



February 10, 2022

Representative Mary Gay Scanlon, Chairwoman  
Representative Kat Cammack, Ranking Member  
House Communications Standards Commission  
1541a Longworth House Office Building  
Washington, D.C. 20515-6157

**RE: House Communications Standards Commission Complaint**

Dear Chairwoman Scanlon and Ranking Member Cammack:

Our firm is counsel to Representative Val Demings. We write in response to your letter of February 4, 2022, regarding a complaint filed by Caitlin Sutherland, Executive Director of Americans for Public Trust, alleging a violation of the rules governing official communications.

As described in more detail below, the complaint in question is without merit. The communication in question (the "Mailer") was intended to be sent to an address inside the Representative's district (the "District"), but the address in question was for a former constituent who had submitted a change of address request to the United States Postal Service, pursuant to which mail was to be forwarded from the constituent's old address (inside the District) to the constituent's new address (outside the District). The Mailer was thus sent to an address outside the District without the knowledge, authorization, or consent of the Representative or her office. Furthermore, the vendor responsible for this error will reimburse the U.S. Treasury for the cost of any mailings that were sent to addresses outside the District. The Commission should therefore dismiss this complaint, as it has consistently done with similar complaints in the past.

**I. FACTUAL BACKGROUND**

The Representative's office uses a private data vendor to obtain lists of constituent addresses – located within Florida's 10<sup>th</sup> Congressional District – for the purpose of sending out official mailings. The data vendor obtains these addresses from publicly available voter registration data.

These lists are subsequently provided to a mail vendor, Patriot Contact, who produces the mail in compliance with the requirements of federal law and the House of Representatives Communications Standards Manual. Patriot Contact subsequently retains a subvendor to disseminate the mailings through the United States Postal Service. As part of its standard procedure for all mailings, this subvendor purchases a database of change-of-address records

from the Postal Service,<sup>1</sup> and applies those address changes to ensure that mail reaches its intended recipient.

In this case, the address cited in the Complaint was *not* on the list that the Representative (via its data vendor) provided to Patriot Contact. The Mailer was only sent to that address because a former constituent whose former address *was* in the 10<sup>th</sup> Congressional District (and therefore was included on the data vendor list) recently moved out of the district, and the original in-district address that had been included on the data vendor list was automatically updated by the subvendor, using the Postal Service's change-of-address records. The Representative and her office were unaware that this was the subvendor's standard practice for all mailings until receiving this complaint. The Representative and her office did not authorize any mail being sent outside the 10<sup>th</sup> Congressional District, and were in fact unaware until now that this had even occurred.

A letter from Patriot Contact describing in more detail the process summarized above is attached to this letter.

## II. LEGAL BACKGROUND

While federal law broadly prohibits the sending of official mailings outside a Representative's district, the Commission has interpreted this to mean that "[u]nsolicited mass communications should not be targeted outside of the Member's district," rather than to encompass inadvertent errors made by vendors, and takes intent under consideration as a factor in determining how to resolve a complaint.<sup>2</sup>

Furthermore, the law prescribes further action and enforcement only when the Commission determines that a "serious and willful" violation has occurred.<sup>3</sup>

Indeed, the Commission has itself previously acknowledged that a small number of mailers being sent to addresses outside a Representative's district is "an unfortunate mistake that does occur from time to time."<sup>4</sup>

## III. CONCLUSION

As noted above, the Commission has historically found this type of inadvertent mailing, outside a Representative's knowledge or control, not to constitute a violation. Indeed, it would be practically impossible for the Representative's office to verify that none of the constituents listed on publicly available voter registration lists have moved out of the District at the time of each mailing, given the frequent changes in such information. Furthermore, the Representative and

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<sup>1</sup> See, e.g., United States Postal Service, NCOALink, <https://postalpro.usps.com/mailing-and-shipping-services/NCOALink>.

<sup>2</sup> House Commission on Congressional Mailing Standards, House of Representatives Communications Standards Manual at 2, 7 (Jan. 7, 2020) (emphasis added).

