



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

OCT 27 2003

Jeffrey Adelman  
General Counsel/Registered Agent  
Jfax.Com, Inc. d/b/a j2 Global Communications, Inc.  
6922 Hollywood Blvd. Suite 800  
Legal Department  
Hollywood, CA 90028

RE: MUR 5103

Dear Mr. Adelman

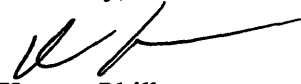
The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached order and subpoena which require Jfax.Com, Inc. d/b/a j2 Global Communications, Inc. ("j2 Communications") to provide certain information in connection with an investigation it is conducting. The Commission has not made any findings regarding j2 Communications at this time.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You are required to submit the information within 30 days of your receipt of this subpoena. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530 or (202) 694-1650.

Sincerely,

  
Kamau Philbert  
Attorney

Enclosure  
Subpoena

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
) MUR 5103  
)

**SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS**


TO: Jfax.Com, Inc. d/b/a j2 Global Communications, Inc.  
6922 Hollywood Blvd. Suite 800  
Legal Department  
Hollywood, CA 90028

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies, which, where applicable, show both sides of the documents, may be substituted for originals.


Such answers must be submitted under oath and together with the requested documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 30 days of receipt of the Subpoena and Order.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C., on this 28th day of October, 2003.

For the Commission,

  
Ellen L. Weintraub  
Chair

ATTEST:

  
Mary W. Dove  
Secretary to the Commission

Attachments:

Interrogatories and Requests for Production  
of Documents with Instructions and Definitions

### INSTRUCTIONS

In answering this subpoena 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 terms used in the document requests and interrogatories shall be deemed to include both singular and plural 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.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 2000 to the present.

This subpoena is 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.

## DEFINITIONS

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

"You" shall mean the named person or entity to which these discovery requests are addressed, including efax.com; j2.com; all subsidiaries or affiliates; and all officers, directors, 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/or accurate and complete copies, 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, electronic communications, computer print-outs, and all other writings and other data compilations, including information contained on computer disks and hard drives, from which information can be obtained.

"Communications" shall be deemed to include both singular and plural, and to include written, oral and electronic communications.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the residential, business and cellular telephone numbers and servers, 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.

"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.

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

**SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS**

1. With respect to j2 Global Communications, Inc. (hereinafter "you" or "your") set forth:
  - a. Your complete name of incorporation, legal, or trade name, and any other name(s) by which you are known or which you ever have used;
  - b. The address of your principal place of business, and all other mailing and street addresses currently used, including all telephone and facsimile numbers, and carriers;
  - c. Date, state and country of incorporation;
  - d. Your relationship to efax.com, j2.com and Jfax.Com, Inc.
  - e. Your functions, operations or activities.
  - f. Whether you monitor the use of your services.
  - g. Your monitoring program and the identity of the person(s) who initiated, conducted or supervised the program.
2. Produce all certificates of incorporation or other official documents reflecting or describing your legal business structure, form or status.
3. State whether you or any of your officers or directors have owned, leased, or used the telephone or facsimile number 815-364-0842.
  - a. If so, set forth the time period and circumstances of such ownership, lease, or usage, and identify the authorized users.
  - b. If you leased, or permitted use of, the 815-364-0842 number to Acacia National Mortgage Corporation, Gerald Youhanaie, or Anthony "Todd" Banasack, set forth the nature and terms of the lease or use arrangement.

4. Describe any relationship, affiliation, dealings, or transactions you have had with any or all of the following persons or entities between August 6 and September 12, 2000 concerning federal elections or political campaigns:

- a. TAB Enterprises or "TAB"
- b. Acacia National Mortgage Corporation
- c. Gerald Youhanaie
- d. Susan Bitter Smith
- e. Friends of Susan Bitter Smith

5. Have you ever employed or utilized the services of Anthony "Todd" Banasack? If so, describe his duties or the services provided, and set forth his dates of employment or service.

6. To the extent not already produced, produce copies of all documents referred to in your responses to the above interrogatories, and all documents used to prepare your responses to the above interrogatories.

7. Identify each individual who assisted in the preparation of these responses to interrogatories and requests for the production of documents.

8. Describe your document retention and destruction practices and identify the person(s) responsible for ensuring that documents are properly retained and destroyed. If such practices are reflected in documents, produce the documents. State whether any documents responsive to the above interrogatories were destroyed and, if so, identify such document(s).