



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2571

DATE FILMED 4/28/90 CAMERA NO. 4

CAMERAMAN AS

00040764361



**Republican
National
Committee**

E. Mark Braden
Chief Counsel

Michael A. Hess
Randall Davis
Deputy Chief Counsels

GCC #5111
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 JAN 11 AM 9:31

January 6, 1988

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Noble:

This letter is a complaint filed on behalf of the Republican National Committee (RNC) pursuant to 2 U.S.C. 437(a)(1). The RNC alleges, upon information and belief, that The Salvation Army of Houston, Texas, has violated the Federal Election Campaign Act of 1971, as amended.

The RNC alleges that the respondent has violated and continues to violate the provisions of 2 U.S.C. 438(a)(4), which provides that any information copied from reports filed with the Federal Election Commission may not be used by any person for the purpose of soliciting contributions.

In support of this allegation, the RNC submits, with this complaint, a copy of a letter which solicits a contribution for the Salvation Army. The solicitation was, upon information and belief, mailed by that organization in early December, 1987.

The letter in question was addressed to one of the pseudonyms authorized to be included on the RNC's reports filed with the Commission, pursuant to 2 U.S.C.(a)(4). The name and address of that pseudonym has been deleted from the enclosed letter.

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OFFICE OF GENERAL COUNSEL
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Based on these allegations, it appears that the respondent has violated the provisions of 2 U.S.C. 438(a)(4). The RNC requests that appropriate review and action be undertaken.

Sincerely,



E. Mark Braden

Sworn to and subscribed before me this 6th
day of January, 1988.



Notary Public

My Commission expires: My Commission Expires June 14, 1991

Enclosures

2704070463

Christmas, 1987

Christmas,
the time to
share with others.

To our friends

Profit is the bottom line in your business. You
measure it in dollars and cents.

Profit is the bottom line in our business too.
Except it is measured by the good things that happen
when we help people.

Together, I like to think we make Houston and Harris
County a better place in which to live. We both share in
its development...everyone benefits.

Now, during this special Christmas season, I would
like to invite you to share a portion of your profits
with the people in this city who need a lift in life.

I'm talking about the little children, single
mothers, families, the elderly, the lonely who are
neighbors and constant companions.

Our files are filled with people we must help, but
we don't have the dollars and cents profit to do the
job. Without your help we are powerless to serve the
people who need us.

This is why I am turning to you to ask, this
Christmas please touch the life of someone who needs
you. Make a gift to needy and deserving people in our
city -- yours and mine. Bring them hope and the
strength to make a fresh start...from your hands to
theirs!

God bless you,



Major Emery Frierson
Area Commander

P.S. The Salvation Army will touch thousands of lives
this year. Please send us your most generous
gift today! Thank you.

THANK YOU for your support of The Salvation Army through your UNITED WAY gift.
This traditional CHRISTMAS PROGRAM, however, is not part of The Salvation Army activities supported by the United Way.

The Salvation Army
1717 Congress St.
Houston, TX 77002-2295

The Salvation Army
Post Office Box 200563
Houston, TX 77216-0563

Yes. Christmas. The time for
giving to others. Here's my contribution
to help *touch the life of someone who need
me*—now and during the Winter months.

<input type="checkbox"/> \$50	<input type="checkbox"/> \$25
<input type="checkbox"/> \$100	<input type="checkbox"/> \$



77098 25712556 0761055

CASE NO CA87431 TSHUS P

00040764370



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 20, 1988

The Salvation Army
1717 Congress Street
Houston, TX 77002-2295

RE: MUR 1571
The Salvation Army

Gentlemen:

The Federal Election Commission received a complaint which alleges that The Salvation Army may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1571. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against The Salvation Army in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

20040704371

If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-9200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois J. Lerner
Associate General Counsel

Enclosures

1. Complaint
1. Procedures
1. Designation of Counsel Statement

00040764374

plan



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 20, 1988

E. Mark Brader, Chief Counsel,
Republican National Committee
711 First Street, SE
Washington, DC 20007

RE: W.F. 1571

Dear Mr. Brader:

This letter acknowledges receipt of your complaint, received on January 12, 1988, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by The Salvation Army. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information on this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have enclosed this letter W.F. 1571. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Peter Dixon, Booklet Chief, at (202) 376-3100.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

0004764370

EVA BURROWS
GENERAL

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

JAMES OSBORNE
TERRITORIAL COMMANDER

88 MAR -7 AM 9:36



The Salvation Army

FOUNDED IN 1865 BY WILLIAM BOOTH

LT. COLONEL JOHN MILES
DIVISIONAL COMMANDER

HOUSTON AREA COMMANDER

MAJOR EMERY FRIERSON
AREA COMMANDER

1717 CONGRESS

HOUSTON, TEXAS 77002

PHONE 222-8253 PHONE 222-8254

ADVISORY BOARD

WT SLICK JR. CHAIRMAN
REX L. DAVIS VICE CHAIRMAN
JAMES W. HARGROVE VICE CHAIRMAN
DAVID J. KIRKPATRICK TREASURER

March 1, 1988

MRS. ELIZABETH ALLAIS
KARL AMELANG
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HARRY G. AUSTIN
CHARLES C. BEALL JR.
MICHAEL A. BENAGES
MRS. BETTY F. BLAND
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WAYNE D. JOHNSON
EARL T. JOHNSON
MRS. BEVE LOWE
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L. W. WELSH JR.
JOHN W. WHEAT
SAM WILLSON
LYNN W. ZIMMERMAN

LIFE MEMBER
GENERAL VINCENT
CHIODI

PASADENA ADVISORY
BOARD CHAIRMAN

DR. TOM SEWELL

BOYS CLUB COUNCIL
CHAIRMAN

MRS. HELEN JOHNSON

Mr. Lawrence M. Noble,
General Counsel
Federal Election Commission
999 E. Street, N. W.
Washington, D. C. 20463

Dear Mr. Noble:

RE: MUR 2571 The Salvation Army

This will acknowledge receipt of your letter dated January 20, 1988 on the above subject. Since we were quite surprised to find out about the complaint from the Republican National Committee, we called the company which manages and conducts the mail appeal for The Salvation Army in Houston "Grizzard Advertising, Inc." regarding this matter.

Mr. Claude H. Grizzard, Jr. has replied by mail to the telephone call and I am pleased to enclose herewith a copy of the letter which explains how prospect lists are obtained and managed by that company.

If you need any further information, please contact me and I will endeavor to get it for you.

Sincerely yours,

Major Emery Frierson
Area Commander

EF/if

Enclosure

89 MAR -7 PM 12:26

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM



UNITED WAY
AGENCY

ADVERTISING INC.

PRODUCTIVE DIRECT MAIL ADVERTISING SINCE 1919

January 18, 1988

Mr. Dominic Janflone
The Salvation Army
1717 Congress Street
Houston, TX 77002

Dear Dominic:

This letter will confirm our conversation concerning an accusation that we mailed a Salvation Army prospect piece to an unauthorized list.

Please know that we do not manage any prospect lists in-house. As a result, every prospect list we mail to is purchased through an outside supplier. Currently, the majority of our lists are purchased through a list broker in New York named Carol Enters List Company (CELCO). CELCO is the company that deals with the various list managers and is in charge of obtaining approval for each list.

According to the list codes on the document in question, this name came from list _____, which is Omega's Most Effective. I had our computer center provide a dump of the record that coincided with the account numbers you gave me.

After searching through the original tape which we received from Omega's Most Effective, the name in question is:

I cannot say that we will never purchase this list for The Salvation Army again. If you do not wish to use this list, I can exclude your zip codes for the Houston Corps when we order it in the future.

If you need any additional information concerning this situation, please don't hesitate to call me.

Cordially,

GRIZZARD ADVERTISING, INC.


Claude H. (Chip) Grizzard, Jr.
Account Executive

CHG,Jr:sh

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SECTION
FEDERAL

FIRST GENERAL COUNSEL'S REPORT

COMPLAINT NO: 03

EXECUTIVE SESSION
MAY 17 1988

SENSITIVE

MUR #2571
DATE OF COMPLAINT:
RECEIVED BY OGC: 1/12/88
DATE OF NOTIFICATION TO
RESPONDENT: 1/20/88
STAFF MEMBER: Snyder

COMPLAINANT: Republican National Committee
RESPONDENTS: Salvation Army, Carol Enters List Company
RELEVANT STATUTES: 2 U.S.C. § 438(a)(4); 11 C.F.R. § 104.15
RELEVANT REPORTS
CHECKED: RNC Reports
FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint filed by the Republican National Committee ("RNC") alleging that The Salvation Army had solicited contributions from fictitious persons, whose pseudonyms appeared on reports filed by the RNC with the Commission. The complaint did not specify the pseudonym that was solicited. (Counsel for the complainant has advised this Office that he would supplement the complaint by specifying the pseudonym, but he has not yet done so. Based on the Salvation Army's response, the pseudonym appears to be ' See Attachment 1.)

