

School Ethics Commission Meeting Public Session Minutes

October 22, 2024

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:33 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 ¹	X ²	X	X		5
Absent						X	1

Also, in attendance were Brigid C. Martens, Director, Office of School Ethics, Jeannine Pizzigoni, staff member, and Anna Toor, Deputy Attorney General (DAG).

II. First Public Comment

There were not any members of the public present.

III. Executive Session

At 9:37 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: C89-21; C122-22; C78-23; C11-24; C21-24; C22-24; C24-24; C32-24; C34-24; D01-24; D02-24; D03-24; D04-24; D05-24; D06-24; C49-21; C92-21; C32-22; C12-24; C13-24; C18-24; C19-24; C23-24; A14-24; A01-24; A02-24; A03-24; A04-24; A05-24; A06-24; A07-24; A09-24; A11-24; A13-24; C65-24; C72-24; Doctrines of Necessity submitted by the Atlantic City and the Upper

¹ Commissioner Carucci participated via telephone.

² Commissioner Finkelstein participated via telephone.

Deerfield Township Boards of Education and provide an update on the status of C13-15 (withdrawn at the OAL); and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	X		5
No							0
Abstention							0

IV. Return to Public

At **11:40 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	X		5
No							0
Abstention							0

V. Complaints to Review

C89-21 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X		5
No							0
Abstention							0

C122-22 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, 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	X		5
No							0
Abstention							0

C78-23 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, 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				X ³			1

³ Commissioner Roberts has a conflict, and therefore, he did not participate in the discussion and/or the vote related to this matter.

C11-24 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X		5
No							0
Abstention							0

C21-24 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	X ⁴						1

C22-24 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	X		5
No							0
Abstention							0

⁴ Chairperson Bender has a conflict, and therefore, he did not participate in the discussion and/or the vote related to this matter.

C24-24 Motion was made by Mark Finkelstein, 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	X		5
No							0
Abstention							0

C32-24 Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, 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	X		5
No							0
Abstention							0

C34-24 Motion was made by Mark Finkelstein, 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	X		5
No							0
Abstention							0

VI. Orders to Show Cause

D01-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to mail electronically.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

D02-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to mail electronically.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

D03-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to mail electronically.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

D04-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to mail electronically.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

D05-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to mail electronically.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

D06-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the Order to Show Cause and to mail electronically.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

VII. Decisions to Adopt as Written⁵

C49-21 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		3
No							0
Abstention		X	X				2

C92-21 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		3
No							0
Abstention		X	X				2

C32-22 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		3
No							0
Abstention		X	X				2

⁵ Commissioners Carucci and Finkelstein were not present at the Commission's meeting on September 24, 2024, and therefore, they did not participate on the votes related to these matters.

C12-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as amended.

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	X				2

C13-24 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		3
No							0
Abstention		X	X				2

C18-24 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		3
No							0
Abstention		X	X				2

C19-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to adopt the decision as amended.

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	X				2

C23-24 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		3
No							0
Abstention		X	X				2

VIII. Advisory Opinions⁶

A14-24 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	X		5
No							0
Abstention							0

⁶ The Commission did not have the statutorily required number of Commissioners present to make the advisory opinions public.

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.

A11-24 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.

A13-24 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

C65-24 This matter was on the agenda for informational purposes only.

C72-24 This matter was on the agenda for informational purposes only.

X. Other Business

Doctrines of Necessity submitted by the Atlantic City and the Upper Deerfield Township Boards of Education. These matters were on the agenda for informational purposes only.

Provide update on the status of C13-15 (withdrawn at OAL). This matter was on the agenda for informational purposes only.

XI. Minutes⁷

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 September 24, 2024.

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	X				2

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 October 16, 2024.

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	X				2

⁷ Commissioners Carucci and Finkelstein were not present at the Commission's meeting on September 24, 2024, or at the special meeting on October 16, 2024, and therefore, they did not participate on the votes related to these matters.

XII. Second Public Comment

There were not any members of the public present.

XIII. Adjournment

At 11:53 a.m., a motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adjourn.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X		5
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

Approved by:

Brigid C. Martens, Director
School Ethics Commission