argument is a sham argument. After Mr. Longenecker joined the Board, there were only three Board Members and often only two (Ms. Lichter and Ms. Miller) given Mr. Longenecker's considerable absenteeism and appearance by phone. To say a three (often only two) person Board also functioned as both a Finance Oversight Committee, and a Student Advisory Council is simply not credible.

Under the provisions of the Application, the SAC's "membership shall reflect an equitable balance between school employees, parents, and community members. At least one community member shall represent the business community if possible." (Application at 63). The Board showed no interest in having a Board based committee of stakeholders advising the Principal on policies and curriculum, encouraging community participation in school affairs, hear parental grievances, and so on. It would mean, just like the FOC, outside persons would have oversight of significant areas of the Board and Mr. Hull's operational activity which they all clearly did not want stakeholders to be involved in. Mr. Hull hardly would have been amenable to having employees advising him on "school rules, policies relating to instructional issues and curricula and on the school's budgets." (Id., at 63). To claim this was simply not following the formalities of the Application, which was and is a component part of the Charter Agreement, is to say that the Board did not have honor "the formalities" of its own contract.[7] The preparers of the CR understood and acknowledged that violations had occurred but have used whitewashing language such as the Board "did not follow the formalities of the Application." They then concluded that under the provisions of the Mediation Agreement's corrective action plan, an SAC would be created; certainly an admission that the Board had not followed its own mandates and thus once again an acknowledgment of the findings in the GC's Report of June 3, 2019.

D. Board Membership and the Policy Pertaining to First and Second Readings

1. Board Membership: The Election Process

The preparers of the CR note that (1) "the Board acknowledges that there was never a formal vote to reelect the remaining Board Members each year;" and (2) The MCA Policies Manual is silent on how the Board Members will be elected. They then turn to Robert's Rules of Order that "in the absence of establishing a method of voting the rule that is established by custom, if any, should be followed." This is followed by the incredible statement that "the Board created the custom that it would elect new Board Members as there became a vacancy." After this claim that the Board created an election custom comes the following remarkable admission and self-justifying conclusion: "It is true that Board Members, Ms. Lichter, and Ms. Miller have remained continually in place as President and Secretary. However, this is not in spite of the MCA policies but because of its own policies." (CR, at 28). If that is not enough to make one's head spin, the next assertion will show the vacuity of the logic. "As no new president or secretary has been elected, Ms. Lichter and Ms. Miller have properly remained in their elected posts", as if they ever considered, having, or were willing to have, anyone else replace them.

[7]In the CR, it was also acknowledged by Ms. Lichter that the Board also did not set up an Employment Committee, even though it was a policy requirement. The preparers play it down by stating it wasn't in the Application, so not a big deal. But the Board itself makes policies and Policy B 17.0 was one of them. To blithely minimize the non-creation of Policy Committee is to make a mockery of the Board's rules.

Time and again, Ms. Lichter has told the world she will not leave her post until she decides to do so. And Ms. Miller has been fine with that. Even today with a mediated settlement involving staggered terms, there has been no Board discussion how that will work in connection with individual members. And certainly, Ms. Lichter has not taken the lead in doing so.

With this in mind, using Robert's Rules of Order concerning voting, which could apply to motions and other procedural actions, the preparers efforts to manufacture a procedural fiction that the Board created its own custom is incredible. There was no custom created. Ms. Lichter made it clear that she controlled the Board, period. That was the custom and the practice. And to say there is nothing in the policies on voting method, blithely overlooks the bylaw provision entitled "voting" in Policy 3.0. (See, Policies Manual, at p.13).

Moreover, under "meetings", one finds the holding of "an annual organizational meeting" as well as a separate "Annual Meeting" section. (Id., at pp. 10-11). And most importantly, under "Election Process", the "the Directors of Mason Classical Academy shall be elected annually by the Board of Directors at the annual meeting of the Board." In this case, the Directors were intended to mean officers, as the very next sentence provides, and which was ignored by the preparers and, Ms. Lichter and Ms. Miller: "If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as is convenient." (Policy 1.0 – Board Membership, at p.3 of the Policies Manual). The attempt to skirt the policy provision by creating a procedure fiction through Robert's Rules is disingenuous to say the least.

Finally, the preparers ignored the discussion held at the Board's Workshop on October 3, 2015, and referenced in the GC's Report at page 26. In the Meeting Minutes it is noted that the Board intended year-to-year terms without a term limit. That meant elections each year, which included as noted above, officer elections at the annual organizational meeting or "as soon thereafter as convenient." The hard truth is that, once again, neither Ms. Lichter nor Ms. Miller cared about following Board rules; especially when it could mean choosing a new chairperson or secretary. It was neither in their interest nor was it "convenient" for them to do so. It also discloses the weakness of the claim that they effectively carried out the work of Board committees which involved Board Policy oversight.

