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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In re

David L. Titus)
) EB Docket No. 07-13
) FRN No. 0002074797
) File No. EB-06-1H-5048
Amateur Radio Operator and Licensee of)
Amateur Radio Station KB71LD)

RECEIVED - FCC

OCT 26 2007

To: Chief Administrative Law Judge Richard L. Sippel

Federal Communications Commission
Bureau / Office

***STATEMENT IN RESPONSE TO OCTOBER 16, 2007 ORDER, MOTION FOR
RECIPROCAL DISCLOSURE, AND MOTION FOR EXTENSION OF TIME TO
PROVIDE AN EXPERT STATEMENT***

David L. Titus, by counsel, submits this statement in response to the presiding judge's October 16, 2007 order, FCC 07M-40, moves for entry of a reciprocal order requiring the Bureau to provide reciprocal information for its proposed witnesses, moves for an extension of time to provide his expert witness statement. In support, the following is shown:

The Order requires Mr. Titus to present the names and addresses of non-expert witnesses, and provide a report from his proposed expert witness. No such order appears to have issued with respect to the Bureau, however. This is a revocation proceeding with the burden of proof and persuasion placed on the Bureau. Accordingly, Mr. Titus is not required to submit a direct case. Fundamental fairness requires disclosure of the Bureau's proposed witnesses in this proceeding, especially in light of the advance notice requirement imposed on Mr. Titus.

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LAW OFFICE

Notwithstanding that he has no evidentiary burden, it is Mr. Titus's intention to proffer evidence of his good character through witnesses who have known him for quite some time and who have had the opportunity to observe his operation as an amateur radio operator. Mr. Titus therefore intends to call the following persons as witnesses in the subject hearing.

Expert Witness.

Mr. Titus proposes to call the following expert witness:

Dr. Douglas J. Allmon, PhD
Washington State Licensed Psychologist & Registered Sex Offender Treatment Provider
1122 E Pike St, Suite 667
Seattle, WA 98122
206-323-0330

Dr. Allmon has prepared thousands of sexual deviancy studies. He is expected to testify concerning his recently conducted examination of Mr. Titus. He is expected to testify that among other things: to Mr. Titus's background, the psychological basis for his previous sexual offenses; that Mr. Titus is not a threat to reoffend nor a threat to children; that amateur radio is a positive influence on Mr. Titus in forming appropriate interpersonal bonds, and establishing supportive relationships.

Dr. Allmon recently suffered a serious fall which resulted in a fractured leg hip. He was forced to undergo surgery . He is in recovery and temporarily unable to perform his profession. His office assistant advises he will not be available prior to the end of the month. Dr. Allmon had a tentative due date to complete Mr. Titus's Sexual Deviancy Evaluation/Report by 11/16/07. It is likely that date is impacted by the un-expected surgery/rehabilitation. An extension of the report date is requested to December 15, 2007, pending counsel's ability to

confer with a firm up the exact date Dr. Allmon will complete the report, at which time the Bureau and the Presiding Judge will be promptly notified.

Non-expert witnesses

Lt. Stephanie Steele, KC7DBA & Sgt. Norma Steele, KC7DAZ
255 Douglas Rd
Ontario OR 97914
208-739-1111 & 208-697-3111

Are expected to testify in accordance with Exhibit 1, hereto.

Bruce Miller, KC7IAY
PO Box 70467
Seattle, WA 98127
206-903-9677

Is expected to testify in accordance with Exhibit 2, hereto.

David S. Dobbins, K7GPS
920 N Fairchild Dr.
Medical Lake, WA 99022
509-244-8484

Is expected to testify in accordance with Exhibit 3, hereto.

Thomas M. Proehl, K7FZO & Teena M. Proehl, K9HAV
PO Box 1212
North Bend, WA 98045-1212
425-888-1852

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interest in underaged persons; and his contributions and commitment to amateur radio and its goals.

