

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, George R. Kiszynski, am employed as a senior investigator for the Miami-Dade School District, Inspector General's Office. I have been so employed since February 27, 2004. Prior to my employment with the Inspector General's Office, I was employed as a special agent with the Federal Bureau of Investigation for thirty-three years. I have investigated thousands of cases during the course of my career.

I now make application for an arrest warrant for Sharon M. Donald (hereafter referred to as "the subject") for the felony crime of Grand Theft in the Second Degree.

Based upon my investigation, in conjunction with the Office of the State Attorney of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, the following facts have been established which provide probable cause to believe that the subject committed the aforesaid crime:

The North Dade Community Charter School (hereafter referred to as NDCCS) is a corporation which was created pursuant to Florida Statute in 2002. The subject was listed as the founder and executive director of the NDCCS on the application. At all relevant times the subject continued to serve as the executive director of the NDCCS and controlled the Board of the school. The NDCCS opened for business for the 2002-2003 school year. The NDCCS was located at 13850 N.W. 26 Avenue, Opa-Locka, Miami-Dade County, Florida. The school consisted of grades kindergarten through fifth.

The NDCCS did not make a profit during its first year of operation and when the 2003-2004 school year began in August/September of 2003, the school was having financial difficulties. The NDCCS continued to be located at the aforesaid address during the 2003-2004 school year.

At all relevant times the subject was the only person who was authorized to sign checks on behalf of the NDCCS and the only person on the bank account(s). The subject was also the person who had control of and made all financial decisions pertaining to the school. The subject was in complete control of the operation of the NDCCS, including the hiring and firing of staff.

Valerie Kinnon (hereafter referred to as Kinnon) was the principal of the NDCCS at the start of the 2003-2004 school year and reported directly to the subject.

Charter Schools, pursuant to Florida Law, are funded by the State of Florida, via the State Department of Education. The State Department of Education funnels the money to the school via the local school district (in this case the Miami-Dade School District). The amount of funding for each charter school is determined, in part, by the student enrollment in the school. This is called Full Time Equivalent (hereafter referred to as FTE).

In substance, FTE works as follows: In early October and February of each year a student census is taken in each school (both public and charter schools). The school census is then sent to the local school district via computer (here, the Miami-Dade School District) where the figures are compiled. The school district then forwards the figures to the Department of Education in Tallahassee. The Department of Education, through a complex formula, determines the amount that each school in the district is to receive for each child attending the school at the time the census was taken (thus, the more students enrolled in a school at the time of the census, the more money the school receives). The Department of Education then allots a total amount of money for a six-month period for each student in the district. The money is then sent from the Department of Education to the local school district and the local school district distributes the money to each school on a monthly basis. The subject, at all relevant times, was fully aware of how FTE funding worked.

The location of 13850 N.W. 26 Avenue, Opa-Locka, Miami-Dade County, Florida consists of the main structure with various satellite buildings on the same compound. The NDCCS is only one of the corporations located on the compound. In addition to the NDCCS, the Tiny Tots Program, Inc. (a day care center for infants to five year-old children, hereafter referred to as TT) is located on the compound.

At all relevant times the subject was in complete charge of, and ran all aspects of, TT. All personnel at the school reported to her. The subject was the only person authorized to issue checks and was the only person on the bank account(s) of the corporation. The subject did the hiring and firing for TT.

Kinnon, the principal at NDCCS, had absolutely no affiliation, responsibilities, or authority in connection with TT.

By law, in order to be enrolled in a kindergarten class at a public or charter school, a student must be five years old by September 1 of that year. If a child was not five years old as of September 1, that child was not eligible or authorized to be enrolled in kindergarten.

There were three kindergarten classes at the NDCCS at the start of the 2003-2004 school year. These classes were taught by Gwendolyn McNair (hereafter referred to as McNair), Marjorie Rosado (hereafter referred to as Rosado) and Sylvia Boks (hereafter referred to as Boks).