II. FACTUAL AND LEGAL ANALYSIS

Under the Federal Election Campaign Act ("the Act"), reports filed with the Federal Election Commission ("the Commission") are made available for public inspection and copying, except that any information copied from such reports or statements may not be

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11 C.F.R. § 104.15 (emphasis added). Accordingly, it would be no defense if the Salvation Army did not itself copy the names from reports filed with the Commission onto the mailing list it used. The regulations provide that information obtained from a report filed with the Commission may not be used for solicitations. It is clear respondent did obtain such information and used it for solicitations, in violation of 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

2 1 4 7 6 3 7 3
The regulations moreover specifically prohibit the use of information obtained from F.E.C. reports for soliciting charitable donations. The complaint includes unrefuted evidence that respondent used such information to solicit contributions. Based on the response, however, it does not appear that the Salvation Army compiled the lists in question. In accordance with the Commission's action in MUR 2565, therefore, this Office makes no recommendation at this time concerning this respondent. Should the investigation warrant further action against this respondent, this Office will report again with appropriate recommendations.

In response to the complaint (Attachment 1), respondent provided a copy of a letter from Grizzard Advertising, Inc., the advertising agency that conducts its fundraising campaigns. That letter stated that the mailing list which included the pseudonyms in question had been obtained from a New York-based list broker, Carol Enters List Company. Specifically, the pseudonymous name was

It appears, therefore, that the Carol Enters List Co. used information copied from reports filed with the Commission for commercial purposes, in that it brokered a list containing such information. Accordingly, this Office recommends that the Commission find reason to believe the Carol Enters List Co. violated 2 U.S.C. § 438(a)(4). It is further recommended that questions be proposed to the Carol Enters List Co. in order to determine the origin of the list, and, in particular, the identity of the persons who owned, managed, compiled, or used the tainted list.^{2/}

Finally, in view of the fact that the Salvation Army apparently provided this Office with all the information it has concerning the origin of the list, it is not recommended that the Commission direct any questions to the Salvation Army at this time.

III. RECOMMENDATIONS

1. Find reason to believe that Carol Enters List Co. violated 2 U.S.C. § 438(a)(4).
2. Approve the attached letter.
3. Approve the attached Legal and Factual Analysis.

^{2/} Since Carol Enters List Co. has been involved in several previous enforcement matters, it may be an additional ground for finding reason to believe this respondent violated 2 U.S.C. § 438(a)(4) if it obtained the list from a source that it should have known copied information from reports filed with the Commission. See MURs 1541-2, 1549, and

0 3 1 4 0 7 0 4 3 7 1

4. Approve the attached questions.

Lawrence M. Noble
General Counsel

4/27/88
Date

By: 
Lois G. Lerher
Associate General Counsel

Attachments

1. Response
2. Legal and Factual Analysis
3. Questions
4. Proposed letter

Staff Person: Charles Snyder

00740784380

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Salvation Army) MUR 2571
Carol Enters List Company)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 17, 1988, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2571:

1. Find reason to believe that Carol Enters List Co. violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Take no action at this time with respect to the Salvation Army.
3. Approve the Legal and Factual Analysis attached to the General Counsel's report dated April 27, 1988, subject to amendment pursuant to the meeting discussion.
4. Approve the questions attached to the General Counsel's report dated April 27, 1988.

(continued)

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5. Direct the Office of the General Counsel to send appropriate letters pursuant to the above-noted actions, including a letter to the Salvation Army noting that no action was being taken at this time with respect to the Salvation Army.

Commissioners Aikens, Elliott, Josefiak, McGarry, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the time this matter was under consideration.

Attest:

5/18/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

20040704392



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 1, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Carol Enters, President
Carol Enters List Company
322 8th Avenue
New York, N.Y. 10001

RE: MUR 2571
Carol Enters List Co.

Dear Ms. Enters:

On May 17, 1988, the Federal Election Commission found that there is reason to believe Carol Enters List Co. violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and 11 C.F.R. § 104.15, of the Commission's regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against Carol Enters List Co. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with answers to the enclosed questions and requests for production, within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against Carol Enters List Co., the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Letter to Carol Enters, President
Carol Enters List Company
Page 2

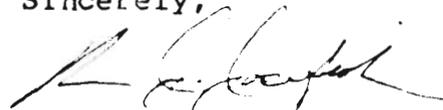
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Thomas J. Josefiak
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 1, 1988

Major Emery Frierson
Area Commander
The Salvation Army
1717 Congress Street
Houston, TX 77002-2295

RE: MUR 2571
The Salvation Army

Dear Major Frierson:

On January 20, 1988, you were notified that the Federal Election Commission had received a complaint alleging that you violated 2 U.S.C. § 438(a)(4). On March 1, 1988, you submitted a response to the Commission's notification in this matter.

After considering the circumstances of the matter, the Commission determined on May 17, 1988, to take no action at this time with respect to The Salvation Army.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

CCC#9535

RECEIVED
FEDERAL ELECTION COMMISSION

RICHENTHAL, BIRNBAUM & BECK, P. C. 88 JUN 16 AM 10:36
ATTORNEYS AT LAW

950 THIRD AVENUE
NEW YORK, N. Y. 10022

STUART J. BECK
GEORGE P. BIRNBAUM
DAVID G. RICHENTHAL

(212) 758-8686
TELEX: 882603 ASRT UD
TELECOPIER: (212) 758-8748

June 14, 1988

VIA FEDERAL EXPRESS

Charles Snyder, Esq.
Federal Election Commission
Office of the General Counsel
999 E. Street, N.W.
Washington, D.C. 20463

Re: Carol Enters List Co., MUR No. 2571

Dear Mr. Snyder:

We represent Carol Enters List Co. (CELCO), Inc., in the above-referenced matter. The Statement of Designation of Counsel is enclosed herewith.

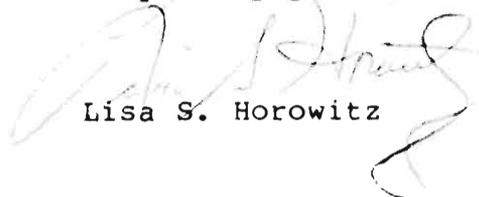
Pursuant to our telephone conversation, I am writing to request a 20-day extension of time in which to submit information stating why any charges against our client are unfounded and to respond to the interrogatories and requests for production which our client received from your office on or about June 6.

We ask that you grant us this extension for the following reasons. Our office is small and, during the summer months, is short staffed. Moreover, George Birnbaum, Esq., the partner who is handling this matter, is heavily involved in a litigation which is moving toward trial in Connecticut. Consequently, his time at the office is limited to no more than two days per week. Finally, as I explained on the telephone, the President of Carol Enters List Co. is spending approximately half of her time out of state this summer and, therefore, is only available to meet with us on a limited basis.

You indicated that, although we may not be given the full 20-day extension, we would most probably be given some additional time. I urge you to please consider giving us the full 20 days, especially in view of the fact that this is summer.

Thank you for your assistance.

Very truly yours,


Lisa S. Horowitz

LRH/ara
encl.

88 JUN 16 PM 3:12

RECEIVED
FEDERAL ELECTION COMMISSION

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2571

NAME OF COUNSEL: George P. Birnbaum and Lisa S. Horowitz

ADDRESS: Richenthal, Birnbaum & Beck, P.C.

950 Third Avenue

New York, N.Y. 10022

TELEPHONE: (212) 758-8686

The above-named individuals ^{are} ~~is~~ hereby designated as my ^{are} counsel and ~~is~~ authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/15/88
Date

X *Carol Enters*
Signature
CAROL ENTERS LIST CO. (CELCO), Inc.

RESPONDENT'S NAME: Carol Enters List Co. (CELCO), Inc.

ADDRESS: 322 Eighth Avenue

New York, N.Y. 10001

HOME PHONE: n/a

BUSINESS PHONE: (212) 243-8090

20040764381

HAND DELIVERED

RICENTHAL, BIRNBAUM & BECK, P. C.
ATTORNEYS AT LAW

950 THIRD AVENUE
NEW YORK, N. Y. 10022

STUART J. BECK
GEORGE P. BIRNBAUM
DAVID G. RICENTHAL

(212) 758-8686
TELEX: 882603 ASRT UD
TELECOPIER: (212) 758-8748

July 7, 1988

FEDERAL EXPRESS

Federal Election Commission
999 "E" Street, NW - 6th Floor
Washington, D.C. 20463

Att: Charles Snyder, Esq.

