Emergency Communications / 911
Pinellas County, Florida
400 South Fort Harrison Ave
Room 140
Clearwater, FL 33756

CERTIFIED MAIL

June 27, 2005

Mr. Dick Williams Director Emergency Communications,

"Misuse and Abuse of the Pinellas County 9-1-1 Button Guard Pilot Study".

It is our view that Pinellas County 9-1-1 (hereafter "Pinellas") was given a "gift", a "gift" that Pinellas failed to recognize. The "gift" was Pinellas' opportunity to assist Pinellas' county's safety answering service, Pinellas' own citizens, and ultimately, the rest of the 7,500 PSAP's (Public Safety Answering Points) nationwide.

Although termed a "gift", the "gift" (at SACC's actual button guard cost), was given with an understood expectation by SACC (Stop Accidental Cell Calls) of some non-monetary compensation from Pinellas; an expectation based on Pinellas' undertaking to fully cooperate and participate in the Cell Phone Button Guard Pilot Study. As set out below, it is our view that Pinellas has failed and/or simply refused to abide by its undertaking.

This undertaking formed the "consideration" for an agreement between SACC and Pinellas whereby SACC would provide certain product, supplies, literature, knowledge and assistance, as set out in detail below. The effort required by Pinellas' part to satisfy its undertaking was well within Pinellas' existing capabilities. Nevertheless, Pinellas and its staff failed and/or refused to exert much if any effort in this regard and in fact, some of Pinellas staff appear to have attempted to thwart previous steps taken in satisfaction of Pinellas' undertaking, thereby seemingly negating that previous effort.

As Pinellas are well aware, our Nation, as a whole, and the States individually, are jointly suffering budget shortages. In this regard, emergency 9-1-1 answering delays are only exacerbated by those shortages. As we're confident Pinellas are aware, these delays are not diminishing but are in most instances increasing exponentially throughout the U.S.

We had hoped Pinellas County would have led the way in this evolving, much needed solution.

As set out below, SACC has been proven and will continue to be a proven solution to the ever increasing problem of accidental 911 calls. We believe this will also be the case should we be required to prove same in Court. We also believe that we will be able to prove that Pinellas have failed to comply with Pinellas' undertaking referred to above.

That being said, it is not our desire to commence legal proceedings for damages/losses suffered by SACC due to the failure (as set out below) of Pinellas and its staff to comply with the above mentioned undertaking (hereafter "the undertaking") (which undertaking was the consideration for our "gift"). However, if we are unable to resolve this matter with Pinellas we will be required to do so. In the event such action is required, we feel sure that SACC will be able to successfully prove and therefore recover from Pinellas, the following losses/damages:

1. Restitution for expenses incurred by SACC which we anticipate will exceed $100,000.00;

2. Losses suffered by SACC the result of our reliance on the undertaking of a bona fide study provided by Pinellas and its employees, based upon an estimated 10% of US and Canadian PSAP's participation during a twelve month time span commencing upon the initiation of the pilot study of 7,500 U.S. PSAP'S (9-1-1 centers) ordering 2,000 button guard kits each equals $1,410,000 net; and 900 Canadian PSAP'S @ 10% ordering 2,000 button guards each for an additional $180,000 U.S.D;

3. The expectation of profits lost from (post Pinellas pilot study) 9-1-1 centers and the general public as the result of Pinellas and its staff breaching the undertaking we anticipate will greatly exceed $1,000,000;

4. An as yet undetermined amount for the emotional distress and consequential physical complications suffered by Dale Lissner and Sheryl Lissner as a result of the failure of Pinellas to comply with the undertaking;

In this regard, there is a voluminous amount of documentation evidencing Pinellas' failure to comply with the undertaking. We have attempted, in the following pages, to set out limited but key pertinent facts which have lead SACC to the present situation. These facts and the documentation in support thereof serve to assist in determining the extent of Pinellas' compliance, or lack thereof, with the undertaking.

1. By letter received from Pinellas in September, 2002, you, Mr. Willams stated Pinellas' willingness to participate in a pilot program to help reduce accidental wireless calls to 9-1-1, that Pinellas would produce programs designed to reduce non-emergency calls, would take special care to produce accurate and highly detailed statistics and were pleased to provide SACC with initial baseline data and post program comparisons for evaluation. You further stated: "We look forward to working with your company (SACC), the wireless providers and the FCC on this important effort".

In fact Ms. Buck who is the principle in this pilot study wrote to SACC in July of 2004 under the subject heading "Program", "I will keep Pinellas informed on all progress, making calls and keeping lists". Yet to the APCO (Association of Public-Safety Communications Officials) Montreal attendees, Ms. Buck stated: "I never keep records".

Ms. Buck's outline describing "alternate means of distribution" of SACC's button guards was published in her articles in the APCO Bulletin monthly publications, and faxed to SACC at the beginning of the pilot study. Contrariwise, these have not been used in SACC's study.

This report, in our view, will among other things, establish that Pinellas, through Ms. Buck, purposefully limited and/or reduced the button guard disbursement contrary to the undertaking.

SACC is of the opinion that had Ms. Buck and Pinellas complied with the undertaking, the success rate in accidental cell call reduction would have been more than 40 percent.

1. a. SACC has evidence that Pinellas and Ms. Buck have not provided SACC with required data during or after the study's completion, except for the monthly accidental cell call stats. During the study, in order for SACC to receive these monthly statistics, SACC had to ask Pinellas more than once each month and then required to wait up to 10 days for Pinellas to get them "ready" before being "faxed" to SACC. Since October, 2004 Pinellas have required SACC to send Pinellas $44.00 for each months stats, while other PSAP'S send SACC requested data free. From October, 2004 through April, 2005, SACC has paid Pinellas $308 for copies of monthly stats that Pinellas now chooses to send by USPS instead of by FAX.

   SACC is receiving very little cooperation from Pinellas and is now required to pay for every item that we request, which Pinellas clearly led SACC to believe would be provided free of charge to SACC.

1. b. SACC has evidence that Pinellas, and specifically, Ms. Buck have accomplished far less than stated in the Pinellas 2002 letter of cooperation to SACC, and various correspondences prior to and during the Pilot Study.

1. c. Pinellas through and by Ms. Buck stated to SACC, Pinellas Commissioners, and at her APCO Convention Class, that Pinellas would provide information about the study referencing statistics, methods, and results of the Button Guard Pilot Study (in reducing accidental wireless calls to 9-1-1), to the Wireless Carriers, FCC/WTB (Federal Communications Commission/Wireless Telecommunications Bureau), APCO (Association of Public Safety Communications Officials), and NENA (National Emergency Number Association). However, it is the view of SACC that Pinellas is intentionally making the study appear far less effective by choosing to add those calls which greatly reduces the effectiveness of the study.

1. d. The FCC may be interested in knowing that during the 2003 nationwide "9-1-1 public education programs", Pinellas' accidental cell phone calls actually JUMPED from 32 percent to 35 percent. This knowledge is per Ms. Buck's slides #9 and #10 presented at the Montreal 2004 APCO Convention. It is timely to note that the Pinellas Button Guard Pilot Program has been successful in lowering that number down to 29%, which translates to an approximate 20 percent reduction of the accidental wireless calls to 9-1-1, exclusive of land line 9-1-1 calls. Approximately 15,000 less 9-1-1 calls per year to answer.

2. USDOJ (United States Department of Justice) "COPS" Study Guide is an in-depth Problem-Oriented study guide for police. Study Guide No. 19, entitled "Misuse and Abuse of 911" (basically dealing with accidental wireless 9-1-1 calls), authored by Ms. Rana Sampson and published on August 27, 2002 initially listed public education as 12th, under the category of: "Responses With Limited Effectiveness".
However, Ms. Buck successfully lobbied Ms. Sampson into changing the position of public education from 12th to 8th position, and as a result, the final printing moved public education out of the "Limited Effectiveness" category. Ms. Sampson had given SACC and Ms. Buck the original draft of this publication prior to its published date.

Ms. Sampson's study concluded that "General Campaigns" as opposed to narrowly tailored ones - are unlikely to correct the problem of miss-dials".

Public education awareness campaigns can be expensive considering they are only minimally effective. Ms. Sampson stated, "button key guard is the most economical and effective solution available to control the cell phones currently in use"
Her study recommended button guards as the 3rd best solution for decreasing the accidental cell calls. (see pg.14 of COPS Guide #19). Ms. Sampson's first two recommendations, recalling 911 programmed wireless phones, and requiring manufacturers to reprogram existing wireless phones ...are both virtually impossible to accomplish.

Ms. Sampson expressed in e-mails to SACC during the writing process between Jan. through Sept 2002, "The less people know about the guide the more likely it will be published.", and, "Still keep it under wraps until the publication is out and distributed."

As to recalling wireless cell phones, Ms. Sampson stated that the full financial responsibility to fix the problem should be with the cell phone manufacturers. SACC agrees and feels that the wireless carriers should be held accountable as well.

Information in Ms. Sampson's USDOJ Study Guide #19, "Misuse and Abuse of 911" has been provided to Pinellas, Pinellas' staff, and FCC/WTB over 2 years ago. See pages 3,14,and 27 at http://www.cops.usdoj.gov/mime/open.pd?Item=470.

Ms. Buck obviously considered the study relevant as Ms. Buck copied, almost word for word, in her February 2003 Article in the APCO Bulletin Magazine, a major section of Ms. Sampson's above study guide, but strangely leaving out all other of Ms. Sampson's researched recommended methods to reduce the problem, writing only about the Public Education method to solve the problem of accidental cell calls to the 9-1-1 PSAPS.

Attempts have continually been made by Pinellas' Public Education Coordinator, Ms. Buck, to emphasize education as the cure for the 9-1-1 accidental cell call problem.

However this method is generally demonstrated to small groups and is lacking in major public awareness. “Educating the public has had minimal success” stated Ms. Buck in her APCO class. During Ms. Buck’s public education campaign to reduce the accidental 9-1-1 cellular calls in Pinellas, those calls actually increased from 32 percent in 2003 to 35 percent in the first months of 2004. Per Ms. Buck’s slide #10 in Montreal Aug, 2004, "something had to be done".

In the article “Keying in on Close Calls” in Governing Magazine, written by Ms. Sarah Wheaton, in regards to accidental cellular calls, July 2004, Page 50, Ms. Buck is quoted "I couldn't educate it out; I couldn't legislate it out".

3. In 2002 FCC/WTB. (Federal Communications Commission Wireless Telecommunications Bureau), invited SACC to meet with nine of their WTB legal staff in Washington D.C. to present SACC’s Button Guard solution to the accidental cell call problem for our nations overwhelming numbers of accidental calls to its 9-1-1 PSAPS. FCC/WTB was quite aware of this problem back in May of 1999 in an FCC Report addressing cell phone manufacturers they wrote,

> “While we are not adopting specific requirements for 9-1-1 buttons, we encourage manufacturers to consider and address this issue in their designs. If necessary, we are prepared to adopt specific rules to reduce accidental 911 calls, in order to assist the public safety organizations which must process such calls“. And further wrote in a footnote, “For example, the button could be concave rather than convex, and recessed into the body of the handset. This would both reduce the chance that it would be bumped and better identify this unique function. No doubt other design solutions can be devised“.

This statement follows a similar re-engineering idea that SACC’s button guards accomplish to be applied to the estimated 40 million open face problem cell phones currently in circulation. Due to the above statement, SACC was hopeful that FCC, by following their own concept, would be receptive to our solution, mandating its use throughout the industry.

The SACC presentation to FCC was scheduled for February 05, 2003 to be given by Dale and Sheryl Lissner, the patent holders (Patent No.: SACC 6,636,606 B1 KEYPAD BUTTON GUARD) .

SACC invited Pinellas’ 9-1-1 Public Educator, Ms. Buck, to assist in our FCC meeting, as she happened to be within one hours drive of Washington D.C. at a Fire Safety Convention at that time. SACC made the offer to pay for her gas, one night lodging and parking fees to join SACC at our FCC meeting to verify and add urgency to the problem of the accidental cell calls to 9-1-1. Ms. Buck had previously stayed in Washington D. C., so we chose our hotel per her suggestion. After obtaining authorization from her boss, Ms. Buck accepted our offer to join SACC at FCC along with a Pinellas co-worker, Ms. Candy Grund, a 9-1-1 operator at Pinellas and her writing assistant.

SACC assembled 15 large "Red Exhibit Books with180 pages of text and exhibits" for FCC with the history of accidental wireless calls to 9-1-1, the development of our "technical solution", and its function and simplicity in preventing these calls.

At that time we believed that Ms. Buck was sincere in the previous interest she had shown in reducing the accidental cell calls to the 9-1-1 PSAP's. We felt she would support the button guard technical solution to that end, with no reason to doubt her intentions. In Ms. Buck's words, "I couldn't educate it out, I couldn't legislate it out"

We first met Ms. Buck at the Salt Lake City APCO Convention in August 2001 when she came to our booth. She said she wanted to write about our solution to the accidental cell calls in her monthly "9-1-1 Public Education" article in the APCO Bulletin Magazine. She is continually looking for new material. Ms. Buck wrote the article about SACC's Button Guards, entitled, "Accidental Cellular Phone Calls" which appeared in the January 2002 edition.

In Washington D.C. on the afternoon previous to our February 05, 2003 meeting with FCC/WTB, and the next morning, we began to wonder if Ms. Buck's intentions were in our best interest. The FCC staff may have wondered as well.

On Feb. 04, 2003, Ms. Buck and Ms. Grund arrived and checked into the hotel about 4:00PM. We asked them to meet SACC in the lobby at 6:00PM, and told them we had reserved a small conference room between 6PM and 8PM to discuss and go through the FCC meeting material. Ms. Buck said that she and Ms. Grund were going to the Smithsonian Space and Flight Museum two blocks away, they'd get a quick meal at a food cart and would return back by 6 PM.

Our hotel which was recommended by Ms. Buck, was connected to the FEMA building. Ms. Buck spoke with several of the FEMA employees whom she previously knew through a personal agenda. In SACC's view it was likely in association with her and her husbands new book, "Preparing for Biological Terrorism".

Ms. Buck and Ms. Grund were late getting back. It was at least 7:00 PM when they finally returned and said they had not yet had dinner and would order a dinner at the hotel restaurant. By the time they finally arrived at the conference room it was almost 8 PM. Fortunately, SACC was able to extend use of the conference room until 9 PM.

After Mr. Lissner rehearsed his Button Guard presentation, Ms. Buck's comment was, "You're (Mr. Lissner) giving out way too much information for them to absorb, just sell your (SACC's) product and <u>wing it</u>".

During the evening meeting, Ms. Buck stated that this solution was an excellent one for the PSAPs, specifically stating that, "if the button guards only reduce the accidental cell calls by 5% it would be a success".

Because Ms. Buck and Ms. Grund are quite familiar with the accidental cellular call problem on a daily basis and appeared to want to reduce those calls with our button

guard solution, we did not feel they needed to be coached for the FCC meeting other than reinforce the fact that their 911 centers are overloaded with these accidental calls.

