



1401 Eye ("I") St. NW, Suite 800, Washington, DC 20002 202.783.3300

September 30, 2020

Noam B. Fischman
nfischman@polsinelli.com
(202) 626-8360

VIA E-MAIL

United States Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510-6200

Re: Inquiry to the American Society of Pain Educators

Dear Senate Committee on Finance:

As you are aware, I am counsel for the American Society of Pain Educators ("ASPE") regarding the matters raised in the Committee's February 25, 2020 letter to Mr. Tarnoff, attached hereto as Exhibit A. Consistent with our phone call on September 25, 2020 and your recent communications with Mr. Tarnoff via e-mail, we have prepared the followed responses to the Committee's informal requests for information. ASPE reserves the right to supplement its response to all requests.

In response to Request 1, ASPE states that it was recognized as a tax-exempt entity under Section 501(c)(3) of the Internal Revenue Code from 2004 through 2012. On May 12, 2012, ASPE's Section 501(c)(3) status was revoked.

In response to Request 2, ASPE has collected and will produce all of the requested tax documents in its possession and control from 2004 through 2011.

In response to Request 3, ASPE states that for relevant years, it will provide records of revenues and expenses.

In response to Request 4, ASPE has collected and will produce all responsive forms filed with the State of New Jersey.

In response to Request 5, ASPE states that it does not have a list of officers or board members in 2004. In 2005, ASPE assigned its initial board of directors, who were appointed to serve an initial term of three years. ASPE has also examined notes from board meetings held from 2008-2012, which indicate the board members and officers that participated in each meeting. Those present at board meetings are as follows:

Board Meeting Date	Board members present
April, 2008	Samira Beckwith; Barry Cole; Jim Lang; Russ Massaro; Mary Lynn McPherson; Jeffrey Tarnoff; Debra Weiner
June 22, 2009	Jennifer Bolen; Michael Clark; Marcia Jackson; Jim Lang; Mary Lynn McPherson; Jeffrey Tarnoff; Debra Weiner *Barry Cole and Samira Beckwith were absent.
November 15, 2009	Jennifer Bolen; Samira Beckwith; Marcia Jackson; Jim Lang; Mary Lynn McPherson; Jeffrey Tarnoff; Debra Weiner
March 29, 2010	Barry Cole; Samira Beckwith; Marcia Jackson; Jim Lang; Russell Massaro; Lynn McPherson; Jeffrey Tarnoff; Debra Weiner
March 17, 2010	Jeffrey Tarnoff; Debra Weiner; Lynn McPherson; Samira Beckwith; Marcia Jackson; Jim Lang
December 13, 2011	ASPE cannot confirm who was in attendance but notes that the following board members were added: David M. Glick, DC, CPE, DAAPM, FASPE; Michael Schatman, PhD, CPE; Kevin L. Zacharoff, MD, FACPE, FACIP, FAAP

ASPE has not yet located records indicating the more detailed information requested in subsection 5(a), but will supplement its response to the extent possible. Further, ASPE does not have records indicating when the name of each person was listed on ASPE's website. ASPE is producing all documents filed with IRS that indicate ASPE's board members and/or officers. Finally, with regard to subsection 5(c), ASPE responds as follows: Debra Weiner and Jeffrey Tarnoff were both owners of, and employed by Aventine Co. ("Aventine"); Barry Cole was employed by Aventine; and Jennifer Bolen, Michael Clark, Mary Lynn McPherson, David Glick, Michael Schatman, and Kevin L. Zacharoff were compensated by Aventine for speaking engagements.

ASPE is not currently in a position to answer Request Nos. 6-8, but is working to gather the requested information.

In response to Request 9, ASPE states that it did not provide grants, and therefore did not award grants, or have a grant-making policy.

In response to Request 10, ASPE will produce the communications in its possession or control with the writers of the CPE exam, drafts, and copies of numerous versions of the CPE exam, content guidelines for the CPE exam, the item writing guide followed in developing the CPE exam, as well as records reflecting revisions to exam questions.

In response to Request 11, ASPE has collected and will produce documents reflecting the requested information.

In response to Request 12, ASPE states that it does not have a particular accounting of the costs associated with producing *PainView*, but states that those costs were minimal as *PainView* was printed and mailed in-house. ASPE is working to supplement this response.

Request 13 appears to be directed at Aventine. Despite this, ASPE has information responsive to the request as follows: Aventine Medical Communications Ltd. was incorporated in 2002, and it was later renamed to Aventine Co. Both Aventine HealthSciences and PAINWeek were alternative names (i.e., each respectively was a d/b/a for Aventine). PAINWeek was registered as a trademark of Aventine. Further, painweek.com was not available as a domain for Aventine when PAINWeek was launched in 2006. Consequently, Aventine used the domain painweek.org. Once Aventine obtained a trademark for "PAINWeek," it was able to register Painweek.com, which was previously being held by a broker.

In response to Request 14, ASPE will produce its conflict of interest policy, which was implemented in 2006.

As we discussed last week, all documents being produced contemporaneously with this letter will be produced via a Secure File Transfer link to both Peter Gartrell (Peter_Gartrell@finance.senate.gov), Caitlin Soto (Caitlin_Soto@finance.senate.gov), and CEG@finance.senate.gov. Those documents consist of ASPE_000001-ASPE_001509. ASPE reserves the right to supplement these responses if and as appropriate.

Please contact me if you have any questions or concerns, or if you wish to discuss any aspect of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'NBF', followed by a horizontal line.

Noam B. Fischman
Polsinelli PC

CC: Alexa DiCunzolo
Jeffrey Tarnoff