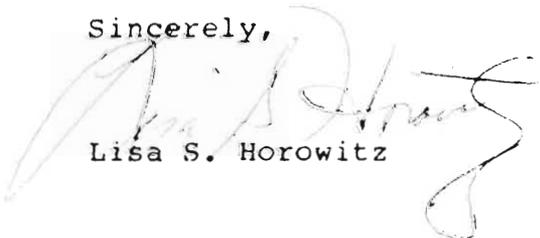
Re: MUR 2571
Carol Enters List Co., Inc. (CELCO)

Dear Mr. Snyder:

Enclosed please find the preliminary statement and responses of Carol Enters List Co., Inc. to interrogatories and requests for production dated June 1, 1988.

Thank you for your courtesy.

Sincerely,


Lisa S. Horowitz

LSH:tsk
Enclosures

RECEIVED
FEDERAL ELECTION COMMISSION
600# 9726
83 JUL -8 AM 9:45

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE
83 JUL -8 PM 12:54

RECEIVED
FEDERAL ELECTION COMMISSION
88 JUL -8 PM 12:54

FEDERAL ELECTION COMMISSION

RESPONDENT: CAROL ENTERS LIST COMPANY

MUR No: 2571

PRELIMINARY STATEMENT

Respondent Carol Enters List Co., Inc. ("CELCO") has dealt with OMEGA List Company ("OMEGA"), the manager of the subject list, since the inception of CELCO's business in 1979, and the President of CELCO dealt with OMEGA prior thereto. Nothing has ever come to CELCO's attention to cause CELCO to question the propriety of the source of any of the names being managed by OMEGA. Furthermore, CELCO has no knowledge as to the source of names on the subject list other than what appears on the data card (copy enclosed) and has no knowledge that the names on the list were not properly obtained by OMEGA.

RESPONDENT'S ANSWERS TO
INTERROGATORIES AND
REQUESTS FOR PRODUCTION

1. CELCO, acting in its capacity as a list broker, rented, on behalf of various clients of CELCO, tests and/or continuations of the list from the list rental department of OMEGA, 9 Pleasant Lane, Woodbury, New York 11797.

2. CELCO learned of the subject list through the receipt of a promotional data card sent to CELCO by OMEGA. It is not remembered whether any individuals were involved.
3. Not applicable. As a broker, CELCO arranged to rent portions of this list to be mailed by various clients of CELCO on various dates from at least as early as November, 1985, and possibly earlier. The current rental price is stated on the enclosed data card. No representations or warranties were made regarding the list.
4. Not known.
5. OMEGA.
6. Not known.
7. The information responsive to this item is contained on the enclosed computer run. It is accurate only to the best of respondent's knowledge. It is possible that there were rentals of the list prior to November 1985 which are not reflected on this computer listing.

00040764301

8. Not applicable. CELCO recommends the list to a mailer who is CELCO's client who then agrees to rent a given number of names from the list. CELCO did not receive and does not make any representations or warranties regarding the list.

9. No.

The enclosed documents, although they may not specifically be requested for production herein, are produced in response to Production Request #1. There are no contracts as requested by Production Request #2; respondent has not attempted to locate any orders from CELCO's customers with respect to the list.

OMEGA'S MOST EFFECTIVE GENEROUS AMERICANS

3223

334,567	Donors	\$60/M
205,484	1985-86 Donors	+\$5/M
	Charitable Mailers	\$45/M

DATE 3/87

SOURCE
100% Direct Mail

AVERAGE
\$19.00
SEX

MINIMUM ORDER
5,000
SELECTION
State/SCF/Zip-\$2.50/M

These donors have supported Republican/Conservative candidates with high dollar direct mail gifts. Both national and state Republican groups, as well as conservative mailers, are repeat users.

KEY CODING
\$1.50/M

ADDRESSING FORMAT
4-Up Cheshire
Mag Tape-\$20 FLAT
P/S Labels-\$10/M

SAMPLE MAILING PIECE REQUIRED FOR APPROVAL

CELECO  Commission to recognized brokers
carol enters list co.

322 EIGHTH AVENUE NEW YORK NY 10001 • (212) 243-8090

LIST BROKER
LIST CONSULTANT
LIST MANAGER

We believe this information is correct — we cannot guarantee accuracy of the list nor the outcome of the mailing. List is in ZIP sequence unless specified

00940784395

1242

OMEGA LIST COMPANY #2573
2 BAY CLUB DRIVE
BAYSIDE, NY 11360

(718) 428-5798 --- ROBIN GOLD
516/496-3510

NRMT--\$20.00 #1206

MC - 1701
- 1702
- 1703
- 1704
LH - 14150

0 1 2 3 4 5 6 7 8 9 0

Owner #: 2573
OMEGA LIST COMPANY
9 PHEASANT LANE
WOODBURY, N.Y. 11797
ROBIN GOLD
(516) 496-3510

Cat:

M/T A/N: 1206
NON-RETURNABLE MAG TAPE

NOTES:

OMEGA 5 MAG: EFFECTIVE GENEROUS AMERICANS

1	334,567	Donors	60.00	DATE:
2	135,484	1985-86 Donors	60.00	
3		Charitable Mailers	45.00	

DESCRIPTION:

This list has just been cleaned and updated with over 80,000 new names from Fall '84. These donors have supported Republican/Conservative candidates with high dollar direct mail gifts. Both national and state Republican groups as well as conservative mailers are repeat users.

AVG. UNIT \$19.00

SEX:

SELECTIONS:	Price	Code
State	1.50	PER/M
SCF	1.50	PER/M
Zip	1.50	PER/M
NEJ	1.50	PER/M
F/S Labels	10.00	PER/M
NRMT	10.00	FLAT
1985-86 Donor	5.00	PER/M

Source: 100% Direct Mail Min 5,000
*Sample Mailing Piece Required For Approval
NRMT Price: \$20.00

Order Point: 1
Mag Type: Mag Tape
P.S.L. \$10.00

0014704107



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: *LA* MARJORIE W. EMMONS
EM COMMISSION SECRETARY

DATE: AUGUST 25, 1988

SUBJECT: MUR 2571 General Counsel's Report
Signed August 24, 1988

The above-captioned document was circulated to the Commission on THURSDAY, AUGUST 25, 1988 4:00.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda for AUGUST 30, 1988.

Please notify us who will represent your Division before the Commission on this matter.

9904700107

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2571
Carol Enters List Company)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 17, 1988, the Commission found reason to believe that Carol Enters List Company ("CELCO") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. The basis for this finding was a complaint filed by the Republican National Committee ("RNC") alleging that pseudonymous names that appeared on reports it had filed with the Commission had been solicited for contributions by the Salvation Army, who had in turn obtained the list containing such names from CELCO. At the direction of the Commission, this Office propounded interrogatories to CELCO in order to discover the sources from which CELCO obtained the mailing lists that allegedly contained a name copied from reports the RNC had filed with the Commission.*/

On July 7, 1988, CELCO responded to those interrogatories (See Attachment I.) CELCO identified OMEGA List Company ("OMEGA") of Woodbury, New York as the manager of the list, but did not know the owner or compiler of the list.

*/ Although the RNC failed to file a list of pseudonyms at the time it filed the report on which such names appeared, it did provide such a list in response to an inquiry from this Office in regard to a separate MUR. That list included the name _____, which appeared on the solicitation letter disseminated by the Salvation Army.

0004078400

II. ANALYSIS

Under the Federal Election Campaign Act,

any information copied from ... reports or statements [filed with the Commission] may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

2 U.S.C. § 438(a)(4); see also 11 C.F.R. § 104.15. In response to the interrogatories, CELCO stated that it had obtained the mailing list which included the pseudonym in question from OMEGA, which CELCO also identified as the list manager. It thus appears that OMEGA used information copied from reports filed with the Commission for commercial purposes, in that it made available for rental a list containing such information. Accordingly, this Office recommends that the Commission find reason to believe that the OMEGA List Company violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. It is further recommended that interrogatories should be propounded to OMEGA List Company to determine whether it owns the list in question or is responsible for compiling the names for the list.

III. RECOMMENDATIONS

1. Find reason to believe that OMEGA List Company violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the attached letter and Factual and Legal Analysis.

3. Approve the attached interrogatories.

Lawrence M. Noble
General Counsel

8/24/88
Date

By: *Lois G. Lerner*
Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Interrogatories
2. Proposed Letter and Factual and Legal Analysis
3. Interrogatories

Staff Person: Janice Lacy

0 1 1 4 0 7 6 4 7 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2571
Carol Enters List Company)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 30, 1988, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2571:

1. Find reason to believe that OMEGA List Company violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the letter and Factual and Legal Analysis attached to the General Counsel's August 24, 1988 report, subject to amendment as discussed in the meeting.
3. Approve the interrogatories attached to the General Counsel's report dated August 24, 1988.

