



State Board of Education

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May 30, 2019

Kelly Lichter


RE: OIG Correspondence #2019050040

Dear Ms. Lichter:

The Florida Department of Education (FDOE), Office of Inspector General (OIG) received your email and online complaint, (Web ID #2106) regarding Mason Classical Academy in the Collier County School District.

In accordance with Section 1001.20, Florida Statutes, under certain conditions the FDOE OIG is responsible for conducting, coordinating, or requesting investigations into allegations of fraud, waste, or financial mismanagement within the school districts. After reviewing your complaint, we have determined that the allegations and information you provided does not fall within our jurisdiction.

Accordingly, public school issues are handled by the school district and/or the school board. Under the state constitution, local district school boards are charged with the power and authority to operate, control, and supervise the public schools within the district, (Article IX, Section 4, Florida Constitution). Thus, local school boards have the authority to determine the policies deemed necessary for the operation of the school district and the schools within the district.

By way of this letter, we are referring your complaint to the Collier County School District Superintendent and the Board Chair for their review and action deemed appropriate.

Sincerely,

Mike Blackburn
Inspector General

Enclosure

Cc: Kamela Patton, Superintendent, Collier County School District
Roy M. Terry, Chair, Collier County School Board

Inspector General Mike Blackburn

Welcome Melissa Keele

Office of Inspector General

Complaint Details

Complaint ID 2106

Status

Contact information of the person filing complaint

Name

Home Address

Home Phone

Work or Home Email

Your Employer

Work Address

Work Phone

Work Unit/Section/Location

Contact Preference

Home Phone

Current/Former/Applicant State Employee?

Information about the person, business, organization who committed the alleged violation:

Person, Business, or Organization(subject): Stephanie Lucarelli, Jennifer Mitchell, Roy Terry, Erick Carter, Jory Westberry, Kamela Patton, Jon Fishbane

Subject's Employer: Collier County School District

Subject's Business Address: 5775 Osceola Trail, Naples, Florida, 34109

Work Phone 2393770001

Subject's Position/Title: Board/Superintendent/District Attorney

Unit/Section/Location: Collier School District

If the subject of the alleged violation is a Department of Education employee, is he or she supervisor of the person filing complaint? No

Have you notified anyone else or any other agency of the allegation(s)? Yes

If yes, what were the results?

What Happened?[Complaint Description]

MASON CLASSICAL ACADEMY COMPLAINT On June 13, 2018, the Florida Department of Education and Office of the Inspector General responded to a complaint filed by Mr. Baird, the former Board Treasurer of Mason Classical Academy, regarding various allegations with the Mason Classical Academy governing board and Administrators. It was concluded that Mr. Baird's complaint did not fall within their jurisdictional purview, so the complaint was sent to the District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry, for "their review and action deemed appropriate". On October 5, 2018, the Naples Daily News published an article titled, "Ex-treasurer of