One morning in late September or early October, 2003 (on a day before the FTE school census was taken in October), the subject appeared at McNair's classroom and informed her that the students in her kindergarten class were being removed and transferred to either Rosado's or Boks's classes and she (McNair) was going to be given a new class. Later that morning, the subject arrived at McNair's room with the new students. McNair recognized some of these students as coming from TT. The subject told McNair that these were the students who were going to be in the new kindergarten class. Later that day, when Kinnon, the principal, arrived at the school after attending a meeting off school grounds, she first learned of the change in classes.

It should be noted at this time that Ernest Sykes, an employee of the subject who worked (and still does work) at TT for the subject, has testified that it was Kinnon who came to his classroom that morning and removed the students from his class, not the subject. Kinnon denies this and McNair confirms that it was the subject who brought the students to her, not Kinnon. Sykes has also testified that the subject was in control of everything at TT and that the subject would have had to authorize Kinnon's removal of the students from TT to NDCCS. At the time, he assumed that the subject and Kinnon had spoken and the subject had authorized Kinnon to make the change.

It became readily apparent to McNair that the students in her new class were not emotionally, physically or chronologically prepared for kindergarten. When the subject was asked about this, she insisted that the students were of kindergarten age and were to be taught/treated and referred to as kindergarten students.

The subject gave dates of birth for the students to Kinnon showing that they were each five years of age and eligible to be enrolled in kindergarten. This information was entered into

the computer system of the NDCCS, per the subject's instructions to register the students at NDCCS as kindergarten students.

In early October the FTE census was taken and the aforementioned students in McNair's class were included in the student count of the school. The census was then sent to the Miami-Dade School District via computer which compiled the statistics and forwarded same to the Department of Education in Tallahassee. The Department of Education computed the FTE funding for the school year and determined that each school in Miami-Dade County (public and charter) was to receive over four thousand dollars (per student) for the school year.

The NDCCS was to receive approximately \$46,000 for the first half of the school year for the "new" class that the subject created and assigned to McNair. The Miami-Dade School District actually distributed several thousand dollars of that amount to the NDCCS and was prepared to distribute the entire amount to the NDCCS at monthly intervals.

Investigation has revealed that the students which the subject placed in McNair's classroom to form the "new" kindergarten class were all under five years of age on September 1 of 2003 and, therefore, not-eligible to be enrolled in kindergarten. Accordingly, they should not have been counted in the school FTE census in October 2003 and the NDCCS should not have received the thousands of dollars it had been given for those students (nor was it entitled to receive the future monthly payments that had been allocated to it).

Investigation has also revealed that there were several other corporations on the compound, including Creative Management and Innovative Management. Bank records reveal that the subject was the only signatory on the bank accounts for these corporations. Analysis has revealed that the subject transferred money amongst and between TT, the NDCCS, Creative Management and Innovative Management at will.

It is clear from the testimony taken during this **investigation and the** analysis of the bank records that the subject used each of these corporations as "her own private entity" and juggled funds from one corporation to another whenever needed.

Based upon the foregoing, the evidence has established that the subject, knowingly, unlawfully and feloniously obtained and/or endeavored to obtain United States Currency from the State of Florida and/or the Department of Education of the State of Florida and/or the Miami-Dade County, Florida, School District, as owner or custodian, with the intent to either

temporarily or permanently deprive the State of Florida and/or the Department of Education of the State of Florida and/or the Miami-Dade County, Florida, School District, of United States Currency in the amount of twenty thousand dollars (\$20,000) or more but less than one hundred thousand dollars (\$100,000) for her own use or for the use of any person not entitled to it.

Wherefore, it is respectfully requested that an arrest warrant be issued for the subject's arrest.

GEORG R. KISZYNSKI, Affiant
MIAMI-DADE SCHOOL DISTRICT
INSPECTOR GENERALS' OFFICE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:
Sworn to and subscribed before me this day of *VLA*, 2004.

CIRCU UdURT JUDGE 1 ~(/" JUDICIAL
CIRCUIT