

School Ethics Commission Meeting Public Session Minutes

November 26, 2024

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:41 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 ³	X	X	6
Absent							0

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 9:43 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: C75-19; C50-21 and C72-21 (Consolidated); C90-23; 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; A01-24; A02-24;

¹ Commissioner Carucci participated virtually.

² Commissioner Finkelstein participated via telephone.

³ Commissioner Roberts participated virtually.

A03-24; A04-24; A05-24; A06-24; A07-24; A09-24; A11-24; A13-24; A14-24; C56-24; C66-24 and T04-24; 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 Richard Tomko, 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	X	6
No							0
Abstention							0

IV. Return to Public

At **10:46 a.m.**, a motion was made by Richard Tomko, 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	X	6
No							0
Abstention							0

V. Complaints to Review

C75-19 Motion was made by Richard Tomko, 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	X	6
No							0
Abstention							0

C50-21 and C72-21 (Consolidated) 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	X	X	6
No							0
Abstention							0

C90-23 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	X	6
No							0
Abstention							0

VI. Decisions to Adopt as Written⁴

C89-21 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X		5
No							0
Abstention						X	1

C122-22 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X		5
No							0
Abstention						X	1

C78-23 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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				X ⁵		X	2

⁴ Commissioner Tomko was not present at the Commission's meeting on October 22, 2024, and therefore, he did not participate on the votes related to these matters.

⁵ Commissioner Roberts has a conflict, and therefore, did not participate in the discussion or vote related to this matter.

C11-24 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X		5
No							0
Abstention						X	1

C21-24 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X ⁶					X	2

C22-24 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X	X		5
No							0
Abstention						X	1

⁶ Chairperson Bender has a conflict, and therefore, did not participate in the discussion and/or vote related to this matter.

C24-24 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X		5
No							0
Abstention						X	1

C32-24 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X		5
No							0
Abstention						X	1

C34-24 Motion was made by Carol E. Sabo, and seconded by Michael Carucci, 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	X		5
No							0
Abstention						X	1

VII. Orders to Show Cause

D01-24 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the decision 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	X	6
No							0
Abstention							0

D02-24 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the decision 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	X	6
No							0
Abstention							0

D03-24 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the decision 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	X	6
No							0
Abstention							0

D04-24 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the decision 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	X	6
No							0
Abstention							0

D05-24 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the decision 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	X	6
No							0
Abstention							0

D06-24 Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to adopt the decision 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	X	6
No							0
Abstention							0

VIII. Advisory Opinions

A01-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A02-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A03-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A04-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A05-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A06-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A07-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A09-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A11-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A13-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

A14-24 Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to make this advisory opinion public.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

IX. Administrative Dismissals

C56-24 This matter was on the agenda for informational purposes only.

C66-24 This matter was on the agenda for informational purposes only.

T04-24 This matter was on the agenda for informational purposes only.

X. Minutes

Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on October 22, 2024.

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						X ⁷	1

XI. Second Public Comment

There were not any members of the public present.

XII. Adjournment

At 10:56 a.m., a motion was made by Mark Finkelstein, and seconded by Richard Tomko, to adjourn.

Vote

Vote	Robert Bender	Michael Carucci	Mark Finkelstein	Dennis Roberts	Carol E. Sabo	Richard Tomko	Total
Yes	X	X	X	X	X	X	6
No							0
Abstention							0

Submitted by:

Jeannine Pizzigoni

⁷ Commissioner Tomko was not present at the Commission's meeting on October 22, 2024, and therefore, did not participate in the vote related to this matter.

Approved by:

Brigid C. Martens, Director
School Ethics Commission