

**School Ethics Commission Meeting  
Public Session Minutes**

**August 25, 2020**

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission) to order at 9:37 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.

***I. Roll Call***

<b>Roll Call</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Present</b>	X	X		X	X	X		5
<b>Absent</b>			X				X	2

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance, staff member Jeannine Pizzigoni, and Deputy Attorney General (DAG) Jaclyn Frey. Everyone in attendance at the meeting participated via telephone due to the ongoing COVID-19 pandemic.

***II. First Public Comment***

At the start of the meeting, Director Whalen explained to the public (who also accessed the meeting by telephone due to the ongoing COVID-19 pandemic) how the meeting would be conducted. More specifically, it was explained that the public would be afforded the opportunity to provide public comment regarding his/her case; the Commission would then adjourn to executive session (on a different conference line); the Commission would return to public at approximately 12:00 p.m.; at that time, members of the public would be afforded another opportunity to provide public comment in connection with his/her case; and then the Commission would vote on matters pertinent to its business.

9:38 a.m. David Scott, a friend of the named Complainant in the matter docketed as C26-20, noted his attendance, but did not offer any public comments.

9:39 a.m. Julio Angel Quiles, the named Complainant in the matter docketed as C26-20, greatly appreciated the opportunity to say a few words, and provided the following statement:

“Good morning, I am the complainant of the docket C26-20 that is on your agenda. I see that on the agenda that you may make a motion to dismiss and I ask of the commission to not

dismiss this case, I[']m also asking that each commissioner receives a hard copy of all the evidence that has been provided.

Based on my research and my experience in the Board of Education campaign that took place in Garfield, there is no reason to dismiss this case. The evidence is overwhelming that 5 school board members endorsed my opponents during my re-election bid on the board of education and they did it using their titles in multiple platforms and therefore overstepped their ability as Board Members. The evidence is in print as well as on the internet, from the two campaign videos to the propaganda that was mailed to all Garfield households to when current board member Everett Garnto revealed at a School Board Meeting that he was the campaign manager for the team that that he endorsed. All of that was evidence provided to the commission throughout this complaint process and I have emailed you the links to the three videos along with this statement for your review during executive session. The videos and mailed propaganda will show majority of the Board of Education members blatantly showed favoritism for one incumbent candidate over two incumbent candidates during the race and that is a conflict of interest. Had they followed the Advisory Opinion and added a disclaimer, I would not have filed a complaint because I understand that any resident can endorse candidates as private citizens.

Last I checked, elected officials publicly endorsing candidates has nothing to do with the job of collaborating with our school administrators in providing a thorough and efficient education. I understand that as a Board of Education member, there are hours spent per month being a Board Member and that service doesn't start and end with the Board Meetings; that time is spent educating our residents about the outcome of each meeting and hearing their concerns, appearing at events to support our teachers and students, and reviewing agendas and collaborating with each other to come upon important decisions for our children's education. There is no predetermined schedule of service except for the term that we serve. Therefore, when 5 out of 9 members of the Board of Education approach the public to endorse candidates using their official title, it misleads the public into thinking that the Board of Education entirely supports those candidates. I also understand that when elected officials publicly endorse candidates, it does not matter whether the other side of that conflict plays out. The conflict is already perceived, and that image does not give our community confidence that the school board is in the best interest of our children's education. In my case, that is what has played out in Garfield and it taints the credibility of Garfield's Board of Education system. Since it taints Garfield, it also taints the credibility of New Jersey's education system.

With that, I ask the commission to please consider reviewing this case. If it is dismissed, then this sets a precedent for all New Jersey municipalities. That precedent is that Board Members can and will abuse their power by using their titles to influence matters other than providing the students with a thorough and efficient education. At the end of the day we need to ask ourselves, "What are we teaching to our children?" if this case is dismissed."

Mr. Quiles also requested that any member of the Commission with a personal or financial interest in the Garfield Board of Education recuse himself from consideration of this matter.