The next morning we all agreed to meet for breakfast in the hotel cafe at 8 AM. Ms. Buck and Ms. Grund were a few minutes late. (Our meeting with FCC was at 10 AM). Ms. Buck's enthusiasm shown the night before about SACC's product had vanished and she was seemingly unwilling to discuss the button guards at all.

At the meeting, FCC appeared surprised to learn from SACC that the cell phone carriers (NEXTEL, ALLTEL, SPRINT, etc) were continuing to market the problem cell phones on the internet after January 01, 2003 . FCC had previously mandated CTIA (Cellular Telecommunications & Internet Association) to not certify or sell any cell phones with the auto 9-1-1 speed dial button after that date.

FCC also seemed interested when SACC offered information that the old open face problem cell phones were being recycled in large numbers through seniors at risk and domestic violence organizations, allowing them emergency 9-1-1 access. Mr. Diggs, Director at CTIA Foundation has not responded to a number of emails and conversations encouraging their foundation to safeguard an estimated 2,000,000 donated phones per year. These cell phones have been proven to accidentally activate calls to 9-1-1 three to four times more frequently than other accidental cell callers.

During the FCC meeting, Ms. Buck and Ms. Grund said nothing to support the button guard as a solution to assist them in 9-1-1 cell call reduction. However, they did mention that Pinellas was having a huge problem with the high volume of 9-1-1 accidental cellular calls. Ms. Buck mentioned to FCC staff on two different occasions, "education is my job, my only job". Ms. Buck was in agreement with FCC, as to a national "public education" campaign to stop the accidental 911 calls in 2003.

During the meeting SACC requested from Mr. Jared Carlson, Deputy Chief, Policy Division, when the data from their Public Education study would become available. His response was "WTB (Wireless Telecommunications Bureau) is not going to give a specific time frame". Subsequently to date, Mr. Carlson, or Jeff Cohen, Deputy Chief-Spectrum Policy Public Safety and Critical Infrastructure Division, (Mr. Carlson's replacement) has not offered any studies which support the "educational approach".

It appears that Mr. Carlson has since taken employment with NEXTEL. SACC was told that his replacement is Mr. Jeff Cohen, who essentially has taken the same position. Mr. Cohen was unavailable for comment nearly two weeks. When SACC finally was able to speak with him, he said that no information has come forward from the PSAPS. He also said that all communications are to go through him and not Ms. Cunningham who was the person working on compiling the FCC Public Education study results.

Ms. Buck's position as a 9-1-1 Public Educator appears to mainly encompass communication skills, and she freely uses those skills well. As time passed, SACC dismissed the previous doubts concerning Pinellas and Ms. Buck's integrity. SACC wanted to believe that she was sincerely "on our side" as she frequently told SACC,

such as her statement, “I was honored to attend the meeting with SACC and look forward to SACC’s continued success. I hope that one of the big associations will sponsor the (SACC’s) pilot test, that would be awesome!!!".

4. SACC had not, at the time of the Washington D.C. trip, yet seen or known of the content of Ms. Bucks article entitled, “What to do?’ in the February 2003 edition of the APCO Bulletin. Ms. Sampson and SACC were both disappointed to see that Ms. Buck had omitted all the first seven premium methods to solve the problem “butt calls” from her article including SACC’s Button Guard solution, thereby, allowing her readers to assume “Education of the Public” was the preferred method in reducing these calls.

As stated above, the majority of Ms. Buck’s article was copied word for word from Ms Sampson’s Guide except for the above solution portion. When in fact, Ms. Sampson’s final printing of the USDOJ Study Guide had placed Public Education down at number eight and SACC’s Button Guards at number three.

The night prior to our FCC meeting, Ms. Buck asked SACC if Ms. Sampson would also be attending at FCC. SACC can only assume that Ms. Buck was concerned given her manipulation of Ms. Sampson’s Study Guide.

In an e-mail from Ms. Sampson to Mr. and Mrs. Lissner of SACC in March of 2003 regarding Ms. Bucks above article, she said:

> "I just read it today. Interesting. You’re (SACC) right about Lori Buck's ending regarding public education. Also, she probably should have said that the whole thing is exact quotes from my guide, who cares, at least it gets some of the information out“.

4. a. Pinellas may have read Ms. Bucks article in the Feb, 2003 APCO Bulletin.

4. b. Having read the above article and the USDOJ Study Guide #19, Pinellas was aware that Ms. Buck copied it word for word from Ms. Sampson with exception of changing the solutions summary.

5. Prior to the Pinellas Co. Pilot Study:

SACC notified several Wireless Cell Phone Carriers in Pinellas Co. and requested their participation in the Pinellas Pilot Study. We received a positive response from Ms. Candy Green, Director CS-9-1-1 Admin. Support, at ALLTEL Wireless. In her letter to SACC regarding the cell phone button guards, she offered ALLTEL’s cooperation during the pilot study, writing, "We will be happy to display them in our retail locations in Pinellas County along with any informational material Pinellas would like to include".

Months later Mr. Isbitts of the Tampa Tribune was preparing a Pinellas article on 9-1-1 Accidental Cell Calls in October, 2003, during which time he left 3 phone messages to Ms. Green of ALLTEL, for information regarding their pilot study participation, however, not one of Mr. Isbitts calls were returned. At the same time, SACC received phone

calls from two of ALLTEL's staff demanding information about this article. As Mr. Isbitts was getting no response from ALLTEL, and as time was short, he then requested SACC to fax a copy of ALLTEL's original letter of cooperation. Upon receipt of the faxed letter from SACC, Mr. Isbitts, then included ALLTEL in his article.

Within 24 hours after the article was published, ALLTEL attempted to back out of their Pinellas participation offer. SACC is left to wonder as to who or which organization(s), may have compelled ALLTEL to change their position. Ms. Green called SACC and seemed to be searching for reasons to withdraw their offer saying, "We, and our testing lab staff ... suggest a serious compatibility problem with our warranty and the button guards. I'm afraid we may have to pull out of the program."

SACC's response was, "ALLTEL's new cell phone warranty is only for 6 months, the problem cell phones are 1-4 years old", therefore, ALLTEL's warranty is no problem for the button guards". Also, they are ASTM (American Society of Tests and Materials) lab tested through 3M and there are NO button guard material or adhesive compatibility problems with the ALLTEL issued cell phones."

SACC then e-mailed ALLTEL the above information, and requested an e-mailed statement of position by them....they did not respond that day.

The following day, an ALLTEL Corporate Attorney, Mr. Michael T. Jackson e-mailed SACC forbidding SACC to communicate with ALLTEL except through him, just falling short of pulling out of the program. Mr. Jackson is no longer with ALLTEL per Ms. Green as she stated at the NENA Convention Tampa - June 2004.

5. a. SACC feels certain that Pinellas will recall that Oct 26, 2003 article in the Tampa Tribune by Mr. Steven Isbitts: "Accidental 911 Calls Pose Challenge, Cause Irritation". However, if not, Pinellas may access this article on the SACC web site and click on "In the News".

SACC may never have known whether or not button guard supplies were in ALLTEL stores had we not arrived in Pinellas County for the March, 2004 kick-off. Ms. Buck had just e-mailed SACC on March 21, 2004 that she would call ALLTEL managers on March 22, the day before our scheduled arrival. That said, upon our arrival on March 23rd, <u>no</u> ALLTEL stores were called and no supplies were ready to be delivered.

5. b. Ms. Buck did not follow through with her undertaking to put the Button Guards and Display Cards in the ALLTEL retail stores.

Inasmuch as no plans were made for the kick-off and SACC was there to monitor and assist in our study, SACC pitched in. SACC received a copy of ALLTEL Manager names, addresses, and phone numbers. SACC purchased 8 button guard kit storage trays and had Pinellas staff purchase the display card counter top stands. When all was packed to go, Ms. Buck gave SACC four addresses of the eight ALLTEL stores to deliver to, and said that she would deliver to the other four. SACC can only assume that Ms. Buck delivered to the remaining four. SACC was not made aware at that time

that ALLTEL additionally had sales kiosks in five Pinellas Wal-Mart stores. Those never received SACC displays or button guards. SACC only spent 2-3 hours gathering, packing, and delivering to 4 stores (obviously an endeavor requiring limited effort and time).

While SACC was delivering supplies, we found that the ALLTEL managers were never contacted by ALLTEL or Pinellas, and two personnel had just heard about the study and their involvement that day from the media. NOTHING WAS READY FOR ALLTEL!! (The ALLTEL letter of cooperation came 1 year prior, and the final OK weeks prior).

Prior to the kick-off, Mr. Jackson of ALLTEL would not answer SACC's letter requesting he forward a letter of introduction to the Pinellas ALLTEL Store Managers nor would he answer any of SACC's e-mails as to their Pinellas Pilot Study involvement. Finally, after several weeks, Dale Lissner of SACC was able to reach Mr. Jackson by telephone. Mr. Jackson said that he did not know who Dale Lissner or SACC were nor what we were calling about, strange since our correspondence to him was not returned.

Mr. Jackson said to contact Ms. Green for the requested Pinellas ALLTEL contact information. We thought it best if Ms. Buck call Ms. Green directly to confirm and get the names and addresses as Ms. Buck was to contact the 8 ALLTEL retail stores to furnish them with button guard kits and display cards. When Ms. Buck finally called Ms. Green, she e-mailed SACC that everything is great with ALLTEL's cooperation for the Study, and as soon as she (Ms. Buck) received the contact list she'd start delivering the button guards and display cards.

Ms. Buck and Ms. Green unilaterally agreed to shorten ALLTEL's participation to 60 days. Contrary to Ms. Green's previous letter stating, "I would suggest 5000 kits to start with and if additional kits are needed during the course of the pilot study" . . . . . .

Later during the study, after several requests from SACC and SACC"s media company, ALLTEL agreed to extend their participation for three additional months.

Ms. Buck originally stated that the duration of the study would be 6 months or until the 30,000 button guard kits were distributed. Although in an APCO Bulletin article, Ms. Buck stated that this pilot study would continue through December of 2004 (a total of nine months). Ms. Buck previously slated to begin in February of 2004, then changed to March 1, and ultimately pushed to March 23, 2004. In as much as the many "snow birds" leave Pinellas in the Spring, not to return until October, they allegedly would not have knowledge of the button guards, and upon their return, adversely change the study results. This was brought to SACC's attention while in Washington D.C. in February of 2003 when we had asked Ms. Buck what is the best time of year for a Pinellas Button Guard program, she stated, "beginning in October".

Also, Mr. Freeman stated in June 2004 that the button guard program will be ongoing after the end of the Study. Pinellas' Mr. Williams unilaterally, without consulting SACC, stopped the study at 6 months, 1 month prior to the return of the senior "snow birds".

6. The initial Pinellas funded Pilot Study agreement between Ms. Buck and SACC was set out in an e-mail in October 2003. The pilot study was to be funded by Pinellas only if the current 2nd PSFA (Public Safety Foundation of America, associated with APCO) grant application was denied. This 2nd application was for a grant from the public safety funds available to do a Cell Phone Button Guard Pilot Study in Pinellas in order to measure, prove and evaluate methods of the volume of effectiveness in reducing the overwhelming numbers of accidental cellular calls to 9-1-1.

PSFA had received $25,000,000 from NEXTEL to give out grants for the purpose of our nations 9-1-1 public safety.

There were two applications to PSFA from the cooperative efforts of Pinellas and SACC jointly: SACC wrote the basic application explaining SACC'S accidental cell call solution and why it is very important for PSAP'S and public safety.

PSFA Director of Grant Applications, Mr. Woody Glover stated in September 2003, "the phone companies and manufacturers are embarrassed and afraid of their mistakes". (In reference to the 1-touch 9-1-1 cell phone feature).

The application was then required to be sent to Pinellas to complete their portion and submit to PSFA, as the application was required to be applied for directly through them.

THE GRANT ADDENDUM (2nd application):
One week after the grant submittal to PSFA, Pinellas agreed with SACC that they would send a copy of the ALLTEL letter of cooperation, and copies of current web-site advertisements still offering the problem cell phones on the internet, plus a cover letter.

Ms. Buck e-mailed that she'd sent PSFA a cover letter on letterhead paper.
We requested a copy of Pinellas' cover letter and all other additional information they had sent to PSFA. However, Pinellas only sent SACC a copy of a brief cover letter which was undated, unsigned, and not on their letterhead paper, with no copies of the enclosures, or what they had written for their portion of the grant application. Thus, SACC is left without a bona fide verification of what Pinellas actually sent or if they sent any Addendum at all. SACC requested a copy from PSFA of what Pinellas had sent to them. They ignored our request.

The first application form Pinellas and SACC in 2003 was for a total of $297,000, was denied. Pinellas and SACC together, applied a second time for a reduced amount of only $80,000. In the event that 2nd grant application was denied, SACC and Ms. Buck agreed to go forward with a smaller Pinellas study of only 30,000 button guards at SACC's cost of $19,800 including shipping. That was truly a "gift" along with the advantage of helping Pinellas reduce these calls.

7. In August of 2003, SACC decided to send an informative letter to the 7 Pinellas County Commissioners about the Cell Phone Button Guard Pilot Study appraising them of what a great undertaking the study would be for their county and that Ms. Buck, Pinellas' 9-1-1 Public Educator will be in charge of this program.

However, Ms. Buck for reasons unknown to SACC at that time, and to our surprise, was extremely distraught over this letter from SACC to the Pinellas Commissioners. She called SACC very early (Portland, Oregon time) the very next morning, in absolute tears, gasping statements over and over again of,

> "Why did you (SACC) send the letter to the commissioners? What if the 9-1-1 PSFA grant Application is turned down?" She further stated, "What an awful position we're in. Why did you (SACC) do it?" We tried to understand why Ms. Buck was so upset. She would not give SACC any reason when we asked her why this letter caused her to be so upset.

SACC was shocked, at Ms. Buck's above response. Why wouldn't she be pleased with the Commissioners letter? Inasmuch as Ms. Buck had previously e-mailed her enthusiastic consent to the Pinellas Study, we felt sure that she would have been pleased with a positive response to the Commissioners letter.

SACC can see no reason why Ms. Buck would react in this manner if she and Pinellas truly intended to follow through with the Pinellas Study as they had previously pledged to do. SACC's letter to Pinellas Commissioners was complimentary of Ms. Buck, respectful, informative, and positive, simply stating her willingness to promote the Button Guard Pilot Study with an order of 30,000 button guards at cost.

When the second PSFA grant application for Pinellas had been denied, SACC then asked Ms. Buck to confirm her promise in writing for Pinellas County 9-1-1 to financially participate. However, Ms. Buck then started to back peddle; her next e-mail to SACC, in October of 2003, showed significant hesitation and in fact ended with "Thanks for holding back today on the letter (2nd letter) to the Commissioners, we are right next to Pinellas, so remember we are on your (SACC's) side!!!! always Lori."

