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**MSNBC Cancels Mexico Balcony Death Segment During Spring Break**

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## **MSNBC Cancels Mexico Balcony Death Segment During Spring Break Season**

*by Tom Flocco*

**PHILADELPHIA -- March 21, 2004 -- (MexicoBalconyDeaths.com) --** On Thursday afternoon, MSNBC's Deborah Norville Tonight show producers canceled a planned segment that night to discuss this writer's numerous Mexico travel safety issues, including 75+ U.S. citizens of all ages falling from unsafe low-rail balconies just 23-38 inches from floor to rail-top at numerous Mexico hotels. This, despite the fact that many past Mexico balcony deaths involved students. "We decided your travel safety angle doesn't fit what we're trying to do regarding our alcohol and Spring Break segment," said show producer Amy Shuster, who had called the day before requesting the appearance.

At the pinnacle of the Spring Break season, Norville canceled the appearance of one of the only persons--speaking from tragic experience--who is attempting to shed light on Mexico travel safety issues which could well save the life of a young and inexperienced student traveler now in Cancun or another Mexico beach resort--or soon to be, as the vacation season continues.

Curiously, American hotel corporations with a global presence build resorts with safe rail-heights according to enforced building code standards in the USA, but unsafe rail-heights for many Mexico hotels. Why? Because they can get away with it, what with U.S. legislators selling their influence via legalized campaign contribution bribery by the travel industry.

Congress has turned a deaf ear to foreign travel safety but also domestic hazards, permitting judges to seal court cases and issuing protective judicial orders covering up evidence involving such litigation as Firestone tire and Ford Explorer deaths. Bribed legislators water down regulatory actions and judiciary machinations that manage to negotiate the slimy influence peddling that is de rigeur in Congress. 200+ Americans died in the Firestone fiasco over ten years while Congress allowed the corporate safety hazard to continue via its sealed court evidence laws protecting the interests of global corporations instead of

American constituents.

After having been called on Tuesday to appear Wednesday night at 9:00 pm on Deborah Norville's show, her producer called to cancel Wednesday's appearance, rescheduling it for Thursday. Then she called Thursday afternoon at 2:00 pm to cancel the rescheduled 6:00 pm taping--less than three hours prior to being picked up at 4:45 pm to go to the studio.

Incredibly however, after the person picked to replace my rescheduled but then canceled Thursday appearance decided to cancel out himself, we were called again at 5:00 pm Thursday to get ready to go to Philadelphia and tape at 6:00 pm--interestingly, just as an MSNBC limo pulled up unexpectedly in the driveway. We decided to pass regarding the on-again/off-again interview practices--since we had already been canceled, then rescheduled, then canceled and then asked again. We wonder how regular MSNBC contributors with contracts are treated.

### **U.S. Travel Corporations Cover Up Mexico Vacation Deaths**

Many worried American parents are reluctantly allowing their sons and daughters to head to Mexico for Spring Break--many students leaving the country for the very first time. We found well over 75 Americans who perished from Mexico balcony deaths since 1990, between the ages of 18 and 57 years old. Yes, this happens to Americans (and Canadians) of all ages; and those were only the ones reported in newspapers and by inside sources from hospitals and morgues, and also a Mexico lawyer and a hospital nurse.

Remember the uproar caused by 200 Firestone deaths over ten years? If it wasn't for KHOU-TV in Houston, Texas gallantly and doggedly breaking and then sticking with what seemed to be an inconsequential safety problem, Americans would never have known about the life and death issue. The deaths were carefully concealed by a corporation which literally bought up blown-out tires from families after financial settlements so they would not appear later in courtrooms--an issue which literally forced a bribed and embarrassed Congress to deal with all the deaths: 200 Firestone deaths, and now 85+ U.S. and Canadian balcony deaths in Mexico.

After recognizing the Mexico travel safety problem via internet news reports and travel website searches, and then contacting me, requesting an appearance--but canceling, MSNBC could possibly contribute to more Mexico balcony deaths this spring by not using its public opinion platform to thoroughly reveal what they now know regarding my information about balcony deaths, rapes, alcohol poisoning games, etc. on Spring Break. Segments on Scarborough Country and Deborah Norville Tonight danced around corporate concealment of safety issues for the most part.

