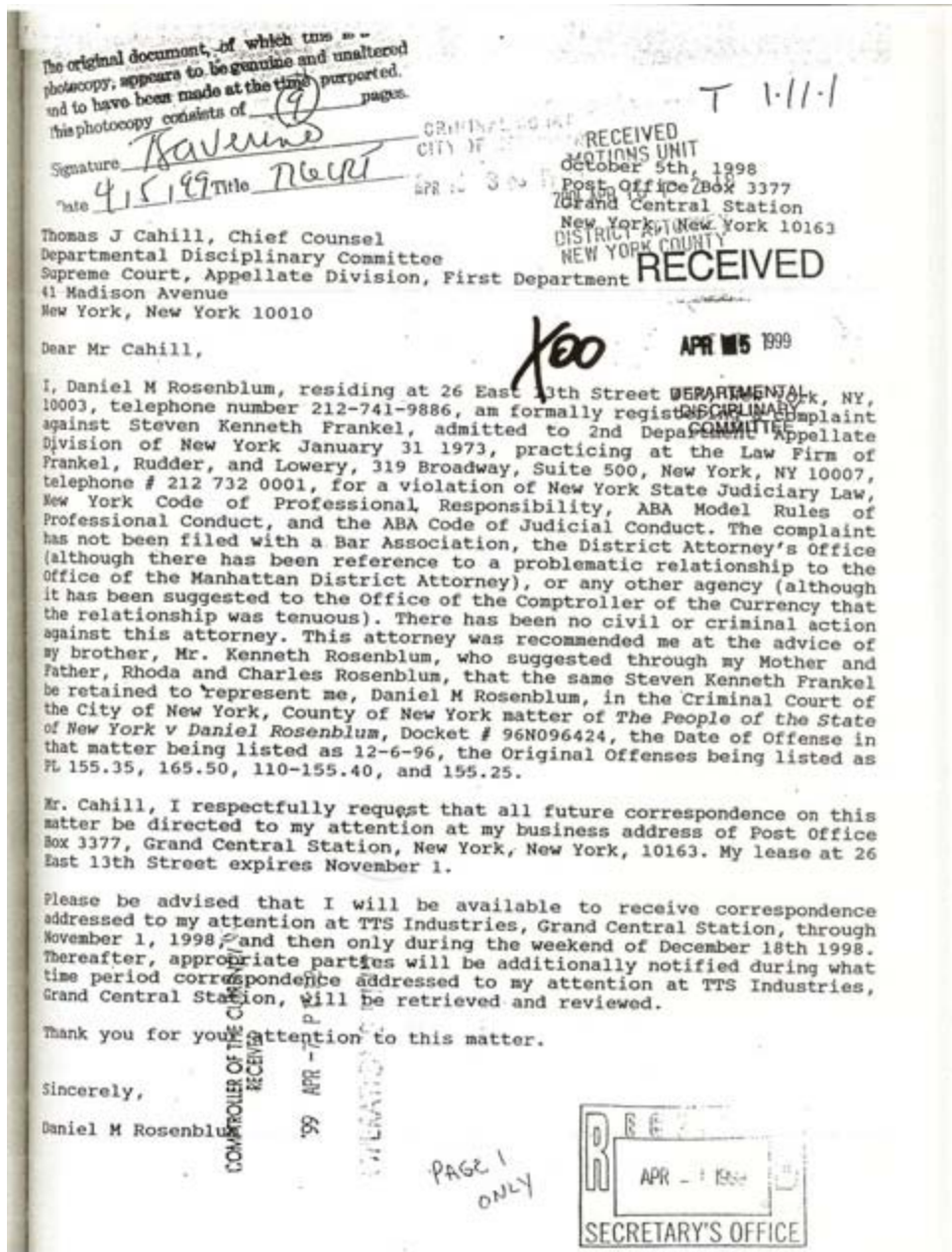


insert return to TTS 16 Years; editing necessary



October 31st, 1998
Post Office Box 3377
Grand Central Station
New York, New York 10163

Thomas J Cahill, Chief Counsel
Departmental Disciplinary Committee
Supreme Court, Appellate Division, First Department
41 Madison Avenue
New York, New York 10010

Dear Mr Cahill,

With regards to the October 5th complaint concerning Steven K Frankel, Attorney of Law, admitted to the 2nd Department Appellate Division 1973, written Daniel M Rosenblum that pertains to Mr. Frankel's conduct as it relates to People v Rosenblum, there are a host of violations I look to communicate to your Offices. I shall hereby bring to your attention additional purported violations and include more information on certain aspects of Mr. Frankel's conduct in representation which purportedly are in violation of DR 6-101, Failing to Act Competently, as reported in a letter dated October 16th 1998.