Commissioners Aikens, Elliott, Josefiak, McGarry, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the time of the vote.

Attest:

9/1/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

00040764400

plm



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 8, 1988

OMEGA List Company
9 Pheasant Lane
Woodbury, New York 11797

RE: MUR 2571
OMEGA List Company

Dear Sir or Madam:

On August 30, 1988, the Federal Election Commission found that there is reason to believe OMEGA List Company violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 104.15 of Commission Regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against OMEGA List Company. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against OMEGA List Company, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

0040754404

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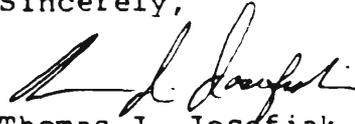
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Thomas J. Josefiak
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

1 1 7 4 0 7 6 4 1 7 5

RECEIVED
SECTION COMMISSION

OGC#432

88 SEP 22 PM 12:08
9/12/88

MUR 2571

88 SEP 22 PM 2:35

FEDERAL BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

To: Janice Lacy

Please be advised that the branch office of Omega List Company has been out of business since August. All correspondence should be directed

to: 8330 Old Courthouse Rd.

VIENNA, VA 22180

Attn: Debra (Shebbie) Easterly
(703) 821-1890

Resent at above address
on 9/23/88

9085926111



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: *MWEm* MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: NOVEMBER 2, 1988

SUBJECT: MUR 2571
COMPREHENSIVE INVESTIGATIVE REPORT #1
SIGNED OCTOBER 31, 1988

The above-captioned report was received in the Secretariat at 12:50 p.m. on Tuesday, November 1, 1988 and circulated to the Commission on a 24-hour no-objection basis at 4:00 p.m. on Tuesday, November 1, 1988.

There were no objections to the report.

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BEFORE THE FEDERAL ELECTION COMMISSION

NOV -1 PM 12:50

In the Matter of)
) MUR 2571
Omega List Company)

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #1

On August 30, 1988, the Commission found reason to believe that Omega List Company ("Omega") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15 in connection with the use of lists containing pseudonymous names that appeared on reports filed with the Commission. Also on August 30, 1988, the Commission approved a letter, interrogatories and a request for production of documents, which were subsequently mailed to the respondent on September 8, 1988.

Sometime thereafter, Omega advised this Office that it had moved to a new address. We resent the letter and attachments to Omega at its new address on September 23, 1988. After not receiving any response from Omega, this Office contacted Omega on October 27, 1988 to inquire about its failure to submit a response. Omega informed us that it had submitted its response to its counsel for review, and will contact counsel with the request that the response be submitted to the Commission as soon as possible.

After receiving and analyzing the response from Omega, this Office will prepare a report with appropriate recommendations.

Lawrence M. Noble
General Counsel

10/31/88
Date

By: 
Lois G. Lerner
Associate General Counsel

Staff Person: Janice Lacy

0004073409

Fred H. Coddling
Attorney-at-Law
(703) 591-1870

10382 Main Street
Suite 200
The Coddling Building

P. O. Box 225
Fairfax, Virginia 22030

November 9, 1988

Mr. Thomas J. Josefiak, Chairman
Federal Election Commission
Washington, DC 20463

Attn: Janice Lacy

Re: MUR 2571 - Omega List Company

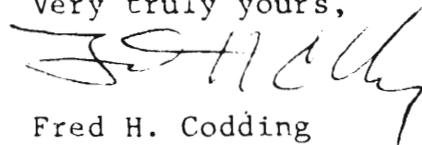
Dear Sir:

Enclosed is a Statement of Designation of Counsel executed by Omega List Company.

An extension of time until November 16, 1988, is requested to respond to the Questions submitted in the above-referenced case.

The Commission's initial letter was originally sent to a New York address where Omega once had an office. That office was closed and the matter is now being handled locally. Further, answering the questions has necessitated some research.

Very truly yours,



Fred H. Coddling

bjs

Enclosure

88 NOV 10 PM 3:29

RECEIVED
FEDERAL ELECTION COMMISSION

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2571

NAME OF COUNSEL: Fred Coddin

ADDRESS: P.O. Box 225
Fairfax, VA 22030

TELEPHONE: 703/591-1870

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

25 Sept 99
Date

Debra Eastleaf
Signature

RESPONDENT'S NAME: Debra Eastleaf - Omega Dist Group

ADDRESS: 8330 Old Courthouse Rd #700
Kenner, VA 22180

HOME PHONE: 703/459-8992

BUSINESS PHONE: 703/821-1890 ext 350

0040764110

Fred H. Coddling
Attorney-at-Law
(703) 591-1870

10382 Main Street
Suite 200
The Coddling Building

P. O. Box 225
Fairfax, Virginia 22030
HAND DELIVERED

November 14, 1988

Mr. Thomas J. Josefiak, Chairman
Federal Election Commission
Washington, DC 20463

Attn: Janice Lacy

Re: MUR 2571 - Omega List Company

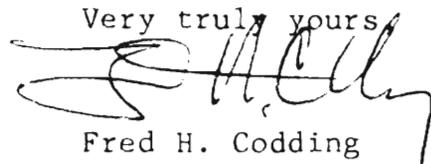
FEDERAL ELECTION COMMISSION
NOV 16 PM 2:13

Dear Sir:

Enclosed are Answers To Questions concerning a particular mailing list.

As the Answers reflect, Omega rented the list in question for the Owner on a non-exclusive basis. Omega did not nor does it now own the list, nor did Omega create or compile the list.

Please advise if there is any further information we can provide at this time.

Very truly yours

Fred H. Coddling

bjs

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF)
) MUR 2571
OMEGA LIST COMPANY)

ANSWERS TO QUESTIONS

COMES NOW Omega List Company by its Executive Vice President, Debra Easterly, and in response to the Questions submitted by the Commission states as follows:

1. a. Robert Stuber, The Stuber Group, 3819 Plaza Drive, Fairfax, Virginia 22030.
- b. Robert Stuber, 3819 Plaza Drive, Fairfax, Virginia 22030.
- c. The list was rented for Robert Stuber commencing in approximately 1983 through the present on a non-exclusive basis. Omega List Company received a twenty percent (20%) commission for rentals. Omega List Company has no knowledge that any names were obtained by the owner illegally, nor were any representations or warranties made regarding the same.
- d. To the best of our knowledge and belief, the owner of the list is Robert Stuber, 3819 Plaza Drive, Fairfax, Virginia 22030.
- e. Omega List Company did not compile or create the list. The owner may be able to advise who compiled or created the list.
- f. Omega List Company rented the list as provided and did not modify the list.

10382 MAIN STREET • FRED H. GODDARD • ATTORNEY AT LAW • (703) 591-1870
P.O. BOX 225 • FAIRFAX, VIRGINIA 22030

- 2. Not applicable.
- 3. The number of persons names on the list is 334,567 according to information provided by the Owner.
- 4. Omega advertised the list to list users and brokers.
- 5. Attached is a copy of the Omega rental ledger for the list.
- 6. The list was rented to each user on a one time basis only. No warranties or representations were requested or given. Omega has no information which indicates any names were illegally obtained.
- 7. General inquiries are usually made as to the source of a list. Any party would have been advised that this was a list of possibly conservative donors.
- 8. (a) Omega did not acquire or develop the list.
(b) Omega is unaware of the original documents from which the names and addresses for the list were compiled.

Omega was incorporated in 1975 to provide list rental services on a for-profit basis. Omega has rented thousands of lists over the years. It has no ownership interest in, nor did it create or compile, the list which is the subject of MUR 2571.

OMEGA LIST COMPANY
By: Debra Easterly
Debra Easterly, Executive Vice President

STATE OF VIRGINIA)
County of Fairfax)

AFFIDAVIT

I, Debra Easterly, after being duly sworn do hereby state and affirm that I am Executive Vice President of Omega List Company, that I have

read the foregoing Answers To Questions and that they are true to the best of my knowledge and belief.

Debra Easterly
Debra Easterly

Subscribed and sworn to before me the subscribed Notary Public this 15th day of November 1988.

