

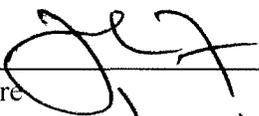
4. Attach two copies of all documents or items you believe provide credible evidence to support your allegations. NRS 281A.440.2(b)(1) requires you to submit all related evidence to support your allegations. NAC 281A.435.3 defines credible evidence as a minimal level of any reliable and competent form 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) 6.

REQUESTOR'S INFORMATION:

NAME: <u>JOHN MATSUI</u>	E-MAIL: <u>john.matsui@panw.org</u>
ADDRESS: <u>3040 ST TROPEZ ST</u>	
CITY, STATE, ZIP: <u>LAS VEGAS, NV 89128</u>	
TELEPHONE: <u>702 726-8607</u>	CELL PHONE: <u>702 498-6981</u>

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 MATSUI

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.170- Willful violation of the law;

Statute NRS 281A.400(5) If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further the pecuniary interests of the public officer or employee or any other person or business entity.

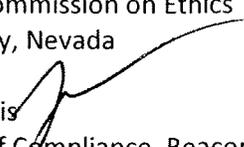
Sharon McNair willfully violated the law while serving as Treasurer on the Governing Body of Beacon Academy of Nevada (Board). On November 8, 2010, during a secret meeting held by the Executive Committee of Beacon Academy of Nevada (Mrs. McNair, Hadassa Lefkowitz and Stacey Ginoza) without the knowledge of the other three active members of the Board or the Administration of the school, Mrs. McNair's remarks were heard by Executive Director Gary Waters as he had called Mrs. Ginoza and at the end of her conversation she failed to disconnect her telephone. During this clandestine meeting, Mrs. McNair made disparaging remarks and allegations about my competence as Director of Compliance at Beacon Academy. These same comments about me had been previously made to Mr. Waters by Mrs. McNair on meetings that she held with him on November 4, 2010, November 15, 2010, and during an illegal closed meeting on the evening of November 15, 2010 that was called by Mrs. Lefkowitz immediately after the secret meeting held by the Executive Committee on November 8.

A separate ethics complaint regards Mrs. McNair's status as the Board's Treasurer while maintaining her CPA firm's capacity as a vendor to the school. In her capacity as a vendor, I have been obliged to work closely with an employee of Mrs. McNair's. I contend that Mrs. McNair, as a member of the Board, maligned my character and performance to other members of the Board and my immediate supervisor based upon her perceptions as a vendor, not a

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DATE: November 27, 2010

TO: Nevada Commission on Ethics
Carson City, Nevada

FROM: John Matsis 
Director of Compliance, Beacon Academy of Nevada
Public Charter School Sponsored by the Nevada State Board of Education

SUBJ: **Violations of Nevada Ethics in Government Law**
Public Officers of Beacon Academy of Nevada

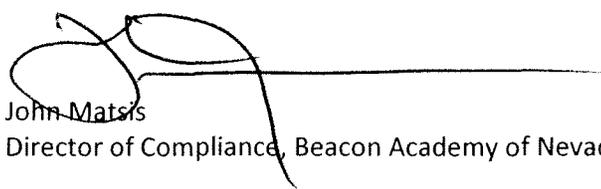
- Hadassa Lefkowitz, President
- Stacy Ginoza, Vice President
- Sharon McNair, Treasurer

Enclosed are ethics complaints alleged to have occurred by actions of the above mentioned persons, all members and officers of a public body – Beacon Academy of Nevada.

Enclosed in this packet is a Complaint Summary, detailed alleged violations of law submitted on appropriate forms, and supporting documentation.

Thank you for consideration of this matter.

Sincerely,


John Matsis
Director of Compliance, Beacon Academy of Nevada

Board member, and this attack on me was all for the purpose of her manipulating the Board to hire her employee as a Bookkeeper so that she could remain on the Board as she would reduce or eliminate her monthly invoices to the school while still improperly maintaining financial control of the school toward her personal gain.

Additional person with knowledge of these facts and circumstances:

William Carrico
5448 Desert Spring Street
Las Vegas, NV 89149
(702) 682-6702
billynvus@yahoo.com

William C. Carrico
5448 Desert Spring Road
Las Vegas, Nevada 89129

(702) 655-8641

VIA TELECOPIER

TOM MCCORMACK
Charter School Consultant
Nevada Department of Education
1749 Stewart Street, Suite 40
Carson City, Nevada 89706-2953

Re: Beacon Academy Las Vegas, Nevada

Dear Sir:

I am writing in my capacity as a member of the Beacon Academy Governing Body. I wish to register my concerns about recent actions taken by some members of the Governing body that appear to run contrary to statute, bylaws and good ethical practice. As a member of the Governing Body, and a practicing attorney, I believe it is incumbent upon me to bring these concerns to the proper authorities, because in summary, it is my opinion that some of these actions, and proposed actions if completed, could jeopardize the school's Charter, or at the very least, damage the excellent reputation for service to its students that Beacon has begun to establish for itself. I apologize for the long narrative that follows, but I believe that this is the only way to fully inform the reader of the sequence and context of events, that out of context might appear petty or little significance.

