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Regulation Comments  
Chief Counsel's Office  
Office of Thrift Supervision  
1700 G Street, N.W.  
Washington, D.C. 20552  
Attention: No. 2004-32

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To the OTS:

I am a consumer and write to comment on the proposed Affiliate Marketing Rule.

I strongly feel that the final regulations should provide that when a consumer has opted out, the affiliates of the company which has the relationship with the consumer should be prohibited from circumventing the opt-out by instructing that company (with the consumer relationship) or another affiliate to make or send solicitations to the consumer on their behalf, assuming the affiliates would not be permitted to make or send such solicitations as a result of the consumer's election. Businesses should not be permitted to circumvent a consumer's desire to opt-out in this way or otherwise. The law already provides business with great opportunities to share consumer data – the regulation should not create additional opportunities.

I believe that the final regulations should not allow businesses to send a joint notice that does not list each affiliate participating in the joint notice by its name, even if each affiliate shares a common name. The joint notice should list each affiliate participating in a joint notice by its name and its specific line of business. If a business wants to extensively share a consumer's sensitive information, it should be required to tell the consumer specifically where it is going so that, if the consumer objects to such sharing, he or she may discontinue the consumer relationship with that affiliate family.

In addition, I feel that the scope of the communications that do not meet the proposed definition of "solicitation" should not be expanded – it is sufficiently broad.

Sincerely,

*Lily Jelalian*