Dr. Richard "Rick" K. Olsen, N6NR
23437 SE 17TH PL
Sammamish, WA 98075
425-391-3546

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Dr. William C. Kenner, WM7B
1800-SW 152nd
Seattle, WA 98166
206-248-1339

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Barry Boyce, KC7BZC
114 Kawainui Lane
Bastrop, TX 78602
703-929-1699

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Andrew "Andy" J. Ruschak, KK7TR
23003 NE 25 Way

Sammamish, WA 98074
425-698-7051

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

David "Dave" L. Gray
509-539-7061
dlgray@doc1.wa.gov

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Mary K. Floyd
8625 Evergreen Way
Everett, WA 98208-2647
425-513-5105

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Greg Nebeker
11932 Purple Pennant Rd
Lake Stevens, WA 98258
425-397-3996 or 509-307-1100

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Ben Schupack, NW7DX
1834 22nd ST #A
Boulder, CO 80302
425-753-2679

Is expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Robert "Bob" & Anna Harris
5521 West Marie
Pasco, WA 99301
509-545-8695

Are expected to testify concerning Mr. Titus's compliance with FCC rules; his good character and reputation in the community in general and in the amateur radio community; the lack of any observed sexual interests in underaged persons; and his contributions and commitment to amateur radio and its goals.

Mr. Titus reserves the right to call additional witnesses in rebuttal to the Bureau's case in chief.

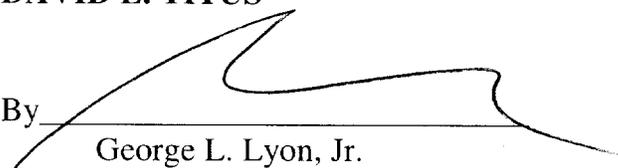
In light of the foregoing it is respectfully requested that the Presiding Judge issue an order requiring the Bureau to submit its list of witnesses and a brief proffer of their proposed

sworn statements within ten days of the date of such order and extending the time for the submission of Dr. Allmon's report to December 15, 2007.

Respectfully submitted,

DAVID L. TITUS

By



George L. Lyon, Jr.

Lukas, Nace, Gutierrez 7 Sachs, Chartered
1650 Tysons Blvd., Suite 1500
McLean, Virginia 22012
703-584-8664
October 26, 2007

EXHIBIT 1

George Lyon

From: Stephanie Steele [kc7dba@gmail.com]
Sent: Thursday, October 18, 2007 12:45 AM
To: George Lyon
Cc: David Titus; Norma Steele
Subject: Statement

Dear Mr. Lyon,

I am unable to access my home files today but wanted to get something to you in writing to memorialize our conversation today. I hope that this statement is helpful to you in deciding to assist David with his case. He deserves the consideration and the expertise that you would bring to his case.

I am a Lt. with the Fruitland Police Department in Idaho. I have been employed with them since March 1985. I hold an Intermediate Idaho POST certificate, an Idaho POST Instructor Certificate in Firearms, and am a certified computer forensic examiner and cyber-crime investigator. Investigation of those who target and abuse children has been a regular part of my duties for over 22 years. It is not in my nature to be accepting of those who choose to violate others or our society and I am sickened by those who prey upon, neglect, and injure our children.

I have known David Titus for about somewhere close to 10 years. I first met him in association with the Northwest APRS Group annual gathering in North Bend, Washington. This gathering is an Amateur Radio function hosted at the Lutheran Ministry owned Valley Camp operated by Thom and Teena Proehl. This gathering has been in existence for 11 years and I have attended all but the first meeting. My earliest recollection and impression of David was that he was very intelligent and friendly. David seemed to know many of the participants at the meeting but didn't limit his interactions to those he knew. This is how he and I came to initially interact. David always went out of his way to help anyone at the gathering that needed help understanding any of the new technologies that we would happen to be discussing or working with.

Over the years I grew to know David better and we found that we had many of the same interests (Ham Radio, Computers, food, anything Hi-Tech). He also enjoyed discussing law enforcement with me and often relayed things that his dad (also an LEO) had told him of his on duty happenings. David has a great sense of humor and seems to bring it to the table regularly. Basically I just enjoy his company and enjoy learning from him many things that I was able to take back to my job and use to help my investigations. I would also periodically run into David at other Ham Radio events in Washington and Oregon but most of our interaction initially took place during the gathering in North Bend.

As time has gone on our friendship has grown, our communication become more frequent, and my respect for him as a person gotten only stronger. Anytime I was in the Seattle area I would make it a point to look David up and take the opportunity to enjoy his company. To say that I was shocked when I learned of David's criminal history last year is an understatement. It caused me to think back over all our communications and all the times I had been around him and with that against the reality of his criminal past and his current behaviour and interests. The two just did not add up and certainly did not represent the man I had come to know. I have seen David in many different situations and environments and have never seen him exhibit even the slightest interest in, or display any improper behavior around children. Even in situations like at Valley Camp where David would have had easy access to minors he never showed the slightest interest. I have never seen David exhibit any violent or aggressive behavior towards anyone. While he is outspoken, and does not hesitate to speak up when he feels that he is being treated wrong, he does not push himself on others.

