

School Ethics Commission Meeting Public Session Minutes

September 24, 2024

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:45 a.m.

Notice of the special 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	Carol E. Sabo	Richard Tomko	Total
Present	X			X	X	X	4
Absent		X	X				2

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics, Jeannine Pizzigoni, staff member, and Amna Toor and Rachel Kristol, Deputy Attorneys General (DAsG).

II. First Public Comment

There were not any members of the public present.

III. Executive Session

At 9:50 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: C49-21; C92-21; C32-22; C78-23; C12-24; C13-24; C18-24; C19-24; C23-24; C07-20; C03-24; C04-24 and C05-24 (Consolidated); C06-24; C07-24; C14-24; A11-24; A12-24; A13-24; A01-24; A02-24; A03-24; A04-24; A05-24; A06-24; A07-24; A09-24; C53-24; DAG Rachel Kristol to present settlement offer in connection with C15-21; discuss Interlocutory Appeal in connection with C84-20; provide an update on the status of C29-23 (withdrawn at the OAL); consider Complainant's request to withdraw C07-24; adopt the Resolution of Suspension in connection with T01-24; adopt the Resolutions of Removal in connection with T02-24, T03-24, T09-24,

T10-24 and T13-24; adopt the Resolutions of Censure in connection with T04-24, T06-24, T11-24 and T12-24; 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 Carol E. Sabo, 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	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

IV. Return to Public

At **11:39 a.m.**, a motion was made by Dennis Roberts, and seconded by Carol E. Sabo, 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	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

V. Complaints to Review

C49-21 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C92-21 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C32-22 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C78-23 Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to table the matter.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X				X	X	3
No							0
Abstention				X			1

C12-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C13-24 Motion was made by Richard Tomko, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C18-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C19-24 Motion was made by Dennis Roberts, and seconded by Richard Tomko, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C23-24 Motion was made by Carol E. Sabo, and seconded by Richard Tomko, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

VI. Other Business

C07-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to deny Complainant's request to withdraw the matter.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

VII. Decisions to Adopt as Written

C07-20 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C03-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C04-24 and C05-24 (Consolidated)

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C06-24

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C07-24

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

C14-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

VIII. Advisory Opinions¹

A11-24 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

A12-24 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

¹ The Commission did not have the statutorily required number of Commissioners present to make the advisory opinions public.

A13-24 Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adopt the advisory opinion as written.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

A01-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A02-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A03-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A04-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A05-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A06-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A07-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

A09-24 This advisory opinion was on the agenda to make public only. The Commission could not take any action because it did not have the statutorily required number of Commissioners present to make the advisory opinion public.

IX. Administrative Dismissals

C53-24 This matter was on the agenda for informational purposes only.

X. Other Business

DAG Rachel Kristol to present settlement offer in connection with C15-21. Motion was made by Dennis Roberts, and seconded by Richard Tomko, to accept the settlement offer.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

Discuss the Interlocutory Appeal in connection with C84-20. Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

Provide update on the status of C29-23 (withdrawn at OAL). This matter was on the agenda for informational purposes only.

Adopt the Resolution of 30-day Suspension in connection with T01-24. Motion was made by Carol E. Sabo, and seconded by Richard Tomko, to adopt the Resolution.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

Adopt the Resolutions of Removal in connection with T02-24, T03-24, T09-24, T10-24 and T13-24. Motion was made by Carol E. Sabo, and seconded by Richard Tomko, to adopt the Resolutions.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

Adopt the Resolutions of Censure in connection with T04-24, T06-24, T11-24 and T12-24.

Motion was made by Carol E. Sabo, and seconded by Richard Tomko, to adopt the Resolutions.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

XI. Minutes

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on August 27, 2024.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the minutes of the special meeting (public and executive) conducted on September 18, 2024.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

XII. Second Public Comment

There were not any members of the public present.

XIII. Adjournment

At 11:48 a.m., a motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adjourn.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X			X	X	X	4
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Brigid C. Martens, Director
School Ethics Commission