I believe Mr. Frankel ran askew of the following rules:

1. ABA Model Rules of Professional Conduct Rule 1.8:

Conflict of Interest: Prohibited Transaction

section f: A lawyer shall not accept compensation for representing a client from other than the client unless:

- 1) The client consents after consultation
- 2) There is no interference with the lawyer's independence of professional judgement or with the client-lawyer relationship; and
- 3) Information relating to representation of a client is protected by Rule 1.6

2. The violations of the above cited Professional Conduct Rule 1.8 with regards to the matter of *People v Rosenblum* had significant effects with regards to two disciplinary rules, those being:

- a) DR 9-101 : Avoiding Even the Appearance of Impropriety
- b) DR 9-102 : Preserving Identity of Funds and Property of Others; Fiduciary Responsibility; Maintenance of Bank Accounts; Record Keeping; Examination of Records

Section B, Paragraph 4 : Separate accounts, funds belonging to client, Section C, Notification,

<over, please>

THE UNAUTHORIZED DEFENSE DEVISED BY AND ENACTED BY STEVEN K. FRANKEL OF FRANKEL RUDDER AND LOWERY DURING JANUARY AND FEBRUARY 1997

During the second and third weeks in January 1997 my search for an attorney continued, but I was strongly encouraged by my parents and brother to hire Steven K. Frankel. I met with Steve several times during late December and early to mid-January to discuss the case and to discuss whether he would be hired or not. I did not, however, hire him to represent me. In fact, we did not arrive at a definitive contract, we only discussed varied proposals as to how we might proceed and how payment arrangements might be had. I was clear that he had not been retained, and I was clear that he would not be retained unless a satisfactory contract was arrived at, and unless we arrived a clear plan insofar as how my defense in the matter would be put forward.

There are many small details about what occurred in January through March 1997, which I am happy to put forward and document, and which substantiate what I am here putting forward. Here, now, however, I will only cut to the heart of the matter of what occurred against my expressed desire, and what I note was an unauthorized legal defense concocted by Steven K Frankel.

To be certain, I was upset with the Felony Grand Larceny Allegation lodged by Citibank, and I was upset that my computer had been confiscated, and that my plans for TTS Industries had been put on a major hold, and that I was in a position whereby I had to defend my actions as if I had committed some heinous wrongdoing. I told my parents and any attorney I interviewed that I felt that way. Eventually, Steven K Frankel and my parents suggested to me that indeed I had been wronged, and that perhaps we should document the stress that the event was causing me. At the same time, Frankel and my parents suggested that one line of defense in Criminal Court could be to bring into question my 'intent' during the transaction- Frankel explained to me, a non-attorney, that in order to be guilty of crime the perpetrator needs to have intended the crime.

While I agreed I had not intended at any time to steal any money, I was adamant that Frankel or any other attorney not stray from attacking the validity of the allegation by the bank. If he was to represent me, I wanted him to concentrate on banking law and the transaction which had occurred. Frankel told me he agreed, and told me he had spoken to the Judge in the case and that the judge thought what Citibank had done was an atrocity. Frankel took me out to dinner, and he paid me monies during January 1997. But he also continually indicated that he was a criminal defense attorney only, and that it would be inappropriate to bring banking law into criminal court, that I would have to get the charges dismissed in criminal court based on criminal law alone. I insisted that we find someone with banking law expertise to consult with, to analyze all facets of the transaction. Frankel disagreed, and every time the subject was brought up, he steered me away from it. This was an issue which contributed to not arriving at a retaining contract. However, my parents and brother and Frankel himself continued to pressure me to move forward on certain aspects of the case, including the fact that the case had caused me some stress.

With that in mind, Frankel and my parents coaxed me to enter Payne Whitney, a psychiatric institution, for an evaluation of the stress which Citibank had caused me following the felony grand larceny allegation. Unbeknownst to me, however, Frankel and my parents and a psychiatrist they were working with fabricated a full patient admission profile which became associated with my entry into the hospital as my "patient history". It was more than a year until I saw my admission papers and 'patient history' which is a few pages of a narrative which tells the untrue story of some 15 years of mental illness. That is, I was admitted into the hospital with a false, fabricated patient history which told the story of 15 years of delusional, psychotic, distressed behavior- all of which is patently false.