Mason Classical charter school alleges lax financial oversight, verbal abuse", which then went on to directly or indirectly quote twenty-nine times from Mr. Baird's complaint sent to District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry on June 13, 2018. Also contained in the October 5, 2018 Naples Daily News article on the Baird complaint, was a statement from Jennifer Kupiec, spokeswoman for Collier schools, who stated in an email to the Naples Daily News that, "the district is carefully looking into Baird's concerns, but did not provide more details about how the investigation is being conducted." In other words, as of October 5, 2018, District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry, after almost four months of reviewing the Baird complaint, did not notify Mason Classical Academy they were the subject of an investigation drawn primarily from the Baird complaint they received on June 13, 2018, and somehow, had no foreknowledge the complaint would end up in the hands of the Naples Daily News, while at the same time, offered a District spokeswoman to provide comment for the October 5, 2018 article. Given the Florida Department of Education's Guidelines for Investigations states, "Document each item and properly maintain it in a secure location throughout the investigation", Mason Classical Academy believes either District Superintendent Kamela Patton, or Board Chair Roy Terry, as recipients of the original complaint from the Florida Department of Education and Office of the Inspector General on June 13, 2018, violated the guidelines of a fair investigation when clearly, the original complaint was not maintained in a secure location throughout the investigation, and somehow, ended up in the hands of the Naples Daily News, knowing full well, such a release of the original complaint to the Naples Daily News would unfavorably influence the public's opinion of Mason Classical Academy. Furthermore, contained in the October 5, 2018 Naples Daily News negative article about Mason Classical Academy are quotes and statements from a then-sitting Collier County School Board member, Erika Donalds. The article states, "Mason Classical is a public charter school co-founded by Collier County School Board members Kelly Lichter and Erika Donalds in 2012. Donalds and her husband, state Rep. Byron Donalds....corroborated the allegations made in the complaint". In other words, the District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry, after receiving the complaint on June 13, 2018, somehow had no foreknowledge the Naples Daily News was in receipt of the complaint, and was about to publish a very detailed, very negative article about Mason Classical Academy. In addition, we find it particularly egregious that a sitting Collier County School Board member, Erika Donalds, would be interviewed by the newspaper where she and her husband, "corroborated the allegations made in the complaint". Please keep in mind, over the same four month period, District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry never contacted, or directed anyone to contact, any person at Mason Classical Academy about the complaint, or that Mason Classical Academy was the subject of an investigation by Collier County School District. Additionally, as per the Florida Department of Education's Guidelines for Investigations, it states, "When an allegation of misconduct by a certified educator is determined to be legally sufficient in that the investigation supports ultimate facts that show a violation has occurred as provided in s. 1012.795, Florida Statutes and as defined by State Board of Education Rule, a school or district must report the allegation, all supporting documents and findings to the Florida Department of Education, Office of Professional Practices Services within 30 days of knowledge of the incident." Per the proceeding, District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry were sent the Baird complaint on June 13, 2018. At no time from June 13, 2018 did the Collier County School District "report the allegation, all supporting documents and findings to the Florida Department of Education, Office of Professional Practices Services within 30 days of knowledge of the incident". In fact, as late as October 5, 2018, or 114 days after the Collier County School District was sent the Baird complaint, the Collier County School District stated, "the district is carefully looking into Baird's concerns". Also contained in the Florida Department of Education's Guidelines for Investigations, it states under Investigative Techniques and Suggestions, "Acquire any physical evidence relative to the case, document each item and properly maintain it in a secure location throughout the investigation". Therefore, if the School District of Collier County received the Baird complaint on June 13, 2018, then somehow, the entire complaint ended up in the hands of the Naples Daily News as late as October 5, 2018, they clearly were not "investigating" Mason Classical Academy related to the Baird complaint, because they violated the Florida Department of Education's Guidelines for Investigations duty to "Document each item and properly maintain it in a secure location throughout the investigation". December 4, 2018, the Naples Daily News published another article on the Baird complaint against Mason Classical Academy, which stated, "The complaint is currently under investigation. After the investigation is complete, the school district will present the finding to the board to determine what action, if any, should be taken against Mason, up to and including closing the school." This is the first time the Mason Classical Academy governing board learned the school was under "investigation" by the School District of Collier County. At no time from June 13, 2018 to December 4, 2018 did the School District of Collier County notify Mason Classical Academy or Principal David Hull of the "investigation." This is clearly an abuse of Florida Department of Education's Guidelines for Investigations, as the document distinctly states, "When charged with conducting an investigation into allegations of misconduct by an educator or other school employee": • "Notify the subject of the investigation of the allegation" • "Establish a chain of custody for the evidence" • "Complete the investigation in a timely manner" On April 23, 2019, the District Attorney, Jon Fishbane, sent Mason Classical Academy's counsel, Shawn Arnold, a letter with the parameters of their "investigation." This is the first documentation Mason Classical Academy received about the "investigation" from the School District of Collier County, which was 10 months after the supposed "investigation" should have begun on June 13, 2018. In January 2019, Mason Classical Academy Board President Kelly Lichter notified Shawn Arnold,

