

**BEFORE THE FEDERAL ELECTION COMMISSION**

CAMPAIGN LEGAL CENTER  
1101 14th Street, NW, Suite 400  
Washington, DC 20005  
(202) 736-2200

v.

MUR No. \_\_\_\_\_

MEDICAL PLACE, INC.  
350 Industrial Park Blvd.  
Montgomery, AL 36117

**COMPLAINT**

1. Alabama Conservatives Fund, an independent-expenditure only political committee (“IEOPC”), reported receiving two contributions totaling \$100,000 from Medical Place Inc. (“Medical Place”), which had multiple active federal contracts at the time it made these contributions. As such, Medical Place appears to have violated the statutory prohibition on federal contractor contributions in the Federal Election Campaign Act of 1971, as amended (“FECA”).
2. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Medical Place violated the prohibition on federal contractor contributions by contributing \$100,000 to Alabama Conservatives Fund.<sup>1</sup>
3. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [the Federal Election Campaign Act] . . . . [t]he Commission *shall* make an investigation of such alleged violation . . . .”<sup>2</sup>

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<sup>1</sup> 52 U.S.C. § 30109(a)(1).

<sup>2</sup> 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

## FACTS

4. Alabama Conservatives Fund is an IEOPC that registered with the Commission on August 2, 2021.<sup>3</sup> Its treasurer is Kaylen Melton.<sup>4</sup>
5. On February 2, 2022, Alabama Conservatives Fund received a \$50,000 contribution from Medical Place, which disclosed an address of 350 Industrial Park Blvd, Montgomery, AL, 36117.<sup>5</sup> On April 6, 2022, Alabama Conservatives Fund received a second \$50,000 contribution from Medical Place.<sup>6</sup>
6. According to documents filed with the Alabama Secretary of State, Medical Place was incorporated in Alabama in 1983 by Alfred Seawright and Maxine Seawright.<sup>7</sup>
7. Medical Place describes itself on its website as a “small business specializing in medical, respiratory, pharmaceutical, laboratory, telemedicine equipment and supplies,” and lists its address as 350 Industrial Park Blvd., Montgomery, AL 36117.<sup>8</sup> A page on Medical Place’s website titled “Past Performance” states that “we have held Contracts and Certifications with the following Government Agencies,” and shows the logos for numerous federal government agencies, including the Department of Veterans Affairs (“VA”), the Department of Defense (“DOD”), and the Defense Logistics Agency (“DLA”).<sup>9</sup>
8. According to USASpending.gov, “the official source for spending data for the U.S. Government,”<sup>10</sup> Medical Place has been awarded \$249.5 million total in federal contracts and

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<sup>3</sup> Alabama Conservatives Fund, Statement of Org. at 2 (Aug. 2, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> Alabama Conservatives Fund, April 2022 Quarterly Report at 7 (Apr. 15, 2022).

<sup>6</sup> Alabama Conservatives Fund, 12-Day Pre-Primary Report at 6 (May 12, 2022).

<sup>7</sup> Alabama Secretary of State, Business Entity Records, Medical Place, Inc. (attached here as Exhibit A).

<sup>8</sup> Medical Place, <http://www.medicalplace.us/> (last visited May 21, 2022).

<sup>9</sup> See Medical Place, Past Performance, <http://www.medicalplace.us/past-performance/> (last visited May 21, 2022) (attached as Exhibit B).

<sup>10</sup> USASpending.gov, *Mission*, <https://www.usaspending.gov/#/about> (last visited May 20, 2022).

contract indefinite delivery vehicles (IDV) from the VA, DOD, DOJ, HHS, and DHS.<sup>11</sup> The company had multiple active federal contracts at the time of each contribution,<sup>12</sup> including two Indefinite Delivery Contracts (IDC) and two Federal Supply Schedule (FSS) contracts.<sup>13</sup>

9. Specifically, as set forth in the table attached as Exhibit C, at the time of the contributions, Medical Place had active federal contracts to supply medical devices, including continuous positive airway pressure (CPAP) machines and equipment, as well as ventilators, heating pads, and other healthcare equipment, to the VA, DOD, and DLA.<sup>14</sup>
10. During the 2022 election cycle, Alabama Conservatives Fund has raised and spent over \$2.4 million in independent expenditures, exclusively supporting Katie Boyd Britt, a U.S. Senate candidate in Alabama.<sup>15</sup>

