



[forums.AV123.com](http://forums.av123.com/index.php) (<http://forums.av123.com/index.php>)

- [Enthusiast Enclave \(Off Topic Stuff\)](http://forums.av123.com/forumdisplay.php?f=8) (<http://forums.av123.com/forumdisplay.php?f=8>)
- - [Open for interpretation](http://forums.av123.com/showthread.php?t=41670) (<http://forums.av123.com/showthread.php?t=41670>)

gonk

09-14-09 09:51 PM

### Open for interpretation

I recently contributed to a thread-jack in the new SWG peek thread, but rather than burden that thread further I've decided to step away from it and summarize my concerns here, in a separate thread. I'm sticking it in the Enthusiast Enclave because it seems as good a place as any - I'm a home theater enthusiast, and this post covers issues relating to a wide assortment of topics (including, but not limited to, loudspeakers). It's taken me a bit of time to write this, worked in around the family and the job, but I've picked back through it and think it is reasonably coherent.

The off-topic debate in the SWG thread started because someone who is waiting on RSL-II's (a wait that includes having paid a significant up-front cash investment of \$6000) was disappointed to see signs of development resources going into something new and unrelated to the RSL-II's that he paid for so long ago. As part of the subsequent discussion, Mark made a statement that surprised me:

Quote:

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Originally Posted by **Mark L. Schifter** (Post 736978)  
*We have never actively worked to censor - or stop criticism...*

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Why did that surprise me? It surprised me because the newly re-opened forum has seen several examples of censorship. I'm not a moderator here, so I can't see all that has been done in the background, but I know of at least three separate types of events involving at least five different individuals that all seem to be active censorship.

First, there was a thread started in the classifieds around 7/2 or 7/3 (a few weeks after that forum re-opened) in which someone asked for information about delivery of funds raised in raffles. This person had contributed to those raffles and wanted to know the status. The thread was deleted, but I saw it before it went away. Was the post in the wrong forum? Yes, but the right forum wasn't open and the company had finally allowed *some* posting in a forum that had been locked for close to half a year. Whatever sub-forum was used, the person still had a valid question about funds that he had donated.

Second, a customer who has pre-paid \$6000 for RSL-II's (not the same one who triggered the off-topic discussion in the SWG thread) started a thread on 8/23 asking for information on the status of the refund he had requested many months earlier. It was perfectly polite and stated that email inquiries to Mark had been attempted repeatedly without success. The thread was deleted, and the customer was told to contact Mark directly - something that his post specifically said he had been doing unsuccessfully.

Third, a raffle winner posted in late August 2009 to report that he had received a raffle prize (specifically a watch). He also rudely criticized anyone who had doubted Mark regarding the raffle

in question. His posts are still present in [this thread](#). Several posts are missing from that thread, though. Django1 posted a response to the raffle winner, and began writing a second reply without realizing that his first had been deleted. After he posted his second post, he discovered that he'd been sent a warning not to make any more posts. His second post was deleted and he was banned for 10 days. I never saw his posts. Instead, I made a post of my own in response to the raffle winner. That post is quoted below (typos and all):

Quote:

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I'm glad to hear that you have the watch, mfig. Perhaps the biggest question, however, is whether the raffle funds that were donated were all delivered promptly delivered to Derek. I respect Derek's determination to be nearly completely quiet on this issue, but there have been reports from both sides (Derek and MLS) that MLS failed to transfer those funds directly to Derek at the time of the raffle and there is still no word about the status of those funds. The main purpose of the raffle was to get that money to Derek. Getting the watch to you was just a bonus, in many ways.

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My post was on the site for no more than 30 minutes before it was deleted and the thread moved to a read-only forum, and I received an email from Kyle making it clear that such posts were not going to be tolerated. In addition to my post and django1's posts, there was a separate thread started by droht earlier that same day asking about unpaid raffle donations that was deleted. All of these relate to the raffles, and all were posted in appropriate threads and/or forums. All are gone from the forum.

In the [SWG thread](#), I made several attempts to question Mark's statement that they have never worked to censor or stop criticism. He responded by explaining that he had to step in when people made posts that were (to use his words) "making or causing trouble" or keeping "the focus in a 'dark place.'" When I pointed out that such actions when directed toward people with legitimate complaints and concerns was censorship, he disagreed, saying only "[Well - then I guess we are going to have the leave this to interpretation...](#)"

Mark stated that AV123 has *never* censored their site. And yet I can name five instances that I know of in which they have censored people - or, assuming you use an interpretation similar to Mark's, instances in which they have taken action toward people whose posts were "making or causing trouble." Have there been others? We simply don't know - the only way to know is to see the posts before they are deleted or hear reports of the events through other forums. Such reports have appeared in various other forums, but in recent months something curious has happened. Other forums have grown tired of threads discussing these matters because they go on for weeks (a side-effect of a lack of definitive answers to numerous questions) and generate a great deal of strife (a side-effect of the emotions that result from those unanswered questions). This is inevitably going to stir up trouble for third-party forums, and it is doubly undesirable for forums that are operated by other manufacturers.

Some people have criticized forum administrators at other forums for closing threads related to AV123, and in some cases threads have even been deleted. Just on general principle, I really hate to see such threads deleted, but I also have had a hard time blaming admins at other forums for locking threads - after all, they are being forced to step in and moderate heated discussions that are the result of someone else's actions while they have no way to resolve the underlying problems. The situation reminds me of some posts by Mark last year, when he equated AV123's forum to a home and him to the homeowner. His point was that he could set the rules here, and we had to abide by them because we were guests in his home. Because AV123 has refused to allow open discussion of their actions in this forum (either by closing it or by moderating it to quash such discussions), people have gone to other forums. So you have threads starting at AVS, TCA, Audioholics, and elsewhere. You have people expressing legitimate outrage, people asking hard questions that upset other people, and even some people taking an easy opportunity to troll

a bit. It all ends up creating messes in those forums. Or, to use Mark's analogy, *in other people's homes*. It's like the neighbor whose yard is so overgrown with weeds and filled with junk that vermin move in and then start foraging in your trash can or digging in your nicely-maintained lawn. Only in this case the "vermin" are largely composed of legitimately upset customers and forum community regulars who deserve better treatment. These customers want to know the status of LS-9 speakers because they paid \$4500 year(s) ago. These customers want to know when they will get rebates that they requested six months or a year ago after pre-paying for products and then getting tired of waiting. These customers donated money to raffles and want to know why money from at least half a dozen of those raffles was partially or completely undelivered to the intended recipients.

Those raffles are a particularly sore subject for many people, both because of the continued uncertainty and the situation itself. All told, there have been several dozen raffles over the last four or five years. These include a pair of concurrent raffles in July 2007, each meant to split approximately \$6000 between Sloan Kettering (on behalf of Dave Fabrikant's late father) and an orphanage in Khabarovsk, Russia. Mark has admitted to having paid only \$3000 to Sloan Kettering and still needing to pay the balance. Some reports from outside AV123 indicate that the \$3000 that was paid came several months after the raffle closed and only after someone contacted Sloan Kettering and found that no money had been received. No information exists regarding the orphanage's money. There were also a total of four raffles (three between late August 2007 and late October 2007 and a fourth in October 2008) to assist with medical bills for Derek Wayland after his daughter Bemí developed significant health issues that included diabetes and kidney problems. Those four raffles raised around \$39,000. As of last week, roughly \$34,000 remains undelivered and more than half of the money that was delivered went directly from a contributor to Derek. Mark has admitted to owing Derek money, but hasn't offered details regarding the magnitude of that debt. In January 2008, a trio of raffles was held to raise \$10,000 to support a friend of Hugh who was dealing with liver cancer. The friend passed away without receiving any of the money from Mark, and I have never heard of any reports of where that money ended up. Mark has said on a few occasions that he has underfunded two raffles. The disturbing reality of the term "underfunded" notwithstanding, the number "two" does not match up well to the six to nine individual raffles whose funds remain partly or wholly missing.

This post has dragged on longer than I initially thought it would. I've left some things out (including some names and an assortment of links to other forums that I referred to while writing this) and I seriously considered leaving out details of the unpaid raffles. I haven't mentioned other AV123 matters that have been subjects of debate recently (including pre-pay deals, which generated another recent instance of forum censorship that I really should have included, or missed deadlines, or the lack of user manuals for products like the MFW-15 or the updated ULW/UFW-10). Back up at the top of this post, my intent was to try to detail exactly why I feel that AV123's moderation is censorship, and thus fundamentally different from normal forum moderation that would involve deleting offensive posts or banning individuals who violate forum rules of conduct. To put it another way, if the forum rules of conduct now include restrictions on posting about matters solely because the company does not wish to discuss them or even see them mentioned, then the rules of conduct are based on censorship. If that is truly the case, we need to all be on the same page about it (whether it is called censorship or not) so people can decide whether or not they wish to participate in the forum. For some people, it may also help them determine how they will continue to seek resolution on outstanding business they have with the company.

greg\_mitch

09-14-09 10:11 PM

That is a great post. Thank you for taking the time to put it in such a good format to make this easy to follow and read.

I agree with just about everything in there but I don't know as many details as you apparently do.

My main question (which was deleted) is that why would AV123 accept pre-pays again when so many problems have stemmed from pre-pay?

gonk

09-14-09 10:33 PM

Quote:

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Originally Posted by **greg\_mitch** (Post 737337)

*My main question (which was deleted) is that why would AV123 accept pre-pays again when so many problems have stemmed from pre-pay?*

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I can't answer that one. There was even an interview with Affordable Audio in July 2008 in which Mark stated that AV123 would never again accept money before the product was in the warehouse, so there was certainly a recognition that the pre-pays are a significant risk.

grantc79

09-14-09 10:36 PM

Quote:

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Originally Posted by **gonk** (Post 737339)

*I can't answer that one. There was even an interview with Affordable Audio in July 2008 in which Mark stated that AV123 would never again accept money before the product was in the warehouse, so there was certainly a recognition that the pre-pays are a significant risk.*

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I would have to guess that it is how you look at it.

It is one thing to pre-pay for an item that is in development.

It is another thing entirely to pre-pay for an item that is on back order.

I have done the latter many times but the former only once (with LS's which have been delivered).

There are tons of reputable companies that take a deposit or pre-payment for an item that is back ordered but there aren't too many that take a pre-pay for an item that has yet to be created.

jephdood

09-14-09 10:46 PM

I don't see the problem offering pre-pay for items that are 'on the water'.

But for something that hasn't even been built yet.. or worse, *designed* yet.. that should be avoided.

JRandall

09-14-09 11:16 PM

I'm new here, but I know what's up, and have lurked for a long time.

Even if everything you say is right, it isn't censorship. This isn't a public place. It's a private one. I'm NOT saying you don't have valid points, but if I owned this forum, I wouldn't let you crap here.

This isn't a public forum, therefore, if the moderators decide you are bad for business, they can delete at will.

Just my opinion. Opinions are like assholes, everyone has one.

gonk

09-14-09 11:36 PM

Quote:

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Originally Posted by **JRandall** (Post 737344)

*Even if everything you say is right, it isn't censorship. This isn't a public place. It's a private one. I'm NOT saying you don't have valid points, but if I owned this forum, I wouldn't let you crap here.*

*This isn't a public forum, therefore, if the moderators decide you are bad for business, they can delete at will.*

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That's largely the point of my last paragraph - if the forum rules include deletion of posts that the company would rather not have to look at, they have the right to do so. For that matter, even though the forum rules *don't* explicitly state "we'll remove any posts that are inconvenient to us, no matter how legitimate the posts' contents may be" they *still* have the right and ability to do so. (History alone proves that...) I've never questioned their ability to operate in this manner. I've only questioned the wisdom of it.

Look back at Mark's original statement. Even *if* you interpret such moderation as being something other than censorship, isn't it actively working to stop criticism? If it is not, what is it? (Random free association image of the evening: the despair.com poster "Sometimes the best solution to morale problems is just to fire all of the unhappy people.") Implementing such a forum moderation policy is a questionable choice in and of itself, but the decision to deny doing it in the face of readily available evidence to the contrary - particularly at a time when the company is trying to rebuild lost credibility - seems somehow even worse.

NMBGS

09-14-09 11:36 PM

**Re:censorship**

What a great post Gonk. Personally, the only time I think we need censorship is when the language gets very primitive, other than that we need to have forums where information can be shared, debated or just stored for later reference without the concern of censorship. How else are we going to make informed decisions about purchasing from ID companies? The first time I purchased from an ID company, I went on to several forums to see if the company was legitimate. ID companies rely on the internet for thier sales. If they have a good product and offer great service, this will be shared with others. If you don't, well that is the power of the internet. One would have to be very foolish to think that shutting down a forum or censoring it will alleviate a business problem - there are many others in existence and many more to come.

I have read about both happy and unhappy people in regards to AV123. Most of the happy people are pleased with their purchases while the unhappy people complain about the service and being jerked around. The latter seems easy to fix - if you want to.

I had an unusual opportunity to speak with MLS. He seemed like a real swell guy - simple and approachable. That was probably one reason why I took a chance making my purchase. However, when I see various forums and thier take on AV123 I wonder about my ability to judge thier character. But I must also remember, that when I made my purchase, I picked it up 5 days after ordering it and I live in Canada. Delivered exactly as promised ( and a good deal to boot).

So there is my 2 cents worth. Gonk raised some excellent points on censorship. My experience was pretty good. So what is going on with all of these preorders and other broken promises? Why not just go to a simple business model - sell what you have - not what you might have or could have. Other ID companies still seem to be doing well with selling what they have. While I am writing this, I am also thinking about Outlaw and the 972. While it has been very late coming out, and we can complain about the lateness, no one has been jerked around. The complaints regarding Outlaw in various forums appear to be from loyal customers waiting for thier next prized processor. But again no one has been jerked around with any prepaying nonsense.

If I may be so bold to suggest, AV123 needs to get back to basic business model. Sell what's on hand and allow the people to express themselves. It seems to work with many other ID companies.