<sup>3</sup> 2 U.S.C. § 501(e).

<sup>4</sup> Alex Leary, *Rep. Connie Mack all clear in mailer violation, official says*, Tampa Bay Times (May 12, 2012), <https://www.tampabay.com/news/politics/national/rep-connie-mack-all-clear-in-mailer-violation-official-says/1229447/>.



her office have complied at all times with all relevant legal and ethical rules and requirements, including obtaining approval for the mailing by the House Communications Standards Commission.<sup>5</sup>

In order to rectify this error, Patriot Contact will reimburse the U.S. Treasury for the amount of postage attributable to any addresses outside the District to which the Mailer may have inadvertently been sent. In addition, the Representative and her office have instructed Patriot Contact and its subvendor to revise their mailing procedures moving forward, in order to remove forwarding addresses with zip codes outside the District, and thereby ensure that mail is only being sent to current constituents.

Notably, the complainant in this matter has a long history of filing frivolous, politically-motivated complaints against Democratic candidates and elected officials.<sup>6</sup> Rules 3(9) and 18 of the Commission's Rules of Practice and Procedures allow the Commission to take action "to ensure against frivolous, malicious, or nuisance complaints." This matter – an inadvertent error of a type that the Commission has repeatedly found not to constitute a violation – is precisely the type of frivolous and malicious complaint that the Rule is intended to address. The Commission should take action here to prevent further abuse of the complaint process.

Representative Demings and her staff are fully committed to ensuring compliance with the applicable law and House Rules. The inadvertent delivery of this Mailer to an address outside the District was a result of change of address requests applied by a subvendor without the knowledge, authorization, or consent of the Representative or her office.

Please let us know if you have any questions regarding this matter, or if there is any additional information that we can provide.

Very truly yours,



Kate Sawyer Keane  
Jacquelyn K. Lopez  
Varoon Modak

Counsel to Representative Demings

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<sup>5</sup> See Comm'n on Congressional Mailing Standards, Advisory Opinion 28733-6, (Dec. 10, 2021) [https://frankingfiles.house.gov/AO\\_26-28733-6.pdf](https://frankingfiles.house.gov/AO_26-28733-6.pdf).

<sup>6</sup> See, e.g., Federal Election Commission, Matter Under Review 7720 (Apr. 9, 2021) (complaint filed against Democratic House member by Americans for Public Trust, and unanimously dismissed by the FEC).

This answer signed pursuant to House Communications Standards Commission Rules of Practice and Procedures § 5(4):

A handwritten signature in black ink that reads "Val Demings". The signature is written in a cursive style with a large, stylized "V" and "D".

Representative Val Demings  
Member of Congress

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# PATRIOT CONTACT

February 10, 2022

Representative Mary Gay Scanlon, Chairwoman  
Representative Kat Cammack, Ranking Member  
House Communications Standards Commission  
1541a Longworth House Office Building  
Washington, D.C. 20515-6157

Dear Chairwoman Scanlon and Ranking Member Cammack:

Our firm provides direct mail services to Representative Demings' office in connection with the production and dissemination of official mailings.

As an expert in direct mail and the vendor for Rep. Demings' office, we developed and managed the year-end mailer that is the subject of this complaint for her office. Please find below a summary of the process of this mailing and how it relates to the individual recipient in question.

It is standard operating procedure for a mailhouse (the subvendor which manages the logistics of disseminating a mailing) to apply the United States Postal Service NCOA (National Change of Address) list to mailing lists they are provided, in order to ensure the accuracy of the mailing and prevent it from being undeliverable.

The NCOA is an update of an individual's mailing address, based on information submitted by that individual to the United States Postal Service, and does not necessarily reflect their residential address nor their voting address. An individual changes their residential address through updates to their driver's license and voter registration. People often move within a district or change their mailing address to one outside the district. In the latter case, we cannot know if those individuals are no longer maintaining a residence within the district until an updated address appears on the office's list of registered voters.

