

## **The Unlawful Takeover of Mason Classical Academy Condensed Timeline**

This condensed timeline contains details of the players, events and motivations involved in the unlawful takeover of Mason Classical Academy, Inc., (MCA) a private not-for-profit Florida corporation. Scores of supporting documents, obtained through public records requests, subpoenas, and public domain searches, have been added as embedded links throughout the below timeline

### **The Background**

In 2011, after exploring the public school options for their two children in Collier County, Florida, Kelly and Nick Lichter made the decision that they would start a K-12 public charter school. The Lichters began to work with Hillsdale College in Hillsdale, Michigan. The college offered assistance to classical charter school boards in their formative years at no charge. They (the Lichters) drafted the lengthy [charter application](#) and were approved by the Collier County school board. Their [charter contract](#) was approved and executed on August 30, 2013. MCA and Hillsdale College entered into a contractual [agreement](#) three months after the school's charter was approved.

After four years of overcoming immense challenges, the Lichters and the team of volunteers they assembled had persevered and opened Mason Classical Academy (MCA), a publicly funded privately governed charter school. It was named after Mrs. Lichter's late father, Donald W. Mason. MCA is a 501(c)3 non-profit corporation. No governing board member, spouse or family member receives any compensation, directly or indirectly.

The first two years of school were difficult. Although the school received an 'A' rating from the State of Florida those first two years (and every year since) and the students were receiving a world-class Classical Liberal Arts education, governing and operating a school was entirely new for everyone involved. Despite the school's challenges, MCA has risen to the top spot in Collier County. But those early challenges were almost entirely from within as the governing board and administration developed systems, policies and procedures. Today, MCA is the highest-performing public school in the county, where there are more than 50 schools. The school is also ranked in the top 2% and 42nd out of 3,321 schools in Florida. The school's extraordinary profile can be seen [here](#).

As a public charter school, MCA is sponsored by the local school district, Collier County Public Schools (CCPS). The sponsor is charged with charter school oversight (i.e. compliance with the charter contract, statute and financial reporting). Parent grievances, human resources, curriculum, class schedules, facilities - basically everything a multi-million-dollar business with 50 or more employees must deal with - are all managed by the charter school administration.

In 2016, MCA's most difficult challenges started to originate from outside forces (i.e. unethical lenders, CCPS, Hillsdale College, politicians, resentful parents, and greedy charter school

management companies). These outside challenges, including the players, their actions and motives are the subject of this Timeline. Each failed attempt to take over the Governing Board, the facility, its teachers, student population, and non-renew or terminate MCA's charter is explained in some detail below. It is our hope that the truth behind these evil efforts will finally be exposed and they will, once and for all, leave the hundreds of happy families and students at MCA alone.

In 2017, CCPS renewed their [charter contract](#) with MCA. That same year, MCA was recognized as a high-performing school by the State of Florida and was rewarded with a 15 year charter [contract extension](#). MCA's [agreement](#) with Hillsdale was also renewed in 2017.

Since MCA's first year, the school has earned an A from the Florida Department of Education:

2015 - MCA earns A grade from the state

2016 - MCA earns A grade from the state

2017 - MCA earns A grade from the state

2018 - MCA earns A grade from the state – ranked #1 in Collier and top 5% in Florida

2019 - MCA earns A grade from the state – ranked #1 in Collier and top 2% in Florida

## **The Timeline**

December 17, 2015 - Matt Mathias [emails](#) Kelly Lichter resigning from the Mason Classical Academy (MCA) Governing Board due to a conflict of interest, where he acts as Trustee for financial loans provided to MCA. The financial loans provided to MCA also have Matthias family members who financially profit from the loans to MCA.

