

**SCHOOL ETHICS COMMISSION MEETING  
PUBLIC SESSION MINUTES**

**SEPTEMBER 26, 2017**

Robert Bender called the meeting to order at 9:35 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 (by telephone), Ellen Polaner, and Chairperson Robert Bender.

Also in attendance were Kathryn Whalen, Director, Office of School Ethics and Compliance, and staff members Karin Molnar and Jeannine Pizzigoni, along with Deputy Attorney General Donna Arons.

**9:39 a.m.** Motion was made by Frank Digesere and seconded by Ellen Polaner 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: C39-13; C51-17; C55-17 and C62-17 (Consolidated); C61-17, D01-17, D02-17, D03-17, D04-17, T01-17, C45-17, A27-17, A28-17, A29-17, A30-17, A20-11, A19-17, A23-17, A24-17, A26-17, C50-17, C56-17, Doctrines of Necessity filed by the Wayne Township, Perth Amboy, Phillipsburg and Paulsboro Boards of Education; update on investigation regarding use of Doctrine of Necessity, and discussion regarding proposed revised Resolution on Invoking the Doctrine of Necessity; review of correspondence from the Woodbridge Township, Paulsboro and Black Horse Pike Regional Boards of Education, C39-17, C52-17, C54-17, T28-16, T32-16, C56-17, C33-16, C16-12, T05-16, T06-16, T17-16, T22-16, T24-16, T25-16 and T31-16.  
Vote: 6 – Yes 0 - No

**10:37 a.m.** Open Session

**Advisory Opinions**

**A20-11** Motion was made by Dan Kaplan, and seconded by Ellen Polaner, to make this Advisory Opinion public. Vote: 6 – Yes 0 – No

**A19-17** Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to make this Advisory Opinion public. Vote: 6 – Yes 0 – No

**A24-17** Motion was made by Frank Digesere, and seconded by Ellen Polaner, to adopt the Advisory Opinion as written. Vote: 5 – Yes 0 – No 1 – Abstention (Louis Modugno abstained.)

**A24-17** A second motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to make this Opinion public. Vote: 6 – Yes 0 – No

**A28-17** Motion was made by Frank Digesere, and seconded by Ellen Polaner, to advise as discussed. Vote: 6 – Yes 0 – No

**10:42 a.m.** Louis Modugno departed.

**10:42 a.m.** Motion was made by Frank Digesere, and seconded by Ellen Polaner, to return to Executive Session. Vote: 5 – Yes 0 – No

**12:27 p.m.** Open Session

### **Complaints**

**C39-13** Motion was made by Mark Finkelstein, and seconded by Frank Digesere, to remove this item from the Agenda. Vote: 5 – Yes 0 – No

**C51-17** Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to draft a decision as discussed. Vote: 5 – Yes 0 – No

**C55-17 and C62-17 (Consolidated)** Motion was made by Mark Finkelstein, and seconded by Frank Digesere, to draft a decision as discussed. Vote: 5 – Yes 0 – No

**C61-17** Motion was made by Mark Finkelstein, and seconded by Ellen Polaner, to draft a decision as discussed. Vote: 5 – Yes 0 – No

### **Orders To Show Cause**

**D01-17** Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 5 – Yes 0 – No

**D02-17** Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 5 – Yes 0 – No

**D03-17** Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 5 – Yes 0 – No

**D04-17** Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to draft a letter administratively dismissing the matter. Vote: 5 – Yes 0 – No

**T01-17** Motion was made by Mark Finkelstein, and seconded by Ellen Polaner, to adopt and mail an Order to Show Cause. Vote: 5 – Yes 0 – No

**Decisions to Adopt as Written**

**C45-17** Motion was made by Ellen Polaner, and seconded by Frank Digesere, to adopt the decision as written. Vote: 5 – Yes 0 – No

**Advisory Opinions, cont'd**

**A27-17** Motion was made by Frank Digesere, and seconded by Dan Kaplan, to advise as discussed. Vote: 5 – Yes 0 – No

**A29-17** Motion was made by Ellen Polaner, and seconded by Frank Digesere, to advise as discussed. Vote: 5 – Yes 0 – No

**A30-17** Motion was made by Mark Finkelstein, and seconded by Dan Kaplan, to advise as discussed. Vote: 5 - Yes 0 – No

**A23-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to adopt this Advisory Opinion as written. Vote: 5 – Yes 0 – No

**A26-17** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to adopt this Advisory Opinion as written. Vote: 5 – Yes 0 - No

**Administrative Dismissals**

**C50-17** This matter was on the Agenda for informational purposes only.

**C56-17** This matter was on the Agenda for informational purposes only.

**Other Business**

**Revised Resolution on Invoking the Doctrine of Necessity** This matter was on the Agenda for informational purposes only.

**Doctrines of Necessity** Robert Bender acknowledged receipt of Doctrines of Necessity submitted by the Wayne Township, Perth Amboy, Phillipsburg, and Paulsboro Boards of Education.

**Doctrine of Necessity Investigation** Motion was made by Mark Finkelstein, and seconded by Ellen Polaner, to refer matters as discussed.

**Woodbridge Township Board of Education Correspondence Update** This matter was on the Agenda for informational purposes only.

**Paulsboro Board of Education Correspondence Update** This matter was on the Agenda for informational purposes only

**Black Horse Pike Regional Board of Education Correspondence Update** This matter was on the Agenda for informational purposes only

**C39-17, C52-17 and C54-17** These matters were on the Agenda for informational purposes only.

**T28-16 and T32-16** These matters were on the Agenda for informational purposes only.

**C56-17** This matter was on the Agenda for informational purposes only.

**C33-16** Motion was made by Frank Digesere, and seconded by Mark Finkelstein, to schedule a special meeting for October 17, 2017 at 9:00 a.m. Vote: 5 – Yes 0 - No

**C16-12** Motion was made by Mark Finkelstein, and seconded by Frank Digesere, to adopt the Resolution of Censure as written. Vote: 5 – Yes 0 – No

**T05-17, T06-17, T17-17, T22-17, T24-17, T25-17, T31-17** Motion was made by Ellen Polaner, and seconded by Frank Digesere, to adopt the Resolutions in these matters as written. Vote: 5 – Yes 0 – No

**Minutes**

Motion was made by Frank Digesere, and seconded by Dan Kaplan, to adopt the minutes of the August 22, 2017 meeting as written. Vote: 5 – Yes 0 – No

**12:35 p.m.** Motion was made by Dan Kaplan, and seconded by Frank Digesere, to adjourn. Vote: 5 – Yes 0 - No

Submitted by:

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Karin L. Molnar

Approved by:

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Kathryn A. Whalen, Director