2. First and Second Readings

In the CR, the preparers have again ignored the content of the Board's bylaws and policies relative to the adoption of policies for itself and the school. The preparers argue that the "neither the Charter Application, the Contract, nor the Bylaws contain any requirement regarding the adoption of new MCA policies." It appears they have not read the documents. In Section 9: Governance, in the 2012 Application, under the category "Governing Board," one finds the following provision: "The Governing Board shall be responsible for adopting policy, overseeing management of the school and ensuring financial compliance and responsibility." (Application at 60). It also provides under subsection D of Section 9 the following: "The Governing Board meets at least once each month (except during the summer and/or school holidays as deem appropriate) to hear reports, to consider and adopt policies, to act on committee recommendations and to consider requests and concerns from parents, students, teachers, and the public." (Id., at 64).[8] And as part of the Board's powers, duties, and responsibilities it is further

noted that "the Governing Board will operate in compliance with its bylaw, policies adopted by it, and federal and state laws applicable to public charter schools…"

In the Charter, under Section 9 Governance, the following is provided: "the Governing Board's primary role will be to set policy, provide financial oversight…" (Charter, at 38). In the Foundation/Mission section of the Bylaws within the Policies Manual, it is also provided under the category "Decision-Making, the following: The Board of Directors is responsible for setting the budget, establishing organization wide policies and overseeing the general operation of Mason Classical Academy." (Policies Manual, at p. 1). The evidence shows that the preparers' claim that there was no board policy adoption requirement in the documents they reference is simply wrong as a matter of fact and rule.

In the CR, it is noted that in her interview, Ms. Lichter stated that "the Board would have a first reading and having discussions at that time regarding the proposed policy. At the next meeting the policy would generally be placed on the consent agenda. She stated that she believed placing the policy on the consent agenda constituted the Second Reading." (CR, at 29). The preparers try to give her statements some cover by stating that the statute does not require MCA to have a first and second reading; which is beside the point. The point is, Ms. Lichter did not follow the language of Board policy when she set the agenda, no doubt along with Mr. Hull in this area. So what does the policy actually provide?

> Policies shall be read two times before adoption. A vote to move a policy forward to the next reading is interpreted as a vote in favor of the policy, amendment, change, etc. A director may at any time change his/her mind, however, an explanation should be given to justify the decision in order that all directors can consider the information when making a decision. This affords all members of Mason Classical Academy an opportunity to participate in the decision making process and to understand the position of the directors related to the decision. Comments on policies may be written or may come from attendees during the BOD meeting following the guidelines set forth in the BOD meeting Procedure Policies. (Policy 20, Policies Manual, at p. 9).

In addition, the policy acknowledges that "two (2) readings are not required by statute, but the Board prefers two (2) readings so that the adoption schedule must be planned to provide for two readings" (Id., at 9). With respect to the Second Reading, the policy provides that each policy designated as a Second Reading, must be entered as a separate agenda item and designated as an action item. And at the Board Meeting for the adoption of the policy after a Second Reading, "the Principal or designee should be prepared to make a brief presentation at the Board Meeting." (Id., at item 7, on p. 10).

[8]This provision also shows, once again, the weakness of the claim that the Board not setting up standing committees was just a technical issue and the Board effectively carried out the duties of the committees. The Board was to act on the recommendations of committees, not eliminate the committees.

The policy clearly contemplates a presentation to the Board and the public concerning the Second Reading of a policy up for adoption. The second reading is not something to be placed on the Consent Agenda. Once again, Ms. Lichter decided how the Board policy was to be interpreted and followed in disregard of what the policy language actually provided. She did not believe she had to follow the rules she voted to pass. If this continual disregard of following rules, because Ms. Lichter wanted to follow them her way, is an example of her and Ms. Miller's way to "create a custom," then having Board Policies for all to follow are rendered meaningless. They give way to the whim of the moment by a strong-arming Chairman and her cadre of followers. They preach rules, truth and American democratic values, but they will always jettison their preaching should it stand in the way of doing and getting what they want.

The preparers may again want to cavalierly dismiss all this simply as a technical problem (CR, at 30). But it is much more than that. If continual violations of an institution's policies and procedures are seen only as technical ones, then rules and their normative value no longer matter and the institution's foundational value of living in accordance with the virtues collapses under the weight of cynical actions and decisions.

V. Board Governance and Oversight: Supplemental Findings

Subsequent to the issuance of the General Counsel's June 3, 2019, Report, the undersigned became aware of an Agreement between MCA and Hillsdale College dated, what appears to be December 13, 2017. It was signed on behalf of MCA by "Kelly Lichter, President", and had a six (6) year duration period.

A review of MCA's Meetings, Agendas and Minutes, show that there was no MCA Board Meeting in December 2017. Moreover, a review of these records show there was no agenda item, reference, discussion, delegation of authority, and so on concerning this Agreement in 2017 in 2018. Ms. Lichter thus wrongfully entered into the Agreement without Board authorization, knowledge, and approval and certainly without public notification and knowledge.

Item 9 of the bylaw captioned "Board Duties and Responsibilities", provides the following: "A Board member who learns of a problem should bring the problem to the attention of the Board. A Board Member should not attempt to deal with such a situation on an individual basis". (Policies Manual, at 5). In the bylaw captioned "Board Principles for Policy", it is provided: "The Board will operate in openness and keep communications frequent and clear."

