

Bits-N-Bytes

Desktop
Valet

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We Hope You Find Something Good In Your Stocking This Year. Happy Holidays From All Of Us At Desktop Valet.

The Story of The Starfish Thrower...

A man was walking along the beach early one morning when he noticed a young boy who appeared to be picking something up off the shoreline and throwing it out into the sea. As the man got closer to the boy he saw that the objects were starfish, and that the beach was covered with hundreds of them that had washed up on shore the night before.

The man watched the boy for a few minutes and then decided to approach him. "Why in the world are you out here so early in the morning throwing starfish into the water?" he asked.

"If these starfish stay where they are when the mid-day sun comes up, they will die. I come here every morning to throw them back into the sea so they can live," he replied as he continued his work.

"But that is ridiculous!" said the man, "Look around you. There are thousands of miles of beach and millions of starfish. The sun will be up within an hour. And tomorrow morning they will

all wash back up again. How can you believe that what you are doing could possibly make a difference?"

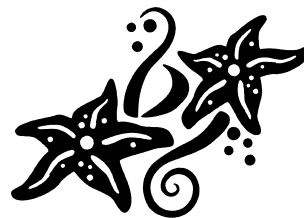
The young boy picked up another starfish, paused thoughtfully, and remarked as he tossed it out into the waves, "It makes a difference to this one."

While we know we can't save all the people in our area from the challenges, problems, and perils of running and growing a business, we take great pride in knowing that in our own small way, we are the starfish throwers, making our own small contribution to their success.

During this holiday season, we want to thank you for the trust and confidence you have shown in us over the years. Whether you are a soon-to-be new customer or long-term client, we truly appreciate your business and look forward to serving you in the new year!

- Leo Bletritsky, President

Desktop Valet, LLC



New *Legal* Reasons Why All Businesses Need An E-mail Archiving And Management System

It's a classic he-said, she-said case that ends up in court on a daily basis...

Widget buyer Ms. Robinson testified that Mr. Smith, the Widgets Corp. sales manager, told her that if she put her order in immediately, the price would be discounted by 20 percent. Mr. Smith argued that that was not what he said. According to his testimony, he agreed to give a 20 percent discount only if Ms. Robinson ordered at least one million widgets, which she did not. The widgets were manufactured and delivered, and the client was billed for the full amount. The client is refusing to pay the full amount and the manufacturing company is throwing it to a collection agency. If brought into a court of law, who would be right?

Provided that neither party can produce a signed contract to back up their case, there is no way of knowing who is right.

However, let's suppose Ms. Robinson produces an e-mail she sent to her boss copying Mr. Smith that says, "I made a deal with Mr. Smith, the sales manager at Widgets Corp., to get a 10 percent discount for 500,000 widgets ordered." Let's also suppose Mr. Smith cannot produce any e-mails, contracts, or memos to the contrary. Now the chances of Ms. Robinson winning her case go up exponentially. When faced with two credible witnesses whose recollection of an event or agreement are in dispute, the court is most likely to favor the person who has corroborating documentation to support their side of the story.

E-mail has Become the Primary Means of Communication and Negotiation

In the not too distant past, business people would communicate primarily through face-to-face meetings, telephone conversations, faxes, and the occasional paper document. When a "my word against your word" dispute arose, a court case could be awarded to the person who seemed more confident or credible.

Nowadays, e-mail has become the default mode

of communication. It's very common for a buyer to communicate to a seller entirely by e-mail. Transactions are done without the two ever meeting and in some cases, never speaking. As a result, the "my word against your word" conundrum becomes more of a contest between e-mails, as opposed to a competition between the memories of the people involved.

The upside of this situation is that if you can produce an e-mail that supports your version of the facts, you have a leg up if it goes to court. The downside is that most people are careless about what they say in an e-mail. They don't think about it ending up as an exhibit in a courtroom under close scrutiny leaving them with the only explanation, "I know that's what I said, but that's not what I meant."

Food Service Company Awarded \$2.5 Million Thanks To A Few "Innocent" E-mails

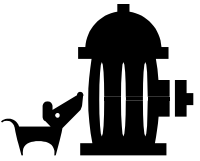
*Example: A food service company was contracted to provide all meals at 48 nursing homes. Ultimately, the food service company claimed that it was underpaid over \$2 million and sued in federal court. The president of the nursing home company claimed that the food service company had made certain oral cost guarantees that were not honored, thereby justifying the underpayments. However, a detailed review of the nursing home company's internal e-mails revealed that its executives had "privately" expressed substantial doubt about the supposed oral guarantees. The e-mails were given to the jury, which awarded the food service company \$2.5 million.

What Should You Do To Protect Yourself?

