

Anthony Bell

From: Dan Backer <dbacker@dbcapitolstrategies.com>
Sent: Friday, December 16, 2016 10:52 AM
To: Anthony Bell
Cc: michaelmorleyesq@hotmail.com
Subject: RE: Advisory Opinion 2016-21 (Great America PAC) Draft B Packet

Mr. Bell,

Great America PAC wishes to supplement its Advisory Opinion Request, AO 2016-21, in light of the language in Draft A, public document #16-58-A, and Draft B, agenda document #16-58-B, to seek clarification as to whether the intellectual capital embodied in training that phone bank personnel receive from former employers (*i.e.*, candidates, party committees, or their agents) falls within the scope of information that “is highly unlikely to be material to the phone bank’s creation, production, or distribution, and therefore equally unlikely to satisfy the former employee conduct standard” Draft B, page 10 at 4, *see also* Draft B, page 13 at 7.

When an individual works in a phone bank, they are provided training to do so, ranging from technical training in specific software and telephonic platforms (which are very similar in nature across most commercial vendors and platforms) and specific training in how to communicate with individuals they call. This training may include, among other elements, training on tone and pacing of communication, techniques at persuasion, answers to common objections, handling rude or unpleasant callers, and so on. This intellectual capital, particularly with respect to first time call-makers, becomes an intrinsic part of their skill set and is not something that can reasonably be instructed not to be used.

The committee believes that such training is what the Commission’s draft opinion identified as matter likely immaterial to the creation or production of the phone bank. For the avoidance of doubt and clarity in this area of law, and to forestall frivolous complaints with respect to the committees planned activities during upcoming special elections that are materially similar to those embodied in the original request, the committee requests the Commission specifically reference such training with respect to the Advisory Opinion it ultimately issues.

Regards,

Dan Backer, Esq.

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From: Anthony Bell [mailto:ABell@fec.gov]
Sent: Wednesday, December 7, 2016 5:50 PM
To: Dan Backer <dbacker@dbcapitolstrategies.com>; michaelmorleyesq@hotmail.com
Subject: Advisory Opinion 2016-21 (Great America PAC) Draft B Packet

Attached please find Draft B of Advisory Opinion 2016-21 (Great America PAC). The Commission is also posting this draft on its website, www.fec.gov, and is accepting public comments on it, as described in the attached cover memorandum.

Kindly confirm receipt by return email.

Sincerely,

Anthony D. Bell
Administrative Assistant
abell@fec.gov