Once I learned of David's past I confronted him and he made a full and honest disclosure to me. With his

permission I verified the information he gave me and it all proved out exactly as he had explained. David explained that he made some foolish decisions when he was a juvenile and an even worse one once he turned eighteen. David's attempt at eighteen to have improper communications with an eleven year old boy were impossible for me to understand. I told him this and he made no attempt to rationalize or blame shift. He accepted responsibility for his poor decisions and showed an unusual willingness to accept his punishment but felt that at some point enough should be enough. I had to agree. David did express to me some confusion as to why, after completing his post prison supervision, after 15 years of living in compliance with his registration requirements, and after being a 'normal' and productive member of society, he was still being treated as an outcast during contacts with law enforcement and others when they found out about his past. I thought this a fair question. He wondered when he was going to be allowed to simply live his life, to be employed without fear of losing his job due to someone raising the issue of mistakes he had made as a child. I had no rational answer for him. And finally, why he would be attacked for love of Ham Radio, something that had been a positive influence in his life and something that he could use to give so much to others. I could come up with no explanation other than people's inability to forgive.

I trust and believe in David Titus. I would trust him with my life and my reputation. I believe him to be an honorable and admirable person that has worked very hard and paid sufficiently for his past mistakes. I see nothing to be gained by removing his access to a hobby that provides him with an outlet for his considerable talents. Both emotionally and professionally I feel that David poses no threat to anyone, especially children, either personally or through Ham Radio. I fully support David as he attempts to clear his name and reputation and gain removal of the legal disabilities that remain part of his life. I fully support his efforts to stop the FCC from taking his Amateur Radio license. I stand ready to stand with David as he works his way through the maze that is before him in his attempt to normalize his life. It is my sincerest belief that he seeks this for all the right reasons and no one has anything to fear from him.

Sincerely,

Lt. Stephanie Steele
Fruitland Police Department
Fruitland, Idaho

PS: I have allowed my companion of 30 years to read this statement and she agrees with what I have written here and stands ready to support David also. She has asked me to add her name to this statement in support of David Titus. She welcomes you to contact her if you have any questions and has asked me to sign her name below.

Sgt. Norma L. Steele
Payette County Sheriff's Department
Payette, Idaho

EXHIBIT 2

**Draft Statement by Bruce Miller
regarding David Titus
and the FCC's Order to Show Cause regarding Titus' FCC license.
as of October 24, 2007 2357 Pacific**

About Bruce Miller

I was born April 11, 1951. I received a BA degree in Psychology and Religion from Nebraska Wesleyan University in 1973. I then attended the University of Nebraska Graduate School for the purpose of attending advanced writing courses (rather than seeking an advanced degree).

Since about 1982, I've been a professional writer for regional and national publications.

Since about 2000, I've been the webmaster/IT Manager for the American Society of Journalists and Authors. I've been a member of ASJA since about 1986.

I was first licensed as a ham operator January 11, 1995.

Since about 1999, I've been the ARRL Western Washington Section PIC (Public Information Coordinator).

Relationship with and Knowledge of David Titus

I believe I first met David in about 1998, when he purchased a booklet of radio frequencies from me. We exchanged emails infrequently in 2001 and 2002. I believe it was in 2002 that he bought me a birthday dinner. I considered this a kind act, considering that I was going through a devastating divorce that began in January 2001 and lasted through August 2004. During this time I found David to be willing to listen with a sympathetic ear.

In 2002 and 2003 I began spending more time with David because we had a common interest in radios and computers. I found him to be sharp on both subjects. I did not become aware of his criminal history until sometime in 2003, as best I recall, and did not see any untoward or inappropriate activity before I became aware of his criminal history.

In the last four to five years, going backwards from October 2007, I've spent quite a bit of time with David in various places, including: day trips, restaurants, coffee shops, parks, my residence, and his own apartment. I've spent from 30 minutes to 6 or 7 hours at David's residence at any one time. Because I've been at his place until 2 or 3 am on several occasions, I am not surprised that he would keep late hours. Many people I know who are into computers keep late hours as do I.

I would estimate my time in David's presence to be in the many hundreds of hours during the last four to five years.

During these last four to five years I've had an opportunity to observe David. I've never seen him engage in inappropriate activities toward underage people or overage people.

Only on a few occasions have I seen David consume alcohol. That consumption has been minimal and from my perspective responsible. In discussions about people's use of alcohol, I've learned that David has the same disdain for drunks as do I.