While we were at Pinellas 9-1-1 in March of 2004, we spoke to the person in finance who sends out payments. She said that its Pinellas' policy to remit after three weeks of receipt of products. Even though it had been three weeks since the final button guard shipment was received, by Pinellas, we were not yet allowed payment. The first half of button guard shipment had been sent six weeks earlier, the second half was shipped one month earlier. Pinellas finally remitted $19,800 to SACC on April 1st, 2004.

It is our view that the button guards through the initial media coverage, have, for the most part, alerted the public and provided a reasonable return on Pinellas' county's investment.

8. Ms. Buck stated that through CTIA, 4,000,000 used cell phones per year nationally are being recycled free to "seniors at risk" as well as domestic violence situations, etc. These are used primarily for the sole purpose of emergency calls. Ms. Buck stated that most recycled cell phones have an open face with the one touch "9" button keeping the frequency of accidental cellular calls high, at approximately three to four times the frequency as compared with other accidental cell calls to 9-1-1. VITA, a subsidiary of CTIA, as well as most major phone carriers such as Verizon-Hope Line

are recycling cell phones. Most of these cell phones are the open face problem phones. At the onset of the Button Guard Study . . .

Ms. Buck and the department secretary were to contact the local cell phone recycling distributions centers. It is logical that this should be one of the first avenues to pursue.

There are several FREE cell phone recycling organizations in Pinellas County. In SACC's survey, the Senior HELP LINE, a Pinellas County Agency, indeed received button guard kits. These cell phones are issued free to seniors who may be at risk for the sole purpose of contacting 9-1-1.

The staff person in charge of issuing the phones at the Senior HELP LINE stated that over 1100 cell phones were given out in all of 2004. She said, "it has been difficult to remove the battery to identify the model number". When questioned if she had been given the color 9 page list identifying the cell phone with photos (a snap to identify), she said "Ms. Buck never offered that visual aid" and asked to please have it sent.

SACC sent Pinellas and Ms. Buck this photo list of cell phones at the beginning of the program, however, it appears that Pinellas and/or Ms. Buck have decided not to make it available to button guard distribution areas. Also, the Senior HELP LINE organization said that they did not receive the kits until about November of 2004, well after the official pilot study was over according to Pinellas. It is SACC's view that this could have been intentional to reflect a lower success rate.

8. a. There are at least two additional cell phone recycling organizations in Pinellas, neither of those have been contacted by Pinellas. When those organizations were questioned by SACC, they both said they were very interested in receiving the button guards.

8. b. It would be very helpful, if Pinellas supplied to those who are helping distribute the button guards, a copy of the 9 page cell phone photo chart and SACC's button guard display card, to efficiently match a button guard kit to each cell phone.

SACC has evidence that of several such organizations in Pinellas, only one was contacted. That one recycling organization is a Pinellas County Agency.

9. SACC notified Ms. Buck and staff weeks in advance that we would be arriving at their Pinellas 9-1-1 facility for the Button Guard Pilot Study kick-off during the week of March 22, 2004.

Ms. Buck had faxed to SACC a list of 17 News Media sources that her communications department would be contacting to activate the kick-off of the Study.

Upon SACC's arrival at Pinellas Emergency 9-1-1 on March 23, 2004, no media was planned, except a videoed interview with Ms. Hall in Pinellas Communications. About 20 minutes after our arrival that morning, Ms. Lissner of SACC mentioned that it's too bad the media is not there to kick-off the study.

We immediately called our Oregon Media Company. Our retained marketing media company was very upset that no Pinellas major media had been contacted for this event. Consequently, SACC's media company contacted them and they (radio, TV and Press) responded.

SACC has evidence that our own Oregon Media company made attempts to contact various Tampa and Pinellas County media/press, on March 22, and the AM of March 23, 2004 with over 10 telephone calls and 8 e-mails.

The reception SACC received at Pinellas was lukewarm, at best.

As patent holders, and cooperative partners in the Study, we naturally expected to participate in the kick-off and have that participation acknowledged. To the contrary, SACC was left with the opinion that Pinellas would rather we had not come.

As for the Pilot Study "kick-off", Pinellas had nothing planned with the exception of a local Largo Chamber of Commerce Luncheon. Ms. Buck invited SACC to come with her to this luncheon meeting, where she spoke about the button guards. Later Ms. Hall did her videoed interview ----- That was the extent of the kick-off planned media, nothing like the public media sources that Ms. Buck had promised.

We were told that Chuck Freeman, one of Ms. Buck's bosses was "out of town" that week and that Pinellas', Mr. Williams, was out for the day. We then had to ask to meet Mr. Williams the next day, and he consented.

SACC was not shown Pinellas' 9-1-1 Communications room until Victoria Lim, a well known TV reporter and public advocate asked to do a shoot there the following morning. Ms. Buck said we must wait until construction in that area was cleared. Ms. Buck then left SACC and Ms. Lim, and went into her office to make a call. We were kept waiting about 10 minutes. When we arrived in the 9-1-1 comm. center, there was absolutely no evidence of construction anywhere.

Every 9-1-1 answering station looked occupied. We were left with the impression that additional operators had filled in to answer calls without delays for the TV shoot.

10. On our second morning, we asked Ms. Buck if we could meet with Pinellas' Mr. Williams. When we met with you in your office, Mr. Williams, you had heard SACC's radio interview that morning and began sternly lecturing SACC's Mr. Lissner about having mentioned the Pinellas 911 overtime levels.

During the radio interview, Dale Lissner was asked what this Button Guard Pilot Study would do to help save Pinellas 9-1-1? Within Dale's answer was, "it would help to reduce the Pinellas 9-1-1 wage overtime that was in excess of $300,000 last year", in 2003. This interview took place by telephone at 7:00 AM that same morning, March 24, 2004 on one of your local radio stations.

10. a. Pinellas seemed overly concerned regarding SACC's mention of Pinellas'

previous year wage overtime of $300,000 in the radio interview.

At the Largo Chamber of Commerce Meeting, Ms. Buck spoke about the button guards. She said that she'd follow through with button guard displays in all the Pinellas Chamber of Commerce offices. This, to our knowledge has never come to fruition.

Twelve of the Chambers were questioned by SACC. None of these Chambers have been contacted or given button guard information by Pinellas. When surveyed, they agreed that this would be an excellent item to have available for locals and tourists who come in for information.

Prior to our arrival, Ms. Buck had sent SACC a list of 17 various news medias that she was going to contact for the pilot kick-off, including the local major TV News Channels. However, when SACC arrived, none were scheduled. Ms. Buck's e-mail prior to SACC's arrival said, "The kick-off will not be a huge event but well handled by Pinellas public affairs and me".

SACC has evidence that Ms. Buck failed to comply with her advanced marketing plan for her 9-1-1 button guard campaign, some of which is a listing of 17 high profile media organizations and press that she pledged to carry through and schedule for March 2004.

High profile media and the press are the most effective, least expensive, and least time consuming method of reaching a large population such as Pinellas. This was discussed prior to the study kick-off, yet none were pre-scheduled.

10. b. Not contacting the 20 plus Chamber of Commerce Offices with displays and button guards as Ms. Buck stated, is another example of what SACC views as conduct intended to mislead SACC into believing that their undertaking of the study was being carried through, contrary to what appears to be an attempt to curtail the study's performance.

10. c. Pinellas' failure to contact the main stream media as stated was, in SACC's view, an attempt to curtail the study's performance. The media had to be contacted by SACC..

The only media scheduled was Pinellas' own Pinellas public affairs office, specifically, Ms. Maggie Hall. There was a video interview scheduled by Ms. Hall for Mr. Lissner about the button guards and the pilot study which lasted approximately 20 minutes. SACC asked for a copy of that interview that day, and Ms. Buck said that they would send SACC a copy.

Despite Ms. Buck's continued assurances that SACC would be sent a copy, SACC was required to make repeated requests for the copy over the next three months. SACC never received the video.

A Pinellas video was finally sent to our Oregon media company, which included only an

approximate 30 second portion of the original video interview of Mr. Lissner. This was not sent until July, 2004 and was only aired on Pinellas public access cable network.

In January of 2005 SACC requested from Ms. Hall's boss, Mr. Ramsey, the copy of the entire original videotaped interview of Mr. Lissner, Mr. Ramsey requested a $10 fee to duplicate…. SACC sent a check. Then we received a return message from Mr. Ramsey that said:….

> "The raw footage of the interview between Maggie Hall and Dale was not retained. It was recycled. We will refund your (Mr. Lissner's) ten dollars for the requested duplication".

During SACC's March 2004 visit, Ms. Buck also stated, that SACC would make $$millions on the button guards. In retrospect this appears to be yet another of Ms. Buck's "disarming ovations".

11. SACC has evidence that Ms. Buck talked with a representative of NEXTEL at the beginning of the study, she stated, "I spoke to Nextel rep and he wants to put the displays in his 5 stores and I will give him guards and stand ups!! Will get them to him next week…"

11. a. This never happened.
SACC was not given any details of why the button guards were never displayed in the 5 Pinellas NEXTEL stores or what became of the NEXTEL representative, or any proof that actually spoke to a NEXTEL rep.

12. It has recently been brought to SACC's attention, that Pinellas is not motivated to reduce the 9-1-1 accidental cellular calls nor fully carry through with their undertaking.

12. a. Ms. Buck is allegedly curtailing the success of the study, inasmuch as on-going public education of cell phones is a major portion of her duties, and removing these duties by a highly successful reduction in accidental cell calls may eliminate her job position or curtail her budget funding.

12. b In what SACC views as the purposeful curtailment of the success of the button guards, Ms. Buck appears to be discouraging other PSAP's throughout the U.S. and Canada from purchasing them as well.

13. On June 15, 2004 SACC was accepted by NENA to give a 50 minute presentation "Stop Accidental 9-1-1 Calls with Button Guards" in Tampa, FL. In this regard, it is worthy to note that:

ALLTEL flew in 3 of their staff including Ms. Green, who attended SACC's Pinellas Pilot Study presentation). NENA requested that we include Ms. Buck in our presentation. However, it was discovered that she would be out on a 2-3 week vacation. Instead she asked her boss, Mr. Chuck Freeman, to fill in for her. On several occasions within 1-2

weeks prior to the presentation, we attempted by phone calls and e-mails to talk with Mr. Freeman about this and confirm that he'd be attending. However, our attempts at contact were not responded to. SACC had not had the opportunity to meet Mr. Freeman as he was out of town the week that SACC was previously in Pinellas. We met him for the first time just 3 minutes prior to our June 15th class.

During the last 10 minutes of SACC's presentation at NENA (National Emergency Number Association), Mr. Freeman participated by giving a brief overview and answering questions. It was then Mr. Freeman said that Pinellas County 9-1-1 was being contacted by other PSAPS in regards to the Pinellas Button Guard Study.

SACC has only received one legitimate PSAP referral from Ms. Buck in 2 years. That was at the beginning of the study in April 2004. It was from a very small county in South Dakota. They purchased a small amount of 250 button guards.

During the first two months of the study, SACC received several direct inquiries from various States as well as Canadian PSAP's who were very interested in our 9-1-1 button guard solution. However, at the point that we referred them to Ms. Buck as a positive reference, they <u>all</u> were suddenly no longer interested. When we tried to re-contact these PSAP's who had been interested, they all gave questionable excuses which led SACC to wonder just what form of reference Ms. Buck gave.

13.a. Ms. Buck is an experienced and convincing speaker. However, after sending her SACC's button guard referrals, <u>all</u> referred inquirers became seemingly disinterested in purchasing the button guards for their own PSAP. This was very shocking, as Ms. Buck had led SACC to believe that she was excited about how the study was going, and these PSAP's had previously indicated a serious need for solving their accidental cell call problem. SACC found Pinellas' alleged lack of responsible behavior very disconcerting.

13.b. Ms. Buck allegedly gave the wrong message to the PSAP referrals sent to her from SACC, and was allegedly directed by her bosses, or other organizations. SACC has reasons why she allegedly did this. The button guards have proven to be effective by utilizing the most productive target distribution areas instead of actually spending more time on less productive areas.

13.c. Evidence further into this report will serve to prove that Ms. Buck allegedly falsified her endeavors.

In the last 10 days of the study, one referral came to SACC seeming to be forwarded through Ms. Buck, however, it proved to be without merit. It was e-mailed to SACC the day after we sent an e-mail to our previous Oregon Media Company, who allegedly had previously been forwarding correspondence between SACC and himself pver to Ms. Buck. When SACC asked him to clarify a situation that he was involved in with Pinellas, and after no answer for four to five days, we e-mailed him mentioning "where is your' integrity" and that we may need to include him in a "deposition".

SACC followed up with phone calls to this referral. However, even though this inquirer e-mailed that she had a major problem with 911 "butt dialers", upon communicating with her, she had no questions about the button guards, the program, cost, or procedures, and was apologetic. Her attitude caused SACC to wonder why she had contacted Ms. Buck. Or if she initially was prompted by Ms. Buck to send an inquiry. She mentioned that Ms. Buck had e-mailed her that day, and that she formerly lived in Pinellas County.

13. d. Evidence in SACC's possession indicates a return of favors, inasmuch as Ms. Buck mentioned on both the DVD and in Montreal that she would be "pulling in all her favors". In this case, it seems there was an insincere referral to SACC. - a declared business referral stated that she previously lived in Pinellas Co. yet upon contact, did not appear interested contrary to the tone of her e-mail to Ms. Buck.

13. e. SACC repeatedly asked representatives of Pinellas throughout the study why they said they were being contacted by other PSAP inquirers however none were being forwarded to SACC for additional information or button guard orders.

14. It is also important to note that Pinellas and Ms. Buck appear to have intentionally lowered the impact of the study's statistics. Pinellas continued to do this each month by presenting false percentages of the accidental cell call reduction per the following:

14. a. Pinellas divided the monthly total of 911 "accidental" cell calls by the total of all 911 cell calls. By this method, the percentage of success was lowered to approximately one third of the actual reduction percentages of Accidental Cell Calls. The manner in which Pinellas 911 used to calculate, matched the pilot yearly elimination of 15,000 accidental calls against the 220,000 total 911 cell calls giving only a 6% reduction. To further illustrate a more meaningful calculation, in 2003, the number of accidental 911 cell calls to Pinellas was 74,000 and when the button guard pilot program was completed in 2004, the accidental 911 cell calls had dropped to 59,000.

To calculate correctly, you divide 59,000 accidental cell calls in 2004 by 74,000 accidental cell calls in 2003 x 100%. Pinellas can see the reduction of 20% over the previous year, hence, approximately 15,000 less calls to answer over a 12 month period. This cell call reduction occurred within a period when the majority of the nations 9-1-1 centers were experiencing a rise in their accidental calls. Taking this fact into consideration adds more significance to the 20% reduction in accidental cell calls and the study. When SACC explained to Pinellas how to calculate the percentage reduction of accidental cell calls correctly, Pinellas would not comment.

14. b. It is therefore accepted that Pinellas and Pinellas' 911 staff have not given to those who have inquired about the study, i.e., the other PSAPS's in the other states, Canada or FCC/WTB, etc. the true study conclusions.

