



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2822

DATE FILMED 3/12/72 CAMERA NO. 2

CAMERAMAN Tom

IN CONNECTION WITH MUR 2822, SEE MUR 2926.

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GUY VANDER JAGT, M.C.
CHAIRMAN

JOSEPH R. GAYLORD
EXECUTIVE DIRECTOR



NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE

320 FIRST STREET, S.E.
WASHINGTON, D.C. 20003

202-479-7000

06C 1832

Turn 2822

February 13, 1989

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

89 FEB 14 10:03

Dear Mr. Noble:

The enclosed complaint is filed pursuant to 2 U.S.C. 437g(a)(1) of the Federal Election Campaign Act of 1971, as amended ("the Act"), alleging violations of the Act by Hiner and Associates, and Donald Hiner.

The National Republican Congressional Committee ("NRCC") alleges that Hiner and Associates has used names and addresses obtained from Federal Election Commission ("FEC") reports for commercial purposes, in violation of 2 U.S.C. 438(a)(4) of the Act.

The NRCC requests that the FEC conduct a prompt and immediate investigation of this apparent violation, and impose any and all appropriate penalties grounded in violations of the Act and regulations.

Sincerely,

Jan W. Baran
Jan W. Baran
General Counsel

JWB:df
Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Hiner and Associates,)
 and Donald Hiner)

MUR

2822

COMPLAINT

INTRODUCTION

On behalf of the National Republican Congressional Committee ("NRCC"), I hereby file this complaint pursuant to 2 U.S.C. 437g(a)(1) of the Federal Election Campaign Act of 1971, as amended ("the Act"), alleging violations of the Act by Hiner and Associates, and Donald Hiner.

The NRCC alleges that Hiner and Associates has used names and addresses from Federal Election Commission ("FEC" or "Commission") reports for commercial purposes in violation of 2 U.S.C. 438(a)(4) of the Act.

FACTS

The National Republican Congressional Committee - Contributions ("NRCC-Contributions") is a federally registered political committee under the Act. The NRCC-Contributions regularly files reports of contributions and expenditures with the Commission. In doing so, NRCC-Contributions includes several pseudonyms on each report "in order to protect against the illegal uses of names and addresses of contributors" as is permissible under 2 U.S.C. 438(a)(4). Affidavit of Wyatt Stewart at Para. 2 attached at Exhibit 1, hereafter "Stewart Aff." In 1984, NRCC-Contributions

added five pseudonyms to each of its October Quarterly, Pre-General, and Post-General Election Reports. Id. These names included:

As required by the Act, NRCC-Contributions notified the FEC that these pseudonyms (or "salted" names) appeared in its reports. "These pseudonyms appear only on the reports filed with the FEC." Id.

In January of this year these individuals began to receive mail from various organizations and corporations (six or seven to-date). One such mailing originated from the 1st National Reserve Corporation. Id. at Para. 3. See Attachments 1, 2, and 3. "The mailings were forwarded to the NRCC from U.S. Monitor, which is a professionally-run organization that provides the names and addresses for the "salting" process. The NRCC received the mailings between January 27, 1989 and January 30, 1989." Stewart Aff. at Para. 3.

After receiving these mailings Wyatt Stewart, the Director of Finance and Administration for the NRCC, began to investigate in order to determine who was responsible for disseminating a list

which contained salted names from NRCC-Contributions' disclosure reports. Id. at Para. 1,4. The source of the list was tracked down to Hiner and Associates and Donald Hiner in the following manner. The 1st National Reserve Corporation informed Mr. Stewart "that the Bird Marketing, a direct mail agency in Beaumont, Texas, whose President is Mike Bird, had handled the mailing for the 1st National Reserve Corporation." Id. at Para. 5. Mike Bird then told Mr. Stewart "that he had received the names from 'List Words' of Pleasantville, New York." Id. at Para. 6. "Norman Newman of List Words checked the codes on the solicitations and found that the list was identified as the 'EPACO' List . . . [and] indicated that it had distributed this list to three or four other clients. Further, List Words (Norman Newman) stated that it had received the list from the manager/owner, 'Hiner and Associates,' 7700 Leesburg Pike, Suite 314, Falls Church, Virginia 22043." Id. at Para. 7. It is Hiner and Associates and Mr. Hiner who appear to be responsible for the distribution, and the use for commercial purposes, of the salted names in this matter. At this time, the NRCC does not believe that the 1st National Reserve Corporation, Mike Bird or List Words should be named as or are Respondents in this matter. Rather, they have been identified only for the purposes of factual development and have assisted the NRCC in identifying Hiner and Associates as the original source of these names.

Mr. Stewart "first contacted Donald Hiner on February 2, 1989 at which time Mr. Hiner stated that he would investigate the matter. He implied at that time that a new group of names was

added to the EPACO list in November, 1988." Id. at Para. 8. Mr. Hiner has refused to further cooperate with the NRCC.

DISCUSSION

Section 438(a)(4) of the Act provides that the Commission shall:

within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, except that any information copied from such reports or statements may not be sold or used by any person for the purposes of soliciting contributions or for commercial purposes . . . A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report.

See also, 11 C.F.R. 104.15(a).

The NRCC's list has obviously been appropriated for commercial purposes as established by the use of its salted names on a mailing by the 1st National Reserve Corporation, and, at least, six or seven others. Further, Hiner and Associates is apparently the corporation responsible for using these names in an illegal fashion.

CONCLUSION

On the basis of the foregoing, the NRCC requests that the FEC conduct a prompt and immediate investigation of this apparent violation and impose any and all appropriate penalties grounded in violations of the Act and regulations.

The above allegations and facts set forth in this complaint are true to the best of my knowledge, information and belief.

Respectfully submitted,



Joseph R. Gaylord
Executive Director
National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

Subscribed and sworn to before me on this 13 day of Feb., 1989.



Notary Public

My Commission Expires: July 13, 1992

AFFIDAVIT OF WYATT STEWART

WYATT STEWART, being first duly sworn, deposes and says:

1. I am Wyatt Stewart. I currently hold the position of Director of Finance and Administration for the National Republican Congressional Committee, located at 320 First Street, S.E., Washington, D.C. 20003.

2. In my capacity as Director of Finance several mailings received by individuals who had been listed as pseudonyms on the NRCC's Federal Election Commission ("FEC" or "Commission") Disclosure reports were brought to my attention. These pseudonyms had been included on either the NRCC's 1984 October Quarterly, Pre-General, and Post-General disclosure reports pursuant to 2 U.S.C. 438(a)(4) "in order to protect against the illegal use of names and addresses of contributors." These pseudonyms appear only on the reports filed with the FEC.

3. The mailing which is the subject of this complaint was from the 1st National Reserve Corporation. These mailings were forwarded to the NRCC by U.S. Monitor, which is a professionally-run organization that provides names and addresses for the "salting" process. The NRCC received these mailings between January 27, 1989 and January 30, 1989.

4. In order to ascertain who was responsible for the use of the NRCC's contributor list as on file with the Federal Election Commission I began making calls to the organizations and corporations (six or seven, to-date) from which the various mailings originated.

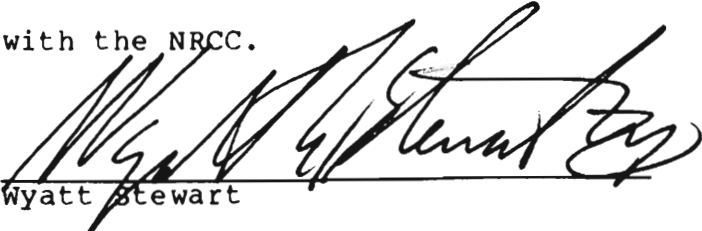
5. I first called the 1st National Reserve Corporation and was informed that the Bird Marketing, a direct mail agency located in Beaumont, Texas, had handled the mailing for the 1st National Reserve Corporation.

6. I next contacted Mike Bird, President of the Bird Marketing, who told me that he had received the names from "List Words"/Norman Newman of Pleasantville, New York.

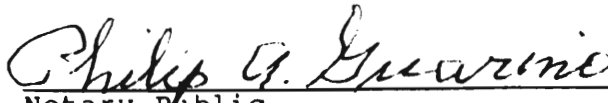
7. I next contacted "List Words." Norman Newman, of List Words, checked the codes on the solicitations and found that the list was identified as the "EPACO" list. List Words (Norman Newman) also indicated that it had rented this list to three or four other clients. Further, List Words (Norman Newman) stated that it had received the list from the manager/owner, "Hiner and Associates," 7700 Leesburg Pike, Suite 314, Falls Church, Virginia 22043.

8. I first contacted Donald Hiner on February 2, 1989 at which time Mr. Hiner stated that he would investigate the matter. He implied at that time that names were added to his list in November, 1988. Mr. Hiner told me that he would get back to me on February 6th with any further information.

9. On February 6, Mr. Hiner did not call back as promised. I called him again on the afternoon of February 6 at which time he told me that he did not feel he could cooperate with us, and felt he should contact his lawyer. Mr. Hiner and his lawyer have refused to further cooperate with the NRCC.


Wyatt Stewart

Subscribed and sworn to before me on this 14th day of Feb. 1989
1989.


Notary Public

My Commission Expires: My Commission Expires June 14, 1991

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☆☆☆☆☆☆☆☆☆☆



Post Office
BOX 5413
BEAUMONT, TX
77728-5413

JAN 17 1989

FINAL RELEASE OFFER FOR:

SPECIAL OPPORTUNITY NOTIFICATION
TIME-DATED MATERIAL — PLEASE OPEN AT ONCE



29211



FIRST CLASS

JAN 27 1989





No Postage
necessary
if mailed in the
United States

Business Reply Mail

First Class Permit No. 42 Beaumont, Texas

Postage will be paid by addressee:

Rare Coins of America

Post Office Box 5413
Beaumont, Texas 77726-9990



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THE WASHINGTON REPORT

☆☆☆☆☆☆☆☆☆☆ on Rare Coins and Currency ☆☆☆☆☆☆☆☆☆

Could American Eagles Become Extinct?

Earlier this year in "The Forcaster," editor John Kamin declared that Congress could stop the minting of American Eagles at any time. In the past year, the American Eagle program has been under fire from all sides. Detractors have tried to halt the distribution of the newly minted Silver Dollars to the American public.

Kamin now predicts, "Through some innocuous rider to a major bill, or due to some midnight trade off among legislators, action could result in the American Eagle program being crippled or killed under a new President." We now think that may happen by Summer.

The well respected Silver/Gold forecaster points out that, "Many of those same people who killed the American Arts Gold Medallion program are still powerful and very influential in Congress."

They have promoted the idea that owning gold and silver was somehow unpatriotic. And for 40 years from 1933 till 1973 they managed to make it illegal for you and I to own gold in the United States. Again, they are plotting and planning to keep precious metals (and their profits) out of your hands and mine.

Kamin's final warning, "If prices should climb . . . they would possibly redouble their efforts to kill the program . . . they hate it when you make money with U.S. Gov't coins."

In 1986, Congress first authorized the U.S. Mint to release new Legal Tender Silver Dollars. Within 24 hours, every new Silver Dollar minted was gone. Since then, the U.S. Mint has sold out every American Eagle minting. The facts are clear: These new Silver Dollars are the largest, purest, and most beautiful U.S. Silver Dollars ever minted!

On December 31st, the last of the new 1988 American Eagle Silver Dollars rolled off the presses of the U.S. Mint. Sadly, no more will be minted ever. If you haven't taken advantage of this opportunity to buy genuine U.S. Gov't Silver Dollars, act now while you still can.

The Past: In 1960, you could go into any bank and trade a dollar bill for a U.S. Silver Dollar. Today, uncirculated Morgan Silver Dollars that once sold for \$1 are now worth from \$50 to thousands of dollars each. Yet the paper dollar has the buying power of less than 34 cents. Many people look back and realize they could be rich today if only they'd kept those Silver Dollars.

The Present: Most Americans will again miss this opportunity to own new Silver Dollars, just like they did back in 1960.

The Future: Rising silver prices and strong demand make the 1988 American Eagles Silver Dollars ideal collector pieces to be handed down from generation to generation.



Why You Should Own Original Mint Rolls

If you can, buy 20 or more American Eagles to be guaranteed delivery in unopened *Original Mint Rolls*.

The new American Eagles are the first Silver Dollars ever sealed in *Original Mint Rolls* at the U.S. Mint and they will provide you with unmatched safety, security, convenience, and protection for your 99.9% pure silver. Here are the facts you need to know:

1. When you buy unopened *Original Mint Rolls*, you are assured that no one has picked over the highest quality silver dollars and left you with only the culls.
2. Each *Original Mint Roll* bears the Official Seal of the U.S. Treasury Department attesting to the source and authenticity of each Silver Dollar.
3. *Original Mint Rolls* will forever protect your 99.9% pure silver dollars from harmful effects of environment, humidity, scratches and handling.

1986 American Eagle Valued at \$1500.00

newest each Professional Coin Grading Service of Newport Beach, California issued a perfect score to a 1986 American Eagle Silver Dollar. The new uncirculated silver dollar has been estimated by various PCGS dealers to be worth up to \$1500.

The owner was surprised to hear his new Silver Dollar was worth \$1500. Professional graders are wondering how many other "Perfect MS-70" coins will show up in unopened *Original Mint Rolls*.

What every investor should know about rare coins.

High quality, investment grade rare coins are exceptionally profitable because they have a solid market of collectors and investors.

There are 17 to 20 million ACTIVE buyers and sellers of rare coins in the United States today. Most are lifelong avid collectors who have acquired rare coins for their beauty and their rarity.

The collector base of some 12 million collectors regularly purchase coins and rarely sell. It is common for a collector to put away his favorites for decades, even generations. This regular cycle of purchasing provides a solid base of demand for rare coins. It reduces the number of coins available in the marketplace — creating shortages of the most desirable coins.

In addition to collectors, tax advantages have brought in many doctors, lawyers and investors. This base of 7 to 8 million rare coin investors has widened greatly in recent years due to changes in the tax laws. In addition, the U.S. Mint release of Olympic coins,

Statue of Liberty mintages and the new American Eagles is introducing a whole new generation of Americans to the NEW rare coins. Investors seem pleased with the tax-deferred advantages of rare coins and the safe, secure high returns.

Beyond the American base of collectors, worldwide there are millions more European, Arab, Japanese and Canadian collectors who are buying American rare coins as a hedge against coming inflation.

With the force of heavy media advertising for the new American Eagles, more and more new collectors are discovering rare coins every year. This increased demand along with the fixed supply of rare coins creates tremendous shortages. This in turn increases prices rapidly as we have seen in the 60's, 70's, 80's, through today.

As new buyers are entering the marketplace in the next few years, prices will predictably explode upward as today's limited supplies are reduced even further.

■ **"How to Survive and Prosper During the Coming Bad Years"** is the best selling financial book of all time. It stresses the need for "core" bullion holdings of not more than 10% of total savings to protect against inflation. In a New York interview, the author, Howard Ruff, was asked about the 1987 Stock Market crash. He advises, "the best performing investment, I believe, will be carefully selected rare coins. And that's the first time I've ever said that."

■ **Gary North's Investment Coin Review** forecasts "long-term inflation and still more inflation" brought on by the huge budget deficits. Economist John Kamin, editor of THE FORCASTER newsletter, says "another period of printing press money, stimulated borrowing, and double digit inflation is expected."

■ **Forecasts and Strategies is even more pessimistic...** "the recent crash in stocks is just the beginning. Most stocks, bonds and mutual funds will plunge again in 1989. Inflation will rise though not to the 15% to 20% level of the Carter Presidency. Gold, silver and commodities — already moving up — are getting ready to explode.

■ **The NPI Advisor highly recommends** putting 5% to 10% of your monies in investment grade rare coins while prices are currently low. "It wouldn't take much for silver to double in price and gold could trade over \$500 at any time. If this were to happen, coin prices would jump at least 30% to 50%."

Silver Fever Heats Up

Silver fever is spreading as foreign and American collectors scramble for the new favorite — American Eagle Silver Dollars.

Investor's fascination with the silver dollar began in the 1960's when the U.S. was taken off the silver standard. Until then, the U.S. paper dollar could be traded at any time for one silver dollar. Back then, U.S. money had *real value* — guaranteed by silver reserves.

Today, paper money has no fixed value and has been held hostage to the fluctuations of foreign currencies over which we have no control. In 1987-1988, an American's individual purchasing power abroad dropped 50%. During that same period of time as the dollar fell, silver prices *shot up* over 30%.

When silver investor sentiment becomes positive, silver tends to feed on its own momentum with prices sometimes doubling in a few short weeks.

The five-year outlook for silver and new silver dollars is solid. Growth will depend on investor confidence and conditions in the marketplace.

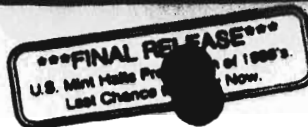
One of the Washington Report's most often asked questions is — "Will today's silver dollars be worth hundreds of dollars each?" Only a few perfect specimens may sell for thousands of dollars. While the collector market is strong, most profits will come from the advancing prices of gold and silver. With current frail political and economic conditions, volatile silver prices are almost guaranteed.

— WRL

40392539



Actual Size



Pure Silver

BRAND NEW 1988 UNITED STATES GOV'T SILVER DOLLARS

Final Release of Official Legal Tender

The U.S. Mint has halted the production of all 1988 American Eagle Silver Dollars and no more will be minted ever.

These genuine U.S. Gov't-issued Silver Dollars are Official Legal Tender and highly sought-after by collectors worldwide.

Our remaining inventory of 1988 American Eagle Silver Dollars will be released for only \$24.95 each while they last. A few unopened *Original Mint Rolls* are still in stock for just \$499 each. Call now Toll Free 1-800-826-6731 to guarantee immediate delivery.

Investor-Grade MS-65

The new 1988 American Eagles are the largest U.S. Silver Dollars ever minted and are guaranteed to be investor-grade MS-65 with no scratches or signs of wear.

Your best buy is to order twenty or more American Eagles to be guaranteed delivery in *Original Mint Rolls* bearing the seal of the U.S. Treasury Department.

99.9% Pure Silver Gov't Guaranteed

Each Silver Dollar is carefully struck at the U.S. Mint in 99.9% pure silver. The purity, weight, and face value are backed by the full faith of the U.S. Government.



1988 American Eagle Silver Dollars are still available while they last, in *Original Mint Rolls* bearing the seal of the U.S. Treasury Dept.

CALL TOLL FREE



Including Saturdays, Sundays, Holidays

No-Risk Moneyback Guarantee

You must be 100% happy with your purchase or you may return it within ten days for an immediate refund with no questions asked.

Reasons To Buy Now

These coins will not be sold by the U.S. Mint to the American Public. Direct all inquiries to 1-800-826-6731.

1. We expect a tremendous demand from doctors, lawyers, and other coin collectors during this Final Release. We urge you to order now while 1988 *Original Mint Rolls* are still available for immediate delivery.
2. The U.S. Mint has halted the minting of 1988 Silver Dollars. And no more will be minted ever.
3. U.S. Silver Dollars have always been ideal presents for your children and grandchildren, but if you wait to order later, we may be sold out completely.
4. Every 1988 Silver Dollar will be cleared out during this Final Release. Please call right away to place your reservations and avoid disappointment.
5. Rare Coins of America is the coin division of B*RAM, Inc., a chartered distributor of U.S. currency and not affiliated with the U.S. Mint. We reserve the right to refuse late orders and return checks uncashed. Offer void in countries and areas where prohibited by law.

Strict Limit

Due to the limited supply of new 1988 Silver Dollars in our vaults, a strict limit of five *Original Mint Rolls* will be in effect at this time.

1988 FINAL RELEASE ORDER FORM

Rare Coins of America • P.O. Box 5413 • Beaumont, Texas 77726-5413

☐ YES, Please send me the new, 1988 American Eagle Silver Dollars I have indicated for only \$24.95 each plus postage.

Name _____ ☐ Charge my ☐ VISA ☐ MasterCard
Address _____ Acct # _____
City _____ Expires _____
State _____ Zip _____ Signature _____
Home phone () - _____ ☐ Personal check welcome
Business phone () - _____ ☐ Money order

Vault Release
#E8811

American Eagle Silver Dollars

- ☐ 1 Silver Dollar . . . only \$ 24.95
plus \$3 postage and handling
- ☐ 5 Silver Dollars . . . only \$124.75
plus \$5 postage and insurance
- ☐ 10 Silver Dollars . . . only \$249.50
plus \$10 postage and insurance

Original Mint Rolls

— Limit Five —

Roll(s) of twenty American Eagle Silver Dollars at \$499.00 each.
FREE shipping and insurance

Total \$

Texas Residents Add 6% Sales Tax



VAULT FACILITIES & CURRENCY DEPOSITORY
2190 EASTEX Fwy. • BEAD MONT, TEXAS 77703 • (800) 321-8700



16 7/8

JAN 18 1989



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1ST NATL RESERVE CORP.

Vault Facilities & Currency Depository
2190 Eastex Freeway
Beaumont, Texas 77703



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THE WASHINGTON REPORT

☆☆☆☆☆☆☆☆ on American Eagle Silver Dollars ☆☆☆☆☆☆☆☆☆

The Return of the Silver Dollar

In 1960, any bank would trade a dollar bill for a silver dollar. Today, old silver dollars sell for \$50 each, while the paper dollar is worth less than 34¢. If you had only bought 100 silver dollars then, you'd be \$5000 richer.

One year ago, Congress directed the U.S. Mint to release the first non-commemorative Silver Dollar in 22 years. The new American Eagle Silver Dollar contains 30% more silver and is larger than a Morgan silver dollar. The United States Government guarantees this coin to be Legal Tender — one full ounce of 99.9% pure silver. These coins have been produced with specially prepared dies to assure the absolute highest quality, brilliant luster, and magnificent detail.

Most Americans will again pass up the opportunity to buy new silver dollars, just like they did in 1960. The few collectors who put away these perfect mint-state gems today, will profit handsomely. We may see these coins selling for \$50 each in just a few years. Before you know it, these newly minted coins may become expensive rare coins. This issue of *The Washington Report* will help you decide how many new silver dollars you should buy today, and when to sell for maximum profits.



Government officials were shocked at the demand for the new Silver Dollars. Within 24 hours of their release, every American Eagle was sold out. Demand continued until the Gov't ceased minting 1986-dated silver dollars.

Overnight, their value doubled. Many smart investors are betting the 1987s will also double in value after the first of the year.

The new 1987 American Eagles are still available at this writing but are not being sold directly to the public by the U.S. Mint. With silver prices rising daily, many sources are expected to sell out completely, before the end of the year.

The Washington Report recommendations:

- Collectors who want to profit long-term should buy *Original Mint Rolls* of twenty 1987 American Eagle Silver Dollars.
- Everyone should buy at least one American Eagle Silver Dollar for each of their children and grandchildren while they are still available.

Wise savers are putting away real silver money again in hopes of making big profits — just like they did with the old silver dollars. Unfortunately, many will miss out again on this silver opportunity.

United States Mint releases first *Original Mint Rolls* in history.

For the first time in the history of the U.S. Mint, American Eagle Silver Dollars are being released in *Original Mint Rolls* of twenty coins.

In the old days, Morgan and Peace silver dollars were dropped into bags of 1000 coins. Virtually every silver dollar was scratched before it ever left the mint!

The new American Eagle Silver Dollars are minted at the San Francisco Mint. Immediately after they are struck, each is carefully placed in an *Original Mint Roll* to protect them from scratches and air pollutants.

Modern dies are frequently changed and polished making these new American Eagles the most beautiful uncirculated coins available today. By ordering *Original Mint Rolls* you are assured you will receive your coins exactly as they came off the press with no mint marks, no scratches, and no surface imperfections. Collectors who receive unopened *Original Mint Rolls* are guaranteed that no one has picked over the best coins. The *Original Mint Rolls* are the safest way to invest in the new American Eagle Silver Dollars.

1986 American Eagle Valued at \$1500.00

NEWPORT BEACH Professional Coin Grading Service of Newport Beach, California issued a perfect score to a 1986 American Eagle Silver Dollar. The new uncirculated silver dollar has been estimated by various PCGS dealers to be worth up to \$1500.

The owner was surprised to hear his new Silver Dollar was worth \$1500. Professional graders are wondering how many other "Perfect MS-70" coins will show up in un-opened *Original Mint Rolls*.

Inflation has us all worried

Inflation is back again. This crippling killer destroys your life savings. The gas pump is the first place we notice, then the grocery store. Finally, inflation hits 10% and it's too late for us to do anything.

EARLY WARNING — A new round of spiraling inflation is near. World economies have experienced 200% to 300% inflation in recent months.

Irwin Kellner, Manufacturers Hanover Trust's chief economist, wrote *The Nuisance Index* which proves inflation is constantly with us.

"Since January, 1985 the price of

coffee is up 78%,

pizza up 32%,

beer up 15%,

peanut butter up 33%,

and

orange juice up 35%.



Uncle Sam can create all the paper money he wants because it's only worth the paper it's printed on.

Now is the time to protect yourself. Yes, you can go out and fill the cellar with coffee, beer, and peanut butter. It may sound funny, but many of us tried that in the late 70s — it didn't help.

The most logical solution is to protect your savings with tangible assets proven to be an ideal hedge against inflation. According to the 1987 Salomon Brothers Report (see chart right), the #1 tangible investment over the past 15 years is Rare Coins. It's a prudent choice. It's logical. It's sensible. To protect yourself from the coming inflation we recommend investing up to 10% of your savings in rare coins. Buy rare coins now, before inflation hits 10%.

EDUCATION PORTFOLIOS

Education portfolios have become very popular in recent years. Many parents and grandparents are putting together rare coin portfolios for their children and grandchildren. A tax-free gift of up to \$10,000 per person per year is permitted.

Rare coins are extremely attractive because they are tax-advantaged. Their appreciation is tax-deferred until the coins are finally sold when the child starts to college. And then the gain is taxed at the child's level of income — which at that stage is minimal — you effectively avoid taxes on those gains.

Education portfolios are a very smart investment move for those forward thinking individuals concerned with the spiraling costs of education. With the long 15-year track record of rare coins being the number 1 tangible investment, you are able to fund tomorrow's college costs at today's levels.

