

# SCHOOL ETHICS COMMISSION MEETING PUBLIC SESSION MINUTES

**APRIL 24, 2018**

Chairperson Robert Bender called the meeting to order at 9:32 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 School Ethics Commission (Commission) members Michael Collins, Mark Finkelstein, Dan Kaplan, Dennis Roberts, Jude Tanella, Richard Tomko, and Chairperson Bender. Michael Carucci was absent.

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

**9:34 a.m.** Motion was made by Dennis Roberts, and seconded by Michael Collins, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following complaints and matters involving possible litigation: C04-18 and C05-18 (consolidated); C07-18; C09-18; C14-18; C17-18; T23-17 through T29-17; C89-17; C01-18; A10-18; A13-18; A16-18; A17-18; A19-18; Dover Township Board of Education Advisory Opinion Request; A23-17; A11-18; A15-18; C03-18; C08-18; C11-18; Doctrines of Necessity filed by the Lodi and Wayne Township Boards of Education; the selection of a committee to nominate a Commission Chairperson for the upcoming term; 2019 SEC Meeting Dates Resolution; Resolutions of Censure and Suspension in C31-13, C28-13, C45-13, C41-13, C43-13, C42-13, C44-13 (consolidated); June 26, 2018 SEC meeting date change; Superior Court of NJ, Law Division, Dkt. #MID-L-1814-18 status update; T30-16 remand; Paterson BOE information review; review of information provided by a school official regarding her Personal/Relative and Financial Disclosures Statements; A14-18; C90-17; C02-18; C06-18; and C13-18. Vote: 7 – Yes 0 – No

**11:57 a.m.** Open Session

## Complaints

**C04-18 and C05-18 (consolidated)** Motion was made by Dan Kaplan, and seconded by Dennis Roberts, to draft a decision as discussed. Vote: 7 – Yes 0 – No

**C07-18** Motion was made by Michael Collins, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 7 – Yes 0 – No

**C09-18** Motion was made by Richard Tomko, and seconded by Jude Tanella, to draft a letter decision as discussed. Vote: 7 – Yes 0 – No

**C14-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed. Vote: 7 – Yes 0 – No

**C17-18** Motion was made by Mark Finkelstein, and seconded by Jude Tanella, to draft a letter decision as discussed. Vote: 7 – Yes 0 - No

**Orders to Show Cause**

**T23-17 through T29-17** Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt and mail the Orders to Show Cause in these matters as written. Vote: 7 – Yes 0 - No

**Complaints (continued)**

**C89-17** Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to adopt the decision as written. Vote: 7 – Yes 0 – No

**C01-18** Motion was made by Dan Kaplan, and seconded by Mark Finkelstein, to adopt the decision as written. Vote: 6 – Yes 0 – No 1 – Abstention (Dennis Roberts abstained)

**Advisory Opinions**

**A10-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to table this matter. Vote: 6 – Yes 0 – No 1- Abstention (Mark Finkelstein abstained)

**A13-18** Motion was made by Dennis Roberts, and seconded by Jude Tanella, to advise as discussed. Vote: 7 – Yes 0 – No

**A16-18** Motion was made by Mark Finkelstein, and seconded by Michael Collins, to advise as discussed. Vote: 7 – Yes 0 - No

**A17-18** Motion was made by Jude Tanella, and seconded by Mark Finkelstein, to advise as discussed. Vote: 7 – Yes 0 – No

**A19-18** Motion was made by Richard Tomko, and seconded by Dan Kaplan, to advise as discussed. Vote: 7 – Yes 0 - No

**Dover Township Board of Education Advisory Opinion Request** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to decline to advise, and communicate as discussed. Vote: 7 – Yes 0 – No

**A23-17** Motion was made by Dan Kaplan, and seconded by Richard Tomko, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 – No

**A11-18** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 – No

**A15-18** Motion was made by Dan Kaplan, and seconded by Richard Tomko, to adopt this Advisory Opinion as written. Vote: 7 – Yes 0 – No

**A15-18** A second motion was made by Dan Kaplan, and seconded by Richard Tomko, to make this Advisory Opinion public. Vote: 7 – Yes 0 - No

### **Administrative Dismissals**

**C03-18** This matter was on the agenda for informational purposes only.

**C08-18** This matter was on the agenda for informational purposes only.

**C11-18** This matter was on the agenda for informational purposes only.

### **Other Business**

**Doctrines of Necessity** Chairperson Bender acknowledged receipt of Doctrines of Necessity submitted by the Lodi and Wayne Township Boards of Education.

**Nominating Committee** This matter was on the agenda for informational purposes only.

**2019 School Ethics Commission Meeting Dates Resolution** Motion was made by Richard Tomko, and seconded by Michael Collins, to adopt the Resolution as written. Vote: 7 – Yes 0 – No

**Resolution of Suspension in C31-13, C28-13, C45-13, C41-13, C43-13, C42-13 and C44-13 (consolidated)** Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the Resolution of Suspension for Respondent Davenport as written. Vote: 7 – Yes 0 – No

**Resolution of Censure in C31-13, C28-13, C45-13, C41-13, C43-13, C42-13 and C44-13 (consolidated)** Motion was made by Michael Collins, and seconded by Richard Tomko, to adopt the Resolution of Censure for Respondent Bright as written. Vote: 7 – Yes 0 – No

**June 2018 Meeting Date** Motion was made by Jude Tanella, and seconded by Mark Finkelstein, to change the date of the June, 2018 Commission meeting from June 26, 2018 to June 25, 2018.

**Superior Court of NJ, Law Division, Dkt. #MID-L-1814-18** This matter was tabled.

**T30-16** Motion was made by Richard Tomko, and seconded by Mark Finkelstein, to draft a decision as discussed. Vote: 7 – Yes 0 – No

**Review of Paterson Board of Education Information Regarding a School Official** This matter was on the agenda for informational purposes only.

**Review of Information Provided by a School Official Regarding Her Personal/Relative and Financial Disclosure Statements** This matter was on the agenda for informational purposes only.

**A14-18** This matter was on the agenda for informational purposes only.

**C90-17** This matter was on the agenda for informational purposes only.

**C02-18** This matter was on the agenda for informational purposes only.

**C06-18** This matter was on the agenda for informational purposes only.

**C13-18** This matter was on the agenda for informational purposes only.

**Minutes**

Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the minutes of the March 27, 2018, meeting as written. Vote: 7 – Yes 0 – No

**12:05 p.m.** Motion was made by Michael Collins, and seconded by Richard Tomko, to adjourn. Vote: 7 – Yes 0 - No

Submitted by:

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Karin L. Molnar

Approved by:

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Kathryn A. Whalen, Director