



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 4739

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN SES

90043201610



Russ Smith

PO Box 44232
Washington, DC 20026-4232
voice/fax: 703-567-2375
russ@consumer.net

April 20, 1998

MUR 4739

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

SUBJECT: Complaint Against the Direct Marketing Association (DMA) Political Action Committee (PAC).

Dear General Counsel:

I am filing a complaint against the DMA PAC (#C00235309) for failing to use their proper name: The Direct Marketing Association PAC. The name being used for this PAC is 'direct-voice.' According to the FEC staff there is no PAC registered under this name.

I have attached a printout of the DMA's web site (<http://www.the-dma.org/busasst6/dv-web.htm>). The first paragraph states:

*With merger of the DMA PAC and the AMMA PAC earlier this year, **direct-voice** became the Political Action Committee of the direct marketing industry.*

I have also attached a story from Catalog Age Weekly dated January 30, 1997 (<http://www.mediacentral.com/Magazines/CatalogAge/Weekly/1997013001.htm>). This article attributes the following quote to the DMA president Robert Wientzen:

"Direct-voice can now be recognized as the PAC for the direct marketing industry rather than just for the DMA."

Mark Micali of the DMA told me the name 'direct-voice' was a name the PAC did business as but the registered name was the DMA PAC.

It is my understanding and belief that the use of this fictitious name creates confusion as to the actual identity of the PAC and creates confusion when donations are made to this PAC.

Russell Smith

Russell Smith

District)
Of) SS.
Columbia)

On this 21st day of April, 1998, Russell Smith signed and sworn to before me that he executed the foregoing instrument for the purposes therein contained.

[Signature]

Notary Public in and for the District of Columbia

My commission expires: June 30, 2002

**direct-voice**

With merger of the DMA PAC and the AMMA PAC earlier this year, **direct-voice** became the Political Action Committee of the direct marketing industry.

According to the law, trade associations, like DMA and AMMA, may not contribute directly to federal elections (either by dues or otherwise). Therefore, DMA and AMMA have created its political action committee, **direct-voice**, in order to raise money to help candidates for Congress who are important to direct marketing interests.

A PAC is a legal, approved, straightforward and efficient method for a group of like-minded individuals to communicate with legislators and help them financially by pooling their campaign contributions. PACs make it possible for groups of individuals to inform and influence legislators more effectively than they can alone.

direct-voice PAC money doesn't buy votes for direct marketing. It would be naive to think it could. Through judicious contributions to campaign funds, it provides face-to-face access to legislators, making it possible to open minds, present argument, and frequently change votes or energize friends.

After a company authorizes direct(v)oice to communicate with certain employees about direct marketing issues and ask for their support, those employees have a legal, approved and effective way to help protect their livelihood through relatively modest contributions. By contributing to **direct-voice** you will not only help your business but also help your industry.

Only individuals may contribute to the PAC and the check must be a personal check. Company contributions may not be accepted. Individuals are

limited to \$5,000 annually for any one PAC. Contributions and donor names must be reported to the Federal Election Commission, where they become a matter of public record.

Decisions as to which candidates **direct voice** will support are determined by the PAC Advisory Board. The Advisory Board includes 18 senior executives from the various segments of the direct marketing industry. The Advisory Board is chaired by Gary Giesler of Arizona Mail Order Company, with Jennifer Barrett of ACXIOM serving as Vice Chairman. Also serving on the Advisory Board are DMA President H. Robert Wientzen and AMMA President Gene A. Del Polito.

The question is a simple one - are you able and willing to do your share to help your business and your industry? We think the PAC approach is a good investment, one that will help everyone in our industry continue to grow and flourish.

For more information about **direct voice** please contact Mark Micali in the DMA's Washington office at 202.861.2422, or via e-mail at mmicali@the-dma.org

[Return to top ...](#)

govaffairs@the-dma.org

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mediaCentral



CATALOG AGE WEEKLY January 30, 1997

Leaders Of The PAC: DMA And AMMA Unite Funds

By Shannon Oberndorf

New York -- As they say, two heads -- and two checking accounts -- are better than one. In an unprecedented move, the Direct Marketing Association (DMA) and the Advertising Mail Marketing Association (AMMA) have merged their political action committees (PACs). "The combined forces of both organizations shows Washington that direct-voice, our PAC, has impact," says DMA president/CEO Bob Wientzen. "Direct-voice can now be recognized as the PAC for the direct marketing industry rather than just for the DMA."