## JRandall

09-15-09 12:20 AM

Quote:

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Originally Posted by **gonk** (Post 737346)

*That's largely the point of my last paragraph - if the forum rules include deletion of posts that the company would rather not have to look at, they have the right to do so. For that matter, even though the forum rules don't explicitly state "we'll remove any posts that are inconvenient to us, no matter how legitimate the posts' contents may be" they still have the right and ability to do so. (History alone proves that...) I've never questioned their ability to operate in this manner. I've only questioned the wisdom of it.*

*Look back at Mark's original statement. Even if you interpret such moderation as being something other than censorship, isn't it actively working to stop criticism? If it is not, what is it? (Random free association image of the evening: the despair.com poster "Sometimes the best solution to morale problems is just to fire all of the unhappy people.") Implementing such a forum moderation policy is a questionable choice in and of itself, but the decision to deny doing it in the face of readily available evidence to the contrary - particularly at a time when the company is trying to rebuild lost credibility - seems somehow even worse.*

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This is fascinating to watch. Such passion and hate. Even from people who don't have a dog in the hunt. Not sure I understand that. If you have product or money in the pipe, I get it, but you guys that have never bought anything?

Yes, there are questions to be answered. I'm not taking a side, but I will say this.

I'm not a big internet or forum guy. I recently became aware that they existed, for just about everything you want to buy. Cars, lawnmowers, steam mops, musical instruments, mail order brides, and the like. I have a job, kids, and activities that keep me busy. I don't have time to shovel through 1000 posts from the same ten guys that say the same things. Where do you guys find the time?

Would I buy from AV123? Yes, if it is in stock. Are they the best I've ever heard? No, but for the money? Hard to pass up.

A buddy bought some AV123 gear and loves it. I was impressed too. He got a 10% off coupon from his boss who bought a system, and he never looked anything up on the internet. He placed the call based on the referral and spent \$4000 dollars.

It looks like Mark is still there, taking phone calls, letting people air things out on the forums. How easy would it be to stop doing anything, stop selling, delivering on any promises at all, and file Chapter 7? Really easy. People do it every day.

Who wins then?

If some of things people are saying have a shred of truth, it sure isn't good, but I give the guy credit for trying to stay in business and take care of his obligations.

He's got a lot of work to do. I just don't see how all the bashing is productive in any way. Pretty obvious that he is still selling gear, in spite of TCA, Audioholics, and AVS Forums. People that are owed money product don't get nuthin' if he folds. Maybe business isn't as bad as everyone says. I thought he would be gone months ago based on what I read on the forums. He sure ain't gone.

Referral business is what is keeping him going.

david-me

09-15-09 01:04 AM

Quote:

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Originally Posted by **JRandall** (Post 737354)

*This is fascinating to watch. Such passion and hate. Even from people who don't have a dog in the hunt. Not sure I understand that. If you have product or money in the pipe, I get it, but you guys that have never bought anything?*

*Yes, there are questions to be answered. I'm not taking a side, but I will say this.*

*I'm not a big internet or forum guy. I recently became aware that they existed, for just about everything you want to buy. Cars, lawnmowers, steam mops, musical instruments, mail order brides, and the like. I have a job, kids, and activities that keep me busy. I don't have time to shovel through 1000 posts from the same ten guys that say the same things. Where do you guys find the time?*

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*It looks like Mark is still there, taking phone calls, letting people air things out on the forums. How easy would it be to stop doing anything, stop selling, delivering on any promises at all, and file Chapter 7? Really easy. People do it every day.*

*Who wins then?*

*If some of things people are saying have a shred of truth, it sure isn't good, but I give the guy credit for trying to stay in business and take care of his obligations.*

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*Pretty obvious that he is still selling gear, in spite of TCA, Audioholics, and AVS Forums. People that are owed money product don't get nuthin' if he folds. Maybe business isn't as bad as everyone says. I thought he would be gone months ago based on what I read on the forums. He sure ain't gone.*

*Referral business is what is keeping him going.*

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I feel much the same way. I have read a lot of things over the past few months, and to tell you the truth, all this negativity is bad for business when Mark and Company is trying really hard to turn things around. I like to think that AV123 is going to turn things around, and dare I say, **I am rooting for them.**

I also think the best way to end all of this, is for Mark to come forward and honestly address all these concerns and allegations. To "enter the NO-SPIN-ZONE" so to speak. Mark has always said he was an open person and I believe that now would be the best time to end the charade.

Mark, I know this would be beyond difficult to do, emotionally speaking, and wish you and your company the best. I also believe that getting the nastiness behind you as quickly as possible might be the only way to turn this ship around.

Again, I wish you all the best and good luck.

## lonewolf

09-15-09 06:36 AM

Gonk:

While I did not read the whole post I can guess that it is the same information that you have posted on other forums.

I have a serious question that is a sincere one. What is your end goal in all of this?

To make people shy away from purchasing AV123 products?

To make MLS make good on issues that have happened in the not so far past?

To make AV123 go under?

I'm not really sure you are helping anyone.

I believe that an AV123 that stays in business will be in a better position to make good on issues of the past and you know what I mean.

I'm not owed anything, I buy what is in stock, so in essence I don't have a dog in the hunt but I am watching my investment.

It may not be as much as other folks but I still have money spent on what I consider a not so necessary hobby.

I want AV 123 to be a strong and viable company so I have a place to go to if I have issues or need service.

These problems won't be solved overnight that is obvious but at least give AV123 an opportunity to make good.

And so for you and the others that will slam me I'm not a fan boy for anyone hence the sig lonewolf.

## gonk

09-15-09 07:04 AM

Quote:

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Originally Posted by **JRandall** (Post 737354)

*This is fascinating to watch. Such passion and hate. Even from people who don't have a*



*dog in the hunt. Not sure I understand that. If you have product or money in the pipe, I get it, but you guys that have never bought anything?*

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I can only speak for myself, but I have made a point of focusing solely on the specific facts at hand. I don't hate AV123 or anyone involved in it. On the other hand, I *do* have friends who have been trying unsuccessfully for many, many months to get answers from the company. You mention that you just recently became aware of internet forums like this one. I've meandered through at least half a dozen audio/video forums in the last eight years or so and have become acquainted with a lot of people in the process. Sure, I only own one AV123 product (pair of X-LS speakers) and have no money or product owed to me. But I have friends who are owed products, refunds, and answers regarding raffles. I'm willing to invest some time for friends, and I think they deserve that.

Quote:

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Originally Posted by **JRandall** (Post 737354)

*If some of things people are saying have a shred of truth, it sure isn't good, but I give the guy credit for trying to stay in business and take care of his obligations.*

---

I've made a point to refrain from saying anything that I can't verify. It's easier that way.

Does discussion like this limit the company's ability to sell more product, make more money? I certainly suspect so, yes, although it's impossible to quantify that. Maybe everyone who is owed money, product, or answers should rely solely on phone and email to pursue resolution? The problem with that is they've been *trying* to do that, in many cases for a year or more. Plenty of people have given the company a ton of leeway in getting answers, and a good number of people continue to do so.

gonk

09-15-09 07:26 AM

Quote:

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Originally Posted by **lonewolf** (Post 737361)

*I have a serious question that is a sincere one. What is your end goal in all of this?*

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My previous post touches on this. I have friends who have been asking for answers, and I think they deserve them.

Quote:

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Originally Posted by **lonewolf** (Post 737361)

*These problems won't be solved over night that is obvious but at least give Av123 an opportunity to make good.*

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There's the problem. How long do we give them? How many months or years do we wait? We talk about paying the company the courtesy of silence, giving them a chance. We've been talking about that for a long, long time now.

At this point, I agree with many of you that I am not sure what else can be said. Actions are really needed, and the burden is entirely on AV123. They are building out LS-9's, which is good and

*much* needed. (Imagine having a \$4500 hole in your wallet for a couple years while deadline after deadline is missed - I can't, myself, as I think I'd have gone nuts if my wife didn't kill me first.)

## Mark L. Schifter

09-15-09 07:30 AM

Thanks for your post gonk...

As I have said before... My primary focus each day is to move the company (and myself) forward in a positive and completely "delivery oriented" fashion...

For at least myself - I simply do not have the time to be in too many places at once - or put my energies into anything outside of DELIVERY and FOCUS on what the business needs each day to "push the rock up the hill"...

I've tried very hard to "be present" - and be a positive influence on the "go forward" we have engineered at av123. Threads like this surely have value - but to what cost to myself - the business - and it's employees...

If we take something like this down - then we censor - if we allow for this - then we need to put focus on it... Hard to draw the line as to what to do - and how to deliver my message... (I'm sure you can see this)...

As to answers to questions - I know the answers will all come in due time - and I've been here to listen to - answer - and even on rare occasion get hit pretty hard... In the end (IMO) threads like this cast a shadow that says we have not (are not) working to answer each question completely, and with every ounce of BEST EFFORT I (or the business) can muster...

This is really an audio/video/music and film forum that focuses on the joys of this endeavor for all of us - it would surely be one thing if any of the guys waiting for product or refund were not spoken to - written to - or made to believe that every day my focus and energy is on anything less...

We have well over 17,000 very satisfied customers that enjoy their relationship with av123 - it's people, products and programs... I have asked before to simply be allowed to deliver on our promises (collectively - and singularly) and let that speak for us (or me)...

Today now - my focus must be on this thread when I'm back in the office... While I applaud your post (nicely written, etc.) I must ask myself what do I do today... be here for this - or be present for those that require myself or the business in the role I serve as President, Customer Service Manager (which I'm doing right now)... new product cheerleader, etc. Not an easy decision...

Have a good day...

All the best...

mls

BTW... Do you honestly and sincerely believe that acting in any manner other than how we have acted would have slowed any of those threads in any other forum. I'm really surprised at that message and the reference to "vermin"... You know me well enough when we have talked about other matters (EMOTIVA comes to mind) to know that I LOVE my customers and I ache when something isn't perfect... Hardly the correct context for your comments...

## lapis molari

09-15-09 09:45 AM

Gonk, thank you for raising the level of civilized discussion in the forum. :meditate:

Since coming to this forum, I have seen various threads devolve into criticism that was both subjective and personal. Forum posts are like politics: keep the discussion factual, and if you must make a personal attack, at least try to make it funny. :hist101:

Mark, I hope your timezone is off, 'cause otherwise you are answering posts waaaaay too early. ;)

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reverter

09-15-09 10:43 AM

With regard to the Raffles, Mark will never admit to anything more than his comments that he has done some things wrong and apologizes for them. Anything more specific than that would be an admission of guilt.

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dane

09-15-09 10:48 AM

I, too, want to post a quick thank-you to gonk for keeping the tone so civilized. That goes a long way to keeping the thread (any thread) open, IMO. :tu: I was hoping to jump in BEFORE Mark because doing so after just makes me look like a "me too" kind of guy. (some say I am.) But I agree with what Mark said-- he can focus every day on moving towards said resolutions to ALL open issues, or he can spend his time here replying to threads.. He's trying to balance between the two. An absent leader on the forum raises lots of questions. But a leader on the forum too much doesn't get anything done beyond good prose. A tough spot to be in for sure.

also-- gonk, you have PM .. :)

..dane

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grantc79

09-15-09 10:51 AM

I think at the end of the day there are some bitter people who want AV123 to fail. I personally am not one of them.

A little dose of common sense on both sides will make people realize that word of mouth is what got this company where it is and word of mouth can also destroy this company too. Thusly, if you are owed product you might not want to try to destroy the place. However, you should be heard as long as its reasonable and because if you try to stifle criticism then it will only get louder and more rampant.

At the end of the day I think the biggest concerns are from people who have paid money in advance for items like the RSL II's have no idea of the status on that product and see other new products getting time and money spent on them. On the one hand we have to remember that we aren't owners in the company and the company can take whatever direction it chooses to take. On the other hand the company has to remember that people who have paid and not received product in essence feel like they are stock holders in this company (fair or unfair) and will voice their concerns and that can and will cost you business.

I just hope previous lessons were learned is all I can say.

Either way, I think priority #1 for this company should be to get its good name back. In my opinion this can be done by making good on all of the commitments that haven't been fulfilled via LS9's and whatnot. You continue that by refunding or delivering on RSL II's a quickly as possible and

taking care of all the loose ends that you can.

At the end of the day we all know AV123 can create a great product and sell it at a great price but the last thing in my humble opinion that AV123 needs to be doing right now is spending R&D time on new products and hyping up the public about that product when we still have product that was hyped earlier and hasn't been delivered yet.

AV123 already has 4 great product lines with Rockets, X-Series, Line Source, and the MFW 15. They all can't be beat price/performance wise and pretty much EVERYONE knows that.

So sell tons of those get back in good graces and get back in the black so to speak and then WOW us with something new. But don't put the cart before the horse.

My 2 cents.

## Dave Upton

09-15-09 11:18 AM

I think the general tone of AV123 customers who have been waiting on refunds/delivery has been mostly civil. Some do resort to angry rant like posts - but I think a lot of the truly nasty commentary in this comes from competitors and business adversaries of AV123 who had a real interest in the company losing business and/or failing.

If I could be sure that the post was from a real customer I will gladly take it at face value - but the case on a forum like AVS is that half those posts come from moniker's and pseudonyms and we can't really be sure who or what is making that commentary.

I've spent a lot of money with AV123 over the past 4 years, and I've always been satisfied eventually. Yes - I waited 5 months for the B-stock MFW15, but it's here and it works wonderfully after an amp replacement. For all AV123's failings, I prefer to deal with a company that makes their mistakes honestly, large as they may be.

How many cases of AV123 sliming/badmouthing competitors have we seen? Mark has ALWAYS been so gracious in this regard, he only says "certain parties" or when asked about a competitors product he actually praises it and encourages parties to make their own decision. Not many other ID company representatives are so considerate.

I suppose my point is : There are way too many parties/interest groups here to really know the truth. I for one will take longstanding forum members and Mark at their word and hope things all work out. In the mean time - I'd rather talk about the hobby we all love so much rather than the dirty laundry of the companies that enable us to enjoy music and movies.