Mason's attorney, that months had gone by, and no person from the School District of Collier County had been to Mason Classical Academy to interview anyone. She asked Mr. Arnold to reach out to Mr. Fishbane to find out what was going on with the "investigation." Mr. Fishbane was unwilling to disclose any information other than the school is under "investigation." Two months later, in March 2019, Board President Lichter asked Mr. Arnold to get an update on the "investigation." Mr. Arnold spoke to Mr. Fishbane and was told that the "investigation" would remain open, because the district received more parent complaints. He also told Mr. Arnold that the "investigation" would be wrapped up soon. On April 11, 2019, Mr. Arnold contacted Mr. Fishbane for an update, since he was told that it would have been completed by now. Mr. Fishbane called Mr. Arnold, apologized for the delay, and assured him that his report would be completed in three weeks. He then stated that he would share his findings and recommendations with the District School Board of Collier County for them to determine whether any action should be taken. On the same day, April 11, 2019, Mr. Arnold sent a document to Mr. Fishbane. This document was from McCrady and Associates. Mason Classical Academy hired this independent accounting firm to look at Mr. Baird's complaint to see if there was any merit to his accusations. There were no findings. After Mr. Fishbane received the document, he called Mr. Arnold and said that he would not be accepting any information from Mason Classical Academy. To date, the independent accounting firm's report is the only document Mr. Fishbane has received from Mason Classical Academy concerning the "investigation". Mr. Fishbane has not requested a single document from the school. At this point, Mason Classical Academy had never been notified of an "investigation" by the School District of Collier County. Up to April 11, 2019, Mason Classical Academy has never known why it was being investigated, other than articles from the Naples Daily News. And now, Mason Classical Academy is being told they could not share any independent third-party financial accountability information from their side as part of the School District of Collier County's "investigation". When Mr. Arnold communicated this information with Board President Lichter, she raised concerns that this was not actually an investigation. How could Mr. Fishbane write an investigative report without talking to the accused? She also expressed concerns that she sent the Collier County School Board members nine emails in a three-week period and never received a response. On April 12, 2019, Mr. Arnold sent the following email to Mr. Fishbane: Jon, Mason has asked me to follow up with you on our phone call from yesterday as they have some legitimate concerns. They expressed to me that they have made several public records requests that have been either ignored or rejected as being within the scope of an ongoing investigation. You have acknowledged that you have been tasked with investigating complaints about Mason. However, it appears that Mason is never going to be interviewed or asked to give a response. Therefore, it really appears that the District is collecting complaints rather than conducting an investigation. The copious case law on public records law always errs on the side of disclosure. The process appears not to be an investigation and therefore the District is not entitled to the investigation exception to public records laws. From a policy perspective, I am certain if an outside organization was collecting the numerous complaints that are lodged against the District without the District being given an opportunity to respond, the District would articulate the same concerns. Every investigation I have ever been associated with, in law enforcement or since leaving the SAO in the public or private sector, be it through audits, District inquires, or even your local media with an agenda against an entity, has always given a chance for an entity to respond. Hence, I am asking for answers to two questions: 1. Who ordered your investigation? 2. Will Mason be given an opportunity to give its side of the story before this report is made public? If so, why not? I have reiterated my request that Mason board members and administration do not have any further contact with you on the issues related to this email and I believe they will not do so anymore. Thank you. Shawn A. Arnold, Esq. Mr. Fishbane never answered his questions in writing but did call Mr. Arnold on April 12, 2019 to say that he would consider Mason Classical Academy's request to respond to accusations. When Mr. Fishbane finally interviewed Mason Classical Academy Principal, David Hull, on April 29, 2019 regarding the "investigation" of the Baird complaint, which the District received 10 months previously on June 13, 2018, Mr. Fishbane asked numerous questions totally unrelated to the allegations in the complaint. Additionally, since two current Mason Classical Academy governing board members were named in the original complaint of June 13, 2018, Mason Classical Academy finds it odd that as of the date of this complaint's filing, neither Mr. Fishbane, nor anyone else with Collier County Public Schools has requested an interview, or sent questions regarding the complaint. Also, since the majority of the uncorroborated allegations within the complaint revolve around Financial Accountability and Financial Oversight with the Mason Classical Academy governing board, it should be noted that neither Mr. Fishbane, nor anyone else with Collier County Public Schools, has requested an interview, or sent questions regarding the complaint to the current Board Treasurer, David P. Bolduc. By way of background, Mr. Bolduc holds a Bachelor of Arts Degree in Business Economics from Brown University, earned the Chartered Financial Analyst, or CFA Designation in 2001, where he has to sign a Financial Ethics Statement each year, or else he will lose his CFA title, and has previously served as Vice Chair of the City of Naples Public Employees' Pension Fund, so he has extensive experience acting as a Fiduciary in the public's interest. Mason Classical Academy believes a true "investigation" would include questioning Mr. Bolduc, as Board Treasurer, since the complaint was submitted by a former Board Treasurer, and the uncorroborated allegations center around the Mason Board's Financial Oversight and Financial Accountability. As mentioned above, the Florida Department of Education has a document on its website titled, "Guidelines for Investigation." This document is attached to this complaint. On page 4 it states, "Investigations are comprehensive, in-depth, fact-finding endeavors to obtain all the information involving the complaint. These facts are used to ultimately determine if the allegations contained in the complaint are true. Investigations may involve obtaining, reviewing and analyzing documents, obtaining other forms of evidence, conducting interviews of victims and witnesses or other involved parties, and

