BEFORE THE FEDERAL ELECTION COMMISSION

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

v.

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

MUR No. ________

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.1

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 . . . .”2

2 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. Its treasurer is Kaylen Melton.

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. On April 6, 2022, Alabama Conservatives Fund received a second $50,000 contribution from Medical Place.

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.

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. 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”).

8. According to USASpending.gov, “the official source for spending data for the U.S. Government,” Medical Place has been awarded $249.5 million total in federal contracts and

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4 Id.
5 Alabama Conservatives Fund, April 2022 Quarterly Report at 7 (Apr. 15, 2022).
6 Alabama Conservatives Fund, 12-Day Pre-Primary Report at 6 (May 12, 2022).
7 Alabama Secretary of State, Business Entity Records, Medical Place, Inc. (attached here as Exhibit A).
contract indefinite delivery vehicles (IDV) from the VA, DOD, DOJ, HHS, and DHS.\textsuperscript{11} The company had multiple active federal contracts at the time of each contribution,\textsuperscript{12} including two Indefinite Delivery Contracts (IDC) and two Federal Supply Schedule (FSS) contracts.\textsuperscript{13}

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.\textsuperscript{14}

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.\textsuperscript{15}

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.”\textsuperscript{16}


\textsuperscript{12} See Exhibit C.

\textsuperscript{13} 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.”)).

\textsuperscript{14} See Exhibit C.


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.\textsuperscript{17}

13. Federal law additionally prohibits any person from knowingly soliciting such a contribution from a federal contractor.\textsuperscript{18}

14. Under government contracting law, indefinite quantity contracts (IDC) are a type of federal contract.\textsuperscript{19} Federal regulations provide that IDC contracts “\textit{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 \textit{must furnish} any additional quantities, not to exceed the stated maximum.”\textsuperscript{20}

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.”\textsuperscript{21}

\textsuperscript{17} 52 U.S.C. § 30119(a)(1).
\textsuperscript{18} 52 U.S.C. § 30119(a)(2).
\textsuperscript{19} 48 C.F.R. § 16.504 (“\textbf{Description.} An indefinite-quantity contract provides for an indefinite quantity, within stated limits, of supplies or services during a fixed period.”).
\textsuperscript{20} 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).
\textsuperscript{21} 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.22

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.”23

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.”24

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.”25

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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22 52 U.S.C. § 30119(a)(1); 11 C.F.R.§ 115.1(b).
23 Factual and Legal Analysis at 5, 9, MUR 6403 (Alaskans Standing Together).
24 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).
25 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.”

**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.27

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, 2022.28 Specifically, at the time it made the contributions at issue, Medical Place had multiple active contracts29 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.30

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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26 *Wagner v. FEC*, 793 F.3d 1, 18 (D.C. Cir. 2015) (en banc).
28 See supra ¶ 8-9.
29 See Exhibit C.
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.
1101 14th Street, NW, Suite 400
Washington, DC 20005
(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.


For Complainant Campaign Legal Center

Saurav Ghosh, Esq.

Sworn to and subscribed before me this 7th day of June 2022.

Notary Public

City/County of McLean
Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 7th day of June, 2022
by Saurav Ghosh
Notary Public
My commission expires 11/30/2025
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**Annual Reports**

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 [www.revenue.alabama.gov](http://www.revenue.alabama.gov). The Secretary of State's Office cannot answer questions about or make changes to these reports.

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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:
Contracts

VA CONTRACTS
FSS 36F7072BD0174
FSS 36F7071BD0472

DOD/DLA CONTRACTS
ECAT SPE2DH-21-D-0055
DAPA SP00200-97-H-5029
DAPA SP00200-97-H-8016

NAICS CODES
339112, 339113, 423450, 423490
423980, 423430

How to Order:
By Phone 334-241-0807
By fax 334-262-8575
By email sales@medicalplace.net
Also via Government Portals:
- GSA Advantage
- ECAT
- DAPA
- Prime Vendor

Hours of Operations
Monday - Friday
6:00AM-5:00PM
Central Standard Time
24 Hour Live Customer Service

Address:
350 Industrial Park Blvd.
Montgomery, AL 36117
Phone: 334-241-0807
Toll-Free: 800-922-1445
FAX: 334-252-8575
www.medicalplace.net
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