I have never heard David mention the use or possession of illegal drugs. I do know that he was using prescription drugs for his back pain, primarily before his back surgery.

In the time that I have known David, he has resided in the same place on Boylston Ave. Even though a small studio apartment, he keeps it clean and well organized. Ham radio equipment is well represented in his belongings and he has taken great care to mount them.

While at David's residence I've never heard him use the ham radio gear inappropriately. Of all his ham radio communications that I've heard while at his residence or remotely, there may have been one or two persons that might have been less than 18 years old with whom he has talked. Those specific communications with younger hams were completely appropriate and without any hint of impropriety. I say "might" because people typically do not announce their age on the ham bands and I cannot be sure of the age.

In my capacity of ARRL Western WA PIC, I've never heard of any report on David regarding inappropriate behavior.

In July 2006 I was the amateur radio net control for Seattle's annual Torchlight Parade. This parade, more than 2 miles long, uses around 80 amateur radio operators for flow control of the parade and to report problems. At the beginning of my net control for the parade, the primary frequency in use was experiencing a great deal of interference. At my disposal behind the scenes were a few amateur radio operators to help locate and resolve the interference. David was one of those amateur radio operators and his direct involvement assisted in the resolution so that myself and the 80-some amateur radio operators I was coordinating had a clear frequency.

David is interested in APRS. Each year there is a Northwest gathering of APRS enthusiasts. I learned of these gatherings from David. One year he requested that I go with him as a sort of chaperone. As I recall he was aware that there might be some younger folks there and he wanted someone to be an unofficial observer of his behavior. It was my understanding and perception that he was not concerned about acting inappropriately, but rather he was sensitive to others' perception of him because of his past troubles and he simply didn't want to be alone in attendance. If indeed he was wanting to act inappropriately and seek out victims, it seems to me that he would not ask someone to go with him.

Another thing to consider in relation to his past troubles is his use of APRS. When David

travels in his own vehicle, he leaves his APRS on, which allows any ham to track his changing location. It would seem to me that if he was up to no good that he would be acting in reverse by hiding his location rather than consistently using APRS to make his location known. Of course, he does not use APRS all the time and I cannot account for his time when I'm not with him. The use of APRS on a consistent basis when traveling seems at odds with someone who is intent on acting in a wrong manner.

During one or more of the Seattle Marathons held in November, David has made himself available to provide real-time technical support to ham radio operators. He has done this a few times as I recall. The marathon uses a repeater he helped gather the equipment for and then locate in one of the highest points in Seattle.

During the time that I've known David, he has always strived to be employed, even though there was a period of a few weeks where he was unemployed. I do not recall these dates of unemployment.

The fact that he has sought out and obtained employment, in combination with stable living, indicates to me a desire to move forward in his life without lapsing back into the inappropriate behavior found in his younger years.

I've had several in-depth discussions about David's past troubles. Over the years he continually seems to mature in his understanding of his inappropriate behavior in the first 18 years of his life, including the effects of his behavior on his victims and willingness to take responsibility for his actions. He is also keenly aware that another conviction could be counted as 3rd strike, which would put him in prison for life. It is my belief that he has a clear understanding that he can make a choice to behave correctly or not and has chosen the road of correct behavior for many reasons (in no particular order): staying out of prison; desire to have his own house someday; desire to be helpful to others; desire to engage and indulge his interest in electronics and radio; desire to mature and see the possibilities of a future without complications.

I think that David's association with adults through ham radio has created an important social support system. I think that the combination of this support system with his stable employment and living condition reduces the probability that David will re-offend. Apparently Seattle PD Detective Shilling agrees: "Decades of criminological research have identified social support and stable employment as important factors in successful community re-entry and decreased recidivism." (See section below on Shilling for source of this quote.)

BOGUS FCC ASSERTION

In the FCC's Order to Show Cause dated January 30, 2007, the FCC states: ". . . the fact the amateur radio service is particularly attractive to children . . ."

This assertion by the FCC is simply a lie – and the FCC knows this because it has the birth date of each ham licensed in the US and can calculate the average age of new

hams each year and the overall average age each year for many decades. I conclude this assertion is simply designed to create hysteria.

I asked W7JW, former ARRL Section Manager for Western Washington, about the average age of hams. His response:

"When the FCC stopped listing the age of new hams we had applicants at our VE sessions write down the year they they were born.

The average age of newcomers turned out to be age 57.