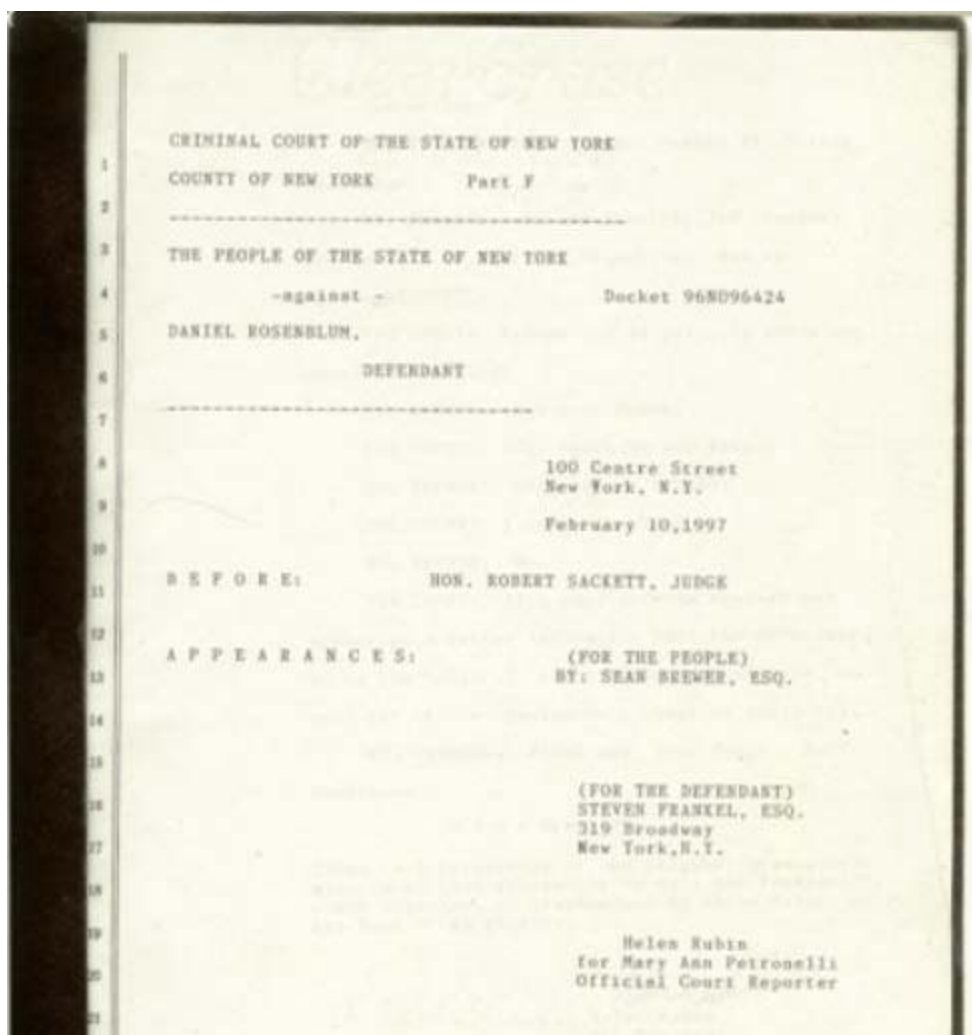
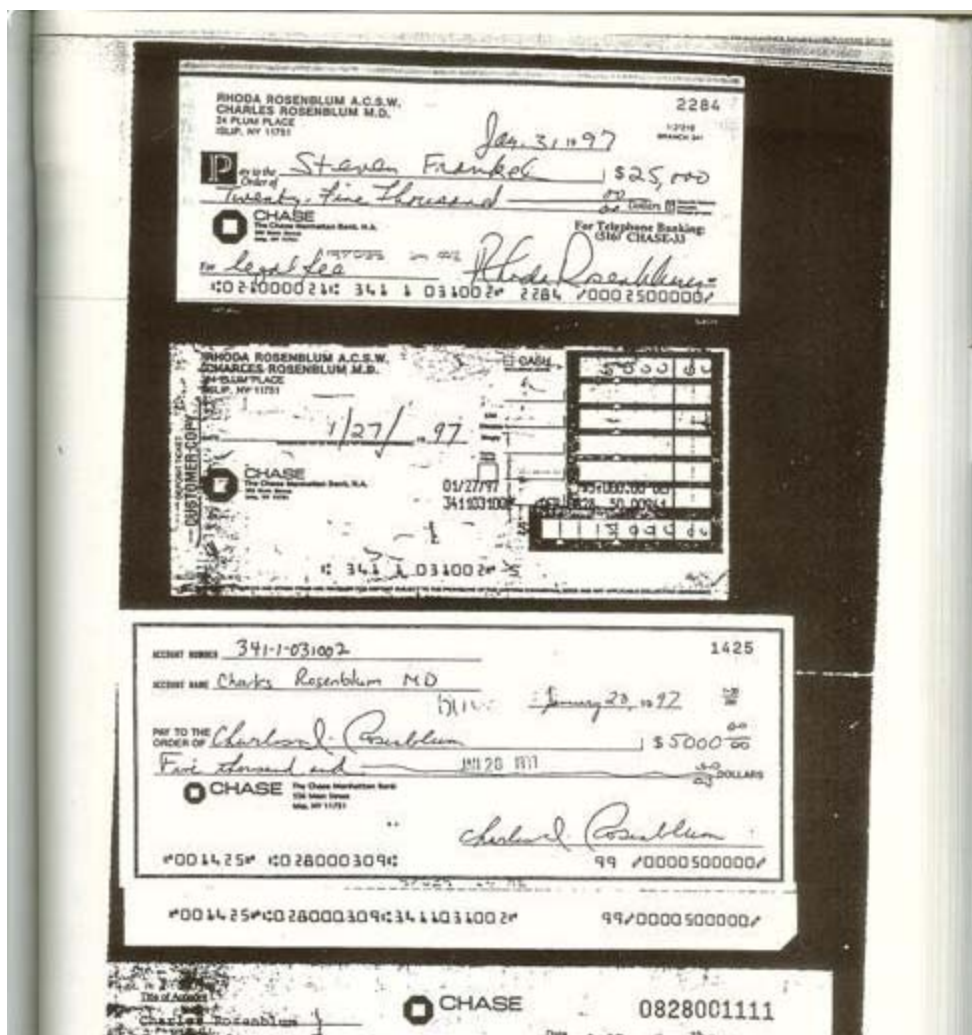
In my life to that point it had never been suggested even remotely by any individual on the planet that I had any semblance of any mental illness by any doctor, colleague, professor, friend, relative, or otherwise. Similarly, since then, apart from the core group of doctors associated with the debacle here discussed, no individual connected with me whether socially, academically, in criminal justice, in law enforcement, in an employment scenario, or otherwise has remotely suggested that. Yet my patient history and admission papers- which I had no access to nor was aware of until I made a request for them a year later- tells a narrative, as if it were true, of a downward spiral into mental illness beginning during my adolescence, getting worse during junior high school and high school, and so on through college and culminating with grand delusions etc in the years recent to my arrest on felony grand larceny. When I entered the hospital, I did so anticipating a consideration of stress caused by an undue allegation of felony grand larceny. My attorney and the psychiatrist he was working with and my parents coaxed me to voluntarily enter into the hospital which was described to me as a very comfortable hospital, where I'd go for three days of consultation and discussion. They said it wasn't The Plaza, but it was very nice and professional and while not luxurious, very comfortable and professional. I anticipated interesting discussion about psychiatric theory, etc. The hospital was on the Upper East Side of Manhattan, on 68th Street at 2nd Avenue. However, upon admission, I took an elevator to a floor full of some 70 to 100 mental patients in hospital gowns. I was led to a room with some four cots or hospital beds and one shower to share. There was a common room with a television where the patients were watching on old TV on the wall. I was locked on a psychiatric floor at Payne Whitney Hospital, and soon 'for my own good' forced to take a all kinds of medications and allowed to step off the locked floor full of mental patients only a half hour a day. When I complained about not having my own room, and of being grossed out, confused, and even disgusted by the environment, I was told that I had issues of entitlement and narcissism. When I refused to take the medications, and requested in writing to leave the hospital, my privileges to leave the floor were revoked, until I "came to terms" with my "illness". The "illness" was described to me in various ways. In due course, at times I was coaxed to believe that in fact the "illness" was brought on by the felony allegations and that the staff was helping me through the difficult time. But at other times it seemed the staff was of the impression that I was not understanding some illness which had plagued me for many years. The whole experience was extraordinarily confusing and discomfoting, and I was not permitted to leave the hospital for many weeks. I have much documentation about the whole ordeal, which, in due course I can elaborate on.

