

Jed Margolin
775-847-7845

1981 Empire Rd.

VC Highlands, NV 89521-7430
May 6, 2011

Storey County Commissioners
Storey County, Nevada

Reference: Taormina Towers Comments #4

Dear Storey County Commissioners,

This is regarding Tom and Midge Taormina's application for a Special Use Permit Case No. 2011-010. Please put this in the permanent public file for the issue.

In Tom's SUPPLEMENTAL INFORMATION FOR AN AMATEUR RADIO FACILITY ACCOMPANYING AN APPLICATION FOR A SPECIAL USE PERMIT file December 30, 2010 he asserts that he is a former NASA engineer. From page 5, second full paragraph:

Over the years, Whitten, Haymore and Taormina discussed the role of his ham radio station as first-tier backup communications for the County during emergencies. The concept was that Taormina's unique skills (among other things, he is a former NASA engineer) combined with his ham radio station, would provide previously unavailable links for VHF county and inter-county communications, and High Frequency links to national emergency centers.

{Emphasis added}

I have reproduced page 5 (and the title page) in Exhibit 1.

Elsewhere, Tom has asserted that he "was a member of the Apollo 13 disaster recovery team at Mission Control in Houston." See Exhibit 2.

NASA engineers are given an extra measure of respect in society because they work for NASA. This includes those who were NASA engineers in the past. Those NASA engineers who were part of the Apollo 13 Recovery Team have achieved almost legendary stature because of films such as **Houston, We've Got a Problem** (TV 1974, with Robert Culp, Clu Gulager, Gary Collins, and Sandra Dee) and **Apollo 13** (1995, with Tom Hanks, Ed Harris, Bill Paxton, and Kevin Bacon).

On March 16, 2011 I filed a Freedom of Information Act request with the National Aeronautics and Space Administration (NASA):

I would like all documents relating to the work done by Thomas S. Taormina (Tom Taormina) for NASA as a NASA employee and/or as an employee of a NASA contractor.

Mr. Taormina asserts that he was a member of the Apollo 13 disaster recovery team at Mission Control in Houston. He also asserts that his work as a member of the Project Apollo team at the Johnson Space Center included ten years as a Quality Control Engineer with Ford Aerospace in Mission Control.

See Exhibit 3.

On May 5, 2011 I received NASA's response to my FOIA request. In a letter dated April 22, 2011 NASA said (See Exhibit 4):

Dear Mr. Margolin:

This is in response to your Freedom of Information Act (FOIA) request, 11-JSC-F-00669, received March 18, 2011, in which you requested the following:

Documents relating to the work done by Thomas S. Taormina (Tom Taormina) for NASA as a NASA employee and/or as an employee of a NASA Contractor.

Mr. Taormina asserted that he was a member of the Apollo 13 disaster recovery team at Mission Control in Houston. He also asserts that his work as a member of the Project Apollo team at the Johnson Space Center included 10 years as a Quality Control Engineer with Ford Aerospace in Mission Control.

After a very extensive and due diligent search, conducted by the Johnson Space Center (JSC) Human Resources Office, Knowledge and Quality Management, Mission Operations Directorate, Engineering Directorate, Information Resources Directorate (which included searches with the JSC Scientific and Technical Information Center and the Federal Records Center), Safety Reliability, and the Extra Vehicular Activity Office we have determined that no records exist to confirm that Mr. Taormina was a NASA civil servant, or was a member of an Apollo 13 disaster recovery team at Mission Control.

NASA says that after "a very extensive and due diligent search" they have determined that "no records exist to confirm that Mr. Taormina was a NASA civil servant, or was a member of an Apollo 13 disaster recovery team at Mission Control."

Why is this relevant?

Tom's assertion in his SUPPLEMENTAL INFORMATION that he is a former NASA engineer was to give his application special credibility, and give him, perhaps, special privilege. This is a credibility (and privilege) that he (and his application) do not deserve.

