

School Ethics Commission Meeting Public Session Minutes

May 25, 2021

Chairperson Robert Bender called the meeting of the School Ethics Commission (Commission or SEC) 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.

I. Roll Call

Roll Call	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Present	X	X	X ¹	X	X		5
Absent						X	1

Also in attendance were Kathryn Whalen, Director, Offices of School Ethics and Compliance; Jeannine Pizzigoni, staff member; and Jaclyn Frey, Deputy Attorney General (DAG). Everyone in attendance at the meeting participated via telephone/video 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 10:00 a.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.

9:36 a.m. Christine Skurbe, member of the Monroe Township Board of Education and interested party in the matter docketed as C03-21, noted her attendance, but did not offer any public comments/statements.

9:36 a.m. Adi Nikitinsky, the named Respondent in the matter docketed as C03-21, noted his attendance, but did not offer any public comments/statements.

¹ Commission member Finkelstein arrived at 9:43 a.m.

9:36 a.m. Tyrone Tarver, former member of the Orange School District Board of Education (Board), former 2020 Board President, supporter of Complainant in the matter docketed as C01-21, noted his attendance, but did not offer any public comments/statements.

9:37 a.m. Sarah A. Aziz, the named Complainant in the matter docketed as C03-21, noted her attendance, but did not offer any public comments/statements.

III. Executive Session

At **9:38 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: C43-19; C52-20; C73-20; C78-20; C81-20; C83-20; C84-20; C01-21; C03-21; A01-21 (*Request for Clarification*); A13-21; C05-21; C06-21; Doctrines of Necessity submitted by the Atlantic City Board of Education; and update on the status of Chapter 28 regulations; 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

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X	X		X	X		4
No							0
Abstention							0

IV. Return to Public/Second Public Comment

At **10:10 a.m.**, a motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to return to public session for the purpose of receiving public comment/testimony, and to vote on matters discussed in Executive Session (as appropriate).

Vote

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

10:11 a.m. Christine Skurbe, member of the Monroe Township Board of Education and interested party in the matter docketed as C03-21, again noted her attendance, but did not offer any public comments/statements.

10:11 a.m. Adi Nikitinsky, the named Respondent in the matter docketed as C03-21, again noted his attendance, but did not offer any public comments/statements.

10:11 a.m. Sarah A. Aziz, the named Complainant in the matter docketed as C03-21, again noted her attendance, but did not offer any public comments/statements.

10:12 a.m. Betty Saborido, member of the public, noted her attendance, but did not offer any public comments/statements.

10:12 a.m. Tyrone Tarver, former member of the Orange School District Board of Education (Board), former 2020 Board President, supporter of Complainant in the matter docketed as C01-21, again noted his attendance, but did not offer any public comments/statements.

V. Decisions to Adopt as Written

C43-19 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as amended.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C52-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C73-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C78-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as amended.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C81-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C83-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C84-20 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C01-21 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

C03-21 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the decision as amended.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

VI. Advisory Opinions

A01-21 (*Request for Clarification*) Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

A13-21 Motion was made by Jude A. Tanella, and seconded by Mark Finkelstein, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

VII. Administrative Dismissals

C05-21 This matter was on the agenda for informational purposes only.

C06-21 This matter was on the agenda for informational purposes only.

VIII. Other Business

Doctrine of Necessity: Atlantic City Board of Education (x2). This matter was on the agenda for informational purposes only.

Nominating committee to present name of nominee for SEC Chairperson for the term of July 1, 2021, through June 30, 2022. Dennis Roberts, Chair of the nominating committee, presented Robert Bender as the chosen nominee to serve as SEC Chairperson for the term of July 1, 2021, through June 30, 2022.

Vote on the nominee for SEC Chairperson for the term of July 1, 2021, through June 30, 2022. Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to appoint Robert Bender as SEC Chairperson.

Vote

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

Vote to adopt Resolution setting forth 2022 SEC meeting dates/times. Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the Resolution as written.

Vote

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

Update on the status of Chapter 28 regulations. Director Whalen advised that SEC staff met with the State Board of Education's policy committee to discuss, preliminarily, proposed changes to the Chapter 28 regulations. Following a second meeting with the State Board of Education's policy committee, the Chapter 28 regulations would be presented to the State Board of Education for first discussion.

IX. Minutes

Motion was made by Jude A. Tanella, and seconded by Dennis Roberts, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on April 27, 2021.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Jude A. Tanella	Richard Tomko	Total
Yes	X		X	X	X		4
No							0
Abstention		X					1

X. Adjournment

At 10:20 a.m., a motion was made by Dennis Roberts, and seconded by Jude A. Tanella, to adjourn.

Vote

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

Submitted by:

Jeannine Pizzigoni

Approved by:

Kathryn A. Whalen, Director