The newly merged PAC, which will retain the name direct-voice, expects to raise at least \$250,000 in 1997. Last year, the AMMA raised approximately \$30,000 while the DMA raised about \$120,000. Now, rather than battling for the same political fund-raising dollars from overlapping memberships, the organizations are pooling their resources to fight the same battles -- postal reform, use tax and privacy. "I can't think of a time when we didn't hold common interests," says AMMA president Gene Del Polito. "But the AMMA is a specialist organization that concentrates mainly on postal issues, whereas the DMA thinks in broader terms."

Gary Geisler, executive vice president of Arizona Mail Order Co., heads the PAC as chairman. Del Polito and Wientzen serve as members of the advisory board; and AMMA member Jennifer Barrett, senior vice president of Axiom Corp., is vice chairman.

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 29, 1998

Russell Smith
Consumer.net
PO Box 44232
Washington, DC 20026-4232

RE: MUR 4739

Dear Mr. Smith:

This letter acknowledges receipt on April 24, 1998, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business 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 notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 4739. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley", is positioned above the typed name.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 29, 1998

Richard A. Barton, Treasurer
Direct Marketing Association Political Action Committee
1111 19th Street, NW, Suite 1100
Washington, DC 20036

RE: MUR 4739

Dear Mr. Barton:

The Federal Election Commission received a complaint which indicates that the Direct Marketing Association Political Action Committee ("Committee") and you, as treasurer, 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 4739. 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 Committee and you, as treasurer, 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 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) 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 Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 28, 1998

Gary Giesler, Chair
Direct Voice
c/o Arizona Mail Order Inc.
3740 E. 34th Street
Tucson, AZ 85713

RE: MUR 4739

Dear Mr. Giesler:

The Federal Election Commission received a complaint which indicates that Direct Voice and its treasurer, 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 4739. 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 Direct Voice and its treasurer, 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 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) 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 Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Torley
Supervisor Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 28, 1998

Mark Micali
Direct Marketing Association Political Action Committee
1111 19th Street, NW, Suite 1100
Washington, DC 20036

RE: MUR 4739

Dear Mr. Micali:

The Federal Election Commission received a complaint which indicates that Direct Voice 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 4739. 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 Direct Voice 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 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) 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 Jennifer H. Boyt at (202) 694-1650. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisor Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

MAY 8 11 45 AM '98

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX: (202) 296-2882

DIRECT LINE

250 PARK AVENUE
NEW YORK, NEW YORK 10177-00771
(212) 351-4500

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067-2501
(310) 556-8861

ONE LANDMARK SQUARE
STAMFORD, CONNECTICUT 06901-26011
(203) 348-3737

2400 SOUTH DIXIE HIGHWAY, SUITE 100
MIAMI, FLORIDA 33133
(305) 856-1100

* P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,
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SAN FRANCISCO, CALIFORNIA 94111-5994
(415) 398-3500

12750 MERIT DRIVE
DALLAS, TEXAS 75251-12091
(972) 490-3143

ONE RIVERFRONT PLAZA
NEWARK, NEW JERSEY 07102-84011
(973) 642-1900

75 STATE STREET
BOSTON, MASSACHUSETTS 02109
(617) 342-4000

510 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314-31321
(703) 684-1204

May 8, 1998

HAND-DELIVERED

Jennifer H. Boyt
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W., Room 657
Washington, D.C. 20463

**RE: MUR 4739: RESPONDENT DIRECT MARKETING ASSOCIATION
POLITICAL ACTION COMMITTEE & RICHARD A. BARTON, AS
TREASURER**


Dear Ms. Boyt:

Our firm has been retained to represent the Direct Marketing Association Political Action Committee ("the Committee") and Richard A. Barton, as Treasurer, in connection with the above-referenced matter. In that regard, enclosed please find a Statement of Designation of Counsel which has been executed by Mr. Barton, the Committee's Treasurer.

