#398-05 (SEC Decision http://www.nj.gov/njded/legal/ethics/2005/c09_10-05v.pdf)

AGENCY DKT. NO. 260-9/05 SEC

IN THE MATTER OF ROSE L. FUNCHES,

GATEWAY CHARTER SCHOOL BOARD OF : COMMISSIONER OF EDUCATION

TRUSTEES, HUDSON COUNTY. : DECISION

The record of this matter and the decision of the School Ethics Commission ("Commission"), including the recommended penalty of removal, have been reviewed.

This matter comes before the Commissioner to impose a sanction upon respondent, a member of the Board of Trustees of the Gateway Charter School, based upon the Commission's finding that she committed "multiple, flagrant violations" of the School Ethics Act and the Code of Ethics for School Board Members, encompassing violations of *N.J.S.A.* 18A:12-24(b)-(c), *N.J.S.A.* 18A:12-25(c)3, and *N.J.S.A.* 18A:12-24.1(a), (e) and (g).

Upon issuance of the decision of the Commission, respondent was provided thirteen days from the mailing of such decision to file written comments on the recommended penalty for the Commissioner's consideration. No such comments were filed.

Initially, the Commissioner emphasizes that, pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, the determination of the Commission as to violation of the School Ethics Act is not reviewable herein. Rather, the Commissioner's jurisdiction is limited to review of the sanction recommended by the Commission following its finding of violation.

In light of that standard, the Commissioner determines to accept, for the reasons expressed in the Commission's decision, the recommendation that removal is the appropriate penalty in this matter. In so holding, the Commissioner notes that the Commission considered

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the facts presented and took aggravating and mitigating circumstances into account, reasonably

concluding that its recommended penalty was commensurate with the violations found.

Therefore, the Commission's recommendation will not be disturbed.

Accordingly, IT IS ORDERED that Rose L. Funches be removed, as a school

official found to have violated the School Ethics Act, from the Board of Trustees of the Gateway

Charter School as of the filing date of this decision.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision:

November 2, 2005

Date of Mailing:

November 3, 2005

* This decision, as the Commissioner's final determination regarding penalty in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.

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