

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Tolbert Chisum

Kenilworth, IL 60043

1 2006 OCT 26 P 12:07

October 24, 2006

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

MUR # 5865

Re: Complaint against New Trier Democratic Organization,
Dan Seals, and Dan Seals for Congress

Dear Mr. Norton:

We respectfully file this complaint against the New Trier Democratic Organization ("New Trier"), a registered political committee, for mass-mailing a campaign flyer to residents in the Illinois Tenth Congressional District which did not carry a disclaimer as required by federal law, and appears to republish campaign materials and may have otherwise been coordinated with Democrat Dan Seals and his campaign.

I. Background

The flyer, mailed on or about October 16, urges readers to vote for Dan Seals and against Mark Kirk, his Republican opponent. One full side of the flyer bears a photo of Seals with the phrase, "But if you've HAD ENOUGH, vote for change . . . vote Democrat Dan Seals for Congress." It also includes bullet points describing Seals' stance on particular issues, and biographical information.

The flyer bears the return address of the New Trier Democratic Organization. Below that is the following statement:

27044174140

“Dan Seals can help restore trust and accountability in Washington. He shares the mainstream values of 10th Congressional District voters and will better represent the independent thinking of its constituents.

The New Trier Democratic Organization believes 10th Congressional District voters want to know the real differences between Mark Kirk and Dan Seals.

We strongly believe that Dan Seals represents the vast majority of 10th Congressional District Democrats, Independents, and many Republicans. With the world in crisis, the U.S. economy in trouble and the entire country moving in the wrong direction, it's time for a change!”

However, there is no disclaimer statement of any kind. Without a disclaimer, it is unclear who paid for the message, and whether it was coordinated. We ask the Commission to investigate this mailing and punish the New Trier Democratic Organization accordingly.

II. Legal Analysis

As the Commission knows, public communications such as mass mailings are required to carry a disclaimer notice stating who paid for the advertisement and whether it was authorized by a candidate. 2 U.S.C. § 441d; 11 CFR 110.11(b). This disclaimer must be clearly visible, and placed within a text box that separates it from other writing on the printed material. 11 CFR 110.11(c)(2)(i), (ii), and (iii).

The New Trier piece lacks the required disclaimer, and thus violates the Act and Commission regulations. Without this disclaimer, the reader does not know who paid for the message or, critically, whether its message was coordinated or otherwise authorized by Seals. Commission regulations state that coordination occurs with the republication of campaign materials (such as the republication of the photo of Seals) or when there has been substantial discussion with the campaign (which can only be determined through a Commission investigation). 2 U.S.C. § 441a(a) and (d); 11 CFR 109.21. Given that coordination appears to have occurred, it would constitute an unreported in-kind contribution and, given the apparent size of the mailing and related costs, an impermissible excessive contribution.

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III. Conclusion

It is disturbing that the New Trier Democratic Organization, a registered political committee, has failed to follow a rule as basic as disclosure requirements. Worse, it appears as though impermissible coordination has occurred, which results in an impermissible in-kind contribution to Dan Seals, and related reporting violations. We ask the Commission to (1) investigate the circumstances by which this mailing was developed and paid for, (2) punish the New Trier Democratic Organization and Dan Seals for Congress for this violation of federal law, and (3) require them to include proper disclaimers on all public communications in the future.

Respectfully,



Tolbert Chisum

Sworn before me this 24th day of October, 2006.



NOTARY PUBLIC COOK COUNTY

New Trier Democratic Organization
800 Oak Street
Winnetka, IL 60093

PRSRT STD
U S Postage
PAID
Permit No 382
Gurnee, IL

Dan Seals can help restore trust and accountability in Washington. He shares the mainstream values of 10th Congressional District voters and will better represent the independent thinking of its constituents.

The New Trier Democratic Organization believes 10th Congressional District voters want to know the real differences between Mark Kirk and Dan Seals.

We strongly believe that Dan Seals represents the vast majority of 10th Congressional District Democrats, Independents and many Republicans. With the world in crisis, the U.S. economy in trouble and the entire country moving in the wrong direction, it's time for a change!

For information, contact the
New Trier Democratic Organization,
800 Oak Street, Winnetka,
847-446-8030. Or email us at
newtrierdems@sbcglobal.net



*****5-DIGIT 60022

THE ROTH HOUSEHOLD 4*1
OR CURRENT RESIDENT

GLENCOE IL 60022-1451

10th Congressional District Voters

If you support the Bush Administration and their:

ENDLESS IRAQ WAR
IRAN, NORTH KOREA AND MIDDLE EAST POLICY FAILURES
ASSAULT ON CIVIL LIBERTIES
GLOBAL WARMING
ENVIRONMENTAL DESTRUCTION
ENORMOUS TAX CUTS FOR THE SUPER WEALTHY
STAGGERING BUDGET DEFICITS
HEALTHCARE AND PRESCRIPTION DRUG WORRIES



Then vote for Mark Kirk for U. S. Congress.

- Kirk votes 85% with Bush-Cheney-DeLay.
- He's assistant majority whip of the U. S. House, working with the most conservative congressional leadership in decades to make sure their right-wing agenda becomes law.
- He's part of the problem facing America, not the solution.

But if you've HAD ENOUGH, vote for change...

vote Democrat Dan Seals for Congress.



Dan Seals represents mainstream 10th Congressional District beliefs. He will hold the Bush Administration accountable for policies that jeopardize our nation and our families.