Cancun U.S. consular official Anthony Kleiber told me that "about half the balconies in Cancun, Mexico do not conform to enforced (minimum 42 inches high) United States public building safety code standards (which would force a shut-down of any U.S. hotel), adding, "Mexico authorities do this in order not to obstruct the ocean views." Most American travelers are not aware of these hazards--dangers not normally found in the typical vacation setting in the USA.

Kleiber told us that "government officials and travel agencies in both the United States and Mexico know about the low rail-height problem in many of the hotels, but don't do anything about it," tragically telling me on the morning of my son's death that "we had 3 or 4 balcony deaths a couple months before your son Timothy fell and died." I asked him what countries they were from, whereupon he said matter-of-factly: "they were all Americans--we only deal with U.S. citizens." I remember my hands trembling when I heard Mr. Kleiber make that statement two hours after my son's body was found. Could such tragedy be prevented?



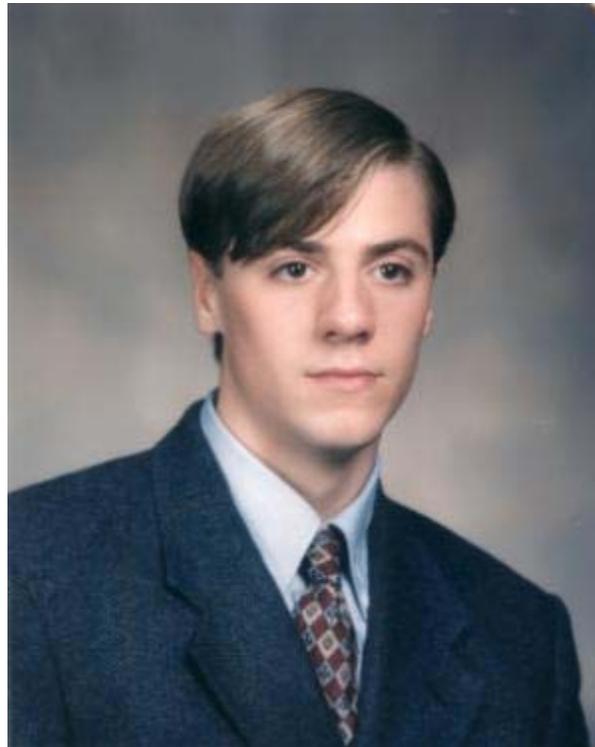
**Timothy Shane Flocco, 1978--2000, Tim worked for travel giant Apple Vacations; but no one in the company was warned about multiple past Mexico balcony deaths, ongoing balcony litigation, and that Apple and other travel companies were continuing to advertize and promote unsafe Mexico hotels throughout North Amerca that remain a death hazard for any vacationer and his family. MSNBC producers are fully aware of this issue but have backed out of publicizing it for some unknown reason--at the apex of Spring Break, with 100,000+ inexperienced young people flocking to Cancun's beaches.**

Our family has experienced the exact same government stonewalling of evidence and information that the current 9-11 victim families are experiencing regarding public testimony by high officials and access to key document evidence. The beltway boys circle the wagons, presenting a united front by corporate, state, and federal agencies to facilitate the willful withholding of that which is needed to prove one's case.

This, perpetrated against families seeking answers--taxpayers who fund government salaries, benefits and pensions. I know from personal experience that the Freedom of Information Act has been effectively destroyed by the current Department of Justice--possibly of greater importance than the loss of citizen freedom via the "Patriot" Act. Yes, we truly need "honest government in our lifetime."

## **The Worst Nightmare**

Can you imagine what it's like being told when you arrive at work that your son is dead? I speak about this issue from direct experience. My 22 year-old son Timothy Shane Flocco died from an eight story fall from a 37 inch rail-height balcony at the Oasis Playa Hotel in Cancun, Mexico on May 18, 2000. The hotel security patrol was so poor that Tim lay for hours after bleeding to death internally before they found his lifeless body. His blood and tissue was found on the wall of the Oasis Playa as he valliantly tried to save himself trying to grab a lower floor rail. Apple Vacations and the Oasis Playa Hotel would not even give Tim's mother access to those who found his body or heard him screaming as he fell, despite our requests to the State Department Overseas Citizens Service. I will write more about the OCS coverup later.