the individual who is the subject of the investigation. The investigation involves a complete analysis of all the facts and evidence gathered and is finalized with a comprehensive report which compiles all relevant statements and evidence obtained. The results of the investigation will typically determine if or to what degree the action(s) occurred and produce a determination as to whether the complaint is substantiated or not." The governing board of Mason Classical Academy believes Mr. Fishbane has failed in his duty to conduct a timely "fact-finding endeavor", rather, Mr. Fishbane has violated virtually every tenet of proper and fair investigations as outlined in the Florida Department of Education's "Guidelines for Investigations". Under the Qualitative Standards section it states, "Independence / Objectivity: The person(s) investigating or reviewing the misconduct should be an impartial and unbiased party. If the person(s) assigned to the investigation is unable to be objective or may not be considered as someone who can be impartial, it is recommended that the investigation be reassigned to an impartial party." Again, the governing board of Mason Classical Academy believes Mr. Fishbane has failed in his duty to conduct an objective "fact-finding endeavor", rather, Mr. Fishbane has violated virtually every tenet of proper and fair investigations as outlined in the Florida Department of Education's "Guidelines for Investigations", and has been far from independent and/or objective with Mason Classical Academy as District Counsel for the School District of Collier County over the entirety of Mason Classical Academy's existence. The guidelines also state, "Timeliness: All investigations should be completed within a reasonable time period, based upon the nature of the investigation. Pursuant to s.1012.796 (1)(c), Florida Statutes, each school district, charter school and private school that accepts scholarship students shall file in writing with the Department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school or school district. To fulfill this statutory obligation, a district or school must determine if the allegation is supported and if so, shall forward all information to the Department within 30 days of knowledge of the complaint. Schools and districts should not wait for conclusion or determination of employment action(s) to report legally sufficient allegations to the Department." Given Mason Classical Academy first learned it was the subject of an "investigation" due to the Baird complaint from a Naples Daily News article published on December 5, 2018, after the Baird complaint was sent to the District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry on June 13, 2018, Mason Classical Academy's governing board believes Kamela Patton, Roy Terry and Jon Fishbane have ignored and abused Florida Department of Education Investigative Guidelines. Therefore, based on the documented facts and timeline above, the Board of Mason Classical Academy files this formal complaint against the District Superintendent in Collier County, Kamela Patton, School Board Chair, Roy Terry, District Counsel, Jon Fishbane, and sitting School Board Member, Erika Donalds, for numerous abuses of the Florida Department of Education's Guidelines for Investigations when on June 13, 2018, the Florida Department of Education and Office of the Inspector General forwarded a complaint filed by Mr. Baird regarding various allegations with the Mason Classical Academy School Board of Directors and Administrators, and asked the School District of Collier County for "their review and action deemed appropriate" The Board of Mason Classical Academy believes the School District of Collier County has abused their Investigative Responsibility as defined by the Florida Department of Education, and as defined in s. 1012.01, Florida Statutes regarding the baseless allegations made by the Baird complaint in June 2018. Mason Classical Academy's students, parents, teachers, administrators, principal and governing board members have a right to be treated fairly under the law, Florida Department of Education Guidelines for Investigations and its charter contract with the School District of Collier County. Without due process, which should include an opportunity for Mason Classical Academy to hear the allegations and respond with documentation and testimony refuting them, no investigation can be deemed to be complete, fair or in the best interest of public education and the students being served. Without the opportunity to refute the allegations being investigated through direct questioning and documentation (i.e. student disciplinary records, electronic correspondence between staff and parents, written communications, et al) any conclusions, recommendations, demands or consequences resulting from this investigation and made by Jon Fishbane or the School District of Collier County will be made without proper due process, and in violation of the Florida Department of Education's Guidelines for Investigations.