73,

Jed Margolin
WA2VEW

Exhibit 1

Exhibit 1

STATE OF NEVADA

STOREY COUNTY COMMISSIONERS

SUPPLEMENTAL INFORMATION
FOR AN AMATEUR RADIO FACILITY
ACCOMPANYING AN APPLICATION
FOR A SPECIAL USE PERMIT

APN: 003-431-18, AREA VR, LOT/BLK 37



SUBMITTED ON BEHALF OF:

THOMAS S. TAORMINA
MIDGE A. TAORMINA
370 PANAMINT ROAD
VC HIGHLANDS, NV 89521
DAYTIME TELEPHONE: 775/847-7929
E-MAIL: TOM@K5RC.CC

BY:

BRIAN M. MCMAHON, ESQ.
MCMAHON LAW OFFICES, LTD.
3715 LAKESIDE DRIVE, STE. A
RENO, NV 89509
775/348-2701; FAX 775/348-2702; CELL: 775/720-1818
E-MAIL: BRIAN@MCMAHONLAW.ORG

IN ASSOCIATION WITH

FRED HOPENGARTEN, ESQ.
SIX WILLARCH ROAD
LINCOLN, MA 01773-5105
781/259-0088; FAX 419/858-2421
E-MAIL: FRED@ANTENNAZONING.COM
D.C. BAR # 114124

DECEMBER 30, 2010

TAORMINA APPLICATION FOR A SPECIAL USE PERMIT

not. At that time, there were no height restrictions in the Storey County Zoning Ordinance. Mr. Taormina visited the Storey County Building Department and was told that no building permits were required for ham radio antenna systems. From 1997 to 2008, Mr. Taormina erected as many as seven antenna support structures, at heights ranging from 40' to 140' above grade.

Tom Taormina became Emergency Coordinator for the local ARES¹ and RACES² emergency communications systems. See **Exhibit C-1**. These services are affiliated with the Department of Homeland Security, see **Exhibit C-3**, and the American Red Cross. He also became a member of the Storey County Local Emergency Planning Commission (LEPC), becoming familiar to Building Inspector Haymore and County Manager Whitten. Over the years, Whitten, Haymore and Taormina discussed the role of his ham radio station as first-tier backup communications for the County during emergencies. The concept was that Taormina's unique skills (among other things, he is a former NASA engineer), combined with his ham radio station, would provide previously unavailable links for VHF county and inter-county communications, and High Frequency links to national emergency centers. The station became part of the County's emergency preparedness plans. In 2007, Taormina was inducted into an amateur radio Hall of Fame for his contributions and innovations to ham radio over nearly five decades.³

Over many years, Taormina kept Haymore and Whitten apprised of his construction plans. He was repeatedly encouraged in his efforts and repeatedly advised that no building permits were necessary.

In May 2008, Taormina informed Dean Haymore of a plan to erect two antenna supports that summer, to heights of 120' and 195'. Among other uses, the 195' support was scheduled to include a 440 MHz repeater antenna at the top, to become the backbone of the county's amateur radio emergency communications system. As a courtesy, Taormina furnished copies of the PE renderings (**Exhibits B-6 and B-7**) to Haymore who acknowledged the plans and reinforced previous opinions that building permits were not necessary.

Since 2000, at least three years after Taormina antenna systems had been constructed, parcels at 380, 390 and 400 Panamint Road were purchased and homes built by residents new to the County. Two new antenna support structures were delivered in May 2008. In June 2008, Dean Haymore suggested that "it would be a good idea to get building permits for the two new structures." Taormina agreed and applied for a building permit, which was issued on June 27th as Building Permit No. 8354. See **Exhibit A-6**. Over the next two weeks, work began on the foundations for the two new structures and on modifications to existing structures. There were three compliance inspections. Each inspection was certified by the Building Department to be in conformance "with any Storey County Ordinances, the U.B.C., and the approved plans and specs."

