

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

OCTOBER 24, 2016

Robert Bender called the meeting to order at 9:30 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 and Chairperson Robert Bender.

Director Kathryn Whalen, Legal Specialist Jesse Landon, Administrative Assistant Karin Molnar and Deputy Attorneys General Donna Arons (arrived at 9:43 a.m.) and Jennifer Cavin (departed at 9:53 a.m.) were also in attendance.

9:32 a.m. Motion was made by Dan Kaplan 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: C09-16, T01-16, T02-16, T03-16, T04-16, C25-16, C26-16, C27-16, C29-16, A24-16, C33-16, C52-14 and a Doctrine of Necessity filed by the Phillipsburg Board of Education. Vote: 6 – Yes 0 – No

11:11 a.m. Open Session

Complaints

C09-16 Motion was made by Louis Modugno and seconded by Dan Kaplan to find no probable cause, to find this complaint frivolous, and to dismiss this matter in its entirety. The Commission also voted to impose a penalty of \$100 for the frivolous filing.¹ Vote: 6 – Yes 0 – No

Orders to Show Cause

T01-16 Motion was made by Frank Digesere and seconded by Mark Finkelstein to issue a penalty of suspension to this Official for a period of 30 days for failure to complete mandated Ethics training. If training is not completed within the 30 days and proof of completion provided to this Commission, this Official is to be removed from his Board seat on the 31st day. Vote: 6 – Yes 0 - No

¹ At its meeting on November 22, 2016 and prior to adoption of this decision and the October 24, 2016 minutes, the School Ethics Commission voted to rescind and reconsider the penalty for the filing of a frivolous complaint in this matter.

T02-16 Motion was made by Frank Digesere and seconded by Mark Finkelstein to issue a penalty of suspension to this Official for a period of 30 days for failure to complete mandated Ethics training. If training is not completed within the 30 days and proof of completion provided to the Commission, this Official is to be removed from office on the 31st day. Vote: 6 – Yes 0 - No

T03-16 Motion was made by Frank Digesere and seconded by Mark Finkelstein to issue a penalty of suspension to this Official for a period of 30 days for failure to complete mandated Ethics training. If training is not completed within the 30 days and proof of completion provided to the Commission, this Official is to be removed from office on the 31st day. Vote: 6 – Yes 0 - No

T04-16 Motion was made by Frank Digesere and seconded by Mark Finkelstein to issue a penalty of suspension to this Official for a period of 30 days for failure to complete mandated Ethics training. If training is not completed within the 30 days and proof of completion provided to the Commission, this Official is to be removed from office on the 31st day. Vote: 6 – Yes 0 - No

Complaints (cont'd)

C25-16 Motion was made by Mark Finkelstein and seconded by Frank Digesere to reconsider this matter, and to hold this matter and any decision in abeyance until the conclusion of a matter pending before the Commissioner of Education. Vote: 6 – Yes 0 – No

C26-16 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the decision as written. Vote: 6 – Yes 0 – No

C27-16 Motion was made by Ellen Polaner and seconded by Mark Finkelstein to adopt the decision as written. Vote: 6 – Yes 0 – No

C29-16 Motion was made by Louis Modugno and seconded by Frank Digesere to adopt the decision as written. Vote: 6 – Yes 0 – No

Advisory Opinions

A24-16 Motion was made by Frank Digesere and seconded by Mark Finkelstein to adopt this Opinion as written and make it public. Vote: 6 – Yes 0 - No

Other Business

C33-16 Motion was made by Mark Finkelstein and seconded by Louis Lodugno to place this matter in abeyance until the conclusion of a matter pending before the Commissioner of Education. Vote: 6 – Yes 0 – No

C52-14 This matter was on the agenda for informational purposes only.

Minutes

Motion was made by Dan Kaplan and seconded by Louis Modugno to table the vote to approve the minutes of the September 27, 2016 meeting. Vote 6 – Yes 0 – No

11:16 a.m. Motion was made by Dan Kaplan and seconded by Ellen Polaner to adjourn. Vote: 6 – Yes 0 - No

Submitted by:



Karin L. Molnar

Approved by:



Kathryn A. Whalen, Director

Minutes 10-24-16 public