Complaint Confirmed

yes

From: Kelly Lichter <klichter@masonacademy.com>
Sent: Monday, May 20, 2019 6:26 AM
To: Miller, Adam; OIG; Commissioner; Mears, Matthew; Oliva, Jacob; Kelly, Alex
Subject: FDOE complaint against Collier County Public School District

MASON CLASSICAL ACADEMY COMPLAINT against COLLIER COUNTY PUBLIC SCHOOL DISTRICT

On June 13, 2018, the Florida Department of Education and Office of the Inspector General responded to a complaint filed by Mr. Baird, the former Board Treasurer of Mason Classical Academy, regarding various allegations with the Mason Classical Academy governing board and Administrators. It was concluded that Mr. Baird's complaint did not fall within their jurisdictional purview, so the complaint was sent to the District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry, for **"their review and action deemed appropriate"**.

On October 5, 2018, the Naples Daily News published an article titled, **"Ex-treasurer of Mason Classical charter school alleges lax financial oversight, verbal abuse"**, which then went on to directly or indirectly quote twenty-nine times from Mr. Baird's complaint sent to District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry on June 13, 2018.

Also contained in the October 5, 2018 Naples Daily News article on the Baird complaint, was a statement from Jennifer Kupiec, spokeswoman for Collier schools, who stated in an email to the Naples Daily News that, **"the district is carefully looking into Baird's concerns, but did not provide more details about how the investigation is being conducted."**

In other words, as of October 5, 2018, District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry, after almost four months of reviewing the Baird complaint, did not notify Mason Classical Academy they were the subject of an investigation drawn primarily from the Baird complaint they received on June 13, 2018, and somehow, had no foreknowledge the complaint would end up in the hands of the Naples Daily News, while at the same time, offered a District spokeswoman to provide comment for the October 5, 2018 article. Given the Florida Department of Education's Guidelines for Investigations states, **"Document each item and properly maintain it in a secure location throughout the investigation"**, Mason Classical Academy believes either District Superintendent Kamela Patton, or Board Chair Roy Terry, as recipients of the original complaint from the Florida Department of Education and Office of the Inspector General on June 13, 2018, violated the guidelines of a fair investigation when clearly, the original complaint was not maintained in a secure location throughout the investigation, and somehow, ended up in the hands of the Naples Daily News, knowing full well, such a release of the original complaint to the Naples Daily News would unfavorably influence the public's opinion of Mason Classical Academy.

Furthermore, contained in the October 5, 2018 Naples Daily News negative article about Mason Classical Academy are quotes and statements from a then-sitting Collier County School Board member, Erika Donalds. The article states, **"Mason Classical is a public charter school co-founded by Collier County School Board members Kelly Lichter and Erika Donalds in 2012. Donalds and her husband, state Rep. Byron Donalds....corroborated the allegations made in the complaint"**. In other words, the District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry, after receiving the complaint on June 13, 2018, somehow had no foreknowledge the Naples Daily News was in receipt of the complaint, and was about to publish a very detailed, very negative article about Mason Classical Academy. In addition, we find it

particularly egregious that a sitting Collier County School Board member, Erika Donalds, would be interviewed by the newspaper where she and her husband, **“corroborated the allegations made in the complaint”**. Please keep in mind, over the same four month period, District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry never contacted, or directed anyone to contact, any person at Mason Classical Academy about the complaint, or that Mason Classical Academy was the subject of an investigation by Collier County School District.