## intendedaccel

09-15-09 12:24 PM

I haven't commented on much of any of this, but I think it's time. The way I see it, the open issues and problems follow 3 different paths.

1. Raffles
2. Refunds
3. Broken promises/missed dates

As a contributor to several raffles I feel this is where my personal involvement stems from, although I certainly want to see the rest of the issues resolved for everyone as well.

Based on the categories above, I feel the rights of forum users vary greatly.

On the first subject(raffles), we ABSOLUTELY have a right to demand answers, as this issue goes well above and beyond just doing the right thing and instead could be instead viewed as a legal matter. Resolving this once and for all is paramount for Mark and AV123.

On the second subject, I feel those that have DIRECT involvement (those wishing to receive a refund for product not delivered) should first attempt to work privately through AV123 customer service and Mark directly. IF and WHEN those attempts fail those customers ABSOLUTELY have a right to come public with their issues and demand answers. I can't believe some of the forum members negative comments regarding this. How would YOU feel if you spent thousands on complete vaporware with no end in sight?

On the third subject, although the issues may be upsetting and painful to watch, is really none of our business. If Mark chooses to continue running things the way things were, that is 100% his call. This is the area that I HOPE can turn around, and I wish Mark and crew nothing but the best. If Mark wants our input on this, I feel he will ask for it. In the mean time I will vote with my wallet. I know personally I'd love a set of Rocket's, but I know there is no way I could bring myself to spend that kind of money here until I see the ship start to right itself (in respect to the first two items). Here is hoping that happens.

gonk

09-15-09 12:35 PM

Quote:

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Originally Posted by **Mark L. Schifter** (Post 737364)

*If we take something like this down - then we censor - if we allow for this - then we need to put focus on it... Hard to draw the line as to what to do - and how to deliver my message... (I'm sure you can see this)...*

---

I do see this - I've seen this very quandary from the moment posts were first deleted after part of the forum was re-opened. AV123 made a decision to re-open the forum while problems remain unresolved. That was going to create work for the company and its forum moderators, either by trying to address/resolve those problems or taking down the posts. That distracting workload was one of the primary reasons for closing the forum back in January. Closing it provided a level playing field: no marketing-oriented chatter, no free positive buzz, *and* no complaints to address. Opening it and removing the complaints is trying to have your cake (company forum to use as a marketing tool) and eat it to (company forum with no complaints to deal with). Eventually that starts to fall apart. I was surprised weeks ago when the forum re-opened before many of these issues were resolved, because it meant an inevitable return to a condition similar to what existed last December and January.

Quote:

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Originally Posted by **Mark L. Schifter** (Post 737364)

*Today now - my focus must be on this thread when I'm back in the office... While I applaud your post (nicely written, etc.) I must ask myself what do I do today... be here for this - or be present for those that require myself or the business in the role I serve as President, Customer Service Manager (which I'm doing right now)... new product cheerleader, etc. Not an easy decision...*

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I can relate. Just today, I've set aside work that was on my plate to deal with other office matters (including some basic tasks like printing 130+ drawings for a meeting tomorrow on a job that I'm not directly involved in *and* revising an electrical site plan for a project under construction so one of our EE's could stay focused on that same job). And tomorrow I'm going to a jobsite meeting to cover a couple other people who need to be at a design meeting. And Friday I may end up going to Arkansas to help with a site visit so our plumbing designer can stay in town and work on a deadline. All of that takes me away from other work that is my responsibility. I'll likely be taking work home a couple nights this week because my work day was consumed by such issues, and my lunch hour got spent on this post (which is my own fault).

All that being said, nothing in this post is new. All of it has been brought up before. I'd dearly love to see all of these issues wiped away in a day, but that can't happen. I do think that refunds and raffles need to have some attention paid to them, and frankly the progress seen so far this year have not touched on either of those categories. I doubt that you somehow spending your day in this thread will change that. I also think that the new forum moderation policies have been an elephant in the corner for some time - will questions about rebates and raffles be deleted automatically, or won't they? That should at least be an easy question to answer. The rest I presume is already on a "to-do" list somewhere, and unless you elect to re-prioritize things that list won't change because of anything I post.

Quote:

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Originally Posted by **Mark L. Schifter** (Post 737364)

*BTW... Do you honestly and sincerely believe that acting in any manner other than how we have acted would have slowed any of those threads in any other forum. I'm really surprised at that message and the reference to "vermin"... You know me well enough when we have talked about other matters (EMOTIVA comes to mind) to know that I LOVE my customers and I ache when something isn't perfect... Hardly the correct context for your comments...*

---

I have thought about this quite a bit. The households analogy isn't a pretty one when carried all the way through, but it fits the actual events surprisingly well. The "vermin" came to mind because of my in-laws' neighbor and the rats that used to wander out of her back yard and down my in-laws' driveway (not my mother-in-law's favorite sight). I could have used a "fallen limb" analogy (such as the regular rain of limbs we've gotten a neighbor's woefully un-trimmed trees or the big limb one of our trees dropped in the other neighbor's drive a couple years ago), but it didn't occur to me until later. I don't know that calling the customers and forum members "sticks" or "debris" is much of an improvement, though. Either way, they have been pushed away by the company, and with the re-opening of the forum they are now in a position of still being pushed away while others are free to post. If I were in their shoes, I would probably feel a bit like a dead limb that was getting tossed on the curb - not a fun feeling even if the homeowner feels bad about putting me there.

I *do* honestly and sincerely believe that there are a number of individuals who would have been ready and willing to stand up *for you* on other forums if the circumstances were different, but who are instead either silent or speaking against you. Acting differently some months ago could have made a very real difference in that regard. Would there still be folks criticizing AV123 under those different circumstances? Of course - there always were and always will be. There are always folks criticizing Outlaw. I saw someone making fun of their green power buttons a couple weeks ago, even though they haven't shipped a product with one of those since early 2005. There are always folks criticizing SVS, HSU Research, and Axiom. Always. Some have valid complaints, since no company is perfect. Some have unreasonable expectations and are disappointed that their purchase isn't superior to something costing ten times as much. Some are simply having some fun at other people's expense. Of course closing the forum was going to cause a spike in discussion of AV123 on other forums, and of course that discussion was going to have some negativity

associated with it because of the forum closure. But you know why the raffles first drew my attention, and some of the most vocal individuals in that matter are people who (under different circumstances) could have been your most level-headed and useful community supporters in this difficult time.

grantc79

09-15-09 12:53 PM

Quote:

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Originally Posted by **intendedaccel** (Post 737395)

*On the third subject, although the issues may be upsetting and painful to watch, is really none of our business. If Mark chooses to continue running things the way things were, that is 100% his call. This is the area that I HOPE can turn around, and I wish Mark and crew nothing but the best. If Mark wants our input on this, I feel he will ask for it. In the mean time I will vote with my wallet. I know personally I'd love a set of Rocket's, but I know there is no way I could bring myself to spend that kind of money here until I see the ship start to right itself (in respect to the first two items). Here is hoping that happens.*

---

Here in lies the big conundrum of the situation.

AV123 flourished through great customer relations and great products for a long time. At the end of the day if the customer relations end goes bad then it will be doomsday for AV123.

Take my recent subwoofer shopping situation. I was considering buying several different subs and the one that came the most highly recommended was the Seaton Submersive.

Now Seaton doesn't even really have a website to sell his subs. Just a forum and it isn't a very pretty one at that. But due to great customer relations and support he is doing fine.

When it comes to ID sales all you have is your word and AV123 has to get that back. I think they can do that but it is going to take a lot of work and mend a lot of bridges. Simply saying we made mistakes I'm sorry isn't going to solve any problems because there is a trust issue.

I personally recommended many people to this company but due to an issue I had I now have a trust issue which is why I have gotten rid of almost all of my AV123 gear.

Now that said I'm building a house in 2 years and nothing would make me happier than to see AV123 right the ship and me be able to with good conscious make an order for 3 LS 9's to put behind the screen of my next theater room.

I hope that day comes, but it is going to require a lot of work.

It seems Mark wants to do that work but I hope he realizes that apologizing and saying "we can't focus on the past" isn't going to fix AV123's future nor is the Super Wave Guide.

These are real issues and they are not going to go away until the refunds have been given, the products have been delivered, and faith is restored.

droht

09-15-09 01:34 PM

**Veritas vos liberabit**

The path forward doesn't seem that complicated. mls can put up a couple of "official" posts about the various issues that can always be referred back to. Respectful posts like gonk's can be left to stand, and do not need to be replied to by mls because the official posts will already address the raffles or the pre-orders or whatever. Those who wish the negative posts would stop, for whatever reason, should try to not respond, as that just adds fuel to the fire. Critical posts that are mean-spirited or whatever can be deleted. Very few of us would expect that kind of garbage to be allowed to stay.

The reason this solution won't work, imho, is that mls will not lay out honest answers to the issues. He can apologize and say he is to blame, but that is not what people are really seeking. They are seeking **the truth**. What are all the details about all the raffles? Same for LS-6s & 9s, and other speakers and subs. No more stringing along. No more gross exaggerations. Honesty. If it is going to be 3 months before someone gets there LS-9s then tell them. If you have no idea, but it will be at least 3 months, then tell them that. Stop saying "a week or two tops", over and over again. Stop saying that you "underfunded" a couple of raffles.

wesley63

09-15-09 04:03 PM

Mark,

I am one of those 17,000 very satisfied customers that you have referred to in some posts. I have a few AV123 products and enjoy the heck out of them often. I think that all of my AV123 gear is incredible for the price paid. Maybe not a fanboy, but I am a fan of AV123. Waiting a year for a sub (ULW-10) that I pre-paid for was tough, but you (and the fanboys) kept saying that you would come through and you did. The fact that that the sub stopped working in about 5 weeks with a bad amplifier still didn't dampen my feelings towards AV123 because I phoned and a replacement amplifier was sent out immediately. Ref1's, ELT monitors-couldn't be happier.

My enthusiasm for AV123 and you ended when stories of the raffles started popping up. At first, I thought it was just your enemies making things up. But more and more people posted. People involved in the raffles. At this time you were forced into admitting that some raffles were "underfunded" (probably the kindest euphemism I have ever heard.) I contributed a few hundred dollars to the raffles. Not a lot, but enough that feel that I have a dog in this hunt.

Please heed the advice that several people have given you and come clean about the raffles. I know that I will not buy another AV123 item until I see a summary of each raffle and some evidence that the money was paid to the intended recipient.

The next time you post about all the satisfied customers, please remember it is 16,999.

Jim

greg\_mitch

09-15-09 06:50 PM

Money sent - November 13, 2007 The Graham Company -\$50

Does it really matter how much money is involved? I don't know if this money was really sent where it was supposed to be sent but after hearing all of these accusations it would make me feel a lot better if I heard it from the source.

SomeCiscoGuy

09-15-09 07:27 PM

Quote:



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Originally Posted by **Mark L. Schifter** (Post 737364)

...with every ounce of **BEST EFFORT** I (or the business) can muster...

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MLS,

This is where a part (and some would say a large part) of the issue(s) exist. "Best Effort" is a good thing; however, the time for measuring things by "Best Effort" has past. Results are the only thing anyone cares about. Period. I've had plenty of employees who put forth their "Best Effort" but don't get the tasks required of them done and in turn I've had to terminate them. Putting in 80hrs of effort and only getting 10hrs of results is not going to cut it. As the CEO, you have to determine if the folks (contractors, employees, suppliers, etc.) are getting you the results needed to turn things around in the necessary time frame. If they are not, you need to replace them with folks who will. It's not fun, it's not easy, but it is 100% necessary. The changes in suppliers so far do not seem to have addressed the root cause of the issue(s) at hand. Hopefully the "AV123 Results Graph" is logarithmic in nature towards the positive; however, the results you and everyone else are looking for must be tangible - the graph can't be based on "Best Effort".

Thanks.

Phil

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gonk

09-16-09 05:59 PM

As many of you are aware, these issues are also being discussed to varying degrees in some other forums. A couple posts recently reminded me of Sean's underlying concern in his original post in the SWG thread, regarding the resources being spent on product development, and I realized just how valuable a point that actually was.

Resources are being spent on development of the Strata Max, the new sub, the SWG speaker, and its matching woofer tower. This involves time (something that Mark regularly reminds us is a very valuable commodity), but it also involves *money*. Resources were also reportedly spent on setting up a showroom in Longmont earlier this year, something that likely took relatively little of Mark's time but also had to cost some money. How does money for those efforts get spent when donations from their forum community are still missing in action? Companies have to move forward to survive, certainly, but they have to do so in a fiscally responsible manner. AV123 has a ton of existing product designs that are proven winners in the marketplace (the Rocket line; presumably the UFW-12 HR soon; the X-series' X-Static, X-Voce, X-LS, X-SLS, and X-CS; the ELT525's; and the LS-6/LS-9). This would seem like a good time to defer large investments in product development, focus on building what you've got, and start working on clearing away some of those very public debts (both refunds and raffles). If nothing else, announcing that you've suspended all product development except for a *small* group of products to which you've already made commitments (the UFW-12 HR and the RSL-II) would be a good way to demonstrate some actual change in policy and recognition of the problem. The catch there, though, would be that they'd have to stick to their word for a good long while - certainly until products were delivered (LS-9's, UFW-12 HR's, RSL-II's), refunds were issued, and raffles paid. Breaking that promise (as happened with the promises of "no pre-pays for anything ever again") would be very damaging.

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django1

09-16-09 09:25 PM

Quote:

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Originally Posted by **wesley63** (Post 737420)

*My enthusiasm for AV123 and you ended when stories of the raffles started popping up. At first, I thought it was just your enemies making things up. But more and more people posted. People involved in the raffles. At this time you were forced into admitting that some raffles were "underfunded" ...*

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This is the crux of the matter for me.

## Jess Quintana

09-17-09 01:26 PM

Quote:

Originally Posted by **gonk** (Post 737522)

*. Resources were also reportedly spent on setting up a showroom in Longmont earlier this year, something that likely took relatively little of Mark's time but also had to cost some money.*

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AERO dollars were spent here.