The Committee received the notification regarding this complaint from your office on Friday, May 1, 1998 via regular mail. Thus, the Committee's response to the Commission in this matter is due to be filed by the close-of-business on Monday, May 18, 1998. We respectfully request an extension-of-time of twenty-two days, until June 9, 1998, in which to respond to this complaint. This extension-of-time is necessary for us to be able to submit a complete and thorough response to the Commission.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,


Leslie J. Kerman

Enclosure (1)

STATEMENT OF DESIGNATION OF COUNSEL

MUR: 4739

NAME OF COUNSEL: Leslie J. Kerman

FIRM: Epstein Becker & Green, P.C.

ADDRESS: 1227 25th Street, N.W., Suite 700
Washington, D.C. 20037

TELEPHONE: (202) 861-1877

FAX: (202) 728-0960

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

**DIRECT MARKETING ASSOCIATION
POLITICAL ACTION COMMITTEE &
RICHARD A. BARTON, AS TREASURER**

May 7, 1998
Date

By:

Richard A. Barton
Signature

RESPONDENT'S NAME: Direct Marketing Association Political Action Committee &
Richard A. Barton, as Treasurer

ADDRESS: 1111 19th Street, N.W., Suite 1100
Washington, D.C. 20036-3603

HOME PHONE: N/A

BUSINESS PHONE: (202) 955-5030



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Leslie J. Kerman, Esq.
Epstein, Becker & Green, P.C.
1227 25th Street, NW, Ste. 700
Washington, DC 20037

May 11, 1998

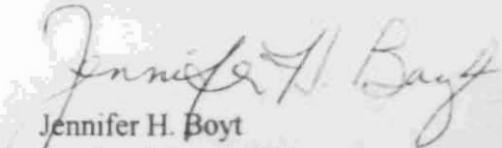
RE: MUR 4739
Direct Marketing Association Political Action Committee
and Richard A. Barton, Treasurer

Dear Ms. Kerman:

This is in response to your letter dated May 8, 1998, which we received on May 8, 1998, requesting an extension of 22 days until June 9 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on June 9, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,


Jennifer H. Boyt
Paralegal Specialist

JUN 10 10 56 AM '98

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-11567

(202) 861-0900

FAX: (202) 298-2882

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(212) 351-45001875 CENTURY PARK EAST
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(310) 556-6801ONE LANDMARK SQUARE
STAMFORD, CONNECTICUT 06901-26011
(203) 348-37372400 SOUTH DIXIE HIGHWAY, SUITE 100
MIAMI, FLORIDA 33133
(305) 856-1100P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY
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SAN FRANCISCO, CALIFORNIA 94111-5994
(415) 398-350012750 MERIT DRIVE
DALLAS, TEXAS 75251-12091
(972) 490-3143ONE RIVERFRONT PLAZA
NEWARK, NEW JERSEY 07102-8401
(973) 642-190075 STATE STREET
BOSTON, MASSACHUSETTS 02109
(617) 342-4000510 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314-31321
(703) 684-1204

June 10, 1998

VIA FACSIMILE (202-219-3923)Jennifer H. Boyt
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W., Room 657
Washington, D.C. 20463RE: MUR 4739: RESPONDENT DIRECT MARKETING ASSOCIATION
POLITICAL ACTION COMMITTEE & RICHARD A. BARTON, AS
TREASURER

Dear Ms. Boyt:

Per our conversation, we respectfully request an additional extension-of-time of eight days, until June 17, 1998, in which to respond to the above-referenced complaint. This extension-of-time is necessary for us to be able to submit a complete and thorough response to the Commission.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,


Leslie J. Kermah



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 1998

Leslie J. Kerman, Esq.
Epstein, Becker & Green, P.C.
1227 25th Street, N.W., Suite 700
Washington, DC 20037

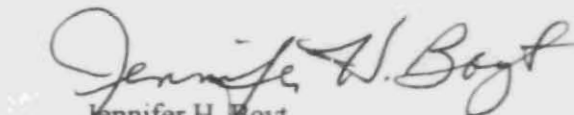
RE: MUR 4739
Direct Marketing Association PAC and Richard A. Barton, as Treasurer

