

**The Florida Bar
Inquiry/Complaint Form**

PART ONE (See Page 1, PART ONE – Complainant Information.):

Your Name: Kelly Lichter
Organization: Mason Classical Academy
Address: 3073 Horseshoe Drive
City, State, Zip Code: Naples, FL 34104
Telephone: 239-227-2838
E-mail: klichter@masonacademy.com
ACAP Reference No.: _____
Does this complaint pertain to a matter currently in litigation? Yes No

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: Jonathan Fishbane Florida Bar No.: 54909
Address: 5775 Osceola Trl
City, State, Zip Code: Naples, FL 34109
Telephone: 239-377-0499

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheets as necessary)

On June 13, 2018, the Inspector General forwards a complaint to the Collier County School District that was sent to them by Joe Baird. The District's general counsel, Jon Fishbane, proceeds to investigate a charter school known as Mason Classical Academy (MCA) based upon Baird's complaint. The District and Jon Fishbane do not directly communicate to MCA that David Hull and the school are subject to Jon Fishbane's investigation until April 2019, ten (10) months after Jon Fishbane's so called investigation was launched. The CCPS Board never charged him with conducting such an investigation. By what authority did Jon Fishbane conduct his investigation? Why did Jon Fishbane not notify David Hull or MCA they are the subject of an investigation for 10 months after receiving Baird's complaint? Why did The District and Jon Fishbane completely ignore Clause M – Conflict/Dispute Resolution of the signed June 13, 2017 Charter School Contract between MCA and the District, where Step 1 states if there is a grievance, "the grieving party will write to the other party to identify the problem?" Why did the District and Jon Fishbane completely ignore the following term in the June 13, 2017 Charter School Contract between MCA and the District: "It is anticipated that a continuing policy of open communication between the Sponsor and the School will prevent the need for implementing a conflict/dispute resolution procedure?"

On June 3, 2019 Jon Fishbane publishes an "investigative" report against MCA. Fishbane recommended that the MCA board resign, and principal David Hull should also resign or undergo further training since he had a long term contract. When asked if CCPS had the authority to remove charter school board members, Jon Fishbane admitted it did not have such authority.

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: [see attached sheet].

PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Kelly Lichter

Print Name

Signature

12/2/2019

Date

- SEE ATTACHED -

What began with an investigation into Joe Baird's allegations of financial mismanagement and Mrs. Donalds' claims of abuse ended with a report that was completely silent on these two issues. The report contained no corroborating evidence of the allegations. Other than David Hull, no MCA staff or board members were interviewed or questioned as part of the investigation. Nor did The report contain any sworn statements from any of the accusers.

1. How does an investigation that was based upon allegations of financial mismanagement, records tampering, falsifying documents, conflicts of interest, bullying and abuse end up as a report on missing committees and the contents of meeting minutes with recommendations that the entire leadership team resign?
2. Why did Mr. Fishbane totally omit the following statement made by CCPS's Assistant Superintendent of Financial Services, Bob Spencer, concerning MCA's financials: *"...he was aware of no impropriety in MCA's submissions, that the financials have been timely, and conform to audit and statutory criteria. In sum, he [Bob Spencer] note that the financial documents and information that his team has received and reviewed from MCA have been acceptable."*
3. Why did Mr. Fishbane totally omit the following statement made by CCPS's Director of Budgets, Siobhan Fox, concerning MCA's financials: *"...MCA's financials have been appropriate and timely submitted for district purposes."*
4. If CCPS or Jon Fishbane are not empowered to remove charter school board members, why make the recommendations?
5. Did Jon Fishbane insert his recommendations that the MCA board resign so Hillsdale could use those recommendations to insert itself into the attempted takeover of MCA?
6. Did Hillsdale conspire with Erika Donalds, the Optima Foundation and CCPS in an attempt to remove the MCA board and hire Optima to manage the school and recruit a "new MCA board?"
7. By what authority did Jon Fishbane make his recommendations?
8. Based on his own one-sided, secret investigation?

July 11, 2019 – The Collier County School Board held a special meeting to discuss the termination of MCA's charter contract without following the laws or allowing due process for Mason Classical Academy. The recommendation was made by the Superintendent with input from her attorney, Jon Fishbane. Braxton Padget, Counsel to MCA with the Arnold Law Firm, stated the following as part of his Public Comment at the CCPS Termination meeting of MCA:

"I also want to point out in that [Fishbane] investigative report which is mentioned in the notice there was nothing about Mason Classical Academy being terminated, that was not recommended in any way. We have not seen a staff report, or anything that has recommended termination. Mason never received a Notice of Concern, a Notice of Default, these are things with any other School District that any other school would have received. They would have received multiple notices, a chance to cure, way before any

hearing would be held on a termination. Further, we were instructed that Mason would not have the chance to be heard at a proceeding today on whether or not to terminate their charter contract. Assuming this is a quasi-judicial proceeding, and this was not afforded to them [MCA]. In this context, Mr. Fishbane proposed that Hillsdale College be able to essentially come in and take over Mason Classical Academy. It was stated that there would be four new Board Members [Hillsdale Selected]. None of the identities of the four Board Members was ever given to us. We requested them from Mr. Fishbane. MCA was supposed to agree to this proposal without knowing the name of these Board Members. That would violate their [MCA Board] fiduciary duty to vet Board Members before allowing them to be on the Board.

It's completely untenable, its illegal, there is no way that MCA could have agreed to this. I implore you to look outside this District where a private college has taken over a Charter School, you are not going to find it anywhere. This is absolutely, not something this school could agree to."

Based on hundreds of public records, it appears that Jon Fishbane conspired with representatives from Hillsdale College, disgruntled parents from MCA and Joe Baird to unlawfully remove the leadership of Collier County's #1 ranked school. It also appears that Jon Fishbane was the judge, jury and executioner. I have a lot more information and actual documents to support my complaint against Jon Fishbane and it is available upon request including an illegally recorded conversation that he is using against me personally and Mason Classical Academy.

Witnesses:

David Bolduc
10413 Tivoli Lane
Naples, FL 34104

Nick Lichter
3280 3rd Ave.
Naples, FL 34120

David Hull
1430 9th St SW
Naples, FL 34117

Laura Miller
8072 Piedmont Circle
Naples, FL 34104