Kyle took a couple of days getting things set up to an existing room that was being used for storage. The room was finished, recessed lighting, carpet, furniture, gear, and paint were already there.

There is a lot of business that comes through the office from local residents and their referrals. We were active in promoting the business through local channels, and those efforts were very successful. A lot of the customer base lives within a few hours of Denver too, and it was very easy for people to drive a few hours and save shipping costs. The employees have lives outside of AV123, and all of us referred our peeps to AV123.

The showroom was a necessary endeavor, and the only resources spent were Kyle's hard work.

## gonk

09-17-09 02:18 PM

I assume you mean ZERO.

The showroom aside, should we believe that product development is free? LS-4 cabinets, SWG renderings and cabinet, Strata Max renderings have all been shown and reported as products being in development now. There's also a small sub in the works. All of this must cost money, and that money is being spent *now*. Right?

## MonkeyPimp

09-17-09 02:30 PM

Quote:

Originally Posted by **gonk** (Post 737594)

*I assume you mean ZERO.*

*The showroom aside, should we believe that product development is free? LS-4 cabinets,*

*SWG renderings and cabinet, Strata Max renderings have all been shown and reported as products being in development now. There's also a small sub in the works. All of this must cost money, and that money is being spent now. Right?*

---

I can honestly say that I understand why Mark does his best to not answer questions because he can answer the question and all you do it move right on to the next question. These types of situations are a NO WIN situation. If he answers you move the next question, if he doesn't then he isn't living up to his responsibilities.

I find it funny that you talk over and over about the facts. But the fact you put an earlier post that said the showroom cost money without knowing seems like the facts are in some fashion what you believe to be true. And when you found the truth you made no recount of what you said instead you move to the next question.

Trust me I am not happy about the raffles and that is difficult for me because I have spoken to Mark on several occasions and he has gone out of his way to help me out when it wasn't beneficial to him. I truly think that he has been shamed as much as he possibly can be.

gonk

09-17-09 03:31 PM

Quote:

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Originally Posted by **MonkeyPimp** (Post 737597)

*I can honestly say that I understand why Mark does his best to not answer questions because he can answer the question and all you do it move right on to the next question. These types of situations are a NO WIN situation. If he answers you move the next question, if he doesn't then he isn't living up to his responsibilities.*

---

So the solution is to not speak of the elephant in the corner? Not to ask why money was stolen from charities for purposes unknown? Not to ask why promises of refunds are made and then broken? Not to ask why money is available to develop new products but not to address those issues?

Quote:

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Originally Posted by **MonkeyPimp** (Post 737597)

*I find it funny that you talk over and over about the facts. But the fact you put an earlier post that said the showroom cost money without knowing seems like the facts are in some fashion what you believe to be true. And when you found the truth you made no recount of what you said instead you move to the next question.*

---

OK, so they set up a showroom without having to do any construction. It was achieved by using their customer care manager's time, with no touch up paint, no new furnishings, no signage, and using existing lighting and existing gear as source components. Does it alter the underlying point at all? Should it serve to distract from that point?

Quote:

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Originally Posted by **MonkeyPimp** (Post 737597)

*Trust me I am not happy about the raffles and that is difficult for me because I have spoken to Mark on several occasions and he has gone out of his way to help me out when it wasn't beneficial to him. I truly think that he has been shamed as much as he possibly*

can be.

---

Mark's shame truly isn't my reason for posting any of this. Shame doesn't resolve the problems. Actions are needed to resolve the problems. And after so many months without such actions, there would seem to be some value in asking some questions publicly.

## Kyle Steidle

09-17-09 05:47 PM

I would just like to remind everyone that I am watching and if this thread gets out of hand it will be closed.

Thanks!

## django1

09-17-09 06:21 PM

Quote:

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Originally Posted by **MonkeyPimp** (Post 737597)

*I can honestly say that I understand why Mark does his best to not answer questions because he can answer the question and all you do it move right on to the next question. These types of situations are a NO WIN situation. If he answers you move the next question, if he doesn't then he isn't living up to his responsibilities.*

*I find it funny that you talk over and over about the facts. But the fact you put an earlier post that said the showroom cost money without knowing seems like the facts are in some fashion what you believe to be true. And when you found the truth you made no recount of what you said instead you move to the next question.*

---

Well to me if an av123 employee answered this one minor question it just makes it all the more glaring that the rest remains unanswered.

The unfortunate truth is that until the raffle situation is cleared up speculation will run rampant.

## Jess Quintana

09-17-09 11:34 PM

Quote:

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Originally Posted by **django1** (Post 737610)

*Well to me if an av123 employee answered this one minor question it just makes it all the more glaring that the rest remains unanswered.*

*The unfortunate truth is that until the raffle situation is cleared up speculation will run rampant.*

---

Stephen,

I left AV123 in June. I'm not an employee. I posted what I knew, because it was necessary to

point out that thousands of dollars weren't spent on a showroom. There are all kinds of "minor" points that are floated around that have no foot in reality. My favorite? The one where ex employees haven't been paid. I am friendly with my ex teammates, and no one I know except for one, is unhappy. There is definitely no pattern of non payment here.

You are correct, there is some important work left to do. My point is that there are so many things that get tossed into a laundry list where perception becomes reality, even when it isn't true. Don't mind me, continue on with your rampant speculation. You will all believe what you want.

I have all kinds of information I could dispute, and to be fair, there are some points that I might agree with many of you on. Frankly, I don't have the kind of time it would take to argue every point in every post that comes up. Many of you have made your decisions without knowing all the information, and many of you wouldn't care if you knew all the information. You would quickly dismiss facts as defense, and claim I am misguided or drank too much kool aid. I won't play that game. Audio forums and AV123 is not where I spend five or six hours a day of leisure time.

A few people think they know everything going on. Simply put, they don't. I love how people can read an internet post, and they can tell what Mark's intent was at every moment in the last 24 months. I guess it's more fun to call him a liar, a thief, an adulterer, a schizophrenic, a psychopath, and a heartless bastard. Mistakes were made, and he is paying the price for them now.

I'm not saying that Mark is innocent of all he is accused of, because he is not. He is by no definition, a monster.

Mark, Lynn and Suzanne treated me well during my tenure there. No complaints at all. I miss working with everyone at the office. Sean, John, Kyle, Luis, Kim, Tim, Mark J., Corey; All great people that have come and gone, or stayed put. It was a really difficult decision to leave. I loved my job. I enjoyed great relationships with vendors too. Dan Laufman, Robert Nieman, Mark Seaton, Danny Ritchie, and a few others too.

To be clear, I chose to move on to do something different, something I love, and even more passionate about than I am about audio.

I wish you all well, and I will now let you get back to your regularly scheduled programming. I'm sure that a few of you will cut, paste, and take my comments out of context. I don't really care.

Peace!

Jess :propeller:

**django1**

09-18-09 06:41 AM

Jess, that is a good and fair post. And I'm sure this whole mess is painful to all involved.

"I love how people can read an internet post, and they can tell what Mark's intent was at every moment in the last 24 months."

This really speaks to my point on how, in the absence of facts, speculation will run rampant. Add to this that MLS' credibility is presently at a low point with a lot of people. One fact that we have is that there is some missing raffle money. If people were misled about this it is an easy step to speculate on what else they were misled on: If this is a small amount then why hasn't it been paid to it's rightful beneficiaries? If it's not a small amount then... .. There, you can see how easy it is to speculate about this stuff...

## MonkeyPimp

09-18-09 07:18 AM

Quote:

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Originally Posted by **django1** (Post 737641)

*There, you can see how easy it is to speculate about this stuff...*

---

I agree that a lot of this speculation is going to happen and as long as it is presented as such then I could care less.

My disagreement was in the fact that Gonk, someone I have no issues with at all I actually like him and think he is a very valuable resource in the audio community, was saying things that weren't necessarily true but stating that he would only post the facts.

I agree that the raffles are a huge mess. But don't you think that if Mark out and out stole from them he has probably contacted a lawyer by now? And do you think that lawyer said keep your mouth shut? So while the never ending questions and comments saying if he would just tell the truth....it isn't that easy and if any of you really think it is then you are just being naive.

I have been treated well by Mark and Av123, I would still recommend their products to people but at this point I still have to add the disclaimer that they should only buy what is in stock and be prepared for some wait time if their is a defect with the product.....If someone presented a product like that to me I wouldn't buy it.

I am by no means a cheerleader for Av123.....I just realize that all these threads and speculation are being avoided for reasons. First if you answer one question it will just beg the next question. Second, I am sure he has been instructed to not answer or talk about this by a lawyer.

So while everyone continues to thread crap and the like...it ruins it not only for MLS and Av123 but it also ruins it for the rest of us.

## gonk

09-18-09 09:24 AM

Quote:

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Originally Posted by **Jess Quintana** (Post 737631)

*I posted what I knew, because it was necessary to point out that thousands of dollars weren't spent on a showroom.*

---

Thanks for the information, Jess. It *is* useful.

Quote:

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Originally Posted by **MonkeyPimp** (Post 737642)

*My disagreement was in the fact that Gonk, someone I have no issues with at all I actually like him and think he is a very valuable resource in the audio community, was saying things that weren't necessarily true but stating that he would only post the facts.*

---

MP, I'm sorry that bothered you. I *am* glad that Jess was able to provide specifics on it, as such specific answers are great to see. Seriously, though, I can't make any mistakes here? The volume

of fragmentary information that we have all read (provided by AV123 personnel, posted in public forums by people directly involved, posted in public forums by people who aren't directly involved and must thus be filtered out, and, in some cases, received privately and thus kept in confidence) is daunting, and attempts to discuss specifics are met with two things: evasive answers, and suggestions that the act of asking for clarification is making AV123's life harder. Combine that with a need to be unfailingly cautious about every word choice and comment you make, and this is *not* easy.

## Gil Rivero

09-18-09 11:10 AM

Nice post. I feel the same way.

Quote:

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Originally Posted by **MonkeyPimp** (Post 737642)

*I agree that a lot of this speculation is going to happen and as long as it is presented as such then I could care less.*

*My disagreement was in the fact that Gonk, someone I have no issues with at all I actually like him and think he is a very valuable resource in the audio community, was saying things that weren't necessarily true but stating that he would only post the facts.*

*I agree that the raffles are a huge mess. But don't you think that if Mark out and out stole from them he has probably contacted a lawyer by now? And do you think that lawyer said keep your mouth shut? So while the never ending questions and comments saying if he would just tell the truth....it isn't that easy and if any of you really think it is then you are just being naive.*

*I have been treated well by Mark and Av123, I would still recommend their products to people but at this point I still have to add the disclaimer that they should only buy what is in stock and be prepared for some wait time if their is a defect with the product.....If someone presented a product like that to me I wouldn't buy it.*

*I am by no means a cheerleader for Av123.....I just realize that all these threads and speculation are being avoided for reasons. First if you answer one question it will just beg the next question. Second, I am sure he has been instructed to not answer or talk about this by a lawyer.*

*So while everyone continues to thread crap and the like...it ruins it not only for MLS and Av123 but it also ruins it for the rest of us.*

---

## django1

09-18-09 12:31 PM

Quote:

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Originally Posted by **MonkeyPimp** (Post 737642)

*But don't you think that if Mark out and out stole from them he has probably contacted a lawyer by now? And do you think that lawyer said keep your mouth shut? So while the never ending questions and comments saying if he would just tell the truth....it isn't that easy and if any of you really think it is then you are just being naive.*

---

Firstly, let me just say that I don't take any pleasure in all of this. And I also know MLS is stuck in between a rock and a hard place. I really don't see how he works out of this. The fact remains that he misappropriated money that he volunteered to raise for one sick child and one sick, and now dead, man.

Quote:

---

So while everyone continues to thread crap and the like...it ruins it not only for MLS and Av123 but it also ruins it for the rest of us.

---

I know I'm seen as a shit disturber but somehow the facts that I mentioned above bother me more than having the reputation as a nice guy.

I'm also happy that new clients can see the facts, as we know them, and make their own decisions. There is no question that av123 sells fine product. The questions all lie elsewhere.

All times are GMT -5. The time now is 10:07 AM.

Page 1 of 2 **1** [2](#) [≥](#)

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- [Enthusiast Enclave \(Off Topic Stuff\)](http://forums.av123.com/forumdisplay.php?f=8) (<http://forums.av123.com/forumdisplay.php?f=8>)
- - [Open for interpretation](http://forums.av123.com/showthread.php?t=41670) (<http://forums.av123.com/showthread.php?t=41670>)

## MonkeyPimp

09-18-09 01:29 PM

Quote:

Originally Posted by **django1** (Post 737658)

*The fact remains that he misappropriated money that he volunteered to raise for one sick child and one sick, and now dead, man.*

This is the item that truly bothers me. I gave money to the raffles and it pisses me off that it wasn't all sent where it was supposed to go. I guess the point is that if he hasn't answered the questions and doesn't seem like he is going to answer the question no matter how much people ask then why keep asking the same questions. It just gets old....nothing more nothing less in my opinion.

Quote:

Originally Posted by **django1** (Post 737658)

*I know I'm seen as a shit disturber but somehow the facts that I mentioned above bother me more than having the reputation as a nice guy.*

They bother me more than any reputation....but to be honest....I don't care what an online community thinks of me as I could disappear instantly, so it wouldn't take much to bother me more than my reputation.

Quote:

Originally Posted by **django1** (Post 737658)

*There is no question that av123 sells fine product. The questions all lie elsewhere.*

I agree 100%, but when no one is going to answer those questions other than the speculators at what point Do you stop asking? If Mark doesn't give you a satisfactory answer in 5 years are you still going to be asking?

To me it is just like when my 5 year old stands there and says "MOM...can I?....Can I?....Can I? ...etc" Even he eventually quits asking.

I hold no grudge against anyone here that is questioning this stuff, I am just tired of hearing it...does that matter...not to the people asking. I just wanted to get it off my chest and will no further discuss it.

**lonewolf**

09-18-09 01:45 PM

Gonk:

You have taken on an enormous task. I hope it isn't affecting your real job.

