

SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

JUNE 21, 2016

Robert Bender called the meeting to order at 9:33 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, Dan Kaplan, Louis Modugno (arrived at 9:53), Dennis Roberts and Chairperson Robert Bender. Commission members Mark Finkelstein and Ellen Polaner were absent.

Acting Executive Director Joanne Restivo, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar, Kathryn Whalen and Deputy Attorney General Donna Arons were also in attendance.

Joanne Restivo announced that her last day would be June 30, 2016 and that Kathryn Whalen would become the Acting Director beginning July 1, 2016. Ms. Restivo thanked the Commission for having been given the opportunity to work with them. Chairperson Bender thanked Ms. Restivo for her service, dedication, expertise and for running a smooth Commission. He then welcomed Kathryn Whalen.

9:37 a.m. Motion was made by Dennis Roberts and seconded by Dan Kaplan 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: C11-16, C12-16, C06-16, C08-16, C50-12, C51-12, C52-12, C07-16, C14-16, A20-16, A21-16, A15-16, A16-16, A17-16, A18-16, A19-16, C21-16, C04-16, C08-16 and Doctrines of Necessity filed by the Rahway (2), Woodbury City, Lodi (2), Woodbridge, Phillipsburg and Passaic Boards of Education. Vote: 4 – Yes 0 – No

12:05 p.m. Open Session

Minutes

Motion was made by Louis Modugno and seconded by Frank Digesere to approve the Minutes of the May 24, 2016 meeting as written. Vote 5 – Yes 0 – No

Complaints

C11-16 Motion was made by Dennis Roberts and seconded by Dan Kaplan to find probable cause that the Respondents may have violated N.J.S.A. 18A:12-24(b) in Counts 1 and 2; to find probable cause that the Respondents, with the exception of Mr. Rodriguez, may have violated N.J.S.A. 18A:12-24(c) in Count 2; to dismiss the alleged violation of N.J.S.A. 18A:12-24(c) in Count 1, and to dismiss the alleged violations of N.J.S.A. 18A:12-22 in both Counts 1 and 2; to find not frivolous and 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

C12-16 Motion was made by Dan Kaplan and seconded by Louis Modugno to find no probable cause to the Complaint, find it not frivolous, and dismiss the Complaint in its entirety. Vote: 4 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

C06 -16 Motion was made by Dennis Roberts and seconded by Frank Digesere to rescind the April 26, 2016 vote of the Commission in this matter. Vote: 5 – Yes 0 – No

C06-16 A second motion was made by Dennis Roberts and seconded by Frank Digesere to deny the motion to dismiss and direct the filing of an answer. Vote: 5 – Yes 0 – No

C06-16 A third motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the written decision with edits. Vote: 5 – Yes 0 – No

C08-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to deny the request for a testimonial hearing. Vote: 5- Yes 0 – No

C08-16 A second motion was made by Frank Digesere and seconded by Dan Kaplan to grant the motion to dismiss N.J.S.A. 18A:12-24(a) and to deny the motion to dismiss all other allegations. Vote: 5 – Yes 0 – No

C50-12; C51-12; C52-12 Motion was made by Dennis Roberts and seconded by Louis Modugno to modify the decision of the Administrative Law Judge (ALJ) as discussed. Vote: 5 – Yes 0 – No

C07-16 Motion was made by Dennis Roberts and seconded by Louis Modugno to adopt the decision as written. Vote: 5 – Yes 0 – No

C14-16 Motion was made by Dan Kaplan and seconded by Frank Digesere to adopt the decision as written. Vote: 5 – Yes 0 – No

Advisory Opinions

A20-16 Motion was made by Louis Modugno and seconded by Dennis Roberts to advise as discussed. Vote: 5 – Yes 0 – No

A21-16 Motion was made by Frank Digesere and seconded by Louis Modugno to advise as discussed. Vote: 5 – Yes 0 – No

A15-16 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt this Opinion as written. Vote: 5– Yes 0 – No

A16-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 5 – Yes 0 – No

A17-16 Motion was made by Louis Modugno and seconded by Dennis Roberts to adopt this Opinion as written. Vote: 5 – Yes 0 – No

A18-16 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt this Opinion as written. Vote: 5 – Yes 0 – No

A19-16 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt this Opinion as written. Vote: 5 – Yes 0 – No

Other Business

Resolution Delegating Functions Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the Resolution as written. Vote: 5 – Yes 0 – No

C21-16 This matter was on the agenda for informational purposes only.

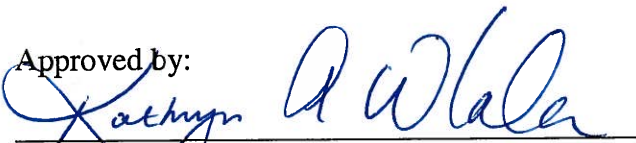
C04-16 Motion was made by Dennis Roberts and seconded by Frank Digesere to direct staff to write a letter denying the request to strike the last paragraph of the Commission's May 24, 2016 decision. Vote: 5 – Yes 0 – No

12:17 p.m. Motion was made by Dennis Roberts and seconded by Dan Kaplan to adjourn. Vote: 5 – Yes 0 – No

Submitted by:


Karin L. Molnar

Approved by:


Kathryn A. Whalen, Acting Executive Director