What every investor should know about rare coins.

High quality, investment grade rare coins are exceptionally profitable because they have a solid market of collectors and investors.

There are 17 to 20 million ACTIVE buyers and sellers of rare coins in the United States today. Most are lifelong avid collectors who have acquired rare coins for their beauty and their rarity.

The collector base of some 12 million collectors regularly purchase coins and rarely sell. It is common for a collector to put away his favorites for decades, even generations. This regular cycle of purchasing provides a solid base of demand for rare coins. It reduces the number of coins available in the marketplace — creating shortages of the most desirable coins.

In addition to collectors, tax advantages have brought in many doctors, lawyers and investors. This base of 7 to 8 million rare coin investors has widened greatly in recent years due to changes in the tax laws. In addition, the U.S. Mint release of Olympic

coins, Statue of Liberty mintages and the new American Eagles is introducing a whole new generation of Americans to the NEW rare coins. Investors seem pleased with the tax-deferred advantages of rare coins and the safe, secure high returns.

Beyond the American base of collectors, worldwide there are millions more European, Arab, Japanese, and Canadian collectors who are buying American rare coins as a hedge against inflation.

With the force of heavy media advertising for the new American Eagles, more and more new collectors are discovering rare coins every year. This increased demand along with the fixed supply of rare coins creates tremendous shortages. This in turn increases prices rapidly as we have seen in the 50s, 60s, 70s, through today.

As new buyers are entering the marketplace in the next few years, prices will predictably explode upward as today's limited supplies are reduced even further.

Compound Annual Rates of Return

	15 Years	Rank	10 Years	Rank	5 Years	Rank	1 Year	Rank
U.S. Coins	18.8	1	16.3	1	11.4	3	10.7	6
Oil	13.0	2	3.0	13	(11.8)	14	27.4	3
U.S. Stamps	13.6	3	11.8	3	(1.3)	12	0.5	14
Gold	11.0	4	9.2	8	8.8	7	29.1	2
Silver	10.3	5	9.7	6	4.0	9	30.8	1
Treasury Bills	9.2	6	10.2	5	8.5	6	5.7	11
Old Masters ^a	9.2	7	9.7	6	9.5	5	8.6	7
Stocks	8.6	8	13.9	2	24.1	1	20.6	5
Bonds	8.7	9	9.7	7	19.7	2	5.7	12
Chinese Ceramics ^b	8.3	10	11.3	4	3.4	11	6.7	10

^aSource: Sotheby's. ^bSource: The Diamond Registry. CPI Consumer Price Index.
Note: All returns are for the period ended June 1, 1987, based on latest available data.

URGENT NOTICE
 US MINT PRODUCTION SHORTLY
 ORDER DEADLINE... CALL TODAY



Actual Size



Pure Silver

FINAL RELEASE OF U.S. GOV'T NEW 1987 SILVER DOLLARS TO AMERICAN PUBLIC

Final Release Gov't Guaranteed Silver

The new American Eagle Silver Dollar is destined to become the most popular bullion/collector coin ever released by the United States Gov't. First National Reserve Corp. is now releasing these coins directly to the American public and all coin dealers for only \$28.00 each — an incredible price considering the Mint has never before minted a legal-tender silver collector/bullion coin in its entire history. We already feel the first 1986 American Eagle Silver Dollar to come off the press to be worth \$1,200 - \$2,000. Don't wait to place your order. We only have 4000 Gov't silver dollars available at \$28.00 each and do not know if we will be able to offer any more 1987s. Orders received late may not be honored and checks may be returned uncashed. Call 1-800-321-8700 now to avoid disappointment.

Buy Now Before Deadline

1. Gov't Silver is an excellent investment. Their tremendous profit-potential makes them perfect gifts for your children or grandchildren.
2. Government legal tender silver dollars will be your hard currency security for a lifetime.
3. The 1987 Gov't silver dollar could skyrocket to \$50 based on the past performance of silver.
4. If you have the insight to buy these coins now, in the future, you will be very happy you did.
5. These coins will not be sold by the United States Mint to the American Public. Direct inquiries to 1-800-321-8700.

Collectors Humming with Excitement

Now, for the first time in U.S. history, Mint officials are taking coins right off the press and putting them into special collector rolls — no handling — no mixing. This new procedure has collectors humming with excitement as everyone wants a roll of 20 original Gov't guaranteed matching silver dollars — the only real Original Gov't Mint Rolls ever produced! The containers are well-made sturdy plastic tubes with a special green top uniquely stamped with the official seal of the U.S. Treasury. This insures you the full authenticity and perfection of an Original Gov't Roll only the U.S. Mint can attain.

Defense Silver For New Gov't Coins

In a very special move which enhances desirability and collector value, Officials have voted for all new coins to be minted with special and important silver — silver directly from the National Defense and Critical Materials Stockpile. This precious Gov't metal is said to be some of the most highly guarded, sought after, and pure silver anywhere. As many collectors know, a pedigree such as this can make a world of difference in the future value of a coin collection. You'll be secure in knowing that you have acquired the most desirable in Gov't silver currency ever minted.

Limit of 10 Mint Rolls per American Family or Coin Dealer

Detach Here and Return in the Postage Paid Envelope

Strict Limit

There will be a strict limit of 10 original mint rolls per American family or dealer. These coins will be sold on a first-come, first-served basis. Avoid disappointment.

CALL TOLL FREE

1-800-321-8700

If lines are busy, call
(409) 898-8988

Currency Specialists Available

24 Hours a day - 7 days a week including holidays.

QUANTITY	DESCRIPTION	EACH	TOTAL
	United States Gov't Issued 1987 American Eagle Silver Dollar	\$28.00	
	Original Roll of 20 United States Gov't Issued 1987 Silver Dollars	\$560.00	

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Business _____

☐ Check/MoneyOrder ☐ VISA ☐ MasterCard Expires _____

Credit Card # _____

No-Risk Money Back Guarantee

We guarantee you will be 100% happy with your purchase or return within 10 days for immediate refund.

1ST NATL RESERVE CORP.

VAULT FACILITIES & CUSTOMER FULFILLMENT

2190 EASTEX FREEWAY • BEAUMONT, TEXAS 77703

1ST NATL RESERVE CORP. IS ONE OF THE LARGEST PRIVATE DEALERS AND CURRENCY DEPOSITORIES AND HAS NO AFFILIATION WITH THE U.S. GOV'T.

VAULT
 VERIFICATION
 NUMBER
E871

Texas Residents Add 6% Sales Tax	
Shipping Handling and Insurance	\$5.00
Total	



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BOX 6413
BEAUMONT, TX
77726-6413

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TIME-DATED MATERIAL — PLEASE OPEN AT ONCE

99266

JAN 17 1989

JAN 30 1989

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Business Reply Mail

First Class Permit No. 42 Beaumont, Texas

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Rare Coins of America

Post Office Box 5413
Beaumont, Texas 77726-9990



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THE WASHINGTON REPORT

☆☆☆☆☆☆☆☆ on Rare Coins and Currency ☆☆☆☆☆☆☆☆☆

Could American Eagles Become Extinct?

Earlier this year in "The Forcaster," editor John Kamin declared that Congress could stop the minting of American Eagles at any time. In the past year, the American Eagle program has been under fire from all sides. Detractors have tried to halt the distribution of the newly minted Silver Dollars to the American public.

Kamin now predicts, "Through some innocuous rider to a major bill, or due to some midnight trade off among legislators, action could result in the American Eagle program being crippled or killed under a new President." We now think that may happen by Summer.

The well respected Silver/Gold forecaster points out that, "Many of those same people who killed the American Arts Gold Medallion program are still powerful and very influential in Congress."

They have promoted the idea that owning gold and silver was somehow unpatriotic. And for 40 years from 1933 till 1973 they managed to make it illegal for you and I to own gold in the United States. Again, they are plotting and planning to keep precious metals (and their profits) out of your hands and mine.

Kamin's final warning, "If prices should climb . . . they would possibly redouble their efforts to kill the program . . . they hate it when you make money with U.S. Gov't coins."

Recommendation: Collector who has been waiting for a dramatic increase in silver prices should act now. Buy silver coins and bullion while prices are still low.

In 1986, Congress first authorized the U.S. Mint to release new Legal Tender Silver Dollars. Within 24 hours, every new Silver Dollar minted was gone. Since then, the U.S. Mint has sold out every American Eagle minting. The facts are clear: These new Silver Dollars are the largest, purest, and most beautiful U.S. Silver Dollars ever minted!



On December 31st, the last of the new 1988 American Eagle Silver Dollars rolled off the presses of the U.S. Mint. Sadly, no more will be minted ever. If you haven't taken advantage of this opportunity to buy genuine U.S. Gov't Silver Dollars, act now while you still can.

The Past: In 1960, you could go into any bank and trade a dollar bill for a U.S. Silver Dollar. Today, uncirculated Morgan Silver Dollars

that once sold for \$1 are now worth from \$50 to thousands of dollars each. Yet the paper dollar has the buying power of less than 34 cents. Many people look back and realize they could be rich today if only they'd kept those Silver Dollars.

The Present: Most Americans will again miss this opportunity to own new Silver Dollars, just like they did back in 1960.

The Future: Rising silver prices and strong demand make the 1988 American Eagles Silver Dollars ideal collector pieces to be handed down from generation to generation.

Why You Should Own Original Mint Rolls

If you can, buy 20 or more American Eagles to be guaranteed delivery in unopened *Original Mint Rolls*.

The new American Eagles are the first Silver Dollars ever sealed in *Original Mint Rolls* at the U.S. Mint and they will provide you with unmatched safety, security, convenience, and protection for your 99.9% pure silver. Here are the facts you need to know:

1. When you buy unopened *Original Mint Rolls*, you are assured that no one has picked over the highest quality silver dollars and left you with only the culls.
2. Each *Original Mint Roll* bears the Official Seal of the U.S. Treasury Department attesting to the source and authenticity of each Silver Dollar.
3. *Original Mint Rolls* will forever protect your 99.9% pure silver dollars from harmful effects of environment, humidity, scratches and handling.

1988 American Eagle Valued at \$1500.00

Uncirculated Professional Coin Grading Service of Newport Beach, California found a perfect score to a 1988 American Eagle Silver Dollar. The new uncirculated silver dollar has been estimated by various **PMG** dealers to be worth up to \$1500.

The writer was surprised to hear his new Silver Dollar was worth \$1500. Professional graders are wondering how many other "Perfect MS-70" coins will show up in unopened Original Mint Rolls.

What every investor should know about rare coins.

High quality, investment grade rare coins are exceptionally profitable because they have a solid market of collectors and investors.

There are 17 to 20 million ACTIVE buyers and sellers of rare coins in the United States today. Most are lifelong avid collectors who have acquired rare coins for their beauty and their rarity.

The collector base of some 12 million collectors regularly purchase coins and rarely sell. It is common for a collector to put away his favorites for decades, even generations. This regular cycle of purchasing provides a solid base of demand for rare coins. It reduces the number of coins available in the marketplace — creating shortages of the most desirable coins.

In addition to collectors, tax advantages have brought in many doctors, lawyers and investors. This base of 7 to 8 million rare coin investors has widened greatly in recent years due to changes in the tax laws. In addition, the U.S. Mint release of Olympic coins,

Statue of Liberty mintages and the new American Eagles is introducing a whole new generation of Americans to the NEW rare coins. Investors seem pleased with the tax-deferred advantages of rare coins and the safe, secure high returns.

Beyond the American base of collectors, worldwide there are millions more European, Arab, Japanese and Canadian collectors who are buying American rare coins as a hedge against coming inflation.

With the force of heavy media advertising for the new American Eagles, more and more new collectors are discovering rare coins every year. This increased demand along with the fixed supply of rare coins creates tremendous shortages. This in turn increases prices rapidly as we have seen in the 60's, 70's, 80's, through today.

As new buyers are entering the marketplace in the next few years, prices will predictably explode upward as today's limited supplies are reduced even further.

■ **"How to Survive and Prosper During the Coming Bad Years"** is the best selling financial book of all time. It stresses the need for "core" bullion holdings of not more than 10% of total savings to protect against inflation. In a New York interview, the author, Howard Ruff, was asked about the 1987 Stock Market crash. He advises, "the best performing investment, I believe, will be carefully selected rare coins. And that's the first time I've ever said that."

■ **Gary North's Investment Coin Review** forecasts "long-term inflation and still more inflation" brought on by the huge budget deficits. Economist John Kamin, editor of THE FORCASTER newsletter, says "another period of printing press money, stimulated borrowing, and double digit inflation is expected."

■ **Forecasts and Strategies is even more pessimistic...** "the recent crash in stocks is just the beginning. Most stocks, bonds and mutual funds will plunge again in 1989. Inflation will rise though not to the 15% to 20% level of the Carter Presidency. Gold, silver and commodities — already moving up — are getting ready to explode.

■ **The NPI Advisor highly recommends** putting 5% to 10% of your monies in investment grade rare coins while prices are currently low. "It wouldn't take much for silver to double in price and gold could trade over \$500 at any time. If this were to happen, coin prices would jump at least 30% to 50%."

Silver Fever Heats Up

Silver fever is spreading as foreign and American collectors scramble for the new favorite — American Eagle Silver Dollars.

Investor's fascination with the silver dollar began in the 1960's when the U.S. was taken off the silver standard. Until then, the U.S. paper dollar could be traded at any time for one silver dollar. Back then, U.S. money had *real value* — guaranteed by silver reserves.

Today, paper money has no fixed value and has been held hostage to the fluctuations of foreign currencies over which we have no control. In 1987-1988, an American's individual purchasing power abroad dropped 50%. During that same period of time as the dollar fell, silver prices *shot up* over 30%.

When silver investor sentiment becomes positive, silver tends to feed on its own momentum with prices sometimes doubling in a few short weeks.

The five-year outlook for silver and new silver dollars is solid. Growth will depend on investor confidence and conditions in the marketplace.

One of the Washington Report's most often asked questions is — "Will today's silver dollars be worth hundreds of dollars each?" Only a few perfect specimens may sell for thousands of dollars. While the collector market is strong, most profits will come from the advancing prices of gold and silver. With current frail political and economic conditions, volatile silver prices are almost guaranteed.

— WRL



Actual Size



Pure Silver

BRAND NEW 1988 UNITED STATES GOV'T SILVER DOLLARS

Final Release of Official Legal Tender

The U.S. Mint has halted the production of all 1988 American Eagle Silver Dollars and no more will be minted ever.

These genuine U.S. Gov't-issued Silver Dollars are Official Legal Tender and highly sought-after by collectors worldwide.

Our remaining inventory of 1988 American Eagle Silver Dollars will be released for only \$24.95 each while they last. A few unopened *Original Mint Rolls* are still in stock for just \$499 each. Call now Toll Free 1-800-826-6731 to guarantee immediate delivery.

Investor-Grade MS-65

The new 1988 American Eagles are the largest U.S. Silver Dollars ever minted and are guaranteed to be investor-grade MS-65 with no scratches or signs of wear.

Your best buy is to order twenty or more American Eagles to be guaranteed delivery in *Original Mint Rolls* bearing the seal of the U.S. Treasury Department.

99.9% Pure Silver Gov't Guaranteed

Each Silver Dollar is carefully struck at the U.S. Mint in 99.9% pure silver. The purity, weight, and face value are backed by the full faith of the U.S. Government.



1988 American Eagle Silver Dollars are still available while they last, in *Original Mint Rolls* bearing the seal of the U.S. Treasury Dept.

CALL TOLL FREE



1-800-826-6731

Including Saturdays, Sundays, Holidays

No-Risk Moneyback Guarantee

You must be 100% happy with your purchase or you may return it within ten days for an immediate refund with no questions asked.

Reasons To Buy Now

These coins will not be sold by the U.S. Mint to the American Public. Direct all inquiries to 1-800-826-6731.

1. We expect a tremendous demand from doctors, lawyers, and other coin collectors during this Final Release. We urge you to order now while 1988 *Original Mint Rolls* are still available for immediate delivery.

2. The U.S. Mint has halted the minting of 1988 Silver Dollars. And no more will be minted ever.

3. U.S. Silver Dollars have always been ideal presents for your children and grandchildren, but if you wait to order later, we may be sold out completely.

4. Every 1988 Silver Dollar will be cleared out during this Final Release. Please call right away to place your reservations and avoid disappointment.

5. Rare Coins of America is the coin division of B-RAM, Inc., a chartered distributor of U.S. currency and not affiliated with the U.S. Mint. We reserve the right to refuse late orders and return checks uncashed. Offer void in countries and areas where prohibited by law.

Strict Limit

Due to the limited supply of new 1988 Silver Dollars in our vaults, a strict limit of five *Original Mint Rolls* will be in effect at this time.

1988 FINAL RELEASE ORDER FORM

Rare Coins of America • P.O. Box 5413 • Beaumont, Texas 77726-5413

☐ YES, Please send me the new, 1988 American Eagle Silver Dollars I have indicated for only \$24.95 each plus postage.

Name ☐ Charge my ☐ VISA ☐ MasterCard

Address Acct #

City Expires

State Zip Signature

Home phone () - ☐ Personal check welcome

Business phone () - ☐ Money order **Vault Release**

#E8811

American Eagle Silver Dollars

- ☐ 1 Silver Dollar . . . only \$ 24.95 plus \$3 postage and handling
- ☐ 5 Silver Dollars . . . only \$124.75 plus \$5 postage and insurance
- ☐ 10 Silver Dollars . . . only \$249.50 plus \$10 postage and insurance

Original Mint Rolls

— Limit Five —

— Roll(s) of twenty American Eagle Silver Dollars at \$499.00 each. FREE shipping and insurance

Total \$

Texas Residents Add 8% Sales Tax



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 23, 1989

Mr. Joseph R. Gaylord
Executive Director
National Republican Congressional
Committee
320 First Street, SE
Washington, DC 20003

RE: MUR 2822

Dear Mr. Gaylord:

This letter acknowledges receipt on February 14, 1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Hiner and Associates, the 1st National Reserve Corporation, Bird Marketing, and List Words. The respondents 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 in 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 numbered this matter MUR 2822. 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 Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "LGL", followed by a long horizontal flourish.

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 23, 1989

Mr. Norman Newman
List Words
1 Campus Drive
Pleasantville, NY 10570

Re: MUR 2822
List Words

Dear Mr. Newman:

The Federal Election Commission received a complaint which alleges that List Words 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 2822. 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 List Words 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.

If you have any questions, please contact Frances B. Hagan, the staff person assigned to this matter, at (202) 376-8200. 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 G. Lerner
Associate General Counsel

Enclosures

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 23, 1989

Mr. Mike Bird
Bird Marketing
PO Box 5413
Beaumont, TX 77726

Re: MUR 2822
Bird Marketing

Dear Mr. Bird:

The Federal Election Commission received a complaint which alleges that Bird Marketing 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 2822. 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 Bird Marketing 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.

If you have any questions, please contact Frances B. Hagan, the staff person assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read 'L. Lerner', with a long horizontal flourish extending to the right.

By: Lois G. Lerner
Associate General Counsel

Enclosures

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 23, 1989

1st National Reserve
Corporation
2190 Eastex Freeway
Beaumont, TX 77703

RE: MUR 2822
1st National Reserve
Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the 1st National Reserve Corporation 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 2822. 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 1st National Reserve Corporation 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.

If you have any questions, please contact Frances B. Hagan, the staff person assigned to this matter, at (202) 376-8200. 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 G. Lerner
Associate General Counsel

Enclosures

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 23, 1989

Mr. Donald Hiner
Hiner and Associates
7700 Leesburg Pike
Suite 314
Falls Church, VA 22043

Re: MUR 2822
Hiner and Associates

Dear Mr. Hiner:

The Federal Election Commission received a complaint which alleges that Hiner and Associates 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 2822. 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 Hiner and Associates 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.

If you have any questions, please contact Frances B. Hagan, the staff person assigned to this matter, at (202) 376-8200. 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 G. Lerner
Associate General Counsel

Enclosures

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

February 27, 1989

Francis B. Hagan
Federal Election Commission
1325 K Street NW
Washington, DC 20463

Re: MUR 2822

Dear Francis Hagan:

I am responding to your letter of February 23, 1989 alleging possible violations by Bird Marketing. Please allow me to detail the information you need to resolve our part of this matter.

First, please be aware that "Rare Coins of America" is a coin division of B*RAM, Inc., a Texas corporation. Rare Coins of America is not affiliated with First National Reserve, Corp. in this matter at hand. Please make every effort to separate the two companies regarding this allegation and they are rival companies.

Where we are related is that I am a marketing consultant to both Rare Coins of America and First National Reserve on lists they should test and on creative pieces to mail to those lists.

Originally, I found the list in question, EPACO in the industry Standard Rate and Data guide called the SRDS. Please see page 1490 dated July 14, 1987. Standard Rate and Data Service is located at 3004 Glenview Road, Wilmette, IL. 60091, phone (312) 256-6067.

Thousands of lists are available for rental by mailers who pay fee of from 5 cents to 12 cents per name to rent the right to mail a person one time. Mailers rent these through list brokers who rent them directly from a list manager who represents the list owner. EPACO was selected because it was presented as being similar to another list which had been working profitably for First National Reserve.

I called Listworks Corp. a nationally known list broker, to get more information on this list in late 1988. An index card was mailed to me give me the details of the number of names, cost, etc. A copy is enclosed. I showed this list to my client First National Reserve who ordered a test sample of 5000 names from the list. I phoned in the order for EPACO to Listworks Corp. who then verified the order with First National Reserve Corp. Listworks requested payment in advance,

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAR -6 AM 10:48

RECEIVED
FEDERAL ELECTION COMMISSION
89 MAR -6 PM 2:56

1992082661

which was made directly to Listworks. The list arrived on magnetic tape, was sent to our mailing house in Houston, and the envelopes were mailed. The keycode identified on the mailed piece was E11.

In this case:

Mailer = First National Reserve who pays
List Broker = Listworks who receives 20% then pays
List Manager = Hiner & Associates who receives a % and
List Owner = EPACO who gets the balance

After the results were calculated, the list proved somewhat successful and a second group of 10,000 names from the same list was reordered for First National Reserve and mailed with the keycode EP25 and was mailed in February.

Shortly thereafter I also recommended that Rare Coins of America test a different mailing piece to a third group of names from the same EPACO list.

I have enclosed copies of the Rare Coins of America order from Listworks numbered LW 60449 dated 12/21/88. A tape was provided to us of 5399 names. To give you an example of what I get from a list company, I have copied the handwritten material, a copy of the label, download data, and Hiners copy of our order with the Hiner Control Number HH 88579 indicated. The word HOT refers to the fact that I paid extra for Hotline donors who donated most recently. The number used to identify this Hotline mailing of January 13th was E88H.

I have on file both tapes used by Rare Coins of America and would be happy to make them available to you in this investigation.

I also tested at the same time for Rare Coins of America a second segment of the tape which were NOT Hotline Buyers. That is indicated on the same Listworks order as Contributors and the reference key of EP881 was indicated. The number used on this mailing was E8811.

This has been a lengthy explanation of how the mailing industry works and I hope it has been helpful in explaining the situation. As you can clearly see, when a tape arrives, I have no idea what's on it. The names are downloaded from computer and printed on envelopes at the rate of 5000 an hour and they fly out the back door. Most mailers never see a single name or mailing piece unless it comes back in the mail with an order. Or sadly, like in the above test lists, 20% came back with "Forwarding Order Expired, Unable to Deliver".

Honest, hard working mail order companies like ours must rely on the reputations of our vendors. For over 5 years I have purchased lists exclusively from Norman Newman of Listworks Corp. at One Campus Drive, Pleasantville, NY 10570-1602. Phone (914) 769-7100. FAX (914) 769-8070. Neither First National Reserve Corp. or Rare Coins of America have ever ordered lists from people who call on the phone or from any other company. I firmly believe in and trust Listworks.

When I was first contacted by Wyatt Stewart, the Director of Finance for the National Republican Finance Committee and made aware of this situation, I eagerly cooperated. I helped to give him the leads

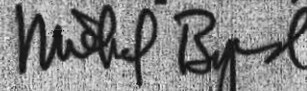
920408262

to find the culprit in this matter. Further I contacted Listworks and Hiner for an explanation. I have enclosed a copy of the FAX I received concerning the list.

I could go out and hire a team of lawyers to respond top you, but all parties involved prefer to avoid any confrontation and quickly dispose of this sad mess. Further, I will assure you that until this matter is resolved, none of my clients shall use an EPACO lists.

First National Reserve Corp. will also respond to you briefly on this matter although I feel I have adequately covered all they really know. If I may be of further assistance you may feel free to contact me at 1-409-860-5839. Good luck in stopping these guys.

Sincerely Yours,



Michael Byrd

enc:

cc: Listworks

92040092663

srds

**DIRECT
MAIL LIST
RATES AND DATA**

SUPPLIERS & SERVICES
DIRECTORY

BUSINESS CONSUMER
FARM LISTS

CO-OP MAILINGS
PACKAGE INSERT
PROGRAMS
& ALTERNATE
DELIVERY SYSTEMS

JULY 14, 1987

VOLUME 21, NUMBER 4

A publication of
Standard Rate & Data Service, Inc.
3004 Glenview Rd., Wilmette, IL 60091
(312) 258-0087

Some say they're QUALIFIED...
Others are AGGRESSIVE...
One claims it's ADVANCED...
Or that its LIST WORKS...
A few offer LIST SERVICES...
Some go from A to Z...
And another says its NAMES are UNLIMITED...