In addition, in the bylaw under the category "Meetings," the section addressing Board action establish the importance of action occurring at a noticed public meeting. It provides in pertinent part in paragraph three thereto, the following: "...no resolution, rule, policy, regulation or formal action shall be considered binding except as taken or made at such a meeting." (Policies Manual, at p. 11).

Further, in the 2012 Application, incorporated into the Charter as a matter of contract, in Section 9 on Governance, there is an entire category on "Individual Members." It provides the following: "No board member shall have the authority to speak on behalf of, take any action, or

otherwise attempt to bind the Governing Board or MCA, unless expressly authorized to do so by the Governing Board by a majority vote."

Ms. Lichter knowingly acted on her own, outside the scope of her authority, and, once again, in complete disregard of MCA Board bylaws, norms, and the Application that she signed on August 1, 2012. In essence, Ms. Lichter tried to enter into an Agreement with Hillsdale on her own, and never informed Hillsdale that she had signed without Board (and public) knowledge, review, and approval. The bylaws thus show she entered knowingly into a non-binding agreement. Accordingly, it is concluded that the Agreement was void ab initio. It is of serious concern that Ms. Lichter hid, from the public and the Board, a non-binding Agreement for so long and then have the Board vote to sue Mr. Baird for tortious interference with a non-binding agreement because of her resentment and refusal to take responsibility for her actions. She thus engaged in deceptive activity toward Hillsdale College, the public, her fellow Board Members, her attorneys, and sadly toward herself.

VI. The Valerie Parker Matter and the Actions and Behaviors of Mr. Hull, Mr. Whitehead, Ms. Lichter, and Ms. Miller

A. The Parker Child Expulsion Matter: September – November 2015

The claims and representations contained in the CR concerning the Valerie Parker matter and the actions and behaviors of Mr. Hull, Mr. Whitehead, Ms.Lichter, and Ms. Miller connected to it, are filled with tactics of evasion, partial presentment and exclusion of evidence, misreading of email evidence and accompanying factual mistakes, arguments that are confusing, contradictory, and conflicting as well as ignoring applicable policies and procedures. The conclusions seek to minimize and downplay unprofessional, wrongful, and abusive behaviors and the multiple policy and procedures violations by MCA's leadership. Yet, at the end, the conclusions turn out to support the findings in the GC's Report with respect to these matters. Let's look at their claims and representations.

In the CR, it is noted that "the events surrounding these incidents are laid out in Fishbane's Report. This firm has chosen not to address the specific factual allegations in order to protect the privacy of the student involved." (CR, at 30). The preparers' have claimed that their interview of Mr. Hull and Mr. Whitehead and the records reviewed "do not support Mrs. Parker's perception of the events." They found that subsequent to the September 15, 2015, event involving Mrs. Parker's child the following occurred:

> Mr. Hull informed Mrs. Parker of the school policy concerning accidents and informed her that her child could not meet the Hygiene Policy and could no longer attend MCA. Mr. Whitehead was present for this discussion and confirms that Mr. Hull provided this information in a professional manner. Mr. Whitehead walked Mrs. Parker and her child out of school. (Id., at 30).

The preparers then move quickly to the email exchange between Mrs. Parker and Mr. Whitehead on September 23, 2015. They thus ignored key evidence of what occurred prior to September

15, 2015, under the guise of protecting the child's privacy. (They later ignore the publishing and circling of Mrs. Parker's children by Ms. Lichter in April 2019 which certainly impeded their privacy). And they ignored what happened between September 15 – 23, 2015. The ignoring of such key facts, information, and MCA policies permitted the preparers to conclude that both Mr. Hull and Mr. Whitehead acted in a professional manner. But the facts and policies show that they (and the teacher) behaved unprofessionally and disregarded several MCA polices because they wanted the child gone without undertaking an inquiry or review into his unique situation.

The documents show that on September 8 and September 9, 2015, Ms. Parker emailed Mrs. Huck, the child's teacher, that her son was quite ill and was receiving certain treatments and she hoped that he would be able to return to school on September 10. On September 11, 2015, when the child had an accident in which he soiled himself, Mrs. Huck emailed Mrs. Parker and scolded her for her child's inability to handle his toilet needs and then told her how "gross" it was and something she should not have to handle and that it was "very unsanitary to us all." (See, the September 11, 2015, email communications between E. Huck and V. Parker). The child was taken to a bathroom and told to remain there in his soiled clothes until his mother came to clean him up. One can hardly call such treatment of parent by a teacher professional or demonstrating concern for a kindergarten child who was obviously embarrassed and traumatized by what had happened. Not once did Ms. Huck, Mr. Hull, or Mrs. Whitehead inquire whether his illness may have been a contributing factor in what happened. They didn't care. It didn't fit the image of the perfect child. Ms. Parker reiterated that he had been ill in a September 14, 2015. In her email to Ms. Huck on which she copied Mr. Whitehead. (See, September 14, 2015, email to E. Huck and J. Whitehead sent at 2:10 p.m.).