It was only a year later that I found out that my parents then paid an exorbitant sum of money, some \$30,000.00 to Steven K. Frankel as I was being admitted to the hospital (see the copies of checks written to Frankel January 31st 1997). While I was in the hospital and heavily medicated it was explained to me that Frankel had been retained to represent me. If I protested anything while in the hospital, I was only forced to take more medications, which then only confused me more and made me unable to participate in my own defense. As the records below show, Steve Frankel gave a letter to the District

Attorney's office indicating that I was a psychiatric hospital and would not be able to make it to court for my February court date. From inside the hospital as that occurred, I could not argue with what Frankel was doing- if I did, it was received as defiance- a symptom of the "illness" I had since adolescence. I did, however, attempt to instruct Frankel on what to do in court, what to say to the judge, etc. I have documentation of everything, which in due course I intend to here document to the extent that it makes my point and verifies what I am here stating.

The court transcripts below suffice for the time time being in painting a portrait of what occurred in early 1997. I wanted to stand by my actions, and defend them. But I was robbed of the opportunity to defend my actions. To be certain, I was imprisoned in the hospital during January and February of 1996, and incapacitated by medication forced upon me, without any due process. The staff at the hospital at first let me step outside the floor I was on for 30 minutes a day, supervised. When I became agitated and wanted to leave the hospital altogether, or refused to take medications, my 30 minutes was revoked. I have all the supporting paperwork which documents this. Until I 'came to terms with my illness' I was forced to take more medications and not permitted to leave the hospital. One day of such treatment feels like imprisonment. I was treated like this for weeks. I had no idea that every doctor I spoke to during those first few days and the ensuing weeks were first reviewing my 'patient history' - a fabricated concoction written by Miller and Frankel with my parents which tells an untrue story of a history of a downward spiral of mental illness which had endured such adolescence - a period of some 15 years of trouble in my home community and in High School and college and suicidal tendencies and grandeur and disillusionment. The patient history worked around some facts which had occurred in my life, but little else in it was true. Doctors at the hospital proceeded to interview me with the admission history in hand, asking me about the factual history but receiving my verbal remarks in disbelief and criticizing me on tiny little points which then confused me and caused me to become noncommunicative. I had entered the hospital under the impression that we were addressing stress brought on by the allegation of grand larceny, when in fact each doctor was approaching me as if the issue was to educate me to come to terms with a longtime illness. I certainly did become agitated, a bit paranoid while at the hospital in response to the eery way in which I was being received and the way in which medication and treatment was being forced on me in a way which had no semblance to the consolation which I anticipated given the way I was coaxed into the hospital.

Of utmost import as it pertains to the legal case of the allegation of Felony Grand Larceny is that I could not defend against the Felony Grand Larceny as I wanted to. Below are copies of checks paid to Frankel, and transcripts of proceedings while I was in the hospital, and then again shortly thereafter. [My request for hospital records was written in June of 1998](#), I received and reviewed records during summer of 1998. During summer of 1998 some of the ordeal I had experienced in 1997 started to make more sense as I discovered that I had been admitted to the hospital with a fabricated patient history. I had suspected something had been awry, given how I was treated, but could have never guessed the extent. Further, during that time period if I displayed any emotion resembling suspicion it was labeled as paranoia by those doctors or my attorney or my parents. It was a very trying experience. [Soon thereafter I sought to have the attorney investigated](#), and challenged my parents on what had occurred. Earlier in 1998 I was accepted into Brooklyn Law School, and was to start in August 1998. I matriculated, but I was still on charges of Grand Larceny- they were [not actually dismissed in entirety until April 1999 by Judge Ellen Coin](#). I could not get a loan to finance Brooklyn Law, and therefore was 'involuntarily withdrawn for failure to meet my tuition obligation' on or about [Labor Day Weekend 1998 as I continued to seek regulatory analysis of the Citibank transaction and Larceny Charges](#). I tried vigorously to have regulatory analysis, but encountered again what seemed an absurd co edy of erros: through April of 1999, it seems the regulatory agencies were relying on Manhattan Criminal Court, which in turn was relying on Payne Whitney and the Social Security Administration. I cut off my association with my parents, as I was disgusted with what had transpired on 1997 on its face, and with all summer 1998 dialogue on the matter following my receipt of the hospital records. As my lease was expiring in October 1998, I had previous hopes that law school financing would afford me room and board. My ability to earn through work was very very complicated given the status quo of the larceny charges, the hospital stay, and the law school predicatment. As my lease expired I vacated my apartment at 26 East 13th Street in Manhattan.