As an example, three months into the study, Pinellas blocked SACC's media company from releasing to the Florida press a completed article on the update of the Pinellas Button Guard Study, including the percentage of accidental cell call reduction. This

article was to be released throughout Florida. Pinellas' excuse was that Pinellas had a discrepancy of those numbers. Thus, it was never released. Pinellas never explained what their discrepancy was or why there was the discrepancy.

14. c. The Florida Press Release in July would have been an informative, accurate update of the Pinellas Pilot Study. Without regard to that, Pinellas appears to have been concerned that the significant success rate of the study in reducing accidental cell calls would not be known. Keeping that in mind, Pinellas appears also to not want additional public awareness that would reduce the accidental calls even further. This appears to be the ongoing cause of Pinellas' actions regarding the button guard pilot study.

14. d. Pinellas appeared distressed that SACC's cell phone button guard solution was becoming more successful than Pinellas had planned or expected. Thereby:

- Depriving the public of further knowledge of the button guard success, thereby depriving them of their continuing opportunity to contribute to public safety and less waste of tax dollars for more dispatchers, equipment and employees.
- Withholding this information from PSAP's in Florida, other states, and Canada, as well as FCC/WTB and the Canadian equivalent.
- And to dissuade the public from further promotion of the button guards, in order to keep from increasing the percentage of success.

14. e. Again, the vast majority of the nations public has no knowledge of the enormous amount of accidental cell calls into emergency 9-1-1 centers, nor do they know that they may be a part of this public safety problem. It has been SACC's experience that as soon as the public is appraised of this problem, the public is more than willing to help.

Main stream media and the press are by far the most effective, and the least time consuming method of reaching the mass population, as well as the most cost effective.

SACC has documentation evidencing the fact that Pinellas has received a significant number of inquiries from other PSAPS from various U.S. states and Canada asking questions of Pinellas about the button guard study. PSAP's are contacting Pinellas directly due to the fact that the Pinellas study is published on search engines all over the internet and the SACC website, and due to the fact that Pinellas is also a PSAP with an accidental cell call problem somewhat similar to theirs. One only needs to look up the "button guards" or "accidental cell calls", etc. on an internet search engine and the Pinellas Button Guard Study is and has been one of the top listings.

I4. f. In spite of this, PSAP's are not being referred to SACC. Consequently, they are allegedly being mislead, ultimately causing harm to public safety. The PSAP's who contacted SACC direct, at our trade show booths, or by e-mail, telephone, etc. all were desperate to find a solution. However, without true reduction percentages and a true description Pinellas' efforts and methods, these PSAP's are being misinformed, ultimately adding risk to their public's safety.

PSAP inquirers, who have contacted SACC directly, at the APCO and NENA conventions have told SACC that their 9-1-1 funds are very limited and they are very seriously looking at solutions to give adequate emergency service without hiring more employees or buying additional emergency vehicles and equipment.

14. g. Pinellas' alleged misinformation to other PSAP's has caused SACC great loss.

The Pinellas Study has demonstrated a substantial amount of success in reducing the accidental 9-1-1 cell calls, such as it is, even though their alleged efforts have not been all that they had pledged. Even so, Pinellas' misinformation and disinformation has limited the scope of use and exposure to the button guards.

That said, Pinellas, who admittedly has "no budget problems" and thus little incentive to reduce the high volume numbers of 9-1-1 cell call percentages, is allegedly limiting the study, the scope of use and exposure to the button guards, all in what SACC can only assume is a desire to secure their employment positions in the 9-1-1 area.

As SACC's evidence will demonstrate, Pinellas and Ms. Buck have not completed the disbursement areas and not contacted many target areas that they had pledged to SACC that they would do. Not allowing or following up with press release updates, not admitting to the true percentage reductions, etc. Pinellas, with allegedly little or no incentive to show an appreciable reduction in the volume of accidental cell calls, has, it appears, caused other PSAPS throughout the United States and Canada to discard the button guard solution.

During the first few months of the study, SACC received about a dozen very interested and positive inquiries from U.S. and Canadian PSAP's. SACC trusted Ms. Buck and Pinellas at that time (from all that they pledged and from what we had been told) to promote the button guards. However, when SACC referred these PSAP's over to Pinellas as a reliable referral, we found that Pinellas and Ms. Buck would not admit to the "true" cell call reduction percentages, and with Ms. Buck's alleged overstated description of involvement, caused those PSAP's to become discouraged. These inquirers had no more questions of SACC. When SACC tried to follow-up with these former PSAP inquirers, they were no longer interested in the button guard solution. Consequently, no orders came from them to SACC.

14. h. Had Pinellas carried through this button guard solution as pledged, the reduction in accidental cell calls would have reached a 40% - 50% drop. This, in SACC's view, would have also helped other PSAP's who are in a budget crisis and would significantly reduce their 9-1-1 emergency delays in the interest of public safety.

Had Pinellas conducted a bona fide button guard study, giving true accidental cell call reduction stats, and proudly recommending the button guard results, other PSAP's who desperately need this accidental cell call solution would have followed up with button guard purchases. As their results became known throughout their industry, it is SACC's view that the button guard orders would have grown exponentially.

14. i. It is SACC's view that Pinellas has obstructed the future of SACC's button guard usage, by intentionally obstructing SACC's future business and causing a loss of investment.

14. j. It is SACC's view that Pinellas County 9-1-1 intentionally chose to not refer other PSAP inquirers from the United States and Canada over to SACC .

14. k. SACC is quite concerned as to all that Pinellas, Ms. Buck, Mr. Williams, and Mr. Freeman have said to these PSAP inquirers that Pinellas claimed Pinellas had.

Ms. Buck said early in the study, that Pinellas' neighboring county had contacted her and may be interested in purchasing 2,000 button guards for their area. Ms. Buck never gave SACC that referral.

14. l. SACC never received information on the PSAP that Ms. Buck wrote was interested in purchasing 2,000 button guard kits. That much only was declared by Ms. Buck to SACC just after the kick-off of the study, but then no additional information came forth and no button guard order. Another alleged given discouragement to other PSAPs, or another deception to SACC by Pinellas.

15. Shortly after the NENA convention in June, SACC mentioned to Ms. Buck that SACC had purchased 3 Pinellas County Verizon phone books (covering all of Pinellas County). She became silent without comment then gave an apparent excuse to get off the phone.

Soon after, SACC received an e-mail from Pinellas instructing SACC to stay out of the study and only allow Pinellas to promote through their methods. SACC did as Pinellas instructed.

SACC later used the Verizon phone directories to conduct surveys in order to verify what Pinellas had pledged to do, or what they stated they did.

15. a. Although SACC did as Pinellas instructed, Pinellas' undertaking dictates that SACC has a mutual interest in working with Pinellas in discovering the best methods and locating the best target areas of button guard distribution for the purpose of the study. To exclude SACC from this cooperation is obviously counterproductive to the purpose of discovering the most effective process for the study for other PSAP's to follow. Pinellas' lengthy e-mail with instructions to SACC to not participate, came without adequate explanation or reason.

16. Ms. Buck had e-mailed SACC about looking forward to our (SACC's) participation in her Montreal class presentation at the August APCO Convention.

She stated in an e-mail,

> "I will use the original tape (NENA 18 minute presentation DVD), for my presentation in Montreal, and will introduce you (Mr. Lissner of SACC) at the end if people would like to talk more with you!! So it will be great pr for all…."

Then, Ms. Buck suddenly stopped all communication with SACC on July 13, 2004.

At the same time, SACC's retained promotional media company hammered us with phone calls and e-mails for 4 consecutive days, appearing to "order" SACC to not go to Montreal. He said that Ms. Buck did not want SACC there and that she would do better if we were not there. These "orders" not to attend came after Ms. Buck had previously viewed SACC's professional graphics and display advertisement at SACC's cost of over $900. This ad was regarding Ms. Buck's presentation class for her Aug 9th APCO Montreal presentation and published in the August APCO Bulletin. The ad space was $840 plus cost of graphics. SACC had also purchased air flights and hotel reservations to Montreal, Canada for Mr. and Mrs Lissner.

SACC was understandably concerned about Pinellas' sudden change in attitude, as Ms. Buck was aware of our plans to attend several months in advance, and she was appraised of our ad in the August APCO Bulletin Magazine regarding her class.

Unknown to SACC and the other APCO attendees (until the day we all arrived at the Convention), Ms. Buck's presentation class date was changed from Aug 09 to Aug 11, at 2:30 PM. The Convention floor ended its 3-day session that same day at 3:00 PM.

SACC has evidence that Ms. Buck was the person who requested the change of class date from Aug 9th to August 11th without notification to SACC. This caused SACC'S advertisement for the class to be nearly useless, causing SACC a loss of ad costs and loss of class attendees to hear about the study and further causing SACC the loss of expected future income.

Ms. Buck, whose profession is basically public speaking, allegedly convincingly asked SACC'S own Oregon media company, to dissuade SACC from attending in Montreal with multiple e-mails and phone calls to SACC to that effect.

This left SACC with no choice but to conclude that its retained media company was no longer working in SACC's best interests and was allegedly collaborating with Ms. Buck, inasmuch as he previously stated he was offered a position with Pinellas. SACC dismissed its own retained promotional media company July 18, 2004.

SACC'S media company had previously made tentative plans to assist SACC in a nationwide promotion of the button guard solution to other PSAPS. Ms. Buck had been appraised of this fact.

16.a. It is the opinion of SACC that Pinellas did not want other PSAP's to have their own button guard campaign. Inasmuch as with an honest effort, they could easily be twice as effective in their accomplishment of reducing the accidental cell calls than Pinellas had done. This would not bode well for Ms. Buck, as she and Pinellas would, in SACC's view, have appeared inadequate in their undertaking of the study.

It was always SACC's view that its attendance at the Montreal class, having a short

introduction regarding its cooperative study with Pinellas would serve to enhance Ms. Buck's program.

16. b. Ms. Buck and Pinellas allegedly deceived SACC's retained media company causing it to "demand" that SACC not attend APCO or go to Montreal at all.

16. c. SACC has evidence which it believes shows why Ms. Buck suddenly changed her mind about SACC'S Montreal participation, and why she changed the class date.

By the end of June, only two months after the pilot study kick-off, the accidental cell calls were already reduced by 16.1 percent. This was a significant success rate so early into the study. It seemed quite unusual for Ms. Buck not to respond at all with enthusiasm in having a growing success rate for her efforts. Unusual, as she had always previously displayed enthusiasm in any event, or an illusion of enthusiasm.

Pinellas' Mr. Williams was only admitting to percentages of approximately one third of the above actual cellular call reductions, with calculations based on <u>all</u> monthly cell calls instead of just the study's targeted accidental cell calls.

Ms. Buck only displayed in her power point presentation, the preparatory percentages without extending them through the full calculation process. This gave the illusion of a considerably lower percentage. This likely mislead the attendees as they understandably may not have realized the full strength of the study.

16. d. It is concluded that Ms. Buck allegedly planned to give out distorted (incomplete) calculations of the Pinellas Pilot Study's percentage reduction of accidental cell calls during her Montreal APCO class, had SACC not attended.

16. e. Previous evidence indicates that Pinellas, Mr. Williams, Ms. Buck, Mr. Freeman, and/or others, appear to have deliberately intended to create discord and distrust between SACC and our retained Media Company in order for SACC to eliminate their expertise in furthering the Pinellas study. Future depositions for the purpose of disclosure may include Pinellas' Mr. Williams, Ms. Buck, Mr. Freeman, and possibly others.

SACC was also shocked, that neither Ms. Buck nor her associate, gave any handouts or sample button guards to the APCO class attendees, as she had informational materials available at her previous APCO presentation in 2001.

16. f. It would be the natural conclusion that Ms. Buck would have an informational hand-out for her class at the Montreal APCO Convention, that may have included progressive cell call reduction percentages, "how to" distribution methods, contact info, and sample button guard kits. No informational hand-outs were given out by Ms. Buck or her Pinellas associate, Ms. Grund.

SACC had just completed packing up our booth as it was the end of the 3-day

convention, we had our bags with us at Ms. Buck's presentation. For the seminar attendees we gave out the button guard information portfolios which included pilot study stats and a sample button guard kit.

On August 9th, we called Pinellas' Mr. Williams to give Pinellas' Mr. Williams our booth number and ask if Pinellas' Mr. Williams would have Ms. Buck call SACC on our cell phone or stop by our booth to say hello, and to leave SACC some informational material if possible, as it appeared that we might run out.

Neither Ms. Buck nor any Pinellas County staff person gave SACC a phone call or came by our booth during the 3 day Convention.

SACC had signed up for an APCO Convention booth space at the last minute as a direct result of Ms. Bucks attempt to "block SACC from participation". Having a booth allowed 9-1-1 attendees easy access to SACC's button guard program. Many very interested 9-1-1 staff throughout the United States and Canada stopped at the SACC booth to talk and pick up information. SACC described its product and it's success through the Pinellas Study, and handed out an SACC folder with a sample button guard, magazine article, and information on the success of the ongoing Pinellas Study. These attendees were quite interested in the button guards and the Pinellas study, and freely admitted to overwhelming numbers of accidental cell calls and severe budget cut backs, …..their reasonable next step would be to contact Ms. Buck or Pinellas to receive an opinion on the button guard solution and how the study was going.
This however resulted in very dismal feedback to SACC.

16. g. Neither Ms. Buck nor any Pinellas staff called or stopped at SACC'S APCO booth during the 3 day convention, even though SACC called Pinellas to request her to come by. This result, would indicate that Pinellas decided not to call her or Pinellas told her not to contact SACC.

17. During the first month of the study, SACC's Portland based media company asked Ms. Buck to do a button guard study presentation on a DVD. Our media company gave her a list of questions to follow. The reason for this request; SACC was scheduled to present a class on the button guard study at the NENA (National Emergency Number Association) Convention in Tampa, and NENA requested that Ms. Buck co-present it, however, Ms. Buck was to be out of town on a 2-3 week vacation during that time.

May of 2004, SACC paid $3600.00 to our retained media company to have an 18 minute DVD presentation of Ms. Buck through Ms. Hall in Pinellas communications. Our media professionally produced the DVD with Pinellas/Tampa/National TV News clips on the "Button Guard Study" The purpose was for SACC's class presentation in lieu of Ms. Buck's presence in Tampa, on June 15, 2004. Ms. Buck did the DVD presentation and said she would also use this DVD as a part of her presentation at the APCO Convention in Montreal. Aug., 2004. She agreed per her e-mail to include this Pinellas Button Guard Study DVD at both national conventions.

Pinellas and Pinellas Commissioners have in Pinellas' possession a copy of that DVD.

However, without notice, Ms. Buck cancelled the agreed upon DVD presentation at her class presentation at the APCO Convention, substituting her own power point slide presentation. Prior to Ms. Buck's class presentation, she caused what we view as confusion in some of the attendees by showing a full screen advertisement slide on the screen for about 5-10 minutes. Some thought they were in the wrong class, asking SACC if this was the "Hanging Up on Pinellas' Open Line Calls" class, a few others observed the ad on the screen and simply walked out. The ad was on "Preparing for Biological Terrorism" written by Ms. Buck and her husband….clearly a different topic.