When the League was first formed in 1914 the average age of its members was age 14.

In the 1980s when Mary was an ARRL Director she surveyed the Division and found that the average holder of a General Class license was 65 and the average age of the holder of a Novice license age 67.

The average age of members of Public Service clubs is between 57 and 63.

The average age of DX and contest club members is age 67.5

The average age of a QCWA member is 68.

Note that QCWA membership is declining at the rate of 7.5% per year.

As a SM I forwarded Silent Keys to ARRL and found that the average Ham becomes a Silent Key at age 82. In year 2003 I forwarded 56 SKs.

The US Ham population last year was declining at the rate of 11.9 per day and that of ARRL membership at the rate of 15 per day. When Mary was an ARRL Director the membership stood at 175,000 and at the moment it is just a tad less than 152,000. The deletion of Morse code cause an influx that temporarily has stopped the decline.

I have a program called 'SAM' that gives the birthdate of hams before the FCC stopped Update is available. If you are interested I can give you the address.

The average age of the members of the Washington Amateur Radio Traffic System (WARTS) is 71.

The average age of an ARRL member taking the emergency communicationn courses is age 52 and those taking the technical courses average age 55. Those over 55 have difficulty with the math in the Digital and Analog courses. Not because of age, but due to the lack of knowledge of HTML terms such as the

Tilde (~).

The average age of the members of the Western Washington DX club is 69 and that of the Mike and Key ARC = 63."

ABOUT SEATTLE POLICE DEPARTMENT'S CONFUSING BULLETIN ABOUT TITUS

The Seattle Police Department bulletin about Titus is misleading, confusing, and factually incorrect. Provided here is my initial analysis of the the SPD bulletin "SEX OR KIDNAPPING OFFENDER INFORMATION BULLETIN LEVEL 3 NOTIFICATION OF RELEASE", Bulletin #04-202 issued by SPD.

1) The Bulletin states: "David Lee Titus was released from the Twin Rivers Correctional Center after serving 20 months for Communication With A Minor For Immoral Purposes. The crime occurred in Kennewick, Washington. Titus was an employee of a local gymnasium and used his position there to proposition an 11-year-old boy for sex. The 11-year-old declined the suggestions and notified police. Titus was subsequently convicted and sentenced to 25 months in prison."

The section quoted above immediately precedes this: "In 1985 . . . ". Based on the sequence of sentences -- and the lack of dates for the gymnasium incident -- one would reasonably conclude that the gymnasium episode occurred before 1985. If that is the case, then a number of questions arise. In 1985 Titus would have been about 11 years old. That would mean that Titus would have been working in the gymnasium at age 11 or less, which is difficult to believe. I also wonder about an 11 year old being in a gym. None of the gyms that I have belonged to in the last 20 years have allowed anyone that young in the gym for reasons of safety around the equipment.

If Titus was sentenced to Twin Rivers before 1985, two more points of confusion arise: a) Twin Rivers is for adult offenders and b) Twin Rivers did not open until 1984. See the State page at <http://www.doc.wa.gov/facilities/monroe.asp>, which says Twin Rivers Corrections Unit opened in 1984. Assuming the DOC web page is correct, then there is no way Titus could have been in Twin Rivers for 20 months, because at least part of the sentence would have been when Twin Rivers had not yet opened.

2) In the portion quoted in #1 it states that Mr. Titus served 20 months, but then a few sentences later it states that he was sentenced to 25 months. My understanding is that early release is typically because of good behavior and compliance. If this is true, then that would seem to contradict the later statement "Titus completed one year in the Sex Offender Treatment Program at Twin Rivers. His participation was listed as poor." What is the reason for early release?

3) The Bulletin states: "In 1985, Titus raped a 6-year-old boy after promising to give him candy in exchange for sexual contact. The court dismissed the case with the understanding Titus would enter counseling. Titus entered counseling and was

terminated after eight sessions."

If this incident occurred in 1985, then Titus would have been 11 years old. At that age, one must wonder how well formed a child's sexual understanding of the world is and how this now applies to a person who is now 30 (at the time the bulletin was issued), considering the bulletin does not cite any convictions after 1990.

Further, this statement does not make any sense in relation to the previous text stating incarceration in Twin Rivers. Why would Mr. Titus be sentenced to 25 months in "prison" for "Communication With A Minor For Immoral Purposes" and then a court dismiss a rape case? The bulletin reads as though the lesser offense got the greater penalty. This simply makes no sense. What were the actual charges in the case that was dismissed? What is the significance of "terminated after eight sessions"? Was the termination before completion or at completion of the required sessions? How many sessions were called for under the terms of dismissal? What was the result of the counseling? SPD reports on the Twin River counseling with this: "His participation was listed as poor".