Dear Ms. Kerman:

This is in response to your facsimile dated June 10, 1998, which we received on that day, requesting an additional 8 day extension until June 17 to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter and phone call of June 10, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on June 17, 1998.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Jennifer H. Boyt
Paralegal Specialist

98043901827

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-11561

(202) 861-0900

FAX: (202) 296-2882

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(973) 642-1900

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BOSTON, MASSACHUSETTS 02109

(617) 342-4000

510 KING STREET, SUITE 301

ALEXANDRIA, VIRGINIA 22314-31321

(703) 684-1204

August 10, 1998

**VIA FACSIMILE &
HAND-DELIVERED**

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W., Room 657
Washington, D.C. 20463

**RE: MUR 4739: RESPONDENT DIRECT MARKETING ASSOCIATION
POLITICAL ACTION COMMITTEE & RICHARD A. BARTON, AS
TREASURER**

Dear Mr. Turley:

This constitutes a response to the meritless complaint filed with your office by Russell Smith ("the Complainant") against the Direct Marketing Association Political Action Committee and Richard A. Barton, as Treasurer (collectively referred to as "the Committee").

Complainant alleges that, from January, 1997 through April, 1998, the Committee periodically failed to use its proper name, creating "confusion as to the actual identity of the PAC." This allegation is baseless.

During this period, the Committee's name, as reflected in its amended Statement of Organization dated October 19, 1993 (copy attached), included the full name of its connected organization -- as required by 11 C.F.R. §102.14(c). Moreover, the Committee's filings with the Federal Election Commission ("FEC") also included the Committee's complete legal name. Further, the Committee's checks included the name "DIRECT MARKETING ASSOC. PAC." Accordingly, it was absolutely clear to the public that the Committee was connected to, and sponsored by, the Direct Marketing Association.

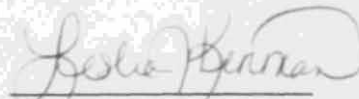
F. Andrew Turley
August 10, 1998
Page 2

Complainant's apparent confusion regarding the Committee's name probably stems from the fact that, within the direct marketing industry, the Direct Marketing Association ("DMA") often refers to the Committee as its "direct•voice" or "direct•voice". Notwithstanding its references to "direct•voice," the Committee is not aware of any confusion regarding its identity on the part of any individual or entity other than the Complainant. However, to alleviate even the possibility of such confusion in the future, on May 27, 1998 the Committee filed an amended Statement of Organization with the FEC, changing its official name to "**direct•voice, the Political Action Committee of The Direct Marketing Association**" (copy attached). Thus, this remedies the alleged confusion on the part of the Complainant.¹

Accordingly, for the reasons discussed above, the Committee asks the FEC to determine that it did not violate any FEC requirements in connection with this matter, and close its files concerning same.

Thank you for your attention to this matter. If you have any questions or need further information, please do not hesitate to contact me at (202) 861-1877.

Sincerely,



Leslie J. Kerman
On Behalf Of
Direct Marketing Association
Political Action Committee and
Richard A. Barton, as Treasurer

Attachments (3)

¹ Please note that, as a legal matter, DMA and the Advertising Mail Marketing Association ("AMMA") did not "merge" their respective sponsored-PACs, as indicated in the materials attached to the complaint. In fact, (1) AMMA filed a termination report with the FEC for its sponsored-PAC in August, 1997 and (2) about 77% of AMMA's member companies also are members of DMA. Given these facts, DMA simply has and continues to seek authorization to solicit from DMA corporate members who also are members of AMMA -- in an effort to increase the Committee's funding level.

Also note that DMA has revised the website attached to the complaint. A copy of the revised website [<http://www.the-dma.org/busasst6/dv-web.htm>] is attached.

