

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 5041
Wuesthoff Memorial Hospital, Inc.)
Josef Bogdan)
Robert Carman)
Rebecca Colker)
Brian Collins)
Chris Finton)
Terence Murphy)
Emily Rothenberger)
Bernard Van Someren)
Kathleen Weldon)

SENSITIVE

GENERAL COUNSEL'S REPORT # 3

I. ACTIONS RECOMMENDED

Take no further action and close the file with respect to Josef Bogdan,
Brian Collins, Chris Finton, Emily Rothenberger, Bernard Van Someren and Kathleen Weldon.
Send admonishment letters.

II. BACKGROUND

This matter commenced with a *sua sponte* submission by Wuesthoff Memorial Hospital, Inc. ("Wuesthoff"). The hospital's submission stated that a group of Wuesthoff executives and employees made federal campaign contributions and were reimbursed with Wuesthoff corporate funds. Wuesthoff pointed to Robert Carman, the hospital's former President and CEO, as having

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played the major role in the reimbursements by asking Wuesthoff's employees to contribute to specific candidates and committees and indicating they would be reimbursed. Wuesthoff stated that it conducted a thorough internal review to investigate the misconduct, and subsequently provided to this Office the names of employees who were reimbursed for their contributions, as well as a list of those contributions.

Thus, the Commission made the following reason to believe findings:

that Josef Bogdan, Brian Collins, Chris Finton,

Emily Rothenberger, Bernard Van Someren, and Kathleen Weldon violated

2 U.S.C. § 441f. The Commission also approved formal discovery directed to all respondents.

Aside from Finton and Rothenberger, none of these individuals still work for Wuesthoff.

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III. RESULTS OF INVESTIGATION

The Commission received responses to the Subpoenas and Orders from Josef Bogdan, Brian Collins, Emily Rothenberger and Kathleen Weldon. Apparently, because of an ongoing criminal investigation on the state level, Chris Finton, and Bernard Van Someren asserted their Fifth Amendment privilege and did not answer the questions posed to them in the subpoenas.³

³ This Office has since learned that Colker, Finton, and Van Someren pleaded no contest to violating Florida state criminal law. The charge stated that each did "knowingly and willfully aid, abet, advise or participate in Wuesthoff Hospital Systems, Inc. making a contribution through or in the name of another..." Each of them paid a \$500 fine plus court costs.

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For the most part, the responses of the individual respondents were consistent with the information presented in Wuesthoff's initial submission and in its responses to the Commission's Subpoena and Order. Those individuals all stated that Carman or Carman's secretary or assistant asked them to contribute to particular candidates or committees, in the amounts listed in Attachment 1 to this Report. They assert that Carman, directly or through his assistants, Emily Rothenberger and Carlene Kinkaid, instructed them as to how to seek reimbursement,⁵ and that they were, in fact, reimbursed for their contributions. See subpoena responses from Bogdan, Collins and Weldon

⁵ Generally speaking, the reimbursement procedure involved completing the same Accounts Payable Check Request Forms which staff used to obtain reimbursements for legitimate business expenses. The staff person or his/her secretary completed the forms and then Carman would approve the reimbursement and submit the forms to Accounts Payable.

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f. Other Reimbursed Contributors

Rothenberg served as Administrative Assistant/Special Projects Director to Robert Carman at the time of much of the reimbursement activity. She made one \$500 federal contribution to the Republican Party of Florida. On October 12, 2000, this Office interviewed Rothenberg on the telephone. She cooperated fully in answering all questions asked of her

Therefore, this Office

recommends that the Commission take no further action against Emily Rothenberger.

Unlike , the other reimbursed contributors were not as high ranking in the organization or as involved in the contribution/reimbursement process. Josef Bogdan, Brian Collins, Chris Finton, Emily Rothenberger, Bernard Van Someren and Kathleen Weldon were reimbursed only with bonuses approved by Carman for their federal contributions. Josef Bogdan, Brian Collins and Kathleen Weldon state in their subpoena responses that they were asked by Carman to make a \$500 contribution to the Republican Party of Florida and were instructed as to how to be reimbursed. Chris Finton and Bernard Van Someren also were reimbursed only for federal contributions to the Republican Party of Florida--\$2,000 by Finton and \$1,000 by Van Someren. While Finton was Senior Vice President of the Medical Staff and Van Someren was Vice President of Clinical Services, there is no evidence to suggest they were intimately involved in the reimbursement activity (e.g., they did not authorize bonuses or expense reimbursements). Therefore, this Office recommends that the Commission take no further action against Josef Bogdan, Brian Collins, Chris Finton, Bernard Van Someren, and Kathleen Weldon.

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Finally, this Office recommends taking no further action against Josef Bogdan, Brian Collins, Chris Finton, Emily Rothenberger, Bernard Van Someren and Kathleen Weldon and closing the file with respect to them, because their participation in the reimbursement scheme was limited to following their supervisor's instructions. However, this Office recommends

sending admonishment letters to these respondents.

V. **RECOMMENDATIONS**

Take no further action, send admonishment letters and close the file with respect to Josef Bogdan, Brian Collins, Chris Finton, Emily Rothenberger, Bernard Van Someren and Kathleen Weldon.

Lawrence M. Noble
General Counsel

Date

11/29/00

BY:

Lois G. Lerner

Associate General Counsel

Reimbursed Federal Contributions

Employee	Date of Contribution	Amount	Recipient Committee
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Josef Bogdan	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

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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

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ATTACHMENT 1
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