**Timothy Shane Flocco, 1997 High School Graduation Photo**

Tim was 73 inches tall and the Oasis Playa Hotel balcony measured at his mid-thigh. He was heavier up top, what with his muscular build from lifting weights and working out. That played a part in his death, as we later came to realize that center of gravity plays a critical role in Mexico balcony deaths involving low rail-heights--like balancing a pencil on one's finger.

While attending college as a full-time business finance student with a 3.4 gpa, Tim Flocco had just purchased a new car with his own funds and was working part-time for Apple Vacations in their sales and computer sections. He personally subscribed to and read Business Week and Harvard Business Review. He was not in Mexico on Spring Break,

having traveled with college friends at the end of the semester in mid-May for a getaway prior to work at Apple.

Apple Vacations sends more travelers to Mexico than any other company in America; however, even as an Apple employee Timothy was never warned about unsafe Mexico balconies and multiple prior balcony deaths and lawsuits at Mexico hotels which Apple prominently advertizes in its brochures, television and radio ads, and **billboards along major interstate highways.** (See photo below) Tragically, Tim may have unknowingly booked a vacation for one of the 75+ Americans who also died from balcony falls that have been covered up over the past decade by the travel industry, both in America and Mexico.

We have been told stories by victim families about the extent to which Mexico hotels will go to cover up deaths, rapes, and murders by moving witnesses to other hotels and flying bodies back to the states immediately--even while the victim is in a coma--for the purpose of suppressing media coverage and protecting American and Mexican travel interests, all with tacit congressional approval.

As a now-serious travel safety activist, this writer had not only planned to warn American students and parents watching MSNBC's "Deborah Norville Tonight" about Mexico hotel balcony deaths, but also rapes and gang-rapes, murders and other assaults against young and inexperienced students on vacation. Students looking for a good time in Mexico are unaware that Mexico's rule of law is weak to nonexistent, that officials are regularly bribed, and that medical facilities are often so poor that victims are flown back to the states for quality treatment--as long as they stay alive during the flight.

A Canadian consular official told us that "the police are telling our Canadian female vacation rape victims in Mexico not to report their assault to the Canadian government because it will 'slow down and hinder the police investigation.'" We would hope that MSNBC employees' daughters are forewarned about Mexico travel, as I told their producers the story of an intoxicated American college girl dancing naked before a crowd of 700 students, then falling dead after consuming hard liquor through a funnel during a Spring Break hotel drinking contest.

Americans trust travel companies to provide them with safe hotel rooms when visiting Mexico; moreover, there is an ethical and legal responsibility to warn travel clients about known safety issues which could cost them their lives. MSNBC has concentrated on the issue of student drinking when, in fact, ANY trip, slip or stumble--no matter what the cause--would flip anyone over an unsafe low balcony rail, given the nature of physics, balance and center of gravity, as the low rail acts as a fulcrum to send either a student or an adult falling to the death.

### **No Truth and No Consequences?**

American students and their parents don't know the half of it. Our family had to endure four Apple Vacations executives testifying under oath that they had never heard about or known anything about Mexico balcony deaths before their own employee Tim Flocco fell and died.

This, in spite of evidence presented in the form of affidavits from other family members who

lost loved ones in the months prior to Tim's death from balcony deaths at Mexico hotels. Apple staffs these hotels experiencing balcony deaths with year-around travel desk employees from Apple's AMStar Ground Services subsidiary. These hotels are also advertised in Apple brochures, radio and television ads, national newspapers, and interstate highway and local billboards in major metropolitan cities.

But worse, we also presented an Apple Vacations letterhead bill of sale for a Mexico tour made out to a 41 year-old Canadian oil executive who fell 21 floors to his death a few hours after checking into a Mexican hotel with low rail-heights while on a second honeymoon with his wife of 20 years. The Apple travel client died exactly six weeks before Timothy Flocco; but the four Apple executives denied knowing anything about balcony deaths, despite the other AMStar-linked affidavits and Apple corporate bill of sale to a balcony-fall victim who died just before my son.

AMStar's former director, Mary Ellen Sanger, told me that "Apple Vacations employs a Cancun 'Crisis Management Director named Lettie Escoffee,' whose main responsibility is to work as a liaison with families in the U.S. when one of Apple's tour clients dies or is injured in Mexico from any one of various causes," adding "she works with our clients year-around."

