

## School Ethics Commission Meeting Public Session Minutes

**February 18, 2025**

Chairperson Bender called the regularly scheduled meeting of the School Ethics Commission (Commission or SEC) to order at 9:39 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**

<b>Roll Call</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Present</b>	X	X <sup>1</sup>	X <sup>2</sup>	X <sup>3</sup>	X		5
<b>Absent</b>						X	1

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

### **II. First Public Comment**

At the start of the meeting, Chairperson Bender explained to the public how the meeting would be conducted. More specifically, Chairperson Bender explained that the public would be afforded the opportunity to provide public comment; the Commission would then adjourn to executive session; 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; and then the Commission would vote on matters pertinent to its business.

Director Martens also advised the public as follows: individuals wishing to provide public comments/statements during Public Comment regarding a matter pending before the Commission are asked not to litigate the merits of their case as the Commission's review of matters is limited to the written submissions; and everyone in attendance is asked to exercise an appropriate degree of decorum as this is a public forum.

**9:42 a.m.** Complainant in the matter docketed as C40-24 was present at the public session and provided the following statement:

Hi, my name is Alix Hayes and I am an Oakhurst/Ocean Twp resident and private citizen—also the Complainant in C40-24... I am not here to adjudicate the case

---

<sup>1</sup> Commissioner Carucci participated virtually.

<sup>2</sup> Commissioner Finkelstein participated virtually.

<sup>3</sup> Commissioner Roberts participated virtually.

— no worries. But I am also a former journalist, so I came with a few words typed up and appreciate the ability to address you.

I do want to thank the Commission for your due diligence and consideration — and all the hard work the SEC has had to do with a backlog of cases...

Unfortunately, the State has some school board members who don't follow ethics rules, State regulations and laws, Advisory Opinions, and sometimes common sense and best practices.

At the Township of Ocean Board of Education, few things are done via special motions without the benefit of certain school board numbers. And, only a few days ago the OTBOE voted in a motion put forth by one of the respondents in my case to cancel the second public opinion comment session our district has had in place for decades... The last two years this board has gone from unlimited public comments and lengthy Q&A sessions—to a five minute cap per person with no answers ever given. I think it is because they want to suppress opinions that are different from theirs. Perhaps they want to silence discussion from the public about board members and the ethics complaints they face from quite a few critics in town — and of course, myself as a constant critic of their lack of transformative change, lack of communication and lack of transparency. I think, in anticipation of another ethics case currently pending in front of an OAL judge and also the new case before you today, that the OTBOE wants to limit what people know and how the public can hold them to task.

Without commenting as to the merits of today's case of which I am a complainant (C40–24), I did want to remind you that again, sadly, our board does not hold this body in high regard ... they said they do not plan to follow your rules; they said that in a public vote. And also as of January's reorganization meeting and as of this morning, there are board members assigned to committees who are conflicted, and they should not be part of certain committees (case in point, a board member/a retired teacher who has a daughter who teaches in the district yet she sits and chairs the instruction and curriculum committees and sits on the instructional council — which consists of union members and senior administrators.) The flagrant disregard for the SECs Advisory Opinions on the matter still exists.

What also exists, however, is your constant commitment to enforcing State school board Code of Ethics rules and Prohibited Conduct rules. I wish you had more staff and time to catch up on all the cases you have; I don't envy the work you have to do, but it's important work to keep people honest, transparent and ethical. Thank you for your time.

### **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: C56-20; C84-21; C11-23; C40-24; C45-24; C46-24; C49-24 and C50-24 (Consolidated); C52-24; C64-22, C77-22 and C92-22 (Consolidated); C25-24; C27-24; C31-24; C35-24; C37-24; C41-24; A01-25; A02-25; C02-25; C06-25; Consider the request for withdrawal in connection with C100-24; Discuss whether to place C73-24 in abeyance; Provide an update on the status of the Request for Interlocutory Review in connection with C73-19 and C02-20 (Consolidated); and Discuss the 2025 SEC Meeting dates; 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 Carol E. Sabo, and seconded by Dennis Roberts, 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>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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**

At **12:56 p.m.**, a motion was made by Carol E. Sabo, and seconded by Dennis Roberts, 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**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

#### **V. Complaints to Review**

**C56-20** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to draft a decision as discussed.

##### **Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C84-21** Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, to draft a decision as discussed.