4) The Bulletin states: "Within 3 months, Titus was convicted in Benton County Juvenile Court of Indecent Liberties. In this case, Titus raped an 8-year-old boy who was a friend of his brother. He was sentenced to 65 weeks at Echo Glen Children's Center. In 1990, Titus was convicted of Indecent Liberties. This case involved the fondling of a 12-year-old boy in the restroom of a Franklin County junior high school. Titus was sentenced to 65 weeks at Echo Glen Children's Center. Titus completed one year in the Sex Offender Treatment Program at Twin Rivers."

Three months from when? From the date of the 1985 offense, the date of the dismissal, or the date of the last counseling session? It would appear that this conviction in Benton County Juvenile Court would have been when Titus about 12 years old. Again, one has to wonder about the relevance of a person's sexual understanding of the world and its relevance to age 30 when the bulletin was issued and that relevance is not clear.

Further, why would he be sentenced to a Children's Center after serving 20 months in "prison" at Twin Corrections and after a rape case? Again, this doesn't make any sense.

5) In the quote in #4, the final sentence refers to the Sex Offender Treatment Program at Twin Rivers immediately after the statement about Echo Glen. Did Titus complete the Sex Offender Treatment Program at Twin Rivers while at Echo Glen?

6) The SPD bulletin states: "Titus' poor treatment history and his violence and deviance directed toward vulnerable young boys makes him a high risk for re-offense."

The SPD bulletin is dated July 8, 2004. This means 14 years had elapsed between the last conviction in 1990 and the date of the bulletin. SPD does NOT report any criminal activity OF ANY KIND during this period – all years in his first years of adult hood. Therefore, SPD is concluding that the first 18 years of Titus life completely overshadows the time between age 18 and the time of the bulletin when he is an adult and able to

have a more mature understanding of appropriate sexual activities.

7) The SPD bulletin states: "He was found by Mercer Island Police in a darkened park bathroom with a bottle of lotion at 3 AM."

The SPD bulletin does not say Mr. Titus was engaged in any illegal behavior, so what is the issue and how is it relevant to being in the sex offender registry? When requested the police reports from Mercer Island PD, it was pointed out to me twice in the same phone conversation that "there was no criminal activity" reflected in the reports.

8) The SPD narration states: "Titus is clearly acting out."

There does not seem to be any substantiation for this statement. Being in a bathroom at 3AM where there are no minors doesn't support this contention. Further, based on the confusing presentation of the information in this notice, it would appear that his last conviction was in 1990. So, between the last conviction in 1990 and the date of the notice in 2004, 14 years had elapsed. It doesn't seem to make any sense that this single non-criminal incident in 14 years could establish a pattern of "acting out". Further, how is SPD defining "acting out". This is a common phrase from 12-step programs, not criminal law.

9) The bulletin states "He was sentenced to 65 weeks at Echo Glen Children's Center" and "Titus was sentenced to 65 weeks at Echo Glen Children's Center." He was sentenced to Echo Glen twice? Titus was not sentenced to Echo Glen twice; one of the incarcerations was La Salle, according to David.

10) Several hams have told me that Mr. Titus' father is a police officer and that he knows police officers. If this is true, then it might seem reasonable that he would have police "tokens" in his possession, so again I'm not sure how this information about police items is relevant to being in the sex offender's registry. Was he using these to entice or coerce young boys in the bathroom at 3AM? There is no evidence of this in the Mercer Island Police reports. I've personally seen the minature badge in question and it is so small that I can barely read the printing on it without glasses. It is absurd to think that this badge would be used to impersonate an officer. I have personally been with David when two King County Sheriff officers have visited him. It is not surprising to me that the minature badge would be a gift. I have also seen (and have pictures of) the alleged King County Sheriff's cap. The cap says "Sheriff"; no where is there any indication that it an official issue for King County – inside or outside of the cap.

11) The bulletin states "Titus has been classified as a level two offender since 1996. . . . As of this date, his level has been raised to a three." But, according to the bulletin, ". . . their previous criminal history places them in a classification level, which reflects the potential to re-offend." The latest conviction date I find in the SPD bulletin for Titus is 1990. Given that there is no mention of arrest, conviction, or sentence after 1990 that would be a part of his criminal history, what is the basis for raising to level three 12 years later? In other words, the criminal history has remained the same to the date of

the bulletin.