Moreover, Apple's CEO was asked in deposition "how often his two sons go to Mexico to do the duties that they do for [Apple's] AMStar Ground Services." He replied, "I couldn't give you a number, but they do go quite often." Hotel employees working for travel corporations know about Mexico balcony deaths. There is just too much evidence. But one would never know that after reading the testimony:

In the March 7, 2003 depositions, the Apple Vacations owner and CEO was asked under oath, "Before Tim's death, were you ever aware of any other deaths that occurred as a result of individuals falling off balconies?" The Apple CEO answered, "no." At that point Apple's lead attorney interrupted, saying "To the best of your knowledge and from whatever inquiries you have made. Obviously he has--he can't answer that directly but he can answer it as to whatever inquiries he made. What is your understanding?," the attorney asked his client.

The Apple CEO said "To the inquiries I have made, no one in the Apple Vacations organization has ever heard of anyone falling off a balcony in Mexico." "Before Tim's death?," the CEO was asked. "Before Tim's death," replied the Apple CEO.

The Apple Executive Vice President was asked under oath, "Prior to Tim Flocco's death, has anybody in management at Apple Vacations / Atkinson & Mullen Travel been aware of any issues with the height of the railings at Mexico hotels?" The Vice-President answered, "no." He was then asked "Has anybody, to your knowledge, at Atkinson & Mullen been aware of any other balcony deaths at any of the Mexico hotels?" The Apple Vice President answered, "no."

Then the Vice President was asked "My question to you is, were you or anybody at Apple Vacations aware of more than one [balcony] injury or death that occurred prior to April 11, 2002?" **[Date that Apple signed Attorney General Michael Fisher's Assurance of Voluntary Compliance entered into the Commonwealth Court of Pennsylvania]**

Apple's attorney interrupted the deposition and interjected, "I'm directing you not to answer that question based on a premise of it's being read in the context of this Assurance of Voluntary Compliance....If you ask exactly the same question, flat out just ask him the question whether he knew or what he didn't know, I won't object to that question; but you are positioning it as a fact that exists and then asking him to respond to it. I'm not going to permit him to do that."

The Apple Vice President was then asked, "Were you aware that the Attorney General was accusing Atkinson & Mullen or Apple Vacations of being in violation of the Consumer Protection Law?" Mr. Daley answered, "no." He was then asked "So in this document the Consumer Protection Law is mentioned probably 15 times the last time I counted. You never picked up on that when you looked through this?" Mr. Daley said, "no."

MSNBC should be aware that Apple Vacations was charged with "fraudulent and deceptive conduct," having signed an Assurance of Voluntary Compliance court order brought by Pennsylvania Attorney General Michael Fisher and Pennsylvania Bureau of Consumer Protection (BCP) Director Frank T. Donaghue--entered in the Commonwealth Court of Pennsylvania on April 11, 2002. [referred to above in testimony]

Pennsylvania Attorney General Michael Fisher charged Apple Vacations with violation of the Consumer Protection Law, indicating that failure to warn of a known hazard plays a crucial part in whether any vacation travel client steps out onto an unsafe Mexico balcony or even pays to stay in an unsafe Mexico hotel:

"Respondent did not disclose to or warn consumers to whom they market travel packages of the fact that some balcony railings in the Mexico hotels in which they will be staying are lower than the minimum balcony height required in the United States and that lower balcony railings create a risk of falls that may not be obvious to the consumers and which may result in serious injury or death."

"Respondent engaged in fraudulent or deceptive conduct which created a likelihood of confusion of or misunderstanding as prohibited by the Consumer Protection Law."

### **All Government Agencies Refused to Release Investigation Documents**

MSNBC's refusal to reveal what they now know about unsafe Mexico balconies also lets certain government agencies off the hook regarding future balcony deaths: The Senate Foreign Relations Committee, the United States Attorney's office, the FBI, the Pennsylvania Attorney General, and the Pennsylvania Bureau of Consumer Protection all investigated the issue of Mexico balcony deaths; however, none would release the results of their investigation--except for two staffers from the offices of Senator Joseph Biden (D-DE) and former-Senator Jesse Helms (R-NC) who gave our family a mis-drawn computer photo of our son's death balcony with false dimensions which offered evidence that even the State Department was assisting the coverup of Mexico travel hazards.