**gonk**

09-18-09 02:03 PM

Quote:

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Originally Posted by **MonkeyPimp** (Post 737663)

*I agree 100%, but when no one is going to answer those questions other than the speculators at what point Do you stop asking? If Mark doesn't give you a satisfactory answer in 5 years are you still going to be asking?*

---

This is an *excellent* question. When do rational people quit asking for answers? When do you decide to accept both silence and inaction? We will all have different answers, and different reasons for our answers. I haven't found an answer yet.

Quote:

---

Originally Posted by **MonkeyPimp** (Post 737663)

*To me it is just like when my 5 year old stands there and says "MOM...can I?...Can I? ....Can I?...etc" Even he eventually quits asking.*

---

Mark took a jab at me for my "vermin" reference, but I won't do that to you for comparing questions about the theft of \$40,000 or \$50,000 to a five-year-old's attempts to snag a new toy. ;) I understand your feeling.

Quote:

---

Originally Posted by **MonkeyPimp** (Post 737663)

*I hold no grudge against anyone here that is questioning this stuff, I am just tired of hearing it...does that matter...not to the people asking. I just wanted to get it off my chest and will no further discuss it.*

---

Trust me, it's both tiring and frustrating to the folks asking, too. At least, it is to me. I suspect if someone were doing it solely to raise hell and troll, it would be fun - a constant easy target - but for those of us who are still actively discussing it here the whole situation is difficult. Do you keep asking, keep pushing for a resolution? Or do you accept that there will not be answers and simply walk away? When does futility set in?

**MonkeyPimp**

09-18-09 02:08 PM

Quote:

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Originally Posted by **gonk** (Post 737668)

*Mark took a jab at me for my "vermin" reference, but I won't do that to you for comparing questions about the theft of \$40,000 or \$50,000 to a five-year-old's attempts to snag a new toy. ;) I understand your feeling.*

---

I am glad that you didn't see my reference to the 5 year old as me calling anyone a 5 year old....All I meant is that it is that tiring to me to read the same question over and over...not that anyone was acting 5.

gonk

09-18-09 02:12 PM

Quote:

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Originally Posted by **lonewolf** (Post 737664)

*Gonk:*

*You have taken on an enormous task. I hope it isn't affecting your real job.*

---

Don't worry. At the moment I'm home sick, laying on the couch, thinking about what to make for lunch.

Quote:

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Originally Posted by **MonkeyPimp** (Post 737669)

*I am glad that you didn't see my reference to the 5 year old as me calling anyone a 5 year old....All I meant is that it is that tiring to me to read the same question over and over...not that anyone was acting 5.*

---

I know.

reverter

09-18-09 02:34 PM

Quote:

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Originally Posted by **MonkeyPimp** (Post 737642)

*I agree that the raffles are a huge mess. But don't you think that if Mark out and out stole from them he has probably contacted a lawyer by now? And do you think that lawyer said keep your mouth shut? So while the never ending questions and comments saying if he would just tell the truth....it isn't that easy and if any of you really think it is then you are just being naive.*

---

I would only contact a lawyer if I was being litigated against. Maybe no one has brought suit yet. And if Mr. Shifter didn't liberally borrow from those raffles, then what happened to that money and why do you call it a huge mess? I think you have to ask yourself Monkey Pimp, did Mr. Shifter borrow from those raffles and if he did, why?

## MonkeyPimp

09-18-09 02:46 PM

Quote:

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Originally Posted by **reverter** (Post 737673)

*I would only contact a lawyer if I was being litigated against. Maybe no one has brought suit yet.*

---

I guess you and I are different....If i saw all these accusations online I would get a lawyer and be prepared in the likely event that I would be sued or if criminal charges were brought against me.

Quote:

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Originally Posted by **reverter** (Post 737673)

*And if Mr. Shifter didn't liberally borrow from those raffles, then what happened to that money and why do you call it a huge mess? I think you have to ask yourself Monkey Pimp, did Mr. Shifter borrow from those raffles and if he did, why?*

---

I do ask myself these questions....but I don't have the answers and the guy who does have the answers isn't willing to answer...so what is the point in asking the same question over and over.

I'm done....I am not here to defend anyone and won't!! It started with me finding it odd that people keep using the word Facts....when they don't have fact based facts as much as they do speculated facts.

## gonk

09-18-09 03:14 PM

Quote:

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Originally Posted by **MonkeyPimp** (Post 737674)

*It started with me finding it odd that people keep using the word Facts....when they don't have fact based facts as much as they do speculated facts.*

---

There *is* an abundance of speculation. There *are* also facts. We know when the raffles took place. We know how much money they generated. For the Sloan Kettering funds and Derek's funds, we know how much was delivered. Those *are* facts. We could include Hugh's friend's raffles, as we know that the money was still missing as of his death. That's just the raffles.

These facts are inevitably generating speculation because of their magnitude, and because of other facts such as the unpaid refunds. Or do we assume that Derek, Hugh, and Sloan-Kettering all lied? Do we assume that people who claim to be owed refunds are all lying?

My earlier post touched on when the time comes to stop asking questions. It's a decision that we each have to make for ourselves, and it extends to both asking the questions and observing the resulting spectacle. I don't blame anyone who has lost patience for the spectacle and decided to walk away from the whole thing...

## TechFan

09-18-09 03:23 PM

I have one simple question: what answer will satisfy you? From what I have read Mark has very openly admitted that funds did not make it to where they should have and he is working to rectify the situation. I don't intend to indict or defend the actions that got things to this point, but now that we are here it is going to take some time to make things right. If some reasonable amount of time passes and no progress is seen, maybe that will be the time to ask more questions. Just a thought...and one that will likely be quickly dismissed. :)

Randy

## droht

09-18-09 03:42 PM

Quote:

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Originally Posted by **TechFan** (Post 737679)

*I have one simple question: what answer will satisfy you? From what I have read Mark has very openly admitted that funds did not make it to where they should have and he is working to rectify the situation. I don't intend to indict or defend the actions that got things to this point, but now that we are here it is going to take some time to make things right. If some reasonable amount of time passes and no progress is seen, maybe that will be the time to ask more questions. Just a thought...and one that will likely be quickly dismissed. :)*

*Randy*

---

Randy, I think a lot of us have the expectation that someone who is serious about righting wrongs would make it a more obvious priority.

I think Mark's been saying that he needs to run his business to generate money that will then be used to make everyone whole, and that having to deal with the constant criticism about the issues makes it less likely that he will be successful.

I understand his POV, but I can't accept it. It is far too easy to hide behind that idea and then blame your critics for the issues you can't or won't fix. He could be making progress right now, and it wouldn't cost him a cent, if he simply started being honest with folks waiting for LS speakers and ufw sub upgrades. The fact that he keeps stringing folks along makes it all too easy to assume that his conviction to address the raffles, for example, is less than genuine.

## gonk

09-18-09 03:43 PM

Quote:

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Originally Posted by **TechFan** (Post 737679)

*I have one simple question: what answer will satisfy you? From what I have read Mark has very openly admitted that funds did not make it to where they should have and he is working to rectify the situation. I don't intend to indict or defend the actions that got things to this point, but now that we are here it is going to take some time to make things right. If some reasonable amount of time passes and no progress is seen, maybe that will be the time to ask more questions.*

I don't know that I'd agree with the "very openly" part - he has stated that he "underfunded two raffles," but we have between six and nine raffles for two or three charities that have been stolen from. The money was never his to use or divert for other purposes. He has also had a year and a half or two years to rectify the situation. How much longer do we wait without asking questions.

What answer will suffice? It's a good question. My vote would be an answer that involved *action* of some sort.

Quote:

---

Originally Posted by **TechFan** (Post 737679)

*Just a thought...and one that will likely be quickly dismissed. :)*

---

No need to assume it will be dismissed. It's a valid question - in a way, it's part of the larger question we've been debating for the last page or so. When do you stop asking questions?

---

**Kyle Steidle**

09-18-09 04:06 PM

This thread is moving away from its original intent. I am not deleting this thread but I am closing it. If anyone has any questions our doors are open via email or phone.

Thanks!

---

**Kyle Steidle**

09-19-09 09:54 AM

Ok, I just talked with MLS and he has asked me to reopen this thread. I will ask this from anyone that posts. Since this thread is about censorship I would ask that this stay on subject and any personal attacks on anyone will cause this thread to be shut down permanently.

---

**django1**

09-19-09 04:36 PM

Quote:

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Originally Posted by **gonk** (Post 737334)

*I recently contributed to a thread-jack in the new SWG peek thread, but rather than burden that thread further I've decided to step away from it and summarize my concerns here, in a separate thread. I'm sticking it in the Enthusiast Enclave because it seems as good a place as any - I'm a home theater enthusiast, and this post covers issues relating to a wide assortment of topics (including, but not limited to, loudspeakers). It's taken me a bit of time to write this, worked in around the family and the job, but I've picked back through it and think it is reasonably coherent.*

*The off-topic debate in the SWG thread started because someone who is waiting on RSL-II's (a wait that includes having paid a significant up-front cash investment of \$6000) was disappointed to see signs of development resources going into something new and unrelated to the RSL-II's that he paid for so long ago. As part of the subsequent discussion, Mark made a statement that surprised me:*

*Why did that surprise me? It surprised me because the newly re-opened forum has seen several examples of censorship. I'm not a moderator here, so I can't see all that has been done in the background, but I know of at least three separate types of events involving at least five different individuals that all seem to be active censorship.*

*First, there was a thread started in the classifieds around 7/2 or 7/3 (a few weeks after that forum re-opened) in which someone asked for information about delivery of funds raised in raffles. This person had contributed to those raffles and wanted to know the status. The thread was deleted, but I saw it before it went away. Was the post in the wrong forum? Yes, but the right forum wasn't open and the company had finally allowed some posting in a forum that had been locked for close to half a year. Whatever sub-forum was used, the person still had a valid question about funds that he had donated.*

*Second, a customer who has pre-paid \$6000 for RSL-II's (not the same one who triggered the off-topic discussion in the SWG thread) started a thread on 8/23 asking for information on the status of the refund he had requested many months earlier. It was perfectly polite and stated that email inquiries to Mark had been attempted repeatedly without success. The thread was deleted, and the customer was told to contact Mark directly - something that his post specifically said he had been doing unsuccessfully.*

*Third, a raffle winner posted in late August 2009 to report that he had received a raffle prize (specifically a watch). He also rudely criticized anyone who had doubted Mark regarding the raffle in question. His posts are still present in [this thread](#). Several posts are missing from that thread, though. Django1 posted a response to the raffle winner, and began writing a second reply without realizing that his first had been deleted. After he posted his second post, he discovered that he'd been sent a warning not to make any more posts. His second post was deleted and he was banned for 10 days. I never saw his posts. Instead, I made a post of my own in response to the raffle winner. That post is quoted below (typos and all):*

*My post was on the site for no more than 30 minutes before it was deleted and the thread moved to a read-only forum, and I received an email from Kyle making it clear that such posts were not going to be tolerated. In addition to my post and django1's posts, there was a separate thread started by droht earlier that same day asking about unpaid raffle donations that was deleted. All of these relate to the raffles, and all were posted in appropriate threads and/or forums. All are gone from the forum.*

*In the [SWG thread](#), I made several attempts to question Mark's statement that they have never worked to censor or stop criticism. He responded by explaining that he had to step in when people made posts that were (to use his words) "making or causing trouble" or keeping "the focus in a 'dark place.'" When I pointed out that such actions when directed toward people with legitimate complaints and concerns was censorship, he disagreed, saying only "[Well - then I guess we are going to have the leave this to interpretation...](#)"*

*Mark stated that AV123 has never censored their site. And yet I can name five instances that I know of in which they have censored people - or, assuming you use an interpretation similar to Mark's, instances in which they have taken action toward people whose posts were "making or causing trouble." Have there been others? We simply don't know - the only way to know is to see the posts before they are deleted or hear reports of the events through other forums. Such reports have appeared in various other forums, but in recent months something curious has happened. Other forums have grown tired of threads discussing these matters because they go on for weeks (a side-effect of a lack of definitive answers to numerous questions) and generate a great deal of strife (a side-effect of the emotions that result from those unanswered questions). This is inevitably*

*going to stir up trouble for third-party forums, and it is doubly undesirable for forums that are operated by other manufacturers.*

*Some people have criticized forum administrators at other forums for closing threads related to AV123, and in some cases threads have even been deleted. Just on general principle, I really hate to see such threads deleted, but I also have had a hard time blaming admins at other forums for locking threads - after all, they are being forced to step in and moderate heated discussions that are the result of someone else's actions while they have no way to resolve the underlying problems. The situation reminds me of some posts by Mark last year, when he equated AV123's forum to a home and him to the homeowner. His point was that he could set the rules here, and we had to abide by them because we were guests in his home. Because AV123 has refused to allow open discussion of their actions in this forum (either by closing it or by moderating it to quash such discussions), people have gone to other forums. So you have threads starting at AVS, TCA, Audioholics, and elsewhere. You have people expressing legitimate outrage, people asking hard questions that upset other people, and even some people taking an easy opportunity to troll a bit. It all ends up creating messes in those forums. Or, to use Mark's analogy, in other people's homes. It's like the neighbor whose yard is so overgrown with weeds and filled with junk that vermin move in and then start foraging in your trash can or digging in your nicely-maintained lawn. Only in this case the "vermin" are largely composed of legitimately upset customers and forum community regulars who deserve better treatment. These customers want to know the status of LS-9 speakers because they paid \$4500 year(s) ago. These customers want to know when they will get rebates that they requested six months or a year ago after pre-paying for products and then getting tired of waiting. These customers donated money to raffles and want to know why money from at least half a dozen of those raffles was partially or completely undelivered to the intended recipients.*