My Commission Expires: June 26, 1990

Sandra J. Reddy
NOTARY PUBLIC

Fred H. Coddling

Fred H. Coddling, Counsel
for Omega List Company
10382 Main Street
Fairfax, VA 22030
(1-703-591-1870)

10382 MAIN STREET • FRED H. CODDLING • ATTORNEY AT LAW • (703) 591-1870
P.O. BOX 225 • FAIRFAX, VIRGINIA 22600

D. M. E. G. A.

Prepared By	Initials	Date
Approved By		

Broker	List Name	Qty	Market	Broker Order #	PO#
OKC	1.12 Party of TX 9-0-814771	10M	9/18/86	A107	1028128
ALMA	---	25M	9/18/86	22554	2028185
MPG	U.S. English	50,000	9/18/86	USA225025	PO28160
Grinnell	---	15M	9/18/86	10919	PO28214
Computer Systems	Customer Service	25M	9/18/86	L-201K	PO28213
Professional Resources	United P II	5M	9/15/86	224305	PO28266
MEGA	---	20M	9/22/86	4430	PO28278
CompuLink	Lawrence Corp Comm	5M	9/22/86	2027	PO28292
MEGA	CDL	5M	10/20/86	10027	PO28377
OLC	MLST #100	2.5M	12/11/86	2375	PO28385
OLC	MLST #100	12.5M	10/1/86	A29725	PO28385
Celeo	Amer Envtl Mkt Blind	15000	11/17/86	301933	PO28430
MPG	FAIR	6,000	10/13/86	241	PO28442
Refined	Natl Tax Unit	5M	11/17/86	20001	PO28487
Celeo	Amer P.T.G. Assoc of AB Blind	5M	10/20/86	295341	PO28554
OLC	ABS	5M	1/2/80	A30070	PO28538
Celeo	Amer Comm of CA	5M	12/8/86	A30083	PO28551
OLC	RNC	25M	12/8/86	20137	PO28583
Refined	ASC	5M	12/01/86	211690	PO28658
ALMA	USE	15.3M	11/6/87	251504	PO28655
ACG List	State Rep. District	14,990	12/15/86	3220	PO28742
MPG	U.S. English	50,000	12/26/86	06335040	PO28809
Refined	USD	10M	1/19/87	91126272	PO28840
Refined	Amer Sec Council	100M	1/20/87	20386	PO28869
Unimark	Natl Exch Dist Comm	50M	2/19/87	20406	PO28893
OLC	King	7M	2/11/87	---	PO28895
Refined List	USD	50M	2/23/87	20585	PO28945
OLC	ABS	5M	4/22/87	H1936	PO29168
The Communicator	Entertainment Intl	5M	3/11/87	2058	PO29200
OLC	NCFE	7M	4/23/87	---	PO29318
PPS	URF	7500	4/24/87	241202	PO30992
ACG	State Rep Parties	14842	4/30/87	3274	PO31038
LISTWORKS COOP.	WASH. LEGAL FOUND.	6M	5/11/87	36343	PO31226
OLC	R. P. Va	811K	5/27/87	---	PO29332
ORCC	ORCC	5M	5/18/87	0409	PO31261
MICHIGAN GOP	MICHIGAN GOP	5490	5/24/87	MPG	PO31273
MPG	U.S. English	120,000	5/25/87	---	PO31685
Refined	Rep Nat Comm	5M	6/15/87	21081	PO32152
OLC	---	5M	6/24/87	21101	PO32121
OLC	---	5M	6/15/87	21107	PO32121
OLC	---	1500	---	---	PO32152

O.M.E.G.A

Prepared By	Initials	Date
Approved By		

#	Broker	List User	QTY	M-D	Broken order #	PO#	#
1	OLC	Kemp	10,000	6/15/87	29452	32221	1
2	Primerica	Volkovich f Senate	48,490	7/13/87	21164	PO32312	2
3	Primerica	Volkovich f Senate	5,000	7/13/87	1216	PO32316	3
4	Primerica	Robert P. No	4,550	7/17/87	5139	PO32319	4
5	Primerica	Kate Wilgus f Senate	5,000	7/22/87	21191	PO32324	5
6	Primerica	Philippa Chavis	4M	7/22/87	1516	PO32325	6
7	Primerica	Calvin Jones, Jr	10,737	11/13/87	34,726	PO32490	7
8	Primerica	NRSC	6M	8/3/87	21171	PO32317	8
9	"	"	5M	9/7/87	21296	PO32328	9
10	OLC	RPT	10M	9/2/87		PO32398	10
11	Primerica	USO of North H	5M	11/9/87	350253	PO32623	11
12	Primerica	ITL	6M	9/2/87	106611		12
13	OLC	Ohio 5-18-87	5M	9/3/87		PO11023	13
14	The Child Co	Ann Fran f T Blend	25M	10/2/87	351643	PO32644	14
15	Primerica	Lynne f J. J. (A)	100,993	9/8/87		PO32671	15
16	OLC	Angela J. Man	10M	9/8/87	11002	PO32710	16
17	Primerica	NRSC	5M	10/5/87	21419	PO32764	17
18	"	"	5M	10/5/87	21420	PO32765	18
19	Primerica	NRSC	5M	10/5/87	21421	PO32766	19
20	Primerica	"	5M	10/5/87	21422	PO32767	20
21	Primerica	NRSC	10M	10/9/87	NR2328	PO32871	21
22	Primerica	Co. f J. J. (A)	34,196	10/2/87	2702	PO32802	22
23	Primerica	Duport 85A7	3,000	9/17/87	112174	PO3268	23
24	Primerica	Duport 7	10M	10/26/87	1075	PO33104	24
25	OLC	Bilateral Permit	10M	10/23/87		PO34602	25
26	Primerica	Melvin	3,169	12/1/87		PO33172	26
27	Primerica	Frank	11,175	12/2/87	2770	PO33295	27
28	Primerica	Frank	6,184	12/2/87	2785	PO33307	28
29	OLC	NRSC RR	8M	1/2/88		PO11595	29
30	Primerica	Colonial W. Williams	15M	1/1/88	11816	PO33187	30
31	Primerica	NRSC	100M	1/25/88	21632	PO33514	31
32	Primerica	Frank	2,118	12/2/87		PO33244	32
33	Primerica	NRSC	5M	01/25/88		PO33704	33
34	Primerica	NRSC	210M			PO33705	34
35	Primerica	NRSC	5M	3/6/88	21815	PO33733	35
36	Primerica	NRSC	5M	2/10/88	21816	PO33734	36
37	Primerica	NRSC	5M	2/15/88	2537	PO33736	37
38	Primerica	NRSC	5M	3/14/88	2537	PO34031	38
39	Primerica	Kirkpatrick, VP	5M	3/1/88	5183	34032	39
40							40
41							41

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MAILER

QUANTITY MAIL DATE

BROKER #

OMEGA P.O. #

	MAILER	QUANTITY	MAIL DATE	BROKER #	OMEGA P.O. #
	USA	5M	04/11	22371	34074
	Am. Immigrant	5M	3/22	AT2807	34080
	Colonial War	46M	5/2	2026	34236
	Community	5M	4/4	2790	34314
	MT Pe	5M	4/11	30395	34427
EGS	Mus of Cost	5M	5/2	01719	34507
	Assembly Rep Nat	5M	5/9	2942	34565
	NRSC	5M	7/5/88	22205	34853
Yost	Mailing for	4430	7/15/88	2970	34895
Yost	Convention Ser	4430	8/15/88	2906	34896
P. Det	NRSC	5M	7/11/88	22238	34939
P. Det	NRSC	5M	7/18/88	22237	34940
Unit	Drinking for	1111	7-11-88	2974	34962
Unit	Salvation Army	200M	11-28-88	580	34964
Unit	Mus Cont	60M	7-11-88	01994	34964
Unit	Cal. Rep. Party	10M	7-5-88	2986	34994
Unit	Shuttle for	1.3M	7-11-88	2985	34995
Unit	Water Service	5M	7-18-88	2468	35036
Unit	Salvation Army	3.5M	11-28-88	2770	35150
Unit	Cal. Rep. Party	5M	8-1-88	-	35244
Unit	Payment for	30M	9/12/88	R 11220-D	35250
Unit	MT Pe	5M	9/6/88	02041	35369
Unit	MT Pe	5M	11/21/88	2220	35401
Unit	Mass	5M	9/5/88	3028	35401
Unit	State Gov	all	10/10/88	3028	35669

RECEIVED
FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Carol Enters List Company)

MUR 2571

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 30, 1988, the Commission found reason to believe that Omega List Company ("Omega") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. The basis for this finding was a complaint filed by the Republican National Committee ("RNC") alleging that a pseudonymous name that appeared on reports it had filed with the Commission had been solicited for contributions by the Salvation Army, who had in turn obtained the list containing such names from Carol Enters List Company. This company stated that it had obtained the list in question from Omega.

At the direction of the Commission, this Office propounded interrogatories to Omega in order to discover the sources from which Omega obtained the mailing lists that allegedly contained a name copied from reports the RNC had filed with the Commission.

On November 14, 1988, Omega responded to those interrogatories (see Attachment I). Omega identified Robert Stuber of Fairfax, Virginia, as the owner of the list. Omega stated that it did not compile or create the list, nor did it modify the list. Omega attached a copy of its rental ledger for the list, showing that since September 8, 1986, Omega has rented the list to list users over one hundred times.