Proceedings 2

1 BRIDGE: Calling calendar number 88, Daniel
 2 Rosenblum.
 3 MR. FRANKEL: Steven Frankel, 319 Broadway,
 4 New York, N.Y., for Mr. Rosenblum. May we
 5 approach?
 6 THE COURT: Before you do that, is there any
 7 grand jury action?
 8 MR. BREWER: No, your Honor.
 9 THE COURT: Will there be any today?
 10 MR. BREWER: This is not 180.80.
 11 THE COURT: I am just asking.
 12 MR. BREWER: No.
 13 THE COURT: If I may, defense counsel has
 14 presented a letter indicating that the defendant
 15 is in the hospital, cannot come to court. So, we
 16 will put it over to the date which is April 7th.
 17 MR. FRANKEL: Thank you, your Honor. Bail
 18 continued.
 19 * * * * *
 20 (This is a transcript of the original stenographic
 21 minutes of this proceeding by Mary Ann Petronelli,
 court reporter, as transcribed by Helen Rubin, to
 the best of my ability.)

Helen Rubin
 Helen Rubin
 Court Reporter

FRANKEL RUDDER & LOWERY, LLP
 Attorneys at Law

190 Broadway, Suite 500, New York, New York 10007-4187
 Telephone 212 712 0001 Facsimile 212 712 8160

Steven K. Frankel
 Paul Eric Rudder
 Juliette S. Lowery

February 7, 1997

Via Facsimile Transmission

Peter Katz, Esq.
 Assistant District Attorney
 District Attorney's Office
 New York County
 One Hogan Place
 New York, New York 10013

Re: People v. Daniel Rosenblum

Dear Mr. Katz:

As we discussed earlier today Daniel Rosenblum was admitted to Payne-Whitney Institute (on 76th Street) on Monday February 3, 1997.

During several discussions this week with Dr. Deborah Carver at Payne-Whitney she confirmed that Daniel was admitted for evaluation and treatment.

Significantly, she explained that although he originally was admitted on a voluntary basis, his conduct during the past five days and the evaluations have brought the staff to determine that should Mr. Rosenblum request to be discharged, the Institute would petition the courts for an involuntary commitment at this time.

Therefore, although I will be in Part "F" on Monday, February 10, 1997 to represent Mr. Rosenblum, please understand that he will not be available.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART AP-7
-----X
THE PEOPLE OF THE STATE OF NEW YORK,
- against -
DANIEL ROSENBLUM,
Defendant.
-----X
100 Centre Street
New York, NY 10013
April 7, 1997

DOCKET No.
- 96N096424

B E F O R E:
HON. EILEEN RAKOWER, JUDGE

A P P E A R A N C E S:

FOR THE PEOPLE:
ROBERT MORGENTHAU, ESQ.,
District Attorney, County of New York
BY: ERIC SNYDER, ESQ.
Assistant District Attorney

FOR THE DEFENDANT:
STEVEN FRANKEL, ESQ.
319 Broadway
New York, New York

2

PROCEEDINGS

1
2 COURT OFFICER: From the audience, calendar
3 number thirty-five; Daniel Rosenblum.
4 Counsel, your appearance, please.

5 MR. FRANKEL: Steven Frankel, 319 Broadway,
6 New York, New York.
7 Good morning, your Honor.

8 THE COURT: Good morning.

9 MR. SNYDER: May I have one moment, your
10 Honor?
11 THE COURT: Yes.
12 (Pause in the proceedings.)

13 MR. SNYDER: Judge, I think we have to
14 approach.
15 I don't know anything about the case, but if
16 we may approach. "
17 THE COURT: Yes.
18 MR. FRANKEL: Thank you, your Honor.
19 (Whereupon, an off-the-record discussion was
20 held at sidebar.)
21 MR. SNYDER: The People...

PROCEEDINGS

for one year with several conditions.

Do you want those conditions on the record?

THE COURT: Yes, please.

MR. SNYDER: The conditions being no new arrests; condition two being restitution paid to the complaining witness in the amount of \$2,000; that the defendant remain in psychiatric treatment for the entire year, and that the defense counsel report to the assistant DA regarding this defendant's progress in the psychiatric treatment.

THE COURT: This is going to be done privately outside of the Victim Services?

MR. FRANKEL: Yes.