Additionally, as per the Florida Department of Education’s Guidelines for Investigations, it states, **“When an allegation of misconduct by a certified educator is determined to be legally sufficient in that the investigation supports ultimate facts that show a violation has occurred as provided in s. 1012.795, Florida Statutes and as defined by State Board of Education Rule, a school or district must report the allegation, all supporting documents and findings to the Florida Department of Education, Office of Professional Practices Services within 30 days of knowledge of the incident.”** Per the proceeding, District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry were sent the Baird complaint on June 13, 2018. At no time from June 13, 2018 did the Collier County School District **“report the allegation, all supporting documents and findings to the Florida Department of Education, Office of Professional Practices Services within 30 days of knowledge of the incident”**. In fact, as late as October 5, 2018, or 114 days after the Collier County School District was sent the Baird complaint, the Collier County School District stated, **“the district is carefully looking into Baird’s concerns”**.

Also contained in the Florida Department of Education’s Guidelines for Investigations, it states under Investigative Techniques and Suggestions, **“Acquire any physical evidence relative to the case, document each item and properly maintain it in a secure location throughout the investigation”**. Therefore, if the School District of Collier County received the Baird complaint on June 13, 2018, then somehow, the entire complaint ended up in the hands of the Naples Daily News as late as October 5, 2018, they clearly were not **“investigating”** Mason Classical Academy related to the Baird complaint, because they violated the Florida Department of Education’s Guidelines for Investigations duty to **“Document each item and properly maintain it in a secure location throughout the investigation”**.

December 4, 2018, the Naples Daily News published another article on the Baird complaint against Mason Classical Academy, which stated, **“The complaint is currently under investigation. After the investigation is complete, the school district will present the finding to the board to determine what action, if any, should be taken against Mason, up to and including closing the school.”**

This is the first time the Mason Classical Academy governing board learned the school was under **“investigation”** by the School District of Collier County. At no time from June 13, 2018 to December 4, 2018 did the School District of Collier County notify Mason Classical Academy or Principal David Hull of the **“investigation.”** This is clearly an abuse of Florida Department of Education’s Guidelines for Investigations, as the document distinctly states, **“When charged with conducting an investigation into allegations of misconduct by an educator or other school employee”**:

- **“Notify the subject of the investigation of the allegation”**
- **“Establish a chain of custody for the evidence”**
- **“Complete the investigation in a timely manner”**

On April 23, 2019, the District Attorney, Jon Fishbane, sent Mason Classical Academy’s counsel, Shawn Arnold, a letter with the parameters of their **“investigation.”** This is the first documentation Mason Classical Academy

received about the "investigation" from the School District of Collier County, which was 10 months after the supposed "investigation" should have begun on June 13, 2018.

In January 2019, Mason Classical Academy Board President Kelly Lichter notified Shawn Arnold, Mason's attorney, that months had gone by, and no person from the School District of Collier County had been to Mason Classical Academy to interview anyone. She asked Mr. Arnold to reach out to Mr. Fishbane to find out what was going on with the "investigation." Mr. Fishbane was unwilling to disclose any information other than the school is under "investigation."

Two months later, in March 2019, Board President Lichter asked Mr. Arnold to get an update on the "investigation." Mr. Arnold spoke to Mr. Fishbane and was told that the "investigation" would remain open, because the district received more parent complaints. He also told Mr. Arnold that the "investigation" would be wrapped up soon.

On April 11, 2019, Mr. Arnold contacted Mr. Fishbane for an update, since he was told that it would have been completed by now. Mr. Fishbane called Mr. Arnold, apologized for the delay, and assured him that his report would be completed in three weeks. He then stated that he would share his findings and recommendations with the District School Board of Collier County for them to determine whether any action should be taken.

On the same day, April 11, 2019, Mr. Arnold sent a document to Mr. Fishbane. This document was from McCrady and Associates. Mason Classical Academy hired this independent accounting firm to look at Mr. Baird's complaint to see if there was any merit to his accusations. There were no findings. After Mr. Fishbane received the document, he called Mr. Arnold and said that he would not be accepting any information from Mason Classical Academy. To date, the independent accounting firm's report is the only document Mr. Fishbane has received from Mason Classical Academy concerning the "investigation". Mr. Fishbane has not requested a single document from the school. At this point, Mason Classical Academy had never been notified of an "investigation" by the School District of Collier County.

