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1644 Kaweah Drive
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August 10, 2020

Phyllis Harris, Esq.
American Red Cross
General Counsel, Chief Compliance and Ethics Officer
430 17th St NW
Washington, DC 20006

Dear Ms. Harris:

Last June, our 6-year-old daughter and only child lay on the pool deck at Summerkids, a recreational child care facility in Altadena, California. Heart stopped. Eyes black. Skin blue. Body with but an ounce of life left. **Despite the presence of four “American Red Cross Certified Lifeguards,” Roxie Mirabelle Forbes drowned.** One day later, she died.

And for the most part, so did we.

The love of our lives—this diminutive child with herculean compassion and courage—struggled to her end without her mommy and daddy who always promised to keep her safe, to make things right, to create a life brimming with joy and wonder.

We have since discovered a lethal ARC loopholes which precipitated the wholly preventable death of our daughter. Therefore, we require a prompt and adequate response to the following demands. Otherwise, legal action will commence, in addition to a national media campaign.

Under sworn deposition testimony, **one of your ARC representatives admitted to fraudulently certifying all the Summerkids counselors responsible for Roxie’s preventable drowning. Andrew Cervantes fraudulently certified these counselors in lifeguarding, water safety instruction, first aid, CPR and AED.** In fact, Cervantes appears to have fraudulently certified as many as 100 Summerkids counselors over the past decade.

This scheme was orchestrated by Summerkids owner-operators Cara, Joe and Maria Di Massa and effectuated by Cervantes and the counselors. The Di Massas also used your deeply deficient system to designate their site as an ARC training facility upon which they committed rampant fraud that endangered thousands of children and traumatized those who witnessed the drowning.

Under additional sworn deposition testimony, two of the counselors responsible for neglecting Roxie to death admitted that they never received requisite ARC training. **These counselors confessed that Cervantes never even tested them, nor did they pursue proper training or testing on their own.** The remaining counselors and the Di Massas are being deposed within the next couple of months.

Here is an overview:

- Summerkids owners Cara, Joe and Maria Di Massa run their child care facility akin to a summer camp
- Swimming is a popular Summerkids activity for children as young as three.
- The Di Massas operate a relatively small 20x50 pool on their grounds.
- According to emails, invoices, affidavits and other documents, Joe Di Massa hired ARC rep Andrew Cervantes 10 years ago to train and certify Summerkids counselors in lifeguarding, water safety instruction, first aid, CPR and AED. Cervantes also “certified” 72-year-old Joe Di Massa as a water safety instructor.
- According to ARC documents and sworn testimony, Andrew Cervantes fraudulently certified himself as a lifeguard instructor and water safety instructor trainer.
- From 2011-2014, lifeguard/first aid/CPR/AED and WSI “training” and “testing” were administered at Joe and Maria Di Massa’s home pool.
- ARC approved the Summerkids facility as an ARC training and testing site in 2015.
- Cervantes said he thereafter managed all training and testing at Summerkids.
- Documents prove that Cara Di Massa instructed Cervantes to limit lifeguard/CPR/AED/first aid training to one 6-8 hour day instead of the mandatory 28-hour program. Cervantes agreed.
- Documents prove that Cara Di Massa instructed Cervantes to limit WSI training to approximately 6-8 hours instead of the mandatory 30-hour program. Cervantes agreed.
- As many as 24 counselors were present at abbreviated training sessions whereas the ARC strongly recommends a cap of 10.
- Cervantes admitted under oath that he never properly trained the counselors and never followed ARC training protocol.
- Cervantes admitted under oath he never tested counselors in the pool or via written test.
- Cervantes admitted under oath he issued water safety instructor certifications for counselors at Summerkids prior to training them on water safety instruction. He referenced training at aquatics facilities where counselors never attended.
- Cervantes admitted under oath that he issued certifications to every candidate associated with the Di Massas throughout this decade-long scheme.
- Two fraudulent Summerkids lifeguards admitted under oath they never properly trained or tested to be lifeguards or water safety instructors yet promoted themselves as certified ARC parties. We anticipate the rest of the Summerkids counselors will admit to the same.
- Two fraudulent Summerkids lifeguards admitted under oath to conducting wildly inappropriate swim tests to assess children’s skills/aptitude.
- Two fraudulent Summerkids lifeguards admitted under oath to the entirely erroneous, dangerous if not lethal extraction of Roxie Forbes from the pool.
- Two fraudulent Summerkids lifeguards admitted under oath to erroneous if not lethal attempts at CPR described as:
 - “pumping” instead of compressions
 - repeated tipping of Roxie on her side to “let gravity run its course” so vomit would exit her mouth
 - failing to effectuate any level of child-based rescue breathing
 - cradling Roxie’s head forward instead of tilting it backward and releasing her jaw

- forcing the distension of her stomach
- Documents and sworn testimony prove the Di Massas hired counselors without any lifeguard or water safety instruction experience, paid for their fraudulent, erroneous training and certifications and thereby misled thousands of Los Angeles families, including ours.
- Documents and sworn testimony prove the Di Massas never requested or required proof of training or testing. On occasion, training manuals were delivered to counselors the day before training sessions, rendering study and preparation all but impossible.
- Documents prove the Di Massas aggressively and fraudulently promote their ARC lifeguard and WSI programs to parents. The Di Massas misuse ARC credibility to market their business and extend college credit through IACET.
- Documents and sworn testimony prove the Di Massas employed their fraudulent water safety instructors to teach very young non-swimmers how to be water safe.

According to the ARC, “The American Red Cross lifeguard training and certification are imperative to the process of getting hired on as an official Red Cross lifeguard. Our detailed training includes both testing of hands-on skills as well as comprehension on written tests. The certification, which includes First Aid, CPR and AED training, is valid for two years upon completion and is accepted nationwide. The American Red Cross is the most respected source for training and certification of this kind.”

Parents, caregivers and communities trust these representations when making weighty decisions involving their most precious cargo. However, the ARC clearly built a terribly flawed system that allows and enables the likes of a Cervantes or a Di Massa to execute criminal fraud. This criminality led to our daughter’s death. We would be hard pressed to think other such fraud is not currently being executed nationwide.

We have contacted you on a number of previous occasions during which your service representatives admitted to something being awry. However, no follows were offered and our subsequent contacts were ignored.

We issue the following demands upon which you must take action by **August 25, 2020**. We have hired a Los Angeles law firm fully prepared to file a Complaint against the ARC should these demands be ignored or inappropriately diluted.

1. Immediately revoke/rescind any and all certifications associated with the instructor known as Andrew Cervantes listed as instructor. These certifications include but are not limited to Hank, Rainey, Faith Porter, Joseph Natalizio, Natalie del Castillo and Dillon Benacerraf. A full list will be supplied.
2. Permanently prohibit any certifications or instructor permissions for Andrew Cervantes.
3. Permanently ban the above parties from being certified lifeguards, water safety instructors or holding any other ARC certifications.
4. Permanently ban Summerkids as an ARC training facility and the Di Massa family from affiliation with ARC aquatics certification programming.
5. In coordination with us, the ARC shall make a nationwide public announcement regarding this wholly preventable death, including a public apology.

6. Work with our water and camp safety 501(c)(3) foundation on a national public service announcement campaign and on rectifying grossly flawed and lethal system that continues to allow if not enable ARC representatives access to precipitate fraud.

We are willing to provide copies of deposition transcripts and other documentary evidence on request. Your prompt attention to this matter will ensure that no other child suffers Roxie's fate.

A handwritten signature in black ink, reading "Doug Forbes Elena Matyas". The signature is written in a cursive, flowing style.

Doug Forbes & Elena Matyas

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