

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

JULY 26, 2016

Robert Bender called the meeting to order at 9:31 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, Dennis Roberts and Chairperson Robert Bender. Commission members Louis Modugno and Ellen Polaner were absent.

Acting Executive Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorney General Angela Velez were also in attendance.

Robert Bender gave an update on Commission member Ellen Polaner informing the Commission that it is anticipated that Ellen would be returning in September. Chairperson Bender also informed the Commission that Dennis Roberts has given up his seat on his local Board of Education due to a conflict arising from the hiring of his daughter. The statute governing the School Ethics Commission provide that should a Commissioner serving as a school official cease to be a school official, that person's appointment to the Commission shall expire on the next succeeding July 1, or when the person's successor has been appointed, whichever comes first. Therefore, Dennis Roberts will remain on this Commission for the near future.

9:52 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: C01-16, C10-16, C06-16, C09-16, C15-16, C11-16, C12-16, C08-16, C50-12, C51-12, C52-12, A22-16, A15-16, A20-16, A21-16, C16-16, C18-16, C13-16, C23-16, C04-16, C56-14, C29-15 payment for frivolous filing, Orders To Show Cause required for those Board members failing to file the required Personal/Relative and Financial Disclosure Statements and Doctrines of Necessity filed by the Woodbridge Township, Elizabeth, Lodi and Hammonton Boards of Education. Vote: 5 – Yes 0 - No

11:35 p.m. Open Session

Minutes

Motion was made by Dennis Roberts and seconded by Frank Digesere to approve the Minutes of the June 21, 2016 meeting as written. Vote 4 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

Complaints

C01-16 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to find probable cause that the Respondents may have violated N.J.S.A. 18A:12-24(b) in Count 1 and N.J.S.A. 18A:12-24(c) in Count 4 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

C10-16 Motion was made by Dennis Roberts and seconded by Frank Digesere to find probable cause that the Respondent may have violated N.J.S.A. 18A:12-24(b) and (c), to find not frivolous and transmit the matter to the OAL for a hearing to be held at a later date. Vote: 5 – Yes 0 – No

C06-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to find no probable cause and dismiss this matter. Vote: 5 – Yes 0 – No

C09-16 Motion was made by Dennis Roberts and seconded by Mark Finkelstein to deny the motion to dismiss, direct the filing of answer and reserve the determination on the allegation of a frivolous filing. Vote: 5- Yes 0 – No

C15-16 Motion was made by Dennis Roberts and seconded by Frank Digesere to grant the motion to dismiss and find not frivolous. Vote: 5 – Yes 0 - No

C11-16 Motion was made by Dan Kaplan and seconded by Dennis Roberts to adopt the decision as written. Vote: 4 – Yes 0 – No 1 – Abstention (Mark Finkelstein abstained.)

C12-16 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt the decision as written. Vote: 3 – Yes 0 – No 2 – Abstentions (Frank Digesere and Mark Finkelstein abstained.)

C08-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to adopt the decision as written. Vote: 4 – Yes 0 – No 1 Abstention (Mark Finkelstein abstained.)

C50-12; C51-12; C52-12 Motion was made by Mark Finkelstein and seconded by Dennis Roberts to adopt the decision as written. Vote: 5 – Yes 0 – No

Advisory Opinions

A22-16 Motion was made by Dennis Roberts and seconded by Frank Digesere to advise as discussed. Vote: 5 – Yes 0 – No

A15-16 This matter was tabled as there were not enough members present to vote on whether to make this advisory public.

A20-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to adopt this Opinion as written. Vote: 5 – Yes 0 – No

A21-16 Motion was made by Dennis Roberts and seconded by Dan Kaplan to adopt this Opinion as written. Vote: 5 – Yes 0 – No

Administrative Dismissals

- C16-16** This matter was on the agenda for informational purposes only.
- C18-16** This matter was on the agenda for informational purposes only.
- C13-16** This matter was on the agenda for informational purposes only.
- C23-16** This matter was on the agenda for informational purposes only.

Other Business

Orders To Show Cause (OTSC's)for Failure to File Personal/Relative and Financial Disclosure Forms Motion was made by Mark Finkelstein and seconded by Dan Kaplan to adopt the OTSC's and authorize the mailing of them to Ronald Murphy, Board Member, Beverly City Board of Education, Burlington County; Nicaury Miller, Board of Trustees Member, The Gray Charter School, Essex County; and Alex Janklowicz, Board Member, Lakewood Board of Education, Ocean County. Vote: 5 – Yes 0 – No

C04-16 Motion was made by Dennis Roberts and seconded by Frank Digesere to adopt the letter as written and authorize its mailing. Vote: 5 – Yes 0 – No

C56-14 This matter was on the agenda for informational purposes only.

C29-15 (Gaitens) Receipt is acknowledged of payment in the amount of \$500 on June 13, 2016 for the frivolous complaint penalty imposed by the Commission on January 27, 2016.

Chapter 28 Regulations This matter was on the agenda for informational purposes only

11:46 a.m. Motion was made by Dan Kaplan and seconded by Dennis Roberts to adjourn. Vote: 5 – Yes 0 - No

Submitted by:


Karin L. Molnar

Approved by:


Kathryn A. Whalen, Acting Executive Director