***But what's really in a name—or a claim?
If it's RESULTS you want, look beyond the titles...***

**THE
SpecialISTS**

**For breakthroughs in responsive list
recommendations and professional,
profitable list management**

Lon C. Mandel
President, Management Division

Phyllis Stein
President, Brokerage Division

(212) 677 6760

120 East 16th Street New York, NY 10003

(formerly Dependable Lists Inc. - New York)

592 Political & Social Topics

DONORS TO SOUTHERN DEMOCRATS—cont

4. QUANTITY AND RENTAL RATES
Rec'd December, 1986

Total	Price
Total list (1983-85)	10,000
Selections: charitable, 35.00/M; state, SCF, ZIP Code, 2.00/M; extra, 1.00/M; 10 5 digit, 2.00/M; extra, 1.00/M	10,000
Minimum order 5,000	

DON'T DRAFT WOMEN

Media Code 3 982 3398 5.00 Mid 62920-000
Member: D.M.A.
Bruce W. Eberle & Associates, Inc.
Branch Office
Omega List Co. 8330 Old Courthouse Rd., Suite 700,
Vienna, VA 22180. Phone 703-821-1890
Branch Office
Bayards, NY 11360—Two Bay Club Dr., No. 7M. Phone
718-426-5798
All recognized brokers

2. DESCRIPTION
Sponsors of petitions sponsored by Concerned Women for America about women being drafted if ERA passes
ZIP Code in numerical sequence 100%
List is computerized

3. LIST SOURCE
60% direct mail

4. QUANTITY AND RENTAL RATES
Rec'd August, 1986

Total	Price
Total list	31,078
Selections: state, SCF, 2.50/M; extra, 1.00/M	50.00
Minimum order entire list	

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 6.00/M; extra, Magnetic tape (9T 1800 BPI), 15.00 nonrefundable fee

7. DELIVERY SCHEDULE
Ten working days

8. RESTRICTIONS
Sample mailing piece required

DUNHILL'S AMERICAN POLITICAL LISTS

Media Code 3 982 3397 5.00 Mid 61918-010
Dunhill International List Co., Inc.
1100 Park Central Blvd., South, Pompano Beach, FL
33064. Phone 305-974-7800. Toll free, 800-225-1882.
NOTE: For basic information on the following
numbered listing segments 1, 5, 6, 7, 10, 11, and
Dunhill International List Co., Inc. listing under classification No. 662.

2. DESCRIPTION
Donors to and supporters of political campaigns and parties

4. QUANTITY AND RENTAL RATES
Rec'd June 3, 1987

Total	Price
Republican	278,000
Democrat	195,000
Party	172,000
Woman	98,000

DYNAMITE CONSERVATIVE DONORS

Media Code 3 982 3401 5.00 Mid 632710-000
List Manager
Harris Corporation, Inc. 7015 Old Keene Mill Rd., Suite
303, Manassas, VA 22150. Phone 703-451-7814.

2. DESCRIPTION
Donors to various Senate candidates.
Average unit of sale 35.00.
ZIP Code in numerical sequence 100%.
List is computerized.

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd March 20, 1987

Total	Price
Total list	18,638
Selections: ZIP Code, 5.00/M; extra, state, SCF, 3.00/M; extra, key coding, 2.00/M; extra, 1.00/M	70.00
Minimum order 5,000.	

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers. Prepayment required on all new accounts and political candidates. Cancellations after original scheduled mail date require payment in full.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 10.00/M; extra, Magnetic tape (9T 1800 BPI), 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Maximum two weeks from receipt of order.

8. RESTRICTIONS
Sample mailing piece required for approval. Mail date must be cleared in advance.

9. TEST ARRANGEMENT
Minimum 5,000.

EBERLE CONSERVATIVE MASTER FILE

Media Code 3 982 3406 5.00 Mid 632674-000
Member: D.M.A.
Bruce W. Eberle & Associates, Inc.

1. PERSONNEL
Broker and/or A
Omega List Co., 8330 Old Courthouse Rd., Suite 700,
Vienna, VA 22180. Phone 703-821-1890
Branch Office
Bayards, NY 11360—Two Bay Club Dr., No. 7M. Phone
718-426-5798

2. DESCRIPTION
Conservative who have purchased conservative books and/or contributed to conservative causes and candidates; individuals who contributed to Conservative charitable organizations and foreign policy donors
ZIP Code in numerical sequence 100%.

3. LIST SOURCE
Direct mail fund raising
Derived thru mail 80%, other 20%
SCF, state, 2.50/M; extra, 1.00/M

4. QUANTITY AND RENTAL RATES
Rec'd August, 1986

Total	Price
Conservative master file	31,983
Selections: key coding, 1.50/M; extra, 5 digit ZIP Code, 2.00/M	40.00
Foreign policy donors	6,450
Minimum order 5,000	90.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers or agents

6. METHOD OF ADDRESSING
4-up Cheshire labels. Magnetic tape

7. DELIVERY SCHEDULE
Two weeks from receipt of order

8. RESTRICTIONS
Sample mailing piece required

9. TEST ARRANGEMENT
Minimum 5,000

10. LETTER SHOP SERVICES
Available

ECONOMIC-PATRIOTIC CONTRIBUTORS

Media Code 3 982 3408 5.00 Mid 629779-000
Capitol Hill List Brokers
498 S. Capitol St., S.E., Suite 113, Washington, DC
20003. Phone 202-546-7000

2. DESCRIPTION
Donors to coalition to eliminate the national debt.
Average contribution \$2.00

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd August, 1986

Total	Price
Donors (1983)	18,016
Selections: ZIP Code, key coding, 3.00/M; extra, 1.00/M	70.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers. Prepayment required.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 10.00/M; extra, Magnetic tape (9T 1800 BPI), 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Ten days after order approved. Clear mail dates in advance.

8. RESTRICTIONS
Sample mailing piece required

9. TEST ARRANGEMENT
Minimum 5,000.

10. LETTER SHOP SERVICES
Available

11. MAINTENANCE
Updated and cleaned quarterly.

ELECTION FUND

Media Code 3 982 3416 5.00 Mid 629676-000
List Manager
Infomail, Inc., 25660 Hawthorne Blvd., Suite 114,
Torrance, CA 90506. Phone 213-373-9401.

2. DESCRIPTION
Contributors of 10.00 or more to conservative candidates fund raising campaigns two or more times.
ZIP Code in numerical sequence 100%.

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd Nov. 17, 1986

Total	Price
1-time contributors	28,754
With phone numbers	23,472
Selections: key coding, 2.00/M; extra, 1.00/M	65.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 6.00/M; extra, Magnetic tape, 25.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Three weeks.

8. RESTRICTIONS
Sample mailing piece required for approval.

9. TEST ARRANGEMENT
5,000

10. LETTER SHOP SERVICES
Available

11. MAINTENANCE
Cleaned regularly

ELITE POLITICAL DONORS

Media Code 3 982 3403 5.00 Mid 63245-000
Member: D.M.A.
Participant D.M.A. Mail Preference Service

1. PERSONNEL
Broker and/or Authorized Agent
Names In The News/California, Inc., 530 Bush St., San
Francisco, CA 94108. Phone 415-988-3350.

2. DESCRIPTION
Donors to an independent political appeal
Selections: 56% men
ZIP Code in numerical sequence 100%.

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd Jan. 20, 1987

Total	Price
Total list (No. 5488)	27,143
Selections: state, SCF, 2.50/M; extra, 1.00/M; extra, state, key coding, 1.50/M; extra, split test, 1.00/M	75.00
Minimum order 3,000	

5. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 7.00/M; extra, Magnetic tape (9T 1800 BPI), 15.00 nonrefundable fee

6. DELIVERY SCHEDULE
Ten working days after order received.

8. RESTRICTIONS
Sample mailing piece required for approval

EMOTIONAL CONSERVATIVE DONORS

Media Code 3 982 3412 7.00 Mid 60977-000

1. PERSONNEL
Broker and/or Authorized Agent
Capitol Hill List Brokers, 498 S. Capitol St., S.E., Suite
113, Washington, DC 20003. Phone 202-546-7000

2. DESCRIPTION
Contributing members of the Citizens' Congress

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd August, 1986

Total	Price
Total list	15,000
Selections: ZIP Code, key coding, 3.00/M; extra, 1.00/M	40.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers. Prepayment required.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 10.00/M; extra, Magnetic tape (9T 1800 BPI), 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Ten days after order approved. Clear mail dates in advance.

8. RESTRICTIONS
Sample mailing piece required

9. TEST ARRANGEMENT
Minimum 5,000.

10. LETTER SHOP SERVICES
Available

11. MAINTENANCE
Updated and cleaned quarterly.

ENGLISH FIRST ACTIVES

Media Code 3 982 3418 5.00 Mid 60966-000
List Manager
America Direct, 8001 Forbes Pl., Suite 102, Springfield,
VA 22151. Phone 703-321-7788.

2. DESCRIPTION
Donors to and supporters of a constitutional amendment to make English the official U.S. language.
Average donation 18.00.

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd Apr. 27, 1987

Total	Price
Donors (last 12 months)	140,000
Survey respondents (last 12 months)	120,000
Selections: key coding, 2.00/M; extra, 1.00/M	65.00
Minimum order 5,000.	

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers. Prepayment required on all new accounts and political candidates.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Magnetic tape (9T 1800), 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
One week from receipt of confirmed order.

8. RESTRICTIONS
Sample mailing piece required for approval. Mail date must be cleared in advance. Available to charitable, political and lobby groups on exchange basis.

11. MAINTENANCE
Updated quarterly.

EVER-READY CONSERVATIVE CONTRIBUTORS

Media Code 3 982 3443 5.00 Mid 60960-000
Member: D.M.A.
American Commit, Inc.
List Manager
Omega List Company, 8330 Old Courthouse Rd., Suite
700, Vienna, VA 22180. Phone 703-821-1890.
Branch Office
Bayards, NY 11360—Two Bay Club Dr., No. 7M. Phone
718-426-5798.
All recognized brokers.

2. DESCRIPTION
Contributors to various conservative candidates, both congressional and state.
Average unit of sale 100.00.
ZIP Code in numerical sequence 100%.

3. LIST SOURCE
Selections available: 5-digit ZIP Code, SCF, state, reciprocity, amount.

4. QUANTITY AND RENTAL RATES
Rec'd Apr. 24, 1987

Total	Price
Total list	84,172
Former donors	102,780
Selections: key coding, 2.00/M; extra, 1.00/M	40.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 6.00/M; extra, Magnetic tape, 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Order needed 10 days in advance of due date.

8. RESTRICTIONS
Sample mailing piece required. Prepayment required for political offers.

1. PERSONNEL
List Manager
Omega List Company, 8330 Old Courthouse Rd., Suite
700, Vienna, VA 22180. Phone 703-821-1890.
Branch Office
Bayards, NY 11360—Two Bay Club Dr., No. 7M. Phone
718-426-5798.
All recognized brokers.

2. DESCRIPTION
Contributors to various conservative candidates, both congressional and state.
Average unit of sale 100.00.
ZIP Code in numerical sequence 100%.

3. LIST SOURCE
Selections available: 5-digit ZIP Code, SCF, state, reciprocity, amount.

4. QUANTITY AND RENTAL RATES
Rec'd Apr. 24, 1987

Total	Price
Total list	84,172
Former donors	102,780
Selections: key coding, 2.00/M; extra, 1.00/M	40.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 6.00/M; extra, Magnetic tape, 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Order needed 10 days in advance of due date.

8. RESTRICTIONS
Sample mailing piece required. Prepayment required for political offers.

Enterprise Publishing Book Buyers

Member: D.M.A.
Enterprise Publishing, Inc.
725 Market St., Wilmington, DE 19801. Phone 302-654-0110.
See listing under classification No. 532.

Epaco's Best Conservatives

Media Code 3 982 3457 5.00 Mid 62966-000
Harris Corporation, Inc.
3601 Forest Dr., Alexandria, VA 22302. Phone 703-376-2408

1. PERSONNEL
List Manager
Epaco, Inc., 108 N. Alfred St., Alexandria, VA
22314. Phone 703-683-4131

2. DESCRIPTION
Donors to a non-partisan, non-political organization pressuring legislators in Washington and in state capitals to abolish all inheritance and gift tax laws

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd May 15, 1987

Total	Price
Total list (1986)	275,000
Selections: key coding, 1.00/M; extra, state, 2.00/M; extra, state, ZIP Code, 3.00/M; extra, 1.00/M	90.00
Minimum order 5,000	75.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers

6. METHOD OF ADDRESSING
4-up Cheshire labels. Magnetic tape (9T 1800 BPI), 17.50 flat fee, IBM computer

7. DELIVERY SCHEDULE
All orders shipped within 48 hours

8. RESTRICTIONS
Mail date must be cleared in advance and adhered to. Sample mailing piece required for approval

9. TEST ARRANGEMENT
Minimum 5,000

E.S.T.A.T.E.

CAPSTONE

Media Code 3 982 3456 5.00 Mid 63064-000
List Manager
Capstone Lists Inc., 108 N. Alfred St., Alexandria, VA
22314. Phone 703-683-4131

2. DESCRIPTION
Donors to a non-partisan, non-political organization pressuring legislators in Washington and in state capitals to abolish all inheritance and gift tax laws

3. LIST SOURCE
Direct mail

4. QUANTITY AND RENTAL RATES
Rec'd Apr. 27, 1987

Total	Price
Total list	58,000
Selections: Non name, state, ZIP Code, SCF, 5.00/M; extra, key coding, 2.00/M; extra, 1.00/M	100.00
Minimum order 5,000.	

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 10.00/M; extra, Magnetic tape, 20.00 flat fee.

7. DELIVERY SCHEDULE
Ten business days from receipt of order.

8. RESTRICTIONS
Sample mailing piece required for approval.

EVER-READY CONSERVATIVE CONTRIBUTORS

Media Code 3 982 3443 5.00 Mid 60960-000
Member: D.M.A.
American Commit, Inc.
List Manager
Omega List Company, 8330 Old Courthouse Rd., Suite
700, Vienna, VA 22180. Phone 703-821-1890.
Branch Office
Bayards, NY 11360—Two Bay Club Dr., No. 7M. Phone
718-426-5798.
All recognized brokers.

2. DESCRIPTION
Contributors to various conservative candidates, both congressional and state.
Average unit of sale 100.00.
ZIP Code in numerical sequence 100%.

3. LIST SOURCE
Selections available: 5-digit ZIP Code, SCF, state, reciprocity, amount.

4. QUANTITY AND RENTAL RATES
Rec'd Apr. 24, 1987

Total	Price
Total list	84,172
Former donors	102,780
Selections: key coding, 2.00/M; extra, 1.00/M	40.00

5. COMMISSION, CREDIT POLICY
20% commission to all recognized brokers.

6. METHOD OF ADDRESSING
4-up Cheshire labels. Pressure sensitive labels, 6.00/M; extra, Magnetic tape, 20.00 nonrefundable fee.

7. DELIVERY SCHEDULE
Order needed 10 days in advance of due date.

8. RESTRICTIONS
Sample mailing piece required. Prepayment required for political offers.

275,000 CONTRIBUTORS

\$50.00/M

MINIMUM ORDER: 5,000
LABELS
MAG TAPE

"EPACO'S BEST CONSERVATIVES" ARE HIGH DOLLAR POLITICAL CONTRIBUTORS TO CONSERVATIVE CANDIDATES. THEY ARE QUALITY CONSCIOUS DIRECT MAIL RESPONDENTS WITH VERY HIGH DISCRETIONARY INCOMES.

THESE UPPER INCOME INDIVIDUALS RESPOND FAVORABLY TO CAUSE AND CHARITABLE APPEALS AND TO HIGH DOLLAR COMMERCIAL OFFERS. THIS IS A PROVEN LIST FOR FUND RAISING. IT IS MAINTAINED AS A MAJOR EPACO LIST, CONSTANTLY UPDATED WITH FRESH NAMES AND CURRENT ADDRESSES.

* SPECIAL "HOTLINE" SELECTION: THE 75,000 MOST RECENT CONTRIBUTORS OF \$250 OR MORE.

SOURCE: 95% DIRECT MAIL RESPONDENTS.

MAG TAPE NON-RET. \$17.50

A SAMPLE MAILING PIECE IS REQUIRED FOR APPROVAL.

THE LISTWORKS CORP.

FAX #:

(914) 769-8070

40 Radio Circle, P.O. Box 1000

Mount Kisco, N.Y. 10541



we care

THE LISTWORKS CORP.

PLEASANTVILLE, NY
10570-1602

40 World Circle, P.O. Box 459, Mount Kisco, N.Y. 10549-0459 (914) 241-1900

LN #: 50441 DATE: 11/11/89 AIR MAIL

MAILER: RA...
P.O. BOX 541
10150 UNT, TEX... 77706

MICHAEL LYD

OFFER: SILVER DOLLAR

ST T: SALE COINS OF AMERICA
1400 NORTH AJCP DRIVE
SUITE 201

HOUSTON, TX 77706

MICHAEL LYD

FOR: RAPE COINS OF AMERICA

SHIP VIA: UPS AIR

MAIL DATE: 11/11/89

MAILED BY: 1/3/89

LIST INFORMATION

OWNER: HINER & ASSOCIATES, INC.
7730 LE...
SUITE 114
FALLSCHUR... VA. 22043
LIST MANAGER

RETURN TO: NON-RETURNABLE MAG TA
REF: \$ 35.00

DATE: 11/15/89
100 - SUPPLY LAYOUT
AND ORDER

LIST: SPACED'S POST CO. FOR TV

THIS IS A TEST

SEGMENT/QUANTITY

PRICE/M

SEG: HOTLINE CONTRIBUTORS
QTY: 1,000
KEY: SP300

10.00 15.00 HOTLINE

SEG: CONTRIBUTORS
QTY: 1,000
KEY: SP301

10.00

SPECIAL INSTRUCTIONS

PLEASE PACKAGE AND LABEL EACH TAPE REEL SEPARATELY WITH LIST NAME, SELECTION, QUANTITY AND ITS RESPECTIVE KEY CODE. (SUPPLY ON TWO SEPARATE TAPES).

DO NOT DUPLICATE NAMES BETWEEN SEGMENTS. DO NOT DUPLICATE ANY NAMES SUPPLIED TO FIRST NATIONAL RESERVE.

NOTIFY BEFORE SHIPPING. QUANTITY VARIATION NOT ALLOWED.

CONTACT: ADRIAN DOMSANTI/NORM/WSK

LIST OWNER: Upon completion of this order, send invoice to The Listworks. Include our order #, all charges and exact quantity addressed. We will bill client on your behalf and, upon payment from the client, we will remit to you less our standard commission. The Listworks Corp. acts only as a broker; the mailer is solely responsible for payment of this order.

PLEASE CHECK this order carefully and advise at once if any corrections are necessary. Mailer will not accept any changes without prior approval.

MAILER: Mailer guarantees that the names supplied are to be used for one mailing only and for the offer indicated.

OMIT: Do not address APO, FPO, Canadian or Foreign Addresses.

MAILER COPY



60449

ONE CAMPUS DRIVE, FLEASANTVILLE, NY 10520-1602
PHONE: (914) 769-7100 FAX: (914) 760-8070
RARE COINS OF AMERICA
P.O. BOX 5413
BEAUMONT, TEXAS 77706

Date: 01/13/89
 Mailer P O #
 Mailer Key # 2881
 Mail Date 01/06/89

Terms Net 30 days from mail date

Mailer:

MICHAEL BYRD
SILVER DOLLAR

DEFER:

PAGE 1

QUANTITY	DESCRIPTION	PER M	TOTAL
5,392	SPACCO'S BEST CONSERVATIVES		
5,399	HOTLINE CONTRIBUTIONS	60.00	323.94
5,397	HOTLINE	15.00	80.99
1	CONTRIBUTORS	60.00	323.42
	LAG TAPE ECF	35.00	35.00
	SHIPPING CHARGE		21.00
	TOTAL AMOUNT DUE		734.75



POSTED

SHORT OR NET NAME PAYMENT MUST BE ACCOMPANIED BY COMPUTER VERIFICATION

Letter # 88579
5397 Conservative
List work 60449

GRAHAM MAGNETICS SUMMITTTM 2220

CERTIFIED
FOR USE AT

6250 Bp
1600

HINER & ASSOCIATES, INC.
703/379-2400
3606 Forest Drive
Alexandria, VA 22302
HH88579 CEN

HINER ASSOCIATES INC

7700 Leesburg Pike, Suite 314
Falls Church, Virginia 22043

TAPE POSITIONS

1/5	5
12/24	13
25/41	17
42/49	8
50/79	30
140/155	16
156/157	2

DATA DESCRIPTION

ZIP
FIRST NAME
LAST NAME
NARRATIVE TITLE
ADDRESS
CITY
STATE

RECORD LENGTH 190 POSITIONS, FIXED
BLOCKED BY 50
BLOCK LENGTH 9500

THIS IBM TAPE HAS A DENSITY OF :
1600 BPI 9 TRACK
NO MAGNETIC LABELS

HINER CONTROL NUMBER HH 88579 HOT

Listwork CONTROL NUMBER 60449

LIST USER Rare Coins of Amer

KEY EP88H

offer = Silver Dollar

QUESTIONS CALL DON HINER

5399 EPACO's Best Conventions
Hotline

703/749-0900
FAX 703/749-0903



THE LISTWORKS CORP.

40 Radio Circle, P.O. Box 459, Mount Kisco, N.Y. 10549-0459 (914) 241-1900

LA # 60449 DATE: 12/21/88 MAILER #:



OFFER: SILVER DOLLAR

MAIL DATE: 1/6/89

SHIP VIA: UPS BLUE

WANTED BY: 1/3/89

LIST INFORMATION

OWNER: RIVER 2 ASSOCIATES, INC.
770 LEONARD BLVD
SUITE 214
FALLS CHURCH, VA. 22045
LIST MANAGER

RETURN TO: NON-RETURNABLE AND TA
FEE: \$ 75.00

MAIL: AT/160000T MAC
TAP-SUPPLY LAYOUT
AND DUMP

LIST: BRACCO'S BEST CONSERVATIVES

THIS IS A TEST

SEGMENT/QUANTITY

PRICE/M

SEG: HOTLINE CONTRIBUTIONS
QTY: 5399
KEY: EPPH

\$60.00 + \$15.00 HOTLINE

\$60.00

288H

SPECIAL INSTRUCTIONS

PLEASE PACKAGE AND MARK EACH TAPE REEL SEPARATELY WITH LIST NAME, SELECTION, QUANTITY AND ITS RESPECTIVE KEY CODE. (SUPPLY ON TWO SEPARATE TAPES).

DO NOT DUPLICATE NAMES OR KEY CODES. DO NOT DUPLICATE ANY NAMES SUPPLIED TO FIRST NATIONAL RESERVE.

VERIFY BEFORE SHIPPING IF QUANTITY VARIES BY 10%.

UPS EW
12/30

HB 88579 Hct

CONTACT: ALE... TO.../.../...

LIST OWNER: Upon completion of this order, send invoice to The Listworks. Include our order #, all charges and exact quantity addressed. We will bill client on your behalf and, upon payment from the client, we will remit to you less our standard commission. The Listworks Corp. acts only as a broker; the mailer is solely responsible for payment of this order.
PLEASE CHECK this order carefully and advise at once if any corrections are necessary. Mailer will not accept any changes without prior approval.

MAILER: Mailer guarantees that the names supplied are to be used for one mailing only and for the offer indicated.

OMIT: Do not address APO, FPO, Canadian or Foreign Addresses.

LIST OWNER COP

01002 CHARLOTTE GUYER
TAMHERST MAE333 88031234

12 CRANBERRY LA
ABC222111

HH 88579
(H/T)

01013 ADELE LAPOINTE
1CHICOPEE MAE333 88021234

43 MT VERNON RD
ABC222111

01028 ROBERT TOWNSEND
1E LONGMEADOW MAE333 88021234

29 SYLVESTER ST
ABC222111

01040 MARTIN CLAYTON
1MOLYOKE MAE333 88021234

40 BRIARWOOD DR
ABC222111

01040 JOSEPH OCONNELL
1MOLYOKE MAE333 87101234

1145 NORTHAMPTON ST
ABC222111

01060 DANIEL BISHOP
NORTHAMPTON MAE333 88021234

HATHAWAY RD RFD
ABC222111

01060 MATTHEW PITONIAK
1NORTHAMPTON MAE333 88031234

75 WASHINGTON AVE
ABC222111

01090 RICHARD SULLIVAN
1W SPRINGFIELD MAE333 87121234

PO BOX 183
ABC222111

01095 WILLIAM PAPPAS
1WILBRAHAM MAE333 88061234

3 HIGHVIEW CIR
ABC222111

01104 JOSEPH SPANO
1SPRINGFIELD MAE333 87121234

811 ST JAMES AVE
ABC222111

01106 KENNETH ABRAHAMS
1LONGMEADOW MAE333 98061234

91 SALEM RD
ABC222111

01106 JAMES EGAN

94 ENGLEWOOD RD

Key EP88 H

5399 Active

Amer #HH 88579

His works 60449

Received
1-10-87

FEB 10 1989 THU 16:37 MINER & ASSOCIATES, INC. P.01

FNAC
FILE + W10.00
ST
DRE**MINER ASSOCIATES INC**7700 Leesburg Pike, Suite 314
Falls Church, Virginia 22043

February 9, 1989

Mr. Michael Byrd
First National Reserve
c/o Norman Newman
The Listworks Corporation
40 Radio Circle
Mount Kisco, NY 10549

Dear Mr. Byrd,

As per the request of Mr. Norman Newman, I am restating our position in reference to: "EPACO'S BEST CONSERVATIVES."

We have been the list manager for this list for approximately three years. There are no names on this list that originated from the Republican National Congressional Committee or names that originated from any Federal Election Commission (FEC) reports.

To restate, this list has been on the market for many years, and this is the first time any question of this nature has arisen.

I hope this is the information that you needed.

Sincerely,



Donald M. Miner

DMH:kc

Via Fax to: Michael Byrd 409/866-4952
Norman Newman 914/769-8070

703/749-0900

FAX 703/749-0903

P.01

P.01

srds

**DIRECT
MAIL LIST
RATES AND DATA**

SUPPLIERS & SERVICES
DIRECTORY

BUSINESS CONSUMER
FARM LISTS

CO-OP MAILINGS,
PACKAGE INSERT
PROGRAMS
& ALTERNATE
DELIVERY SYSTEMS

JULY 14, 1987

VOLUME 21, NUMBER 4

A publication of
Standard Rate & Data Service, Inc.
3004 Glenview Rd., Wilmette, IL 60091
(312) 256-6067

Some say they're QUALIFIED...
Others are AGGRESSIVE...
One claims it's ADVANCED...
Or that its LIST WORKS...
A few offer LIST SERVICES...
Some go from A to Z...
And another says its NAMES are UNLIMITED...