Nonetheless, some neighbors complained to the County. In a matter of only a few days, the "comments" in the Compliance Inspection Reports escalated from none at all, to a recommendation, then demands to file for (variously) a Special Use Permit or Variance. On July 17, 2008, a Stop Work Order was issued with respect to all antenna support structures at the site. This order was the direct result of a

¹ Amateur Radio Emergency Service, a national volunteer organization

² Radio Amateur Civil Emergency Service, created by the Federal Emergency Management Agency and the Federal Communications Commission

³ http://www.contestdinner.com/page_hall_of_fame.html

Exhibit 2

Exhibit 2

Tom Taormina, CMC, CMQ/OE

Expert Witness in Product Liability and Organizational Negligence



With a unique perspective from having worked with over 500 companies in his 41 year career, Tom Taormina brings a rare talent for precision problem diagnosis, strategic thinking and outstanding written and verbal communications skills to any litigation team. His forte is assessing if, and how effectively, organizations are following their own manufacturing and quality practices and if they comply with required statutory, regulatory and industry standards. Tom was a member of the Apollo 13 disaster recovery team at Mission Control in Houston. His experiences during his 14 years at NASA formed the foundation for him to be able to rapidly analyze problems, diagnose solutions and work with teams to implement successful outcomes.

This skill set makes him a highly sought-after consultant and also is vital to his success as a member of a defense or plaintiff's winning team of experts.

Tom is a Senior Member of the American Society for Quality and is a frequent speaker to professional organizations on topics ranging from quality management to organizational excellence. He has been so successful at synthesizing quality control and quality assurance techniques into mainstream business that the American Society for Quality recruited him to be Managing Editor for a series of publications entitled "Defining Quality Management."

Recent noteworthy professional accomplishments include:

Co-founder of The Center for Business Excellence (CBE) a non-profit startup that is chartered to bring world-class facilitation and training services to Nevada's business.

Co-founder of APEX, The Nevada State Quality Award

Subject Matter Expert to University of Nevada Reno, Morrison

University, Truckee Meadows Community College, Western Nevada

Community College and the Nevada Management Assistance

Partnership in the areas of quality management, business process improvement and leadership development.

Former Subject Matter Expert on these topics to The American

Productivity and Quality Center, The University of Houston Center for Advanced Management Practices and Productivity, Inc.

Co-developer of Dell Computer's Business Process Improvement (BPI) Model.

Co-founder of FSIX, The Financial Services International Exchange, a

non-profit organization founded to bring world-class quality

management programs to banks, securities firms and insurance companies.

Past Chair, Quality Management Systems Committee, Quality Management Division, ASQ.

Tom attended the State University of New York at Farmingdale and The University of Houston, majoring in Electrical Engineering. Ford Aerospace and NASA granted him the degree equivalency of Quality Control Engineer in 1969, before it was a recognized university curriculum. He received additional training from Texas A&M, The American Productivity and Quality Center and Productivity, Inc. in the fields of quality and business management. He is currently a Senior Member of The American Society for Quality and internationally acclaimed as a subject

matter expert in quality and ISO 9000.

After leaving NASA, he spent ten years working for a number of oil field service companies as quality manager and manufacturing manager where he turned the lessons learned as an auditor into practice as a business leader. His last industry assignment was as Director of Training for Schlumberger Anadrill. In 1991, Tom founded Productivity Resources LLC and was the Managing Partner. He is a consultant in leadership development, business processes and strategic quality improvement. He has been a facilitator for companies such as Dell Computer, Ford Motor Credit and Burlington Northern Railroad. In 2004, Tom re-branded his business and is now President of The Taormina Group, Inc. The Group contains a growing cadre of exceptional subject matter experts in the fields of quality, leadership and business processes. Tom has been a licensed Amateur Radio Operator since 1959 and has recently been inducted into the Ham Radio Hall of Fame.

Professional Certifications:

Certified Management Consultant by the Institute of Management Consultants, 1999

Certified Professional Consultant to Management by The National Bureau of Certified Consultants, 2000 (expired)

Certified Manager of Quality and Organizational Excellence, American Society for Quality, 1996

Subject Matter Expert in:

Quality Assurance, Quality Control, Quality Management

Quality Standards, Quality Processes and methods

ISO 9000, ISO 9001, ISO 9002, ISO 9001:2000

Quality Management System Auditing

Manufacturing, Manufacturing Management

Manufacturing Standards and methods

Business Processes, Business Process Improvement

Amateur (Ham) Radio

Books, Booklets and Articles

Books

Implementing ISO 9001:2000; The Journey from Conformance to Performance (Chinese language), Pearson Education/China Machine Press (2003) ISBN 7-111-12311-5.