THE COURT: You understand that this case has been reduced and it is going to be adjourned for a period of one year if you abide by the conditions? If the restitution is paid to the complaining witness in the amount of \$2,000, and if you remain in psychiatric treatment, if there are no new arrests for the next year and if your counsel

EXHIBIT S

EXHIBIT A

PROCEEDINGS

(Whereupon, there was no response.)

THE COURT: Do you understand; yes or no, sir?

THE DEFENDANT: Yes.

MR. FRANKEL: I have spoken with the ADA about returning property. He has directed me to speak to Mr. Katz about his computer and other materials to be returned.

THE COURT: Very good.

Bail is continued for the next adjournment.

The adjourn date will be --

MR. FRANKEL: Your Honor, is it possible to exonerate bail?

THE COURT: People have any objection?

MR. SNYDER: No objection.

THE COURT: Bail is exonerated.

MR. FRANKEL: Thank you, your Honor.

(Continued on next page.)

EXHIBIT S

EXHIBIT A

EXHIBIT S
EXHIBIT A

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PROCEEDINGS

THE COURT: And it will be calendared on
April 6, 1998 --

MR. FRANKEL: Fine.

THE COURT: -- in AP 5.

MR. FRANKEL: AP 5.

I will be there, your Honor.

THE COURT: Very good.

MR. FRANKEL: Thank you, your Honor.

The foregoing is hereby certified to be a true
and accurate transcript of the proceedings as
transcribed from the stenographic notes.

CAROL BECKLER
Official Court Reporter

Thomas J Cahill, Chief Counsel
Departmental Disciplinary Committee
Supreme Court, Appellate Division, First Department
41 Madison Avenue
New York, New York 10010

October 31st, 1998
Post Office Box 3377
Grand Central Station
New York, New York 10163

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I believe Mr. Frankel ran askew of the following rules:

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Conflict of Interest: Prohibited Transaction

section f: A lawyer shall not accept compensation for representing a client from other than the client unless:

- 1) The client consents after consultation
- 2) There is no interference with the lawyer's independence of professional judgement or with the client-lawyer relationship; and
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The violations of the above cited Professional Conduct Rule 1.8 with regards to the matter of People v Rosenblum had significant effects with regards to two disciplinary rules, those being:

- a) DR 9-101 : Avoiding Even the Appearance of Impropriety

Over the years I have made concerted efforts to rectify the above situation to no avail. Most of my efforts to rectify the situation were made in the immediate aftermath of the debacle described above. I have much more documentation, which I intend to publish here on my website to paint a full accurate picture of what occurred pertaining to this debacle during the late 1990s and early 2000s, during most of which time I lived without domicile. As far as Steven K. Frankel is concerned, I have hopes that over time the Departmental Disciplinary Committee, 1st Department, will take another look at the complaints I filed regarding him during the late 1990s pertaining to this case. Based upon my interaction with him, I would prefer to see Steve Frankel sanctioned at a minimum by the New York State Bar Association. Similarly, I would like to see the psychiatrist Frankel worked with, Frank Miller, sanctioned by whatever the licensing organization for psychiatrists is. Around the year 2000 the Departmental Disciplinary Committee indicated to me that my query had been addressed. There was little more I could do at the time to push the matter forward.

**

After I found out about the fabricated patient history, it was very difficult to maintain an association with my parents, and Frankel. I wanted to correct the record, but that process proved to be very difficult. It was mid 1998 before I received my request for records from the hospital. I had made application to Brooklyn Law School during late 1997, and was set to start in August 1998. During several months in 1998 I approached my parents about the debacle I had uncovered, and challenged them on the stories they had told me prior to my admission to the hospital, and about the months after I left the hospital. I was very unsatisfied by their responses. I applied for loans to finance Brooklyn Law School, but was unable to achieve a loan for law school.

Fortunes were being made in 1997 and 1998 for savvy business people whose attention was directed at the nascent internet. The regulatory environment was being shaped. I was stuck on the sidelines, I stood accused of Felony Grand Larceny throughout 1997, 1998 and 1999 until April 1999 when the charges were dismissed in court. I had been labeled as having a mental illness which had caused the Larceny, which was therefore excusable. on allebeing led to by my parents and my attorney, and being treated by psychiatrists who held a fabricated patient history i had never seen and which was wholly untrue. Any discussion i had about my ideas associated with my business was a discussion in my defense, not with business but while on charges of larceny. The scene was a mess, and very difficult 16 15 and 15 years ago.

