

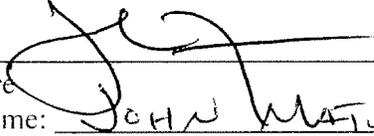
4. Attach two copies of all documents or items you believe provide credible evidence to support your allegations. NRS 281A.440.2(b)(1) requires you to submit all related evidence to support your allegations. NAC 281A.435.3 defines credible evidence as a minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made within the complaint. Credible evidence does not include a newspaper article or other media report if the article or report is offered by itself.

State the total number of additional pages attached (including evidence) _____.

REQUESTOR'S INFORMATION:

NAME: JOHN MATSIS	E-MAIL: john.matsis@banw.org
ADDRESS: 3040 ST. TROPEZ ST	
CITY, STATE, ZIP: LAS VEGAS, NV 89128	
TELEPHONE: 702-728-8607	CELL PHONE: 702 498-6481

By my signature below, I do affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

Signature: 
 Print Name: JOHN MATSIS

Date: 11/24/10

Please return an original signed form, two copies of the form, and three copies of the supporting documents and evidence to:

Executive Director
 Nevada Commission on Ethics
 704 W. Nye Lane, Suite 204
 Carson City, Nevada 89703

Ethics complaints submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255.3

John W. Matsis
3040 St Tropez Street
Las Vegas, NV 89128
(702) 498-6981
John.matsis@banv.org

NEVADA COMMISSION ON ETHICS
Ethics Complaint
NRS 281A.440.2

Re: Sharon McNair, Treasurer, Beacon Academy of Nevada
Submitted by: John Matsis

Statute NRS 281A.100-Member of a Household: Employment and interference with the supervision and job performance of her daughter, who is employed by the school.

In August 2009, Beacon Academy of Nevada Governing Body (Board) Treasurer Sharon McNair approached Beacon Academy Principal Michael Opp regarding hiring her daughter as a part-time math teacher. Although the daughter had no experience teaching virtually (the Beacon Academy model), because she was an experienced math teacher, he hired her although he did have misgivings about hiring a family member of a board member. While the board is his employer, he did not feel comfortable denying this request.

Beacon Academy is funded on student count, and virtual schools must have meticulous record keeping regarding attendance and communications with students so the state auditors are comfortable that the students on our roster are engaged and attending school. On September 22, 2010, Mr. Opp reassigned students away from teachers who were not adequately maintaining the documentation and communications necessary for a favorable student count audit, one of whom was Mrs. McNair's daughter. Attached is an email chain from September 22 to September 24 between Mr. Opp and Mrs. Styles (Mrs. McNair's daughter) where Mr. Opp explains why a number of her students were reassigned to other teachers, which, in effect, diminished Mrs. Styles pay rate.

On the afternoon of September 24, 2010, Executive Director Gary Waters received a telephone call from an irate Mrs. McNair, in which she demanded to know why her daughter had her teaching role diminished and complaining about Principal Opp. Mr. Waters was already aware of the teacher reassignments and backed up the actions of his Principal.

On or about October 1, 2010, I was in the offices of McNair and Associates, Mrs. McNair's CPA firm, on school business (the relationship of McNair and Associates and Beacon Academy of Nevada is addressed in a separate complaint.) As I completed my meeting with the McNair and Associates bookkeeper assigned to the school, Mrs. Mc asked me into her office on my way out. She asked my opinion of Principal Opp, which took me by surprise. Asking her to be more specific in what she wanted to know about him, she commenced to denigrate his character, appearance, manners and performance, stating that she doesn't think he fits in, and admitted that this had to do with his actions towards her daughter. I only remember stating to her that like all employees, he has strengths and weaknesses. This encounter put me on the spot and made me feel quite uncomfortable.

On November 4, 2010, Mr. Waters was summoned to Mrs. McNair's office, ostensibly to discuss his contract, and at that time, Mrs. McNair once again complained about Mr. Opp to him, again expressing her desire to see him gone. Mr. Waters and I are both of the opinion that her animosity toward Mr. Opp is entirely due to the fact that her daughter works for the school and was singled out for her performance. A complaint regarding a Board Member having a family member working for the organization has been filed with the Nevada Department of Education under NAC 386.345.

