

## **School Ethics Commission Meeting Public Session Minutes**

**September 24, 2019**

Chairperson Robert Bender called the meeting to order at 9:33 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 Carucci, Michael Collins, Mark Finkelstein, Dennis Roberts, Jude Tanella, Richard Tomko (arrived at 9:34 a.m.), and Chairperson Bender.

Also, in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff member Jeannine Pizzigoni, and Deputy Attorneys General (DAsG) Jaclyn Frey and Laurie Fichera.

**9:34 a.m.** Commissioner Tomko arrives.

**9:37 a.m.** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adjourn to Executive Session to discuss confidential matters and to obtain legal advice regarding the following Complaints and matters involving possible litigation: C13-19; C18-19; C24-19; C34-19; C35-19; C36-19; C40-19; C42-19; C44-19; C46-19; C72-18; C06-19; C33-19; C37-19; C38-19; C39-19; A24-19; A22-19; A23-19; D09-19; Doctrines of Necessity filed by the Wayne Township, Hamburg, Jersey City, and Robbinsville Boards of Education; C74-17; C27-19; C41-19; C43-19; and A21-19.

Vote: 7 – Yes 0 – No

**12:19 p.m. Open Session**

### ***Complaints to Review***

**C13-19** Motion was made by Mark Finkelstein, and seconded by Jude Tanella, to draft a decision as discussed.

Vote: 7 – Yes 0 – No

**C18-19** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote: 7 – Yes 0 – No

**C24-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C34-19** Motion was made by Michael Carucci, and seconded by Richard Tomko, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C35-19** Motion was made by Michael Carucci, and seconded by Richard Tomko, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C36-19** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C40-19** Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C42-19** Motion was made by Richard Tomko, and seconded by Jude Tanella, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C44-19** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

**C46-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed.

Vote: 7 – Yes      0 – No

### ***Decisions to Adopt as Written***

**C72-18** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

**C06-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

**C33-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

**C37-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

**C38-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

**C39-19** Motion was made by Dennis Roberts, and seconded by Richard Tomko, to adopt the decision as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

### ***Advisory Opinions***

**A24-19** Motion was made by Jude Tanella, and seconded by Richard Tomko, to advise as discussed.

Vote: 7 – Yes      0 – No

**A22-19** Motion was made by Dennis Roberts, and seconded by Jude Tanella, to adopt the advisory opinion as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

**A23-19** Motion was made by Dennis Roberts, and seconded by Jude Tanella, to adopt the advisory opinion as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

## ***Administrative Dismissals***

***D09-19***      ***This matter was on the agenda for informational purposes only.***

## ***Other Business***

**Doctrines of Necessity**      Chairperson Bender acknowledged receipt of the Doctrines of Necessity submitted by the Wayne Township, Hamburg, Jersey City, and Robbinsville Boards of Education.

**C74-17**      This matter was on the agenda for informational purposes only.

**C27-19**      This matter was on the agenda for informational purposes only.

**C41-19**      This matter was on the agenda for informational purposes only.

**C43-19**      This matter was on the agenda for informational purposes only.

**Discussion Regarding Proposed Revisions to Chapter 28 Regulations**      This matter was on the agenda for informational purposes only, and continued discussions will occur at future meetings.

**A21-19**      Motion was made by Mark Finkelstein, and seconded by Dennis Roberts, to add A21-19 to the agenda.

Vote: 7 – Yes      0 – No

**A21-19**      This matter was added to the agenda so Commissioner Finkelstein could express concerns about the potential impact of this decision on certain school districts throughout the State. After discussion, the Commission did not take any action relative to this matter.

## ***Minutes***

Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adopt the minutes of the meeting (public and executive) conducted on August 27, 2019, as written.

Vote: 5 – Yes      0 – No      2 – Abstention (Michael Collins and Mark Finkelstein)

Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the minutes of the special meeting (public and executive) conducted on August 30, 2019, as written.

Vote: 4 – Yes      0 – No      3 – Abstention (Michael Carucci, Jude Tanella, and Richard Tomko)

**12:26 p.m.** Motion was made by Richard Tomko, and seconded by Dennis Roberts, to adjourn.

Vote: 7 – Yes      0 – No

Submitted by:

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Jeannine Pizzigoni

Approved by:

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Kathryn A. Whalen, Director