Mrs. Parker's email was in response to Mrs. Huck's email to her at 10:15 a.m. in which Mrs. Huck had informed her that she and Mr. Whitehead wanted to meet with her that day or the next day. She did not say why. Mrs. Parker replied to Mrs. Huck that she and her husband "would be more than happy to meet with you," but he was out of town and she requested that they meet Monday, September 21, 2015. She later inquired as to why an expedited meeting was needed. Mrs. Huck coldly responded to her as follows (and copied Mr. Whitehead accordingly):

> Dear Mr. and Mrs. Parker:
> It is entirely up to both of you if you want to meet on Monday morning with Mr. Whitehead and myself. The reason for our scheduled meeting is to inform you of the enclosed policy and if there is another occurrence this week, _____ will be unenrolled at Mason Classical Academy.
> If you have any questions about this policy, you can contact Mr. Whitehead, our assistant principal.
>
> Let us know if you still want to meet on Monday. (Email from E. Huck to V. Parker, September 14, 2015 at 3:36 p.m.)

Mrs. Huck then identified Policy SE 1.0 for Ms. Parker to review. The message in the email was threatening. One more accident and her son "will be unenrolled", i.e. expelled from school. It is astonishing that a teacher could threaten a parent with expulsion and have the support of Mr.

Whitehead to do so. None of this is mentioned by the preparers of the CR. Clearly, context did not matter to them.

When the final incident occurred the next day, Mrs. Parker was called to come to school, to clean her child up. Mr. Hull, in his infinite professionalism, told her when she came to the school that he expected her to clean it up. When she did, and she and her child were in the hallway, he coldly handed her Policy SE 1.0 and told her that her child was done at MCA. (The preparers acknowledge that Mr. Hull told her that her child could no longer attend MCA). Mr. Whitehead then escorted them out of the building.

Nothing in the MCA policies gave Mr. Hull or Mr. Whitehead (even through the artful word of "unenrolled") the right to unilaterally expel Mrs. Parker's child. Significantly, Mr. Hull never informed the District that he had expelled the child which MCA policy requires him to do. Let's look at the relevant policies to get a sense of the scope of the violations involved; policies the preparers ignored reviewing and discussing. Policy Se 1.0, Hygiene provides the following:

> All students of Mason Classical Academy must be independent in toileting. On occasion students may have "accidents". When an "accident" occurs, it is the responsibility of the parent to assist the child and to provide clean clothing.
>
> If there are repeated "accidents", a meeting with the parents, assistant principal, and school nurse will be held to evaluation the situation. Appropriate action will be taken based on what is in the best interest of all students and the school.
>
> Exceptions to this policy may be granted for students with disabilities on a case by case basis under the direction of the Principal and ESE Manager. (Policies Manual at 27).

It provides that if repeated accidents occur "a meeting with the parents, assistant principal, and school nurse will be held to evaluate the situation." The teacher and Mr. Whitehead wanted an expedited meeting with Mrs. Parker without the school nurse participating in the evaluation process, despite having been informed that the child had been ill. Mrs. Parker requested that she and her husband meet with them on September 21 since he was out of town. She was then threatened with "unenrollment." There is nothing in this policy or any policy that uses the term "unenrolled." Moreover, the language in the policy that "appropriate action will be taken" meant the course of action would be decided after the meeting had occurred. Mr. Hull kicked the child out of school without ever offering or holding such a meeting. Even after the child's departure on September 15, 2016, he could have arranged for a meeting on September 21, 2015, as requested by Mrs. Parker. Or he could have directed Mr. Whitehead to do so. But that never happened. Indeed, with a school nurse present, the child's medical issues could have been reviewed and discussed along with discussing whether preparing a medical plan would be appropriate. That never happened.

Let's suppose for the sake of argument that by unenrolled what was really meant was suspension. Policy SE 8.0 – Suspension provides that the "principal or designee has the authority to suspend students as appropriate." Let's suppose too, that Mr. Hull's actions constituted suspending the child. The policy nevertheless provides that "all suspension will require a parent-principal conference" (emphasis added). That never happened. Mr. Hull did not follow the requirements of the policies he was mandated to follow. This was anything but professional. His contempt for Mrs. Parker and her child impelled him to act in an arbitrary, dictatorial, and capricious manner.

On September 23, 2015, Mrs. Parker wrote a lengthy email to Mr. Whitehead, which included mentioning a bathroom incident on September 16, 2016, for which the child was not suspended or disciplined as Mr. Whitehead informed her in response. She expressed her concern that there was something uneven, unfair, and inequitable about the process. She expressed her desire to see the school succeed despite the decision by Mr. Hull. In his response, Mr. Whitehead advised her that he would send her email along to the appropriate person. According to the CR, he informed the preparers that he did so. The undersigned will take him at his word. Assuming he sent the email to Mr. Hull and/or MCA Board Members, there was still available a meeting option to pursue with Mr. and Mrs. Parker. Mr. Hull never opened the door to them. In his resignation letter to the MCA Community, he told them that it was his practice to respond to parent concerns within 12 hours of an inquiry. With respect to the Parkers, this was not a truthful representation.