Additional Person with knowledge of the facts and circumstances:

Michael Opp, Principal
8970 W. Tropicana Avenue, Suite 6
Las Vegas, NV 89147
Michael.opp@banv.org
(702) 439-2919

John Matsis

From: Michael Opp
Sent: Wednesday, November 17, 2010 11:40 AM
To: John Matsis
Subject: Fwd: Alg I Section Transferred

John,
This is the thread of my emails with Kimberly McNair during count week. I had called her school phone number earlier in the week to talk with her about it - left a message - but received no call back.

We only had two days to go and I felt it was important to make a quick decision in order to have more of her students count - especially given her track record from the count period last year. My estimate of the funding loss to the school of keeping her on as the instructor in the just the Alg I course was in the \$60,000 range. I made six other section transfers for other teachers that week for much the same reasons.

Michael

Forwarded conversation

Subject: Alg I Section Transferred

From: **Michael Opp** <michael.opp@banv.org>
Date: Wed, Sep 22, 2010 at 4:26 PM
To: Kimberly McNair-Styles <kimberly.styles@banv.org>
Cc: Susan Waters <susan.waters@banv.org>

Hello Kimberley,

We have noticed that you are having difficulties keeping up with your students attendance. The last two Weekly Attendance Quizzes were VERY challenging - and defeated the purpose of allowing us to make quick attendance updates. Week 3's questions were quite difficult and would take me 10 minutes to work out. Week 4's quiz is 13 questions - and none are easy and would take a minimum of a half hour to complete.

At this juncture - we need to have the attendance process moving quickly for all students. To make that possible I have transferred the Algebra I course in BrainHoney to Patty Ciarlo. You both are listed as instructors for the remainder of the week. Next week I will inactivate your account in the course.

This is not a decision made lightly since we are reluctant to make instructor changes - but it is one that we had to do to get all students to count. I hope you will work with Patty if she has questions.

Michael

--

Principal

Beacon Academy of Nevada

8970 W. Tropicana Ave, Suite 6
Las Vegas, NV 89147
Office: (702) 726-8602
Cell: (702) 439-2919
Fax: 702-538-9500

From: **Kimberly McNair-Styles** <kimberly.styles@banv.org>
Date: Thu, Sep 23, 2010 at 5:12 PM
To: Michael Opp <michael.opp@banv.org>

I don't know what quiz you are talking about, but my week 4 quiz only had 3 questions. They were not very difficult as I saw.

Kim

Kimberly McNair-Styles
Math Business Teacher
Beacon Academy of Nevada
8970 W. Tropicana Ave, Ste 6
Las Vegas, NV 89147
1-888-844-8020
website: <https://sites.google.com/a/banv.org/ms-mcnair-styles-webpage/>

From: **Kimberly McNair-Styles** <kimberly.styles@banv.org>
Date: Thu, Sep 23, 2010 at 5:43 PM
To: Michael Opp <michael.opp@banv.org>

I am not happy with that decision. Maybe if you feel that way that I shouldn't teach at all. You make the decision. I feel that I have done a good job for your school and don't like this feeling.

Kim

Beacon Academy of Nevada
8970 W. Tropicana Ave, Ste 6
Las Vegas, NV 89147

From: **Michael Opp** <michael.opp@banv.org>
Date: Thu, Sep 23, 2010 at 7:01 PM
To: Kimberly McNair-Styles <kimberly.styles@banv.org>

Kimberley,

This week is THE week that teachers need to do attendance EVERY day. Your attendance rate in Power Attendance was significantly behind and your attendance quizzes in Brainhoney - more difficult than mosts students could do. The attendance quiz is supposed to be simple and quick for students to do. We deleted the 13 question Week 4 attendance quiz and started over.

For you not to notice that the quiz for week 4 was 13 difficult questions and no students were responding - by Wednesday afternoon - indicates to me that you had too many students/sections. We only had two days left to the count period and the majority of your students were not going to count.

We have not singled you out - and have moved sections, hired additional teachers and made adjustments to several teachers schedules all throughout the last two weeks.

Your interactions with students have always been professional - but tend to be brief at a time when auditors are looking for "substantive" responses from teachers. Your calls to students (6 since the beginning of school - the average teacher has made over 200 calls) and limited log notes related to non recorded calls were also indicators that you had too many students. It was not a decision we arrived at lightly - but the potential costs to the school warranted immediate action.

I hope you will continue with the courses that are still assigned to you and that you will understand this is a decision made in the best interest of the school and students.