#### SUMMARY OF THE LAW

11. Under FECA, a “contribution” is defined as “any gift . . . of money or anything of value made by any person for the purpose of influencing any election for Federal office.”<sup>16</sup>

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<sup>11</sup> USAspending.gov, Recipient Profile Medical Place Inc., <https://www.usaspending.gov/recipient/78ae7b8d-4fea-93a6-9e16-b31d62927309-C/all> (last visited Jun. 3, 2022). See “Indefinite Delivery Vehicle,”

<https://www.usaspending.gov/?glossary=indefinite-delivery-vehicle-idv> (“Indefinite Delivery Vehicle (IDV): Vehicle to facilitate the delivery of supply and service orders. IDV Types include: Blanket Purchase Agreement (BPA); Basic Ordering Agreement (BOA); Government-Wide Acquisition Contract (GWAC); Multi-Agency Contract; *Indefinite Delivery Contract (IDC)*; *Federal Supply Schedule (FSS)*.”) (emphases added).

<sup>12</sup> See Table of Active Federal Contracts During IEOPC Contributions (attached here as Exhibit C).

<sup>13</sup> IDC and FSS contracts are types of IDVs. See “Indefinite Delivery Contract,” <https://www.usaspending.gov/?glossary=indefinite-delivery-contract-idc> (“Indefinite Delivery Contract (IDC) facilitates the delivery of supply and service orders during a set timeframe.”); “Federal Supply Schedule,” <https://www.usaspending.gov/?glossary=federal-supply-schedule-fss> (“The Federal Supply Schedule (FSS) is a listing of contractors that have been awarded a contract by GSA that can be used by all federal agencies. This is also known as a Multiple Award Schedule (MAS).”).

<sup>14</sup> See Exhibit C.

<sup>15</sup> See Alabama Conservatives Fund, Receipts, [https://www.fec.gov/data/receipts/?committee\\_id=C00786152&two\\_year\\_transaction\\_period=2022&cycle=2022&line\\_number=F3X-11AI&data\\_type=processed](https://www.fec.gov/data/receipts/?committee_id=C00786152&two_year_transaction_period=2022&cycle=2022&line_number=F3X-11AI&data_type=processed) (last visited May 23, 2022); Alabama Conservatives Fund, Independent Expenditures, [https://www.fec.gov/data/independent-expenditures/?committee\\_id=C00786152&two\\_year\\_transaction\\_period=2022&cycle=2022&data\\_type=processed&is\\_notice=true](https://www.fec.gov/data/independent-expenditures/?committee_id=C00786152&two_year_transaction_period=2022&cycle=2022&data_type=processed&is_notice=true) (last visited May 23, 2022).

<sup>16</sup> 52 U.S.C. § 30101(8)(A)(i).

12. Federal law prohibits a federal contractor from making any “contribution to any political party, committee, or candidate for public office” at any time between the commencement of negotiations for a federal contract and the completion of performance or termination of negotiations for the contract.<sup>17</sup>
13. Federal law additionally prohibits any person from knowingly soliciting such a contribution from a federal contractor.<sup>18</sup>
14. Under government contracting law, indefinite quantity contracts (IDC) are a type of federal contract.<sup>19</sup> Federal regulations provide that IDC contracts “*must require the Government to order* and the contractor to furnish at least a stated minimum quantity of supplies or services,” and “if ordered, the contractor *must furnish* any additional quantities, not to exceed the stated maximum.”<sup>20</sup>
15. The contractor contribution ban applies to any person “who enters into any contract with the United States or any department or agency thereof” for “the rendition of personal services” or for “furnishing any material, supplies, or equipment,” or for “selling any land or building,” if “payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress.”<sup>21</sup>

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<sup>17</sup> 52 U.S.C. § 30119(a)(1).

<sup>18</sup> 52 U.S.C. § 30119(a)(2).

<sup>19</sup> 48 C.F.R. § 16.504 (“**Description.** An indefinite-quantity contract provides for an indefinite quantity, within stated limits, of supplies or services during a fixed period.”).

<sup>20</sup> *Id.* § 16.504(a)(1) (emphases added); *see* Factual and Legal Analysis at 3, MUR 7843 (Marathon Petroleum Company LP) (finding reason to believe respondents violated the federal contractor contribution ban by making IEOPC contributions while negotiating or performing under IDV federal contracts).