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II. ANALYSIS

Under the Federal Election Campaign Act,

any information copied from ... reports or statements [filed with the Commission] may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

2 U.S.C. § 438(a)(4); see also 11 C.F.R. § 104.15. In response to the interrogatories, Omega stated that it had obtained the mailing list in question from Robert Stuber, whom it identified as the list owner. It thus appears that Robert Stuber used information copied from reports filed with the Commission for commercial purposes, in that he made available for rental a list containing such information. Accordingly, this Office recommends that the Commission find reason to believe that Robert Stuber violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. It is further recommended that interrogatories should be propounded to Robert Stuber to determine whether he owns the list in question or is responsible for compiling the names used on the list.

III. RECOMMENDATIONS

1. Find reason to believe that Robert Stuber violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the attached letter and Factual and Legal Analysis.

3. Approve the attached interrogatories.

Lawrence M. Noble
General Counsel

12-8-88
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Interrogatories
2. Proposed Letter and Factual and Legal Analysis
3. Interrogatories

Staff Person: Janice Lacy

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Carol Enters List Company) MUR 2571

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 13, 1988, the Commission decided by a vote of 4-0 to take the following actions in MUR 2571:

1. Find reason to believe that Robert Stuber violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the letter and Factual and Legal Analysis, as recommended in the General Counsel's report signed December 8, 1988.
3. Approve the interrogatories, as recommended in the General Counsel's report signed December 8, 1988.

Commissioners Aikens, Elliott, McDonald and McGarry voted affirmatively for the decision;
Commissioners Josefiak and Thomas did not vote.

Attest:

12/13/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 12-9-88, 9:57
Circulated on 48 hour tally basis: Fri., 12-9-88, 12:00
Deadline for vote: Tues., 12-13-88, 4:00

00040704421



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 20, 1988

Robert Stuber
3819 Plaza Drive
Fairfax, Virginia 22030

RE: MUR 2571
Robert Stuber

Dear Mr. Stuber:

On December 13, 1988, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 104.15 of Commission Regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Robert Stuber
Page 2

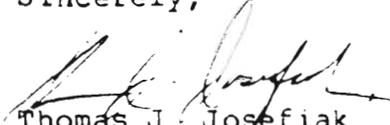
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Thomas J. Josefiak
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

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RECEIVED
FEDERAL ELECTION COMMISSION

89 JAN 10 PM 3:55

January 9, 1989

Mr. Thomas J. Josefiak
Chairman
Federal Election Commission
Washington, DC 20463

89 JAN 10 PM 4:23

RECEIVED
FEDERAL ELECTION COMMISSION

Dear Mr. Josefiak,

In response to your letter of December 20, 1988 (RE: MUR 2571) the following answers are submitted.

- #1. I am not the owner of the list you mention.
- #2. The list is owned in majority part by Piedmont Communications, Inc., a Virginia corporation of which I am Secretary/Treasurer and own a 50% interest.
- #3. a. The list was compiled through several methods including the purchase of lists from others, the keying of public records as recorded in the offices of various secretaries of state and approximately 110,000 of the names are owned by another party.
 - b. For the most part, I compiled the list either personally or under agreement with a subcontractor. This is in reference to the names that Piedmont owns. For the 110,000 other, you'll have to ask their representative as to the source of the names.
 - c. Absolutely no names were ever compiled using FEC contributor tapes or reports.
 - d. This list was compiled during 1983 and 1984. My memory as to all the states involved is limited and I don't recall which ones provided information. Again, I did not get any names that would fall under the protection of the FEC.
 - e. Again, no FEC provided names were used.
 - f. I've never inquired about the source of any names, as I knew them to be from legal sources.
- 4. Today, in the list's fifth year of "life" there are 327,288 names. None of these names were acquired from the FEC.
- 5. Piedmont Communications, Inc. contracted in 1983 with Omega List Company to market the names. They did so until 1987 when management was turned over to the Robertson Mailing List Company.

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6. We maintain no records that could provide you with this information. If any past records exist, they would be in the custody of either of the companies identified in #5.
7. Not applicable.
8. Not applicable.
9. As stated earlier, this list was compiled several years ago and all records pertaining to the compilation project have long since be discarded, thus it is not possible to provide you with any material as mentioned in parts a & b of this question.

Now that you have my complete response to your inquiry, let me tell you why I believe there must be some kind of error in the filing of this complaint. You see, this list has not been added to for over 4 years and during that time the file has been rented frequently. Why then have there been no earlier discoveries of these types.

Your exhibit "A" in the letter sent is certainly not evidence of any wrongdoing as the alleged "pseudonymous name" is unreadable. I wanted to check our list to see if even the name was on it. If you would provide me with this name and address, I'll be able to check for the source of it.

Another fact to consider is that our agent provided the Salvation Army with a magnetic tape, not labels. Thus, an error at the mailer's computer shop could have resulted in the wrong list being identified as Omega's Most Effective Generous Americans. (O.M.E.G.A. -- our list.) When I learned of your concern, I contacted our service bureau to see if Salvation Army had returned the tape they were provided. They had not. I further addressed the problem with our data processing shop manager to see if he had any ideas. He reminded me that there could have been an error on his end in that the names provided as O.M.E.G.A. names may have actually come from another list he has. Again, unless we know the name and address you have, we are unable to assist you in your investigation.

Mr. Josefiak, there are people in our highly competitive direct mail fundraising industry that would like to see Piedmont Communication's name injured and me personally destroyed. I fear that your organization is being provided with incorrect information in an effort towards that end. Thus, I feel it necessary to begin an immediate investigation that will aid us both. As I've willingly and completely answered your inquiry I know that you will respond similarly. Thus, please provide us with the following information which will aid in our investigation:

- #1. The name that appears on your EXHIBIT A so that we can identify where it may have come from. Further, please

provide us with a copy of the filing where-in the Commission was notified by the filer of that name's status as a "pseudonym".

- #2. Please identify the complainant so that we may coordinate our investigative effort and determine if parties who wish to do us harm are involved.
- #3. Please provide us with copies of all correspondence, memorandums and/or notes from all parties which you may have in your files regarding this matter.

I thank you in advance for your assistance in this matter and look for your reply within 20 days of your receipt of this letter.

Sincerely,

PIEDMONT COMMUNICATIONS, INC.

Robert Stuber

Robert Stuber, Secretary/Treasurer

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such information. Accordingly, this Office recommends that the Commission find reason to believe that Piedmont Communications, Inc. violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. It is further recommended that additional interrogatories should be propounded to Mr. Stuber of Piedmont Communications, Inc. to determine all those involved in owning and compiling the list.

III. RECOMMENDATIONS

1. Find reason to believe that Piedmont Communications, Inc. violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the attached letter and Factual and Legal Analysis.
3. Approve the attached interrogatories.

Lawrence M. Noble
General Counsel

8/31/89

Date

BY: 

Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Interrogatories
2. Proposed Letter and Factual and Legal Analysis
3. Interrogatories

Staff Person: Karen Powell/Anne Weissenborn

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2571
Robert Stuber, et al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 7, 1989, the Commission decided by a vote of 4-0 to take the following actions in MUR 2571:

1. Find reason to believe that Piedmont Communications, Inc. violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the letter and Factual and Legal Analysis, as recommended in the General Counsel's Report dated August 31, 1989.
3. Approve the interrogatories as recommended in the General Counsel's Report dated August 31, 1989.

Commissioners Aikens, Elliott, McDonald and McGarry voted affirmatively for the decision; Commissioners Josefiak and Thomas did not cast votes.

Attest:

9/8/89
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Friday, September 1, 1989 10:55
Circulated to the Commission: Friday, September 1, 1989 2:00
Deadline for vote: Wednesday, September 6, 1989 4:00
At the time of deadline, a majority of votes had not been received.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1989

Piedmont Communications, Inc.
c/o Robert Stuber
3819 Plaza Drive
Fairfax, Virginia 22030

RE: MUR 2571
Piedmont Communications, Inc.

Dear Mr. Stuber:

On September 7, 1989, the Federal Election Commission found that there is reason to believe Piedmont Communications, Inc. violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 104.15 of Commission Regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against Piedmont Communications, Inc. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against Piedmont Communications, Inc., the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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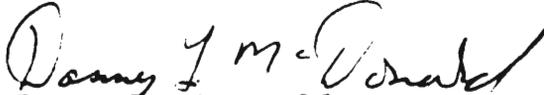
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

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FEDERAL ELECTION COMMISSION
MAIL ROOM

89 OCT 19 AM 11:06

3819 Plaza Drive
Fairfax, VA 22030

October 16, 1989

Ms. Karen Powell
FEDERAL ELECTION COMMISSION
Room 659
999 E Street, N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF ELECTORAL COMPLAINTS
89 OCT 19 PM 1:07

Dear Ms. Powell,

Thanks for making time to see me to discuss MUR 2571. In follow-up to our conversation, this letter shall confirm my request that we enter into pre-probable cause conciliation.