Senator Biden wrote the State Department saying, "I would hope [Mexico balcony death] information would not be withheld out of a misplaced fear that it could damage bilateral relations with any country; rather, I believe it could only have the beneficial result of calling

to that country's attention problems that may need to be addressed." However, the information and investigation interests of past Mexico balcony victims is still unserved.

A State Department October, 2000 Mexico hotel balcony investigation was ordered by then Senate Foreign Relations Chairman Jesse Helms (R-NC) and current Chairman Joseph Biden (D-DE). Although the findings are still secret, our family was able to convince Helms and Biden to press the Senate and the House of Representatives to force the State Department via part of a Senate-House Joint Appropriations bill passed on September 30, 2002 [Timothy Flocco's birthday], to list the dates, causes, and locations of all deaths from non-natural causes of U.S. citizens in all foreign countries--thus protecting the future interests of American victim families.

This enacting of this bill was the result of my continued personal lobbying for more than a year via three personal trips and hundreds of phone calls to Capitol Hill--visiting more than 60 Senate and House member offices, and staffers from both the Senate Foreign Relations Committee and both Senate and House Commerce Committees, with Mexico balcony safety information mailed or faxed daily and on weekends to both Washington, DC and in-state member offices.

Incredibly however, the State Department has refused to list the names of the hotels where victims fell from balconies or died of non-natural causes for other reasons, choosing to use the term "other" or "suicide" as a cause of death. Inspection of the State Department list during the past 18 months of the foreign death list, there are more than 23 "suicides" and 25 "others," given as reasons for death--zero balcony deaths, murders, rapes, etc. that harm Mexico travel corporation bottom lines.

Because the State Department is assisting Mexico in its coverup of unsafe hotels by failing to list hotel names--which prevents Americans from making safe Mexico hotel choices and travel decisions for their families, we will be in Washington, DC tomorrow to address this coverup with Senate and House staffers.



**One new balcony fatality occurred at my son's death hotel, the Oasis Playa, six months ago during a period when Apple was advertising the Oasis Playa in our county, on an Interstate-95 billboard near Philadelphia International Airport and in the Philadelphia Inquirer Travel Section.**

When credible evidence doesn't matter, when virtually all government agencies favor public corporations, and when congressional legislators fail to enact tough laws to protect consumer safety, industries which bribe congressmen with campaign money can get away with literally throwing billboards in your face every day--like your dead son's birthday and during the Christmas holidays.

Pidgeon Spanish-speaking government officials notwithstanding (some of whom pander to Mexico in search of cheap labor and illegal immigrant votes), there is a growing resentment spreading across the land which may yet enact its retribution in November against congressmen who are failing in their constitutional oversight regarding so many issues, to the abject neglect of those who voted them into office.

As a matter of fact, cable news reports say that voters can't wait to get to the polls. Given the current state of affairs in the United States, some would likely vote for a lamp-post rather than a politician.

**We are asking citizens from the United States, Canada, and other foreign countries to contact us with information, names, hotels, LOCAL newspaper reports and death notices, etc. when you hear about or witness Mexico balcony deaths [or survived balcony falls] by contacting [TomFlocco@cs.com](mailto:TomFlocco@cs.com) or [Tom@TomFlocco.com](mailto:Tom@TomFlocco.com) or by writing directly to:**

**Tom Flocco, 3553 West Chester Pike, # 149, Newtown Square, PA 19073.**

Whether you read this now or sometime in the future, we will be able to assist you regarding

your legal rights, accumulation of evidence, and other issues which will aid in your investigation regarding the Mexico balcony death of a loved one or friend. More articles, legal complaints, and other evidence is being gathered for placement on this website to facilitate increased and more rapid awareness of and understanding of the Mexico balcony death issue by those affected. You may access information about Mexico balcony deaths at the following websites: TomFlocco.com, MexicoBalconyDeaths.com or MexicoVacationDeaths.com. Our family never had this help; so we do this in loving memory of Timothy Shane Flocco, 21, whose God had different plans for his life--but also ours.

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