

**SCHOOL ETHICS COMMISSION MEETING
PUBLIC SESSION MINUTES**

JUNE 27, 2017

Robert Bender called the meeting to order at 9:43 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 and participating via telephone were Commission members Frank Digesere, Dan Kaplan and Ellen Polaner. Chairperson Robert Bender was also in attendance. Commission members Mark Finkelstein and Louis Modugno were absent.

Director Kathryn Whalen, Legal Specialist Jesse Landon, Offices of School Ethics and Compliance staff members Karin Molnar, Jeannine Pizzigoni and Nichole Simmons-Graham, along with Deputy Attorneys General (DAsG) Jennifer McGruther and Beth Shore (departed at 10:10 a.m.) were also in attendance.

9:50 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: C10-16; C11-16; C30-16; C42-17; C44-17; T05-16 through T33-16; C40-17; A15-17 through A21-17; C30-17; C31-17; C32-17; C36-17; C37-17; C38-17; Doctrines of Necessity filed by the Woodbridge Township (3), Egg Harbor City (2), Evesham Township (2), Phillipsburg (2), Paulsboro, Lodi, Perth Amboy (2), Hammonton (2), and Pleasantville Boards of Education; C12-15; Resolution Delegating Authority; Resolution changing the date of the October 2017 meeting; T19-16; T21-16; C33-16; C16-14; a revised Doctrine of Necessity filed by the Ridgefield Board of Education; review of minutes submitted by the Chesilhurst, Woodland and Holmdel Boards of Education; and C29-16. Vote: 4 – Yes 0 - No

12:25 p.m. Open Session

Complaints

C10-16 and C11-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to draft a decision as discussed. Vote: 4 – Yes 0 – No

C30-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to table this matter. Vote: 4 – Yes 0 – No

C42-17 Motion was made by Dan Kaplan and seconded by Frank Digesere to Draft a decision as discussed. Vote: 4 – Yes 0 – No

C44-17 Motion was made by Frank Digesere and seconded by Ellen Polaner to draft a decision as discussed. Vote: 4 – Yes 0 – No

Orders To Show Cause

T05-16 through T18-16, T20-16 and T22-16 Motion was made by Ellen Polaner and seconded by Dan Kaplan to adopt the decisions as written. Vote: 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

T23-16, T26-16 and T27-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to draft decisions as discussed. Vote: 4 – Yes 0 - No

T24-16, T25-16, T28-16 and T31-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to draft decisions as discussed. Vote: 4 – Yes 0 - No

T29-16, T30-16, T32-16 and T33-16 Motion was made by Frank Digesere and seconded by Ellen Polaner to draft decisions as discussed. Vote: 4 – Yes 0 - No

Decisions to Adopt

C40-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the decision as written. Vote: 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

Advisory Opinions

A20-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to advise as discussed. Vote: 4 – Yes 0 - No

A21-17 Motion was made by Frank Digesere and seconded by Ellen Polaner to advise as discussed. Vote: 4 – Yes 0 - No

A15-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the Opinion in this matter as written. Vote 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A16-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the Opinion in this matter as written. Vote 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A17-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the Opinion in this matter as written. Vote 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A18-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the Opinion in this matter as written. Vote 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

A19-17 Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the Opinion in this matter as written. Vote 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

Administrative Dismissals

C30-17 through C32-17, C36-17 through C38-17 All matters in this section were listed for informational purposes only.

Other Business

Doctrines of Necessity Robert Bender acknowledged receipt of Doctrines of Necessity submitted by the Woodbridge Township, Egg Harbor City, Evesham Township, Phillipsburg, Paulsboro, Lodi, Perth Amboy, Hammonton, and Pleasantville Boards of Education. Afterward, a motion was made by Frank Digesere and seconded by Ellen Polaner to direct staff to draft a letter to the Pleasantville Board of Education concerning the Doctrine filed. Vote: 4 – Yes 0 - No

C12-15 This matter was on the Agenda for informational purposes only.

Resolution Delegating Authority Motion was made by Ellen Polaner and seconded by Dan Kaplan to adopt the Resolution as written. Vote 4 – Yes 0 - No

Resolution Changing October Meeting Date Motion was made by Ellen Polaner and seconded by Dan Kaplan to adopt the Resolution changing the October meeting from October 24, 2017 to October 31, 2017. Vote: 4 – Yes 0 – No

T19-16 and T21-16 These matters were on the Agenda for informational purposes only.

C33-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to take this matter out of abeyance, and to grant Complainants an extension of time to file a response to the motion to dismiss. Vote: 4 – Yes 0 - No

C16-14 This matter was on the Agenda for informational purposes only.

Ridgefield Board of Education Revised Doctrine of Necessity Motion was made by Frank Digesere and seconded by Ellen Polaner to direct staff to draft a letter as discussed. Vote: 4 – Yes
0 – No

Chesilhurst, Woodland and Holmdel Boards of Education Minutes Review These matters were on the Agenda for informational purposes only.

Agenda Addition Motion was made by Ellen Polaner and seconded by Frank Digesere to add the matter docketed as C29-16 to this Agenda. Vote: 4 – Yes 0 – No

C29-16 Motion was made by Frank Digesere and seconded by Dan Kaplan to decline to review interlocutorily, and to direct staff to draft a letter as discussed. Vote: 4 – Yes 0 – No

Minutes

Motion was made by Dan Kaplan and seconded by Ellen Polaner to adopt the minutes of the April 25, 2017 meeting as written. Vote: 3 – Yes 0 – No 1 – Abstention (Frank Digesere abstained.)

Robert Bender thanked the members of the public for attending the meeting.

12:42 p.m. Motion was made by Frank Digesere and seconded by Ellen Polaner to adjourn. Vote: 4 – Yes 0 - No

Submitted by:

Karin L. Molnar

Approved by:

Kathryn A. Whalen, Director

Minutes 06-27-17 public