April 29, 2016 – Matt Mathias sends his [Demand Letter](#) to the MCA Board via Susan Turner, Business Manager of MCA attempting to recall several loans. MCA Board members Laura Miller, Kelly Lichter and Jason Lane give Shawn Arnold their consent to send Matt Mathias a letter informing him that the Board will not be paying these loans off in full, as MCA was not in default and did not breach any loan covenant or conditions. Byron Donalds is the only Board member to state “*I do not consent*”.

With full knowledge that the existing Mathia loans could not be recalled, why does Byron Donalds continue to insist that Mrs. Lichter resign in order to keep these loans in place?

May 9, 2016 - MCA board meeting was the first attempt by Matt Matthias and Byron Donalds to unlawfully reconstitute the MCA governing board. The “investor” continuously referred to was Matt Matthias. The [audio](#) clearly shows Matt Matthias was working with MCA board members to remove the board chair, Kelly Lichter, and elevate the vice-chair, Byron Donalds, as board chair - using threats of recalling construction loans.

December 6, 2017 - Erika Donalds files [articles of incorporation](#) for [Optima Foundation](#) a classical charter school management company. Optima charges 10-12% of total revenues from charter schools for their services. Per Optima Foundation's website, “*Optima's goal is the successful*

*launch of Hillsdale College Barney Charter School Initiative classical academies and other schools of excellence across the state of Florida.”*

June 13, 2018 - Two weeks after learning that his children (non-MCA students) would not be legally allowed to participate in MCA sports, Joe Baird files this [complaint](#) with the FDOE alleging financial mismanagement and bullying by Principal David Hull where he, “*knowingly and willfully created an environment... where fraud can occur without detection.*” Joe Baird specifically named Kelly Lichter and Laura Miller in his complaint as accomplices to David Hull’s alleged financial mismanagement and bullying. Interestingly, contained in the introductory summary of Joe Baird’s complaint was the following statement... “*I had no evidence of actual fraud being committed.*” In the complaint’s opening two paragraphs, Joe Baird oddly goes out his way to exonerate Byron Donalds and Erika Donalds from any wrongdoing during their association with MCA.

October 15, 2018 - Byron and Erika Donalds corroborate Joe Baird’s allegations of financial mismanagement and abuse of children in Naples Daily News [article](#). These [emails](#) (obtained through a public records request from CCPS) shed light on the truth behind the Donalds dealings with MCA staff regarding their children.

October 29, 2018 - Phil Kilgore (Hillsdale College) send this [email](#) to Mike Harner (Hillsdale College) about meeting with Jon Fishbane at the CCPS Admin building and states, “*only Erika knows we are meeting with him. We meet with the MCA board from 11-2. We'll probably meet with Erika briefly after that to exchange G2 [intelligence], but she and Kelly must attend their last CCSD board meeting at 4:30 pm. We will meet with Erika the next morning for a bit before we go to the airport...*” Donalds was a principal at the Optima Foundation and a sitting school board member at the time.

Shortly after both October 2018 highly negative and defamatory articles about MCA were published, Joe Baird states the following in this Facebook [post](#), “*Erika may not be saying much right now, but please don’t take that to mean she’s not doing anything. I can promise you that she is working very hard on this – even though it may not be readily apparent. If this initiative succeeds, it is in large part due to her efforts that have gone unnoticed. We would not be where we are today without her help.*”

November 8, 2018 - Joe Baird states the following in this Facebook [post](#), “*I would like to make a final appeal to anyone who has not yet come forward to speak to Jon Fishbane of CCPS regarding your experience of maltreatment and abuse at the hands of the MCA board or administration to please consider coming forward now. There is a window of opportunity open right now. When that window closes, the case will be presented to various state departments.....David Hull is not necessarily implicated in any of this....The case against Hull is going to be made by parents and teachers who have been abused sharing their stories. That’s all there is to it. It’s a numbers game.*”

In the same [post](#), Joe Baird, who alleged financial mismanagement in his complaint, and where David Hull “*knowingly and willfully created an environment... where fraud can occur without detection*” he [Baird] responded to Lee Dixon’s question “*are you claiming you never had access to Mason’s Google Drive with all their financial information in it?*”...Baird responds, “*Of course I had access...*”