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL Direct Marketing Association Political Action Committee	<input type="checkbox"/> (Check if name is changed)	2. DATE October 19, 1993
(b) Number and Street Address 1101 17th Street, N.W., Suite 705	<input checked="" type="checkbox"/> (Check if address is changed)	3. FEC IDENTIFICATION NUMBER C00235309
(c) City, State and ZIP Code Washington, DC 20036		4. IS THIS STATEMENT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|-------------------|-----------------------------|---------------|----------------|
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- ☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- ☒ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
Direct Marketing Association	1101 17th Street, N.W. Suite 705 Washington, DC 20036	Connected Organization

Type of Connected Organization

- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☒ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Richard A. Barton	1101 17th Street, NW, Ste 705 Washington, DC 20036	Treasurer

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Richard A. Barton	1101 17th Street, NW, Ste 705 Washington, DC 20036	Treasurer
Mark A. Micali	(SAME)	Ass't Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
The Riggs National Bank of Washington	1800 M Street, N.W. Washington, DC 20036

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER	SIGNATURE OF TREASURER	DATE
RICHARD A. BARTON	<i>[Signature]</i>	10/19/93

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

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For further information contact:
Federal Election Commission
Toll-free 800-424-9530
Local 202-376-3120

FEC FORM 1
(revised 4/87)

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL direct voice, the Political Action Committee of The Direct Marketing Association	<input checked="" type="checkbox"/> (Check if name is changed)	2. DATE May 21, 1998
(b) Number and Street Address 1111 19th Street, N.W., Suite 1100	<input checked="" type="checkbox"/> (Check if address is changed)	3. FEC IDENTIFICATION NUMBER 30C00235309
(c) City, State and ZIP Code Washington, DC 20036		4. IS THIS STATEMENT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|-------------------|-----------------------------|---------------|----------------|
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- ☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- ☒ (e) This committee is a separate segregated fund.
- ☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
Direct Marketing Association	1111 19th Street, N.W. Suite 1100 Washington, DC 20036	Connected Organization

Type of Connected Organization

- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☒ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Richard A. Barton	1111 19th Street, NW, Suite 1100, Washington, DC 20036	Treasurer

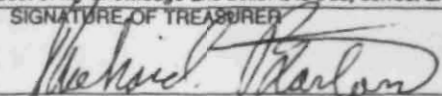
8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Richard A. Barton	1111 19th Street, NW, Suite 1100, Washington, DC 20036	Treasurer
Mark A. Micali	1111 19th Street, NW, Suite 1100, Washington, DC 20036	Assistant Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Riggs Bank, N.A.	P.O. Box 1912 Washington, DC 20074

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER RICHARD A. BARTON	SIGNATURE OF TREASURER 	DATE 5/21/98
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

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For further information contact:
Federal Election Commission
Toll-free 800-424-9530
Local 202-376-3120

FEC FORM 1
(revised 4/87)



direct-voice the Political Action Committee of The Direct Marketing Association

direct-voice, the Political Action Committee of The Direct Marketing Association is the leading Political Action Committee focused on advancing the interests of the direct marketing industry.

According to the law, corporations and trade associations, like DMA, may not contribute directly to federal candidates (either by dues or otherwise). Therefore, DMA has created its own political action committee, **direct-voice**, in order to raise money to help candidates for Congress who are important to direct marketing interests.

A PAC is a legal, approved, straightforward and efficient method for a group of like-minded individuals to communicate with legislators and help them financially by pooling their campaign contributions. PACs make it possible for group of individuals to inform and educate legislators more effectively than they can alone.

Decisions as to which candidates **direct-voice** will support are determined by the PAC Advisory Board. The Advisory Board includes 18 senior executives from the various segments of the direct marketing industry. The Advisory Board is chaired by Gary Giesler of Transamerica Holdings, with Jennifer Barrett of ACXIOM Corporation serving as Vice Chairman. Also serving on the Advisory Board are DMA President H. Robert Wientzen and AMMA President Gene A. Del Polito.

For more information about **direct-voice**, please contact Mark Micali in the DMA's Washington, DC office at 202.861.2422, or via e-mail at mmicali@the-dma.org.

[Return to top ...](#)

govaffairs@the-dma.org

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BEFORE THE FEDERAL ELECTION COMMISSION

Oct 21 3 46 AM '98

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases that, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating for each case.