When a voter changes congressional districts, that change is reflected in voter registration lists. However, the process of an individual's voter registration being updated on vendor lists can be a slow one, as each county's Supervisor of Elections office records the voter registration updates, the county submits updates to the state periodically, vendors receive periodic updates from the state, and the vendor goes through a process of updating their database to connect the new voter information with other sets of data the vendor's file offers, including demographic and consumer information.

For this particular mailing, Rep. Demings' office supplied a list of registered voter households within Florida's 10<sup>th</sup> Congressional District. This list was exported from the list managed by their data vendor. We sent that list to Mail Marketing Services in Largo, FL, which is the mailhouse that was being used to process the mailing. That mailhouse ran their normal



procedure of applying the NCOA list to the file to update it for the most recent mailing addresses.

The individual in question, William Matthew Flanagan (b. 11/20/90), appeared on the vendor's list as a registered voter in Rep. Demings' district at 13148 Heather Moss Drive, Apt. 303 in Orlando. A recent review of several publicly available databases still showed Flanagan residing and registered to vote at that same address. Only one public source for registered voter information – FLVoters.com – showed him registered at an address in Martin County. However, this record was updated in that database on 12/31/21, after the mailing in question was delivered to the post office. A screenshot of that record is below, and the record can be found at this link: <https://flvoters.com/pages/f103441.html>.

Flanagan, William Matthew was born 20 November 1990, is male, registered as Republican Party of Florida, residing at 315 Sw Indian Grove Dr, Stuart, Florida 34994-7147. Florida voter ID number 117103905. This is the most recent information, from the Florida voter list as of 31 December 2021.

Previous information:

30 April 2021 voter list: WILLIAM MATTHEW FLANAGAN, 13148 HEATHER MOSS DR, APT 303, ORLANDO, 34994-7147 Republican Party of Florida.  
27 October 2020 voter list: WILLIAM MATTHEW FLANAGAN, 13336 TWINWOOD LN, APT 2011, ORLANDO, 34994-7147 Republican Party of Florida.  
30 September 2018 voter list: WILLIAM MATTHEW FLANAGAN, 4084 MIDDLEBROOK RD, APT 1113, ORLANDO, 34994-7147 Republican Party of Florida.  
30 June 2015 voter list: William Matthew Flanagan, 315 SW Indian Grove DR, Stuart, 34994-7147 Republican Party of Florida.

Unfortunately, it appears that the lag time in the voter file updates prevented this individual's change in registration address from reaching the Representative's data vendor before the list was exported and sent to the mailhouse. As such, this individual's updated registration address was not reflected in publicly available databases or through the list provided by Rep. Demings' data vendor; in other words, public records suggested that while the individual's mailing address was outside the district, the residential address at which they were registered to vote was still inside the district. If updated registration information had been available before the mailing was disseminated, this individual would not have been sent the mailing, because the list prepared by Rep. Demings' office drew only from constituents of the 10<sup>th</sup> District.

We regret this inadvertent error, and Patriot Contact will reimburse the U.S. Treasury for the amount of the postage attributable to any addresses outside the district to which the mailer may have inadvertently been sent. We will also work with Rep. Demings' office to revise our processes and ensure that mailings are only sent to addresses within Rep. Demings' district going forward.

Please let us know if there is any additional information that we can provide in connection with this matter.

Sincerely,



Achim Bergmann  
Partner

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**PATRIOT CONTACT**

## For your records

Issued date: 02/11/2022

Check number: VV006

From: Patriot Contact Inc.

Amount: \$1181.48

Payable to: United States Treasury

Delivery email: achim@bergmannzwerdling.com  
Memo: Rep. Demings Postage

deluxe. PAYMENT EXCHANGE

Are you a business? To save time, money, and resources, make payments using Deluxe Payment Exchange. Call 877-333-6964 to get started today!