***But what's really in a name—or a claim?
If it's RESULTS you want, look beyond the titles...***

**THE
SpecialISTS**

**For breakthroughs in responsive list
recommendations and professional,
profitable list management**

Lon C. Mandel
President, Management Division

Phyllis Stein
President, Brokerage Division

(212) 677 6760

120 East 16th Street New York, NY 10003

(formerly Dependable Lists Inc. - New York)

Hiner # 88579
(5397) Conservative
List work 60449

GRAHAM MAGNETICS SUMMITT

2220

CERTIFIED
FOR USE AT



1600
8250
8250

HINER & ASSOCIATES, INC.
703/379-2400
3606 Forest Drive
Alexandria, VA 22302
HH88579 CEN

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FEB 27 1999 THU 16:37 HINER ASSOCIATES, INC. P. 01

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DNE

HINER ASSOCIATES INC

7700 Leesburg Pike, Suite 314
Falls Church, Virginia 22043

February 9, 1989

Mr. Michael Byrd
First National Reserve
c/o Norman Newman
The Listworks Corporation
40 Radio Circle
Mount Kisco, NY 10549

Dear Mr. Byrd,

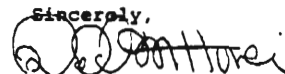
As per the request of Mr. Norman Newman, I am restating our position in reference to: "EPACO'S BEST CONSERVATIVES."

We have been the list manager for this list for approximately three years. There are no names on this list that originated from the Republican National Congressional Committee or names that originated from any Federal Election Commission (FEC) reports.

To restate, this list has been on the market for many years, and this is the first time any question of this nature has arisen.

I hope this is the information that you needed.

Sincerely,



Donald M. Hiner

DMH:kc

Via Fax to: Michael Byrd 409/866-4952
Norman Newman 914/769-8070

703/749-0900

FAX 703/749-0903

P. 01

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22676

01002	CHARLOTTE	GUYER	12 CRANBERRY LA
14MAY ST	MAE333	98031234	ABC222111
01073	ADELE	LAPORTE	43 MT VERNON RD
1CHICOPPEE	MAE333	88021234	ABC222111
01028	JOSEPH	TOWNSEND	29 SYLVESTER ST
1E LONGMEADOW	MAE333	88021234	ABC222111
01040	MARTIN	CLAYTON	40 BRIARWOOD DR
1WOLYOKE	MAE333	89021234	ABC222111
01040	JOSEPH	O'CONNELL	1145 NORTHAMPTON ST
1WOLYOKE	MAE333	87101234	ABC222111
01060	DANIEL	BISHOP	WATHAMWAY RD RFD
1NORTHAMPTON	MAE333	98021234	ABC222111
01080	MATTHEW	PITOMIAR	75 WASHINGTON AVE
1NORTHAMPTON	MAE333	89031234	ABC222111
01090	RICHARD	SULLIVAN	PO BOX 183
1W SPRINGFIELD	MAE333	87121234	ABC222111
01095	WILLIAM	PAPPAS	3 HIGHVIEW CIR
1WILSPAMAM	MAE333	88061234	ABC222111
01104	JOSEPH	SPANO	811 ST JAMES AVE
1SPRINGFIELD	MAE333	87121234	ABC222111
01106	KENNETH	ABRAHAM	91 SALEM RD
1LONGMEADOW	MAE333	98061234	ABC222111
01106	JAMES	EGAN	94 ENGLEWOOD RD

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1151 works 60449

Received
1-10-87

06C 2037

THE **LISTWORKS**

C O R P O R A T I O N

ONE CAMPUS DRIVE, PLEASANTVILLE, N.Y. 10570-1602 • (914) 769-7100

March 1, 1989

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, DC 20463

RE: MUR 2822

Dear Ms. Lerner:

I received your letter of February 23, 1989 outlining the complaint of the National Republican Campaign Committee.

Here, as requested, is an outline of the facts in this matter:

1. On December 21, 1988 I received a call from Michael Byrd, a consultant to the mailer, First National Reserve, instructing me to place a list brokerage order on the Epaco's Best Conservatives list.
2. On February 2, 1989, I received a conference call from Mr. Michael Byrd and Mr. Wyatt Stewart of the National Republican Campaign Committee stating that Mr. Stewart was investigating decoy names that appeared on mailing pieces from First National Reserve. In the conference call with Mr. Byrd, Mr. Stewart requested the name of the list owner. I told Mr. Stewart I would call him back with the information.

The Listworks as customary in a list brokerage transaction, was never in possession of the list. In accordance with standard industry practice, The Listworks acted in good faith, in its brokerage capacity, relying on information given to us by the listowner.

Cordially,


Norman Newman
Vice President

0310f
fjk

89 MAR -6 AM 10:55

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

060. 2194

MOSHOŠ, BYRD, McCLURE, DE DEO & MISCHE, P.C.
ATTORNEYS AND COUNSELORS AT LAW

Arthur L. Moshos
Richard J. Byrd
Stephen J. McClure
James F. De Deo
Ann Wood Mische
John W. Bevis

Carole A. Roop
Susan Purcell Montiel

March 17, 1989

Suite 201
10521 Judicial Drive
Fairfax, Virginia 22030
(703) 691-1200

Telecopier Only
(703) 385-4353

Federal Election Commission
General Counsel's Office
999 E Street, N.W.
Washington, D.C. 20004

Attention: Ms. Frances B. Hagan

Re: MUR 2822, Hiner and Associates

Dear Ms. Hagan:

Enclosed is the Statement of Designation of Counsel of Hiner and Associates, Inc., forwarded to you within the fifteen days set forth in the Commission's letter dated February 23, 1989, and received on March 2, 1989. I regret that we have been unable to develop a full and complete response within fifteen days as requested, but I just was able to dig out from under another matter and concentrate on this matter. We will be giving you a response in the immediate future.

As a general response, let me say on behalf of Hiner and Associates, Inc., and Donald Hiner, that we deny that there has been any violation by my clients of the Federal Election Campaign Act of 1971.

Before closing, let me also note facts of which I have personal knowledge. On the top of page 4 of Mr. Gaylord's affidavit, and in paragraph 9 of Mr. Stewart's affidavit, an allegation is made that Mr. Hiner and his lawyer have refused to further cooperate with the National Republican Congressional Committee.

This statement is so incomplete as to be misleading.

As soon as I was brought up to speed about the Committee's questions to Mr. Hiner, I personally contacted Mr. Baran of the Committee

Federal Election Commission

March 17, 1989

Page 2

and expressed our complete and ready willingness to cooperate with the Committee in investigating the problem and the allegations. The EPACO list is a valuable asset to my client and he wants to make sure that it is clean and unchallengeable. His knowledge of the sources and/or methods of developing this list and keeping it up to date led my client to complete bewilderment about these accusations. He and I, separately and together, expressed our willingness to cooperate with the Committee.

We explained to Mr. Baran that, in order to cooperate with him and investigate the problem, we needed to have the fictitious names that resulted in the reports to the Commission. Only in this way could we do a computer run to find out if the names and therefore their source were in our client's lists, to find out the source of the names, and to purge the tainted names, if any, from the list. We expressed our complete willingness to cooperate and to do all this.

Mr. Baran flatly refused to reveal the salted names to us unless my clients gave him and the Committee certain access and control over the source and methods for developing the EPACO list.

Mr. Baran admitted, under my inquiry, that the Committee would have of course revealed the salted names to the Commission when it made its complaint to the Commission. He would give no reason why he would not reveal them ahead of time in order to achieve whatever he could achieve through a complaint to the Commission. I ended this penultimate conversation with Mr. Baran by asking him to try to get permission to reveal one or more of the salted names and to get back to me.

Within the next hour I had a further conversation with Mr. Hiner, in which we tried to determine what the Committee's legitimate concerns possibly could be, given their rather strange attitude. We came up with several ideas which might alleviate what we thought their concerns might be, and I called Mr. Baran back within an hour of the prior conversation. I started to explain these ideas and Mr. Baran interrupted me to tell me that, since we were not going to do it the Committee's way, they were going to deem us uncooperative, they were going to make a complaint, and they did

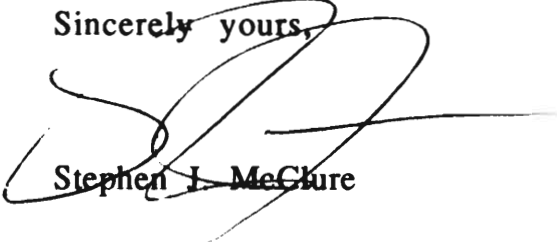
MOSHOS, BYRD, MCCLURE, DE DEO & MISCHÉ, P.C.

Federal Election Commission
March 17, 1989
Page 3

not wish to further talk with us. I informed Mr. Baran that we were not uncooperative, only unwilling to give him a carte blanc entry into my client's lists ahead of time.

In sum, it is absolutely inaccurate to allege that my client and/or I are uncooperative. We will cooperate with the Commission as we would have cooperated with the Committee. Now that we have the pieces of information we requested from the Committee, we will immediately undertake the investigation in order to resolve the matter.

Sincerely yours,



Stephen I. McClure

SJM:bat

cc: Jan W. Baran

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2822

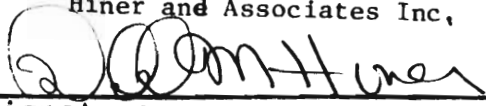
NAME OF COUNSEL: STEPHEN J. McClure

ADDRESS: MOSKOS BYRD, McCLURE, DeDeo + Mische, P.C.
10521 JUDICIAL DRIVE, #120
FAIRFAX, VIRGINIA 22030

TELEPHONE: (703) 691-1200

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.

3-8-89
Date

Hiner and Associates Inc,

Signature

by Donald M Hiner, Pres.

RESPONDENT'S NAME: Hiner + Associates, Inc.

ADDRESS: 7700 LEESBURG PIKE
Suite 314
FALLS CHURCH, VA. 22043

HOME PHONE: _____

BUSINESS PHONE: 379-2400

89 AUG -9 11:04

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

SENSITIVE
EXECUTIVE SESSION

FIRST GENERAL COUNSEL'S REPORT

AUG 15 1989

MUR #2822
DATE COMPLAINT RECEIVED
BY OGC: 2/15/89
DATE OF NOTIFICATION TO
RESPONDENTS: 2/23/89
STAFF MEMBER: Frances B. Hagan

COMPLAINANT: National Republican
Congressional Committee

RESPONDENTS: Hiner and Associates
Donald M. Hiner
EPACO
The Listworks Corporation
Byrd Research and Marketing Consultants
First National Reserve Corporation

RELEVANT STATUTES: 2 U.S.C. § 438(a)(4)
11 C.F.R. § 104.15

INTERNAL REPORTS CHECKED: MURs 1541/1542, 1549, 2565, 2571

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter originated as a complaint by the National Republican Congressional Committee ("NRCC") which alleged that Hiner and Associates, a list manager/owner, used information copied from reports filed with the FEC for commercial purposes.

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 438(a)(4), information copied from reports filed with the FEC may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes.

Complaint

Complainant stated that in January 1989, three of five pseudonyms included in its 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail from six or eight organizations and companies. Complainant stated that these pseudonyms "appear only on the reports filed with the FEC."

Complainant stated that it tracked the source of the list used for commercial solicitation by first contacting one of the list users, First National Reserve Corporation ("FNR"), a Texas mail order coin company. According to the complainant, FNR's direct mail consultant, Byrd Research and Marketing Consultants ("Byrd Marketing"), of Beaumont, Texas, handled the particular mailing for FNR. Byrd found the list through The Listworks Corporation, a list broker in Pleasantville, New York. According to complainant, The Listworks identified the list as the EPACO list, and further named Hiner and Associates of Falls Church, Virginia, as the "owner/manager." The mailing industry's Standard Rate and Data Services guide (SRDS) identifies Donald M. Hiner as "list developer."

Byrd Marketing

In response to the complaint, Michael Byrd of Byrd Marketing stated that his company is marketing consultant to two of the list mailers/users (FNR and Rare Coins of America, a division of B*RAM, Inc., a Texas corporation). Mr. Byrd stated that with instructions from his client, FNR, he rented the list in question ("EPACO's Best Conservatives"), received the list on magnetic tape in Byrd Marketing's Houston mailing house, and mailed "a

test sample of 5000 names from the list" (Attachment A, page 6). Based on the test results, another group of 10,000 names was ordered for FNR. Subsequently, Byrd Marketing "recommended that Rare Coins of America test a different mailing piece to a third group of names from the same EPACO list" (Attachment A, page 7). Apparently, two mailings were done for Rare Coins of America.

Byrd identified the participants in the matter as follows:

- a) FNR and Rare Coins, the mailers/users, who pay
- b) The Listworks, the list broker, who receives 20%, then pays
- c) Hiner and Associates, the list manager, who receives a percentage and
- d) EPACO, the list owner, who receives the balance.

Mr. Byrd stated, "For over 5 years I have purchased lists exclusively from...Listworks Corp...I firmly believe in and trust Listworks." Although Mr. Byrd indicated that EPACO is the list owner, Hiner and Associates, as discussed below, may be both owner and manager of the EPACO list.

Hiner and Associates

Counsel representing Hiner and Associates and its president, Donald M. Hiner, responded to the complaint, denying any violation of the Act, and stating that his clients' "knowledge of the sources and/or methods of developing this list and keeping it up to date led my client to complete bewilderment about these accusations" (Attachment A, page 2).

EPACO, named by Byrd Marketing as the list owner, is not independently named in the complaint, except as the name of the suspect list, and it is unclear whether it exists as a separate entity. However, Economic Political Analysis, Inc. ("EPACO"),

was the subject of MUR 1549 for a similar violation of Section 438(a)(4), and that matter resulted in a conciliation agreement signed in November 1984 by Donald M. Hiner.¹ Because of that agreement, in which Mr. Hiner signed a pledge on behalf of the respondent not to undertake any activity in violation of the Act, this Office recommends that the reason to believe finding against Donald M. Hiner in this matter be "knowing and willful."

The Listworks Corporation

40392666
The Listworks Corporation's unsworn response to the complaint stated that "as customary in a list brokerage transaction, [The Listworks] was never in possession of the list," and that it relied "in good faith...on information given to us by the listowner" (Attachment A, page 5). Based on the available information, it is unclear what the respondent knew about the creation and sources of the EPACO list. Therefore, this Office recommends that the Commission find reason to believe that The Listworks violated 2 U.S.C. § 438(a)(4) in this matter. Further, this Office recommends approval of discovery requests designed to elicit information regarding The Listworks' knowledge of the list it brokered.

Based on information from the complainant and respondents, it appears that violations of Section 438(a)(4) occurred when

1. Information obtained during the investigation of MUR 1549 indicated that Mr. Hiner was president of EPACO. This Office has prepared discovery requests concerning Mr. Hiner's and Hiner and Associates' connection to EPACO, and the status of EPACO (whether list name, corporate list owner, etc.). Other questions seek to determine responsibility for the use of information on disclosure reports.

information obtained from FEC reports was used for commercial purposes. Therefore, this Office is recommending reason to believe findings against Donald M. Hiner, Hiner and Associates (list owner/manager), and The Listworks Corporation (list broker).²

III. RECOMMENDATIONS

1. Find reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4).
2. Find reason to believe that Hiner and Associates violated 2 U.S.C. § 438(a)(4).
3. Find reason to believe that The Listworks Corporation violated 2 U.S.C. § 438(a)(4).
4. Approve the attached letters, Interrogatories, and Factual and Legal Analyses.

Lawrence M. Noble
General Counsel

8/8/88
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- A. Responses to Complaint
- B. Proposed Letters (2) and Factual and Legal Analyses (2)
- C. Interrogatories (2)

2. A review of previous similar MURs (1541/1542, 1549, 2566, and the ongoing 2565, and 2571) indicates that reason to believe recommendations were made against the list mailer/users in cases when they were the only source of information concerning the list brokers, managers, and owners. In most cases, the reason to believe findings were recommended to obtain information, and no further action was taken. In this case, the names of list brokers, manager, and owner have been provided by the complainant. Accordingly, this Office makes no recommendation at this time with regard to the list users or their marketing consultant, Byrd Marketing.



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DEIORES R. HARRIS *DRN*
COMMISSION SECRETARY

DATE: AUGUST 11, 1989

SUBJECT: MUR 2822 - GENERAL COUNSEL'S REPORT
SIGNED AUGUST 8, 1989

The above-captioned document was circulated to the
Commission on Wednesday, August 9, 1989 at 4:00 P.M..

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	<u> X </u>

This matter will be placed on the meeting agenda
for Tuesday, August 15, 1989.

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Hiner and Associates	)	
Donald M. Hiner	)	
EPACO	)	MUR 2822
The Listworks Corporation	)	
Byrd Research and Marketing Consultants	)	
First National Reserve Corporation	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 15, 1989, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2822:

1. Find reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4).
2. Find reason to believe that Hiner and Associates violated 2 U.S.C. § 438(a)(4).
3. Find reason to believe that The Listworks Corporation violated 2 U.S.C. § 438(a)(4).

(continued)

Federal Election Commission
Certification for MUR 2822
August 15, 1989

Page 2

4. Approve the letters, Interrogatories and Factual and Legal Analyses attached to the General Counsel's report dated August 8, 1989.

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

Attest:

8-15-89
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

August 21, 1989

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Stephen J. McClure, Esquire
Moshos, Byrd, McClure,
DeDeo & Mische, P.C.
10521 Judicial Drive, Suite 201
Fairfax, Virginia 22030

RE: MUR 2822
Hiner and Associates
Donald M. Hiner

Dear Mr. McClure:

On February 23, 1989, the Federal Election Commission notified Hiner and Associates and Donald M. Hiner of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by respondents, the Commission, on August 15, 1989, found that there is reason to believe your clients violated 2 U.S.C. § 438(a)(4), a provision of the Act. 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 your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed interrogatories must be submitted to the General Counsel's Office within 15 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the interrogatories.

In the absence of any additional information which demonstrates that no further action should be taken against your clients, 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.

Stephen J. McClure, Esquire
Page 2

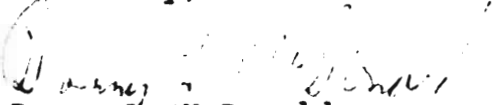
§ 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend 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.

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.

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.

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

Sincerely,


Danny L. McDonald
Chairman

Enclosures
Interrogatories
Factual and Legal Analysis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 2822
)

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: Stephen J. McClure
Moshos, Byrd, McClure,
DeDeo & Mische, P.C.
10521 Judicial Drive, Suite 201
Fairfax, Virginia 22030

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITION

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

FEDERAL ELECTION COMMISSION

**TO: Donald M. Hiner
Hiner and Associates**

INTERROGATORIES

1. Identify the following and explain the relationship of Donald M. Hiner and/or Hiner and Associates to each:
 - a) Economic Political Analysis, Inc.;
 - b) EPACO;
 - c) EPACO's Best Conservatives List.
2. Identify the principals and officers of a) Hiner and Associates and b) EPACO. Provide the Articles of Incorporation and Bylaws for these entities.
3. Identify the owners and manager(s) of the list known as "EPACO's Best Conservatives."
4. In what capacity did Hiner and Associates and/or EPACO serve (as list owner, manager, list compiler, or other) in transactions involving list rentals to First National Reserve Corporation and Rare Coins of America?
5. Identify all person(s) who compiled or assisted in compiling the EPACO list from the original document sources.
6. Identify all sources of the list known as EPACO's Best Conservatives.
7. Explain in detail the "methods of developing this [EPACO] list and keeping it up to date" as stated in Mr. Hiner's response to the complaint.

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Hiner and Associates **MUR:** 2822
Donald M. Hiner

Pursuant to 2 U.S.C. § 438(a)(4), information copied from reports filed with the FEC may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes.

Complaint

Complainant stated that in January 1989, three of five pseudonyms included in its 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail from six or eight organizations and companies. Complainant stated that these pseudonyms "appear only on the reports filed with the FEC."

Complainant stated that it tracked the source of the list used for commercial solicitation by first contacting one of the list users, First National Reserve Corporation ("FNR Corp."), a Texas mail order coin company. According to the complainant, FNR Corp.'s direct mail consultant, Byrd Research and Marketing Consultants ("Byrd Marketing"), of Beaumont, Texas, handled the particular mailing for FNR Corp. Byrd found the list through The Listworks Corporation, a list broker in Pleasantville, New York. According to complainant, The Listworks identified the list as the EPACO list, and further named Hiner and Associates of Falls Church, Virginia, as the "owner/manager." The mailing industry's Standard Rate and Data Service guide (SRDS) dated July 14, 1987, identifies Donald M. Hiner as the "list developer" of EPACO's

Best Conservatives.

Hiner and Associates

Counsel representing Hiner and Associates and its president, Donald M. Hiner, responded to the complaint, denying any violation of the Act, and stating that his clients' "knowledge of the sources and/or methods of developing this list and keeping it up to date led my client to complete bewilderment about these accusations."

EPACO, named by Byrd Marketing as the list owner, is not independently named in the complaint, except as the name of the suspect list, and it is unclear whether it exists as a separate entity. However, Economic Political Analysis, Inc. ("EPACO"), was the subject of MUR 1549 for a similar violation of Section 438(a)(4), and that matter resulted in a conciliation agreement signed in November 1984 by Donald M. Hiner. In that agreement, Mr. Hiner signed a pledge on behalf of the respondent not to undertake any activity in violation of the Act. Therefore, there is reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4); and there is reason to believe that Hiner and Associates violated 2 U.S.C. § 438(a)(4).



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 21, 1989

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Norman Newman, Vice President
The Listworks Corporation
One Campus Drive
Pleasantville, NY 10570-1602

RE: MUR 2822
The Listworks Corporation

Dear Mr. Newman:

On February 23, 1989, the Federal Election Commission notified The Listworks Corporation of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by respondents, the Commission, on August 15, 1989, found that there is reason to believe your corporation violated 2 U.S.C. § 438(a)(4), a provision of the Act. 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 your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed interrogatories must be submitted to the General Counsel's Office within 15 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the interrogatories.

In the absence of any additional information which demonstrates that no further action should be taken against your corporation, 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.

Norman Newman, Vice President
Page 2

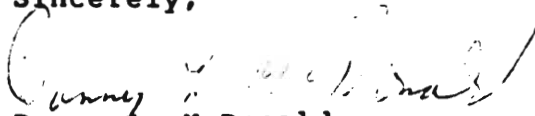
§ 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend 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.

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.

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.

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

Sincerely,


Danny L. McDonald
Chairman

Enclosures
Interrogatories
Factual and Legal Analysis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 2822
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Norman Newman, Vice President
The Listworks Corporation
One Campus Drive
Pleasantville, NY 10570-1602

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which, it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITION

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

FEDERAL ELECTION COMMISSION

**TO: Norman Newman
The Listworks Corporation**

INTERROGATORIES

1. Identify and produce all documents, including correspondence, contracts, and invoices, relating to lists brokered for Hiner and Associates and EPACO.
2.
 - a) At the time you brokered the list known as "EPACO's Best Conservatives" and "EPACO's Hotline conservatives," did you inquire as to the origin of the lists?
 - b) What information did you receive as to the origin of the lists?
 - c) Identify the name(s) and address(es) of the person(s) who provided this information to you.
3. State what, if any, representations were made to you concerning the origin of all other lists that you have brokered for Hiner and Associates or EPACO, and identify the name(s) and address(es) of the person(s) who made each such representation.

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: The Listworks Corporation MUR 2822

Pursuant to 2 U.S.C. § 438(a)(4), information copied from reports filed with the FEC may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes.

Complaint

92705
Complainant, the National Republican Congressional Committee, stated that in January 1989, three of five pseudonyms included in its 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail from six or eight organizations and companies. Complainant stated that these pseudonyms "appear only on the reports filed with the FEC."

Complainant stated that it tracked the source of the list used for commercial solicitation by first contacting one of the list users, First National Reserve Corporation ("FNR Corp."), a Texas mail order coin company. According to the complainant, FNR Corp.'s direct mail consultant, Byrd Research and Marketing Consultants ("Byrd Marketing"), of Beaumont, Texas, handled the particular mailing for FNR Corp. Byrd found the list through The Listworks Corporation, a list broker in Pleasantville, New York. According to complainant, The Listworks identified the list as the EPACO list, and further named Hiner and Associates of Falls Church, Virginia, as the "owner/manager."

The Listworks Corporation

The Listworks Corporation's unsworn response to the complaint stated that "as customary in a list brokerage transaction, [The Listworks] was never in possession of the list," and that it relied "in good faith...on information given to us by the listowner." Based on the available information, it is unclear what the respondent knew about the creation and sources of the EPACO list. Accordingly, there is reason to believe that The Listworks Corporation violated 2 U.S.C. § 438(a)(4) in this matter when information obtained from FEC reports was used for commercial purposes.

89 AUG 31 AM 9:59
SNOW BECKER KRAUSS P.C.

CHARLES SNOW
JACK BECKER
HARVEY KRAUSS
ALAN H. ARONSON
H. DAVID BERKOWITZ
MARK S. BORTEN
EDWARD S. FELDMAN**
ROBERT H. GILMORE*
FRANCIS V. IMBORNONE^o
PAUL C. KURLAND
ELLIOT H. LUTZKER*
MARC J. LUXEMBURG
LESLIE TRAGER
ALAN VAN PRAAG

ATTORNEYS AT LAW
605 THIRD AVENUE
NEW YORK, N.Y. 10158
(212) 687-3860

HAROLD L. LUXEMBURG
COUNSEL

TELECOPIER
(212) 949-7052

*ALSO ADMITTED IN N.J.
*ALSO ADMITTED IN FLA.
*ALSO ADMITTED IN D.C.
^oALSO ADMITTED IN CAL.

August 24, 1989

Ms. Frances B. Hagen
Federal Elections Commission
Washington DC 20463

Re: MUR 2822
The Listworks Corporation

Dear Ms. Hagen:

In accordance with our conversation of August 24, 1989, and the prior communications by the FEC to our client the Listworks Corporation, I am enclosing a designation of our firm as counsel to Listworks in this matter.

I would like to bring to your attention the following information which I hope will demonstrate to you and to the Commission that no further action should be taken against this corporation.