November 12, 2018 - Hillsdale employees, Mike Harner and Phil Kilgore, meet with Kelly Lichter while in Naples. This is Harner's first ever meeting with Mrs. Lichter. During the meeting, Harner and Kilgore are asked by MCA Board Chair Kelly Lichter to visit MCA the next day. They responded they could not meet due to prior "donor business" commitments. It was discovered through a subsequent public records request that Kilgore's and Harner's names were on the November 13, 2018 [visitor log](#) visiting Jon Fishbane at the CCPS headquarters. Hillsdale has a contractual relationship with MCA, not CCPS.

November 16, 2018 - Mike Harner sends this [email](#) to Phil Kilgore. In an effort to skirt Florida's Sunshine Laws [FS Ch. 286.011] and keep Hillsdale's activities from the public, Harner writes, *"We either have to be very careful in crafting those recommendations, or deliver the unadulterated critique to each board member individually either in person or telephonically."*

January 19, 2019 - Phil Kilgore sends this [email](#) to Larry Arnn. Referring to Jon Fishbane's "investigation" into Baird's complaints against MCA, Kilgore states, *"It is my hope that some future rehabilitative pressures on the principal would prevent any problem from developing between him and the parents. The District's report is being **designed** to effect some form of correction on that score."* [emphasis added]

Since when are investigative reports "designed" to do anything but pursue the truth?

June 3, 2019 - CCPS Board Meeting - Jon Fishbane verbally summarized his [Investigative Report](#) during his Attorney Report. His recommendations? Jon Fishbane recommended that the MCA board resign, and principal David Hull should undergo additional training or resign. When asked if CCPS had the authority to remove charter school board members, Jon Fishbane admitted it did not have such authority.

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 **ever** interviewed or questioned as part of the investigation. Nor did the report contain any sworn statements from any of the accusers.

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?

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 [Spencer] 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] noted that the financial documents and information that his team has received and reviewed from MCA have been acceptable."*

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."*

If CCPS or Jon Fishbane are not empowered to remove charter school board members, why make the recommendations?

Were Fishbane's recommendations (later held over the heads of the MCA governing board members with the threat of ending their affiliation with the school) discussed with Phil Kilgore and Mike Harner during their meeting at the District office on November 13, 2018?

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?

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?"

By what authority did Jon Fishbane make his recommendations?

With no CCPS board approval to do so, by what authority did Jon Fishbane conduct his investigation?

Why did Jon Fishbane's Report praise Hillsdale College and the Donalds in his Investigation Report?

June 14, 2019 - Matt Mathias sends this [email](#) to Jon Fishbane. In the email, Matthias gives some background about who he is and his experience with MCA. He then states, *"Full disclosure: Since 2015, I've been trying to find ways to reconstitute MCA Board of Directors, create a more appropriate board infrastructure and significantly improve the 'Corporate Governance' of this body."* In closing of his email, he states, *"...I thought I would reach out to you directly and humbly request a conversation."*

June 14, 2019 - In response to Cindy Walker-Palladino's Facebook [post](#), where she states, *"I agree with Joe Baird. They are not out to close down MCA - just the leadership. My surprise is the autonomy this board has. How can get them away from our school?"* Joe Baird writes, *"Close the school and reopen with a new charter."*

Michele Wothe Caswell responds to Joe Baird, *"I doubt it would be as simple as that. You have the contracts, lease, loans, etc...not to mention the charter application process."*

In this eye-opening admission, Joe Baird responds, *"Certainly not simple to be sure. I know it can be done, and I know it can be fasttracked. I've talked to enough of the right people to know it can happen if the right players are on board. And in this case, the right players are on board. CCPS and Hillsdale are working together and both want to see MCA stay open."*