Closing

cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 17 cases that do

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not warrant further action relative to other pending matters.¹ The attachments to this report contain a factual summary of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS also provides us with the means to identify those cases which

remain unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

¹ These cases are: Pre-MUR 365 (*Friends of Marjorie Margolies-Mezvinsky, et al*); MUR 4729 (*Friends of Melinda Katz*); MUR 4730 (*The Capital Times*); MUR 4731 (*Randall Terry Live*); MUR 4732 (*Juneau Democratic District Committee*); MUR 4733 (*Families and Taxpayers for Bob Kilbanks*); MUR 4734 (*Dennis Newinski for Congress*); MUR 4738 (*Friends of Corrine Brown*); MUR 4739 (*Direct Voice/DMAPAC*); MUR 4744 (*Mayor James Hoffman*); MUR 4745 (*Congressional Accountability Project*); MUR 4746 (*Phillip Cyre*); MUR 4747 (*NAWGA-PAC & FOODVIP PAC*); MUR 4765 (*Gary Miller*); MUR 4767 (*Committee to Elect Glenn Reese To Congress*); MUR 4778 (*Rick Hill for Congress*); and MUR 4784 (*Verticchio for Congress*).

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective October 29, 1998. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴ The cases recommended for closure are: Pre-MUR 345 (*Simon Fireman*); MUR 4630 (*Kentucky State Democratic Central Committee*); MUR 4662 (*Democratic Congressional Campaign Cmte*); RAD 97L-08 (*Thomas for Congress*); RAD 97L-11 (*Eggleston for Congress*); RAD 97L-12 (*Massachusetts Democratic Party*); RAD 97L-13 (*McMains for Senate*); RAD 97L-20 (*Republican Party of Arkansas*); and RAD 97NF-24 (*NC Committee Against Extremism*).

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters:

RAD 97L-08
RAD 97L-11
RAD 97L-12

RAD 97L-13
RAD 97L-20
RAD 97NF-24

Pre-MUR 345
Pre-MUR 365

B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters:

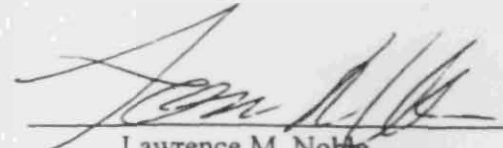
MUR 4630

MUR 4662
MUR 4729
MUR 4730
MUR 4731

MUR 4732
MUR 4733
MUR 4734
MUR 4738
MUR 4739
MUR 4744

MUR 4745
MUR 4746
MUR 4747
MUR 4765
MUR 4767
MUR 4778
MUR 4784

10/20/98
Date


Lawrence M. Noble
General Counsel

98043901336

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Case Closures Under
Enforcement Priority.

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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 27, 1998, the Commission took the following actions with respect to the General Counsel's October 20, 1998 report on Case Closures under Enforcement Priority:

I. Decided by a vote of 4-0 to:

- A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- | | |
|---------------|----------------|
| 1. RAD 97L-08 | 5. RAD 97L-20 |
| 2. RAD 97L-11 | 6. RAD 97NF-24 |
| 3. RAD 97L-12 | 7. Pre-MUR 345 |
| 4. RAD 97L-13 | 8. Pre-MUR 365 |

- B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- | | |
|-------------|--------------|
| 1. MUR 4630 | 7. MUR 4733 |
| 2. MUR 4662 | 8. MUR 4734 |
| 3. MUR 4729 | 9. MUR 4738 |
| 4. MUR 4730 | 10. MUR 4739 |
| 5. MUR 4731 | 11. MUR 4744 |
| 6. MUR 4732 | 12. MUR 4745 |

(continued)

98043901837

Federal Election Commission
Certification for Case Closure Under
Enforcement Priority
October 27, 1998

Page 2

13. MUR 4746	16. MUR 4767
14. MUR 4747	17. MUR 4778
15. MUR 4765	18. MUR 4784

Commissioners Elliott, Mason, McDonald,
and Thomas voted affirmatively for the
decision; Commissioners Sandstrom and Wold
did not cast a vote.

