

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**FEBRUARY 23, 2016**

Robert Bender called the meeting to order at 9:37 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 Mark Finkelstein, Louis Modugno, Dennis Roberts and Chairperson Robert Bender. Ellen Polaner and Frank Digesere participated briefly via telephone. However, the call was terminated early during Executive Session due to communication issues. Dan Kaplan was absent.

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

**9:39 a.m.** Motion was made by Dennis Roberts and seconded by Louis Modugno 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: C34-15, C35-15, C38-15, C03-16, C39-15, C43-15, C28-15, C40-15, C32-15, C33-15, C59-14, T01-15, T02-15, T03-15, T04-15, T05-15, T06-15, T07-15, A03-16, A04-16, A05-16, A06-16, A07-16, A08-16, A36-15, A37-15, A39-15, A40-15, A01-16, A02-16, C34-14, C40-13, Doctrines of Necessity filed by the Perth Amboy and Penns Grove-Carneys Point Boards of Education, and a dinner meeting invitation from the Bar Association's School Law Committee. Vote: 6 – Yes 0 – No

## **11:45 a.m. Open Session**

Members of the public were greeted by Chairperson Bender.

### **Minutes**

Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the January 2016 Minutes with amendments. Vote: 4 – Yes 0 – No

### **Complaints**

**C34-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to deem this complaint to be timely, to find probable cause that the Respondent may have violated N.J.S.A. 18A:12-24(b) and N.J.S.A. 18A:12-24.1(f) as to Count 1, dismiss the other allegations in Count 1, dismiss all of Count 2 and transmit this matter to the Office of Administrative Law (OAL) for a hearing to be held at a later date. Vote: 4 – Yes 0 – No

**C35-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to find probable cause as to N.J.S.A. 18A:12-24(b) and N.J.S.A. 18A:12-24.1(f) in Counts 1 and 2,

N.J.S.A. 18A:12-24.1(c) in Count 5, to dismiss the other allegations in Counts 1 and 2, all of Counts 3 and 4, and to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 4 – Yes 0 – No

**C38-15** Motion was made by Louis Modugno and seconded by Mark Finkelstein to dismiss as untimely and to find not frivolous. Vote: 4 – Yes 0 – No

**C03-16** Motion was made by Louis Modugno and seconded by Mark Finkelstein to dismiss as untimely and to find not frivolous. Vote: 4 – Yes 0 – No

**C39-15** Motion was made by Dennis Roberts and seconded Mark Finkelstein to find probable cause that the Respondent may have violated N.J.S.A. 18A:12-24(c) and (f), to find not frivolous, and to transmit this matter to the OAL for a hearing to be held at a later date. Vote: 4 – Yes 0 – No

**C43-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to find no probable cause and to transmit to the OAL on the remaining code violations. Vote: 4 – Yes 0 – No

**C28-15** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to adopt the decision as written. Vote: 4 – Yes 0 – No

**C40-15** Motion was made by Louis Modugno and seconded by Mark Finkelstein to adopt the decision as written. Vote: 4 – Yes 0 – No

**C32-15** Motion was made by Mark Finkelstein and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**C33-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**C59-14** Motion was made by Louis Modugno and seconded by Mark Finkelstein to adopt the decision as written. Vote: 4 – Yes 0 – No

### **Orders to Show Cause for Failure to Complete Training**

**T01-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**T02-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**T03-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**T04-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**T05-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**T06-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

**T07-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 4 – Yes 0 – No

### **Advisory Opinions**

**A03-16** Motion was made by Dennis Roberts and seconded by Louis Modugno to advise as discussed. Vote: 4 – Yes 0 – No

**A04-16** Motion was made by Louis Modugno and seconded by Mark Finkelstein to advise as discussed. Vote: 64– Yes 0 – No

**A05-16** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to table this matter pending the receipt of additional information. Vote: 4 – Yes 0 – No

**A06-16** Motion was made by Dennis Roberts and seconded by Mark Finkelstein to advise as discussed. Vote: 4 – Yes 0 – No

**A07-16** Motion was made by Louis Modugno and seconded by Dennis Roberts to advise as discussed: Vote: 4 – Yes 0 – No

**A08-16** Motion was made by Mark Finkelstein and seconded by Louis Modugno to advise as discussed. Vote: 6 – Yes 0 – No

**A36-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt this Opinion as written. Vote: 4 – Yes 0 – No

**A37-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt this Opinion as written. Vote: 4 – Yes 0 – No

**A39-15** Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt this Opinion as written. Vote: 4 – Yes 0 – No

**A40-15** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt this Opinion as written. Vote: 4 – Yes 0 – No

**A01-16** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt this Opinion as written. Vote: 4 – Yes 0 – No

**A02-16** Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt this Opinion as written. Vote: 4 – Yes 0 – No

**Other Business**

**C34-14** This matter was on the agenda for informational purposes only.

**C40-13** Motion was made by Louis Modugno and seconded by Mark Finkelstein to Direct staff to draft a decision/order withdrawing this matter. Vote: 4 – Yes 0 – No

**11:57 a.m.** Motion was made by Dennis Roberts and seconded by Louis Modugno to adjourn. Vote: 4 – Yes 0 - No

Submitted by:

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Karin L. Molnar

Approved by:

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Joanne M. Restivo, Acting Executive Director