<sup>21</sup> 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.1(a).



16. The contractor contribution ban applies from when a request for proposals is sent out (or when contractual negotiations commence) until the completion of performance of the contract or the termination of negotiations.<sup>22</sup>
17. The Commission has made clear since at least 2011 that the government contractor prohibition applies to contributions to IEOPCs: in MUR 6403, the Commission emphasized that a contractor making a contribution to a political committee to fund independent expenditures is not itself making an expenditure; therefore, a contribution to such a committee falls “squarely within the statute’s prohibitions.”<sup>23</sup>
18. Moreover, in 2017, the Commission noted that there is no *de minimis* exception to the federal contractor contribution, finding that even if a contributor’s federal contract work is only a “small fraction” of its overall business, this “does not negate the company’s status as a federal contractor.”<sup>24</sup>
19. Even when the prohibited contractor contribution has been refunded, the Commission has pursued enforcement action. In 2019, the Commission found reason to believe federal contractor Ring Power Corporation violated Section 30119 when it contributed \$50,000 to an IEOPC, finding that Ring Power’s remedial measures, including obtaining a refund of the illegal contribution from the IEOPC, “do not excuse the violation.”<sup>25</sup>
20. The federal contractor ban applies in circumstances where there is “a very specific quo for which the contribution may serve as the quid,” and it was upheld unanimously by the *en banc*

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<sup>22</sup> 52 U.S.C. § 30119(a)(1); 11 C.F.R. § 115.1(b).

<sup>23</sup> Factual and Legal Analysis at 5, 9, MUR 6403 (Alaskans Standing Together).

<sup>24</sup> Factual and Legal Analysis at 4-5, MUR 7099 (Suffolk Construction Co., Inc.) (finding reason to believe that federal contractor Suffolk Construction Company, Inc. violated 52 U.S.C. § 30119(a)(1) by contributing \$200,000 to an IEOPC).

<sup>25</sup> Factual and Legal Analysis at 4, MUR 7451 (Ring Power Corp.); *see* Factual and Legal Analysis at 2-3, MUR 7568 (Alpha Marine Servs., Inc.) (same).

U.S. Court of Appeals for the D.C. Circuit in *Wagner v. FEC*, where the court stated that “the record offers every reason to believe that, if the dam barring contributions were broken, more money in exchange for contracts would flow through the same channels already on display.”<sup>26</sup>

### CAUSE OF ACTION

#### **I. MEDICAL PLACE, INC. VIOLATED THE FEDERAL CONTRACTOR CONTRIBUTION BAN**

21. FECA and Commission regulations prohibit a federal contractor from making a contribution to any political committee during the period in which a federal contract is being negotiated or performed.<sup>27</sup>
22. According to USAspending.gov, Medical Place is a federal contractor, and was a federal contractor when it made a \$50,000 contribution to Alabama Conservatives Fund on February 2, 2022, as well as when it made a second \$50,000 contribution to Alabama Conservatives Fund on April 6, 2022.<sup>28</sup> Specifically, at the time it made the contributions at issue, Medical Place had multiple active contracts<sup>29</sup> to “furnish[] any material, supplies, or equipment to the United States or any department or agency thereof,” in particular, the Departments of Veterans Affairs and DOD.<sup>30</sup>
23. Consequently, there is reason to believe that Medical Place, a federal contractor, violated FECA’s federal contractor contribution ban by making \$100,000 in contributions to an IEOPC, Alabama Conservatives Fund, during the period its federal contracts were being negotiated and/or performed.

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<sup>26</sup> *Wagner v. FEC*, 793 F.3d 1, 18 (D.C. Cir. 2015) (en banc).

<sup>27</sup> 52 U.S.C. § 30119(a)(1); 11 C.F.R. Part 115.

<sup>28</sup> *See supra* ¶ 8-9.

<sup>29</sup> *See* Exhibit C.

<sup>30</sup> 52 U.S.C. § 30119(a)(1).

**PRAYER FOR RELIEF**

24. Wherefore, the Commission should find reason to believe that Medical Place, Inc. violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
25. The Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,

/s/ Saurav Ghosh  
Campaign Legal Center, by  
Saurav Ghosh, Esq.  
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(202) 266-5143

Saurav Ghosh, Esq.  
Campaign Legal Center  
1101 14th Street, NW, Suite 400  
Washington, DC 20005  
Counsel to the Campaign Legal Center  
June 7, 2022

VERIFICATION

The complainant listed below hereby verify that the statements made in the attached  
Complaint are, upon their information and belief, true.