During Ms. Bucks presentation, she gave a scenario for the PSAP's who start their own button guard campaign, i.e., the person in charge will need to be dressed up and ready for all the News Media, who will be flocking at their doors. Also mentioning, that the media likes to make the PSAP's appear as though they are having a crisis in order to do this button guard campaign. It appeared to be an over exaggerated scenario, i.e., a change of clothes, make up, etc. Ms. Buck, in fact, had no media scheduled for the Pinellas study kick-off. SACC's media company had to solicit the Pinellas Media's interest and all of the Pinellas Media called ahead to pre-schedule appointment times. Ms. Buck also appeared to greatly exaggerate the amount of effort that she did.

17. a. Ms. Buck had suddenly changed her mind about wanting SACC to attend the APCO Button Guard Study class to her not wanting us there. Then without notice to SACC or the APCO attendees, rescheduled the class two days later. She did not introduce SACC until class time was over and she turned off the microphone.

17. b. SACC has evidence that Ms. Buck did not complete one fourth the areas of button guard disbursement as she stated during the class.

17. c. The DVD cancellation may have been prompted by either Pinellas' Mr. Williams or Mr. Freeman to limit content that Pinellas may not have wanted viewed.

17. d. SACC is of the view that Ms. Buck intentionally gave exaggerations and "scare tactics", as an example stating, "the News Media will be all over you".

17. e. Ms. Buck also allegedly overstated the required efforts by 9-1-1 educators.

Ms. Buck's class schedule was published by APCO weeks in advance, stating her presentation class was scheduled for Aug. 9th. Evidence shows that Ms. Buck allegedly had APCO switch her class date to Aug 11th, well after the schedule had been printed. The next printing was not released until the day we arrived at the APCO Convention.

17. f. Again, this class date change was not available to SACC nor APCO attendees until after they arrived to register in Montreal.

Furthermore, SACC's display ad in the August APCO Bulletin was positioned way in the back on page 66 instead of at our requested position adjacent to Ms. Buck's 9-1-1 Public Education article on page 22. We had requested page 22 in 2 faxes and one phone message. APCO Bulletin did not inform us that we could reserve a location for a fee. No answer or notification was given to SACC of where they would place our ad.

It should be addressed, that Ms. Buck is retained as a monthly writer for the APCO Bulletin as well as employed by Pinellas.

SACC lost $840.00 for the ad plus graphic design costs, and more importantly, some alleged loss of interested class attendees. This caused our ad expenditure to be basically "useless". Please note in Ms. Bucks e-mail to SACC referencing back to her review of the NENA class presentation advertisement for June, she states, “Sure on the seminar info and ad sounds good”.

SACC also sent our APCO Bulletin advertisement for Ms. Buck to review and comment upon. She gave no comment.

During her APCO class presentation, Ms. Buck and her colleague, Ms. Grund, all but ignored SACC (Mr. & Mrs. Lissner). Ms. Buck refused to call on our raised hand until she ran out the class time, ended her presentation and turned off the microphone. She appeared fearful that SACC might speak out to the class attendees about her mishandling of her undertaking of the Pinellas study. With Ms. Bucks finality and as other convention activities were about to begin, most attendees immediately left. Without benefit of the microphone, Mr. Lissner of SACC stood up at the front to say a few supportive words with a brief question and answer period and offered Ms. Buck’s 18 minute DVD to those few who stayed. SACC chose no adverse action to Pinellas or Ms. Buck in Montreal.

17. g. In SACC’s view, Ms. Buck’s behavior was very unprofessional. She appeared uneasy that SACC attended the class, as she would have known by that time that SACC was aware that she was not doing all that she said, was allegedly covering for herself, and appeared to be holding back on progress of the study.

17. h. Pinellas has an apparent resistance to presenting others with the actual success percentages of the reduction in the accidental cell calls alone.

17. i. Pinellas are undoubtedly aware that in her APCO Power Point slides, audio, and e-mails, Ms. Buck has allegedly misrepresented her pilot study accomplishments, overstating numbers of contacts and allegedly presented a considerable amount of "erroneous contacts and tasks".

(Regarding Ms. Bucks above alleged erroneous tasks, SACC has evidence that she exceedingly overstated the amount of contacts and duties she had performed, and that these overstated tasks are an alleged inaccurate characterization of her involvement and efforts. These shall be explained in more detail further into this report).

17. j. The sample of 3 of the 36 pages of the Mobile Home Parks survey that SACC previously mailed to Pinellas regarding Ms. Bucks “stated“ involvement, indicates that Ms. Buck made far fewer contacts than she publicly stated.

17. k. If Pinellas are interested in purchasing the results of the 36 page survey to send information to those who expressed interest, please contact SACC.

17. l. Ms. Buck, and Pinellas allegedly discouraged PSAP peers from other states and Canada, from doing business with SACC. Many of these PSAP's have stated that they are having very serious public safety and low budget issues.

Since June, 2004, when the accidental cell calls were reduced by 16.6%, Pinellas and Ms. Buck have appeared unwilling to share the true study results with the other PSAPS by combining the accidental cell calls with all cell calls. Furthermore, SACC has evidence that Pinellas have been less enthused as the progression of success increased from use of the button guards. By December the reduced number of accidental cell calls has been reduced by 20% over last years "accidental cell calls" only. Pinellas allegedly intentionally depressed the effectiveness of button guard success rate to approximately one third.

Ms. Buck stated in writing and on SACC'S 18 minute DVD that the seniors had the most numbers of older open face cell phones and were the HIGHEST responders from her contact with one senior group. Nevertheless, Ms. Buck only contacted the one senior retirement group, then stopped.

Ms. Buck stated in an email to SACC:

> "Most seniors have the older phones with less bells and whistles and as long as they are working, they feel no need to upgrade. Senior community centers with social directors can help a lot."
> "I just gave the 5 sets (button guard kits) to a large community director who will put them on their in house cable TV and have them available at the front desk!!"

Per Ms. Buck's own statement, the one retirement group was the only one she has contacted.

When SACC questioned Pinellas' as to any further progress in the retirement communities, Pinellas' (Mr. Williams) reply was, "Listings of retirement communities can be found in the telephone book. We have no compiled list" and "Ms. Buck's original response is accurate" (only one complex visited). As a reminder to Pinellas… early in the study Ms. Buck basically wrote "I'll have lists and contacts that can help". That is a necessary requirement for their undertaking of the study. However, nothing was sent to SACC.

SACC responded to Pinellas' apparent brusqueness in the above e-mail with, "Mr. Williams there are over 100 senior retirement communities within the Pinellas County jurisdiction". Therefore, it would have been prudent to contact the other 99 or more.

Pinellas' reaction and lack thereof, after 3 months into the study, gave SACC cause for concern regarding the future loss of our product sales and our start up expenses.

SACC's evidence of alleged promises not kept and exaggerations of efforts were designed to mislead SACC to believe that Pinellas was capable and willing to abide by their undertaking of this pilot study, take action and be responsible for their actions in

order to test and prove the measure of effectiveness of the button guards in reducing Pinellas' accidental cellular calls to Pinellas' 9-1-1 emergency center.

17. m. Pinellas and Pinellas' staff have been increasingly less enthused over Pinellas' reduction in accidental calls as their percentages improved. Ms. Buck appeared to be more enthused at the beginning when the accidental cell call reductions were smaller than when they were reduced twice as much two months later, down to 19%. Pinellas made no comment.

Recently, Pinellas 9-1-1 asked for six additional 9-1-1 communications operators in Pinellas' 2005 yearly budget request for the purpose of answering the additional cellular calls. One might assume that the percentages of open line accidental cell calls are part of Pinellas 9-1-1s' justification for requesting a higher yearly budget.

17. n. A portion of Pinellas' justification for yearly budget requests might be eliminated if the open line cellular calls are considerably reduced by using responsible efforts.

SACC theorized that Pinellas would have been more responsible in having concern for other PSAP'S situations, as well as for the sake of public safety, to allegedly not disclose to them the true reduction percentages, and to allegedly not discourage them by exaggerating the amount of effort involved. That apparently was and is not the case.

It is very possible that any other sizable PSAP with valid effort to reduce the accidental cell call volume, could have doubled or tripled the Pinellas success rate in significantly reducing their accidental 9-1-1 cell calls.

17. o. If other sizable PSAP'S using valid effort in a cell phone button guard campaign, manifest a more substantial volume of success in reducing 9-1-1 accidental cell calls, it may disclose, that Pinellas and Ms. Buck were allegedly intentionally limiting the success of SACC's button guard solution.

Ms. Buck stated on the DVD in May 2004, "If I find that the numbers of open line calls are not coming down like they should on a monthly basis, I will go back and analyze if I wasn't hitting the target community. . .Then I need to go back and redouble my effort."

Ms. Buck also claimed that the senior communities and senior centers have 80 percent of their cell phones, the older open face problem phones. Yet, she admitted she only contacted one. Ms. Buck also stated that she gave more button guards out to a senior group than any other group.

She also stated that she had minimal success with the pre-schools, yet she claimed to have contacted hundreds. An independent survey proved that only a very small percentage were contacted.

17. p. Pinellas staff has allegedly deprived other PSAP's from experiencing a substantial reduction for their crisis of accidental cell calls to 9-1-1.

17. q. Ms. Buck, and Pinellas staff have allegedly discouraged other U.S. and Canadian PSAP'S from purchasing the button guards, therefore preventing the future success of SACC to sell button guard products to other PSAP'S.

17. r. Pinellas claims that FCC and the Canadian equivalent will be watching this study. Ms. Buck so stated on video tape in her March 09, 2004 presentation to Pinellas County Commissioners. Her inference was that these organizations would allegedly be offered statistics about the cell phone button guard pilot study. SACC is looking into what statistics, if any, have been supplied to these commissions. However, FCC/WTB claims they have not received any to date.

Ms. Buck also stated to the Pinellas Commissioners that there would be a significant amount of press involved ….yet when the time had come for the pilot study kick-off, there was no press or media present or contacted by her or Pinellas Communications.

17. s. Inasmuch as no press or news media were contacted by Ms. Buck as previously stated, the retained promotional media company of SACC was requested by Mr. Lissner of SACC to contact the press and other news media at the last minute.

SACC contends that Pinellas tried to do the study to show minimal results by targeting community groups with minimal button guard response.

17. t. SACC intends to pursue the statistics presented or not presented by Pinellas to FCC and the Canadian equivalent on the pilot study's percentage reductions and level of success achieved through the use of SACC's Cell Phone Button Guards. Also to disclose if they were presented with alleged misrepresented stats of all cell phone calls or the accidental cell calls as only as pertains to the cell phone button guard study. Contact with FCC/WTB as of this month, indicates that no information whatsoever has been received from the Pinellas County Pilot Study.

18. The following is Ms. Buck's response to SACC's emailed suggestions : "Thank You (SACC)….Hadn't thought of the mobile home park idea….must have tons of seniors in retirement living in them…. Good idea to follow through."

Ms. Buck stated in her audio tape at APCO August 2004 National Convention Presentation that, "we currently just finished reaching 307 out of 307 mobile home parks" in Pinellas County….. distributing to Manufactured and Mobile Home Parks with thousands of families and seniors who often have the older open faced cell phones."

Pinellas agreed to fax of copy of Ms. Buck's APCO power point presentation slides per our request. We then e-mailed Pinellas that many pages were missing. It was however, SACC's error, as the missing papers came through our FAX memory when we reloaded more paper. Nevertheless, when SACC asked for the remainder, Pinellas e-mailed back stating, "sorry but they have been deleted from her, (Ms. Buck's) computer". A convenient excuse to allegedly cover for her.

In an in-depth survey paid for by SACC, only 194 were listed per the 2004 Verizon

Pinellas telephone directories, not Ms. Buck's previously stated 307. The intent of the study was to verify if they in fact were contacted by Pinellas about the button guards.

The list of Mobile Home Park Associations requested and given to SACC by Pinellas was out of date, and had no phone numbers. SACC concluded that Ms. Buck sent them information by surface mail.

However, SACC's independent survey revealed that only 27 of the total of 194 Mobile Home Parks knew of receiving any information from Pinellas' staff. Of the 177 who said that they received nothing, 73 of them would like button guard information for their tenants. SACC is willing to share the full study and provide to Pinellas County the master list.

Per Ms. Buck's written statement in August, 2004, "Less than 10 requests for button guards from mobile parks"…."No names and addresses were saved to forward to vendor".

In Pinellas' undertaking of the Study, their cooperation with SACC, as the vendor and pilot study alliance, is to keep records of how many of each button guard kit was requested. This in part is information that will serve to assist other PSAP's. No such records were ever forwarded to SACC.

18. a. Ms. Buck was allegedly untruthful to SACC and the PSAPS's about the number of contacted Mobile Home Park Associations, schools, and organizations.

18. b. It is a relatively simple task for Ms. Buck to make calls herself or delegate this task, using the telephone directories. Just one hour per day is sufficient.

The total net cost of the independent survey is $687.00 broken down as follows:

$585 SACC paid for the survey, $26 for phone charges , $1 per page is $36, and 1 hour at $40/hour for a total of $687.00. This is an excellent opportunity for Pinellas to deliver button guard kits where they're needed to those who have requested them.

18. c. If Pinellas are interested in purchasing the results of this Mobile Home survey to send information to those who have expressed interest, please contact SACC.

SACC purchased the 2004 Verizon telephone directories for Pinellas County at $121.00 three months into the study after the study allegedly appeared intentionally mismanaged. Pinellas and Ms. Buck became less enthused with the progressive success rate of the study, lack of following through to Pinellas' admitted highest target communities, obstructing our media company from releasing their completed press article throughout Florida in July 2004 on progress of the study with accurate cell call reductions, and in addition to SACC'S evidence of other situations.

19. In April 2005, the stats reveal that the number of reduced calls is at 19.3%. Although the rate is holding close to 20% the fact that it is not increasing and in fact

slipping backward, SACC's view indicates that Pinellas is doing very little to promote the cell phone button guards through any means, including re-contacting and refilling requests and supplies from previous distribution contacts.

19. a. It is likely that having continued SACC's button guard distribution, in a responsible manner in which to reach a considerable body of public awareness of this cell phone problem, would cause the number of accidental cell calls to continue to be reduced. Given that the accidental cell call reduction was steadily increasing throughout the first 4 months of the study, would indicate that the accidental cell call reduction rate should surely reach 40% or more.

19. b. Although Pinellas' staff had stated that the button guard program would be on-going after the pilot study, it seems clear in viewing these percentages that Pinellas have stopped promoting the use of the cell phone button guard kits with the exception of Pinellas' website.

19. c. It appears possible that Pinellas is hoping to lower the impact of the button guards for reasons stated in this context.

20. Ms. Buck stated at her APCO class, that she contacted 200 of 450 Pre-schools. SACC has just completed another survey for these schools with discouragingly lower percentages than the Mobile Home Parks survey. There were only 262 Pre-Schools listed in the three Pinellas Verizon directories, 147 were duplicates, this leaves a total of only 115 in Pinellas, not 450 as she stated. The data collected from our study revealed less than 12% of these schools were contacted by Ms. Buck and over 80% of those contacted expressed interest in receiving the information for children's parents.