Implementing ISO 9001:2000; The Journey from Conformance to Performance, Prentice Hall (2002) ISBN 0-13-061909-4.

Introduction to ISO 9001:2000 Self Study Course, ABS Government Institutes (2001)

Assessing ISO 9001:2000 For Your Business, Key Elements and Strategies ABS Government Institutes (2001) ISBN 0-86587-828-5.

Successful Internal Auditing to ISO 9000, Prentice Hall (1999) ISBN 0-13-856808-1.

Assessing ISO 9000 For Your Business, Key Elements and Strategies, ABS Government Institutes (1999) ISBN 0-86587-648-7.

ISO 9000 Liderazgo Virtual, Prentice Hall (1997) (Spanish language) ISBN 970-17-0027-9.

Virtual Leadership and the ISO 9000 Imperative, Prentice Hall (1996) ISBN 0-13-237074-3.

Perfecting Mediocrity (11th book manuscript © 2007, currently being marketed)

Booklets

The Essence of Quality Management, Anthologies 1,2 and 3, (1998-1989) (Managing Editor) American Society for Quality (ASQ), Quality Management Division.

What is a Quality Management System? (1997) American Society for Quality, Quality Management Division

Management or Leadership? (1997) American Society for Quality, Quality Management Division

Recent Magazine Articles

The Internal Auditing Forum (January thru December 2004), Quality Systems Update Magazine

The ISO 9001:2000 Transition Workshop (January thru December 2003), Quality Systems Update Magazine

Quality to Business, (Spring 2002) Comstock's Business Magazine

11 Ways to Increase Profit with ISO 9001:2000, (April 2002), Quality Systems Update

From Quality to Business Success, (April 2002), Quality Progress Magazine

I Know It When I See It: The True Meaning of Quality, (March 2002), Pearson Education's InformIt.com

FS9000 – The New Quality Standard for The Financial Services Industry, (March 2001), Quality Systems Update Magazine

ISO 9000 – 2000, The Journey From Conformance to Performance, (December 2000) The Quality Management Journal of Australia

Virtual Quality, (Volume 11, Number 5, 1999), The TQM Magazine (England)

Conducting Successful Internal Audits, (June, 1998) Quality Digest Magazine

Como ter Sucesso com a Auditoria Interna (October 1998) BQ Qualidade (Brazil, Portuguese)

Attorney Client References

Paula Wyatt
Wyatt Law Firm
70 NE Loop 410
San Antonio TX 78216 361-857-8783

Susan Heygood
Hall & Heygood
2605 Airport Fwy, Suite 100
Ft Worth TX 76111 817-831-6100

Brian McMahon
Hamilton & McMahon
577 California Ave.
Reno NV 89504 775-348-2700

Robert Lee
The Lee Law Firm
816 Congress, Suite 1230
Austin TX 78701 512-439-3200

Brad Peterson
Snell & Wilmer, LLP
One Arizona Center
Phoenix AZ 85004 602-382-6202

Expert Witness Case History

Victor Hamilton, et al v. Cooper Wiring Devices, Inc.; In the United States Court, Southern District, Houston Division, Civil Action No. H-06-4063

Diana Alcala, et al v. Cardinal Health, Inc et al; In the District Court of Cameron County, Texas, 404th Judicial District, Cause No. 2006-09-4487G

James Souder, et al v. Lakewood Engineering and Manufacturing Company, et al; In the 62nd Judicial District Court of Lamar County, Texas, Cause No. 75364

Nelda Beatrice Martin, et al v. Westex Capital Ltd., et al; In the 81st District Court of Karnes County, Texas, Cause #05-06-00095CVK

Stuart Schuster v. American Honda Motor Company, et al; In the District Court of Tarrant County, Texas, 96th Judicial District, Cause #096-211755-05

Titanium Metals Corporation v. Globe Metallurgical, Inc.; In the District Court, Clark County, Nevada, Case No. A435651, Department XIII

Alvarez v Tech Spray, et al; In the District Court of Maricopa County, Arizona, Case # CV-04-305-TUC-RCC