##### **Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C11-23** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C40-24** Motion was made by Carol E. Sabo, and seconded by Mark Finkelstein, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C45-24** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C46-24** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C49-24 and C50-24 (Consolidated)** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**C52-24** Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, to draft a decision as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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<sup>4</sup>**

**C64-22, C77-22 and C92-22 (Consolidated)** 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>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1

**C25-24** 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>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1

**C27-24** 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>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1

---

<sup>4</sup> Commissioner Sabo was not present at the meeting on January 28, 2025, and therefore, she did not participate in the vote related to these matters.

**C31-24** Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as amended.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1

**C35-24** 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>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1

**C37-24** Motion was made by Dennis Roberts, and seconded by Michael Carucci, to adopt the decision as amended.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1



**C41-24** 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>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X		1

**VII. Advisory Opinions**

**A01-25** Motion was made by Dennis Roberts, and seconded by Mark Finkelstein, to adopt the advisory opinion as written.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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

**A02-25** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to draft the advisory opinion as discussed.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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**

**C02-25** This matter was on the agenda for informational purposes only.

**C06-25** This matter was on the agenda for informational purposes only.

## IX. Other Business

**Doctrine of Necessity submitted by the Mount Olive Board of Education.** None.

**Consider the request for withdrawal in connection with C100-24.** Motion was made by Mark Finkelstein, and seconded by Carol E. Sabo, to grant the withdrawal.

### 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

**Consider whether to place C73-24 in abeyance pursuant to *N.J.S.A. 18A:12-32* and *N.J.A.C. 6A:28-1.5*.** Motion was made by Dennis Roberts, and seconded by Carol E. Sabo, to place the matter in abeyance.

### 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

**Provide an update on the status of the Request for Interlocutory Review in connection with C73-19 and C02-20 (Consolidated).** This matter was on the agenda for informational purposes only.

**Discuss the 2025 SEC Meeting Dates.** Motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to draft and adopt a Resolution with the amended meeting dates.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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 Carol E. Sabo, to adopt the minutes of the regularly scheduled meeting (public and executive) conducted on December 17, 2024.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X			X	X		3
<b>No</b>							0
<b>Abstention</b>		X <sup>5</sup>	X <sup>6</sup>				2

---

<sup>5</sup> Commissioner Carucci was not present at the meeting on December 17, 2024, and therefore, he did not participate in the vote related to this matter.

<sup>6</sup> Commissioner Finkelstein was not present at the meeting on December 17, 2024, and therefore, he did not participate in the voted related to this matter.

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 January 28, 2025.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</b>	<b>Richard Tomko</b>	<b>Total</b>
<b>Yes</b>	X	X	X	X			4
<b>No</b>							0
<b>Abstention</b>					X <sup>7</sup>		1

**XI. Second Public Comment**

There were not any members of the public present.

**XII. Adjournment**

At 1:07 p.m., a motion was made by Carol E. Sabo, and seconded by Dennis Roberts, to adjourn.

**Vote**

<b>Vote</b>	<b>Robert Bender</b>	<b>Michael Carucci</b>	<b>Mark Finkelstein</b>	<b>Dennis Roberts</b>	<b>Carol E. Sabo</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:

---

Jeannine Pizzigoni

---

<sup>7</sup> Commissioner Sabo was not present at the meeting on January 28, 2025, and therefore, she did not participate in the vote related to this matter.

Approved by:

---

Brigid C. Martens, Director  
School Ethics Commission