Ms. Buck also stated that she would contact cell phone recycling organizations in Pinellas.

SACC has records of our paid independent surveys for Day Care Centers as well. Of 548 listed in the three Pinellas Verizon directories 348 were duplicates, this leaves a total of only 200. This survey revealed very low level contact results as in the pre-school surveys, less than 10% of those contacted received anything from Mrs. Buck and over 80% requested the button guard information be delivered to them.

20. a. SACC is willing to offer Pinellas the survey lists of Pre-School and Day Care contacts who have requested button guard information at our net cost as well.

21. Ms. Buck had contacted for participation the Pinellas SAFE KIDS, a national campaign to promote safety to kids and their families. One organization promoting SAFE KIDS in Pinellas County is All Children's Hospital of St. Petersburg. Upon contacting this hospital, the Program Coordinator said, "there is no longer a display at the hospital emergency center and we have run out and have no more button guards to give out.

21. a. In SACC's contacts with various organizations, others also said that they had not

been re-contacted with any follow up calls, information and button guard supplies.

22. Based on the evidence compiled to date, it is SACC's view that Ms. Buck has sought to minimize the success rate of the study as its success climbed higher and more quickly than she and Pinellas had anticipated.

In Ms. Buck's article entitled," Wireless Explosion" in the APCO Bulletin, April 2001 she states, "The great thing about statistics is they can show you where you need to head with your programs and allows you to man that switch and base your decisions on true numbers".

SACC alleges that Ms. Buck has REPEATEDLY SAID ONE THING AND DONE ANOTHER, leading SACC to believe that she was doing all that she promised, but without presenting proof of completion. As indicated in the above article, Ms. Buck appears to know what she should do, nevertheless, she has apparently been told to or simply elected not to do this for SACC in this cooperative study.

Pinellas staff and Ms. Buck in fact had an obligation in their undertaking of this study to carry through the most effective means of button guard promotion and disbursement and to supply a discovery of ongoing data and methodology to SACC, basically, what works and what does not.

Also, If other communities or organizations such as senior communities and recycling organizations requested a higher number of button guards as Ms. Buck had stated, those should have been priorities, rather than the admittedly lowest sources of button guard requests from pre-schools, fairs, chamber of commerce meetings, and the like.

22. a. Instead of useful study summary material, all that SACC received from Pinellas' staff were a lot of words, very little reliable data, and no written methodology or format for other PSAP's to follow, with exception of the cell call stats that we had to request and then after some delay were faxed to SACC each month.

Most of the organizations or agencies Ms. Buck contacted and/or gave info about the study appear to be **Pinellas' own Pinellas County Facilities.**

22. b. SACC concludes that the Pinellas County's own agency contacts were made simply to make Ms. Buck look good amongst peers and specifically, the County Commissioners, as demonstrated in her presentation at the Commissioners meeting, March 09, 2004.

Pinellas had no major TV, radio or press coverage planned, only Pinellas' own county cable channel. The majority of substantial public target areas, of which Ms. Buck wrote that she had accomplished or was pursuing, were in fact apparently never contacted. These included, YMCA's, Chamber of Commerce offices, Utility Bill Mailings, Senior Retirement Communities, Cell Phone Recycle Organizations, only one Credit Union out of many, only 27 out of 170 total Mobile Home Parks, etc. In fact, SACC's paid

independent surveys revealed that almost all of these organizations said that they would like to have the button guards and/or information.

During the study, SACC had to request copies of Pinellas' monthly stats for accidental call volume two or more times, each month, until they were eventually faxed after 7-10 days. From October of 2004 do date, Pinellas have required that we pay $44.00 for each month's requested stats, and then they are mailed to SACC upon receipt of our payment. To date we have paid Pinellas $308.00 for Pinellas monthly stats being Oct, 04 through April, 05, even though Mr. Freeman said that the button guard program will be ongoing. Ms. Buck even stated early in the study that she would order more button guards if they ran out. All other PSAP's sent stats to SACC free upon request. SACC is left wondering why we are being charged and why the stats are sent surface mail now instead of faxed as before?

The last check and request for stats was mailed to Pinellas on June 3, 2005, however, as of June 27, SACC has not received the May stats from Pinellas. It was mailed with the same address label as the button guard shipment with return address.

Ms. Buck confirmed in her presentation to the Pinellas Commissioners on March 09, 2004 that this study was to be "followed by FCC and the Canadian equivalent". Other PSAP'S throughout the U.S. would be following this study as well.

As of May 2005, Mr. Cohen of FCC/WTB stated that he has not received any study data from Pinellas.

22. c. Ms. Buck has stated several times that 80 percent of the seniors' cell phones were the older problem (open face) models, and that the seniors are more often inclined to accidentally call 911.

22. d. It is contrary to the undertaking of the pilot study to know that the senior communities are one of the highest volume accidental cell callers to 9-1-1 and yet only one was contacted out of those 100 or more communities was made.

22. e. Ms. Buck allegedly continued to target those areas of least response and ignore target areas that would have the greatest potential for problem cell phones.

22. f. There are 21 Credit Unions in the Pinellas' Verizon telephone directories. Yet it appears that only one credit union has been contacted, and that one is, again, the Pinellas County Employees Credit Union.

There are hundreds of high volume areas of public access to post the "eye catching" 8" x 10" color button guard display, Middle Schools and High Schools, Colleges, Banks, Libraries, YMCAs, 24 plus Chamber of Commerce offices, Senior Communities, Corporations, Hospitals, Post Offices, etc. Ms. Buck has admitted that one of the highest volume accidental cellular callers are from cell phones that are being recycled free through various organizations in almost every county. Many are for the sole purpose of 9-1-1 emergency calls. Two of these in Pinellas County are Pinellas Domestic Violence organizations in north county and south county.

22. g. Both of the Domestic Violence organizations in Pinellas County expressed sincere interest in receiving the button guards for recycled cell 9-1-1 phones.

22. h. Many additional public Credit Unions could have been contacted.

22. i. Many additional high volume areas such as those mentioned above are available for public posting for public safety issues such as this study.

In March 2004 Ms. Buck's email to SACC read in part "I believe the release goes to dozens of media people and will draw on personal contacts as well. They will put it in the utilities as scheduled by Maggie (Ms. Hall) and the other department." Unfortunately, this was not done. Those utility bill mailings would have gone to 10's of thousands of Pinellas County households, an excellent distribution point. The utilities agency said that they only request small inserts, they do the rest.

Recently, SACC received a courteous written response from the Manager of Pinellas County Utilities/Conservation Resources. "Per Pinellas' inquiry re: 911 button guard pilot program. I'm not aware of this program having been promoted via Utilities billing statements. However we do sometimes have room for additional messages. Non utilities messages as bill inserts are generally requested via the Pinellas County Communications Department (Ms. Hall) on behalf of the particular county department or agency. Hope this information is helpful."

Ms. Buck and Ms. Hall apparently did not want SACC to have a copy of the full 15-20 minute video of Mr. Lissner, inasmuch as it was never sent. Then, months later, Mr. Ramsey of County Communications said that it was destroyed by recycling. Contrary to their actions, they stated that they would send it to SACC several times.

At the beginning of the study, Ms. Buck wrote "Looking to go to YMCA's and have display, they see lot of people… St. Pete chamber of commerce is going to help distribute, they called me…"

22. i. Evidence shows the YMCA's have not received any button guard information. Unfortunately as SACC has confirmed, the Pinellas YMCA'S not only have not received any information, but their managers recently all said that the button guards are a great idea, and they would like to participate.

22. k. Ms. Buck did not deliver the button guard information to the YMCA's as she wrote and led SACC to believe.

In the above email from Ms. Buck regarding her contact with the YMCA's, she also wrote about the information we faxed on SACC's previous involvement with the Southern California Earthquake Preparedness Program, she stated "Loved the earthquake stuff!!! I remember that,,,, wow small world".

That comment was in reference to news articles regarding our donations for

“Earthquake Preparedness” supplies to four high schools in Southern California. A previous effort for public safety, similar to SACC’S efforts toward 9-1-1 public safety..

23. Pinellas’ recent response to SACC's question "How many of each type of button guard kit (A-E) from the original 30,000 (purchased at SACC’S cost), are currently remaining at Pinellas’ facility, and how many are out at distribution points?

Pinellas stated that there were 19,500 kits remaining. That was Pinellas’ only feedback regarding our button guard questions. Pinellas failed to furnish SACC with details of the areas of disbursement, or the amounts of each type of kit remaining for future reference. SACC’s organized button guard package labeling is designed to easily keep track of how many of each kit type is remaining and how many Pinellas disbursed to each distribution location. The label states which kit is in that box (only 1 type per box). The label also states exactly how many packages of 40 guards each are in the box, and the total number of kits. It could not be simpler. The provision of this information simplifies the calculation of the number of each kit requested. As to the number of button guards given to distribution locations, it is Pinellas’ responsibility to calculate the number of guards distributed. Only of various very meaningful study data that SACC never received from Pinellas.

It is Pinellas’ responsibility and duty (pursuant to the undertaking) to provide SACC with the full spectrum of accumulated data. Pinellas has failed to perform in this regard.

This is one of many examples in which Pinellas has failed to cooperate with SACC. This failure of cooperation has obstructed the success of SACC and its campaign to stop accidental 9-1-1 cellular calls.

The following is the <u>only</u> information received on each kit disbursed:

> During the entire study, SACC has only received small bits of information that relates to a very low level of button guard activity. About six weeks into the study, SACC requested button guard kit distribution numbers. In response, an email to SACC from Pinellas states,
>
> “this is a sample count from just the emails/phones.” (includes an insert from Darla Douglas 5/14/2004 1:30:00 PM -assume to Ms. Buck), “Hope this is what Pinellas need. We received **156 requests** through Pinellas’ (Ms. Buck’s) personal phone line and emails from the Website ad Pinellas mentioned on TV, or some other fashion**.** **“A”- 62, “B’- 6, “C”-1, “D”-7, “E”-1.** Nine phone calls did not need a button guard and three others were determined to have one, so we sent them one anyway. Hope this helps. Let me know if I can do anything else“.

Based on the foregoing information, SACC is left with no alternative but to assume that the statistics (on the number of each kit type disbursed) was logged by one of Pinellas’ department staff. In addition, SACC also assumes that Pinellas has a running total of each type of kit dispersed, and ultimately, a grand total dispersed. Ms. Buck occasionally mentioned that she gave 2-4 button guards out at public events, such as safety fairs.

23. a. In consideration of the above button guard numbers or lack thereof, SACC is doubtful as to the accuracy of the alleged 19,500 button guards remaining in Pinellas' control.

23. b. Additional written evidence seems to indicate that far fewer then the alleged 10,500 (out of 30,000) kits have been disbursed.

23. c. One source of evidence is Ms. Buck's statement that regarding Pre-Schools "…we received minimal response".

23.d. Another source of evidence is the numbers provided by Pinellas regarding the ALLTEL Retail Stores, County Web Page, County Employees, etc, (less the various promised areas of distribution that were never contacted), which disbursement numbers appear to be far less than that stated by Pinellas.

24. Given the above mentioned information and evidence, SACC is left to conclude that:

24. a. Pinellas does not seem to want the Pinellas County 9-1-1 Button Guard Pilot Study to show the true accidental cell phone reduction numbers. Pinellas has use calculations for <u>all</u> cellular calls instead of the targeted study <u>accidental</u> cell calls only. Pinellas also does not seem to wish to further publicize Pinellas' progress or to promote more button guard distribution.

24. b. Therefore, as relates to 24a, it is SACC's view that Pinellas has deliberately taken steps to keep from soliciting too high of a numbers drop.

24. c. Pinellas has failed or refused to provide SACC with any information regarding the study statistics allegedly forwarded to the FCC/WTB and/or the CRTC (Canadian Radio, Television and Telecommunications Commission). SACC is therefore left to attempt to discover what, if any, statistics or information Pinellas has relayed to these commissions, and what information these commissions may have directed to Pinellas. Again, Ms. Buck stated to Pinellas' Board of Commissioners, "the FCC and Canadian equivalent will be watching this study."

24. d. Statistics allegedly given by Pinellas to other organizations prove that less than complete study results were given.

Ironically, an honest assessment of the button guard study along with its success would have helped other PSAPs who have admittedly stated a desperate need for a solution to their accidental cell call problem, low budget problems, and most importantly a need to help reduce 9-1-1 time delays in real emergencies for PUBLIC SAFETY.

Many of the nations PSAP'S are currently unable to hire more staff to cover all the accidental calls, due to very tight budgets.

Had Ms. Buck not presented what SACC views as a difficult and discouraging scenario

of the button guard campaign, along with what SACC views as an alleged distortion of the percentage of reduced accidental calls, Pinellas may have had responses from her APCO Convention class of 44 attendees (assuming that there were no responders, as Pinellas so stated).

24. e. Consequently, no attendees from Ms. Buck's APCO presentation have subsequently contacted SACC. Per Ms. Bucks Aug 2004 written statement, " No information was requested by 911 educators as a result of the Montreal program. Therefore no information was sent out. Materials to send would have been a copy of SACC poster and copies of conference speech slides...."

It is very difficult to accept that statement in 24e as true, as several attendees stated that they were in a crisis with 35-45% accidental cell calls. Nonetheless, it further indicates Ms. Buck's effectiveness in allegedly discouraging the button guard program.

If SACC were to assume Ms. Buck's above statement to be true, it could plausibly be due to the manner in which she allegedly misrepresented the study campaign, giving no hand-out contact materials or button guard samples, and allegedly conveying a confusing percentage number to appear as though the study's cell call reduction was much less effective than it actually was. Furthermore, if any attendees had contacted Ms. Buck, it is likely, given Ms. Buck's previously documented conduct, that she would have discouraged them from using cell phone button guards and therefore discouraged any future business for SACC.

25. At the end of May 2004, the June issue of Governing Magazine was published. An article entitled "Keying in on Close Calls" - Pinellas County Blocks 9-1-1 Misdials was printed in that issue. The article dealt with SACC's button guard solution and Ms. Buck's quote on the Pinellas Pilot Study. However, our company was not mentioned in the article. Nevertheless, in the first two days following publication of that issue, the number of hits on the SACC website went up 30 times the normal average amount. As SACC was not named in the article, it is assumed that those who read the article, found SACC's website on the internet through a search of button guards, or the Pinellas study. Again, SACC is reasonably certain that those PSAP's would have contacted Pinellas directly for their opinion.

25. a. Despite all the obvious interest in Ms. Buck's article referred to above, SACC did not receive any contacts or referrals direct from Pinellas.

SACC has observed despite the many initial enthusiastic and somewhat desperate PSAP button guard inquirers that contacted SACC directly during the beginning of the pilot study and who were referred by SACC to Pinellas, and specifically, to Ms. Buck for a reference, suddenly no longer showed any interest.