In the preparers' review of the September 23, 2015, email, they mentioned how Mrs. Parker heard from another student about how Mrs. Hummel limited usage of the bathroom in her class, "Mrs. Parker's email then returned to the issue pertaining other own child…" (CR, at 31). The preparers did not carefully read the email. Mrs. Parker was referring to the experiences of her older child, who was also enrolled at MCA, not some other child. Their representation is factually inaccurate.

As noted in the CR, Mrs. Parker emailed both Mr. Donalds and Mr. Mathias on September 25, 2015. It is noted in the CR, that Mr. Donalds' passed it along to Mr. Hull and other Board Member a week later, on October 2, 2015. (CR, at 32). No one at MCA ever responded to Mrs. Parker and nothing was ever done. In their interviews with the preparers, Ms. Lichter and Ms. Miller claimed that they reached the conclusion that because the second Parker child had been withdrawn, the matter was moot and they did not have to do anything. This is an astonishing admission that the multiple communications could be swept under the carpet and not be investigated. They owed it to the Parkers to investigate what happened and see if MCA policies had been followed. But they didn't. The last thing they were about to do was to call Mr. Hull and Mr. Whitehead on the carpet for their actions. Their failure to do anything was a breach of their duty of responsibility to their own stakeholders.

It is equally of concern, that in her post supporting Joe Whitehead's rants concerning removing an upset parent's lease on life (and he was pointing to Mrs. Parker. Who else would it be under the circumstances?), Ms. Miller asked why the complaining parent did not come forward to file a grievance. She was clearly pointing to Mrs. Parker who, she wrongfully had assumed (and never followed up on), had filed a complaint with DCF. But Mrs. Parker had sent

grievance email to Mr. Whitehead, Mr. Donalds, and Mr. Mathias. Ms. Miller received Mr. Donalds' email. Ms. Miller's posting is disingenuous. She was fully aware of Mrs. Parker's concerns either through Mr. Donalds' email or through Mr. Hull and Mr. Whitehead. The theatrics of disavowal in this case is nothing short of astonishing.

In this context, the preparers try to minimize the destructive impact of Mr. Whitehead's Facebook comments. They claim that Mr. Whitehead likes to engage in exaggeration and hyperbole and does so as part of his radio show. And the fact that he does these things on his own time outside of work makes it acceptable. They also suggest that his comments toward Mrs. Parker, and impliedly to other parents he deemed to be cowards and rumor mongerers, that he "would have no problem facing anyone like that and terminating their lease on life" did not "demonstrate an actual threat against Mrs. Parker or any specific person." (CR, at 35). They claim too, incredibly enough, that this is "an objective interpretation." This is a pandering to the worse sort of destructive impulse and actions to justify a predetermined exonerating outcome. True, Mrs. Parker is not named. But following the chain of Facebook responses one lands with Ms. Lichter writing "Thank you for your support! Perhaps you and others should personally let Ms. Parker know how you feel." This comes after Ms. Glidden Beall's post: "I stood up for the school on the NBC post. I am so irate over that I could spit nails." And everyone knows that the NBC-2 post involved Mrs. Parker's experiences. Mr. Whitehead thus incited a mob mentality and used social media as an attention-getting forum to go after Mrs. Parker; the very person who came to him and others for help and nothing was done. He was supported in this incitement by MCA Board Members. There does not have to be an actual threat. A veiled one can be every bit terrifying to the person receiving it.

The preparers' argument that Mr. Whitehead likes to indulge in exaggeration and hyperbole as an appropriate defense to his posts (including "urine media") is really over the top. Webster's dictionary defines exaggerate to mean "to distort through overstatement" or "to enlarge to an abnormal degree." It defines hyperbole as "an exaggeration or extravagant overstatement". The bottom line is that Mr. Whitehead enjoys distorting reality to gain the effect he wants and increase his audience level so that he can be the center of attention. A man who enjoys or participates in the distortion of reality is not interested in either truth or reality. He is interested in the power to manipulate both in order to have control over others in the process. Should this be the appropriate ethical behavior of an AP of classical school committed to classical virtues and the pillars? Hardly, but the preparers and MCA leadership have turned a blind eye to it and, by doing so, have encouraged it?[9]

Indeed, a year later, NBC News called MCA concerning another Facebook post by Joe Whitehead. Ms. Lichter, emailed Board Members about it on August 22, 2016. She informed them that "this post was not in his capacity as AP. Mr. Hull is giving the reporter a statement.

[9]In the CR, it is noted how Ms. Miller agreed not to participate in such a manner in the Cure Document and as part of the Mediation Agreement. Her word and promises cannot be taken seriously given her recent postings and participation in the Hostile Takeover under married name of Mrs. Mlinarich, and her comments at post mediation Board Meetings.