## Questions? Visit [echecks.com](https://echecks.com) or call 877-333-6964

- Does your financial institution have questions about this check?**
- This check was printed from an authorized check record. It is not a Check 21 Image Replacement Document.
  - To confirm this check was issued by the account holder and details (pay to, amount, routing/account number) remain unmodified, the item's authenticity can be verified using the Deluxe Inc. Check Verification service at <https://echecks.com/verify>.

Step 1 Print the check	Step 2 Validate it printed correctly	Step 3 Deposit like normal
<ul style="list-style-type: none"><li>✓ Any printer works</li><li>✓ Black or color ink</li><li>✓ Basic white paper</li></ul>	<ul style="list-style-type: none"><li>✓ <b>Correct if bank numbers are:</b><ul style="list-style-type: none"><li>Centered in white space</li><li>Parallel to edge of the page</li><li>Clearly printed in dark black ink</li></ul></li><li>✗ <b>Reprint if bank numbers are:</b><ul style="list-style-type: none"><li>Cut off, skewed, or off-center</li><li>Smudged or wrinkled</li><li>Too light to read</li></ul></li></ul>	<ol style="list-style-type: none"><li>1. Cut on the dotted line above</li><li>2. Endorse the back</li><li>3. Deposit like normal:<ul style="list-style-type: none"><li>In-person at a bank or credit union</li><li>Using an ATM</li><li>Via smartphone mobile deposit</li><li>With an office check scanner</li></ul></li></ol>

## How to use this check

**Check appears upside down intentionally**

Cut along this line

Official eCheck

**Patriot Contact Inc.**  
1350 Connecticut Ave NW #400  
Washington, DC 20036

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions, call Deluxe Payment Exchange customer support at 877-333-6964. Ref: 880D-8983

**VV006**

Date 02/11/2022  
Void after 90 days

PAY TO THE ORDER OF United States Treasury

**\$ 1,181.48**

One thousand, one hundred eighty-one and 48/100

Dollars

Eagle Bank

Memo Rep. Demings Postage

Verify check at <https://echecks.com/verify>

111791020020 18523005501 900000



**Congress of the United States**  
**House of Representatives**  
**House Communications Standards Commission**  
1541a Longworth House Office Building  
Washington, D.C. 20515-6157  
(202) 225-9337

February 4, 2022

The Honorable Val Demings  
217 Cannon House Office Building  
Washington, DC 20515

Dear Representative Demings,

Pursuant to Rule 6 of the *Rules of Practice and Procedures of the House Communications Standards Commission* ("Rules"), this letter is notice of a complaint received by the House Communications Standards Commission ("Commission") on February 1, 2022 and signed by Caitlin Sutherland, Executive Director of Americans for Public Trust alleging a violation of the rules governing official communications.

Per the Commission's Rules, you are entitled to five (5) business days from the receipt of this notice to file an answer to the complaint with the Commission. For reference, a copy of the Rules can be found at <https://cha.house.gov/committee-procedures>. Pursuant to Rule 4, should you fail to answer by the close of business on February 11, 2022 the Commission may issue its decision without further prior notice to you unless the Chairwoman and Ranking Member agree that good cause permits additional time to respond.

Should you file an answer and the Commission determines there is reasonable justification for the complaint, a timely notice of a hearing may be issued.

Please do not hesitate to contact the Commission at (202) 225-9337 with any questions.

Sincerely,



Mary Gay Scanlon  
Chairwoman



Kat Cammack  
Ranking Member

House Communications Standards Commission

Enclosure: The Americans for Public Trust Complaint Against the Honorable Val Demings

Received by \_\_\_\_\_  
For the Honorable Val Demings  
Date \_\_\_\_\_



House Commission on Communications Standards  
Committee on House Administration  
U.S. House of Representatives  
1309 Longworth House Office Building  
Washington, DC 20515

## I. Introduction

1. We respectfully request that the House Commission on Communications Standards (“Commission”) investigate whether Representative Val Demings improperly used the congressional privilege of sending franked mail when she sent mailings outside of her congressional district.
2. By utilizing said privilege, Representative Demings has brazenly attempted to boost her public image—not just in her own district, but statewide as well—while running for one of Florida’s U.S. Senate seats, a violation of federal law, U.S. House rules, and the ethical standards of the House.