In this regard there were only two exceptions. They are as follows:

1) a very tiny county in South Dakota who purchased a small order of 250 button guards from SACC.

2) a PSAP referral that was e-mail forwarded to SACC from Pinellas at the end of the Pilot Study, on the day after e-mailed information from SACC had been relayed to Pinellas, mentioning, "perhaps a deposition downstream will help…"

This referral #2 from another PSAP wrote, "…(The ring that goes around the 9 on the cell phone to discourage 911 butt dialers). We have a major problem with that up here".

Upon contact with #2 above, and during conversation between her and SACC, it was revealed that she was a 911 coordinator, and that she had received an e-mail from Ms. Buck that same day. SACC found no genuine interest, and in fact that person previously lived in Pinellas. Compared with PSAP inquiries made directly to SACC in the early months of the study, this one appeared to be less than genuine.

25. b. Again, based on the foregoing, SACC is left with no alternative but to view Pinellas and Ms. Buck's actions, or failure to act, as a deliberate attempt to discourage other PSAP's.

SACC has evidence that indicates Pinellas employee's have admitted that many button guard inquiries have been made to them by other PSAP's.

It is natural for the PSAP's to contact Pinellas first, as a reference, as Pinellas is cross-referenced along with the pilot study and SACC all over the internet. This cross referencing occurred as the result of the initial 38 or more articles written in major publications and newspapers as well as information broadcast on 18 nationwide TV News stations regarding Pinellas' involvement. The cross-referencing grew from there.

25. c. The foregoing evidence seems to indicate that Pinellas employees have been discouraging the PSAP's with misinformation, exaggerations of work involved, and statements to the effect that the media will be at their door trying to have them say what a terrible crisis their 9-1-1 is having to answer all of these accidental calls, etc., all through the study from the beginning.

It is the view of SACC that **if** Ms. Buck had chosen to proceed with the undertaking of the study in a straight forward manner, the degree of success would have far exceeded the amount of success that was actually attained for accidental cell call reduction, thereby, thereby prohibiting SACC from a successful business expense recovery and causing SACC future income loss.

Whether the study was suppressed at the behest of certain organizations to either protect higher budget requests or to maintain personal employment positions, SACC has been severely damaged.

It is SACC's view that the undertaking requires Pinellas to:

a) inform SACC of the actual guidelines that were successful, as well as those that were not; which areas have the highest volume of requests, and
b) provide SACC with an accurate accounting of each type of button guard kit

that was dispersed (a task Ms. Buck confirmed was required in SACC'S 18 minute DVD presentation at the NENA Convention); and also

c) ensure that the affected public, are made aware of the button guard kits, by, for example, public utility bill mailings, seasonal media update coverage and the implementation of the 9-1-1 call back script for those cell phone users who have recently accidentally called 9-1-1, and especially senior communities and cell phone recycling organizations, who are at higher risk of accidental 9-1-1 calling, by directly contacting these communities and organizations giving them information and button guards.

It is acknowledged that Ms. Buck has expertise in the area of public speaking. She has a very convincing manner of speaking, which undoubtedly contributed to her being employed in the first place. Unfortunately, it is SACC's view that Ms. Buck used that expertise to intentionally lead SACC and others to believe that she was complying with the undertaking, when in fact (as shown above) it would appear that she was causing SACC and other PSAP's to be mislead.

It is SACC's view that Ms. Buck's failure to comply with the undertaking and failure to disburse SACC's button guards as required by the study, has had the following effect:

1. It has placed our nation's emergency system at a higher risk for damages and increased the risk to the safety of the public.

2. The many PSAP's and their communities that desperately need to reduce their accidental cell calls are not being given the opportunity to test SACC's solution, being the button guards. There are documented instances across the nation where people have died or been seriously injured by slow emergency responses due to being put on hold when they called 9-1-1.

3. It has limited the exposure of the button guards to the public and other PSAP's, thereby seriously interfering with SACC's continued development and production of the button guards and causing consequential damages to SACC.

26. One month after SACC returned from our June 15, 2004 NENA Convention presentation in Tampa, and after SACC had purchased the Pinellas telephone directories, Ms. Buck's attitude changed toward SACC. Ms. Buck blocked a press release on SACC's button guard pilot study progress, and soon ceased communications with SACC. She also in SACC's view had our retained media company demand that we cancel our trip to the APCO Convention in Montreal. SACC's Mr. & Mrs. Lissner communicated to Ms. Buck and our media company that SACC's plans had all been finalized and that we would therefore be at Montreal to assist in a positive manner at her APCO presentation.

SACC believes Pinellas and Ms. Buck suspected SACC had become aware that the study was not being conducted in accordance with the undertaking. Pinellas' sudden change of attitude was cause for SACC to become even more concerned regarding the

direction the study was heading in while in the hands of Pinellas. SACC wondered what Ms. Buck would say or not say without SACC in Montreal.

Evidence has shown that Ms. Buck, for a reasons unknown to SACC, changed the already published date of her presentation - an action that would confuse attendees pre-planned schedules causing some to possibly not be able to attend. It is also the view of SACC that Ms. Buck hoped that SACC would not be able to attend on the new scheduled date.

By mid July, 2004, Ms. Buck cut off all communications with SACC deleting and later blocking SACC's e-mails.

26. a. Pinellas did not implement their completed 9-1-1 call back script to direct those who have already accidentally called on their cell phones to get a button guard.

26. b. Both Pinellas and Pinellas' attorney, Mr. Swain, refuse to answer SACC'S question of the legal status of "Pinellas 9-1-1 dispatcher call back script" which, as verified in writing, was submitted to Pinellas County's legal department over twelve months ago.

26. c. Ms. Buck stopped communications with SACC including blocking her e-mails from SACC at ED911@aol.com.

As stated by Ms. Buck in an e-mail, prior to the study, Pinellas' procedures call for dispatcher call backs to "accidental 911 callers" and that affords the opportunity to offer them the "free button guard to protect their cell phone."

Pinellas stated that it is currently calling back to notify the accidental land-line callers to let them know that they had accidentally called 9-1-1.

27. It is SACC's view that Pinellas has misdirected and misinformed the PSAP's and the public.

27. a. SACC has come to the conclusion that the almost 20%, (21.1% for Dec. 2004) reduction in Pinellas' "accidental cellular calls" has been primarily the direct result of the initial media blitz instigated by SACC's media company, which media blitz increased public awareness of the accidental cellular calls. The public's response to "SACC's full media blitz" of March 24, 2004, indicates their willingness to help.

27. b. Pinellas steadfastly refuses to use the correct 9-1-1 accidental call reduction statistics only, versus lumping them with all cellular calls. Therefore, Pinellas appear to be suppressing the true results of the study's success rate.

With an approximate 20% less accidental cell calls, Pinellas 9-1-1 has approximately 15,000 LESS accidental 911 calls to answer per year. This decrease could allow

Pinellas in excess of an estimated $30,000 in County funds to be allotted elsewhere. In addition, approximately 15,000 less calls to answer per year allows more time to attend to real emergencies, and on a more timely answering basis for the publics safety.

Pinellas' current generous 9-1-1 budget seems to indicate that Pinellas may not be motivated to do a serious study. SACC has noted from the Emergency Communications Operating Budget Comparison that the Adopted FY05 Total Operating Budget is $19,235,350. Pinellas' Permanent Full Time positions have been increased from 81 to 87. In the Analysis: The FY05 Budget reflects an increase of $319,720 or 3.2%, excluding transfers and reserves.

This amount includes one item totaling $229,440 for six new Emergency Communications call taker positions to handle workload increases due to stated higher volumes of wireless 9-1-1 calls.

SACC has analyzed Pinellas' 2003 and 2004 9-1-1 call stats:

a. Pinellas' 9-1-1 cell call volume has only risen from 231,360 to 263,650.
b. Pinellas' landline calls have dropped 6 years in a row from 320,972 to approx.306,000.
c. The button guard program over the last nine months of 2004 reduced Pinellas' accidental cell calls approximately 20%, to 15,000 less calls from March through December. As at April 2005, that reduction was holding at 19.3%, a full seven months after Pinellas ended the study, and without media updates.

28. Several e-mails were sent to SACC from Pinellas and Ms. Buck with instructions that SACC not assist in the Pinellas study with any of Pinellas' activities for the purpose of giving out the free button guards. In Pinellas' words:

> "Any supplemental efforts, outside that normally expected of a public educator, would bias the results and would invalidate the results".

Furthermore, Ms. Buck stated in an email, …"I cannot have you (SACC) contact specific groups in my county as that is what I am being paid to do here. I will keep You (SACC) informed on all progress but it would be too hard to have both of us making calls and keeping lists and whatever. I think it will confuse people and Dick wants me to represent our agency throughout this project." . . . .

SACC was advised that all media would be handled by Pinellas' own Pinellas Communications Department, directed through Ms. Hall. In that regard, the study would have been almost unheard about as confirmed by Ms. Buck on the APCO audio CD in which she says:

"Seriously more than three people watch the county cable station".

As she stated at her Montreal class and recorded on CD, she found out through several

county personnel who had seen the button guards on THEIR OWN COUNTY CABLE TV NETWORK. That this statement revealing Ms. Buck's surprise, seems to indicate that she and/or Pinellas did not expect many viewers, and possibly the Pinellas County employees may have been the main body of viewers.

28. a. It appears that Ms. Buck and Pinellas only wanted to reach a limited and small audience, such as, again, their own county employees, instead of the entire county.

Just prior to the study kick-off, Ms. Buck and Pinellas County Communications forwarded to SACC an extensive list of the media that they would alert about the kick-off. This was because they told SACC that all media communications must pass through Pinellas (controlled by them), and that they would handle the media. It is interesting that with Pinellas' extensive "Marketing Plan' of a 17 item News Media Program Schedule, they only had the button guard 9-1-1 pilot aired on "Inside Pinellas " and "Good to Know", both on their own "Pinellas TV 18 – Pinellas' County Connection" station. These were aired in the week prior to the pilot launch, but not once during the pilots first week. Additionally, one ran once per week for 4 weeks after the launch, but never again. A possibly more prudent schedule would have been to re-run it periodically throughout the study reaching the snow birds, who were absent during the study and return in October.

SACC suggested as part of the media kick-off, "what about inserting announcements in other Pinellas TV 18 spots such as, "Sunsational Seniors, Pinellas' Sheriff Office, Community, and Consumer Protect"? It appears that these TV spots did not air the study.

28. b. Ms. Buck, Ms. Hall, and Mr. Ramsey said that they would send SACC a copy of our 20 minute Pinellas interview of Mr. Lissner, but they never sent it.

28. c. Ms. Buck, Ms. Hall, and Mr. Ramsey refused to respond to SACC'S e-mail questions asking who and when was the SACC 20 minute video interview destruction ordered.

It is the view of SACC that Ms. Buck and Pinellas accomplished far less than what Ms. Buck stated, e-mailed, faxed, and published, and that they have breached their responsibility of the undertaking of the study

28. d. In summation, in regards to the undertaking of the study, Ms. Buck and Pinellas appear to have used "smoke and mirrors" to misrepresent their efforts and actions to SACC, thus, seemingly suppressing the study to the point of causing it to be invalid and causing great damage to SACC.

The study, had Pinellas conducted it in accordance with the undertaking, would have proven that the button guards are a viable means of reducing the overwhelming numbers of accidental calls to the nations 9-1-1 PSAPS, and therefore, serve in reducing:

a) 9-1-1 answering delays; and
b) dispatching of vehicles without due cause while possibly delaying and denying help for real emergencies.

A significant reduction of accidental calls will, as a natural consequence, reduce:
a) the stress on dispatchers;
b) employee turnover;
c) costs of training replacement employees; and
d) the need for additional employees, such as dispatchers, fire, police and emergency medical as well as reduce equipment and vehicle costs

Together, these reductions would no doubt result in very significant budget reductions, a fact of significance given the fact that decreased available funds has become a major nationwide issue.

Based on the information contained herein, it is SACC's view that Pinellas and/or Ms. Buck may have agreed to the undertaking regarding the Cell Phone 9-1-1 Button Guard Pilot Study with the initial intention to cause the Study to fail. Alternatively, after considering the effect of the Study on Pinellas County (financially or otherwise) Pinellas and/or Ms. Buck, may have in fact impeded the Study so that the Study would demonstrate only minimal success such that it would appear that Pinellas had not wasted tax payers money.

Given the fact the many PSAP representatives that came to SACC's APCO Convention booth indicated that they had been watching and waiting on the Pinellas Study results, Pinellas' and/or Ms. Buck's actions and failures to act have caused SACC to suffer damage and have put the nation's public safety at a higher risk.

28. e. The alleged intentional suppression of the Study causes damage not only to SACC, but also to the nation's PSAP's and puts the nation's public safety at risk.

28. f. Again, Ms. Buck's actual accomplishments appear to have been much less than that stated, e-mailed and faxed.

28. g. The study in fact could have been a much more significant success had Pinellas and Pinellas' staff "walked the talk" for this important cooperative pilot study?

29. A few days after SACC returned from the March 2004 kick-off in Pinellas, SACC was told by Ms. Buck that she had been nominated for "Educator of the Year". She was pressing SACC to write a letter of recommendation to send to Pinellas, her boss. We had not been given any specifics, so had no way to know what organization she was allegedly nominated for, or if she was actually nominated. However, after several weeks, we wrote a rough draft of a recommendation letter and sent it to her for her review as she had requested.

Ms. Buck wrote, "thanks for letter, I went ahead and forwarded it to the board, so you (SACC) don't have to clean it up". This left SACC puzzled.

29. a. SACC is left to wonder whether Ms. Buck was actually nominated for “Educator of the Year“, or whether she just wanted the letter to show and for her file.

29. b. SACC thought it unusual that Ms. Buck changed her mind and requested that the letter of recommendation be sent to her instead of Pinellas‘ Mr. Williams.

The “rough” draft was based upon what Ms. Buck said she had accomplished at that time, without the opportunity to verify her statements given as SACC staff is located 3,000 miles from Pinellas.

At her request at the beginning of the study, SACC felt pressured into writing the letter of recommendation. SACC had to assume all Ms. Buck stated was true and have faith in her running the pilot study thereby protecting our cooperative study relationship.

30. Many news articles have been written about the problems caused by 9-1-1 answering delays. In a few of these instances death was caused due to a delayed emergency response. One such instance was a recent Denver city parent who slipped and fell into 6 feet of water downtown. There were 9-1-1 answering time delays which unfortunately resulted in a drowning fatality (dispatcher recording for over 9 minutes of "Please Hold", see at "In the News" on the SACC web site).

Portland Oregon's Multnomah County with 1,000,000 population had growing answering delays, however, they had the foresight to implement an automated 9-1-1 answering system, similar to Reno, Nevada.

SACC sent Pinellas an e-mail of an article in Fire Chief Magazine, “911 Emergency: entitled, Will You Please Hold? by Douglas Page, written March 1. It said, “In Los Angeles and the Bay Area, average hold time is more than 50 seconds, with waits up to five or ten minutes common during peak hours.”