Thanks." (August 22, 2016, email from K. Lichter to J. Baird, L. Miller, and B. Donalds, sent at 11:15 a.m.). Ms. Lichter's immediate reaction is to claim Mr. Whitehead posted the message in his personal capacity (as if MCA's social media and civility policies did not matter). A week later, Mr. Bartlett, the editor of the Naples Daily News, emailed Mr. Hull, Ms. Lichter, and Mr. Donalds about Mr. Whitehead's post which was truly crude and offensive. His email addresses the problem completely. He wrote:

> Last year, Collier County School Board members raised concerns about whether employees on public supported property were conducting political activity in violation of law or policy. An investigation ensued. So I have a few questions related to the Aug. 4 (6:13p.m.) post by your assistant principal, Joe Whitehead, that referred to candidates for election as "human fecal matter" and public school bathrooms as "molester havens" and suggesting some are supporting "child rapists."
> Is your charter school investigating this in any way?
> Was there or will there be disciplinary action taken?
> Is this construed to be within your definitions in your "civility policy?"
> The policy mentioned that uncivil behavior could be reported to the superintendent. Was this done?
> Please respond in writing as this is a public record. Thank you for your time and attention.

(August 29, 2016, email from A. Bartlett, sent at 3:06 p.m.).

Ms. Lichter replied on her own to Mr. Bartlett that evening at 6:03 p.m. as follows:

> Allen,
> An investigation is being conducted. We will not discuss the details until it is completed. All further questions should be referred to our Counsel, Sean Arnold. Thank you!

Mr. Bartlett responded the next day (August 30, 2016) at 2:18 pm., in the afternoon, "understood thank you." Ms. Lichter forwarded the communications on to Mr. Hull, Mr. Baird, Ms. Miller and Mr. Donalds at 2:19 p.m., stating "FYI. Please do not respond." There is no evidence the post, or the results of the alleged investigation, were reviewed or discussed at a subsequent MCA board meeting or that Mr. Whitehead was found to have violated MCA policy. The matter appears to have been swept away as of no consequence. His comments are hardly befitting a professional educator who is responsible for student oversight, appropriate conduct, and discipline.

It is clear that Mr. Whitehead's (and Ms. Lichter's and Ms. Miller's) actions violated MCA policy. Within Policy SE 25, there is an entire section on social media as it pertains to Board Members, faculty, and staff. The policy notes that in using social media and participating in online social activities, "it is important to create an atmosphere of trust and individual

accountability." (Policies Manual at 56). The Policy establishes the importance of personal responsibility. It provides that:

> - Board members and organizational employees are personally responsible for the content they publish online. Be mindful that what you publish will be public for a long time—protect your privacy.
> - Your online behavior should reflect the same standards of honesty, respect, and consideration that you use face-to-face.

(Id.). The social media policy was not followed by Mr. Whitehead, Ms. Lichter, and Ms. Miller. Mr. Whitehead also did not follow MCA's Civility Policy (SE 48.0) which provides, in pertinent part, the following:

> All employees of Mason Classical Academy shall behave with civility, fairness and respect in dealing with fellow employees, students, parents, patrons, visitors, and anyone else having business with the school. Uncivil behaviors are prohibited. Uncivil behaviors shall be defined as any behavior that is physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing.

Thus, the argument that Mr. Whitehead and Board Members can do what they want after school hours cannot be sustained. They violated MCA policies and norms and are accountable for their decisions and actions. As a professional educator and administrator, Mr. Whitehead disregarded his obligations under FAC 6A-10.081 (formerly FAC 6B-1.006), the Principles of Professional Conduct for the Education Profession in Florida.

As a final note to this section, when the news reports of the Parker matter broke in November 2015, Mr. Hull wrote to the MCA community that the uproar was a function of halting school choice in America. This kind of distorted thinking reflected a serious evasion of responsibility by Mr. Hull. Nowhere does he mention or acknowledge that his actions may have contributed to the crisis. Rather, he finds others to blame; hardly a shining example of honesty, transparency, and integrity; and this from a man who wrote an article in November 2018, to the MCA community entitled "Context and Truth Matters".

None of this is discussed in the Coleman Report. The preparers acknowledge at the end, the importance of Mr. Whitehead and Board Members being mindful of their action on social media and this is acknowledged at the July 2, 2019, Board Meeting (which gave rise to the Cure document). Thus, they confirm, in their own way, the findings in the GC's Report.

B. The 2015 Parker Incident and Ms. Lichter's Actions in April 2019

The preparers' discussion of Ms. Lichter's emails to District School Board Members in April 2019 concerning Mrs. Parker, not only once again ignored important evidence, but also got the facts wrong, and reached conclusions in support of Ms. Lichter that are beyond untenable.