Michael

From: **Kimberly McNair-Styles** <kimberly.styles@banv.org>

Date: Thu, Sep 23, 2010 at 11:35 PM

To: Michael Opp <michael.opp@banv.org>

Cc: Gary Waters <gary.waters@banv.org>, Susan Waters <susan.waters@banv.org>

I don't know if you talked to John K or not, but I was entering my attendance and then it was disappearing. That is one reason that you didn't see entries everyday. I have been doing it as I have entries. I also have been grading assignments daily as they come in. I am sorry that you feel I can't handle the classes, but I do my best and I am sure that I am not the only teacher having attendance problems. I looked at the quiz and didn't realize that there were that many questions, I did have some students completing the quiz. I feel that a quiz should be challenging enough so that students have to use their knowledge, I got questions from the pool so felt they were ok.

I felt like that you were not happy with me as I feel I do a good job for Beacon and that I am a full time teacher for CCSD also. Most of your teachers aren't full time and didn't take on this many students. I wish that you would have contacted me about this change before just taking it away from me like you did. I was very shocked and hurt that you would just take it away and give it to someone else. I understand that the attendance is important, but to do it this way is wrong as I and others see it. I will continue to do the other classes as I have an obligation to the school and students and felt that it would be wrong for me to drop it now. I would like to have some of the Algebra students back if possible as I feel I can handle it. I did have problems with the program and did try to correct it.

Again I am very upset with the decision that was made and wish that I would have been contacted about the change before it took place so that I was aware that you were taking it from me. I don't think that it's fair not to warn me and give me the chance.

Kimberly

From: **Michael Opp** <michael.opp@banv.org>

Date: Fri, Sep 24, 2010 at 5:04 PM

To: Kimberly McNair-Styles <kimberly.styles@banv.org>

Kimberley,

I checked your phone records, read emails, reviewed Power Attendance data, Elluminate sessions, time online in Blackboard and BrainHoney. Every bit of data indicated you were not able to keep up and be proactive given the numbers of students and sections assigned to you. Your numbers in comparison to the rest of the teachers were VERY low.

For example - we have been stressing with all teachers - phone calls using Shortell. You made 6 calls of which most ended in voice mail. The MINIMUM requirement was that a teacher was supposed to have talked with every student by phone once a month. That meant that you should have had about 100 successful recorded calls by the end of this week - as a minimum. When students call you this can occasionally be at a time when you don't have Shortell properly set up - but your calls should ALL be through Shortell. The recordings are our documentation for the auditors - and they do listen to them.

Your first Elluminate in Accounting was not held until two week after school started. The same in Personal Finance, Financial Literacy, and Algebra I. **TWO WEEKS passed before you held even one Elluminate session in any of your classes!** I had asked teachers to do EXTRA sessions of Elluminate the first two weeks of school to help get new students up to speed.

Announcements in all your courses are sparse (one on VERY short one on Sept 2nd and the not another till the automated assignment one created by Bb on Sept. 19th) and your website on Google - empty except for your name and no calendar for your students. I ask teachers to be very candid with me on their availability and demands on their life that might impact their ability to do the kind of job we need done. We can then negotiate in good faith a reasonable assignment. I don't feel you have been candid with me - yet all the things I mention above - are not news to you.

I made the same decision this week with 4 other teachers. My perspective is that I simply reduced yours and the others teachers assignment to manageable numbers.

Michael

From: **Kimberly McNair-Styles** <kimberly.styles@banv.org>
Date: Fri, Sep 24, 2010 at 11:04 PM
To: Michael Opp <michael.opp@banv.org>

I am not going to continue being picked at and have you keep on at me. I will continue to do the other classes that I have been assigned unless you decide that I shouldn't since you have found many items that you feel I am not doing. I have worked on my webpage, but am having trouble inserting the calendar. I will find a way to get it on the site. I am trying to do all the required things, but there were alot that you required all at once. I have posted announcements as you requested, worked on my website as you requested. I looked at other sites and found that some were not complete either. I am trying to complete the requested work for you, but if you feel that I can't handle the work then just tell me and I will resign. It is your decision if you feel so negative towards me and feel that I am not able to handle the classes. Thanks for your honesty on your feelings and thoughts.

Kimberly

--
Principal

Beacon Academy of Nevada

8970 W. Tropicana Ave. Suite 6

Las Vegas, NV 89147

Office: (702) 726-8602

Cell: (702) 439-2919

Fax: 702-538-9500