Further, this shall confirm the pertinent information verbally expressed:

- A. That it is the desire of Piedmont Communications, Inc. to determine how it came to possess an illegal name.
- B. That Piedmont responded promptly to the initial inquiry by the commission in December, 1988 but only last month again heard about this matter. We long ago assumed that the matter had been dropped.
- C. That the computer service bureau formerly responsible for maintenance of the list is no longer in operation and that the conversion of the file in the spring of 1989 caused the list to be striped of "source" codes which may have identified the original source of the name. We feel that had this investigation been carried out in a timely manner, evidence may have been available to help identify where Piedmont purchased the illegal name.
- D. That use of Piedmont's list over the past year has been minimal and that we are willing to suspend all marketing of this list. As I mentioned, you are welcome to have the complete tape to do with as you choose.

I believe that this covers the extent of our conversation, and I look forward to hearing from you on this matter at your convenience.

Sincerely,

PIEDMONT COMMUNICATIONS, INC.

Robert G. Stuber
Robert G. Stuber, Secretary/Treas.

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II. ANALYSIS

A. Piedmont Communications, Inc. and Robert Stuber

Information copied from reports or statements available at the Commission for public inspection may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. 2 U.S.C. § 438(a)(4); see also 11 C.F.R. § 104.15. The Commission has consistently interpreted and applied 2 U.S.C. § 438(a)(4) to prohibit any person from using or selling illegally copied names through the generation or marketing of contributor or donor lists. See Federal Election Commission v. American International Demographic Services, Inc. 629 F.Supp. 317 (E.D. Va. 1986); Advisory Opinion 1986-25.

In his response to the Commission's initial interrogatories, Mr. Stuber admitted that he had contracted in 1983 with Omega List Company to market the List and that Omega did so until 1987 when management of the List was turned over to the Robertson Mailing List Company. (See Attachment I.) Mr. Stuber stated that he compiled the List both personally and under agreement with a subcontractor, whom he did not identify. Additionally, he stated that the List was compiled, in part, through the purchase of lists from other parties, and that approximately 110,000 of the names are owned by another party, whom he also did not identify. Mr. Stuber did not state whether the pseudonym appeared on the portion of the List owned by himself or by the unnamed party.

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On August 31, 1989, the Commission approved additional interrogatories to be propounded to Piedmont Communications, Inc. to determine the identity of all sources of the names contained in the List.

Mr. Stuber responded on behalf of Piedmont Communications, Inc. to the additional interrogatories. Mr. Stuber met with members of the staff of this Office on September 26, 1989. At this meeting Mr. Stuber explained that he had, within the past year, gone out of the mailing list business and had, within the past six months, relocated his office. Consequently, he asserted, he no longer had any files pertaining to the List and was unable to provide any additional information in response to the Commission's second set of interrogatories as to the exact source of the portion of the List which contained the pseudonym. Mr. Stuber acknowledged at this meeting that Piedmont Communications, Inc. was the owner of the List.

Mr. Stuber followed up this meeting with a letter to the Office of the General Counsel on October 16, 1989. (Attachment II.) Mr. Stuber stated "[t]hat it is the desire of Piedmont Communications, Inc. to determine how it came to possess an illegal name." He stated further, however, [t]hat the computer service bureau formerly responsible for the maintenance of the [L]ist is no longer in operation and that the conversion of the file in the spring of 1989 caused the [L]ist to be striped of 'source' codes which may have identified the original source of the [pseudonymous] name." He further stated, "[t]hat use of

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[the List] over the past year has been minimal and that we are willing to suspend all marketing of this list.

In his letter of October 16, 1989, Robert Stuber requested pre-probable cause conciliation in this matter. Therefore, this Office recommends that the Commission enter into conciliation with Robert Stuber and Piedmont Communications, Inc. prior to a ~~finding~~ finding of probable cause to believe. (See Attachment II.)

B. Carol Enters List Company and Omega List Company

This Office notes that, in previous MURs involving 2 U.S.C. § 438(a)(4), Commission practice has been to find reason to believe that a violation occurred and to ask list broker/respondents to provide information identifying the list manager or owner. Once they have done so, the Commission has taken no further action against such parties in the absence of information indicating complicity between the list owner and the list broker/respondent. See MURs 1541/1542, 1549 and

In response to the Commission's interrogatories, Carol Enters List Company ("CELCO") identified Omega List Company as the source of the list it brokered. Omega subsequently identified Piedmont Communications, Inc. as the owner of the list. CELCO stated in its response to the Commission's interrogatories that it had learned of the list through a promotional data card supplied to CELCO by Omega with whom CELCO had previously done business. CELCO stated that it had no knowledge of the source of the names on the list and no cause to suspect that the names had been obtained improperly.

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Omega, in its response to the Commission's interrogatories, stated that it rented the List in question from Piedmont on a nonexclusive basis. Omega stated that it did not compile, or modify the List. Omega also asserted that it had no knowledge of the source of the names on the list and no cause to suspect that the names had been obtained improperly.

~~Piedmont~~ has not previously been involved in a Commission enforcement action. In light of this fact and the assertions made by CELCO and Omega that they had no knowledge of the source of the names on the List, there appears to be no evidence indicating complicity between Piedmont and Omega or CELCO to market a list containing names copied from FEC records. Consequently, this Office is recommending that the Commission take no further action against Carol Enters List Company and Omega List Company and close the file with respect to these respondents.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Take no further action against Carol Enters List Company and Omega List Company.
2. Close the file as it pertains to Carol Enters List Company and Omega List Company.
3. Enter into conciliation with Piedmont Communications, Inc. and Robert Stuber prior to a finding of probable cause to believe.
4. Approve the attached proposed conciliation agreement and letters.

Lawrence M. Noble
General Counsel

12-1-89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Interrogatories
2. Response to Additional Interrogatories and Request for Pre-Probable Cause Conciliation
3. Conciliation Agreement
4. Letters to Respondents (3)

Staff Person: Karen Powell

00040764436

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Piedmont Communications, Inc.) MUR 2571
Robert Stuber)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 7, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2571:

1. Take no further action against Carol Enters List Company and Omega List Company.
2. Close the file as it pertains to Carol Enters List Company and Omega List Company.
3. Enter into conciliation with Piedmont Communications, Inc. and Robert Stuber prior to a finding of probable cause to believe.
4. Approve the proposed conciliation agreement and letters, as recommended in the General Counsel's Report dated December 1, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision.

Attest:

12/7/89
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Monday, December 4, 1989, 11:22
Circulated to the Commission: Tuesday, December 5, 1989, 11:00
Deadline for vote: Thursday, December 7, 1989, 11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1989

Debra Easterly
OMEGA List Company
8330 Old Court House Rd.
Vienna, VA 11797

RE: MUR 2571
OMEGA List Company

Dear Ms. Easterly:

On September 23, 1988, you were notified that the Federal Election Commission found reason to believe that your firm violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

After considering the circumstances of the matter, the Commission determined on December 7, 1989 to take no further action against OMEGA List Company and closed the file as it pertains to OMEGA List Company. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your marketing of a mailing list containing a name copied from FEC records appears to be a violation of 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. You should take immediate steps to insure that this activity does not occur in the future.

Ms. Easterly
page 2

If you have any questions, please contact Karen Powell, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

December 15, 1989

Carol Enters
Carol Enters List Company
322 8th Avenue
New York, New York 10001

RE: MUR 2571
Carol Enters List Company

Dear Ms. Enters:

On May 17, 1988, you were notified that the Federal Election Commission found reason to believe that your firm violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

After considering the circumstances of the matter, the Commission determined on December 7, 1989 to take no further action against Carol Enters List Company and closed the file as it pertains to Carol Enters List Company. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your marketing of a mailing list containing a name copied from FEC records appears to be a violation of 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. You should take immediate steps to insure that this activity does not occur in the future.