*Those raffles are a particularly sore subject for many people, both because of the continued uncertainty and the situation itself. All told, there have been several dozen raffles over the last four or five years. These include a pair of concurrent raffles in July 2007, each meant to split approximately \$6000 between Sloan Kettering (on behalf of Dave Fabrikant's late father) and an orphanage in Khabarovsk, Russia. Mark has admitted to having paid only \$3000 to Sloan Kettering and still needing to pay the balance. Some reports from outside AV123 indicate that the \$3000 that was paid came several months after the raffle closed and only after someone contacted Sloan Kettering and found that no money had been received. No information exists regarding the orphanage's money. There were also a total of four raffles (three between late August 2007 and late October 2007 and a fourth in October 2008) to assist with medical bills for Derek Wayland after his daughter Bemí developed significant health issues that included diabetes and kidney problems. Those four raffles raised around \$39,000. As of last week, roughly \$34,000 remains undelivered and more than half of the money that was delivered went directly from a contributor to Derek. Mark has admitted to owing Derek money, but hasn't offered details regarding the magnitude of that debt. In January 2008, a trio of raffles was held to raise \$10,000 to support a friend of Hugh who was dealing with liver cancer. The friend passed away without receiving any of the money from Mark, and I have never heard of any reports of where that money ended up. Mark has said on a few occasions that he has underfunded two raffles. The disturbing reality of the term "underfunded" notwithstanding, the number "two" does not match up well to the six to nine individual raffles whose funds remain partly or wholly missing.*

*This post has dragged on longer than I initially thought it would. I've left some things out (including some names and an assortment of links to other forums that I referred to while writing this) and I seriously considered leaving out details of the unpaid raffles. I haven't mentioned other AV123 matters that have been subjects of debate recently (including pre-pay deals, which generated another recent instance of forum censorship that I really should have included, or missed deadlines, or the lack of user manuals for products like*



*the MFW-15 or the updated ULW/UFW-10). Back up at the top of this post, my intent was to try to detail exactly why I feel that AV123's moderation is censorship, and thus fundamentally different from normal forum moderation that would involve deleting offensive posts or banning individuals who violate forum rules of conduct. **To put it another way, if the forum rules of conduct now include restrictions on posting about matters solely because the company does not wish to discuss them or even see them mentioned, then the rules of conduct are based on censorship. If that is truly the case, we need to all be on the same page about it** (whether it is called censorship or not) so people can decide whether or not they wish to participate in the forum. For some people, it may also help them determine how they will continue to seek resolution on outstanding business they have with the company.*

---

This is the original post. It is not about censorship in general but about censorship of certain posts and topics critical of one man and his actions. The original post is asking whether or not we may discuss these topics without being censored.

greg\_mitch

09-19-09 05:39 PM

Quote:

---

Originally Posted by **django1** (Post 737750)  
*This is the original post. It is not about censorship in general but about censorship of certain posts and topics critical of one man and his actions. The original post is asking whether or not we may discuss these topics without being censored.*

---

Agreed. We proceeded to discuss the matters and the thread was closed.

End of thread. Point made.

gonk

09-20-09 10:05 AM

Very true. The original post covered a lot of ground, with censorship (and denial of censorship) as the trigger for it.

Has there been censorship? Some have said "no" based on symantics or interpretation, but I think we all agree that the forum policies have recently included automatic deletion of inconvenient posts - no matter how politely worded those posts were. The policies also continue to impose strict limitations on what can be asked and how it can be asked. In my original post, I suggested that telling us what the rules are would be helpful. Without that, it is hard to follow the rules.

As for personal attacks, I think all of the forum members who have posted in this thread are to be commended. The debate has remained focused on the issues, even though they are issues that elicit strong emotional responses. Differing opinions have been offered, as is the nature of opinions, but I haven't seen anybody getting ripped into for those differences.

Jess Quintana

09-20-09 10:21 AM

Gonk,

I agree with you on most of this. I did, however, get ripped by Mr. Gai on the AH thread for my thoughts.

But it's OK, I even agreed with him on some points, but his style is to crush anyone who he doesn't think is on board with him.

---

gonk

09-20-09 10:25 AM

Perfect example of what we have *not* seen in this thread, Jess. I presume Kyle's not going to determine the status of this thread based on posts made on other forums, though. That'd be silly!

---

wesley63

09-20-09 11:18 AM

I am glad that MLS has forced this thread to re-open. I hope that this means that he is planning some type of response to the raffle issues.

Jim

---

Jess Quintana

09-21-09 09:43 AM

Quote:

---

Originally Posted by **gonk** (Post 737793)

*Perfect example of what we have not seen in this thread, Jess. I presume Kyle's not going to determine the status of this thread based on posts made on other forums, though. That'd be silly!*

---

Gonk, if you read the AH thread this morning, Mr. Gai, and Mr, Chang are shots at me. So apparently, it's OK to have civil discussion here, and no where else.

Don't worry Stephen, I'm not all that sensitive. You obviously don't know me very well. :)

I learned a long time ago that you don't get into a urinating contest with a skunk. I will take the high road here, and not banter at AH. There is no point to it.

---

gonk

09-21-09 10:03 AM

Quote:

---

Originally Posted by **Jess Quintana** (Post 737839)

*Gonk, if you read the AH thread this morning, Mr. Gai, and Mr, Chang are shots at me. So apparently, it's OK to have civil discussion here, and no where else.*

---

Sorry to hear that, Jess. I've popped in and out of that thread, but didn't have a lot of opportunity to follow it yesterday. As I said here earlier, though:

Quote:

---

Perfect example of what we have *not* seen in this thread, Jess. I presume Kyle's not going to determine the status of this thread based on posts made on other forums, though. That'd be silly!

---

We're talking about the internet. I have always figured that we should expect a certain amount of background noise while on the internet, especially on topics that generate strong emotions. I've caught a lot worse flak from a couple folks at AVS when debating Emotiva's LMC-1 than I've seen tossed your way in the AH thread. Heck, I've caught a little around here over the years, although it's been rare. It's part of being online.

What we have here in this thread is a discussion that involves multiple layers of civility, all balanced on a tight rope with a variable cross-wind. As online debates go, it's pretty atypical.

## django1

09-21-09 01:40 PM

Quote:

---

Originally Posted by **Jess Quintana** (Post 737839)

*Gonk, if you read the AH thread this morning, Mr. Gai, and Mr. Chang are shots at me. So apparently, it's OK to have civil discussion here, and no where else.*

*Don't worry Stephen, I'm not all that sensitive. You obviously don't know me very well. :)*

*I learned a long time ago that you don't get into a urinating contest with a skunk. I will take the high road here, and not banter at AH. There is no point to it.*

---

I've edited this post. Indeed urinating contests are futile. What we would really like is for the raffle issues to be addressed ...

## trinard

09-22-09 12:11 AM

Quote:

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Originally Posted by **django1** (Post 737864)

*What we would really like is for the raffle issues to be addressed ...*

---

...and the refunds.

Rob

## Jess Quintana

09-22-09 09:05 AM

Quote:

---

Originally Posted by **django1** (Post 737864)

*I've edited this post. Indeed urinating contests are futile. What we would really like is for the raffle issues to be addressed ...*

---

You are talking to the wrong guy. My duties were related to the retail operations of AV123.

gonk

09-22-09 09:11 AM

I don't think any of us are pushing you to provide these answers, Jess. Thanks, though.

gonk

09-22-09 11:12 AM

We appear to have had a couple posts deleted from this thread today. There still have not been any specifics provided to help forum members know what the current rules or guidelines for forum moderation are. There is nothing available in the forum's [FAQ](#) regarding this matter. There are no sticky threads in any of the forums providing guidance on this matter. There appear to be some specific rules being enforced, though. (I won't state that there "must be" such rules, as the last time I made an assumption and presented it in that manner, I was proven wrong and MonkeyPimp reasonably called me on it.) We know that personal attacks are off-limits, but that's pretty typical for any forum and I assumed that to have always been the case here. Can we get any guidance on this matter?

Kyle Steidle

09-22-09 11:21 AM

Quote:

---

Originally Posted by **gonk** (Post 737958)

*We appear to have had a couple posts deleted from this thread today. There still have not been any specifics provided to help forum members know what the current rules or guidelines for forum moderation are. There is nothing available in the forum's [FAQ](#) regarding this matter. There are no sticky threads in any of the forums providing guidance on this matter. There appear to be some specific rules being enforced, though. (I won't state that there "must be" such rules, as the last time I made an assumption and presented it in that manner, I was proven wrong and MonkeyPimp reasonably called me on it.) We know that personal attacks are off-limits, but that's pretty typical for any forum and I assumed that to have always been the case here. Can we get any guidance on this matter?*

---

Gonk,

I am not sure what posts you are looking for today. I would like to say that I only see 2 posts that have been deleted and were deleted by the original posters. For the record I have not deleted anything.

Thanks!

david-me

09-22-09 11:52 AM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 737959)

Gonk,

*I am not sure what posts you are looking for today. I would like to say that I only see 2 posts that have been deleted and were deleted by the original posters. For the record I have not deleted anything.*

*Thanks!*

---

since I must have been sleep walking...

I will repost what I apparently deleted...

brave of you posting that

P.S. If you did not delete them, nor I, who did ?

---

gonk

09-22-09 11:53 AM

Those could be the two posts I saw that I don't see anymore. Weird...

Quote:

---

Originally Posted by  **david-me**  (Post 737961)  
*since I must have been sleep walking...*

*I will repost what I apparently deleted...*

*brave of you posting that*

*P.S. If you did not delete them, nor I, who did ?*

---

EDIT: That's one of the two. Thanks, David. Weirder still...

---

david-me

09-22-09 11:57 AM

It appears that posts have been deleted from this thread too...

[ROCKET Review Revue Contest](#)

---

skeeter99

09-22-09 12:05 PM

Quote:

---

Originally Posted by  **david-me**  (Post 737964)  
*It appears that posts have been deleted from this thread too...*

[ROCKET Review Revue Contest](#)

---

I have MOD privileges and can see when people delete and none have been deleted from that thread that I can see ...

## django1

09-22-09 12:18 PM

Quote:

---

Originally Posted by **Jess Quintana** (Post 737789)  
*Gonk,*

*I agree with you on most of this. I did, however, get ripped by Mr. Gai on the AH thread for my thoughts.*

*But it's OK, I even agreed with him on some points, but his style is to crush anyone who he doesn't think is on board with him.*

---

Here is the link to the Audioholics thread where anyone can verify if you were or were not "crushed".

PS this is the post that "I accidentally didn't" post this morning.

## Daryl RL

09-22-09 12:33 PM

I'm no expert, but when I click on "New Posts" at the top, it appears there are new posts and when I check the actual threads the posts that are there are ones I've already read.

My "guess" is that something's wrong with the forum database...

## wesley63

09-22-09 12:34 PM

Quote:

---

Originally Posted by **skeeter99** (Post 737965)  
*I have MOD privileges and can see when people delete and none have been deleted from that thread that I can see ...*

---

How about this thread?

## Kyle Steidle

09-22-09 12:35 PM

Quote:

---

Originally Posted by **david-me** (Post 737964)  
*It appears that posts have been deleted from this thread too...*

[ROCKET Review Revue Contest](#)

I don't see any that have been deleted also. Not sure what is happening.

**skeeter99**

09-22-09 12:37 PM

Quote:

Originally Posted by **wesley63** (Post 737969)  
*How about this thread?*

I only see the two that Kyle is talking about too that were both self deleted.

**Kyle Steidle**

09-22-09 01:00 PM

Ok all I did delete the links that you have posted. I don't believe that the trash that you were linking to has any place on our forums. If you would like to discuss this further I am and so is MLS always available via phone or email.

Thanks!

**wesley63**

09-22-09 01:04 PM

Kyle,

Thank you for the explanation.

Jim

**TechFan**

09-22-09 01:15 PM

Well, for the record, I would expect the link to the Audioholics thread to be deleted. I honestly think that there are some that are posting things just daring the Mods to delete them. The very title of that thread would be enough, in my opinion.

Randy

**gonk**

09-22-09 01:16 PM

Since the re-posts have both now been edited, any idea on what happened to the original posts? Also, any chance we can get some specific guidelines for what is and isn't allowed under the current moderation rules?

9/23/2009

forums.AV123.com - Open for interpret...

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[forums.AV123.com](http://forums.av123.com/index.php) (<http://forums.av123.com/index.php>)

- [Enthusiast Enclave \(Off Topic Stuff\)](http://forums.av123.com/forumdisplay.php?f=8) (<http://forums.av123.com/forumdisplay.php?f=8>)
- - [Open for interpretation](http://forums.av123.com/showthread.php?t=41670) (<http://forums.av123.com/showthread.php?t=41670>)

mojave

09-22-09 01:36 PM

One guideline is that both TCA and av123 don't allow linking to any thread that has posts, or will have posts, by cschang. :rolleyesno:

django1

09-22-09 02:31 PM

Quote:

Originally Posted by **gonk** (Post 737977)

*Since the re-posts have both now been edited, any idea on what happened to the original posts? Also, any chance we can get some specific guidelines for what is and isn't allowed under the current moderation rules?*

I didn't delete mine. For the record, Kyle is just doing what he gets paid for, I have no quarrel with that, even if I was a bit miffed the other day when I was banned. No quarrel with Jess either.

Also for the record, there are a few things that I don't agree with on the AH thread, some over the top stuff and the usual internet stuff. But there is also some good information and numerous people with good intent.

My only reason in posting in this thread is my hope that MLS would clear up the raffle situation, (which seems to be getting worse instead of better)...

gonk

09-23-09 08:58 AM

Quote:

Originally Posted by **django1** (Post 737983)

*I didn't delete mine.*

Indeed. Same with david-me. That's the odd part.

Quote:

Originally Posted by **django1** (Post 737983)

*For the record, Kyle is just doing what he gets paid for, I have no quarrel with that, even if I was a bit miffed the other day when I was banned. No quarrel with Jess either.*

Well said. I agree that it's important here not to shoot the messenger. If the company policy is to delete a post because of its content, then there's no reason to be angry at the person who presses the "delete" button.