Up to April 11, 2019, Mason Classical Academy has never known why it was being investigated, other than articles from the Naples Daily News. And now, Mason Classical Academy is being told they could not share any independent third-party financial accountability information from their side as part of the School District of Collier County's "investigation".

When Mr. Arnold communicated this information with Board President Lichter, she raised concerns that this was not actually an investigation. How could Mr. Fishbane write an investigative report without talking to the accused? She also expressed concerns that she sent the Collier County School Board members nine emails in a three-week period and never received a response.

On April 12, 2019, Mr. Arnold sent the following email to Mr. Fishbane:

Jon,

Mason has asked me to follow up with you on our phone call from yesterday as they have some legitimate concerns. They expressed to me that they have made several public records requests that have been either ignored or rejected as being within the scope of an ongoing investigation. You have acknowledged that you have been tasked with investigating complaints about Mason. However, it appears that Mason is never going

to be interviewed or asked to give a response. Therefore, it really appears that the District is collecting complaints rather than conducting an investigation.

The copious case law on public records law always errs on the side of disclosure. The process appears not to be an investigation and therefore the District is not entitled to the investigation exception to public records laws. From a policy perspective, I am certain if an outside organization was collecting the numerous complaints that are lodged against the District without the District being given an opportunity to respond, the District would articulate the same concerns. Every investigation I have ever been associated with, in law enforcement or since leaving the SAO in the public or private sector, be it through audits, District inquires, or even your local media with an agenda against an entity, has always given a chance for an entity to respond.

Hence, I am asking for answers to two questions:

1. Who ordered your investigation?
2. Will Mason be given an opportunity to give its side of the story before this report is made public? If so, why not?

I have reiterated my request that Mason board members and administration do not have any further contact with you on the issues related to this email and I believe they will not do so anymore.

Thank you.

Shawn A. Arnold, Esq.

Mr. Fishbane never answered his questions in writing but did call Mr. Arnold on April 12, 2019 to say that he would consider Mason Classical Academy's request to respond to accusations.

When Mr. Fishbane finally interviewed Mason Classical Academy Principal, David Hull, on April 29, 2019 regarding the "investigation" of the Baird complaint, which the District received 10 months previously on June 13, 2018, Mr. Fishbane asked numerous questions totally unrelated to the allegations in the complaint.

Additionally, since two current Mason Classical Academy governing board members were named in the original complaint of June 13, 2018, Mason Classical Academy finds it odd that as of the date of this complaint's filing, neither Mr. Fishbane, nor anyone else with Collier County Public Schools has requested an interview, or sent questions regarding the complaint.

Also, since the majority of the uncorroborated allegations within the complaint revolve around Financial Accountability and Financial Oversight with the Mason Classical Academy governing board, it should be noted that neither Mr. Fishbane, nor anyone else with Collier County Public Schools, has requested an interview, or sent questions regarding the complaint to the current Board Treasurer, David P. Bolduc.

By way of background, Mr. Bolduc holds a Bachelor of Arts Degree in Business Economics from Brown University, earned the Chartered Financial Analyst, or CFA Designation in 2001, where he has to sign a Financial Ethics Statement each year, or else he will lose his CFA title, and has previously served as Vice Chair of the City of Naples Public Employees' Pension Fund, so he has extensive experience acting as a Fiduciary in the public's interest. Mason Classical Academy believes a true "investigation" would include questioning Mr. Bolduc, as Board Treasurer, since the complaint was submitted by a former Board Treasurer, and the uncorroborated allegations center around the Mason Board's Financial Oversight and Financial Accountability.