## II. Background

3. Representative Val Demings was elected to represent Florida’s 10th Congressional District in November 2016.<sup>1</sup>
4. Representative Demings is also currently seeking election to one of Florida’s U.S. Senate seats in the November 2022 election.<sup>2</sup>
5. Recently, Representative Demings sent a mail piece touting her accomplishments in 2021. The mail piece is addressed to a resident at 315 SW Indian Groves Dr., Stuart, FL 34994-7147, and states that it is “[p]aid for by official funds authorized by the House of Representatives.”<sup>3</sup>
6. Stuart, Florida lies wholly outside of the boundaries of Representative Demings’ congressional district.<sup>4</sup>

<sup>1</sup> Florida Department of State, Division of Elections, November 8, 2016 General Election, Federal Offices, [United States Representative District: 10](#) (Last Visited Jan. 24, 2022).

<sup>2</sup> Federal Election Commission, Val Demings for U.S. Senate, [Statement of Candidacy Amendment](#) (Nov. 8, 2021).

<sup>3</sup> See *infra* Exhibit A.

<sup>4</sup> See *infra* Exhibit B.

### III. Law

7. 39 U.S.C. § 3210(a)(3)(A) authorizes franking of mail matter “to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress.”
8. Pursuant to 39 U.S.C. § 3210(a)(7) and House rules, a Member of the House of Representatives may not send a mass mailing outside the congressional district from which elected.<sup>5</sup>
9. The House Code of Official Conduct holds that a member shall behave at all times in a manner that shall reflect creditably on the House, and members are expected to adhere to the spirit and the letter of the Rules of the House.<sup>6</sup>

### IV. Analysis

10. Representative Demings has used taxpayer funds to send a 12-page mail piece touting her accomplishments in 2021 to Florida residents that live far outside of the district she represents.<sup>7</sup>
11. As the maps in Exhibit B show, the city of Stuart, FL lies well outside (in excess of 100 miles) of the boundaries of Representative Demings’ 10th Congressional District.
12. Further, the mail piece states on its face—and is substantiated by official records—that it is franked mail, paid for by official funds authorized by the House of Representatives.<sup>8</sup> Federal law strictly prohibits Members of Congress from sending mass mailings outside of their elected congressional district.<sup>9</sup>
13. Additionally, the Rules of the House of Representatives, the House Commission on Communications Standards, and the Committee on House Administration all reinforce this prohibition.<sup>10</sup> In this instance, Representative Demings has demonstrated an audacious willingness to violate all prohibitions against sending franked mail outside of her district.
14. Representative Demings used her official House budget to create and send a lengthy promotional mailer to Floridians outside of her district, all while campaigning for a Florida seat in the U.S. Senate.
15. Recent public reporting notes that, “[w]hile not explicitly political, official communication expenditures nonetheless serve a politically complementary purpose in boosting a member’s

<sup>5</sup> [Rules of the House of Representatives](#), Rule 24, Cl. 7 (2021); Committee on House Administration, U.S. House of Representatives, [Members’ Congressional Handbook](#), 18 (2021); House of Representatives, [The House of Representatives Communications Standards Manual](#), 2 (2020).

<sup>6</sup> [Rules of the House of Representatives](#), Rule 23, Cl. 1-2 (2021).

<sup>7</sup> See *infra* Exhibit A, Exhibit B, and Clerk of the U.S. House of Representatives, Franking Commission, U.S. Representative Val Demings, 2021 Year End Report, <https://frankingfiles.house.gov/26-28733-6.pdf>.

<sup>8</sup> Clerk of the U.S. House of Representatives, Franking Commission, U.S. Representative Val Demings, 2021 Year End Report, <https://frankingfiles.house.gov/26-28733-6.pdf>.

