

1. Wuesthoff Memorial Hospital, Inc. ("Wuesthoff") is a nonprofit 295-bed acute care hospital incorporated in the State of Florida.

2. At all relevant times, Robert Carman was President and Chief Executive Officer of Wuesthoff.

3. From November 21, 1995 through May 19, 1999, Terence Murphy was Senior Vice President and Chief Operating Officer of Wuesthoff.

4. From January 20, 1996 though May 19, 1999, Rebecca Colker was Chief Financial Officer of Wuesthoff.

5. For some period of time during 1991 through 1998, Josef Bogdan, Rebecca Colker, Brian Collins, Chris Finton, Terence Murphy, Michael Pardy, Anthony Rose, Emily Rothenberger, Panella Simms, Bernard Van Someren, Kathleen Wade and Kathleen Weldon were employees of Wuesthoff.

6. In the 1980's, Wuesthoff was a member of the Association of Voluntary Hospitals of Florida (AVHF), to which it paid dues of approximately \$20,000 per year. In the late 1980's, at the direction of the Board of Directors, Wuesthoff dropped out of the AVHF. Because the Board of Directors encouraged Carman to be more politically active, Carman therefore determined that the money that would have gone to AVHF needed to be contributed directly to political candidates.

7. From at least November 1991 through at least June 1998, Robert Carman encouraged certain employees to make political contributions to various federal campaign committees and indicated that they would be reimbursed by Wuesthoff. Carman then caused these employees, along with himself, to be reimbursed by authorizing check requests submitted by employees.

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8. Around December of 1997, Robert Carman authorized bonuses to senior staff to be used for making political and charitable contributions. All records of the bonus amounts and contributions made by Wuesthoff employees were maintained by Carman and his support staff in Carman's executive offices. Records of the bonus payments were also maintained in Wuesthoff's accounts payable department.

9. Robert Carman caused himself and Wuesthoff employees to be reimbursed for federal campaign contributions totaling \$23,675 during the period November of 1991 through June of 1998. Listed below are the reimbursed contributions.

Employee	Date of Contribution	Amount	Recipient Committee
Robert Carman	11/11/91	\$250	Dixie Sansom For Congress Campaign Committee
Barbara Berard	6/26/92	\$250	Citizens for Bacchus 92
Barbara Berard	6/26/92	\$500	Dixie Sansom For Congress Campaign Committee
Terence Murphy	6/26/92	\$500	Dixie Sansom For Congress Campaign Committee
Anthony Rose	6/26/92	\$500	Dixie Sansom For Congress Campaign Committee
Robert Carman	6/26/92	\$750	Dixie Sansom For Congress Campaign Committee
Kathleen Wade	6/28/92	\$500	Dixie Sansom For Congress Campaign Committee
Michael Pardy	6/29/92	\$500	Dixie Sansom For Congress Campaign Committee
Michael Pardy	7/2/92	\$100	Dixie Sansom For Congress Campaign Committee
Robert Carman	7/10/92	\$250	Citizens for Bacchus 92
Anthony Rose	7/31/92	\$100	Dixie Sansom For Congress Campaign Committee
Terence Murphy	7/31/92	\$100	Dixie Sansom For Congress Campaign Committee
Anthony Rose	9/10/92	\$500	Citizens for Bacchus 92
Robert Carman	5/13/93	\$200	Dixie Sansom For Congress Campaign Committee
Barbara Berard	5/14/93	\$200	Dixie Sansom For Congress Campaign Committee
Terence Murphy	5/14/93	\$200	Dixie Sansom For Congress Campaign Committee
Michael Pardy	5/17/93	\$200	Dixie Sansom For Congress Campaign Committee
Robert Carman	3/21/94	\$1,000	Friends of Ed Stillie
Robert Carman	5/16/94	\$1,000	Sue Munsey For Congress
Panella Simms	9/19/94	\$100	Sue Munsey For Congress
Robert Carman	9/20/94	\$200	Sue Munsey For Congress
Robert Carman	11/29/95	\$250	Friends of Connie Mack
Robert Carman	3/11/96	\$1,000	Ben Graber For U.S. Congress
Terence Murphy	3/11/96	\$1,000	Ben Graber For U.S. Congress
Robert Carman	6/21/96	\$250	Friends of Bob Graham Committee
Robert Carman	8/9/96	\$250	Byron For Congress
Robert Carman	9/5/96	\$200	Friends of Dave Weldon
Terence Murphy	9/6/96	\$200	Friends of Dave Weldon
Robert Carman	10/13/97	\$625	Friends of Dave Weldon