11a) Because the classification level is based on criminal history, it is not clear why the "rape" case that was dismissed would be included in the bulletin as criminal history or used be included as criminal history for purposes of classification. By SPD's own statement, there was no conviction (because of dismissal).

12) How is the Mercer Island incident relevant to criminal history?

TEXT FROM Bulletin #04-202

(<http://web1.seattle.gov/Police/SexOffender/DataFiles/TitusDavidL.pdf>)

David Lee Titus was released from the Twin Rivers Correctional Center after serving 20 months for Communication With A Minor For Immoral Purposes. The crime occurred in Kennewick, Washington. Titus was an employee of a local gymnasium and used his position there to proposition an 11-year-old boy for sex. The 11-year-old declined the suggestions and notified police. Titus was subsequently convicted and sentenced to 25 months in prison. In 1985, Titus raped a 6-year-old boy after promising to give him candy in exchange for sexual contact. The court dismissed the case with the understanding Titus would enter counseling. Titus entered counseling and was terminated after eight sessions. Within 3 months, Titus was convicted in Benton County Juvenile Court of Indecent Liberties. In this case, Titus raped an 8-year-old boy who was a friend of his brother. He was sentenced to 65 weeks at Echo Glen Children's Center. In 1990, Titus was convicted of Indecent Liberties. This case involved the fondling of a 12-year-old boy in the restroom of a Franklin County junior high school. Titus was sentenced to 65 weeks at Echo Glen Children's Center. Titus completed one year in the Sex Offender Treatment Program at Twin Rivers. His participation was listed as poor. Titus' poor treatment history and his violence and deviance directed toward vulnerable young boys makes him a high risk for re-offense. Titus has been classified as a level two offender since 1996. He's been living in the community since that time. As of this date, his level has been raised to a three. Titus is clearly acting out. He was found by Mercer Island Police in a darkened park bathroom with a bottle of lotion at 3 AM. He said he was meeting a friend. Police subsequently found a King County police hat, flashlight, and King County miniature police badge on a necklace in his possession. Titus has registered as a sex offender as required by law. He is still residing in the 1500 block of Boylston Ave.

About SPD Detective Robert A. Shilling

Given the sloppy and misleading presentation by SPD in the bulletin about Titus, I became curious about Detective Robert A. Shilling, who prepared the bulletin.

Shilling represents himself as an expert in community notification of sex

offenders.

Source of Image:

<http://seattletimes.nwsources.com/ABPub/2005/12/10/2002676873.jpg>

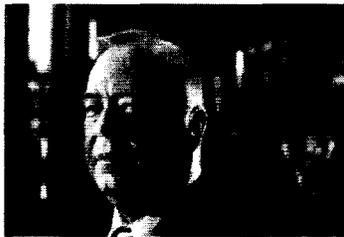
One notable point about Shilling: he was a victim of sexual abuse when he was a child. See this portion of an article on MSNBC:

<http://www.msnbc.msn.com/id/17601568/?page=6>

"And unfortunately my mother walked in one time when it was happening and she turned around and walked out. . . . So, I can assure you that I have no love for sex offenders. But through my years of being a law enforcement officer, I know what works. Treatment works. Making sure that these offenders have jobs, making sure that they have places to live"

For more background, see this bio from the brochure describing the 11th Symposium on Violence and Aggression Presentation Abstracts:

Robert Shilling is a twenty-six year veteran with the Seattle Police Department. He has spent the past 16 years in the Special Assault Unit and has investigated over 300 cases of sexual abuse. Detective Shilling leads the Seattle Police Department's Sex and Kidnapping Offender Detail, which is responsible for the community notification program. Detective Shilling's experience in conducting calm, informative and well organized community notification/education meetings is known internationally. As a result, he has been interviewed by news media from all over the world. He has done documentary specials with BBC and LWT television networks in England, the German Television Network, Courtroom TV,



and the Canadian Broadcasting Corporation. Many daily newspapers in the United States, Canada, Germany, South Africa, Australia and Great Britain have interviewed him. Detective Shilling has trained over three thousand law enforcement officers from all over the world in the art of sex offender community notification and education. In March of 2000, the Secretary General of Interpol appointed Detective Shilling to the Interpol Specialist Group on Crimes Against

Children. As part of his Interpol duties, Detective Shilling has authored the chapter on sex offender registration and community notification, which is published in the Interpol Handbook of Best Practices. In June of 2003, the Interpol member countries elected Detective Shilling as the Chair of the Major Crimes Against Children Theme Group. In June of 2005, the Interpol member countries elected Detective Shilling as the Chair of the Sex Offender Management Theme Group. His other appointments include the Twin Rivers Sex Offender Treatment Program Advisory Board.

