

C30-15 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the decision as written. Vote: 6 – Yes 0 – No

Advisory Opinions

A36-15 Motion was made by Frank Digesere and seconded by Louis Modugno to advise as discussed. Vote: 6 – Yes 0 – No

A37-15 Motion was made by Frank Digesere and seconded by Mark Finkelstein to advise as discussed. Vote: 6 – Yes 0 – No

A39-15 Motion was made by Dan Kaplan and seconded by Louis Modugno to advise as discussed. Vote: 5 – Yes 0 – No 1 – Abstention (Dennis Roberts abstained.)

A40-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 6 – Yes 0 – No

A01-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to table this matter. Vote: 6 – Yes 0 – No

A02-16 Motion was made by Dennis Roberts and seconded by Louis Modugno to advise as discussed. Vote: 6 – Yes 0 – No

A23-15 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt this Opinion as written. Vote: 5 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A25-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt this Opinion as written and make this Advisory Opinion public. Vote: 5 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A26-15 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt this Opinion as written and make it public. Vote: 6 – Yes 0 – No

A27-15 Motion was made by Dan Kaplan and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A28-15 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A29-15 Motion was made by Mark Finkelstein and seconded by Louis Modugno to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A30-15 Motion was made by Louis Modugno and seconded by Dennis Roberts to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A31-15 Motion was made by Mark Finkelstein and seconded by Frank Digesere adopt this Opinion as written and make this Advisory Opinion public. Vote: 6 – Yes 0 – No

A32-15 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A33-15 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A34-15 Motion was made by Frank Digesere and seconded by Louis Modugno to adopt this Opinion with edits. Vote: 6 – Yes 0 – No

A35-15 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 6 – Yes 0 – No

A38-15 Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt this Opinion as written. Vote: 6 – Yes 0 – No

Chairperson Bender greeted members of the public who were in attendance and allowed them to speak briefly.

2:10 p.m. Motion was made by Dennis Roberts and seconded by Frank Digesere to adjourn. Vote: 6 – Yes 0 – No

Submitted by:

Karin L. Molnar

Approved by:

Joanne M. Restivo, Acting Executive Director