1. Our client is a nationally recognized broker in mailing lists. It has on file over thirteen thousand active lists. These are indexed under various categories in its computers and when a request is made for mailing lists having certain characteristics, the availability of such lists will be indicated by its computers.

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OFFICE OF GENERAL COUNSEL

SNOW BECKER KRAUSS P.C.
Ms. Frances B. Hagen
August 25, 1989
Page two

2. The Listworks Corporation does not have the lists themselves nor does it ever see these lists. It receives information about these lists from owners or managers who wish to sell the use of these lists through a broker such as the Listworks.
3. Listworks had previously listed the list APACO's Best Conservatives for approximately three years prior to the incident involved and had never received any complaints with respect to it.
4. When the Listworks was informed by the Republican National Committee that there was apparently a problem with the current APACO list, in that it appeared to take names on file with the FEC, the list was withdrawn from circulation.

Attached to this letter is a copy of a print out from the Listworks computer. You will note that there is an entry at the top of this item, dated 3/6/89, which reads "temporarily off market." In short, since being informed that there was a problem with this list, Listworks has voluntarily taken this list off the lists that it markets to the public.

5. The Listworks understood from the complainant - the Republican National Committee - that in taking the list off the market, as requested by this committee, that the committee would not file a complaint with respect to the Listworks. Frankly, The Listworks was surprised that such a complaint was filed despite taking the list off the market.
6. With respect to the interrogatory questions, Listworks did not receive any information at the time that this list was listed as to the

SNOW BECKER KRAUSS P.C.
Ms. Frances B. Hagen
August 25, 1989
Page three

origin of the list. The Listworks simply receives listing information which the owner or manager wishes to have included in the Listworks computer catalog of lists available for hire. Given the number of lists that the Listworks includes, it would be impossible for the Listworks to do other than to receive the basic information and to rely on the integrity of the owner or manager to insure that the list has been legally compiled.

I hope that the foregoing will satisfy you with respect to this matter and to the essential innocence of Listworks. If there is any further information which you feel would be helpful, please let me know.

Very truly yours,


Leslie Trager

LT:dj

Enc.

Listworks
One Campus Drive
Pleasantville, New York 10570-1602

August 25, 1989

Federal Election Commission
Washington DC 20463

Please be advised that in connection with a complaint involving the Listworks Corporation from the Federal Election Commission we have designated the firm of Snow Becker and Krauss P.C., 605 Third Avenue, New York, New York 10158, to act as our counsel in this matter. Their telephone number is (212) 697-3000 and Mr. Leslie Trager of that firm is in charge of this matter.

Very truly yours,

Albert S. Raskin

Albert Raskin
President

BT:AR:ctj

Listworks
One Campus Drive
Pleasantville, New York 10570-1602

August 25, 1989

Federal Election Commission
Washington DC 20463

Please be advised that in connection with a complaint involving the Listworks Corporation from the Federal Election Commission we have designated the firm of Snow Becker and Krauss P.C., 605 Third Avenue, New York, New York 10158, to act as our counsel in this matter. Their telephone number is (212) 697-3880 and Mr. Leslie Trager of that firm is in charge of this matter.

Very truly yours,

Albert S. Raskin

Albert Raskin
President

BT:AR:etj

92040892710

EPACO'S BEST CONSERVATIVES - OFF MARKET

AUG 24, 1989

*3/6/89-TEMPORARILY OFF MARKET
275,000 CONTRIBUTORS

\$40.00/M

MINIMUM ORDER: 5,000
LABELS
MAG TAPE

"EPACO'S BEST CONSERVATIVES" ARE HIGH DOLLAR POLITICAL CONTRIBUTORS TO CONSERVATIVE CANDIDATES. THEY ARE QUALITY CONSCIOUS DIRECT MAIL RESPONDENTS WITH VERY HIGH DISCRETIONARY INCOMES.

THESE UPPER INCOME INDIVIDUALS RESPOND FAVORABLY TO CAUSE AND CHARITABLE APPEALS AND TO HIGH DOLLAR COMMERCIAL OFFERS. THIS IS A PROVEN LIST FOR FUND RAISING! IT IS MAINTAINED AS A MAJOR EPACO LIST, CONSTANTLY UPDATED WITH FRESH NAMES AND CURRENT ADDRESSES.

* SPECIAL "HOTLINE" SELECTION: THE 75,000 MOST RECENT CONTRIBUTORS OF \$250 OR MORE.

SOURCE: 95% DIRECT MAIL RESPONDENTS.

----- SEX -----
70% MALE; 30% FEMALE
- AVERAGE UNIT OF SALE
\$300.00 DONATION
----- SELECTIONS -----
\$ 5.00 STATE
\$ 5.00 SCF
\$ 15.00 HOTLINE
\$ 2.00 KEYING
\$ 5.00 SEX
\$ 2.00 STATE OMIT

MAG TAPE NON-RET. \$17.5

A SAMPLE MAILING PIECE IS REQUIRED FOR APPROVAL.

LISTWORKS

One Campus Drive
Pleasantville, N.Y. 10570-1602

FAX # (914) 769-8070
(914) 769-7100

LISTWORKS CORP.

1989-08-24 13:50 914 769 8070

DGC 3968

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FEDERAL ELECTION COMMISSION
MAIL ROOM

SNOW BECKER KRAUSS P.C. 89 SEP 11 AM 8:56

CHARLES SNOW
JACK BECKER
HARVEY KRAUSS
ALAN H. ARONSON
H. DAVID BERKOWITZ
MARK S. BORTEN
EDWARD S. FELDMAN**
ROBERT H. GILMORE*
FRANCIS V. IMBORNONE^o
PAUL C. KURLAND
ELLIOT H. LUTZKER*
MARC J. LUXEMBURG
LESLIE TRAGER
ALAN VAN PRAAG

ATTORNEYS AT LAW
605 THIRD AVENUE
NEW YORK, N.Y. 10158
(212) 687-3860

HAROLD L. LUXEMBURG
COUNSEL
TELECOPIER
(212) 949-7052

*ALSO ADMITTED IN N.J.
*ALSO ADMITTED IN FLA.
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN CAL.

September 5, 1989

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OFFICE OF GENERAL COUNSEL
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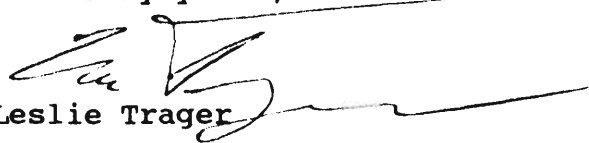
Ms. Frances B. Hagen
Federal Elections Commissions
Washington D.C. 20463

Re: MUR - 2822
The Listworks Corp.

Dear Ms. Hagen:

As you requested, I am enclosing the original of the designation of our firm to represent the Listworks Corporation. I had previously sent you a copy and I am now sending you the original.

Sincerely yours,


Leslie Trager

LT:dj
Encl.

Listworks
One Campus Drive
Pleasantville, New York 10570-1602

August 25, 1989

Federal Election Commission
Washington DC 20463

Please be advised that in connection with a complaint involving the Listworks Corporation from the Federal Election Commission we have designated the firm of Snow Becker and Krauss P.C., 605 Third Avenue, New York, New York 10158, to act as our counsel in this matter. Their telephone number is (212) 687-3000 and Mr. Leslie Trager of that firm is in charge of this matter.

Very truly yours,

Albert S. Raskin

Albert Raskin
President

BT:AR:ctj

40892713

89 SEP 11 PM 1:25

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
)
Hiner and Associates, Inc.) MUR 2822
Donald M. Hiner)
)

ANSWERS TO INTERROGATORIES

COMES now DONALD M. HINER who, being duly sworn, does say as follows

1) Economic Political Analysis, Inc., is a Delaware Corporation formed in 1976. "EPACO" is a logo name for Economic Political Analysis, Inc. "EPACO's Best Conservatives List" is a list owned by Economic Political Analysis, Inc. Donald M. Hiner owns 50% of Economic Political Analysis, Inc., the other 50% being owned by Howard E. Bedner. Hiner and Associates, Inc., a Virginia Corporation formed in 1986, is the list manager for "EPACO's Best Conservatives List", and is a close corporation 100% owned by Donald M. Hiner.

2) The Board of Directors of Economic Political Analysis, Inc., is made up of Donald M. Hiner and Howard E. Bedner; Howard E. Bedner is the President and Donald M. Hiner is the Treasurer and Secretary of this Corporation. Donald M. Hiner is the sole member of the Board of Directors of Hiner and Associates, Inc., and is also the President, and Diane E. Wildgurbe is the Secretary. As soon as Donald M. Hiner can find the Articles of Incorporation and the Bylaws, they will be forwarded, but, for now, objection is made in that these documents are irrelevant to the issues at hand, and cannot lead to evidence relevant to those issues.

3) See the response to question 1.

4) As List Manager.

5) In the last four years Donald Hiner has been the sole researcher for the lists, plus occasional exchanged or purchased lists. The problem arose the last year, as explained below, and objection is made to the request for names and information from anything prior to that time.

6 & 7) The list consists of names collected from state and local political candidates and groups. Names are collected from state offices across the country, as well as from lists provided or exchanged with others. The list known as "EPACO's Best Conservatives List" was collected and compiled over a period of many years. The names were collected from state offices and represent political groups. The list was expanded by names purchased or traded with others. The list is kept up to date by enhancing it with telephone numbers, donor history, fields of general interest and political information. Most of this data comes from the data banks available from large companies. EPACO's Best Conservatives information comes from "Telematch" (a service of the Times Journal Company) of Springfield, Virginia, and from "Infobase Services" of Conway, Arkansas.

Additional Response to the Complaint

Since the filing of the original response, the following has occurred and been learned.

(a) As soon as the "salt" or "decoy" names were revealed to Donald M. Hiner, he found them in his list. He also discovered that these names had, as they existed in his list, a "input coding" of "CCA", "CCB" or "CCC", indicating that these names had been added to the master list through three (3) separate but source-related input sessions.

(b) The coding also revealed that these names had been added to the master list during the November, 1988, update process. This corresponded to the list rentals alleged in the Complaint.

(c) First of all, and as soon as the "salt" and "decoy" names were revealed, all names with a input coding of "CCA", "CCB" or "CCC" were purged from the master list. In this way, "EPACO's Best Conservatives List" was kept clean of any tainted names, an action that would have been taken much earlier if the Complainant had been willing to reveal the "salt" or "decoy" names earlier.

(d) Next, the task was undertaken to determine the source of the names, i.e., to find the source for all the names with a input coding of "CCA", "CCB" or "CCC". Unfortunately, a mistaken assumption was made by Mr. Hiner, namely, that all the names added to the list in the November, 1988, update had been names he had himself acquired through many and various state and local political candidate and group lists, and that therefore somewhere in the names he had acquired from these sources, and or maybe even in the enhancements he had done through Telematch or Infobase, he had obtained tainted names. Because Mr. Hiner knew that he had not acquired any of his November update names directly from FEC lists, and certainly not directly from NRCC lists, he was completely at sea. Consequently, he tried to find the tainted names among documents, lists, disks, etc., which he had himself acquired during the period prior to November, 1988, but was unable to do so, and indeed could find no source for any of the names, tainted or not, with the input coding of "CCA", "CCB" or "CCC". The more Mr. Hiner investigated his own source documents, the more confused he became about how it was possible for these "salt" or "decoy" names to have ended up in "EPACO's Best Conservatives List."

(e) Then, recently, he had a conversation with a Mr. Gary Patrick, President of Continental Envelope Company, Inc., 11 Acacia Lane, Sterling, Virginia 22170, and, in thinking about that conversation, he suspected that his automatic assumption had been mistaken, and that the November, 1988, update had included not only names he had himself acquired, but also one list that he had acquired from Mr. Gary Patrick and/or from his brother, Mr. Michael Patrick, President of United Envelope Company, Inc., 11 Acacia Lane, Sterling, Virginia 22170. Upon investigation and further checking through a large pile of tapes, Mr. Hiner finally located the list of names that corresponded to the list with the input coding of "CCA", "CCB" and "CCC". All these names came from what Repondent(s) now call the "Evergreen List".

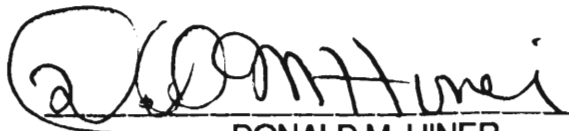
f) Approximately a year or more ago, Mr. Hiner had been given a list of miscellaneous names by Gary Patrick and/or Michael Patrick in exchange for some work that Mr. Hiner had done for the Patricks, along with future considerations. Although he had had this tape for a long time, he had never gotten around to enhancing it or otherwise inserting that data into the master lists. Finally, in November, 1988, during the update process, he threw into the lists all those names acquired from the Patricks. However, because the primary purpose of the November, 1988, update was to integrate names he had himself acquired into the EPACO list, and because this large and time-consuming task was all he remembered, he had simply forgotten that, among all the other work, he had also inserted the names acquired from the Patricks a long time prior to November, 1988. In any event, all of Mr. Hiner's investigations into the names he himself acquired in his efforts to trace down how the tainted names ended up in the EPACO list were simply wasted as misdirected.

g) The Patricks were not in the business of owning or managing lists then, and Donald Hiner understood that the Patricks had acquired the above names and list from a company known as "Evergreen" in payment of some debt owed by this Evergreen company to the Patricks or one of them. When the Patricks in turn turned this list over to Hiner and Associates, Inc., as set forth above, Mr. Hiner received a copy of a letter from this Evergreen company concerning this list. Mr. Hiner is searching among his back records to try to find this letter and will forward the same to the Federal Election Commission as soon as he finds it.

h) Mr. Hiner's copy of the names with the input coding of "CCA", "CCB" and "CCC" is being held and is available to the Commission for its inspection, analysis or other purpose under the statutes.

IN CONCLUSION, Respondent(s) did not know that EPACO Best Conservatives List had any tainted names at all until the "salt" or "decoy" names were revealed, and did not know how these names got into the EPACO list until Mr. Hiner remembered the facts about the Evergreen list. Respondent(s) immediately purged all the tainted-source names from the EPACO list(s) as soon as the "salt" or "decoy" names were revealed so no further harm has been or can be done. At the time Mr. Hiner inserted the Evergreen names into the EPACO list(s), Respondent(s) had no knowledge whatsoever that, evidently, the ultimate source of the Evergreen names, or at least some of them, can be traced back to the Complainant's "1984 October Quarterly, Pre-General and Post-General Reports" [cf. Factual and Legal Analysis, paragraph 2]. Consequently, the Respondent(s) did not either knowingly or willfully violate 2. U.S.C. §438(a)(4). After the Commission has satisfied itself either by inspecting the source copies

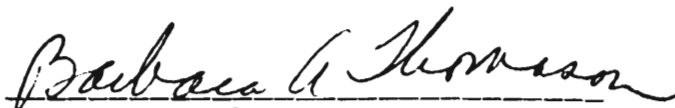
still possessed by the Respondent(s), or by investigating either the Evergreen company [once their letter is found and forwarded to the Commission] or by investigation through the Patricks, or by whatever means shall to the Commission seem appropriate, the Respondent(s) respectfully requests that the Complaint against them be dismissed.


DONALD M. HINER

State of Virginia
County of Fairfax, to-wit:

This day appeared before me, the undersigned notary in my jurisdictions aforesaid, DONALD M. HINER both for himself individually and as President of Hiner and Associates, Inc., and subscribed, swore to and affirmed the foregoing to be true and correct to his best knowledge and belief under penalty of perjury.

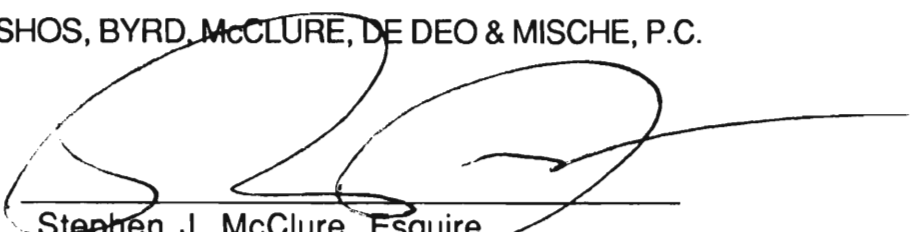
Given under my hand and seal this 11th day of September, 1989.


NOTARY

My Commission expires: September 28, 1992

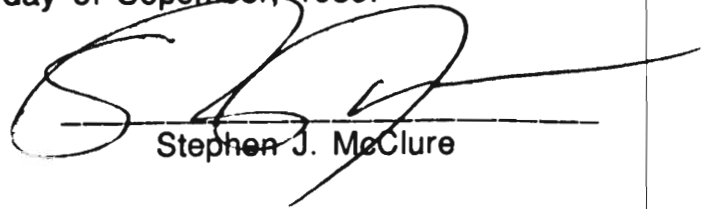
MOSHOS, BYRD, McCLURE, DE DEO & MISCHE, P.C.

BY


Stephen J. McClure, Esquire
10521 Judicial Drive, Suite 120
Fairfax, Virginia 22030
(703) 691-1200
Counsel for Respondents

Certificate of Service

I hereby certify that I have caused a true copy of the foregoing to be mailed first class postage prepaid to Jan W. Baran, General Counsel of the National Republican Congressional Committee at 320 First Street S.E., Washington, D.C. 20003 on this 11th day of September, 1989.



Stephen J. McClure

90 JAN 11 PM 12:54

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2822
Donald M. Hiner)
Hiner and Associates)
The Listworks Corporation)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Based upon a complaint filed by the National Republican Congressional Committee and responses received thereto, the Commission found reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4) by using information filed with the FEC for commercial purposes. The Commission also found reason to believe that Hiner and Associates and The Listworks violated 2 U.S.C. § 438(a)(4).

II. ANALYSIS

It appears from the discovery responses received in this matter that "EPACO's Best Conservatives List" is owned by Economic Political Analysis, Inc., a Delaware Corporation in which Donald Hiner has a 50% interest. Hiner and Associates, Inc., is a closely held corporation owned by Mr. Hiner that serves as the list manager for "EPACO's Best Conservatives List." See Attachment A, Answer to Interrogatory 1. This list, which "consists of names collected from state and local political candidates and groups" appears to have been compiled over a period of years by Mr. Hiner, who is identified as the "sole researcher for the list[]." Id. Answer to Interrogatories 5 and 6. On occasion, Mr. Hiner also included names from lists he

purchased or exchanged with others.

Mr. Hiner has continued to investigate the possible source for the pseudonyms in question in this matter and supplemented his prior response to the complaint. According to the supplemental reponse, Mr. Hiner has traced the names at issue back to a list he received in exchange for some work he had done for Gary and Michael Patrick of Continental Envelope Company, Inc., and United Envelope Company, Inc., respectively.

The Patricks had obtained a list as payment for a debt which they then gave to Mr. Hiner. Mr. Hiner recalls incorporating names from that list into his master list when he updated it in November 1988. See Attachment A, page 4. Mr. Hiner identified the suspect list as the "Green Hill Book Buyers list," from Green Hill Publishers, Inc.¹ He confirmed that the Green Hill Book Buyers' list was the source of the pseudonyms by comparing the "input codes" of the list containing the pseudonyms to names on the Green Hill list.

In light of this new information, the Office of the General Counsel recommends that the Commission find reason to believe that Green Hill Publishers, Inc. violated 2 U.S.C. § 438(a)(4) and send interrogatories concerning the source of names on its list.

III. RECOMMENDATIONS

1. Find reason to believe that Green Hill Publishers, Inc.

1. Respondents refer to an "Evergreen" list and company in their response. In subsequent conversations with counsel, the actual name was verified as Green Hill. Counsel agreed to amend the response, but has been delayed in doing so by recent hospitalization.

violated 2 U.S.C. § 438(a)(4).

2. Approve the attached letter, Factual and Legal Analysis, and Interrogatories.

Lawrence M. Noble
General Counsel

1-10-90
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- A. Response to Interrogatories
- B. Proposed letter and Factual and Legal Analysis
- C. Interrogatories

Staff assigned: Frances B. Hagan

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2822
Donald M. Hiner)
Hiner and Associates)
The Listworks Corporation)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 16, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 2822:

1. Find reason to believe that Green Hill Publishers, Inc. violated 2 U.S.C. § 438(a)(4).
2. Approve the letter, Factual and Legal Analysis, and Interrogatories, as recommended in the General Counsel's Report dated January 10, 1990.

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

Attest:

1-17-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Thurs., Jan. 11, 1990	12:54 p.m.
Circulated to the Commission:	Thurs., Jan. 11, 1990	4:00 p.m.
Deadline for vote:	Tues., Jan. 16, 1990	4:00 p.m.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 19, 1990

Green Hill Publishers, Inc.
722 Columbus Street
Ottawa, Illinois 61350

RE: MUR 2822
Green Hill Publishers, Inc.

Dear Sir or Madam:

On January 16, 1990, the Federal Election Commission found that there is reason to believe your corporation violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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 your corporation. 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 your corporation, 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.

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

Green Hill Publishers, Inc.
Page 2

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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Green Hill Publishers, Inc. MUR: 2822

Pursuant to 2 U.S.C. § 438(a)(4), information copied from reports filed with the FEC may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes.

In the course of carrying out its supervisory responsibilities, the Federal Election Commission received information indicating that certain pseudonyms included in the National Republican Congressional Committee's 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail solicitations from several organizations and companies.

It appears that a list compiled or owned by Green Hill Publishers had been given to Gary and Michael Patrick of Continental Envelope Company, Inc., and United Envelope Company, Inc., respectively, in payment for a debt. They, in turn, gave the list to Donald M. Hiner of Hiner and Associates, Inc., in exchange for work performed for them. Through a comparison of input codes, the list containing the pseudonyms has been traced to the list the Patrick brothers gave Mr. Hiner.

Based on this information, there is reason to believe that Green Hill Publishers, Inc. violated 2 U.S.C. § 438(a)(4) in this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 2822
)

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: Green Hill Publishers, Inc.
722 Columbus Street
Ottawa, Illinois 61350

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITION

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES - GREEN HILL PUBLISHERS, INC.

1. Identify the owners and managers of the Green Hill Book Buyers' list.
2. Identify all persons who compiled or assisted in compiling the Green Hill Book Buyers' list from the original document sources.
3. Identify all sources of the Green Hill Book Buyers' list, including data updates. List the sources and dates on which such data was included in the Green Hill list.
4. State whether Green Hill Publishers, Inc. has ever contracted with or had business dealings with any of the following. If so, describe all such dealings and produce all documents that relate thereto:
 - a) Gary Patrick or Michael Patrick;
 - b) Continental Envelope Company, Inc., or United Envelope Company, Inc.;
 - c) Donald M. Hiner or Hiner and Associates, Inc.



Green Hill Publishers, Inc.

722 Columbus Street
Ottawa, Illinois 61350
(815) 434-7905

FRANCES HAZEN

Ms. Lee Ann Elliott
Chairman
FEDERAL ELECTION COMMISSION
Washington, DC 20483

22 January 1990

Dear Ms. Elliott:

Before attempting to comply with your interrogatories and document requests, I would like to offer a brief explanation of the situation described in your letter of January 19, received today.

First, Green Hill Publishers, Inc. does not own the mailing list you refer to. While it is the source of the names on the list, from sales of books by mail, it is owned by Mrs. Campaigne and maintained by her and Preferred List Company of Falls Church, VA. In return for Mrs. Campaigne paying the costs of updating and cleaning this list, Green Hill Publishers, Inc. is allowed to use the list at no charge.

Second, I get the impression from your letter that the Patricks or Mr. Hiner have mailed this list more than once. If that is the case, then they have subverted the one-time-use agreement we had with them (as you say, in return for discharging a mailing debt with their envelope company, for a mailing done by Stephen Winchell & Associates for us in May of 1986).

If you have evidence that either of these parties have, in fact, put our names on the market as either a "Green Hill" file or merged it with another of their own, then I would want to have evidence to this effect, since I will want to pursue legal remedies.

Now, finally, as to the Republican Congressional Committee, there are two simple explanations why a large number of their names would be on our mailing list. First, they have rented the Green Hill list more than ten times since the early 1980s. Second, in 1984 we prepared a one million copy edition of a book for them, which they used in a direct mail package. Contained in the back of that book (a copy will be sent to you) is an order form directed to Green Hill Publishers at Box 738, Ottawa, Illinois (see enclosure). More than 30,000 books were sold via this ad to the 1 million people the NRCC mailed to, so you can see how a large number of "their" names ended up on our list. We are, of course, prepared to state under oath that no one connected to Green Hill or the Campaignes in any way ever copied any names from any FEC report. To add such names to our file would destroy its usefulness to us and to those renters of the list who desire bookbuyers-by-mail, not GOP contributors.

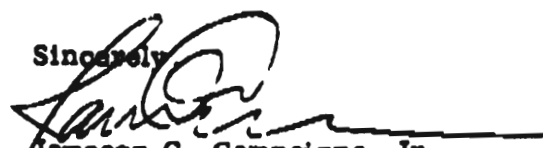
I will attempt to fax this letter to you on Tuesday the 23rd, or to Ms. Hagan.

We are a very small company and, given the foregoing, do not think it necessary to incur the cost of legal counsel for a complaint resulting from either an error by the NRCC or the FEC of the post hoc ergo propter hoc variety, or malfeasance on the part of Messrs. Patrick or Hiner.

If this letter is satisfactory to discharge this matter, please so inform me in writing. If not, please do likewise.

Thank you for your time and attention to this matter.

Sincerely,



Jameson G. Campaigne, Jr.
President

23 January --

Additional information: the Green Hill list has been maintained by three different list brokers since 1984: ListAmerica in Georgetown, Atlantic List Company (a subsidiary of Stephen Winchell Company, who has handled the NRCC fundraising account for at least ten years) and now Preferred List Company. The list is rented at least monthly, so if there were NRCC names on the list, they would be receiving dozens of "pseudonyms" annually from these rentals (all handled by a third party, the broker). My guess is that I am getting blamed for someone else's mis- or malfeasance.

Washington, DC

→ After making a generous contribution to the Congressional Committee's 1984 GOP Victory Fund the most powerful way you can help our candidates win this year is by taking a copy of this book to your friends, associates and neighbors.