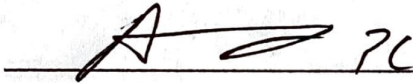
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Campaign Legal Center




Saurav Ghosh, Esq.

Sworn to and subscribed before me this 7<sup>th</sup> day of June 2022.



Notary Public

City/County of Mclean  
Commonwealth of Virginia  
The foregoing instrument was acknowledged before me  
this 7<sup>th</sup> day of June, 2022  
by Saurav Ghosh  
 Notary Public  
My commission expires 11/30/2025



# EXHIBIT A



# Alabama Secretary of State



Medical Place, Inc.	
Entity ID Number	000 - 092 - 817
Entity Type	Domestic Corporation
Principal Address	Not Provided
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Montgomery County
Formation Date	06/23/1983
Registered Agent Name	SEAWRIGHT, ALFRED
Registered Office Street Address	219 S COURT ST STE 308 MONTGOMERY, AL 36104
Registered Office Mailing Address	219 S COURT ST STE 308 MONTGOMERY, AL 36104
Nature of Business	PHYSICAL THERAPY EQUIPMENT
Capital Authorized	\$2,000
Capital Paid In	\$1,000
Incorporators	
Incorporator Name	SEAWRIGHT, ALFRED
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Incorporator Name	SEAWRIGHT, MAXINE
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Annual Reports	
<p>Annual Report information is filed and maintained by the Alabama Department of Revenue.            If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or <a href="http://www.revenue.alabama.gov">www.revenue.alabama.gov</a>. The Secretary of State's Office cannot answer questions about or make changes to these reports.</p>	
Report Year	<a href="#">1987</a> <a href="#">1988</a> <a href="#">1989</a> <a href="#">1990</a> <a href="#">1991</a> <a href="#">1992</a> <a href="#">1993</a> <a href="#">1994</a> <a href="#">1995</a> <a href="#">1996</a> <a href="#">1997</a> <a href="#">1998</a> <a href="#">1999</a> <a href="#">2000</a> <a href="#">2001</a> <a href="#">2002</a> <a href="#">2003</a> <a href="#">2004</a> <a href="#">2005</a> <a href="#">2006</a> <a href="#">2007</a> <a href="#">2008</a> <a href="#">2009</a> <a href="#">2010</a> <a href="#">2011</a> <a href="#">2012</a> <a href="#">2013</a> <a href="#">2014</a> <a href="#">2015</a> <a href="#">2016</a> <a href="#">2017</a> <a href="#">2018</a> <a href="#">2019</a> <a href="#">2020</a> <a href="#">2021</a>
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	06/23/1983 Certificate of Formation 9 pgs.

# EXHIBIT B



# Past Performance





Medical Place is a secure well established and vetted company. Our company structure and financial records have been examined by several states and government agencies through their various contracting and certification processes.

We have held Contracts and Certifications with the following Government Agencies:







**ICE**



**FEMA**



**National Institutes  
of Health**



**U.S. Small Business  
Administration**



**Address:**

350 Industrial Park Blvd.  
Montgomery, AL 36117  
Phone: 334-241-0807  
Toll-Free: 800-922-1445  
FAX: 334-262-8576  
[www.medicalplace.net](http://www.medicalplace.net)

**Contracts**

**VA CONTRACTS**

FSS 36F79721D0174  
FSS 36F79718D0472

**DOD/DIA CONTRACTS**

ECAT SPE2DH-21-D-0055  
DAPA SP0200-97-H-5029  
DAPA SP0200-97-H-8015

NAICS CODES  
339112, 339113, 423450, 423490  
423990, 424130

**How to Order:**

By Phone 334-241-0807

By fax 334-262-8576

By email

[sales@medicalplace.net](mailto:sales@medicalplace.net)

Also via Government Portals:

- GSA Advantage
- ECAT
- DAPA
- Prime Vendor

**Hours of Operations**

Monday -Friday

8:00AM-5:00PM

Central Standard Time

24 Hour Live Customer Service



# EXHIBIT C

***Medical Place Federal IDVs and Purchase Orders Open at the Time of its  
Contributions to Alabama Conservatives Fund on 2/2/2022 and/or 4/6/2022***