Pinellas must also realize there are hundreds of under budgeted and under staffed 9-1-1 centers nationally that are experiencing delays up to 2 minutes and longer.

SACC maintains, had the Pinellas Pilot Study been performed by Pinellas’ staff as required pursuant to Pinellas’ undertaking, and as stated by Pinellas and Pinellas’ staff as set out herein, Pinellas’ decrease in accidental 911 cell calls may have been reduced 40% or more.

30. a. Unfortunately, this pilot study is now a national public record such as it stands, without having Pinellas and Pinellas’ staff perform as required pursuant to their undertaking. Therefore, without the potential success of the study, the nations PSAP’s cannot justify its implementation to the scope of allegedly considerably reduce budgets and help our nations public safety as well as national security.

31. Anyone who accesses SACC’s web site: http://www.stopaccidentalcalls.com/, may

access information regarding the Pinellas Button Guard Study by hitting "in the news", bringing up thirty-five nationwide newspaper and magazine articles and 18 TV stations, nearly all mentioning the Pinellas study. To this date the Pinellas Study continues to be referenced.

However, in light of the information contained herein, and additional evidence obtained by SACC, it appears that SACC must update its website regarding the Pinellas Study, as to not mislead the public and the thousands of U.S. and Canadian PSAPS.

31. a. The accidental cell calls remain a huge problem to this day, and in some areas are climbing. This is likely due to higher volume usage with older phones given to family members both younger and older, as well as the disbursement of free recycled used cell phones, specifically for emergency use. Nevertheless, the nation's PSAP's stopped contacting SACC approximately three months into Pinellas' widely published Pinellas study. When questioned on this issue, Pinellas have admitted to receiving inquiries during the study from other PSAP's. However, none have been forwarded/sent to SACC.

31. b. In respect to the 9-1-1 answering delays . . . 2 minutes can be critical in lost reaction time and can delay responses to potentially catastrophic terrorist events or other emergencies.

32. Pinellas' obligation pursuant to the undertaking required, among other things, that Pinellas accurately and timely release the monthly 9-1-1 accidental cell call stats.
One set of finalized totals for Pinellas' open and abandoned lines of accidental 911 cell calls was released to SACC five days prior to the end of the month in March 2003, then recapped at the end of the same month in March 2003 using those same numbers. Ultimately in 2005, Pinellas responded to our repeated requests for the March 2003 stats from Pinellas' archives. The numbers from the actual stats were not the same as the previous numbers given to SACC for March 2003, and in fact were higher.

Pinellas and Pinellas' Computer Support Manager statistician, Ms. Weinreich, have ignored several written requests to explain the March 2003 data in which 2 distinctly different totals were given to SACC. No explanation has been given to SACC.

Pinellas have stated that Pinellas' computerized tracking and summation of call data was not subject to alteration. But Pinellas' calculations appear to be inaccurate. SACC was insistent that the Pilot Study which began March 2004 would have accurate data on which to statistically assess the effectiveness of the study.

During the study in July 2004, Ms. Buck stopped our media company from releasing our "ready to go" Press article throughout Florida which dealt with the progress of the Button Guard Pilot Study. It was an excellent informative and positive article. According to our media, "She's not on board with all the numbers…" regarding the statistical summary. However, she never explained to SACC or our Media the specifics of her disagreement.

32. a. Pinellas doesn't seem to want the public to be made aware of the success of the Study (i.e., the 16.1% reduction in accidental cell calls by June 2004) nor the effectiveness of the button guards. Had that success been publicized some of the other 70 Florida PSAP's may have elected to start their own button guard campaign.

Pinellas never agreed on the percentages of reduction and never explained how they arrived at their numbers. When SACC explained how to correctly calculate the percentages, Pinellas made no comment (further evidence of their lack of cooperation). Because of Pinellas' silence, SACC cancelled the button guard update news release.

Numbers don't lie. The stats in the press release were correct according to the June 2004 Pinellas 9-1-1 accidental cell call stats faxed to SACC by Pinellas.

32. b. Pinellas made no attempt to explain to SACC why it disagreed with the news release content. Given the accuracy of the statistics, SACC is left to wonder why Pinellas would not want to publicize the success of the Study.

32. c. SACC wonders whether the Study was more successful than Pinellas wanted to acknowledge.

33. In Ms. Buck's APCO Bulletin Article, she stated, "I had Chuck Freeman, our communications center manager, ask the other PSAP'S if they would like displays and sets of guards to give out."

33. a. Mr. Freeman failed to forward any PSAP referrals to SACC. SACC made many attempts to contact Mr. Freeman to discuss this matter, however, Mr. Freeman failed to respond to any of these attempted contacts.

Given that this is a cooperation Study requiring collaboration in order to prove whether, or to what extent, SACC's button guards are a viable solution to the issue of accidental 9-1-1 cell calls, one would think that Pinellas would have made a concerted attempt to complete the Study in accordance with their undertaking. Unfortunately, based on the foregoing, it appears that Pinellas not only failed to comply with their undertaking, but may have even impeded the Study's result.

33. b. Ms. Buck advised SACC in writing that Mr. Freeman had had contact with other PSAP's. However, in light of Mr. Freeman's failure to respond to SACC's inquiries into this issue, SACC wonders whether Ms. Buck was forthright in her advice in this regard.

33. c. If one were to assume that Ms. Buck 's advice was accurate, one would have thought that at least some of those PSAP's would have contacted SACC for further information. Given that no other PSAP's contacted SACC, SACC wonders whether Mr. Freeman may have discouraged those PSAP's in some way.

At the 2004 educational session at the NENA Tampa Convention given by SACC and

Mr. Freeman, Mr. Freeman stated that other PSAP'S were contacting Pinellas inquiring into the button guard program. Interestingly, none of those PSAP's were referred to SACC by Mr. Freeman.

The lack of any response from Pinellas, enthusiastic or otherwise, regarding Pinellas' growing study success rate when the reduction in accidental 9-1-1- cell calls reached 16.1% in the first 2 months, leads SACC to naturally conclude that Pinellas were, for some reason, not pleased with the success of the Study.

34. In Ms. Buck's April 2004 APCO Bulletin article entitled "New Educational Products", she mentions nothing about the Pinellas Study, despite the fact that the Study was commenced one month prior. This flies in the face of Pinellas undertaking.

Pinellas' and Ms. Buck's silence on this issue would likely have disappointed those who were following the Study in order to determine whether or not SACC's button guards were a viable solution to the national problem of accidental 9-1-1 cell calls.

Despite the undertaking, Pinellas and Ms. Buck have failed to compile or send SACC pertinent Study data. This is in keeping with the statement made by Ms. Buck during her August 2004 APCO class and on the CD: "…so if anything ever happened to me all that information would be gone because I don't write anything down - I guess I should".

The little data that has been provided to SACC was of very poor content and was only sent to SACC after repeated requests were made. None of that data is of assistance to other PSAP's as a button guard campaign format.

In Ms. Buck's outline in the APCO Bulletin entitled "Measuring Pinellas' Effectiveness", Ms. Buck set out several steps which she said should be undertaken in order to properly measure the effectiveness of the Study. One of those measurements is:

> "Reduced number of personnel hours spent handling misuse and abuse cellular calls".

Data such as this and more would have been very pertinent to the Pinellas Button Guard Study, simply because a reduction of staffing hours can translate to a reduction in the county's budget expense, allowing available funds to be utilized elsewhere as needed'.

Ms. Buck also stated in the Article that she had made up a "Hand Off Kit" to give to other Pinellas educators to distribute button guards. This Kit was to include button guards and information on how to use them, etc. SACC requested a copy of Ms. Bucks Hand-Off Kit for an example. After several requests, Pinellas said in order to receive this we had to pay $11 for a copy.

SACC forwarded the $11.00 check despite the fact that Ms. Buck stated she had given the Hand Off Kits out free to others. One would have thought that had Ms. Buck and/or Pinellas been truly interested in cooperating with SACC pursuant to the undertaking, that they would have provided that Kit to SACC without charge.

Although the Kit consists of 10 pages of information, the copy of the Hand Off Kit received by SACC was not the information and documentation set out in Ms. Buck's Kit Outline faxed to SACC Feb, 2004 and stated at her APCO presentation. Pursuant to the Outline, she stated the Kit was to include the following:

A) Letter from Director; Info on Phase I and II in Pinellas
B) Background info sheet (open line problem, #'s of calls, Phase I and II);
C) "How To" cards (master and 10 copies);
D) 250 button guards in a plastic bags;
E) Copies of press releases & articles;
F) Evaluation sheet; and
G) Master copies of everything for them to duplicate

The Hand Off Kit SACC finally received appeared unorganized, thrown together, including somewhat unrelated and confusing black and white copies. It was, in SACC's view, a very unimpressive promotional/information packet. SACC wonders if any were even sent out.

Further, Ms. Buck included the old cell phone photos with prototype button guards on the redial button instead of the 9-1-1 #9 button. SACC sent to Pinellas a generous supply of bright colored 8"x10" display cards to Pinellas which were simple, self explanatory, and bright colored, to catch attention. (A professional graphics designed display card SACC gave to Pinellas free of charge).

SACC requested the names of the 35 educators within Pinellas' county agencies that were given these Hand Off Kits. However, Pinellas refused to give their identity. SACC wonders whether the educators actually received the Kits as stated by Pinellas.

34. b. SACC wonders whether Pinellas is purposefully trying to discourage SACC by charging for every item of information requested of them.

35. SACC appreciates receiving Pinellas' recent Pinellas 9-1-1 print-out (paid for by SACC at the behest of Pinellas). That print-out lists only forty-seven (47) responses (out of 500,000 Eligible 9-1-1 callers) to the online public questionnaire survey over a fourteen month period.

The questionnaire concerned many areas of effectiveness of Pinellas County's 9-1-1 dispatcher responses to 911 emergency calls.

Upon analyzing these questionnaires and assuming that they represent by and large the responses of the "majority" of Pinellas County population, SACC has the following observations:

1. Approximately one in twelve calls were subjected to up to six rings before a dispatcher picks up the line.

2. Approximately 1 in 11 callers ask the question: "How do we know which

number selected from 'one to five' is high or low in order to rate a dispatcher response?" This question was asked up to 1 year ago as well as recently**.**

Assuming that Pinellas' staff have read these responses, one would have assumed that the questionnaire format would have been clarified by now.

3. Approximately 1 in 10 callers have commented that directions given by dispatchers to their emergency location (either police, fire, or medical) were in error and caused unnecessary and dangerous time delays.

In the Budget Report on page C-18 Emergency Communications: Balanced Scorecard Performance Measures it reads: the average 9-1-1 answer time in seconds for FY03 was four seconds and that both FY04 and FY05 are now up to "ten" seconds. It appears that Pinellas' response times are getting longer not shorter. Again it is SACC's view based on the success of the Pinellas' Study (such that it was) that the button guards have and will continue to reduce that time.

35. a. SACC is aware that Pinellas intends to increase its dispatcher staff by 6 full time positions. SACC wonders whether this increase in staff (and budget for said staff) would be necessary if the volume of Pinellas' accidental 9-1-1 cell calls (currently at 70,000) which all require a call back, were further considerably reduced.

36. A Pinellas website printout shows ALLTEL was still listed as a button guard pick up point as late as mid Jan, 2005.

SACC was pleased that Pinellas finally removed by Feb 05, the 8 ALLTEL locations from Pinellas' web page to avoid possible public confusion and disappointment, as they had concluded their participation in the study in Aug 2004, some 6 months earlier.

37. Pinellas' current web site directs the public to pick up free button guards at 3 Pinellas County Connection Centers. A phone survey during the study, revealed that only one of the three had any button guards on hand.

With this Administration's nationwide crunch, SACC closes with an excerpt from an article on Projected budget cuts in the Feb 2005 Wall Street Journal . . . .

> "The hardest-hit Justice Department programs, cut by more than $1 billion, were the Community Oriented Policing Services (COPS) Program and the Justice Assistance Grant. The president of the International Association of Chiefs of Police complained that, "This administration talks about homeland security but then guts funding for ... programs that help secure our homeland."

During the APCO 2004 Conference in Montreal, the U.S. Dept. of Commerce scheduled a meeting with SACC. In attendance was Anthony Wilhelm, PhD. Director of T.O.P. (Technology Opportunities Program) and four U.S and Canadian Commerce staff. Dr. Wilhelm stated T.O.P. was very aware of the "accidental 911" overloads and stated that SACC's button guards are needed to assist in eliminating this nationwide problem. He asked SACC dozens of technical, operational and status questions. Dr.

Wilhelm further suggested that “SACC apply for a non-profit status and then process a $300,000 grant application through T.O.P." Subsequently, SACC applied for an Non-Profit Corporate status, but did not follow through with the SS-4 federal non- profit ID application, as SACC was advised that all 2005 and 2006 T.O.P. grant monies had been excised from the federal budget.

Furthermore, SACC’s C.P.A. advised us that unless there were readily available grants, the red-tape of a non-profit organization would simply not be practical. Despite having registered as a non-profit corporation, given SACC’s C.P.A’s advice, SACC decided to postpone pursuing this status.

Given the foregoing information, it is SACC’s view that Pinellas has intentionally misrepresented and/or suppressed the Study, and, in so doing, has caused SACC to suffer damage.

The issue for Pinellas County 9-1-1 staff would seem to be whether our Nation’s Public Safety or the availability of public tax funds takes priority.

Based on the foregoing, SACC wonders whether there has been a conflict of interest?

> As Upton Sinclair observed, "It is difficult to get a man to understand something when his salary depends upon his not understanding it."

It is not SACC’s desire to commence protracted legal proceedings in relation to this matter. SACC simply wants to be made whole, and in that regard, invites Pinellas to make an offer to settle this matter. If this matter can be resolved by way of settlement, SACC will agree to keep the settlement, and the terms of thereof, confidential. However, “failing receipt of an offer to settlement by the close of business on July 27, 2005, SACC will take any and all steps it deems necessary in order to be made whole and in that regard, will take steps to include but not limited to posting this letter on our website and sending it to all interested parties including media.

Sincerely,

Dale R. Lissner Director ***"Never leave a nail half driven"***
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Tualatin, OR 97062
(503) 692-4171, FAX: (503) 885-0203
E-mail: sacc911solutions@aol.com
www.stopaccidentalcalls.com

Sheryl L. Lissner
Product Manager
SACC (Stop Accidental Cell Calls)

Cc: Honorable John Morroni, Pinellas County Commissioner District 6
Honorable Susan Latvala, Pinellas County Commissioner, District 4
Honorable Calvin Harris, Pinellas County Commissioner, District 2
Honorable Karen Seel, Pinellas County Commissioner, District 5
Honorable Ronnie Duncan, Pinellas County Commissioner, District 1
Honorable Kenneth Welch, Pinellas County Commissioner, District 7
Honorable Robert Stewart, Pinellas County Commissioner, District 3

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Enclosures: Florida news release (withheld by Pinellas staff)
SACC color Button Guard 911 Poster
Button Guard Kit.