**III. Executive Session**

At **9:47 a.m.**, the following **Resolution** was read:

*Whereas*, the Open Public Meetings Act (*N.J.S.A. 10:4-6 et seq.*) authorizes the Commission, a public body, to meet in Executive Session under certain circumstances; and

*Whereas*, the Open Public Meetings Act requires that the Commission adopt a Resolution at a public meeting to go into Executive Session; and

*Now therefore be it resolved* that, consistent with the provisions of *N.J.A.C. 10:4-12(b)*, the Commission will adjourn to executive session to discuss matters which, by statute, are regarded as confidential and also to discuss matters possibly involving litigation, specifically: C07-20; C18-20 and C22-20 (Consolidated); C19-20; C20-20; C21-20; C26-20; C28-20; C35-19; C09-20; C15-20; A15-20; A16-20; A17-20; A18-20; A13-20; C12-20; C33-20; C37-20; C38-20; Doctrine of Necessity submitted by the Central Regional School District Board of Education; review of post-decision correspondence from Complainant in connection with C11-20; and adoption of Resolutions in connection with T15-19 and T26-19; and

*Now therefore be it further resolved* that the Commission will return to open session to conduct business at the conclusion of Executive Session.

Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adjourn to Executive Session to discuss the matters set forth in the foregoing Resolution.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**IV. Return to Public/Second Public Comment**

At **12:02 p.m.**, a motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to return to public session for the purpose of receiving public comment/testimony.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

12:03 p.m. Joan Banez, the named Complainant in the matter docketed as C21-20, noted her attendance, but did not offer any other public comments.

12:04 p.m. David Scott, a friend of the named Complainant in the matter docketed as C26-20, again noted his attendance, but did not offer any other public comments.

12:05 p.m. Julio Angel Quiles, the named Complainant in the matter docketed as C26-20, again noted his attendance, and stated he did not have any additional public comments to make, but did ask about the procedure for processing his Complaint. Director Whalen explained the Commission’s process to Mr. Quiles. Following this explanation, Mr. Quiles did not have any further comments.

**V. *Complaints to Review***

**C07-20** Motion was made by Michael Carucci, and seconded by Jude A. Tanella, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**C18-20 and C22-20 (Consolidated)** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**C19-20** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**C20-20** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**C21-20** Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**C26-20** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**C28-20** Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**VI. Decisions to Adopt as Written**

**C35-19** Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X			X			3
<b>No</b>								0
<b>Abstention</b>				X		X		2

**C09-20** Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X			X			3
<b>No</b>								0
<b>Abstention</b>				X		X		2

**C15-20** Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X			X			3
<b>No</b>								0
<b>Abstention</b>				X		X		2

**VII. Advisory Opinions**

**A15-20** Motion was made by Michael Carucci, and seconded by Jude A. Tanella, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**A16-20** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**A17-20** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0



**A18-20** Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**A13-20** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to table this matter.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

***VIII. Administrative Dismissals***

**C12-20** This matter was on the agenda for informational purposes only.

**C33-20** This matter was on the agenda for informational purposes only.

**C37-20** This matter was on the agenda for informational purposes only.

**C38-20** This matter was on the agenda for informational purposes only.

***IX. Other Business***

**Doctrine of Necessity (1):** Central Regional School District Board of Education. This matter was on the agenda for informational purposes only.

**Review of post-decision correspondence from Complainant in connection with C11-20** This matter was on the agenda for informational purposes only.

**Adoption of Resolution in Connection with T15-19** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the Resolution as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**Adoption of Resolution in Connection with T26-19** Motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adopt the Resolution as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**X. Minutes**

Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the minutes of the meeting (public and executive) conducted on July 21, 2020, as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X		X			3
<b>No</b>								0
<b>Abstention</b>				X		X		2

Motion was made by Dennis Roberts, and seconded by Robert Bender, to table the minutes of the Special meeting (public and executive) conducted on July 31, 2020.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

**XI. Adjournment**

At 12:14 p.m., a motion was made by Michael Carucci, and seconded by Dennis Roberts, to adjourn.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Michael Collins</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Jude A. Tanella</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X		X	X	X		5
<b>No</b>								0
<b>Abstention</b>								0

Submitted by:

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Jeannine Pizzigoni

Approved by:

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Kathryn A. Whalen, Director