The most important thing you can do is think twice before hitting "send." If you are a manager or employer, train your employees to be careful about what they communicate via e-mail and constantly remind them of the dangers. Once an e-mail is sent, you cannot get it back. Another good practice is having a system for archiving and managing e-mail communications. This goes double for certain companies because of regulations like the Sarbanes-Oxley Act.

The Lighter Side:

Dog Ate Your Wallet? Call the US Treasury!



Believe it or not, the U.S. Treasury Department has a crew of experts who will analyze the remains of damaged or destroyed money. If they can confirm the amount, they will replace the bills free of charge.

Take the case of the citizen who sent the Treasury some burned coffee cans and a small metal box, claiming that the ashes inside were actually \$33,000 in bills that were incinerated in a house fire. After a couple of months, the Examining and Redemption Branch of the Department's Bureau of Engraving and Printing verified the claim. The bills were replaced. At least 51 percent of a mutilated bill must be recovered. In case of a fire, enough of the note or recognizable ash must remain to determine the currency's denomination and authenticity. The technology involved is very low-tech and includes the use of scalpels and tweezers. Sometimes money is boiled several times before a solidified stack of bills can be peeled apart.

The most common causes of damage to currency are fire and moisture, particularly with money that has been buried. Currency will not hold up in the ground or in damp places like basements.

So if your dog does eat your stash, let's hope at least 51 percent makes it through. If it does, you simply have to draw straws to see who gets to sort through the leftovers to find out!

The New Job Interview Wrecker That Employers Love:

The following story was given by Glamour Magazine's Executive Fashion Editor, Suze Yalof Schwartz:

"When my assistant left to travel the world, she gave me the best advice ever for vetting the applicants I'd been interviewing to replace her: Search social networking web sites like MySpace and Facebook for the candidates' web pages. I asked our interns for passwords to these sites and voila: Of 15 candidates, several had online profiles, none of which made me want to hire them.

One woman posted a photo of herself drinking directly from a keg. Another wrote that her favorite activities were being lazy and getting drunk—she had uploaded unflattering pictures to prove it! Now, I understand that these pages are meant only for friends' eyes, but there's a reason bosses like me are viewing them.

Your online persona says a lot about your maturity and judgment. Of course, I'm not saying you can't have a MySpace page—just be savvy enough to know that anyone can look at it, and edit it accordingly. In the end, I hired a fabulous assistant who did not have a web page."

Our take on this? Employers and employees beware. Anytime you post something online—whether it's to a blog, in an e-mail or on a MySpace type of web site, other people can find it. That includes clients, competitors, friends and family, employees, bosses, and co-workers. Off-color jokes, political comments, pictures, and personal information can all be used against you, so think twice before you post or send anything electronically!

Spam By The Numbers

\$11,000,000

The amount awarded to EarthLink in a spam lawsuit against a bulk mailer.

Source: *The Register*

TWO

The number of spammers EarthLink claims it is responsible for sending to jail since it began pursuing legal action. Source: *The Register*

\$12,800,000

The amount still owed to AOL by a convicted spammer, David Hawke.

Source: *MSNBC*

\$600,000

The estimated monthly earnings at the peak of Hawke's spam operations. That's a cool \$7.2 million a year!

Source: *MSNBC*

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“That’s mistletoe. We like to give every passenger a chance to kiss their luggage good-bye.”

I’d Love To Hear From YOU!

Is there an article you would like to comment on? Is there a topic you want us to research? Have a funny story or a resource you want to share with the other subscribers? Send it to us! We are always looking for new and useful content to add to Bits-N-Bytes.

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FREE Computer User Awareness Guide:

How To Keep Your Computer Safe From Crippling Pop-ups, Viruses, Spyware & Spam, While Avoiding Expensive Computer Repair Bills

Do you constantly get hammered by pop-up ads that come from nowhere and interfere with you using your computer? Does your computer run slowly, act funny, or crash unexpectedly? Are you getting tons of spam from unknown senders? If so, then it’s absolutely critical that you get and read our Free Report to learn:

- ♦ Computer scams, threats, and rip-offs that you **MUST** be aware of.
- ♦ Surefire signs that you are infected with spyware, malware, and viruses.
- ♦ Sneaky, underhanded ways cyber criminals access your computer, and how you can stop them dead in their tracks.
- ♦ The absolute worst type of program to install for your computer’s health; go to these sites and indulge in these seemingly innocent activities and you’re practically guaranteed to get infected with vicious spyware and destructive viruses.
- ♦ The single biggest cause of expensive computer repairs – and how to avoid it.
- ♦ 7 Simple steps to keep your computer safe from pop-ups, viruses, spyware, and malware, while avoiding expensive computer repair bills.
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