<sup>9</sup> 39 U.S.C. § 3210(a)(7).

<sup>10</sup> [Rules of the House of Representatives](#), *supra* note 5; [The House of Representatives Communications Standards Manual](#), *supra* note 5, [Members’ Congressional Handbook](#), *supra* note 5.


public image.”<sup>11</sup> Remarkably, here, Representative Demings has overtly attempted to boost her public image, not just in her own district, but statewide as well.

16. Put simply, Representative Demings used taxpayer dollars and House resources to contact potential voters in her U.S. Senate race, and to functionally advocate for her election to this office in November 2022.
17. This misuse of official funds fails to reflect creditably upon the House, and violates both the letter and spirit of the Rules. By spending taxpayer dollars to highlight her achievements in a mail piece to voters outside of her congressional district, Representative Demings has violated federal law, U.S. House rules, and the ethical standards of the House.

#### V. Request for Action

18. Representative Val Demings, by sending franked mail outside of her elected district, has improperly expended taxpayer resources for political gain, and stands in direct contravention of federal law and the guidance provided by the House of Representatives, House Commission on Communications Standards, and the Committee on House Administration. We respectfully request that the House Commission more fully investigate this matter, and take corrective action to enjoin Representative Demings from any future misappropriation of taxpayer funds.

Sincerely,



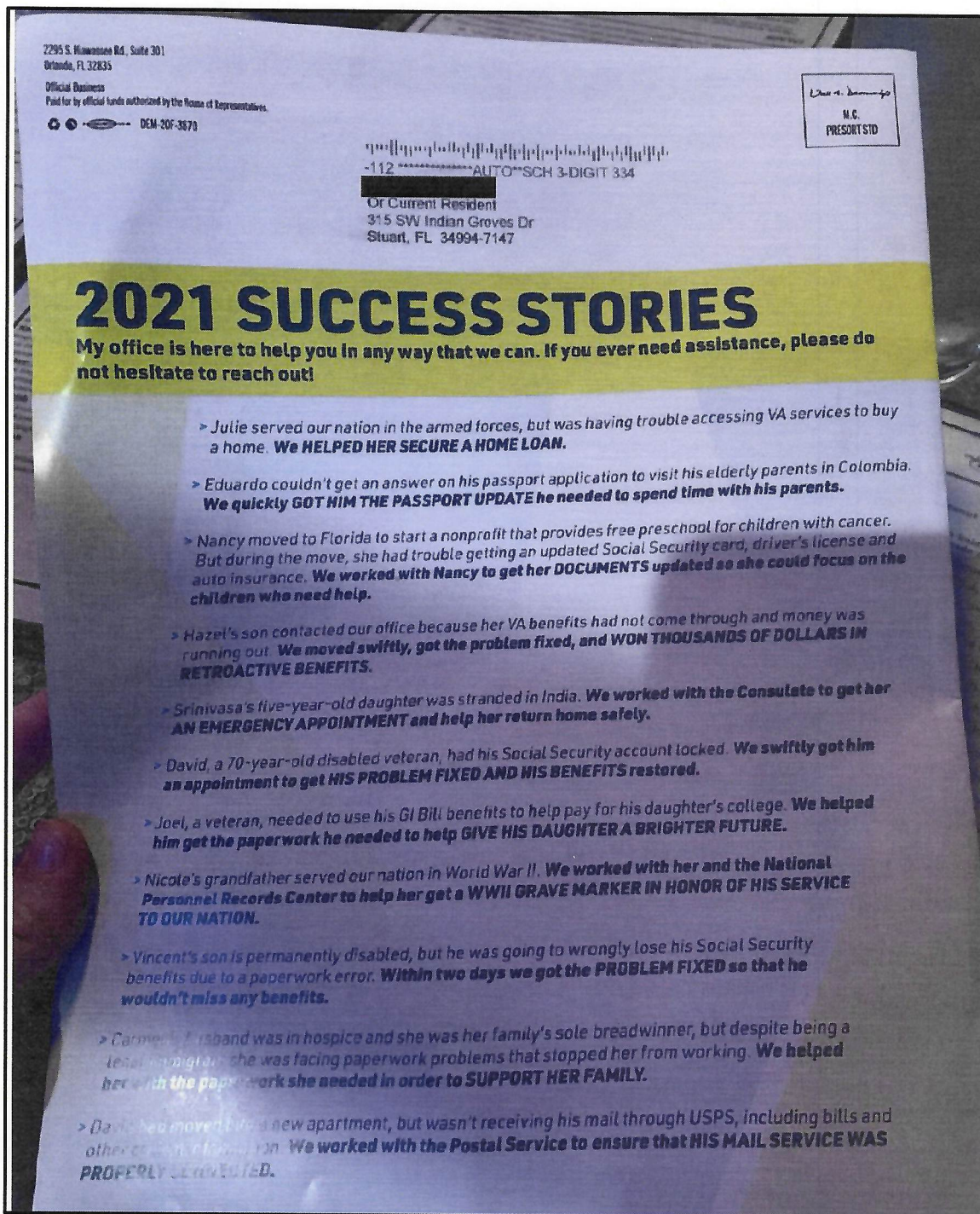
Caitlin Sutherland  
Executive Director

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<sup>11</sup> Lachlan Markay, *Political Consultants Pocket Taxpayer Cash*, [Axios](#) (Jan. 19, 2022).

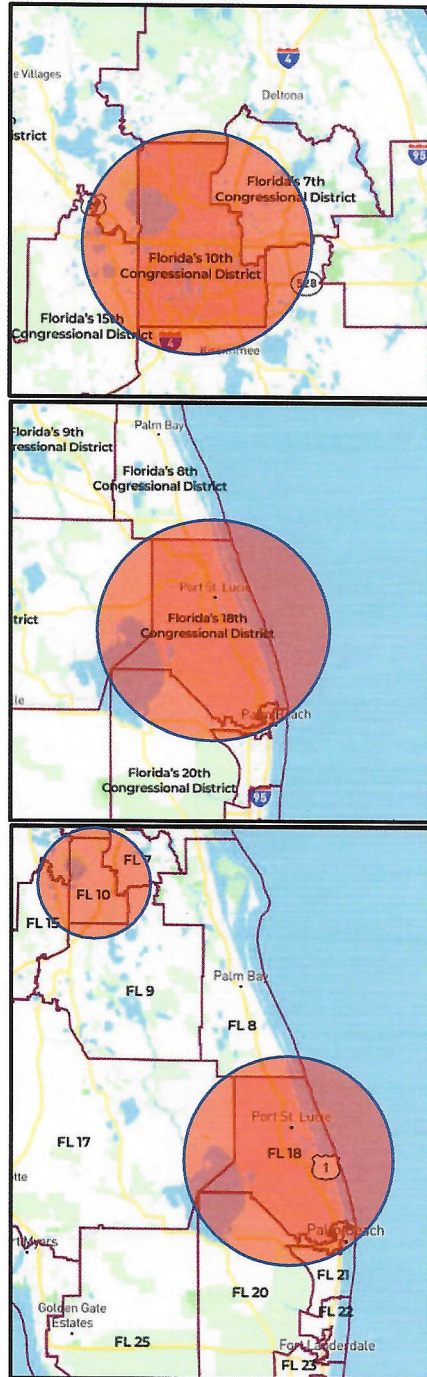


Exhibit A



Photograph of Representative Val Demings' Franked Mail Piece, Which Was Sent Outside of Florida's 10th Congressional District.

Exhibit B



*Image (Top) of Florida's 10th Congressional District—Represented by Val Demings—and of Florida's 18th Congressional District (Middle), Where the City of Stuart, FL is Located, and Where Representative Val Demings' Franked Mail Piece Was Sent. Bottom Image Illustrative of Geographic Distance Between Florida's 10th and 18th Congressional Districts.*