

The Synergy Global Networks

P.O. Box 4020
South Bend, Indiana 46634-4020
United States of America

Phone: (616) 683-9800
Fax: (616) 687-6600

February 9, 2002

**The Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue North-West
Room 159
Washington, D.C. 20580**

RE: TELEMARKETING RULEMAKING – COMMENT, FTC CASE NO. R411001

BRIEF IN SUPPORT OF R411001:

Pursuant to your request for public comments, enclosed is this brief in support of in the above styled and numbered case.

1. Introduction:

My name is Keith William Kimmel (20), a former telemarketer for Telecom Enterprises, an Indianapolis, Indiana-based operation who solicited fund on behalf of The Indiana State Police Alliance. Additionally, I was under the employ of a company called Market Strategies, at St. Paul, MN-based operation that conducted telephone-based customer satisfaction surveys, at the request of a particular client.

I currently reside in Niles, Michigan and am employed by Polaroid Digital Solutions, Inc. as a telephone technical support representative, in which I troubleshoot and repair industry-leading Borland Visual C++ based real estate appraisal software via telephone.

I have no vested interest (by way of employment, potential monetary gain or otherwise) from the telemarketing or related industry sectors.

2. Tactics Telemarketers Use:

During my employment at Telecom Enterprises, I solicited charitable contributions for a group called The Indiana State Police Alliance. Using a predictive dialing system, we would repeatedly call areas in the state. It would not be uncommon to call more than one hundred people in a single night.

During the course of making such calls, I would occasionally get requests from those who I had called, requesting that I do not call them again. On the advice of my direct supervisor, I was not to remove anyone from the list "unless they were really pissed, and sound like they might sue us...". Instead, I was told to inform the called person that I would remove them, and then set them for a call back "much later", and we would attempt to hit them again.

Upon getting a verbal commitment to donate to this charity, I would fill out a short form, and our data processing department would mail an invoice an envelope to remit their payment in.

As a sales representative, my pay and my job was dependant on how many 'sales' (in this case, donations) I sold. It was a common practice for representatives to write 'wood', or falsify sales in an attempt to artificially inflate the statistics compiled nightly. Additionally, I was told during my training that "a little bit of wood is OK. Many of them will get the bill and pay anyway. They

don't think about a bill for \$15 or \$20 bucks". Many of the top sales reps in the offices wrote more wood than anyone, and surprisingly, much of it "came back" in the form of a check.

Using a 'criss-cross'directoty, or a Haynes Directory which lists **all** of the telephone number in an area, listed or not, we would purposefully target those numbers because they were 'fresh meat', meaning that since their numbers were unlisted, they received less calls and would likely be more open to donating.

Many other tactics were used by this organization, of which I will not list here, in the interest of saving space.

3. Most People Do Not Want to Receive the Calls:

It is my personal experience, and my professional opinion, that most of the people whom I called at home, did not want to talk to me. I draw this conclusion from the disproportionate number of people who hung up on me, requested me to take their numbers of my list and simply said "no".

Should a national registry database be activated, it would likely make these people work much, much harder for people to call, and it would provide penalties for blatant violations of the do not call requests.

4. Consumers Should Have a Right to Choose:

Consumers should have a right to choose not to receive these calls, and they should not be required to call every single telemarketing office in the country and request removal, nor should they have to tell each and every person who calls them to remove that person from their list.

A national registry, and stiff fines for violating the provisions of it, are some of the most important things to include in this act. It is my position, as an individual, small business owner, taxpayer and informed consumer, that this law serves the best interests of consumers as well as allows businesses to continue to contact operations in accordance with their customers' requests and wishes.

5. Additional Information, Testimony Available:

Should you desire or require additional information, up to and including, but not limited to, first-person testimony, experiences and violations while on the job, opinions, written and/or verbal commentary or otherwise, please contact me using the following information:

The Synergy Global Networks
Attn: Keith Kimmel, President
P.O. Box 4020
South Bend, IN 46634-4020

Phone: 616.683.9800

Sincerely,



Keith W. Kimmel
President, CEO
The Synergy Global Networks