I serve on the Governing Body of Beacon Academy along with the President Hadassa Lefkowitz, Vice President Stacey Ginoza, Treasurer Sharon McNair and members Ernie Freggiaro and Anthony Willey. (Member Helene Upson has submitted a letter of resignation, but also had taken no part in the events to which I refer). In my opinion two things need to be addressed immediately. Ms. Lefkowitz has convened at least two meetings of the Governing Body without having properly noticed the meetings, nor properly posting the agendas. Far more troubling however, is the fact that Ms.

Sharon McNair, through her accounting firm of McNair and Associates, has sought to establish herself as a vendor of accounting services to Beacon. Her firm has recently presented statements for services in amounts of \$8,000 and \$10,000 for each of the past two months. This not only projects the "appearance of impropriety," but is in fact an unambiguous violation of an ethical duty.

To begin, on Monday, November 8, 2010, I received an e-mail message from Governing Body President Hadassa Lefkowitz. She stated that she would like to have "a closed Board meeting" on the following Monday at 5:00 p.m. The message appeared to have been addressed only to the members of the Governing Body. There was no mention of an agenda.

As I did not see the message until the next morning, I responded then that I would be in court and unable to attend a meeting at 5:30, and I asked what was on the agenda. Ms. Lefkowitz responded simply by asking that I please come after court, and that the meeting would be held in "Sharon's office." Member Ernie Freggiaro copied me on his response at about the same time. He mentioned that the "meeting," (by which I believe he referred to the Body's regularly occurring monthly meeting), had already been rescheduled from November 16 to November 18, and that he had arranged his schedule around that meeting time. He said that he could not attend the special meeting.

Copied on the response to Mr. Freggiaro's message of regret, I was thus informed, that the regular meeting (now set for 11/18/2010), was to still take place, but that the meeting planned for Monday was to be "closed (Bd members only)," and that it was "**important.**" (*Emphasis in the original*). These communications all took place during the day of November 9, 2010.

Meanwhile, I began to receive calls from other interested parties. John Matsis, Beacon Academy's Compliance Office called me as did Gary Waters, our Executive Director. Neither man could answer my lingering question of what might be on the agenda at the proposed Monday meeting. I had always found both men to be highly informed and eager to assist, yet they appeared to be at a complete loss on this subject. They were uncharacteristically distracted by the emergence of this clandestine meeting and disturbed to the point of

speculating about what negative impacts might be falling upon the school or themselves arising from such a meeting.

On the 10th of November, I received another e-mail from Ms. Lefkowitz to the members of the Governing Body. In this message, she informed me that the meeting would now be held on the following Monday at 6:00 and be run by attorney John McMillan. In response, I asked the following very short questions: Where was "Sharon's Office," again what was on the agenda, why the meeting was not being held at Beacon's offices (our usual meeting site), and why was it being closed. The response I received from Ms. Lefkowitz was in part that she had not seen John (McMillan's) agenda, and that it was being held at Sharon's office because that was the best place for this meeting.

It was shortly after this, that I called Mr. McMillan. He told me that the meeting was not really a Board meeting, but that it would be limited to him providing information to the members so that they could address topics that might come up at the regularly scheduled meeting. In discussing my interpretation of Nevada's Open Meeting Law, I accepted Mr. McMillan's statement that some of the information that he would provide was sensitive in nature as it involved staff. Shortly thereafter, I received another e-mail from Ms. Lefkowitz parroting Mr. McMillan's statement that this would be an "informational meeting," and that there would be no discussing, debating or taking of any action.

Thus it was that I determined to attend the meeting in order to be informed, and inform other members of the Governing Body who may have elected, or perhaps been unable to, attend. Also in attendance were Mr. McMillan, Ms. Lefkowitz, Stacey Ginoza, and Sharon McNair.

I was provided a group of documents that were referred to throughout the session. Mr. McMillan led the session, and began by stressing that he did not think there were any real problems at the school, but that there appeared to be a need for greater transparency and clarification of staff roles, so that there would not be a duplication of services. From everything that was said, and everything that I reviewed then, and after the session, I agree that there did not seem to be anything presented that would go further than what Mr. McMillan indicated.

Ms. McNair however interjected that she thought there was some \$3,000 unaccounted for. Even though she presumably had just participated in the audit of the school, and in spite of Mr. McMillan and me pointing out where the money was allotted, she was reluctant to accept the facts. Then she announced that due to Mr. Matsis inability to handle the bookkeeping function, it was her suggestion that the school hire one of her current employees to work at the school. Gary Waters, she said, was in complete accordance with that arrangement.

I am most disturbed by this proposed action by Ms. McNair. I am now aware that as a member of the Governing Body, she has directly profited from her firm doing accounting and audits for the school. In what I heretofore had presumed was her volunteer role as treasurer, I feel that she has had inside knowledge of the financial condition of the school, and how the funds were allocated. At this point, especially in light of her firm's dramatic increases in billing, this raises a very dramatic specter of impropriety and could lead to a loss of the charter for Beacon Academy. Even so, at the time the statement was made, I knew that Mr. Water's had not agreed to the arrangement, because he had rushed to inform me, a few hours prior, that a similar proposition had been laid before him by Ms. McNair. He told me that he felt it was at the very least unethical, and I agreed going further by stating it might also be illegal.

And so it goes. I have taken up too much of your valuable time with what I warned would be a long narrative. I thank you for your time, and I ask for guidance, if possible regarding these events and those that are certain to unfold. I am available for further consultation or the providing of information should you desire it. Thank you.

Sincerely,

William Carrico