They begin with the factually wrong statement that "as of April 2019 MCA had become aware that Mr. Fishbane was conducting an investigation." (CR, at 36). Their own documents show otherwise. On March 1, 2019, Ms. Lichter emailed the undersigned the following: "...I would like to know how long this investigation will continue? It's been months yet we have never been involved in these investigations." (March 1, 2019, email from K. Lichter to J. Fishbane, sent at 12:02 p.m.). The Naples Daily News article about the Baird Complaint occurred in October 2018 and the investigative inquiry was noted by the Report. On September 4, 2018, a little less than three month after the filing of Mr. Baird's Complaint, Ms. Lichter emailed the undersigned the following:

> I just spoke to our attorney, Shawn Arnold, and he was told by JB that she had an hour long conversation with you pertaining to Mason Classical Academy. She claims that you spoke at length about her "second-hand" concerns. Is this true? Are you taking complaints from MCA parents both former and existing? Thank you!

(September 4, 2018, email from K. Lichter to J. Fishbane sent at 2:17 p.m.). Her email parallels a similar inquiry on the same date from Mr. Hull to Dr. Rogers inquiring about persons associated with MCA speaking with District personnel. The fact that Ms. Lichter and Mr. Hull contacted the undersigned and Dr. Rogers on the same day about the same matter indicated they were already discussing this with one another. Thus, the leadership at MCA knew early on that persons were coming forward in the aftermath of the Baird Complaint. The claim that MCA did not know until April 2019 is factually wrong.

In the CR, the preparers noted that "MCA became aware that the Parker incident was part of the investigation by reading an article in the Naples Daily News." There was no article in the Naples Daily News about the investigation until after the investigation report was issued in June 2019. The NDN did not know anything about the contents of the investigative report until after June 3, 2019. Their claim is once again factually wrong and no article date was referenced. The last article pertaining to the Parker matter when Ms. Lichter sent her venomous emails to District Board Members was in November 2015, almost three and a half years before. The preparers then dramatically claimed how Ms. Lichter felt frustrated that she could not meet with the undersigned and asserted the following:

> Mrs. Lichter felt that Mrs. Parker's statemens to the media were inaccurate. Mrs. Lichter, being a founder of MCA, felt that Mrs. Parker's statements were "criminal" based on the inaccuracies when compared to the prior emails between Mrs. Parker and the school. Mrs. Lichter perceives herself as a staunch defender of MCA and has grown weary of the numerous "attacks" on the school

> since 2015. Mrs. Lichter, when asked, admitted to sending these emails and confirmed that she did so in an effort to allow the truth of the situation to be communicated to the Board. (CR, at 36).

Ms. Parker's statements to the press were in November 2015. The preparers ignore Ms. Lichter's concocted report to the School Board in which she attached a copy of the November 2015 article. The preparers attempted to justify Ms. Lichter's behavior by claiming that she felt Ms. Parker's statements of three and a half years earlier were criminal, warranting an attack in April 2019, is risible. The preparers knowingly and disingenuously ignore the content of the email to reach the result they wanted. The email does not mention Ms. Parker's statements from November 2015. It is a photograph of Ms. Parker with Ms. Lucarelli during the latter's campaign to join the School Board. They also ignore Ms. Lichter circling not only Ms. Parker's face but also those of her two children. Why are they included in this and included the comment "criminal-no need for me to comment further." Ms. Lichter found a way to release her deep seated anger at Ms. Parker having associated with Ms. Lucarelli, whom she attacked while she was a School Member. It is utterly inappropriate for Ms. Lichter, as the Board Chair of a school whose application and policies support American democratic values to condemn another's First Amendment Right to political association.

Moreover, two days before she emailed the picture on April 5 to Board Members, noting, in pertinent part, the following:

> As you likely read in the paper, the MCA Board of Directors hired a law firm months ago to address a potential defamation lawsuit. We have an extensive paper trail and impeccable documentation. One of the people that would have been slapped with a defamation suit is Valerie Parker. Unfortunately due to statute of limitations, she will get away with it. I know she was on Ms. Lucarelli's campaign materials.

The preparers ignored this email in their narrative. They also ignored the April 5, 2019, email to the Board sent three and a half hours later in which she attacked Ms. Parker and noted how "she got involved in the Lucarelli campaign."

And they ignored her concocted report sent to the Board on April 4, 2019, as well as Ms. Lichter's vindictive April 10, 2019, email sent to Ms. Lucarelli personally (she did not include Board Members on this one). In it, she attacked Ms. Parker again for being part of Ms. Lucarelli's campaign. "Valerie was featured on your campaign materials." She concluded her email with "How do people trust people like you and Valerie Parker??? I am onto all of you and what you are trying to do. It's criminal and despicable." It demonstrates that Ms. Lichter's commitment to democratic values and MCA's Pillars will take a back seat to whomever she might hate at the moment.

Incredibly, the preparers state Ms. Lichter sent the emails "to allow the truth of the situation to be communicated to the Board." (CR, at 37). They knew fully well that was not true. Ms. Lichter was not interested in communicating the truth. Her emails were emails of obsession and intimidation. They do not show a person that cared at all about the truth. In sum,

in order to craft their narrative of exoneration, the preparers decided to take the appalling step of turning the abuser into the victim.

Finally, and quite tellingly, the preparers do not address the potentially defamatory nature of her activity as discussed in the GC's Report. Rather, they imply wrongdoing and Ms. Lichter's multiple policy violations by noting:

> As stated above, in the future, the Board and Staff of MCA should be mindful of their communication in any public or semi-public setting and make stronger efforts to refrain from saying things that can be misconstrued or interpreted in ways that would not reflect positively on MCA (Id., at 37).