Attest:

10/27/98
Date

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

Received in the Secretariat:	Wed., Oct. 21, 1998	9:46 a.m.
Circulated to the Commission:	Wed., Oct. 21, 1998	11:00 a.m.
Deadline for vote:	Mon., Oct. 26, 1998	4:00 p.m.

lrd



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Russell Smith
Consumer.net
P.O. Box 44232
Washington, DC 20026-4232

RE: MUR 4739

Dear Mr. Smith:

On April 24, 1998, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4739

DIRECT VOICE/DMAPAC

Russell Smith alleges that when Direct Marketing Association PAC ("DMA PAC") and Advertising Mail Marketing Association PAC ("AMMA PAC") merged, they created a new PAC called "direct-voice" that the two organizations failed to register with the Commission. Mr. Smith asserts that such circumstances lead to confusion as to the PAC's actual name and identity.

In its response, DMA PAC states that the DMA and the AMMA did not merge their PACs, but instead the AMMA terminated its PAC in August 1997. DMA PAC solicits its contributions, according to the respondent, from those who are members of both organizations. The respondent further states that "direct-voice" is the informal name by which the DMA PAC is known within the marketing industry. To avoid even the possibility of confusion in the future, the DMA has changed the PAC's name to "direct voice, the Political Action Committee of The Direct Marketing Association" in a new Statement of Organization filed with the FEC on May 27, 1998.

This matter is less significant relative to other matters pending before the Commission.

98043901840



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1998

Mark Micali
Direct Marketing Association Political Action Committee
1111 19th Street, NW, Ste. 1100
Washington, DC 20036

RE: MUR 4739

Dear Mr. Micali:

On April 29, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Direct Voice. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043901841

MUR 4739
DIRECT VOICE/DMAPAC

Russell Smith alleges that when Direct Marketing Association PAC ("DMA PAC") and Advertising Mail Marketing Association PAC ("AMMA PAC") merged, they created a new PAC called "direct-voice" that the two organizations failed to register with the Commission. Mr. Smith asserts that such circumstances lead to confusion as to the PAC's actual name and identity.

In its response, DMA PAC states that the DMA and the AMMA did not merge their PACs, but instead the AMMA terminated its PAC in August 1997. DMA PAC solicits its contributions, according to the respondent, from those who are members of both organizations. The respondent further states that "direct-voice" is the informal name by which the DMA PAC is known within the marketing industry. To avoid even the possibility of confusion in the future, the DMA has changed the PAC's name to "direct voice, the Political Action Committee of The Direct Marketing Association" in a new Statement of Organization filed with the FEC on May 27, 1998.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

Gary Giesler, Chair
Direct Voice
c/o Arizona Mail Order Inc.
3740 E. 34th Street
Tucson, AZ 85713

RE: MUR 4739

Dear Mr. Giesler:

On April 29, 1998, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Direct Voice and its treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4739

DIRECT VOICE/DMAPAC

Russell Smith alleges that when Direct Marketing Association PAC ("DMA PAC") and Advertising Mail Marketing Association PAC ("AMMA PAC") merged, they created a new PAC called "direct-voice" that the two organizations failed to register with the Commission. Mr. Smith asserts that such circumstances lead to confusion as to the PAC's actual name and identity.

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This matter is less significant relative to other matters pending before the Commission.

90043901044



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

Leslie J. Kerman, Esq.
Epstein Becker & Green, P.C.
1227 25th Street, N.W., Ste. 700
Washington, DC 20037

RE: MUR 4739
Direct Marketing Association Political Action Committee and Richard
A. Barton, as Treasurer

Dear Ms. Kerman:

On April 29, 1998, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 1998.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

98043901845

MUR 4739

DIRECT VOICE/DMAPAC

Russell Smith alleges that when Direct Marketing Association PAC ("DMA PAC") and Advertising Mail Marketing Association PAC ("AMMA PAC") merged, they created a new PAC called "direct-voice" that the two organizations failed to register with the Commission. Mr. Smith asserts that such circumstances lead to confusion as to the PAC's actual name and identity.

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This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4739

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN EJS

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