Further complicating matters, During the time i had not seen the fabricated patient history, any suspicion of foul play i articulated wa simply labeled "paranoia", a symptom of my "illness". Further, any act of defiance by me was also received that way. Hence, i kind of had to accept the status of matters, or, fear being treated as even more "ill"; for example, at court proceedings i could not object to the terms and of the ACD; doctors told ke i could not work, etc...

add SSA. Extensive filings and dealing with SSA. I have always maintained to SSA that I could not have qualified for SSA Disability monies, except for the fact that I made an application for SSA Disability while I was in Payne Whitney hospital as described above during the time period that all privileges, such as leaving the hospital for even 30 minutes, were denied me unless I "came to terms with my illness" and took medications forced on me. The file at SSA which found me to qualify for SSA Disability beginning in 1997 when I was admitted to Payne Whitney and then kept there contains exactly the same fabricated, false language of my admission to Payne Whitney, which only Frankel and Miller could have written: it indicates with exactly the same laguage that I suffered from debilitating mental illness beginning at adolescence, that I was isolated without friends as a teenager, that I had great difficulty with academices in high school and college, that i was ever delusional with gradiose ideations, etc. Again, my SSA file is extensive, in every instance that I indicated that I had no disability, the SSA simply continued me on disability, using my protestations as evidence of disability. In time I will dedicate a webpage or too to documentation of this facet, my dealing with the SSA 1997 to 2005. , Coin transcript

Of primary consideration my letter to the Social Security Administration dated April 5, 1999, received April 5th 1999 by Ms. Saverino of the Social Security Administration at 26 Federal Plaza Room 31-120 on April 5th 1999.

From 4/5/1999 to SSA:

"(a3) I welcome with open arms your review. Of greatest concern is the integrity of the evaluation at Payne Whitney Hospital which produced the diagnosis upon which the Offices of Social Security based their decision that I fact I was eligible for benefits. It is my understanding that you have in your possession Hospital generated documentation indicative of said evaluation. It is my contention that the evaluation with which I was admitted to the Hospital was fabricated. Please refer to the Departmental Disciplinary Committee letter of today's date at this juncture as the intent is intricate to what follows.

My letter to the Social Security Administration dated April 5, 1999, received April 5th 1999 by Ms. Saverino of the Social Security Administration at 26 Federal Plaza Room 31-120 on April 5th 1999. The letter contained 10 addenda, including 9 pages of materials I filed that week with the Departmental Disciplinary Committee in addition to materials I had filed with the NY District Attorney's office. The cover page of my 4/5/99 SSA letter states my Social Security benefits claim, lists the 10 packets of addenda, which includes additional support to my allegation of fraud by attorney Frankel and psychiatrist Miller, including hospital records.

While I often speak of my love for camping, and the time I spent camping on the beach in East Hampton, Southampton, and Port Authority of NY and NJ Pier 34- I do not often speak of how I ended up without domicile. Below is one synopsis, which is a work in progress; I have much more documentation and there is much more to the narrative, but, at least this is a detailed sketch. I rarely talk about most of the details here referred to; rather, more often than not, I simply discuss how much I enjoyed camping on the beach because I prefer to speak of pleasant times than difficult issues when it comes to discussing 1997 to 2005)

<http://www.twentyfirstcenturydigital.com/TTSwiborg.php>

I feel very strongly that, in the transaction which culminated with Citibank effectuating a Felony Grand Larceny allegation through NYPD, there was no semblance of deceit or trickery on my part. If the transaction is viewed in the light of any other service industry, Citibank failed tremendously. If a carpenter is hired to build a deck, it should hold weight. Here, 75 thousand dollars posted as cash to an account which cash was apparently absent. An important element here is the extent to which simple data was accurately processed over a four day period- and the extent of appropriate remedies associated with any mistake or error which might arise during the task/ service performed. In the digital era, such questions are paramount to effective and efficient productivity in the general economy.

**

Please note, this web page is a work in progress. While there are images of legal filings on this web page, the web page is not yet a legal filing. Current resources do not permit proper editing of this page, the author anticipates editing this and related pages perhaps over years to come as time and resources permit. Therefore, this page may, in its current format, contain errors or omissions. It is the author's intention to, over time, correct any errors or omissions. The subject matter addressed will, in time, be elaborated on, clarified, and further documented. The chronology of events will be further documented, and the relationship of the events here referred to to other related events will be clarified. In addition, please note that there is much more to this story, which has years of related events. The author has supporting documentation for all claims made, and will certainly be working on this material. However, if the author waited until everything was 100% edited and corroborated it would be some time before any related material was published.