As mentioned above, the Florida Department of Education has a document on its website titled, "Guidelines for Investigation." This document is attached to this complaint. On page 4 it states, "Investigations are comprehensive, in-depth, fact-finding endeavors to obtain all the information involving the complaint. These facts are used to ultimately determine if the allegations contained in the complaint are true. Investigations may involve obtaining, reviewing and analyzing documents, obtaining other forms of evidence, conducting interviews of victims and witnesses or other involved parties, and the individual who is the subject of the investigation. The investigation involves a complete analysis of all the facts and evidence gathered and is finalized with a comprehensive report which compiles all relevant statements and evidence obtained. The results of the investigation will typically determine if or to what degree the action(s) occurred and produce a determination as to whether the complaint is substantiated or not." The governing board of Mason Classical Academy believes Mr. Fishbane has failed in his duty to conduct a timely "fact-finding endeavor", rather, Mr. Fishbane has violated virtually every tenet of proper and fair investigations as outlined in the Florida Department of Education's "Guidelines for Investigations".

Under the Qualitative Standards section it states, "*Independence / Objectivity*: The person(s) investigating or reviewing the misconduct should be an impartial and unbiased party. If the person(s) assigned to the investigation is unable to be objective or may not be considered as someone who can be impartial, it is recommended that the investigation be reassigned to an impartial party." Again, the governing board of Mason Classical Academy believes Mr. Fishbane has failed in his duty to conduct an objective "fact-finding endeavor", rather, Mr. Fishbane has violated virtually every tenet of proper and fair investigations as outlined in the Florida Department of Education's "Guidelines for Investigations", and has been far from independent and/or objective with Mason Classical Academy as District Counsel for the School District of Collier County over the entirety of Mason Classical Academy's existence.

The guidelines also state, "*Timeliness*: All investigations should be completed within a reasonable time period, based upon the nature of the investigation. Pursuant to s.1012.796 (1)(c), Florida Statutes, each school district, charter school and private school that accepts scholarship students shall file in writing with the Department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school or school district. To fulfill this statutory obligation, a district or school must determine if the allegation is supported and if so, shall forward all information to the Department within 30 days of knowledge of the complaint. Schools and districts should not wait for conclusion or determination of employment action(s) to report legally sufficient allegations to the Department." Given Mason Classical Academy first learned it was the subject of an "investigation" due to the Baird complaint from a Naples Daily News article published on December 5, 2018, after the Baird complaint was sent to the District Superintendent in Collier County, Kamela Patton, and School Board Chair, Roy Terry on June 13, 2018, Mason Classical Academy's governing board believes Kamela Patton, Roy Terry and Jon Fishbane have ignored and abused Florida Department of Education Investigative Guidelines.

Therefore, based on the documented facts and timeline above, the Board of Mason Classical Academy files this formal complaint against the District Superintendent in Collier County, Kamela Patton, School Board Chair, Roy Terry, District Counsel, Jon Fishbane, and sitting School Board Member, Erika Donalds, for numerous abuses of the Florida Department of Education's Guidelines for Investigations when on June 13, 2018, the Florida Department of Education and Office of the Inspector General forwarded a complaint filed by Mr. Baird regarding various allegations with the Mason Classical Academy School Board of Directors and Administrators, and asked the School District of Collier County for "their review and action deemed appropriate"

The Board of Mason Classical Academy believes the School District of Collier County has abused their Investigative Responsibility as defined by the Florida Department of Education, and as defined in s. 1012.01, Florida Statutes regarding the baseless allegations made by the Baird complaint in June 2018.

Mason Classical Academy's students, parents, teachers, administrators, principal and governing board members have a right to be treated fairly under the law, Florida Department of Education Guidelines for Investigations and its charter contract with the School District of Collier County. Without due process, which should include an opportunity for Mason Classical Academy to hear the allegations and respond with documentation and testimony refuting them, no investigation can be deemed to be complete, fair or in the best interest of public education and the students being served. Without the opportunity to refute the allegations being investigated through direct questioning and documentation (i.e. student disciplinary records, electronic correspondence between staff and parents, written communications, et al) any conclusions, recommendations, demands or consequences resulting from this investigation and made by Jon Fishbane or the School District of Collier County will be made without proper due process, and in violation of the Florida Department of Education's Guidelines for Investigations.

Pursuant to School Board policy and Mason Classical Academy administrative procedures, this e-mail is the property of Mason Classical Academy and to be used for official business only. In addition, messages sent through this system are subject to the Public Records Law of the State of Florida and also to review by the school. There should be no expectation of privacy.