<b>IDV</b>	<b>Award ID</b>	<b>Start Date</b>	<b>End Date</b>	<b>Award Amount (Total Award Obligations to Date)</b>	<b>Description</b>	<b>Awarding Agency</b>	<b>Awarding Sub Agency</b>	<b>Contract Award Type</b>
FSS	36F79721D0174	7/1/2021	6/30/2026	n/a	65 II A MEDICAL EQUIPMENT & SUPPLIES, FSS CONTRACT AWARD	Department of Veterans Affairs	Department of Veterans Affairs	FSS
IDIQ	SPE2DH21D0055	3/4/2021	3/3/2026	n/a	4600081199!HOSPITAL SUPPLY DIV - PHILADELPHIA	Department of Defense	Defense Logistics Agency	IDIQ
FSS	36F79718D0472	6/1/2018	5/31/2023	n/a	65 II F, PATIENT MOBILITY DEVICES, FSS CONTRACT AWARD	Department of Veterans Affairs	Department of Veterans Affairs	FSS
IDIQ	36C79121D0006	2/15/2021	2/14/2023	n/a	THE CSAS HAS BEEN TASKED WITH A REQUIREMENT TO PROCURE POSITIVE AIRWAY PRESSURE (PAP) DEVICES AND ASSOCIATED ACCESSORIES/REPLACEMENT PARTS, FACIAL INTERFACES AND MASK LINERS FOR THE VA PROSTHETIC AND SENSORY AIDS SERVICE (PSAS) TO SUPPLY VHA	Department of Veterans Affairs	Department of Veterans Affairs	IDIQ
No	36C24922P0426	3/23/2022	3/23/2023	\$10,553	STOCK CPAPS	Department of Veterans Affairs	Department of Veterans Affairs	PURCHASE ORDER
No	36C24922P0312	2/10/2022	2/10/2023	\$14,690	ASTRAL 100	Department of Veterans Affairs	Department of Veterans Affairs	PURCHASE ORDER
IDC	36C24721F0729	9/16/2021	9/30/2022	\$120,510	CPAP EQUIPMENT	Department of Veterans Affairs	Department of Veterans Affairs	DELIVERY ORDER

FSS	36C24622N0527	3/7/2022	5/31/2022	\$15,145	VENTILATOR	Department of Veterans Affairs	Department of Veterans Affairs	DELIVERY ORDER
FSS	36C25621N0924	8/30/2021	3/30/2022	\$100,363	CPAPS	Department of Veterans Affairs	Department of Veterans Affairs	DELIVERY ORDER
FSS	36C25621N0810	7/28/2021	3/28/2022	\$64,272	CPAP STOCK ITEMS	Department of Veterans Affairs	Department of Veterans Affairs	DELIVERY ORDER
No	36C24722P0424	1/24/2022	3/24/2022	\$12,842	BARIATRIC SEATS	Department of Veterans Affairs	Department of Veterans Affairs	PURCHASE ORDER
IDC	SPE2D422F029P	1/18/2022	3/22/2022	\$7,800	4555958196!AIRCURVE 10 ST USA TRI	Department of Defense	Defense Logistics Agency	DELIVERY ORDER
IDC	36C79122K0107	2/1/2022	2/28/2022	\$4,523,702	EXPRESS REPORT: FEBRUARY 2022_PAP AND ACCESSORIES	Department of Veterans Affairs	Department of Veterans Affairs	DELIVERY ORDER
No	36C24722P0341	1/12/2022	2/11/2022	\$10,688	HEATING PADS	Department of Veterans Affairs	Department of Veterans Affairs	PURCHASE ORDER
FSS	36C25621N0843	8/10/2021	2/10/2022	\$0	CPAP STOCK ITEMS	Department of Veterans Affairs	Department of Veterans Affairs	DELIVERY ORDER
IDC	SPE2D422F062F	1/25/2022	2/8/2022	\$575	4556037084!AIRFIT P30I STD STARTERPACK	Department of Defense	Defense Logistics Agency	DELIVERY ORDER
IDC	SPE2D422F040Y	1/19/2022	2/2/2022	\$149	4556006907!AIRFIT N30I STD PK	Department of Defense	Defense Logistics Agency	DELIVERY ORDER