Elisa Rodriguez, et al v. Wal-Mart Stores, et al; In the 93rd Judicial Court of Hidalgo County, Texas, Cause No. C-1269-01B

Jason Carl Rhoudes et al; v. Watts Treating Chemicals, Inc., et al; In the 32nd District Court of Nolan County, Texas, Cause No 18,567; 18,498; 18,509

Tracy Gene Bagwell, et al v. Rival Consumer Sales Corporation, et al; In the United States District Court for the Southern Division of Texas, Houston Division, Civil Action No. 4:06-03595

Gatekeeper Inc., v. Computer Technology Associates Inc.; In the United States District Court for the Eastern Division of Virginia, Case No 1:08-cv-00385

10/2008

Exhibit 3

Exhibit 3

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: <josephine.sibley@nasa.gov>; <hq-foia@nasa.gov>; <stella.luna-1@nasa.gov>
Sent: Wednesday, March 16, 2011 11:46 AM
Attach: Taormina_NASA1.pdf; Taormina_NASA2.pdf
Subject: FOIA Request - TT

Dear NASA,

This request is made pursuant to the Freedom of Information Act.

I would like all documents relating to the work done by Thomas S. Taormina (Tom Taormina) for NASA as a NASA employee and/or as an employee of a NASA contractor.

Mr. Taormina asserts that he was a member of the Apollo 13 disaster recovery team at Mission Control in Houston. He also asserts that his work as a member of the Project Apollo team at the Johnson Space Center included ten years as a Quality Control Engineer with Ford Aerospace in Mission Control.

See the attached files.

Costs:

I claim the journalist exemption. These documents are material to the Web page I am keeping regarding an issue in Storey County, Nevada, that is important to my community. See http://www.jmargolin.com/towers/tom_index.htm

Jed Margolin
1981 Empire Rd.
VC Highlands, NV 89521-7430
775-847-7845

Exhibit 4

Exhibit 4

National Aeronautics and
Space Administration

Lyndon B. Johnson Space Center
2101 NASA Parkway
Houston, Texas 77058-3696



April 22, 2011

Reply to Attn of: AD911-FOIA-11-093

Mr. Jed Margolin
1981 Empire Road
VC Highlands, NV 89521-7430

Dear Mr. Margolin:

This is in response to your Freedom of Information Act (FOIA) request, 11-JSC-F-00669, received March 18, 2011, in which you requested the following:

Documents relating to the work done by Thomas S. Taormina (Tom Taormina) for NASA as a NASA employee and/or as an employee of a NASA Contractor.

Mr. Taormina asserted that he was a member of the Apollo 13 disaster recovery team at Mission Control in Houston. He also asserts that his work as a member of the Project Apollo team at the Johnson Space Center included 10 years as a Quality Control Engineer with Ford Aerospace in Mission Control.

After a very extensive and due diligent search, conducted by the Johnson Space Center (JSC) Human Resources Office, Knowledge and Quality Management, Mission Operations Directorate, Engineering Directorate, Information Resources Directorate (which included searches with the JSC Scientific and Technical Information Center and the Federal Records Center), Safety Reliability, and the Extra Vehicular Activity Office we have determined that no records exist to confirm that Mr. Taormina was a NASA civil servant, or was a member of an Apollo 13 disaster recovery team at Mission Control.

We recommend you contact Ford Aerospace at 1322 Space Park Drive, Houston, TX 77058, 281-335-6000, www.ford.com.

Since you are receiving a "no records" response, we must advise you of your appeal rights. You are advised that you may appeal to the NASA Administrator. Your appeal must: (1) be addressed to the Administrator, National Aeronautics and Space Administration (NASA), Mail Stop: FOIA, Room 9R17, 300 E Street, SW, Washington, DC 20546; (2) be clearly identified on the envelope and in the letter as an "Appeal under the Freedom of Information Act;" (3) include a copy of the request for the Agency record, and a copy of the contested initial determination; (4) to the

extent possible, state the reasons you believe the initial determination should be reversed; and (5) be sent to the Administrator within 30 calendar days of the receipt of this initial determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Stella Luna". The signature is fluid and cursive, with a large loop at the beginning.

Stella Luna
JSC FOIA Public Liaison Officer