

# COPILEVITZ & CANTER, LLC

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VIA UNITED PARCEL SERVICE

July 29, 2010

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave. NW, H-159  
Washington, DC 20580

FEDERAL TRADE COMMISSION  
2010 SEP -2 PM 2:39  
MINUTES SECTION

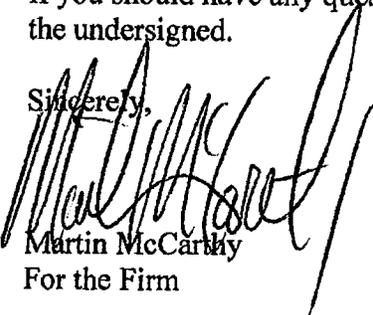
Re: Firefighters Charitable Foundation, Inc.  
Petition to Limit and/or Quash Civil Investigative Demand

Dear Secretary Clark:

Enclosed please find one original and twelve copies of the Petition to Limit and/or Quash Civil Investigative Demand submitted on behalf of Firefighters Charitable Foundation, Inc.

If you should have any questions concerning this filing, please do not hesitate to contact the undersigned.

Sincerely,

  
Martin McCarthy  
For the Firm

MLM/cb

Enclosures

c: Mr. Michael Tankersley (via electronic mail and regular mail)

**In the matter of:**

**Firefighters Charitable Foundation, Inc.**  
One West Street  
Farmingdale, NY 11735

before the,

**Federal Trade Commission**  
600 Pennsylvania Ave., NW, H-238  
Washington, DC 20580

**PETITION TO LIMIT AND/OR QUASH CIVIL INVESTIGATIVE DEMAND**

COMES NOW Firefighters Charitable Foundation, by and through counsel, and hereby files this Petition to Limit and/or Quash the Civil Investigative Demand issued to it on July 14, 2010.

The documents requested in Items IV of that Civil Investigative Demand exceed the scope of the resolution adopted by the Federal Trade Commission (file # 0123145) in that they are unrelated to unfair or deceptive acts or practices in or affecting commerce in violation of Section 5 of the Federal Trade Commission Act, and/or deceptive or abusive telemarketing acts or practices in violation of the Telemarketing Sales Rule.

Specifically, the following items should be limited and/or quashed:

**IV. SPECIFICATIONS FOR PRODUCTION OF DOCUMENTS**

Item 3. Firefighters Charitable Foundation is a non-profit non-commercial organization that is recognized to be exempt from taxation by the Internal Revenue Service. The request for budgets or other documents regarding Firefighters Charitable Foundation's actual or anticipated use of revenue exceeds the scope of the

Telemarketing Sales Rule and/or any abusive or deceptive acts or practices prohibited by that rule or the FTC Act.

The request should therefore be limited to items within the jurisdiction of the Federal Trade Commission.

Item 4. The request for documents regarding how Firefighters Charitable Foundation receives and processes requests for assistance exceeds the scope of the Telemarketing Sales Rule and/or any abusive or deceptive acts or practices prohibited by that rule or the FTC Act.

The request should therefore be limited to items within the jurisdiction of the Federal Trade Commission.

Item 6. The request for documents regarding Firefighters Charitable Foundation's use of program service revenue exceeds the scope of the Telemarketing Sales Rule and/or any abusive or deceptive acts or practices prohibited by that rule or the FTC Act.

The request should therefore be limited to items within the jurisdiction of the Federal Trade Commission.

Item 8. The request for minutes of the organization's Board of Directors meetings exceeds the scope of the Telemarketing Sales Rule and/or any abusive or deceptive acts or practices prohibited by that rule or the FTC Act.

The request should therefore be limited to items within the jurisdiction of the Federal Trade Commission.

Item 9. The request for documents regarding compensation Firefighters

Charitable Foundation's president exceeds the scope of the Telemarketing Sales Rule and/or any abusive or deceptive acts or practices prohibited by that rule or the FTC Act.

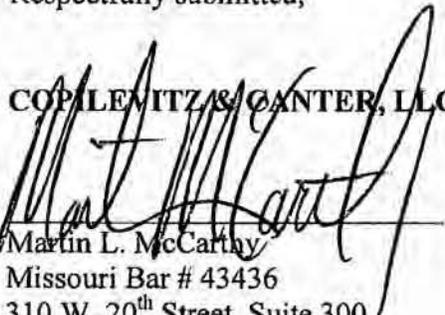
The request should therefore be limited to items within the jurisdiction of the Federal Trade Commission.

Item 10. The request for agreements regarding compensation of Firefighters Charitable Foundation's president exceeds the scope of the Telemarketing Sales Rule and/or any abusive or deceptive acts or practices prohibited by that rule or the FTC Act.

The request should therefore be limited to items within the jurisdiction of the Federal Trade Commission.

DATED this 29<sup>th</sup> day of July, 2010.

Respectfully submitted,

  
COPILEMITZ & CANTER, LLC

Martin L. McCarthy

Missouri Bar # 43436

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Kansas City, Missouri 64018

816-472-9000

816-472-5000 (Facsimile)

**ATTORNEY FOR FIREFIGHTERS  
CHARITABLE FOUNDATION**

**CERTIFICATE OF SERVICE**

On the date below written, the undersigned hereby certifies that 1 original and twelve (12) copies were sent via overnight mail with all postage prepaid to:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Room H-159  
Washington, DC 20580

On the date below written, the undersigned hereby certifies that a true and correct copy of the foregoing was mailed with all postage pre-paid to:

Michael Tankersley  
Federal Trade Commission  
Division of Marketing Practices  
600 Pennsylvania Ave., NW, H-238  
Washington, DC 20580

DATED this 29<sup>th</sup> day of July, 2010.

A handwritten signature in black ink, appearing to read "Michael Tankersley", written over a horizontal line.