I do still have two questions, though. First, can we get an explanation for the loss of the two posts? We've been told that the posters deleted them, and the posters have contradicted that. If it was done by a moderator other than Kyle and he didn't know, so be it. Second, can we get any guidance on what the forum rules are? I hate to sound like a broken record (broken record.... broken record....), but it'd be helpful to know.

## CloudStrife

09-23-09 09:39 AM

I've only skimmed this thread, so please excuse me if this has already been said. There seems be very simple fixes for these issues. Money was pre-paid for a product. Either give an honest update, whether it be "nearly done" or "it won't be finished for 5 years". If the customer wants a refund, give it to him. Money was raised in raffles to be donated in full to Dwayland. X amount was raised, so Derek should get X dollars. Give it to him. If you don't, that is theft.

Put your Nikes on, and just do it.

## JETHRO

09-23-09 12:14 PM

Quote:

Originally Posted by **CloudStrife** (Post 738063)

*I've only skimmed this thread, so please excuse me if this has already been said.*

*There seems be very simple fixes for these issues. Money was pre-paid for a product.*

*Either give an honest update, whether it be "nearly done" or "it won't be finished for 5 years". If the customer wants a refund, give it to him.*

*Money was raised in raffles to be donated in full to Dwayland. X amount was raised, so Derek should get X dollars. Give it to him. If you don't, that is theft.*

*Put your Nikes on, and just do it.*

These would be simple fixes "if and only if" the money is on tap. If not, they are no longer simple to fix.

## CloudStrife

09-23-09 12:17 PM

Quote:

Originally Posted by **JETHRO** (Post 738078)

*These would be simple fixes "if and only if" the money is on tap. If not, they are no longer simple to fix.*

Then he should give a simple explanation instead of a runaround.

**Mark L. Schifter**

09-23-09 02:20 PM

Please forgive the very short reply...

Over the next few weeks there will be something other than words here to talk about.

I have a good team that is helping me to take care of delivering on my promises with respect to this...

I have been asked by my team to not say more - just deliver on my promises, and the plan that was put in place last week - and at the appropriate moment I will surely have more to say.

I'm going to quietly offer that in this thread or others please keep it civil and polite - and respectful to all parties... This is a forum for our mutual benefit and enjoyment and those going outside of the bounds of decency or reasonableness will be asked out... This is our home...

Thank You...

mls

**django1**

09-23-09 02:36 PM

Quote:

---

Originally Posted by **Mark L. Schifter** (Post 738099)

*Please forgive the very short reply...*

*Over the next few weeks there will be something other than words here to talk about.*

*I have a good team that is helping me to take care of delivering on my promises with respect to this...*

*I have been asked by my team to not say more - just deliver on my promises, and the plan that was put in place last week - and at the appropriate moment I will surely have more to say.*

*I'm going to quietly offer that in this thread or others please keep it civil and polite - and respectful to all parties... This is a forum for our mutual benefit and enjoyment and those going outside of the bounds of decency or reasonableness will be asked out... This is our home...*

*Thank You...*

*mls*

---

I for one find it quite positive that you are participating in this difficult thread. I also find it encouraging that the situation will be addressed. My only misgiving is that your post is quite vague as to the actions that will be taken and indeterminate as to the date of the action.

**Mark L. Schifter**

09-23-09 03:44 PM

Quote:

---

Originally Posted by **django1** (Post 738100)

*I for one find it quite positive that you are participating in this difficult thread. I also find it encouraging that the situation will be addressed. My only misgiving is that your post is quite vague as to the actions that will be taken and indeterminate as to the date of the action.*

---

I do understand... vague is not really welcome with these sorts of issues... I can only say that while I've been asked by others to stay quiet until my plan goes into effect - and people can see for themselves what I'm doing --- that I felt I needed to say "something" at this moment... There are many things I'd like to say in reply - but it's really best that I keep quiet and just allow others to do their jobs with respect to this so that people can see how serious this is being taken...

My every being just hurts...

More at the appropriate moment...

Thanks...

mls

---

**django1**

09-23-09 07:07 PM

Well, I do hope those "others" are giving you good advice. More facts are coming up that paint an even uglier picture. Each day that goes by with your continued silence, inaction and censorship on these matters leaves us with very little alternative but to believe that the very worst of these accounts is true...

---

**SnowmaNick**

09-23-09 09:47 PM

Quote:

---

Originally Posted by **Mark L. Schifter** (Post 738110)

*I do understand... vague is not really welcome with these sorts of issues... I can only say that while I've been asked by others to stay quiet until my plan goes into effect - and people can see for themselves what I'm doing --- that I felt I needed to say "something" at this moment... There are many things I'd like to say in reply - but it's really best that I keep quiet and just allow others to do their jobs with respect to this so that people can see how serious this is being taken...*

*My every being just hurts...*

*More at the appropriate moment...*

*Thanks...*

*mls*

---

So if I am following this correctly: you came into the thread to tell everyone that something you can't talk about is being done by unknown people at an undisclosed time.

:party:

droht

09-23-09 09:52 PM

Quote:

---

Originally Posted by **SnowmaNick** (Post 738146)

*So if I am following this correctly: you came into the thread to tell everyone that something you can't talk about is being done by unknown people at an undisclosed time.*

:party:

---

Nick, I imagine that post (and this one) may be headed for the trash heap, but I have to say that it was freaking priceless.

wesley63

09-23-09 10:11 PM

Quote:

---

Originally Posted by **droht** (Post 738149)

*Nick, I imagine that post (and this one) may be headed for the trash heap, but I have to say that it was freaking priceless.*

---

Ditto.

gonk

09-24-09 10:07 AM

Quote:

---

Originally Posted by **Mark L. Schifter** (Post 738099)

*Please forgive the very short reply...*

*Over the next few weeks there will be something other than words here to talk about.*

*I have a good team that is helping me to take care of delivering on my promises with respect to this...*

*I have been asked by my team to not say more - just deliver on my promises, and the plan that was put in place last week - and at the appropriate moment I will surely have more to say.*

---

I look forward to seeing the deliveries, and I hope they happen soon.

Quote:

---

Originally Posted by **Mark L. Schifter** (Post 738099)

*I'm going to quietly offer that in this thread or others please keep it civil and polite - and*

*respectful to all parties... This is a forum for our mutual benefit and enjoyment and those going outside of the bounds of decency or reasonableness will be asked out... This is our home...*

*Thank You...*

*mls*

---

I still think that everyone in this thread is to be commended for the civil and polite tone of the discussion. You mention not going outside the bounds of decency or reasonableness, though, and I can't help but think that you are referring to avoiding posts that could be considered "for the purpose of making or causing trouble" as well as posts that involve personal attacks or other unacceptable behavior. I've asked a couple times for some official explanation of what subjects are being classified as absolutely out-of-bounds. Would it be reasonable to say that discussion of raffles and refunds are both off limits until we hear otherwise? It's your house, and you make the rules - but it'll help if we're all clear on what those rules are.

## Daryl RL


09-24-09 11:37 AM

It would seem like maybe "common sense" could rule for now...

I could pretty easily guess what they will accept and not, even without seeing what has stayed and gone the past couple days.

Here's another take on the matter (borrowed from another forum):

"#24  

 Today, 08:46 AM

[jmck407](#) 

Junior Member

Join Date: Mar 2009

Posts: 26



Quote:

Originally Posted by **Chu Gai** 

*I rather dislike corrupt organizations. Each stone that's turned reveals more and more distortions, outright falsehoods, general incompetence, and the betrayal of trust on multiple levels.*

*Humbly for sure...*

well thank you for your great detective work on this. By attempting to bring MLS down, because of your dislike of "corrupt organizations", you surely have helped out individuals shorted on raffle proceeds, and those of us waiting on pre-paid products. Would it not be great, that because of your extraordinarily altruistic efforts to take down this "corrupt organization", those waiting on full payment of raffle proceeds, get nothing more from MLS...not to mention people on the cusp of getting product they have paid for and waited on for YEARS...have visual proof of said product being weeks if not days away from shipping....suddenly discover said product is now frozen up in the "hell" coming down on MLS/av123 from these national organizations.

Again, very big thank you sir. Being one of those waiting on a pre-paid product, I feel honored that you have taken so much of your time, to inform us about this corrupt organization, especially the most intimate details of the personal financial life of MLS, his home mortgage status, grand-daughters ballet group....again...then again...and again...here...and at any place that allows you to publish your hard work and research.

Somehow this does not come off as truly altruistic, because if your research has produced an iron clad case of illegal raffle activities, that are prosecutable by the Colorado authorities and who knows maybe federal authorities, why the constant publishing of said findings..on internet forums? Why not let the results of your hard work play out, without all the fanfare at the various audio enthusiast sites?

At this point it is pretty safe to say even if you had not posted any of your research, the whole raffle thing with Mark and av123 is done for ever. Don't see how your continued posting on this, especially the intimate details, even contribute anything above what has already been written to "warn" future raffle donation givers (like there's a snowballs chance of there being any in the future) about this "corrupt organization".

yeah, I feel really good about now. Thanks Chu, if that is your real name. Even though I have not agreed with Buzz's style of commenting on things in the past, I also find it disturbing at what lengths someone who has no dog in the fight keeps flaming things on internet forums. Even your replies on topics not related to charities have just seemed a bit off. I mean after the Ninja finally gets a delivery date for his product, your comment is "I'll keep my fingers crossed on those LS-9's. It'd be a bitch if they arrived damaged somehow. "

He is getting them shipped probably less than 50 miles. Not sure why that type of shipment would sound off alarms of possible shipping damage, enough so that fingers needed to be crossed. If those babies have not shipped yet, the Ninja might have more to worry about from the "hell" that is about to be brought to bear on said manufacturer by your internet investigative efforts.

John"

This was directed at Chu (obviously) but IMHO gonk's efforts, while more respectful, are also counterproductive.

**django1**

09-24-09 12:02 PM

Quote:

---

Originally Posted by **Daryl RL** (Post 738182)  
*It would seem like maybe "common sense" could rule for now...*

*This was directed at Chu (obviously) but IMHO gonk's efforts, while more respectful, are also counterproductive.*

---

My first point would be that if common sense ruled the present situation would not exist.

I really do hope that everyone owed product gets it. In a corner of my mind there is a nagging doubt that I might be contributing to someone not getting their product. At the same time, probably most everyone owed product will put their own self interest above principles and ethics

and most probably none of them will rock the boat. I understand this and will not criticize them for it.

There are nevertheless issues of principle and ethics here and I'm not sure they can be weighed on the balance of "productive" or "counterproductive"...

## SnowmaNick

09-24-09 12:27 PM

Quote:

---

Originally Posted by **Daryl RL** (Post 738182)

*This was directed at Chu (obviously) but IMHO gonk's efforts, while more respectful, are also counterproductive.*

---

I apologize for not seeing how not doing anything and not asking what has happened or what will be done about it would be considered "productive" in any way, shape or form.

Yes, this information has been asked on various forums, but no clear answer has been given, statements have been made that are not matching up with other information and while much time has passed nothing has been done.

As far as I can tell, not discussing issues does not help solve them. It can however make them worse, increase hostility amongst people and make the issues that much harder to solve when resolution can no longer be avoided or delayed.

I fully understand individuals concerns for all the parties affected, the company, the principle actors, the recipients, those who are waiting, etc. All should be able to discuss their concerns, and at least have the ability to ask questions regarding them. The denial of this ability does constitute censorship in at least one form. Granted, a post that is obviously an attack against an individual would normally be considered worthy of a moderators attention, but avoiding a subject or group of objects isn't.

Just my .02

## gonk

09-24-09 01:01 PM

Quote:

---

Originally Posted by **Daryl RL** (Post 738182)

*It would seem like maybe "common sense" could rule for now...*

*I could pretty easily guess what they will accept and not, even without seeing what has stayed and gone the past couple days.*

*This was directed at Chu (obviously) but IMHO gonk's efforts, while more respectful, are also counterproductive.*

---

The post you quoted was aggressively rude, at least in my opinion, so I quit reading it the first time I saw it. Chu's manner can push and break boundaries when he gets going, which I think hurts him at times when he's trying to make an otherwise valid point.



I agree that putting pressure on AV123 about matters such as these is a burden on them. Leaving them alone to resolve it relieves them of that burden. The quandary I have found myself turning over in my mind is when does "leaving them alone to resolve it" run the risk of turning into "leaving them alone to avoid it"? It's a question that I can find no clear answer to.

Quote:

---

Originally Posted by **SnowmaNick** (Post 738189)

*As far as I can tell, not discussing issues does not help solve them. It can however make them worse, increase hostility amongst people and make the issues that much harder to solve when resolution can no longer be avoided or delayed.*

---

I would agree with this.

## Kyle Steidle

09-24-09 01:27 PM

Since it seems this thread is getting back into a speculation and how av123 should run thier business thread, I would like to remind you that our doors are always open for questions, all you need to do is email or call or in some cases schedule a direct face to face meeting with Mark himself(not trying to call anyone out).

Thanks!

## Kyle Steidle

09-24-09 01:29 PM

Quote:

---

Originally Posted by **gonk** (Post 738192)

*The post you quoted was aggressively rude, at least in my opinion, so I quit reading it the first time I saw it. Chu's manner can push and break boundaries when he gets going, which I think hurts him at times when he's trying to make an otherwise valid point.*

*I agree that putting pressure on AV123 about matters such as these is a burden on them. Leaving them alone to resolve it relieves them of that burden. The quandary I have found myself turning over in my mind is when does "leaving them alone to resolve it" run the risk of turning into "leaving them alone to avoid it"? It's a question that I can find no clear answer to.*

*I would agree with this.*

---

Since you such good friends with Chu ask him to call us, I am sure that he could get some questions answered. But my personal theory is that he is really a coward and does not have the \_\_\_\_\_ to call and talk to Mark directly as anyone is welcome to do.

Thanks!

## Daryl RL

09-24-09 01:31 PM

Quote:

---

Originally Posted by **gonk** (Post 738192)

*The quandary I have found myself turning over in my mind is when does "leaving them alone to resolve it" run the risk of turning into "leaving them alone to avoid it"? It's a question that I can find no clear answer to.*

---

I don't believe ANYONE could seriously think that the past issues are just going to go away or be forgotten.