Urge your friends to read this book. Along with you, they can become informed and persuasive advocates for our Republican programs and candidates.

QUANTITY PRICES*

1 copy	\$3.50	100 copies	\$85.00
5 copies	\$10.00	500 copies	\$325.00
10 copies	\$15.00	1000 copies	\$500.00
25 copies	\$30.00	10,000 copies	\$3,750.00
50 copies	\$50.00		

* Illinois residents please add 6% sales tax.

Green Hill Publishers
Box 738
Ottawa, Illinois 61350

Please send me postage paid _____ copies of
**WHAT YOU HAVE AT STAKE IN THE 1984
ELECTION** by Congressman Guy Vander Jagt. I'm
enclosing \$ _____.

Name _____

Address _____

City _____

State _____

Zip _____

All books sent postage paid. Please do not use Post Office Box Numbers.

OGC 5299
MUR 2822
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM



90 FEB -5 AM 10:33

Green Hill Publishers, Inc.
722 Columbus Street
Ottawa, Illinois 61350
(815) 434-7905

To: Frances B. Hagan
FEDERAL ELECTION COMMISSION
FAX 202-376-5280

On: 24 January 1990

Following are answers to interrogatories 1-4 from the letter to Green Hill from Lee Ann Elliott dated 22 January. I will follow up this fax with a notarized copy upon my return from a short business trip, early next week.

1. Owner: Caroline Y. Campaigne
236 Forest Park Place
Ottawa, IL 61350

Manager: Preferred List Company
5201 Leesburg Pike
Falls Church, VA 22041 (since March 1989)

2. The original document sources for the Green Hill Bookbuyers list go back to computer tapes commencing late 1981 at Caroline House Publishers (a distributor) in Aurora, IL. That company has since become Longman USA (contact: Rich Saul, 312-983-6400); taken from the tape were names of Green Hill bookbuyers of political and fiction titles, until mid-1984.

During the above period, the list was managed and updated by Merril Associates, 12500 NE 10th Street, Bellevue, WA 98005, until 2/15/85.

Starting in April 1984, mail order names were also being collected and sent to the above broker (and subsequently to later brokers) from mail order sales through our Ottawa, IL office, where they were recorded in DbaseII on a microcomputer.

Jameson Campaigne, husband of Caroline, supervised the transfer of names from the microcomputer to the brokers, on either hard copy printouts or diskettes, and does so through this day. His address is Green Hill Publishers, Inc., stated above.

In early 1985 List America, 1202 Potomac Street, NW, Washington, DC 20007 took over management of the list for Mrs. Campaigne, and did so until December, 1988.

In January 1987 Atlantic List Company, 1615 L Street, NW, Washington, DC 20036 took over management of the list for Mrs. Campaigne and did so until March of 1989.

The Green Hill list is not a "compiled" list in the sense the direct market-trade uses that term. It is a "customer list" of people who bought something by mail.

RECEIVED
FEDERAL ELECTION COMMISSION
90 FEB -5 PM 3:55

3. All the sources of the list are identified in the answer to interrogatory number 1, with the possible minor exception of decoy names and a few small lists of miscellaneous customers or prospects (generally fifty to a hundred names) from organizations of which we are a member (The Philadelphia Society, The Mont Pelerin Society, National Muzzleloading Rifle Association names picked up at booth exhibits, similar names picked up from Green Hill booth exhibits from business cards and so on). Probably fewer than 500 such names are on the Green Hill list (which also includes a few small list provided by our fiction authors from their own direct mail sales, of works of fiction, not political names).

A full galley of the Green Hill list is available if you wish to look at it. Who bears the cost of a computer run for this?

4. Green Hill had one transaction with United Envelope Company (see copies of documents in our file, with dates/etc) wherein work done by Stephen Winchell Associates (exclusive direct mail vendor to the National Republican Congressional Committee as well as owner of Atlantic List Company) was subcontracted to United Envelope. A bill from them of \$1077.50 for 50,000 envelopes was past due and Green Hill offered to swap a one-time use of its list (worth \$3205.79) and that no-charge rental was transacted through List America (mentioned above). This was done through Gary Patrick.

I do not remember the name "Hiner" or the name "Continental Envelope" ever coming up at that time, or since. All we have in our records is the document file that follows.

I trust you received my fax of 22 January which further fills in the record as we understand it. That letter was written before cartons of old files were retrieved and gone through to prepare this set of answers.

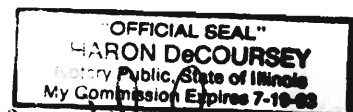
We remain mystified as to how NRCC names of a decoy or pseudonym nature could have gotten onto "our" list, since we never put any there and don't think there are any on our real list, which is now at Preferred List Company, or at its earlier versions at Atlantic, List America, or Merrill. My guess is that someone else put them on the bootleg copy of the Green Hill which your papers indicate is circulating somewhere, to our great detriment as well as to the NRCC apparently.

If there is, at any point in the future (public hearings?) the possibility of the actual misuses being made public, please advise me, since I will want to know what was mailed, by whom, how much the list rental was, the dates, and so on, so I can sue the thieves for damages to Mrs. Campaigne's rental income. There have been instances in the last year when people who rented our list complained that it did not pull as well as it had previously, for which we had no explanation. However, if there was an illegal copy being mailed at the same time, that might explain these complaints -- hence my great desire to learn the particulars of this matter.

If I can be of further assistance, please call or write. Our fax is 815-434-7907.

Jameson Campaigne, Jr.
President

Signed before me this 1st day of February, 1990.



Sharon DeCoursey
Sharon DeCoursey

P.S. If the foregoing is not sufficient to take Green Hill out of this matter, please let me know immediately. I do not want to have to bear the cost of a DC attorney, but if for some reason the (unknown) plaintiff wishes to press this matter against us, if will of course wish to do this. Thanks for keeping me informed.

BILL TO: GREENHILL PUBLISHERS, Inc.
c/o SNA

PURCHASE ORDER

CH 02

DATE 5/7/86

DATE REQUIRED 5/12/86

SUPPLIER:

United Envelope
c/o Carl Richmond
124 Powers Court Unit 4
Sterling, VA 22170

SHIP TO:

Stewart Mailing.
c/o Kathy
2600 Barco Center Dr.
Woodbridge, VA 22191

ADDRESS ALL INVOICES, PACKAGES AND CORRESPONDENCE TO:

Greenhill Pubs.

c/o Stephen Winchell & Associates, Inc.
1990 M Street, N.W. Suite 310
Washington, D.C. 20036
(202) 466-4242

Telecopier Phone: (202) 466-4917

SPECIAL INSTRUCTIONS:

- 1) Bill direct to client, c/o Stephen Winchell & Associates.
- 2) Please include a copy of this purchase order with all invoices to client.
- 3) Please include a copy of this purchase order with all correspondence to client.

703-450-7116
GARY PRODUCTIONS
SOME PULLER-
COMPARABLES

• Client Name & Address?
• WORK LST? 3% and 10%

ITEMS LISTED BELOW		UNIT PRICE	QUANTITY	TOTAL
Stock: 244 white wrap		\$11.95		
Prints: 041, Std. size and position				
Size: Data Card 3 5/8 x 7 3/4"				
Stock: 244 white wrap				
Prints: 1/0, HPS 280 BPS				
TOTAL				

PURCHASING AGENT

Jeff Vogt

IMPORTANT: OUR ORDER NUMBER MUST APPEAR ON INVOICES,
PACKAGES AND CORRESPONDENCE. INVOICE IN TRIPLICATE

FOR OFFICE USE ONLY	DATE(S) RECEIVED	DATE ORDER COMPLETED	SUPPLIER WORK NO.	SUPPLIER INVOICE NO.	SUPPLIER INVOICE DATE
	6-2-86	5-21-86		86671	5-15-86
	6-2-86	5-21-86		8886672	5-16-86

QUANTITY(S) RECEIVED:

ADDITIONAL INFORMATION:

Quantities adjusted

UNITED ENVELOPE CORP.

114 Powers Court
Unit 4
Sterling, Virginia 22170
703/450-7116



SWA/Greenhill Pub.
1990 M St. N.W.
Wash. DC. 20036

Invoice No. 86672

Date May 16, 1986

Job No.

Cust. P.O. GH-02

SALES CODE	FC	ACCOUNT NUMBER	IC	SHIPPED VIA:	TERMS
					30 Days

DESCRIPTION	QUANTITY	PRICE/UNIT	AMOUNT
Data Card 24# WW 1/0 AA's pick up and redel. Del in MD	50,000	9.60 per M	480.00 60.00 <u>540.00</u>

Transactions not paid after 30 days of invoice date will be subject to a finance charge of 1.5% per month. This amounts to an annual interest

UNITED ENVELOPE CORP.

114 Powers Court
Unit 4
Sterling, Virginia 22170
703/450-7116

SWA/Greenhill Publishers
1990 M St. N.W.
Wash. D.C. 20036

Invoice No. 86671

Date May 15, 1986

Job No.

Cust. P.O. GH-02

SALES CODE	EC	ACCOUNT NUMBER	IC	SHIPPED VIA	TERMS
					30 Days

DESCRIPTION	QUANTITY	PRICE UNIT	AMOUNT
#9 S/W 24# WW 1/0 Federal Express 4% Sale Tax	50,000	11.95 per M	597.50 15.00 24.50 <u>637.00</u>

Transactions not paid after 30 days of invoice date will be subject to a finance charge of 1.5% per month. This amounts to an annual interest rate of 18%.



CC: [unclear]
CC: [unclear] re 6th
own [unclear] / [unclear] for
list: [unclear] [unclear] to
6th by [unclear]

pull
SWA +
LISA files
1. [unclear] bill?
2. [unclear]?

January 29, 1987

Jameson Books
722 Columbus Street
Ottawa, Illinois 61350

Dear Jameson:

I received your letter and you are correct. There has been a delay in sending you an up-to-date status of our payables to you.

There will be two deductions from the amount List America shows as payable to you upon collection.

1.) List America will pay the bill to Creative Processing Systems for doing the computer processing to merge/purge your lists and to make and send your copies of the master file. That bill is \$300.00.
2 to SWA & Telrow?

2.) * Gary Patrick of United List Rental ordered a full run of Green Hill Book Buyers. List America billed United List Rental in the amount of \$3,205.79. He refused to pay and told me you: you authorized this order to pay off an old obligation. List America's split on that income is \$817.73 (commission, mag tape fee and shipping). I will deduct that amount from what we owe you.
I told him not to pay

Your up-to-date Activity Report will be sent to you next week with any money due you.

Cordially,

25.5%

Edward A. Caramanico
Vice President/Finance

* will do [unclear]
some w/
SWA

List America, Inc.
1202 Potomac Street, N.W.
Washington, D.C. 20007

Telephone: 202-298-9206

List America, Inc.
Metroplex II
8201 Corporate Drive Suite 1000
Landover, Md. 20785
Telephone: 301-459-2655

List America, Inc.
John Finn, Agent
1840 So. Elena, Suite 103
Redondo Beach, CA 90277
Telephone: 213-373-0743



JAMESON BOOKS

722 Columbus Street
Ottawa, Illinois 61350
(815) 434-7905

TO: Ingrid Loukata, Atlantic List Company.
RE: Att'd
ON: 2/1/87

Before you offer List America their commission, see their note re United Envelope credit. Since it appears from talking to John that they have severe financial problems and that I may never see any money from them, why pay them the commission? Let's discuss this before you act.

Note ref re United Envelope. I'll call Patrick re the discrepancy between the \$ 3205.79 list rental fee and the SWA/GHill bills totaling (correct?) \$ 1177.00.

My records show that we have outstanding bills to Omni for \$1446.29 and to Hendricks-Miller for \$53.00 And also to Stewart Mailing for \$3204.50. Finally, list rental bills for \$1055.25 if you do not count the fee List America charged me (which I will take as a credit now unless it's been paid -- please do not pay it!), of \$377.43 (and an additional \$90?).

I think this recaps everything in my files, Dodee's, and yours. Please thank Dodee effusively for me, and yourself, for bearing with me on this. Got a basketful of snakes here!

Sincerely,

Jameson Campaigne, Jr.

OGC#5759

HINER ASSOCIATES INC

7700 Leesburg Pike, Suite 314
Falls Church, Virginia 22043

March 21, 1990

V I A H A N D D E L I V E R Y

Stephen J. McClure
Moshos, Byrd, McClure
De Deo & Mische, P. C.
10521 Judicial Drive
Fairfax, Virginia 22030

90 MAR 23 PM 2:02

Re: Federal Election
Commission

MUR 2822

Dear Steve,

Enclosed you will find a complete galley (listing) of the Green Hill Book Buyers list, also enclosed is a computer tape and a set of diskettes of this same list. The computer tape is usable on a main frame computer, the diskettes are usable on an IBM compatible PC.

I am sorry that this took so long to do; but I had a few problems.

Dianne and Kitty are going to spend the next two days searching for the Green Hill authorization letter. We are going to go through all papers for a third time.

Again, I am sorry for this delay but I hope to be more efficient in the future.

Sincerely,



Donald M. Hiner

Enclosure

DMH/kc

703/749-0900

FAX 703/749-0903



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 6, 1990

Jameson G. Campaigne, Jr., President
Green Hill Publishers, Inc.
722 Columbus Street
Ottawa, Illinois 61350

RE: MUR 2822
Green Hill Publishers, Inc.

Dear Mr. Campaigne:

Per your telephone conversation of July 23, 1990, with Frances B. Hagan of this Office, this is to request additional information regarding the above-referenced matter.

From the Green Hill Book Buyers' List:
All listings (full name and address) found prior to February 1, 1987, from Tucson, Arizona, and Springfield, Missouri. The listings should be taken from both active and inactive lists and should be the same such information made available to Gary Patrick of United Envelope Company in February 1987 in payment for services rendered (See your letter dated January 24, 1990, in response to interrogatories).

Please send this information to the Office of the General Counsel, 999 E Street, N.W., Washington, D.C. 20463. If you have questions concerning this matter, contact Frances B. Hagan at (202)376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. G. Lerner", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

90 AUG 13 PM 4:22

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	MUR 2822
Donald M. Hiner	)	
Hiner and Associates	)	
The Listworks Corporation	)	
Green Hill Publishers, Inc.	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Based upon a complaint filed by the National Republican Congressional Committee ("NRCC") and responses received thereto, the Commission found reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4) by using information filed with the FEC for commercial purposes. The Commission also found reason to believe that Hiner and Associates and The Listworks violated 2 U.S.C. § 438(a)(4).

Based on information obtained from responses to the initial reason to believe findings, Donald M. Hiner informed us that through his corporations, he owns (50%) and manages "EPACO's Best Conservatives List ("EPACO list")," the list allegedly used beginning in January 1989 to solicit pseudonyms found on three 1984 NRCC reports. By comparing computer "input codes," Mr. Hiner traced the names in question to a list he had received in exchange for some work he had done for Gary and Michael Patrick of Continental Envelope of Virginia, Inc., and United Envelope and Printing Corporation, respectively. Mr. Hiner incorporated this list into his EPACO master list when he updated it in November 1988. Mr. Hiner identified the suspect supplemental

list as the "Green Hill Book Buyers list" ("Green Hill list"). Subsequently, the Commission found reason to believe that Green Hill Publishers, Inc. ("GH Publishers") violated 2 U.S.C. § 438(a)(4).

II. ANALYSIS

In answer to the Commission's finding and interrogatories, Jameson Campaigne, Jr., President of Green Hill Publishers, advised that his company does not own the Green Hill list. Apparently, GH Publishers is the source of the names on the list, and the names are obtained from sales of books by mail.¹ Mr. Campaigne apparently supervises the transfer of names from the computer to brokers, and his company is not charged for using the list. His wife, Caroline Y. Campaigne, owns the Green Hill list and pays the cost of updating and "cleaning" it. Since March 1989, the Green Hill list manager has been Preferred List Company of Falls Church, Virginia.

According to Mr. Campaigne, his company has had business dealings with the NRCC for several years. Apparently, the NRCC has rented the Green Hill list "more than ten times since the early 1980s." In addition, GH Publishers prepared a million copy edition of a book for an NRCC direct mailing. The book contained an order form for the book, directed to GH Publishers.

1. Mr. Campaigne explained that although the Green Hill list is a "customer" list rather than a "compiled" list in direct market trade terms, it may contain fewer than 500 names from miscellaneous customers or prospects, names garnered from booth exhibits, business cards, or a few from fiction authors' own direct mail sales. See response to interrogatories dated January 24, 1990, p. 2, answer 3.

Apparently, this order form went to a million names on the NRCC mailing list, and more than 30,000 books were sold. Thus, many NRCC contributors would appear on the Green Hill list as bookbuyers. Mr. Campaigne noted that between January 1987 and March 1989, the Green Hill list manager was Atlantic List Company of Washington, D.C., a subsidiary of Stephen Winchell Associates, the "exclusive direct mail vendor to the [NRCC]."

As to our questions regarding his company's dealings with the Patrick brothers or Donald Hiner, Mr. Campaigne recalled one transaction with Gary Patrick and United Envelope.² He explained that "[a] bill from [United Envelope] of \$1,077.50 for 50,000 envelopes was past due and Green Hill offered to swap a one-time use of its list (worth \$3,205.79)...." From Donald Hiner's response, it appears that the Patrick brothers gave Mr. Hiner the Green Hill list in lieu of payment for services and for "future considerations." [See General Counsel's Report dated 1/10/90, Attachment A. 4.]

If, as Mr. Campaigne stated, the GH Publishers' version of the Green Hill list is rented at least monthly, the pseudonyms would have received dozens of solicitations annually. The pseudonym solicitations began in January 1989, after the Patrick brothers obtained access to the Green Hill list in February 1987, and after Mr. Hiner updated his EPACO list using the Green Hill names obtained from the Patricks. Because it is not clear when

2. Mr. Campaigne recalls that Gary Patrick handled this transaction with United Envelope. According to the Virginia Corporation Division, Gary Patrick is president of Continental Envelope and Michael Patrick is president of United Envelope.

the information from FEC reports was included with the Green Hill list, additional discovery regarding the Patricks' maintenance and use of the Green Hill list is necessary.³

Therefore, the Office of the General Counsel recommends that the Commission find reason to believe that Gary Patrick, his brother Michael Patrick, and their companies, Continental Envelope of Virginia, Inc., and United Envelope and Printing Corporation violated 2 U.S.C. § 438(a)(4).

III. RECOMMENDATIONS

1. Find reason to believe that the following violated 2 U.S.C. § 438(a)(4):
 - a) Gary Patrick;
 - b) Continental Envelope of Virginia, Inc.;
 - c) Michael Patrick;
 - d) United Envelope and Printing Corporation.
2. Approve the appropriate letter and the attached Factual and Legal Analyses.

Lawrence M. Noble
General Counsel

Date

8/10/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- A. Green Hill Publishers' Responses
- B. Factual and Legal Analyses (2)

Staff assigned: Frances B. Hagan

3. This Office has also requested additional evidence from Green Hill Publishers, Inc. to determine whether NRCC pseudonyms appeared on the list it loaned to Gary Patrick in lieu of payment for services rendered.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *DH*
COMMISSION SECRETARY

DATE: AUGUST 16, 1990

SUBJECT: MUR 2822 - GENERAL COUNSEL'S REPORT
DATED AUGUST 10, 1990

The above-captioned document was circulated to the
Commission on Tuesday, August 14, 1990 at 11:00 a.m.

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

Commissioner Aikens _____

Commissioner Elliott _____

Commissioner Josefiak _____

Commissioner McDonald _____

Commissioner McGarry _____

Commissioner Thomas _____

XXX

This matter will be placed on the meeting agenda
for TUESDAY, AUGUST 21, 1990

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of-	)	
	)	MUR 2822
Donald M. Hiner;	)	
Hiner and Associates;	)	
The Listworks Corporation;	)	
Green Hill Publishers, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 21, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2822:

1. Find reason to believe that the following violated 2 U.S.C. § 438(a)(4): Gary Patrick; Continental Envelope of Virginia, Inc.; Michael Patrick; United Envelope and Printing Corporation.
2. Approve the appropriate letter and the Factual and Legal Analyses as recommended in the General Counsel's report dated August 10, 1990.

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

Attest:

8-27-90
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

ION COMMISSION

C 20463



September 5, 1990

Patrick
Slope
Printing Corporation
One Court
ing, Virginia 22170

RE: MUR 2822
Michael Patrick
United Envelope
and Printing Corporation

Dear Mr. Patrick:

On August 21, 1990, the Federal Election Commission found that there is reason to believe you and your corporation violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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 your corporation. 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 your corporation, 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.



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 5, 1990

Mr. Michael Patrick
United Envelope
and Printing Corporation
202 Lane Court
Sterling, Virginia 22170

RE: MUR 2822
Michael Patrick
United Envelope
and Printing Corporation

Dear Mr. Patrick:

On August 21, 1990, the Federal Election Commission found that there is reason to believe you and your corporation violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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Mr. Michael Patrick
Page 2

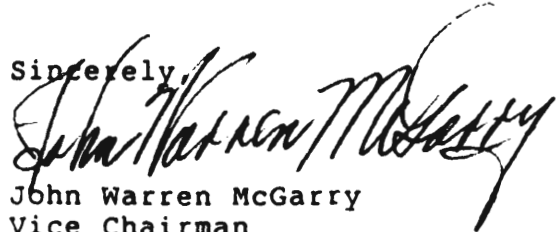
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


John Warren McGarry
Vice Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Michael Patrick MUR: 2822
United Envelope
and Printing Corp.

Pursuant to 2 U.S.C. § 438(a)(4), information copied from reports filed with the FEC may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes.

In the course of carrying out its supervisory responsibilities, the Federal Election Commission received information indicating that certain pseudonyms included in the National Republican Congressional Committee's 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail solicitations from several organizations and companies.

It appears that the Green Hill Book Buyers' list had been loaned to Gary and Michael Patrick of Continental Envelope of Virginia, Inc., and United Envelope and Printing Corporation, respectively, in payment for a debt. They apparently gave the list to Donald M. Hiner of Hiner and Associates, Inc., in exchange for work performed for them. Through a comparison of input codes, the list containing the pseudonyms has been traced to the list the Patrick brothers gave Mr. Hiner.

Based on this information, there is reason to believe that Michael Patrick and United Envelope and Printing Corporation violated 2 U.S.C. § 438(a)(4) in this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 2822
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Mr. Michael Patrick
United Envelope
and Printing Corporation
202 Lane Court
Sterling, Virginia 22170

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITION

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES - MICHAEL PATRICK
UNITED ENVELOPE AND PRINTING CORPORATION

1. State whether you or your company have contracted with or had business dealings with any of the following since January 1986. If so, describe all such dealings and produce all documents that relate thereto:
- a) Green Hill Book Buyers' list;
 - b) Green Hill Publishers, Inc.;
 - c) Jameson Campaigne, Jr., or Caroline Y. Campaigne;
 - d) Hiner and Associates;
 - e) Donald Hiner.
2. Describe in detail the circumstances concerning the acquisition and use of the Green Hill Book Buyers' list by you and your company.
3. Describe the circumstances concerning the lending or giving of the Green Hill Book Buyers' list to any other person, company, or organization by you or your company. Particularly, provide detailed information concerning your role in the acquisition and use of the list by Donald Hiner and Hiner and Associates.

134089275



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 5, 1990

Mr. Gary Patrick
Continental Envelope
of Virginia, Inc.
11 Acacia Lane
Sterling, Virginia 22170

RE: MUR 2822
Gary Patrick
Continental Envelope
of Virginia, Inc.

Dear Mr. Patrick:

On August 21, 1990, the Federal Election Commission found that there is reason to believe you and your corporation violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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 your corporation. 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 your corporation, 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.

Mr. Gary Patrick
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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


John Warren McGarry
Vice Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Gary Patrick MUR: 2822
Continental Envelope
of Virginia, Inc.

Pursuant to 2 U.S.C. § 438(a)(4), information copied from reports filed with the FEC may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes.

In the course of carrying out its supervisory responsibilities, the Federal Election Commission received information indicating that certain pseudonyms included in the National Republican Congressional Committee's 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail solicitations from several organizations and companies.

It appears that the Green Hill Book Buyers' list had been loaned to Gary and Michael Patrick of Continental Envelope of Virginia, Inc., and United Envelope and Printing Corporation, respectively, in payment for a debt. They apparently gave the list to Donald M. Hiner of Hiner and Associates, Inc., in exchange for work performed for them. Through a comparison of input codes, the list containing the pseudonyms has been traced to the list the Patrick brothers gave Mr. Hiner.

Based on this information, there is reason to believe that Gary Patrick and Continental Envelope of Virginia, Inc. violated 2 U.S.C. § 438(a)(4) in this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 2822
)

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: Mr. Gary Patrick
Continental Envelope
of Virginia, Inc.
11 Acacia Lane
Sterling, Virginia 22170

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

540392762

DEFINITION

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"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES - GARY PATRICK
CONTINENTAL ENVELOPE OF VIRGINIA, INC.

1. State whether you or your company have contracted with or had business dealings with any of the following since January 1986. If so, describe all such dealings and produce all documents that relate thereto:
 - a) Green Hill Book Buyers' list;
 - b) Green Hill Publishers, Inc.;
 - c) Jameson Campaigne, Jr., or Caroline Y. Campaigne;
 - d) Hiner and Associates;
 - e) Donald Hiner.
2. Describe in detail the circumstances concerning the acquisition and use of the Green Hill Book Buyers' list by you and your company.
3. Describe the circumstances concerning the lending or giving of the Green Hill Book Buyers' list to any other person, company, or organization by you or your company. Particularly, provide detailed information concerning your role in the acquisition and use of the list by Donald Hiner and Hiner and Associates.