June 26, 2019 – Phil Kilgore sends this [email](#) to his colleagues at Hillsdale. He states, “*Today, Jon Fishbane told me confidentially that the CCPS board will meet on 11 July to discuss the commencement of a 90-day timetable to revoke the charter. The thinking is that the MCA board has been so belligerent and vitriolic since the release of the investigative report that it is forcing the hand of the CCPS board to bring the problem to a close. There will likely be an appeal process afterward which will drag on for a few months, so in the meantime the CCPS board will take over the school as of 11 October and govern it until the adjudication is complete. That could easily continue into the spring, perhaps March or April, and it is therefore likely that CCPS would operate the school through the end of the school year.*”

When did so-called belligerence and vitriol rise to the level of terminating the county’s highest performing charter school?

July 17, 2019 – Kathleen O’Toole (Hillsdale College) emails these [notes](#) from her conversation with Erika Donalds to Mike Harner, George King and Eric Coykendall (Hillsdale College). O’Toole writes of Erika’s newly organized school, “*Their intention is to submit the application as soon as termination is pursued by the district. Erica says if mediation fails she has no doubt that the school will be closed. Then she backs up a bit. The district is begging Erica to have an application ready if mediation fails. Three CCPS board members and the superintendent have come to her asking her to submit an application. The district doesn’t have much choice, doesn’t want to run a classical charter school. Their best option is to **hand over the assets of MCA to this new group.***” [emphasis added]

August 8, 2019 - Within 48 hours of the mediation settlement agreement between MCA and CCPS being approved, Matt Mathias files [Articles of Incorporation](#) to establish the Phoenix Education Network, a public charter school which will submit a charter school application with CCPS under the name Naples Classical Academy, a Hillsdale affiliated school managed by Erika Donalds' Optima Foundation. Optima would garner approximately \$864,000 in fees per year from the takeover of MCA.

August 9, 2019 - Matt Mathias sends this astonishing [email](#) to Florida Representative, Bob Rommel. In his email, Mathias admits his plan to reconstitute the MCA board by having MCA terminated and “*passing the school along to a [his] newly approved...Hillsdale affiliated...charter school.*” Matthias literally discloses his scheme to hand over the school and its assets to his new charter school.

September 12, 2019 - Roetzel Law Firm [invoice](#) contains legal fees for a teleconference to discuss the District’s “settlement strategy”. Why does a party to the Mediation Settlement Agreement need a “strategy” if they are acting in good faith?

October 4, 2019 - Erika Donalds makes public announcement that she (the Optima Foundation) has partnered with the Phoenix Education Network (Matt Mathias) and together they submitted this [charter application](#) to the Collier County School District that same day. They planned to open Naples Classical Academy in time for the 2020-2021 school year. No facility, site or proof of demand for NCA was provided in the charter application. According to page 115 the charter application, Optima is receiving 12% of the school's gross revenues.

October 30, 2019 - Coleman, Hazard, Taylor, Klaus, Doupe & Diaz, P.A., finalizes their [Investigative Report](#) of Allegations Made Against Mason Classical Academy (the Coleman Report). The report completely exonerates the MCA governing board and administration.

December 9, 2019 - CCPS board meets and unanimously votes to approve Naples Classical Academy's charter application 65 days after receiving the application. No charter school application has ever been fast tracked this quickly in the history of Florida charter schools.

Do they have a site in mind already?

Is this part of the plan to takeover MCA as [posted](#) by Christie Lewis on Facebook where she states, *"We will remove the 'Mason' name from the school so as to REBRAND the NEW school..."*

**These documented events and written statements made by Fishbane, Matthias, Donalds, Kilgore, O'Toole, Baird, Lewis, and Harner expose their willing participation in the unlawful takeover of Mason Classical Academy, its assets, facility, students, and staff.**

**To date, not a single alleged violation of law, breach of charter contract, or other agreement has been proven by any authority having jurisdiction.**