



February 7, 2007

U.S. Election Assistance Commission
Brian Hancock: Director, Voting System Certification
1225 New York Avenue, N.W. Suite 1100
Washington, DC 20005

Re: Letter of Agreement.

Dear Mr. Hancock,

On behalf of iBeta Quality Assurance, I acknowledge, agree and affirm acceptance of the following policies:

- iBeta Quality Assurance shall take all necessary steps to maintain its NVLAP accreditation as a condition of the EAC's Voting System Test Laboratory accreditation. We shall maintain our technical practices consistent with the standards which serve as the basis for the NVLAP accreditation. These standards include International Standard ISO/IEC 17025, *General Requirements for the Competence of Testing and Calibration Laboratories*; NIST Handbook 150, *Procedures and General Requirement*; NIST Handbook 150-22, *Voting System Testing*; and/or any documents supplementing, updating or replacing these standards or handbooks.
- iBeta Quality Assurance shall notify the EAC in writing within thirty (30) calendar days if there are any significant changes in laboratory operations that served as the basis for this accreditation, including, but not limited to, assertions made to NIST NVLAP, a decision to withdraw from the EAC's program, changes in ownership, a change in facility location, a change to key staff or any change that would affect the accuracy of the information and documents provided to the EAC, this Letter of Agreement and our signed certification of conditions and practices.
- Authorized EAC representatives shall be allowed to enter our facilities and observe voting system testing, review documentation and examine laboratory conditions and practices. We understand the EAC shall provide at least 48 hours notice of a site visit.
- iBeta Quality Assurance operate consistent with the scope of accreditation as stated on its EAC certificate of accreditation.
- iBeta Quality Assurance shall adhere to all current and future requirements published by the EAC regarding Voting System Test Laboratories and the EAC Voting System Testing and Certification Program.
- iBeta Quality Assurance shall provide notice of any lawsuits or claims filed against it, its subcontractors, subsidiaries, employees, officers, owners, operators or insurers which relate to the work done, or management of, the laboratory's voting system testing program.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Earl Wing', with a long horizontal flourish extending to the right.

Earl Wing
Vice President



CERTIFICATION OF LABORATORY CONDITIONS AND PRACTICES

January 2007

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements are true and otherwise accurately reflect the status, condition and operations of iBeta LLC. (hereinafter "Laboratory"). I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission required for receiving a Laboratory Accreditation under 42 U.S.C. §15371(b). I further understand, that to the extent any of the below representations or certifications are found to be materially false, the U.S. Election Assistance Commission may revoke any Accreditations granted to the above named laboratory and that I may be subject to criminal prosecution under 18 U.S.C. §1001 or other applicable statutes.

1. **Signing Official.** I hereby certify that I am an officer, partner or other official vested with the legal authority to speak for, contract on behalf of or otherwise bind the above noted company, corporation, partnership or organization (Laboratory).
2. **Personnel.** I certify that the laboratory does not currently, and will not in the future, employ any individuals in any capacity related to the testing of voting systems who have been convicted of a felony offense or any criminal offense involving fraud under either Federal or state law. I further certify that the laboratory has a policy and program in place to ensure compliance with this requirement.
3. **Conflict of Interest Program.** I certify that the Laboratory maintains and enforces policies which prohibit and prevent conflicts of interest or the appearance of conflicts of interest. The laboratory will ensure that neither the Laboratory, its parent corporation, nor any individual staff member concerned with the testing of a voting system have any vested interest in the outcome of a test process.
 - a. Prohibited Conflicts. Prohibited conflicts of interests include the holding of any financial stake in the entity whose product is being tested or a direct competitor of that entity. Such a conflict may be imputed or attributed to an employee through a relationship with a third party. The financial interests of a spouse or dependent child shall be imputed to the employee. Similarly, the interest of any organization in which the laboratory employee serves as an employee, officer, board member, consultant or similar position shall be also imputed. Furthermore, no laboratory staff member may:
 1. Be involved in both the development and testing of a voting system or system component;

2. Provide consultation or other services to a voting system developer that would compromise the independence of the testing of a voting system or system component.
3. Solicit or receive a gift, directly or indirectly, from any entity which holds a financial interest in the development, production or sale of voting systems or is otherwise impacted by the testing and certification of voting systems.

b. Program Elements (enforcement). Prohibited conflicts shall be enforce through a program which:

1. Collects standard information from each employee, including assets, debts and outside activities/employment;
2. Reviews the information collected for potential conflicts; and
3. Resolves all identified conflicts of interest.

4. **Financial Stability.** I certify that the laboratory possesses sufficient resources to enable it to properly use and maintain its test equipment and facility and to satisfactorily perform all required laboratory functions. I further certify that the laboratory maintains insurance policies sufficient to indemnify it against financial liabilities or penalties that may result from its operations.

5. **Recordkeeping.** I certify that the laboratory operates and manages a records system in which it maintains all forms, reports, test records, observations, calculations and derived data for all tests performed on a given voting system for a period of at least 5 years after the last test of any version of that system.

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs accurately represent the operations, conditions and practices of iBeta.

Signed this day, 2/9/07 :

 (Signature)

Earl Wing
Vice President