This is anything but exonerating.

VII. The Zuluaga Matter

Ms. Zuluaga, a senior at MCA during the 2017-2018 school year, emailed Mr. Hull on February 27, 2018, on behalf of her senior class, apologizing for a senior skip day idea that was intended as a joke, but understood how teachers might find it disrespectful. She then went on, as the CR correctly notes, to express the frustration and pressures the senior class was experiencing. (CR, at 37). This included curricular pressure, and their feelings of anxiety, apathy, and fear. The letter is presented in detail in the GC's Report on pages 34-35 if the reader wants to review it. Mr. Hull's immediate response was to call a meeting and have Mr. Whitehead and Ms. Smith attend it with him. Mrs. Zuluaga, who filed a grievance on May 31, 2018, claimed that Mr. Hull yelled at the class and read the letter out loud, mocking sections of it, and demeaning students including her daughter.

Mr. Hull stated to the undersigned and to the preparers, in their respective interviews, that he did not yell. But the intensity and demeaning nature of his review and comments is agreed to by all. "Mr. Whitehead and Ms. Smith stated that Mr. Hull read the letter out loud to the class and would stop on occasion to discuss different sections. It was clear that Mr. Hull was upset and was speaking sternly." (CR, at 37). In his meeting with the undersigned, as noted in the GC's Report at 36, Mr. Hull acknowledged that he went through the letter line-by-line (why would a principal do that other than to intimidate students?). He informed the undersigned that he did not remember whether he publicly questioned Ms. Zuluaga's character and her National Honor Society status.

In the CR, it is noted that according to Mrs. Smith "the Zuluaga child was outed based on the child's specific response." How would a student be "outed" through specific responses if the principal had not specifically questioned her in front of her peers and called her to task? The assertion by Ms. Smith that Mr. Hull did not single out any student is contradicted by her own statement that Ms. Zuluaga was, in fact, outed. In addition, in the CR, it is admitted that in the email where it is noted that students did not have any time with all the pressures they were under that Mr. Hull publicly remarked that Ms. Zuluaga certainly "had sufficient time to talk on the phone late at night with the Hull child." (CR, at 38). Incredibly, the preparers then noted: "But

this was not stated maliciously to target the Zuluaga child, rather was stated to contradict the claims in the email." (Id., at 38). First we are told that Mr. Hull never singled Ms. Zuluaga out. That was false. Now we find a second time in which he had done so. If he did not intend to cause her embarrassment, he could have found other ways to contradict the claim by simply saying, for example, "I don't agree this this". Instead, by calling her out, he singled her out. Thus, she was indeed a target for his mockery. And to state this was not done maliciously by writers who were not there, discounts and devalues what the student went through. How could a teenage young woman not feel demeaned and targeted when the principal of a school, in front of the entire senior class, brings up her past nighttime phone calls with her friend who happens to be the principal's son? The rendition of the events presented by the preparers actually supports the concerns by Mrs. Zuluaga in her grievance and the findings in the GC's Report.

While Mrs. Zuluaga responded at length to Ms. Lichter's requests for written answers to multiple questions, (see, the May 31, 2018 email from L. Zuluaga to K. Lichter, sent at 10:54 p.m.), it should come as no surprise that she would support Mr. Hull over her and her daughter. And despite the above admission, it should come as no surprise, given what we have seen in the CR, that the preparer's would conclude in support of Ms. Lichter and Mr. Hull "that Mrs. Zuluaga's complaint was unfounded". (CR, at 40).

Further, the preparers have claimed that the communications between Mr. Hull and the Zuluagas, with the active support given by Mr. Whitehead to Mr. Hull were not relevant to the General Counsel's investigation. (CR, at 41). This would be like saying a District High School Principal and his Assistant Principal, who were friends and worked together after hours to intimidate stakeholder parents of students in their school, would not be relevant to the interests of the District. Such a claim does not even come close to passing muster.

Despite the nice sounding words about how the Hulls cared about their son, how they decided as parents who they wanted him to date and communicate with, the rules of the family and so on, Mr. Hull made no effort to call the Zuluagas and meet with them to try to clear the air. But once Ms. Lichter had dismissed the grievance, and school was out, Mr. Hull felt he was now free to do what he wanted to do. So instead of calling, he decided he would immediately engage in intimidation tactics via email to both the parents and their daughter. He wrote the Zuluagas as follows (and the full text is hereby being provided):

> Zuluaga Family:
>
> Please consider this your final notice about contact with my son. As his parents and legal guardians, we are forbidding any contact whatsoever between any member of your family and any member of my family, including D. Such contact includes phone calls, text messages, emails, face-to-face communication, meetings at his place of employment, friends' houses, your house, or any other place, internet communications, through Snapchat, Instagram, Messenger, and the like, or any other form of communication.
>
> D is 17 and his well-being is still legally our responsibility. If you or