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Carol Enters
page 2

If you have any questions, please contact Karen Powell, the
staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON D C 20463

December 15, 1989

Robert Stuber
Piedmont Communications, Inc.
3819 Plaza Drive
Fairfax, VA 22030

RE: MUR 2571
Piedmont Communications, Inc.
Robert Stuber

Dear Mr. Stuber:

On December 13, 1988 and August 31, 1989 the Federal Election Commission (the "Commission") found reason to believe that you and Piedmont Communications, Inc. violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. At your request, on December 7, 1989, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Karen Powell, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation agreement

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

RICHENTHAL & BIRNBAUM, P. C.
ATTORNEYS AT LAW

90 FEB 15 AM 11:42

GEORGE P. BIRNBAUM
DAVID G. RICHENTHAL

950 THIRD AVENUE
NEW YORK, N. Y. 10022

(212) 758-8686
TELEX: 408163 RICHENL
FAX: (212) 593-9189

February 12, 1990

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
c/o Karen Powell, Esq.
999 "E" Street, NW - 6th Floor
Washington, D.C. 20463

90 FEB 15 PM 2:21
FEDERAL ELECTION COMMISSION
MAIL ROOM

Re: Omega
Your Reference: MUR 2571
Carol Enters List Co., Inc. (CELCO)

Dear Ms. Lerner:

Reference is made to your letter to the Carol Enters List Company, Inc. (CELCO) dated December 15, 1989, a copy of which is enclosed for your convenience.

This law firm was the designated representative of CELCO in that proceeding.

Obviously we and our client are pleased with the Commission's decision to close this file as it pertains to CELCO, a decision which we believe to be eminently correct and supported by the evidence.

The fourth paragraph of your letter is troubling, however, since it suggests that our clients did violate the law and should do something to prevent a repetition. As you know, the purpose of our extensive submission on behalf of our client in response to this proceeding was designed to demonstrate that our client did not violate the law and, indeed, here conducted (and has always conducted) its business with due regard for the law. I can only assume that, by reason of its finding, the Commission agreed with us. Accordingly, I respectfully submit that the fourth paragraph of your December 15, 1989 letter is inapposite and you will surely understand why we cannot allow it to pass unchallenged on the record.

Sincerely,


George P. Birnbaum

GPB:tsk
Enclosure



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1989

Carol Enters
Carol Enters List Company
322 8th Avenue
New York, New York 10001

RE: *Omega*
MUR 2571
Carol Enters List Company

Dear Ms. Enters:

On May 17, 1988, you were notified that the Federal Election Commission found reason to believe that your firm violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

After considering the circumstances of the matter, the Commission determined on December 7, 1989 to take no further action against Carol Enters List Company and closed the file as it pertains to Carol Enters List Company. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that your marketing of a mailing list containing a name copied from FEC records appears to be a violation of 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. You should take immediate steps to insure that this activity does not occur in the future.

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Carol Enters
page 2

If you have any questions, please contact Karen Powell, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

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90 MAR 15 AM 9:46

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)	
)	
Piedmont Communications, Inc.)	MUR 2571
Robert Stuber)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

A. Piedmont Communications, Inc., and Robert Stuber

Attached is a conciliation agreement which has been signed by Robert Stuber of Piedmont Communications, Inc.

The attached agreement contains no changes from the agreement approved by the Commission on February 23, 1990. A check in the amount of \$1000.00 has been received.

B. The Salvation Army of Houston, Texas

This matter was generated by a complaint from the Republican National Committee that the Salvation Army of Houston, Texas had violated 2 U.S.C. § 438(a)(4). Notice of the complaint was sent to the Salvation Army on January 20, 1988. The Salvation Army responded to the complaint on March 1, 1988. In light of its response to the complaint, this Office recommended to the Commission on April 27, 1988, that the Commission not direct any questions to the Salvation Army at that time. Based on the results of its investigation, this Office now recommends that the Commission find no reason to believe that the Salvation Army of Houston, Texas violated 2 U.S.C. § 438(a)(4). Further, this Office recommends that the entire file be closed.

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Robert Stuber and Piedmont Communications, Inc.
2. Find no reason to believe that the Salvation Army of Houston, Texas violated 2 U.S.C. § 438(a)(4).
3. Close the file.
4. Approve the attached letters.

Lawrence M. Noble
General Counsel

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Date

3/14/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letters (5)

Staff assigned: Karen Powell

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2571
Piedmont Communications, Inc.)
Robert Stuber)

CERTIFICATION

I, Majorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 30, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 2571:

1. Accept the conciliation agreement with Robert Stuber and Piedmont Communications, Inc., as recommended in the General Counsel's report dated March 14, 1990.
2. Find no reason to believe that the Salvation Army of Houston, Texas violated 2 U.S.C. § 438 (a)(4).
3. Close the file.
4. Approve the letters, as recommended in the General Counsel's Report dated March 14, 1990.

Commissioners Aikens, Elliott, Josefiak, McDonald McGarry and Thomas voted affirmatively for the decision.

Attest:

3-30-90

Date

Majorie W. Emmons

Majorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thurs., Mar. 15, 1990 9:46 a.m.
Circulated to the Commission: Thurs., Mar. 15, 1990 4:00 p.m.
Deadline for vote: Fri., Mar. 30, 1990 4:00 p.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 5, 1990

Carol Enters
Carol Enters List Company
322 8th Avenue
New York, New York 10001

RE: MUR 2571
Carol Enters List Company

Dear Ms. Enters:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in black ink, appearing to read "Lois G. Lerner".

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 1990

Debra Easterly
OMEGA List Company
8330 Old Court House Rd.
Vienna, VA 11797

RE: MUR 2571
OMEGA List Company

Dear Ms. Easterly:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

00740754452



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 1990

Major Emery Frierson
The Salvation Army
1717 Congress Street
Houston, Texas 77002-2295

RE: MUR 2571
The Salvation Army of
Houston, Texas

Dear Major Frierson:

On January 20, 1988, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 30, 1990, the Commission found, on the basis of the information in the complaint, and information obtained during the course of its investigation, that there is no reason to believe The Salvation Army of Houston, Texas violated 2 U.S.C. § 438(a)(4). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Should you have any questions, contact Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

00740734150



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esquire
Chief Counsel
Republican National Committee
Dwight D. Eisenhower Republican Center
310 First Street, S.E.
Washington, D.C. 20003

RE: MUR 2571

Dear Mr. Ginsberg:

This is in reference to the complaint you filed with the Federal Election Commission on January 6, 1988, concerning an apparent violation of 2 U.S.C. § 438(a)(4) by The Salvation Army of Houston, Texas.

The Commission found that there was reason to believe Carol Enters List Company, Omega List Company, Robert Stuber and Piedmont Communications, Inc. violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.15, a provision of the Commission's regulations, and conducted an investigation in this matter. On December 7, 1989, the Commission determined to take no further action against Carol Enters List Company and Omega List Company and closed the file with respect to these respondents.

On March 30, 1990, the Commission found no reason to believe that The Salvation Army of Houston, Texas violated 2 U.S.C. § 438(a)(4). In addition, the Commission accepted a conciliation agreement signed by Robert Stuber, Secretary/Treasurer of Piedmont Communications, Inc. Accordingly, the Commission closed the file in this matter on March 30, 1990. A copy of this agreement is enclosed for your information.

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Mr. Benjamin L. Ginsberg
Page 2

If you have any questions, please contact Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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CLOSED



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

April 5, 1990

Robert Stuber, Secretary/Treasurer
Piedmont Communications, Inc.
3819 Plaza Drive
Fairfax, VA 22030

RE: MUR 2571
Piedmont Communciations, Inc.
Robert Stuber

Dear Mr. Stuber:

On March 30, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you on behalf of Piedmont Communications, Inc., and yourself in settlement of a violation of 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.15, a provision of the Commission's regulations. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure

00040734450

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Piedmont Communications, Inc.) MUR 2571
Robert Stuber, Secretary/Treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn and notarized complaint by the Republican National Committee. The Federal Election Commission ("Commission"), found reason to believe that Piedmont Communications, Inc. and Robert Stuber ("Respondents"), violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Piedmont Communications, Inc. is in the business of creating and marketing mailing lists.

2. Robert Stuber is the Secretary/Treasurer of Piedmont Communications, Inc.

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3. Respondents compiled and, in 1987, rented a mailing list to the Salvation Army which contained a pseudonymous name and address copied from Commission records.

4. 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15 provide that information copied from reports or statements available at the Commission for public inspection may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

V. Respondents used information copied from Commission records for commercial purposes in violation of 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand dollars (\$1,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the

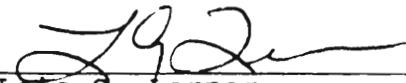
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date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

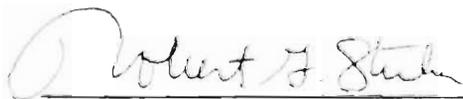
X. This conciliation agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:  Date 4/5/90
Lois G. Lerner
Associate General Counsel

FOR THE RESPONDENTS:

 Date 3/1/90
(Name)
(Position) Secretary/Treasurer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2571

DATE FILMED 4/28/90 CAMERA NO. 4

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