

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.