LAW OFFICES

Hazel & Thomas

A PROFESSIONAL CORPORATION

FAIRFAX OFFICE
3110 FAIRVIEW PARK DRIVE, SUITE 1400
P. O. BOX 12001
FALLS CHURCH, VIRGINIA 22042
(703) 641-4200

RICHMOND OFFICE
411 EAST FRANKLIN STREET, SUITE 600
P. O. BOX 24
RICHMOND, VIRGINIA 23204
(804) 344-2400

WINCHESTER OFFICE
107 NORTH KENT STREET, FOURTH FLOOR
P.O. BOX 2740
WINCHESTER, VIRGINIA 22091
(703) 688-0080

LEESBURG OFFICE
116-G EDWARDS FERRY ROAD, N.E.
P. O. BOX 87
LEESBURG, VIRGINIA 22075
(703) 777-8777 METRO (202) 478-1882
FAX (202) 478-8003

ALEXANDRIA OFFICE
810 KING STREET, SUITE 200
P. O. BOX 680
ALEXANDRIA, VIRGINIA 22313
(703) 638-8400

WASHINGTON OFFICE
SUITE 400
2001 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 680-7000

MARTLAND OFFICE
SUITE 2100
120 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 782-8800

September 26, 1990

Mr. Michael Patrick
United Envelope & Printing Corp.
202 Lane Court
Sterling, Virginia 22170

Dear Mike:

Enclosed please find the Statement of Designation of Counsel, which I have filled out.

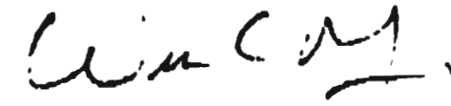
Please sign and date this document, and also write in your home telephone number.

Then, please telecopy this document to Frances B. Hagan at the Federal Election Commission. Her Fax number is (202) 376-5280 and her telephone number is (202) 376-8200. On the cover sheet, please note that is urgent that she receive this immediately, and please have one of your employees call her telephone number to notify her secretary that a fax is being sent to her.

As soon as I hear from her, I will let you know. As I mentioned previously, I will be out of town tomorrow and Friday.

Sincerely,

HAZEL & THOMAS, P.C.



William C. Hims

WCH:plw
Enclosure

40092766

STATEMENT OF DESIGNATION OF COUNSEL

NR 2822

NAME OF COUNSEL: William C. Mims
ADDRESS: Hazel & Thomas, P.C.
P.O. Box 87
Leesburg, Virginia 22075
TELEPHONE: 478-1992 or (703) 777-6777

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.

9-26-90

Date
September 26, 1990

Michael Patrick Br...
Signature
MICHAEL PATRICK, PRESIDENT
United Envelope & Printing Corp.

RESPONDENT'S NAME: Michael Patrick
ADDRESS: United Envelope & Printing Corp.
202 Lane Court
Sterling, Virginia 22170
HOME PHONE: _____
BUSINESS PHONE: 478-3896

90 SEP 27 PM 3:03

LAW OFFICES

Hazel & Thomas
A PROFESSIONAL CORPORATION

FAIRFAX OFFICE
3110 FAIRVIEW PARK DRIVE, SUITE 1400
P. O. BOX 12001
FALLS CHURCH, VIRGINIA 22042
(703) 641-4200

RICHMOND OFFICE
411 EAST FRANKLIN STREET, SUITE 600
P. O. BOX 3-K
RICHMOND, VIRGINIA 23206
(804) 344-3400

WINCHESTER OFFICE
107 NORTH KENT STREET, FOURTH FLOOR
P.O. BOX 2740
WINCHESTER, VIRGINIA 22601
(703) 665-0050

LEESBURG OFFICE
116-G EDWARDS FERRY ROAD, N.E.

P. O. BOX 87
LEESBURG, VIRGINIA 22075
(703) 777-6777 METRO (202) 478-1992
FAX (202) 478-8003

ALEXANDRIA OFFICE
510 KING STREET, SUITE 200
P. O. BOX 820
ALEXANDRIA, VIRGINIA 22313
(703) 836-8400

WASHINGTON OFFICE
SUITE 400
2001 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 659-7000

MARYLAND OFFICE
SUITE 2100
120 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 783-3500

September 26, 1990

BY TELECOPIER

Frances B. Hagan
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2822
Michael Patrick - United Envelope & Printing Corp.

Dear Ms. Hagan:

Michael Patrick is telecopying to you the Statement of Designation of Counsel which you require prior to speaking with me again.

As I mentioned, Mr. Patrick was totally unaware that he had received legal documents from the Federal Election Commission until September 24, 1990. At that time, he immediately transmitted them to me and I received them on September 25, 1990. Immediately upon receipt of these documents I called you, and you returned that call today, September 26, 1990. Mr. Patrick is indeed interested in pursuing pre-probable cause conciliation, and therefore on his behalf I requested an extension of time until at least Wednesday, October 3, 1990, at 5:00 o'clock p.m. in order to provide to you the various documents which will be required. As we discussed, I will not be in my office tomorrow or Friday. Therefore, please contact me before the close of business today or feel free to call me at my home telephone number tomorrow morning.

I look forward to hearing from you, and thank you for your consideration.

Sincerely,

HAZEL & THOMAS, P.C.

William C. Mims

WCM:plw
cc: Michael Patrick

90 SEP 27 AM 10:45

90 SEP 27 AM 11:55



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

October 1, 1990

William C. Mims, Esquire
Hazel & Thomas, P.C.
P.O. Box 87
Leesburg, Virginia 22075

RE: MUR 2822
Michael Patrick
United Envelope
and Printing Corporation

Dear Mr. Mims:

This is in response to your letter dated September 26, 1990, which we received on September 27, 1990, requesting an extension until October 3, 1990 to respond to the Commission's reason to believe finding against your clients. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on October 3, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "L. M. Noble", is written over the typed name and title of Lawrence M. Noble.

BY: Lisa E. Klein
Assistant General Counsel

LAW OFFICES

Hazel & Thomas

A PROFESSIONAL CORPORATION

FAIRFAX OFFICE
3110 FAIRVIEW PARK DRIVE, SUITE 1400
P. O. BOX 12001
FALLS CHURCH, VIRGINIA 22042
(703) 641-4200

RICHMOND OFFICE
411 EAST FRANKLIN STREET, SUITE 600
P. O. BOX 3-K
RICHMOND, VIRGINIA 23206
(804) 344-3400

WINCHESTER OFFICE
107 NORTH KENT STREET, FOURTH FLOOR
P.O. BOX 2740
WINCHESTER, VIRGINIA 22601
(703) 665-0050

LEESBURG OFFICE
116-G EDWARDS FERRY ROAD, N.E.

P. O. BOX 87
LEESBURG, VIRGINIA 22075
(703) 777-6777 METRO (202) 478-1992
FAX (202) 478-8003

ALEXANDRIA OFFICE
510 KING STREET, SUITE 200
P. O. BOX 820
ALEXANDRIA, VIRGINIA 22303
(703) 636-6400

WASHINGTON OFFICE
SUITE 400
2001 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 659-7000

MARYLAND OFFICE
SUITE 2100
120 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 783-3500

October 3, 1990

BY TELECOPIER AND REGULAR MAIL

Frances B. Hagan
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2822
Michael Patrick/United Envelope & Printing Co.

Dear Ms. Hagan:

Thank you for the extension of time to respond in the above-referenced matter.

Attached to this letter, please find responses to the interrogatories which you submitted. An original copy of these interrogatory responses has been forwarded to Mr. Patrick, who will sign the responses and have them notarized, and he will then immediately mail them to you.

As I mentioned to you on the telephone, Mr. Patrick, on behalf of himself and United Envelope & Printing Corporation, requests that pre-probable cause conciliation be considered by the Federal Election Commission in this proceeding. As the enclosed interrogatory responses indicate, Mr. Patrick was only peripherally aware of and involved in the matter which is under investigation, and Mr. Patrick had no knowledge whatsoever that any wrongdoing occurred.

Furthermore, United does not presently provide mailing or list services; rather, it engages in printing only.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

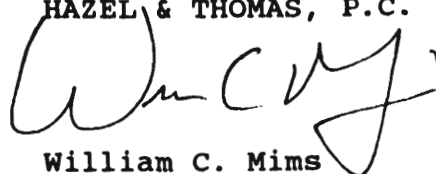
90 OCT 10 AM 11:07

Frances B. Hagan
October 4, 1990
Page 2

I look forward to your response regarding whether such
conciliation is possible.

Sincerely,

HAZEL & THOMAS, P.C.

A handwritten signature in black ink, appearing to read "W. C. Mims", written over the typed name.

William C. Mims

WCM:plw
Enclosure

cc: Michael Patrick

INTERROGATORY RESPONSES OF MICHAEL PATRICK,
UNITED ENVELOPE AND PRINTING CORPORATION

- 1(a) (b) & (c). No contracts or business dealings, other than receipt of a list and letter from an entity identified as Green Hill, as fully set forth below.
- 1(d) & (e) See response below regarding business dealings between Gary Patrick, who at the time was President of United Envelope Company, and Donald Hiner of Hiner & Associates.

Michael Patrick does not believe that he has retained any documents which might respond to this interrogatory. If documents are located subsequently, they will be provided.

2. In 1987 and 1988, United Envelope & Printing Corporation ("United") was known as United Envelope Corporation. Gary Patrick was the president and Michael Patrick was an officer. Both shared ownership of United.

Subsequently, Michael Patrick has purchased all stock in the corporation and has become the president. Gary Patrick presently has no interest in the corporation.

In late 1987 or early 1988, Stephen Winchell & Associates contracted with United for United to provide printing services for a political campaign mailing. The principal contact person for United was Gary Patrick, and Michael Patrick presently does not recall the entity or person for whom Winchell was working.

Winchell communicated to United that he was not paid for the mailing and therefore he did not pay United. Michael Patrick believes that the debt owed to United was approximately \$1,500.00

In settlement of this obligation of Winchell, Gary Patrick suggested that Winchell provide the "house list" for his client, which Gary Patrick would rent in order to pay the debt. Winchell agreed to this arrangement.

Subsequently, a list arrived in the mail from Green Hill [Michael Patrick believes it was from Green Hill "Publishers"], together with a cover letter from Green Hill authorizing use of the list. Michael Patrick was not aware at the time that the list may have been generated in an improper manner. Michael Patrick does not believe that he retained the letter, and he is certain that he does not have the list.

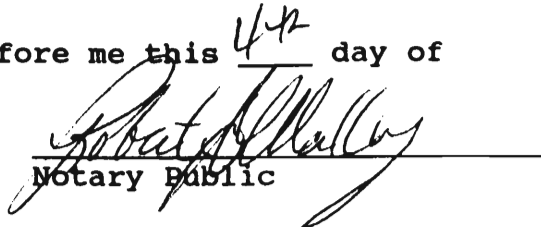
The list was then provided by Gary Patrick to Donald Hiner of Donald Hiner & Associates, and Hiner agreed to pay United for the use of the list with all such payments being credited to the Winchell debt.

Michael Patrick believes that Hiner used the list for approximately six mailings, but Hiner never made any payments to United. Michael Patrick recalls Hiner telling Gary Patrick that he had been told by the National Republican Congressional Committee to cease using the list and that Hiner then did so.

3. To the best of Michael Patrick's knowledge, this list was only given to Donald Hiner of Hiner & Associates. See response No. 2, above.


Michael Patrick,
President
United Envelope & Printing
Corporation

Subscribed and sworn before me this 4th day of
October, 1990.


Notary Public

My Commission expires:

12-28-90



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 28, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary Patrick
Continental Envelope
of Virginia, Inc.
11 Acacia Lane
Sterling, Virginia 22170

RE: MUR 2822
Gary Patrick
Continental Envelope
of Virginia, Inc.

Dear Mr. Patrick:

On September 5, 1990, you were notified that the Federal Election Commission found reason to believe that you and your corporation violated 2 U.S.C. § 438(a)(4). On that same date you were sent interrogatories because more information is needed to complete the investigation in this matter.

To date, you have not responded to the interrogatories. We have enclosed a copy of these questions. Responses should be submitted to the Office of the General Counsel within 15 days of your receipt of this letter.

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lois", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Interrogatories



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

September 5, 1990

Mr. Gary Patrick
Continental Envelope
of Virginia, Inc.
11 Acacia Lane
Sterling, Virginia 22170

RE: MUR 2822
Gary Patrick
Continental Envelope
of Virginia, Inc.

Dear Mr. Patrick:

On August 21, 1990, the Federal Election Commission found that there is reason to believe you and your corporation violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). 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 your corporation. 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 your corporation, 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.

Mr. Gary Patrick
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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

FACTUAL AND LEGAL ANALYSIS

MUR: 2822

In the course of carrying out its supervisory responsibilities, the Federal Election Commission received information indicating that certain pseudonyms included in the National Republican Congressional Committee's 1984 October Quarterly, Pre-General and Post-General Reports began receiving mail solicitations from several organizations and companies.

Based on this information, there is reason to believe that Gary Patrick and Continental Envelope of Virginia, Inc. violated 2 U.S.C. § 438(a)(4) in this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
) MUR 2822
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Mr. Gary Patrick
Continental Envelope
of Virginia, Inc.
11 Acacia Lane
Sterling, Virginia 22170

40392777

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITION

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

0392779
"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

INTERROGATORIES - GARY PATRICK
CONTINENTAL ENVELOPE OF VIRGINIA, INC.

1. State whether you or your company have contracted with or had business dealings with any of the following since January 1986. If so, describe all such dealings and produce all documents that relate thereto:
 - a) Green Hill Book Buyers' list;
 - b) Green Hill Publishers, Inc.;
 - c) Jameson Campaigne, Jr., or Caroline Y. Campaigne;
 - d) Hiner and Associates;
 - e) Donald Hiner.
2. Describe in detail the circumstances concerning the acquisition and use of the Green Hill Book Buyers' list by you and your company.
3. Describe the circumstances concerning the lending or giving of the Green Hill Book Buyers' list to any other person, company, or organization by you or your company. Particularly, provide detailed information concerning your role in the acquisition and use of the list by Donald Hiner and Hiner and Associates.

06 C 0515

LAW OFFICES

Hazel & Thomas

A PROFESSIONAL CORPORATION

FAIRFAX OFFICE
3110 FAIRVIEW PARK DRIVE, SUITE 1400
P. O. BOX 12001
FALLS CHURCH, VIRGINIA 22042
(703) 641-4200

RICHMOND OFFICE
411 EAST FRANKLIN STREET, SUITE 600
P. O. BOX 3-K
RICHMOND, VIRGINIA 23206
(804) 344-3400

ALEXANDRIA OFFICE
510 KING STREET, SUITE 200
P. O. BOX 820
ALEXANDRIA, VIRGINIA 22313
(703) 836-8400

LEESBURG OFFICE
SUITE 300

44084 RIVERSIDE PARKWAY
LEESBURG, VIRGINIA 22075
(703) 729-8500 METRO (703) 478-1992
FAX (703) 478-8003

WASHINGTON OFFICE
SUITE 400
2001 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 659-7000

MARYLAND OFFICE
SUITE 2100
120 EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 783-3500

WINCHESTER OFFICE
107 NORTH KENT STREET, FOURTH FLOOR
P.O. BOX 2740
WINCHESTER, VIRGINIA 22601
(703) 665-0080

March 25, 1991

Frances B. Hagan
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2822
Michael Patrick/United Envelope & Printing Co.

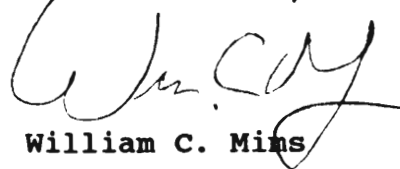
Dear Ms. Hagan:

Enclosed please find documents which are relevant to the referenced proceeding, and which have been located following your recent conference call with Michael Patrick.

These documents, consisting of two "job jackets" and two invoices, indicate that United provided certain printing services to Steven Winchell Associates/Green Hill Publishers, Inc. in May, 1986. The total value of these printing services was \$1,177.00 as reflected on the two invoices. Photocopies of the printing products are attached as well. Mr. Patrick has been unable to locate any additional documents which might be relevant to this proceeding. If this information generates any questions please call me and I will discuss such questions with Mr. Patrick.

Sincerely,

HAZEL & THOMAS, P.C.


William C. Mins

WCM:plw
Enclosures
cc: Michael Patrick

91 MAR 26 AM 11:20

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 MAR 26 PM 3:33

RECEIVED
FEDERAL ELECTION COMMISSION

UNITED ENVELOPE CORP.

114 Powers Court
Unit 4
Sterling, Virginia 22170
703/450-7116

SWA/Greenhill Publishers
1990 M St. N.W.
Wash. D.C. 20036

Invoice No. 86671

Date May 15, 1986

Job No.

Cust. P.O. G1-02

SALES CODE	ITEM	ACCOUNT NUMBER	QUANTITY	SHIPPED VIA	TERMS
					30 Days

DESCRIPTION	QUANTITY	PRICE UNIT	AMOUNT
#9 SA 24# W 1/0	50,000	11.95 per 100	597.50
Federal Express			15.00
4% Sale Tax			24.50
			<u>637.00</u>

Transactions not paid after 30 days of invoice date will be subject to a finance charge of 1.5% per month. This amounts to an annual interest rate of 18% per year.

UNITED ENVELOPE CORP.

JOB JACKET

JOB #:

Contact _____

PHONE _____

CUSTOMER W.F. Knapp - Publisher

ADDRESS _____

SHIP DATE 5-15-86

DATE ENTERED 5-15-86

CUSTOMER'S P.O.# 11102

INK COLORS FRONT _____

INK COLORS BACK PMS 280

ENVELOPE SIZE #7-1/2 3 1/2 x 5 1/2

PREVIOUS JOB# _____

MATERIAL SOURCE e

DATE ORDERED _____

BLUELINE yes

Greenhill Publishing Company, Inc. - press
Memphis, Tenn.

Box 100000, St. Louis, Mo. 63156

SPECIAL INSTRUCTIONS

see letterhead back of job

SHIP TO Greenhill Publishing Co.

BILL TO _____

QUANTITY 1000

HALFTONES _____

SCREENS _____

A.A. _____

RATE 11.95

AMOUNT 717.00

ADD'L CHARGES _____

JOB TOTAL _____

SALES TAX _____

TOTAL _____

DATE BILLED _____

UNITED ENVELOPE CORP.

114 Powers Court
Unit 4
Sterling, Virginia 22170
703/450-7118

SHIP 12

Invoice No. 86672

Date May 16, 1986

Job No.

Cust. P.O. 01-02

CUSTOMER SNA/Greenhill Pub.
1990 M St. N.W.
ADDRESS Wash. DC. 20036

SALES CODE

IC

ACCOUNT NUMBER

IC

SHIPPED VIA

UNIT PRICE

CUSTOMER'S P.O. NO.

DESCRIPTION

QUANTITY

PRICE UNIT

PINK COLOR BACK

Data Card 240 MW 1/0
AA's pick up and redel.
Del in MD

80,000

9.60 per M

ENVELOPE

PREVIOUS JOBS

MATERIAL D/LRCP

DATE ORDERED

QUANTITY

SPECIAL INSTRUCTIONS

RATE 9.60

AMOUNT

ADD'L CHARGES

JOB TOTAL

SALES TAX

TOTAL

DATE FILLED

Transactions not paid after 30 days of invoice date will be subject to a finance charge of 1.5% per month. This amounts to an annual interest rate of 18% per year.

UNITED ENVELOPE CORP.

JOB JACKET

JOB #: 56673

Contact _____

PHONE _____

CUSTOMER W. R. Russell

ADDRESS _____

SHIP DATE 5-15-86DATE ENTERED 5-15-86

CUSTOMER'S P.O.# _____

INK COLORS FRONT 100% 100

INK COLORS BACK _____

ENVELOPE SIZE 100% 100

PREVIOUS JOB# _____

MATERIAL SOURCE _____

DATE ORDERED _____

BLUELINE _____

SPECIAL INSTRUCTIONS

SHIP TO Edward M. ...

BILL TO _____

QUANTITY 1000

HALFTONES _____

SCREENS _____

A.A. _____

RATE 960AMOUNT 576.00

ADD'L CHARGES _____

JOB TOTAL _____

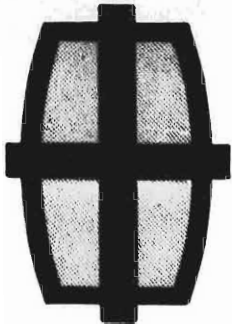
SALES TAX _____

TOTAL _____

DATE BILLED _____

06C0539

MUR 2822



CONTINENTAL ENVELOPE CORP.

11 Acacia Lane
Sterling, Virginia 22170
(703) 450-0330
FAX 450-1862

March 25, 1991

Mrs. Frances B. Hagan
Federal Election Commission
999 E Street
Washington, DC 20463

91 MAR 28 PM 2:54

RECEIVED
FEDERAL ELECTION COMMISSION
MAR 29 1991

Dear Mrs. Hagan,

As per your letter dated February 28, 1991, I am responding to the best of my knowledge since it has been several years to date.

On or about June 1986-87, United Envelope Corp. was contracted to supply envelopes for the Green Hill Book Buyers. After several months of unsuccessfully trying to collect payment on the debt that was owed, they said that in lieu of payment they would supply United Envelope a copy of their mailing list which was Greenhill Book etc.

United Envelope Corp. ask Don Hiner and Associated to market this list to pay off the debt owed. However, Hiner and Assoc. instructed United Envelope that the list was useless and to the best of my knowledge no money was ever paid.

For any further information, please contact my attorney, James Campbell at 107 B Loudoun Street in Leesburg, Va. 22075.

Sincerely,

Gary L. Patrick

Gary L. Patrick

President

91 MAR 28 AM 9:22

RECEIVED
FEDERAL ELECTION COMMISSION
MAR 29 1991

STATE OF VIRGINIA

COUNTY OF LOUDOUN, to-wit:

A F F I D A V I T

Now comes the Affiant, Gary Patrick and states the following:

1. Affiant is aware of a certain investigation being conducted by the Federal Election Commission and has received certain notices in regard to alleged violations of 2 U.S.C. Section 438 (a) (4).
2. Affiant has reviewed a Factual and Legal Analysis statement, which is attached hereto as Exhibit #1, and presents said Affidavit in response to certain stated allegations.
3. Your Affiant was offered a list of contributors by the Jameson Campaigne, in attempt to satisfy an outstanding account to United Envelope, a Virginia Corporation.
4. Your Affiant forwarded said list to Donald M. Hiner of Hiner & Associates to determine whether said list had any marketable value; and whether said list would be adequate compensation in exchange for forgiveness of the debt from the Jameson Campaigne.
5. Your Affiant was informed by representatives of Hiner & Associates that this list had no market value, and was therefore worthless to your Affiant.
6. Your Affiant has made no use of the list.

06-1454
p. 2822

91 JUN -6 PM 3:33

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FEDERAL ELECTION COMMISSION
JUN 11 1991

9276

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FEDERAL ELECTION COMMISSION
JUN 11 1991

91 JUN -6 AM 10:52

7. Your Affiant is unaware of the origin of said list;
did not combine said list with any other list;
and is not unaware of any use made of the list
after the same was obtained from the Jameson
Campaigne.

And further your Affiant said not.

Gary L. Patrick
GARY PATRICK

Subscribed and sworn to before me this 16th day of
MAY, 1991.

Marion C. Gray
Notary Public

My Commission Expires:

3-27-92

8 8
WILLIAM C. MIMS
ATTORNEY AND COUNSELOR-AT-LAW
110 EAST MARKET STREET • POST OFFICE BOX 333
LEESBURG, VIRGINIA 22075
(703) 777-6820 • FAX 777-6962

06-C 1835
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

91 JUL 10 AM 11:44

July 9, 1991

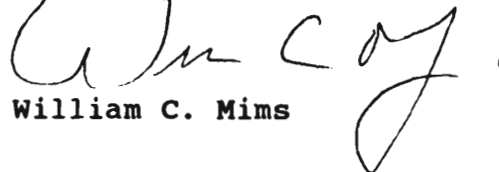
Frances B. Hagan
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2822
Michael Patrick/United Envelope & Printing Co.

Dear Ms. Hagan:

I write to you as counsel for the respondent in the referenced matter. Please note for your files my new address and telephone number, listed above.

Sincerely,


William C. Mims

cc: Michael Patrick

91 JUL 10 PM 3:20

RECEIVED
FEDERAL ELECTION COMMISSION

MOSHOS, HADEN, McCLURE & DE DEO, P.C.
ATTORNEYS AND COUNSELORS AT LAW

Arthur L. Moshos
Fred M. Haden
Stephen J. McClure
James F. De Deo

Mark R. Moshos

October 9, 1991

Suite 201
10621 Judicial Drive
Fairfax, Virginia 22030
(703) 352-5770

Telecopier Only
(703) 352-0190

Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463
Attention: Ms. Frances B. Hagan
Via Fax (202) 219-3923

RE: MUR 2822 & MUR2926

Dear Ms. Hagan:

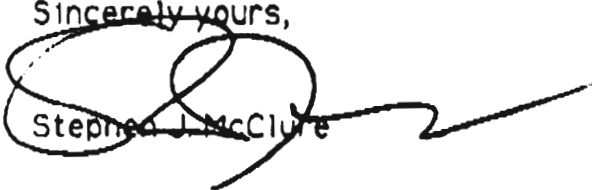
Please consider this letter a request for consideration by the Federal Election Commission of Pre-Probable Cause Conciliation in MUR 2822 as well as MUR 2926.

When Mr. Hiner understood that MUR 2822 would be consolidated with MUR 2926, he assumed that his request for such Pre-Probable Cause Conciliation in the one would pour over into the other. We regret any inconvenience our mis-assumption may have caused and wish to remedy the lack by this letter.

As you know, Mr. Hiner acknowledges that the Commission may have had at least some "reason to believe" that he had *knowingly and willfully* violated the Act in that the salt name(s) came from his list and, based upon his prior matter before the Commission, he certainly was well aware of the requirements of the Act. Yet, he continues to deny that this belief was in fact accurate, in that he had no knowledge of the fact of the tainted source when he used the Greenhill tape.

In any event, it is our hope that we can resolve this matter expeditiously and fairly for all concerned in accordance with this Request for Pre-Probably Cause Conciliation.

Sincerely yours,


Stephen J. McClure

91 OCT 28 AM 11:42

MURs 2822 and 2926

SENSITIVE

Based upon a complaint filed by the National Republican Congressional Committee ("NRCC") and responses received thereto, the Commission found reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4) by using information filed with the FEC for commercial purposes. The Commission also found reason to believe that Hiner and Associates and The Listworks violated 2 U.S.C. § 438(a)(4). Subsequently, the Commission found reason to believe that Green Hill Publishers, Inc. ("GH Publishers"), Gary Patrick and his company Continental Envelope of Virginia, Inc., and Michael Patrick and his company United Envelope and Printing Corporation, violated 2 U.S.C. § 438(a)(4). Donald M. Hiner, Hiner and Associates, and Michael Patrick have requested pre-probable cause conciliation.