I personally "contributed" to a number of raffles, as did many others around here. My silence on the issue does NOT mean I don't care or that I condone what might have happened.

---

**gonk**

09-24-09 01:43 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738194)

*Since you such good friends with Chu ask him to call us, I am sure that he could get some questions answered. But my personal theory is that he is really a coward and does not have the \_\_\_\_\_ to call and talk to Mark directly as anyone is welcome to do.*

*Thanks!*

---

I'll be happy to send him a PM at Audioholics or TCA with your suggestion if you like. Aren't we trying to avoid personal attacks, though?

Quote:

---

Originally Posted by **Daryl RL** (Post 738195)

*I don't believe ANYONE could seriously think that the past issues are just going to go away or be forgotten.*

*I personally "contributed" to a number of raffles, as did many others around here. My silence on the issue does NOT mean I don't care or that I condone what might have happened.*

---

You've touched on the exact nature of the conundrum I'm talking about. These problems won't go away, but at the moment they are already very old (some years old). Each person must individually try to determine how long remaining silent is appropriate. The tough part is that there is no single right answer. It may be that one person's answer is "stay silent until it's fixed" and another person's answer is "speak now."

---

**Kyle Steidle**

09-24-09 01:48 PM

[quote=gonk;738196]I'll be happy to send him a PM at Audioholics or TCA with your suggestion if you like. Aren't we trying to avoid personal attacks, though?

Yes please do! If he really wants answers why not call and get it from the source.

[mls@av123.com](mailto:mls@av123.com) or 303-543-7500 ext. 301 or 308.

Or if he is going to attend RMAF schedule a meeting with him.

Thanks!

## washburn

09-24-09 02:42 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738194)

*But my personal theory is that he is really a coward and does not have the \_\_\_\_\_ to call and talk to Mark directly as anyone is welcome to do.*

*Thanks!*

---

I've been watching this thread without commenting so far.

YOU suggest no personal attacks on threads, as a moderator, and then you're the one who does it, so I thought that warranted a comment.

**Kyle**, you're calling Chu Gai "a coward with no \_\_\_\_\_", but what would you call a person who has collected thousands of \$\$ in raffles in the name of a sick child (of a good friend of mine) and a dying/sick person, and many other reasons/charities, then **not giving a huge part of the money to them** (and god knows doing what with it) and not spoken a word about it for months/years, and still refuses to come forward and clarify things?

...Just **politely** wondering.

Such statements and reaction is probably not the most effective way to handle this raffle/refund crisis at hand, IMO.

## gonk

09-24-09 02:50 PM

You may consider him notified - both of the offer and the snide remark.

## northernlite

09-24-09 03:00 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738193)

*Since it seems this thread is getting back into a speculation and how av123 should run thier business thread, I would like to remind you that our doors are always open for questions, all you need to do is email or call or in some cases schedule a direct face to face meeting with Mark himself(not trying to call anyone out).*

*Thanks!*

---

This issue touched or affected hundreds of us. Our raffle donations or pre-payments were solicited from and paid for through this forum. The whole saga should be played out and spelled out in the open, on this forum, not cloaked behind private phone calls and pms.

av123 has used and continues to use the web as it's primary vehicle to both solicit new and inform old customers, so the forum is the place where the questions and answers to this issue-as any other av123 issue- should unfold.

If the purpose of the forum going dark was to fix things, to make things right, then these things should have been addressed and sussed out when the doors were shut. Because they don't appear to have been remedied behind the closed doors, then the mounting pressure to fix them or at least thoroughly address them now and in the open forum is justified and right.

## Kyle Steidle

09-24-09 03:03 PM

Quote:

---

Originally Posted by **washburn** (Post 738200)

*I've been watching this thread without commenting so far.*

*YOU suggest no personal attacks on threads, as a moderator, and then you're the one who does it, so I thought that warranted a comment.*

***Kyle**, you're calling Chu Gai "a coward with no \_\_\_\_\_", but what would you call a person who has collected thousands of \$\$ in raffles in the name of a sick child (of a good friend of mine) and and a dying/sick person, and many other reasons/charities, then **not giving a huge part of the money to them** (and god knows doing what with it) and not spoken a word about it for months/years, and still refuses to come forward and clarify things?*

*...Just **politely** wondering.*

*Such statements and reaction is probably not the most effective way to handle this raffle/refund crisis at hand, IMO.*

---

Gez I wonder what you are trying to imply here. This thread is on the way to being closed. But I will keep it up for a little longer.

## Kyle Steidle

09-24-09 03:03 PM

Quote:

---

Originally Posted by **gonk** (Post 738201)

*You may consider him notified - both of the offer and the snide remark.*

---

Thank you Gonk, I appreciate you telling him what I am sure he has already read.

## Kyle Steidle

09-24-09 03:08 PM

Quote:

---

Originally Posted by **northernlite** (Post 738202)

*This issue touched or affected hundreds of us. Our raffle donations or pre-payments were solicited from and paid for through this forum. The whole saga should be played out and spelled out in the open, on this forum, not cloaked behind private phone calls and pms.*

*av123 has used and continues to use the web as it's primary vehicle to both solicit new*

*and inform old customers, so the forum is the place where the questions and answers to this issue-as any other av123 issue- should unfold.*

*If the purpose of the forum going dark was to fix things, to make things right, then these things should have been addressed and sussed out when the doors were shut. Because they don't appear to have been remedied behind the closed doors, then the mounting pressure to fix them or at least thoroughly address them now and in the open forum is justified and right.*

---

All I can tell you is that Mark is working on fixing these issues. I realize that he has been silent but he has posted about this. Please remember that in the case of the raffles there are many sides and a lot of speculation is happening. All we are asking here is that if you have a question about the raffle is to email or call him.

Thanks

## CloudStrife

09-24-09 03:09 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738204)

*Gee I wonder what you are trying to imply here. This thread is on the way to being closed. But I will keep it up for a little longer.*

---

His implication, correct or not, is perfectly valid considering what we do know and the air of secrecy of the situation.

## Matt34

09-24-09 03:10 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738204)

*Gee I wonder what you are trying to imply here. This thread is on the way to being closed. But I will keep it up for a little longer.*

---

Looks to me he didn't beat around the bush at all. He came out and said what was on his mind.

## cujobob

09-24-09 03:17 PM

Mark is there any update on a date for refunds for those of us waiting?

Kyle, why act as though people are attacking Mark for no reason? I don't get it...

Money and product are owed to people and all we get are bad dates, bad checks (forum member jackass I believe), and unanswered questions.

If those of us owed something just kept quiet, would that really solve anything?

We want this to be resolved more than Mark does...I'm sure noone in this thread is getting a kick out of this.

## Kyle Steidle

09-24-09 03:24 PM

Quote:

---

Originally Posted by **cujobob** (Post 738210)

*Mark is there any update on a date for refunds for those of us waiting?*

*Kyle, why act as though people are attacking Mark for no reason? I don't get it...*

*Money and product are owed to people and all we get are bad dates, bad checks (forum member jackass I believe), and unanswered questions.*

*If those of us owed something just kept quiet, would that really solve anything?*

*We want this to be resolved more than Mark does...I'm sure noone in this thread is getting a kick out of this.*

---

Cujo,

I understand what you are asking but I should rephrase myself. Mark would really like these questions to be asked directly to him and not on the forum.

Thanks!

## CloudStrife

09-24-09 03:27 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738211)

*Cujo,*

*I understand what you are asking but I should rephrase myself. Mark would really like these questions to be asked directly to him and not on the forum.*

*Thanks!*

---

Why? The raffle is not a private matter.

## Kyle Steidle

09-24-09 03:28 PM

Quote:

---

Originally Posted by **CloudStrife** (Post 738212)

*Why? The raffle is not a private matter.*

---

Ask Mark.

## CloudStrife

09-24-09 03:29 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738213)  
*Ask Mark.*

---

I just did.

## northernlite

09-24-09 03:44 PM

Quote:

---

Originally Posted by **Kyle Steidle** (Post 738206)  
*All I can tell you is that Mark is working on fixing these issues. I realize that he has been silent but he has posted about this. Please remember that in the case of the raffles there are many sides and a lot of speculation is happening. All we are asking here is that if you have a question about the raffle is to email or call him.*

*Thanks*

---

Kyle, I believe many here have been telling you and Mark - politely - that this is just not enough of an answer anymore.

The speculation will continue to mount until the silence is broken with a sincere explanation.

The heat you're feeling is that of a critical mass assembling that just wants to hear the plain truth for once. And it's not going to go away.....

## Kyle Steidle

09-24-09 03:51 PM

Quote:

---

Originally Posted by **northernlite** (Post 738218)  
*Kyle, I believe many here have been telling you and Mark - politely - that this is just not enough of an answer anymore.  
The speculation will continue to mount until the silence is broken with a sincere explanation.  
The heat you're feeling is that of a critical mass assembling that just wants to hear the plain truth for once. And it's not going to go away.....*

---

I understand what all of you are saying but if no one is willing to email or call him then I don't see the point of having this thread open. We are giving all of you a way to get answers. Sorry if this isn't what you want to hear. I am done answering these questions. You know my stance and Marks stance.

303-543-7500 ext. 301 or 308, [mls@av123.com](mailto:mls@av123.com)

Thanks!

## CloudStrife

09-24-09 03:58 PM

How many people participated in the raffles? Quite a few. I've never personally called Mark, but from what I've read, he's a rather busy guy. Does he have time to answer hundreds of individual phone calls?

I don't see what could possibly be wrong with a public address on AV123's own forum.

## droht

09-24-09 04:02 PM

Kyle, I posted here about a month ago about the raffles. You deleted the post, and we corresponded via email. You passed my question on to mls. He and I traded PMs a few days later. He apologized for not responding to the email inquiry, but never did address the raffle question.

Not really sure what else to do. Emails or phone calls are easy to ignore.

All times are GMT -5. The time now is 04:15 PM.

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- [Enthusiast Enclave \(Off Topic Stuff\)](http://forums.av123.com/forumdisplay.php?f=8) (<http://forums.av123.com/forumdisplay.php?f=8>)
- - [Open for interpretation](http://forums.av123.com/showthread.php?t=41670) (<http://forums.av123.com/showthread.php?t=41670>)

Kyle Steidle

09-24-09 04:13 PM

Quote:

Originally Posted by **droht** (Post 738222)

*Kyle, I posted here about a month ago about the raffles. You deleted the post, and we corresponded via email. You passed my question on to mls. He and I traded PMs a few days later. He apologized for not responding to the email inquiry, but never did address the raffle question.*

*Not really sure what else to do. Emails or phone calls are easy to ignore.*

All I can ask is that you email him again.

Jed M

09-24-09 04:31 PM

For the record I have been have been, as suggested, in direct email contact with Mark for at least a month, as you know Kyle, and his responses to me via email are as vague and empty as they are on the forum. I can personally attest that contacting him privately will not achieve answers to even direct questions asked over and over.

sertsarge

09-24-09 04:49 PM

Kyle

You are in a tough spot

Hang in there

david-me

09-24-09 05:04 PM

Quote:

Originally Posted by **sertsarge** (Post 738226)

*Kyle*

*You are in a tough spot*

*Hang in there*

I think alot of the problem is that the criticism for this company has permiated most if not all major audio forums... and not just in anti-av123 threads.

In speaker recommendation threads, people will stand behind the speakers but at the same time tell them to shop elsewhere to not support this company. Mostly due to the topics already discussed... err.. brought up.

## Jason Brent

09-24-09 05:49 PM

Well....I don't really hang out here anymore and while I did not personally contribute to any raffle through this forum, I know I for one would like a detailed **public** explanation of the raffle situation.

I'm not interested in calling or emailing Mark to hear a private explanation.

## Mark L. Schifter

09-24-09 05:50 PM

Good Afternoon...

I have had to remain very quiet with respect to this thread and the general tone and tenor of some of comments made here...

Some might be wondering why - and the simple truth is this... I've turned over a TON of data to my Attorney with respect to this and other matters. I've been asked to be quiet and I've tried very hard to do so.

I know a lot of you have questions - and they will be answered... I also know that I am being targeted (some might say hunted) by several individuals all in the name of the truth - when in fact for a few of these folks the truth has little to do with what they are slinging, saying or otherwise putting forth. They are out to hurt me - hurt av123, and the latter I won't stand for...

Kyle knows a TON about this - and he feels pretty badly about some of the stuff being said because he knows the "inside story" about who these folks are... I'm going to have my say - but I'm going to do it in a proper and concise manner - leaving my talking to those better and more powerful than I.

Notwithstanding all of this - I made some very poor decisions that I now have to live with. I've spoken openly of this - and I hope that you'll all understand that until my Attorneys are done with their end of the matter - I simply cannot offer a bunch more... Maybe some of you won't understand this - and you might want simply to "move for more" from me at this moment... That's not going to happen - but count on this - I WILL have my say once I am allowed to... I owe that to all of you - to myself and the people close to me...

I apologize for the "quiet behaviour" - but that's the way it has to be... The fact finding that has been going on amazes me - and I'm sure that one day very soon those on the other side are going to find out how uncomfortable this kind of daily scrutiny can make ones life... I'm living it...

I've had a very rough day here - family members ill and injured - and I'm probably not nearly as diplomatic as I would like to be (or heard)... I'm aching and I'm tired...

Trust this - more will be said - and this time I (or those more powerful and more able) will be doing the talking... While I look forward to that moment and letting the cat out of the bag on many subjects - for now count me as simply unable to go further or watch others go further in my

defense... This is still a business that is working hard to do the correct thing every day in all kinds of areas... and that will continue... Those thinking that I'm closing this out of censorship are purely and completely wrong - I'm closing this because I would like those near me to simply be able to do their tasks without distraction or delay... and frankly, this well engineered thread has surely served it's intended purpose...

Like I've said... more will surely be shared later - but only after my advisers, etc. have their say in their areas of interest.

Thank You...

Mark L. Schifter

All times are GMT -5. The time now is 06:20 PM.

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