Dan Seals supports:

- The responsible withdrawal of U.S. troops from Iraq
- An end to the Bush Administration's assault on our civil liberties
- Reducing U.S. dependence on foreign oil and ending big tax breaks for huge oil companies
- Strengthening laws that protect our air and water, especially Lake Michigan
- Universal access to affordable health care and prescription drugs
- A woman's right to choose
- A strong commitment to the security of Israel

Dan grew up in Chicago and taught high school English in Japan before earning a Master's Degree in Public Policy at the John's Hopkins School of Advanced International Studies.

A Presidential Management Fellow during the Clinton Administration, he worked to increase overseas markets for U.S. goods and helped plan economic development and policy.

Dan Seals earned his MBA from the University of Chicago, and was a director at GE Commercial Finance.

He lives in Wilmette with his wife, Mia, and their three young daughters.

RECEIVED
FEC MAIL ROOM

2005 DEC -7 A 8 42

FEC
FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1 NAME OF
COMMITTEE (in full)

(Check if name
is changed)

Example: If typing, type
over the lines

12FE4M5

Diana Sealist Fiori Goughieris

ADDRESS (number and street)

P.O. Box 7814

(Check if address
is changed)

Glenview, IL

IL

60102-15

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

dianasealistfiori@sigilab.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

http://dianasealistfiori.org

COMMITTEE'S FAX NUMBER

847-251-9490

2 DATE 11/21/2005

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT ☒ NEW (N) OR ☐ AMENDED (A)

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 Berman

Signature of Treasurer

Richard A. Berman

Date

11/30/2005

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

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

FE3AN042 PDF

25038932517944174145

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

Daniel Sealis

Candidate Party Affiliation

Dem.

Office Sought

☒

House

☐ Senate☐ President

State

IL

District

10

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

- (d) ☐ This committee is a

(National, State or subordinate) committee of the

(Democratic, Republican, etc.) Party.

- (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 party committee.

6. Name of Any Connected Organization or Affiliated Committee

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship

Type of Connected Organization:

☐

Corporation

☐

Corporation w/o Capital Stock

☐

Labor Organization

☐

Membership Organization

☐

Trade Association

☐

Cooperative

Write or Type Committee Name

Dan Seals For Congress

- 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

Richard A. Beriman

Mailing Address

110112 Cherokee RoadWilmetteIL60091-1323

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number

847-251-8817

- 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
of TreasurerRichard A. Beriman

Mailing Address

110112 Cherokee RoadWilmetteIL60091-1323

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number

847-251-8817Full Name of
Designated
Agent

Mailing Address

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Telephone number

2503893251044174147

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

Wilmington Savings Institute Bank & Trust

Mailing Address

11145 Millcreek Avenue

Wilmington IL 60109-1132

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> USPS First Class Mail	Postmarked 12/1/05
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
	Next Business Day Delivery <input type="checkbox"/>
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
<i>fel</i> PREPARER (3/2005)	12/7/05 DATE PREPARED

25038932521 33Q44174149

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL
OPERATIONS CENTER
Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12 PRIMS
2006 JUN 14 A 9 32

NEW TRIER DEMOCRATIC ORGANIZATION-ED

ADDRESS (number and street)

800 OAK

(Check if address is changed)

WINNETKA

IL

60093

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

NEWTRIERDEMOCRATS@AOL.COM

NEWTRIERDEMOCRATS@GMAIL.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

WWW.NTDO.ORG

COMMITTEE'S FAX NUMBER

847-446-8044

2. DATE 06 12 2006

3. FEC IDENTIFICATION NUMBER ► C00427519

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

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 MARVIN MILLER

Signature of Treasurer Marvin F. Miller

Date 06 12 2006

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.

Office Use Only					For further information contact: Federal Election Commission Toll Free 800-424-6530 Local 202-694-1100	FEC FORM 1 (Revised 02/2003)
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F23AND42.PDF

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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 AffiliationOffice
Sought:

House

Senate

President

State

District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

- (d) This committee is a SUBORDINATE (National, State or subordinate) committee of the Democratic (Democratic, Republican, etc.) Party.

- (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 party committee.

6. Name of Any Connected Organization or Affiliated Committee

NEW TRIER DEMOCRATIC ORGANIZATION

Mailing Address

1800 OAK

WINNETKA

IL

60093

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship

AFFILIATED COMMITTEE

Type of Connected Organization:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

2603910027044174151

Write or Type Committee Name

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 JOAN BERNANMailing Address 800 OAKWINNETKA IL 60093Title or Position OFFICE MANAGER CITY WINNETKA STATE IL ZIP CODE 60093Telephone number 847-446-18030

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 of Treasurer MARGUIN MILLERMailing Address 800 OAKWINNETKA IL 60093Title or Position TREASURER CITY WINNETKA STATE IL ZIP CODE 60093Telephone number 847-446-8030Full Name of Designated Agent LESTER B. IRDMANMailing Address 800 OAKWINNETKA IL 60093Title or Position DESIGNATED AGENT CITY WINNETKA STATE IL ZIP CODE 60093Telephone number 847-446-8030

260391067894174152

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.

PILGRIM

Mailing Address

791 ELM

WINNETKA

IL

60093

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
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<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
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Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input checked="" type="checkbox"/> Overnight Delivery Service (Specify): <i>Fed Ex</i> Shipping Date <i>6/13/06</i>	
Next Business Day Delivery <input checked="" type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
<i>EA</i>	<i>6/14/06</i>
PREPARER (3/2005)	DATE PREPARED

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