MUR 2926

Based on another complaint by the NRCC, the Commission found reason to believe that Plymouth List Company, CELCO (Carol Enters List Co.), Names and Addresses, Inc., and the Alan Drey Co., Inc. violated 2 U.S.C. § 438(a)(4). Subsequently, the Commission found reason to believe that Hiner and Associates and the Green Hill Book Buyers' List violated 2 U.S.C. § 438(a)(4) in this matter. The Commission denied the requests of Hiner and Associates and Plymouth List Company for pre-probable cause conciliation until the investigation could be completed.

II. ANALYSIS

Donald M. Hiner/Hiner and Associates

Based on information obtained from responses to the reason to believe findings, Donald M. Hiner informed us that through his corporations, he owns (50%) and manages "EPACO's Best Conservatives List ("EPACO list")," one of the lists allegedly used beginning in January 1989 to solicit pseudonyms found on four 1984 NRCC reports. By comparing computer "input codes," Mr. Hiner traced the names in question to a list he had received in exchange for some work he had done for Gary and Michael Patrick of Continental Envelope of Virginia, Inc., and United Envelope and Printing Corporation, respectively. Mr. Hiner incorporated this list into his EPACO master list when he updated it in November 1988. Mr. Hiner identified the supplemental list as the "Green Hill Book Buyers list" ("Green Hill list").

Hiner and Associates also created the "High Dollar Direct Mail Donors" list; and currently updates names, performs data

processing, maintains the list, and fulfills rental orders for it. High Dollar is a list owned by Plymouth List Co. and, in this case, supplied to renters through CELCO, Names and Addresses, and the Alan Drey Company.

In subsequent answers to discovery, Mr. Hiner explained that Michael Patrick's company, United Envelope, was owed money by GH Publishers for printing. Michael Patrick apparently agreed to accept rental revenues from the use of the Green Hill list in lieu of payment of the bill. According to Mr. Hiner, Michael Patrick received the Green Hill list and gave it to his brother Gary Patrick "who at the time was in corporate partnership in a list rental business with [Mr.] Hiner." Apparently, Hiner and Associates were to prepare the computer tape for rental by the Gary Patrick/Donald Hiner list rental company, United List Rental Company, Inc. The profits--after costs of the list rental services--of renting the Green Hill list were to be applied to the debt owed Michael Patrick and United Envelope.

According to Mr. Hiner, he received the Green Hill tape in late fall or early winter 1986, but apparently did not "process" it, or convert it to a format compatible with the Hiner lists until August 1988. In November 1988, Mr. Hiner apparently incorporated the Green Hill list with the EPACO and High Dollar lists. The lists were supplied to renters through the various respondent managers or brokers, and the pseudonym solicitations began in January 1989.

Mr. Hiner provided a printout of the Green Hill list names that Hiner and Associates incorporated into the two lists. The

Hiner printout contained all the NRCC pseudonyms that received solicitations beginning in January 1989. In comparison, we requested from GH Publishers a limited printout of names from the pre-1987 Green Hill list, and reviewed the names from cities where three of the pseudonyms were listed. This original Green Hill list, apparently passed along to Mr. Hiner in its entirety, did not contain the pseudonyms. Thus, it appears that the pseudonyms entered the Green Hill list while in Mr. Hiner's possession.

Hiner and Associates were in the business of compiling and updating lists with names from various sources. Mr. Hiner and his company had the expertise and opportunity to manipulate the Green Hill list, and to incorporate it into other lists. Mr. Hiner denies that he knew the Green Hill list was "tainted" when he used the tape some two years after receipt, but has asked for resolution of this matter through pre-probable cause conciliation.

Michael Patrick

In conversations or sworn written responses from the Patrick brothers, each stated that he had not manipulated or added names to the Green Hill list while in their possession. Michael Patrick stated that the Green Hill list arrived with a cover letter authorizing use of the list, but that the letter cannot be found. Mr. Patrick provided invoices from May 1986 showing the amount owed United Envelope as \$1,170. He stated that the list was passed along to Mr. Hiner to rent in order to extinguish this debt to United Envelope. According to Michael Patrick, Mr. Hiner

used the Green Hill list for six mailings. Apparently, United Envelope received no money and the debt was written off.

Gary Patrick

By letter or in a sworn affidavit, Gary Patrick stated that the Green Hill list was forwarded to Mr. Hiner "to determine whether said list had any marketable value; and whether said list would be adequate compensation in exchange for forgiveness of the debt...." Attachment B, 1. He stated that Hiner and Associates told him the list was not marketable and therefore useless for debt repayment. He attested that he made no use of the list himself, and did not combine it with any other list.

Attachment B, 1-2.

GH Publishers/Green Hill list

According to Jameson Campaigne, President of Green Hill Publishers, the Patrick brothers obtained the Green Hill list in lieu of payment for a bill owed to United Envelope. He explained that "[a] bill from [United Envelope] of \$1,077.50 for 50,000 envelopes was past due and Green Hill offered to swap a one-time use of its list (worth \$3,205.79)...." See MUR 2822 General Counsel's Report dated 8/10/90.

As stated above, the partial Green Hill list provided by Mr. Campaigne did not contain the pseudonyms. If the GH Publishers' version of the Green Hill list contained the pseudonyms and, as Mr. Campaigne has stated, it is rented at least monthly, the pseudonyms would have received dozens of solicitations annually. Instead, there appear to have been at least six mailings involving pseudonym solicitations, all

beginning in January 1989 after Mr. Hiner updated the EPACO and High Dollar lists, and included the Green Hill names.

Conclusion

Based on the foregoing evidence and analysis, the Office of the General Counsel recommends that the Commission accept the request of Mr. Hiner and Hiner and Associates for resolution of the matter through pre-probable cause conciliation. This Office also recommends that the Commission deny Michael Patrick's request for pre-probable cause conciliation and take no further action against him and the remaining respondents in this case.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Enter into conciliation with the following prior to a finding of probable cause to believe:
 - a) Donald M. Hiner;
 - b) Hiner and Associates, Inc.
2. Deny the request to enter into conciliation with Michael Patrick prior to a finding of probable cause to believe.

3. Take no further action and close the file as it pertains to the following concerning a violation of 2 U.S.C. § 438(a)(4):

- a) Green Hill Publishers, Inc.;
- b) Green Hill Book Buyers' List;
- c) Gary Patrick;
- d) Continental Envelope of Virginia, Inc.;
- e) Michael Patrick;
- f) United Envelope and Printing Corp.;
- g) Plymouth List Company;
- h) Carol Enters List Co. (CELCO);
- i) Names and Addresses, Inc.;
- j) The Alan Drey Company, Inc.;
- k) Listworks Corporation.

4. Approve the attached proposed conciliation agreement and the appropriate letters.

Lawrence M. Noble
General Counsel

Date 10/25/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- A. Requests for conciliation (Hiner, Michael Patrick)
- B. Gary Patrick response
- C. Proposed Conciliation Agreement

Staff assigned: Frances B. Hagan

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Donald M. Hiner;	)	
Hiner and Associates, Inc.;	)	
Green Hill Publishers, Inc.;	)	
Green Hill Book Buyers' List;	)	
Gary Patrick;	)	MURs 2822 & 2926
Continental Envelope of Virginia, Inc.;	)	
Michael Patrick;	)	
United Envelope and Printing Corp.;	)	
Plymouth List Company;	)	
Carol Enters List Co. (CELCO);	)	
Names and Addresses, Inc.;	)	
The Alan Drey Company, Inc.;	)	
Listworks Corporation.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 30, 1991, the Commission decided by a vote of 6-0 to take the following actions in MURs 2822 & 2926:

1. Enter into conciliation with the following prior to a finding of probable cause to believe:
 - a) Donald M. Hiner;
 - b) Hiner and Associates, Inc.
2. Deny the request to enter into conciliation with Michael Patrick prior to a finding of probable cause to believe.

(Continued)

3. Take no further action and close the file as it pertains to the following concerning a violation of 2 U.S.C. § 438(a)(4):
- a) Green Hill Publishers, Inc.;
 - b) Green Hill Book Buyers' List;
 - c) Gary Patrick;
 - d) Continental Envelope of Virginia, Inc.;
 - e) Michael Patrick;
 - f) United Envelope and Printing Corp.;
 - g) Plymouth List Company;
 - h) Carol Enters List Co. (CELCO);
 - i) Names and Addresses, Inc.;
 - j) The Alan Drey Company, Inc.;
 - k) Listworks Corporation

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

Attest:

10-31-91
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Mon., Oct. 28, 1991 11:42 a.m.
Circulated to the Commission:	Mon., Oct. 28, 1991 4:00 p.m.
Deadline for vote:	Wed., Oct. 30, 1991 4:00 p.m.

dr



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1991

Jameson Campaigne, Jr., President
Green Hill Publishers, Inc.
722 Columbus Street
Ottawa, Illinois 61350

RE: MUR 2822 and 2926
Green Hill Publishers, Inc.
Green Hill Book Buyers List

Dear Mr. Campaigne:

On January 16, 1990, you were notified that the Federal Election Commission found reason to believe that Green Hill Publishers, Inc., violated 2 U.S.C. § 438(a)(4). On August 10, 1990, you were notified that the Commission found reason to believe that the Green Hill Book Buyers' List violated 2 U.S.C. § 438(a)(4).

After considering the circumstances of the matter, the Commission determined on October 30, 1991, to take no further action against these respondents, and closed the file as it pertains to them. 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. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 8, 1991

James Campbell, Esquire
107 B Loudoun Street
Leesburg, Virginia 22075

RE: MUR 2822
Gary Patrick
Continental Envelope of
Virginia, Inc.

Dear Mr. Campbell:

On September 5, 1990, your clients, Gary Patrick and Continental Envelope of Virginia, Inc., were notified that the Federal Election Commission found reason to believe that your clients violated 2 U.S.C. § 438(a)(4).

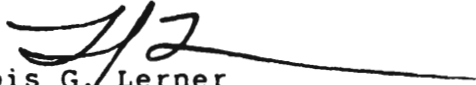
After considering the circumstances of the matter, the Commission determined on October 30, 1991, to take no further action against your clients, and closed the file as it pertains to them. The file will be made part of the public record within 30 days after this matter has been closed with respect to 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. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1991

William C. Mims, Esquire
110 East Market Street
P.O. Box 333
Leesburg, Virginia 22075

RE: MUR 2822
Michael Patrick
United Envelope & Printing Co.

Dear Mr. Mims:

On September 5, 1990, your clients, Michael Patrick and United Envelope & Printing Co., were notified that the Federal Election Commission found reason to believe that they violated 2 U.S.C. § 438(a)(4). Subsequently, your clients requested resolution of this matter through conciliation prior to a finding of probable cause to believe.

After considering the circumstances of the matter, the Commission determined on October 30, 1991, to deny Michael Patrick's request for pre-probable cause conciliation, and instead determined to take no further action against your clients, and closed the file as it pertains to them. 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.

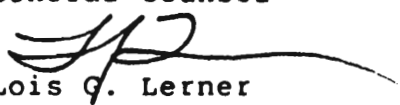
The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

William C. Mims, Esquire
Page 2

If you have any questions, please contact Frances B. Hagan,
the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 8, 1991

Norman Newman, Vice President
The Listworks Corporation
One Campus Drive
Pleasantville, NY 10570-1602

RE: MUR 2822
The Listworks Corporation

Dear Mr. Newman:

On August 21, 1989, you were notified that the Federal Election Commission found reason to believe that The Listworks Corporation violated 2 U.S.C. § 438(a)(4).

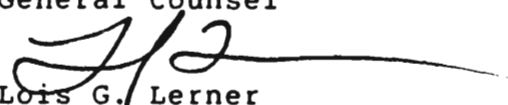
After considering the circumstances of the matter, the Commission determined on October 30, 1991, to take no further action against your company, and closed the file as it pertains to it. The file will be made part of the public record within 30 days after this matter has been closed with respect to 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. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 8, 1991

Stephen J. McClure, Esquire
Moshos, Haden, McClure & DeDeo, P.C.
10521 Judicial Drive, Suite 201
Fairfax, Virginia 22030

RE: MURs 2822 and 2926
Donald M. Hiner
Hiner and Associates, Inc.

Dear Mr. McClure:

On August 15, 1989, in MUR 2822, the Federal Election Commission found reason to believe that Donald M. Hiner knowingly and willfully violated 2 U.S.C. § 438(a)(4). At the same time, the Commission found reason to believe that Hiner and Associates, Inc., violated 2 U.S.C. § 438(a)(4). On February 9, 1990, in MUR 2926, the Commission found reason to believe that Hiner and Associates, Inc., violated 2 U.S.C. § 438(a)(4). At your request, on October 30, 1991, 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 your clients 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.

Stephen J. McClure, Esquire
Page 2

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 Frances B. Hagan, the staff member assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 10, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephen J. McClure, Esquire
Moshos, Haden, McClure & DeDeo, P.C.
10521 Judicial Drive, Suite 201
Fairfax, Virginia 22030

RE: MURs 2822 and 2926
Donald M. Hiner
Hiner and Associates, Inc.

Dear Mr. McClure:

On November 8, 1991, you were notified that at your clients' request, the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On November 13, 1991, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreements on behalf of your clients. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3400.

Sincerely,

Frances B. Hagan
Frances B. Hagan

MOSHOS, HADEN, McCLURE & DE DEO, P.C.
ATTORNEYS AND COUNSELORS AT LAW

Arthur L. Moshos
Fred M. Haden
Stephen J. McClure
James F. De Deo

Mark R. Machen

December 19, 1991

Suite 201
10521 Judicial Drive
Fairfax, Virginia 22030
(703) 352-5770

Telecopier Only
(703) 352-0190

Federal Election Commission
General Counsel's Office
999 E Street, N.W.
Washington, D.C. 20463

Attention: Mr. James Brown

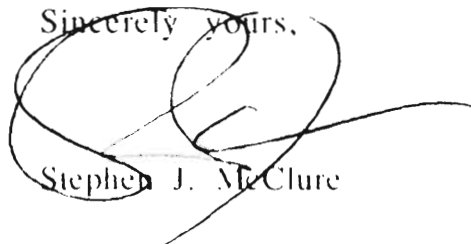
Re: MUR 2822 and 2926, Hiner and Associates

Dear Mr. Brown:

Enclosed please find two copies of the Conciliation Agreement which have been executed by my client. Please endorse the same and return one fully executed copy to me.

If you have any questions, please feel free to contact me at your convenience.

Sincerely yours,



Stephen J. McClure

SJM:far
enclosures

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC 27 AM 10:59

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 DEC 23 PM 1:46

RECEIVED
FED.
JUN 13 PM 2:42

FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
Donald M. Hiner) MURS 2822 and 2926
Hiner and Associates, Inc.)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a revised conciliation agreement, signed by Donald M. Hiner on behalf of himself and Hiner and Associates, Inc.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Donald Hiner and Hiner and Associates, Inc.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

1/13/92

BY:



Lois G. Zerner
Associate General Counsel

Attachment
Proposed Conciliation Agreement

Staff Assigned: Noriega James

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Donald M. Hiner;) MURS 2822 and 2926
Hiner and Associates, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 16, 1992, the Commission decided by a vote of 6-0 to take the following actions in MURS 2822 and 2926:

1. Accept the conciliation agreement with Donald Hiner and Hiner and Associates, Inc., as recommended in the General Counsel's Report dated January 13, 1992.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated January 13, 1992.

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

Attest:

1-16-92
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Mon., Jan. 13, 1992 2:49 p.m.
Circulated to the Commission:	Tues., Jan. 14, 1992 11:00 a.m.
Deadline for vote:	Thurs., Jan. 15, 1992 11:00 a.m.

dr



FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

January 31, 1992

Norman Newman, Vice President
The Listworks Corporation
One Campus Drive
Pleasantville, NY 10570-1602

RE: MUR 2822
The Listworks Corporation

Dear Mr. Newman:

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 me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, appearing to read "Noriega E. James".

Noriega E. James
Paralegal



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1992

Jameson Campaigne, Jr., President
Green Hill Publishers, Inc.
722 Columbus Street
Ottawa, IL 61350

RE: MUR 2822 and 2926
Green Hill Publishers, Inc.
Green Hill Book Buyers List

Dear Mr. Campaigne:

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 me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, appearing to read "Noriega E. James".

Noriega E. James
Paralegal



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1992

James Campbell, Esquire
107 B Loundoun Street
Leesburg, VA 22075

RE: MUR 2822
Gary Patrick
Continental Envelope of
Virginia, Inc.

Dear Mr. Campbell:

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 me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, reading "Noriega E. James".

Noriega E. James
Paralegal



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1992

William C. Mims, Esquire
110 East Market Street
P.O. Box 333
Leesburg, VA 22075

RE: MUR 2822
Michael Patrick
United Envelope & Printing
Company

Dear Mr. Mims:

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 me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, appearing to read "Noriega E. James".

Noriega E. James
Paralegal



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1992

FILED

Stephen J. McClure, Esquire
Moshos, Haden, McClure & DeDeo, P.C.
10521 Judicial Drive, Suite 201
Fairfax, VA 22030

RE: MUR 2822 and 2926
Donald M. Hiner
Hiner and Associates, Inc.

Dear Mr. McClure:

On January 16, 1992, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf 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. Accordingly, the files have 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. Pursuant to the agreement, your initial payment was due January 15, 1992. Please submit the initial payment immediately. Thereafter, you are required to make ten consecutive monthly installment payments of \$400. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Noriega E. James
Paralegal

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Donald M. Hiner
Hiner and Associates

)
)
) MURs 2822 and 2926
)
)

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints by the National Republican Congressional Committee (the "NRCC"). The Federal Election Commission ("Commission") found reason to believe that Donald M. Hiner and Hiner and Associates, Inc. violated 2 U.S.C. § 438(a)(4). Donald M. Hiner and Hiner and Associates, Inc. will be known herein as "Respondents."

NOW, THEREFORE, the Commission and the 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 the 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. Respondent Hiner and Associates, Inc. is a company

that provides mailing list services in the form of list compilation, management, and maintenance, and rents lists to various organizations or renters through list brokers.

2. Respondent Donald M. Hiner is the owner of Hiner and Associates, Inc.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that all reports and statements filed with the Commission may be copied, "except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contribution or for commercial purposes." 2 U.S.C. § 438(a)(4).

This statutory provision also allows committees required to file reports with the Commission to include up to ten pseudonyms in their reports "in order to protect against the illegal use of names and addresses of contributors." 2 U.S.C. § 438(a)(4). A list of pseudonyms included in any report must be attached to such reports, but are excluded from the public record.

4. The Commission's Regulations state that the prohibition against copying names for soliciting contributions or commercial purposes applies to "[a]ny information copied or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed with the Commission, Clerk of the House, Secretary of the Senate, or other equivalent State officers..." 11 C.F.R. § 104.15(a). The Commission's Regulations explain that under the Act, "soliciting

contributions" includes soliciting any type of contribution or donation, such as political or charitable contributions. 11 C.F.R. § 104.15(a).

5. The Commission has consistently interpreted and applied Section 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. The Commission has also interpreted this provision to prohibit certain ancillary uses or sales, such as list brokering, undertaken in connection with, or to support, the trade of commerce in unlawfully obtained names. See Advisory Opinion 1985-16.

6. In late 1986, Respondents received a computer tape of the Green Hill Book Buyers' list that Respondents were to prepare for marketing to renters. Profits from the list rental were to be applied to a printing debt owed to United Envelope and Printing Corporation by one of its clients.

7. In August 1988, Respondents converted the Green Hill Book Buyers' list to a format compatible with Respondents' lists. In November 1988, Respondents incorporated the Green Hill list with two other lists, the EPACO's Best Conservatives list and the High Dollar Direct Mail Donors list. Respondents supplied the lists to renters through various list managers or brokers.

8. In January 1989, five pseudonyms found on four 1984 NRCC reports filed with the Commission began receiving

solicitations from six organizations using the lists that originated with the Respondents.

9. Respondents provided a printout of the names it incorporated with the EPACO and High Dollar lists noted in paragraph 7 above. Respondents' printout contained all the NRCC pseudonyms that received solicitations. The Green Hill list publishers provided a limited printout of names from the original, pre-1987 Green Hill list. This original Green Hill Book Buyers' list tape, apparently passed along to Respondents in its entirety, did not contain the pseudonyms.

V. 1. Respondent Donald M. Hiner's use of information filed with the Federal Election Commission for commercial purposes constitutes a violation of 2 U.S.C. § 438(a)(4).

2. Respondent Hiner and Associates Inc.'s use of information filed with the Federal Election Commission for commercial purposes constitutes a violation of 2 U.S.C. § 438(a)(4).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of five thousand dollars (\$5,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to be paid as follows:

1. One initial payment of one thousand dollars (\$1,000) due on January 15, 1992;

2. Thereafter, beginning on February 15, 1992, ten (10) consecutive monthly installment payments of four hundred dollars (\$400) each;

3. Each such installment shall be paid on the fifteenth

day of the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the fifth day after the date it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

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 have executed same and the Commission has approved the entire agreement.

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

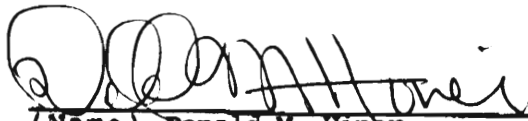
Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

1-30-92
Date

FOR THE RESPONDENTS:


(Name) Donald M. Hiner

(Position) for himself and .
as President of Hiner and Associates

December 19, 1991

Date

IN CONNECTION WITH MUR 2822, SEE MUR 2926.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2822

DATE FILMED 3/13/72 CAMERA NO. 3

CAMERAMAN T.M.H.



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2822.

6/10/92

92040910011



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1992

FILED

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Stephen J. McClure, Esquire
Moshos, Haden, McClure
& DeDeo, P.C.
10521 Judicial Drive
Suite 201
Fairfax, Virginia 22030

RE: MUR 2822 and 2926

Dear Mr. McClure:

On January 16, 1992, the Federal Election Commission and your clients Donald M. Hiner and Hiner and Associates, Inc. entered into a conciliation agreement in settlement of a violation of 2 U.S.C. § 438(a)(4). According to the agreement, your clients were required to pay a civil penalty of \$5,000.00. The conciliation agreement provided for installment payments, with your first payment of \$1,000.00 due on January 15, 1992, and ten additional payments in the amount of \$400.00 due on the fifteenth day of each successive month, until December 15, 1992.

According to Commission records, no payments have been received. Please be advised that, pursuant to the terms of the conciliation agreement, the Commission may, at its discretion, accelerate the remaining payments in the event that any installment payment is not timely received. Moreover, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless we receive the payments for January, February, March and April from your clients in five days, this Office will recommend that the Commission take the appropriate action.

If you believe the Commission's records are in error, or if you have any questions, please contact me at (202) 219-3400.

Sincerely,

Noriega James

Noriega James
Paralegal

22040010012



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

Date: 3/16/95

☒ Microfilm
☐ Public Records
☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 2822

25043631703



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *C.D.*
DATE: MUR 2822 - General Counsel's Report
2926
SUBJECT: _____

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

72 Hour Tally Vote	[XX]
Sensitive	[XX]
Non-Sensitive	[]
24 Hour Tally Vote	[]
Sensitive	[]
Non-Sensitive	[]
24 Hour No Objection	[]
Sensitive	[]
Non-Sensitive	[]
Information	[]
Sensitive	[]
Non-Sensitive	[]
Other	[]

DISTRIBUTION

Compliance	[XX]
Audit Matters	[]
Litigation	[]
Closed Letters	[]
MUR	[]
DSP	[]
Status Sheets	[]
Advisory Opinions	[]
Other (See Distribution below)	

25043631704

BEFORE THE FEDERAL ELECTION COMMISSION

10 17 AM '95

In the Matter of)
) MURs 2822 and 2926
Donald M. Hiner)
Hiner and Associates, Inc.)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 16, 1992, the Commission accepted a conciliation agreement with Donald M. Hiner and Hiner and Associates, Inc., in settlement of a violation of 2 U.S.C. § 438(a)(4). According to the agreement, respondents were required to pay a civil penalty of \$5,000 in 11 installments due between January 15 and December 15, 1992. Respondents failed to pay the civil penalty, and subsequently were advised that failure to pay the civil penalty could result in additional action against them. However, our efforts to locate Respondents have proved futile. There is no telephone listing for Donald Hiner in the Northern Virginia directory, and no Hiner company is registered with the Virginia State corporate division. Mr. Hiner's attorney in this matter has no knowledge of his former client's whereabouts, and the attorney's legal records did not produce a social security number or other useful information. In addition, attempts to contact a former associate were unsuccessful. Therefore, in view of the resources necessary to investigate further, this Office recommends that the Commission decline to enforce the conciliation agreement against Donald M. Hiner and Hiner and Associates, Inc. at this time.

25043631705

II. RECOMMENDATION

Decline to enforce the conciliation agreement in MUR 2822 against Donald M. Hiner and Hiner and Associates, Inc. at this time.

Lawrence M. Noble
General Counsel

Date 1/3/95

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Staff Assigned: Frances B. Hagan

25043631706

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Donald M. Hiner;
Hiner and Associates, Inc.

)
) MURs 2822 and
) 2926
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 9, 1995, the Commission decided by a vote of 5-0 to decline to enforce the conciliation agreement in MUR 2822 against Donald M. Hiner and Hiner and Associates, Inc. at this time, as recommended in the General Counsel's Report dated January 3, 1995.

Commissioners Aikens, Elliott, McDonald, Potter, and Thomas voted affirmatively for the decision; Commissioner McGarry did not cast a vote.

Attest:

1-10-95
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., Jan. 04, 1995 10:17 a.m.
Circulated to the Commission: Wed., Jan. 04, 1995 4:00 p.m.
Deadline for vote: Mon., Jan. 09, 1995 4:00 p.m.

bjr

25043631707