Lee Barnhart	6/24/98	\$1,000	Republican Party of Florida
Josef Bogdan	6/24/98	\$500	Republican Party of Florida
Rebecca Colker	6/24/98	\$500	Republican Party of Florida
Rebecca Colker	6/24/98	\$500	Republican Party of Florida
Brian Collins	6/24/98	\$500	Republican Party of Florida
Chris Finton	6/24/98	\$1,000	Republican Party of Florida
Chris Finton	6/24/98	\$1,000	Republican Party of Florida
Terence Murphy	6/24/98	\$5,000	Republican Party of Florida
Emily Rothenberger	6/24/98	\$500	Republican Party of Florida
Kathleen Weldon	6/24/98	\$500	Republican Party of Florida
Bernard Van Someren	6/24/98	\$1,000	Republican Party of Florida

10. On June 16, 1998, a fundraiser for the Republican Party of Florida was held at Wuesthoff Board member Al Glover's home. Robert Carman, along with his Administrative Assistant Emily Rothenberger helped to organize the event. Carman and Rothenberger solicited Wuesthoff employees for \$11,000 in contributions to the Republican Party of Florida. Carman caused these employees to be reimbursed by authorizing bonus payments for them to cover their contributions.

11. Robert Carman acknowledges that during the time he authorized reimbursements for Wuesthoff employees' contributions, he was aware that it was illegal for a nonprofit incorporated organization to contribute to political committees. Carman determined that it was permissible to reimburse Wuesthoff employees' contributions because he was aware that other hospitals reimbursed their employees for political contributions.

12. Robert Carman acknowledges that members of Wuesthoff's Board of Directors directed him to ask employees to contribute to specific candidates. Carman further acknowledges that candidates were selected on the basis of whether they would benefit Wuesthoff.

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13. Wuesthoff Board Member and Chairman during 1997-1998, Lee Barnhart, was hired as a lobbyist for Wuesthoff during 1995 through 1999. Barnhart encouraged Wuesthoff employees to contribute to candidates and sometimes delivered contribution checks from Wuesthoff employees to candidates. Barnhart was reimbursed for his political contributions using expense reports Barnhart submitted to Carman for approval.

14. The Act prohibits corporations from making contributions or expenditures in connection with a federal election. 2 U.S.C. § 441b(a). Section 441b(a) of the Act also prohibits any officer or any director of any corporation from consenting to any contribution or expenditure by the corporation.

15. Further, Section 441f of the Act prohibits any person from making a contribution in the name of another person or from permitting his or her name to be used to effect such a contribution. The Commission regulations at 11 C.F.R. § 110.4(b)(1)(iii) also make it unlawful for any person to knowingly help or assist any person making a contribution in the name of another.

V. Respondent Robert Carman, knowingly and willfully violated 2 U.S.C. § 441b(a) and § 441f by consenting to Wuesthoff's corporate contributions and allowing his name to be used in Wuesthoff's making of the corporate contributions.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Twenty Thousand dollars (\$20,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. Respondent understands that the recipient campaign committees will be requested to disgorge the above-referenced reimbursed contributions to the United States Treasury. Respondent waives any and all claims he may have to the refund or reimbursement of such contributions.

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XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

*Lois G. Lerner*  
*by C. G. Lerner*  
Lois G. Lerner  
Acting General Counsel

*2/21/01*  
Date

FOR RESPONDENT:

*Robert Carman*

*1-31-01*  
Date

*James F. Haggerty*

*1-31-01*  
Date