Detective Shilling is a former voting member of the Department of Corrections

End of Sentence Review Committee and the Special Commitment Center Advisory Board. He is a frequent lecturer at colleges and universities in Washington State and is frequently called upon to speak at national and international conferences. In 1995, Detective Shilling was named police officer of the year for Washington State. In 1996, he was nominated for the International Association of Chiefs of Police/Parade Magazine law enforcement officer of the year award. In April 1997, Detective Shilling received the Sons of the American Revolution Law Enforcement Lifetime Achievement Award. In 2004 he received the City of Seattle's Distinguished Public Service Award. Detective Shilling sits on the Board of Directors of the Association for the Treatment of Sexual Abusers (ATSA). His professional memberships include: ATSA, WATSA (Washington Association for the Treatment of Sexual Abusers) WVCIA (Washington Violent Crime Investigators Association) and ACA (American Correctional Association).

In Shilling's Presentation for the National Legislative Briefing, Little Rock, AR 1/27/07 he says:

"Decades of criminological research have identified social support and stable employment as important factors in successful community re-entry and decreased recidivism."

Source: <http://www.csg.org/policy/pubsafety/documents/Shillingppt.pdf>

EXHIBIT 3

February 2, 2007

Federal Communications Commission
Washington DC 20554

Reference: EB Docket No. 07-13, FRN 002074797, File EB-06-IH-5048

In the matter of David L. Titus, KB7ILD

Your Honor,

It's been my privilege knowing David L. Titus, KB7ILD, since about 1999, in both our capacities as amateur radio operators. We have spent a fair amount of time together during those years as we both have interests with the Automatic Position Reporting System (APRS). As lead coordinator for the Northwest APRS (NWAPRS) group, I have observed David at most of our annual functions and associated meetings and have never had any suspicions of unlawful or immoral behavior on his part. David has been an enormous resource to improving NWAPRS, and a great friend on top of that. In 2003, David, my (then 18 year old) son, and I spent a week together traveling from Washington to Arizona and back to deliver a load of furniture. David's behavior during that trip was beyond reproach.

About November 2006 I was informed of the Seattle PD's sex offender registration and began looking into how that might impact David's attendance at our ham radio gatherings, where we occasionally do have younger children present. What became immediately apparent was a lack of any chargeable offense committed that could possibly justify raising the offender level status. The details contained conjecture and no clear reason for such an upgrade. What was clearly evident were several convictions for sex offenses while David was a teenager, some 14 years ago. I conferred with another ham radio operator, also a police officer as I am, and the caretaker of the Lutheran Valley Camp in North Bend, WA, where we hold our gatherings. We exchanged a number of personal emails and came to the conclusion that David was errant in his ways as a teen, but found no record of any criminal contact with children since then. Our decision to take no further action was based on our personal knowledge of David over the past 10+ years.

I know David was unemployed for a while and not able to afford legal assistance to rescind the sex offender status. I am confident, now that David has retained a lawyer to investigate this wrong, that he will be freed of this legal leash.

David's sexual preference is his own business and to the best of my knowledge it does not involve interests in children. His past errors in judgment were mistakes many young people make before they grow up. His record for the past 14 years, since reaching adulthood, has no charges of inappropriate sexual activity. Check for yourself.

I ask that you rule in favor of David Titus retaining his amateur radio license KB7ILD, and quickly publish the report of finding so all others who know David know how this was resolved.

Sincerely,

A handwritten signature in cursive script that reads "David S. Dobbins".

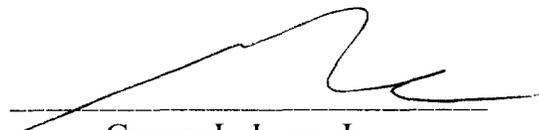
David S. Dobbins K7GPS
920 N Fairchild Dr
Medical Lake, WA 99022
Tel: 509-998-0940

CERTIFICATE OF SERVICE

I, George L. Lyon, Jr., certify that copies of the foregoing document were sent first class postage prepaid to the following this 26th day of October, 2007:

Gary P. Schonman, Esq.
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554

Chief Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street SW
Washington, DC 20554



George L. Lyon, Jr.