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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: WellCare Health Plans, Inc.

Case No.: FEC 09-155

F.O. No.: FOFEC 09-092

CONSENT FINAL ORDER

WellCare Health Plans, Inc. (“WellCare” or the “Company”), and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

FINDINGS OF FACT

1. On June 25, 2009, WellCare Health Plans, Inc. filed a complaint with the Commission self-reporting WellCare’s potential violations of Section 106.08(5)(a), Florida Statutes.
2. WellCare expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Commission staff verified the reported information and also discovered eight additional potential violations of Section 106.08(1), Florida Statutes. Upon further review of its records, WellCare self-reported five additional potential violations of Section 106.08(1), Florida Statutes.
4. The Parties have decided to conclude and settle this matter to avoid the additional expenditure of time, effort, and resources.
5. The facts set forth below are deemed admitted as true:
 - A. WellCare operates managed care health plans for participants in Medicare, Medicaid, and other publicly supported health programs. There are approximately 2.5 million members of WellCare health plans, including over 400,000 in the State of Florida.

- B. Due to licensing and other regulatory requirements, WellCare conducts its business through numerous subsidiaries.
- C. From 2003 through 2007, WellCare made contributions to Florida political campaigns totaling just over \$1 million. Of this amount, \$64,500 was contributed by subsidiaries that at the time of their contributions lacked a source of revenue independent of affiliate transfers or cash balances, which appeared sufficient to fund their political contributions.
- D. The \$64,500 was comprised of 129 individual contributions by four subsidiaries: Comprehensive Health Management of Florida; Harmony Health Plan of Indiana, Inc.; Harmony Health Management of Indiana, LLC; and WellCare Pharmacy Benefits Management, Inc.
- E. The 129 contributions were made by checks drawn on accounts of the four subsidiaries, but without consideration of whether the contributions could be funded by such subsidiaries' own revenue sources or cash.
- F. WellCare government relations personnel selected the Company subsidiaries that made particular campaign contributions on a largely random basis, except that in some instances (1) entities operating in a state were selected to make contributions in that state, and (2) entities without the WellCare name were selected to make contributions.
- G. There is no evidence that this selection process involved an intentional violation of law, or that any WellCare subsidiary was created or maintained for the purpose of making campaign contributions.
- H. Additionally, 13 contributions exceeded the legal limit as a result of contributions made by WellCare and its subsidiaries after June 25, 2007.
- I. The senior executives responsible for WellCare's Florida campaign contributions are no longer employed by the Company.
- J. WellCare has suspended its contributions to Florida campaigns since the second quarter of 2008.

CONCLUSIONS OF LAW

6. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

7. The Commission staff and WellCare Health Plans, Inc. stipulate to the facts set forth herein.

8. Based on the stipulated facts set forth in this Consent Order, the Commission finds that there is probable cause that WellCare committed 129 violations of Section

106.08(5)(a), Florida Statutes, and 13 violations of Section 106.08(1), Florida Statutes.

9. The Parties stipulate to the ability of the Commission to impose a civil penalty against WellCare in accordance with Section 106.265, Florida Statutes.

10. The Parties intend that this Consent Order settles all pending issues arising out of the facts as set forth in the complaint and the contributions listed in Exhibit A.

ORDER

11. WellCare and the staff of the Commission have entered into this Consent Order voluntarily and upon advice of counsel.

12. Each Party shall bear their own attorneys' fees and costs that are in any way associated with this case.

13. WellCare understands that, before the Consent Order is final agency action, the Commission must approve it at a public meeting.

14. After it is approved by the Commission, this Consent Order will constitute final agency action finding probable cause that WellCare violated Sections 106.08(1), and 106.08(5)(a), Florida Statutes, and resolving all alleged violations raised in this case.

15. WellCare voluntarily waives the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, the right to claim the defense of the Statute of Limitations as to the self-reported contributions, and the right to appeal the Consent Order.

16. WellCare acknowledges that to the best of its knowledge and belief, since January 1, 2007, it has not committed any violations of Florida campaign finance laws other than as set forth herein.

17. WellCare acknowledges that if a legally sufficient complaint is filed against it or any of its subsidiaries alleging violations other than those that are the subject of this Consent


Order, the Commission shall have the right to investigate those claims.

18. This Consent Order and the terms contained herein shall not constitute an admission against interest or acknowledgement of guilt as to any proceeding that might arise from the facts underlying the allegations in this case and this Consent Order.

19. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. The Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall be responsible for all fees and costs associated with enforcement.

20. WellCare shall remit to the Commission a civil penalty in the amount of ~~\$112,000~~ ^{FCB} ~~\$120,000.00~~ ^{CAF} ~~TF014~~. The civil penalties shall be paid to the Florida Elections Commission, The Collins Building, Suite 224, 107 West Gaines Street, Tallahassee, Florida 32399-1050, as a condition precedent to the Commission's execution of this Consent Order.

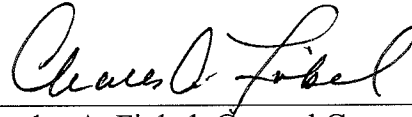
WellCare hereby agrees and consents to the terms of this Order on August 3, 2009.



Thomas F. O'Neil III, Vice Chairman
WellCare Health Plans, Inc.
8735 Henderson Road, Renaissance 1
Tampa, Florida 33634
(813) 206-1378

The **Commission staff** hereby agrees and consents to the terms of this Consent Order on

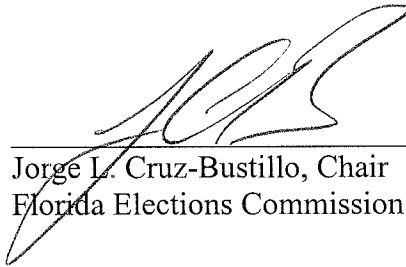
August 4,, 2009.



Charles A. Finkel, General Counsel
Florida Elections Commission
107 W. Gaines Streets
Collins Building, Suite 224
Tallahassee, FL 32399-1050
(850) 922-4539

Approved by the Florida Elections Commission at its regularly scheduled meeting held on August 18-19, 2009, at Tallahassee, Florida and filed with the Clerk of the Commission on

August 19, 2009, in Tallahassee, Florida.



Jorge L. Cruz-Bustillo, Chair
Florida Elections Commission

WellCare Health Plans, Inc.
 Political Contributions - Unfunded Entities
 CHMILLC Contributions Detail

	Contributor	Candidate	State	Type	Amount		
					2005	2006	2007
1	Comprehensive Health Management of Florida, LLC	Anderson, Tom	FL	House		500	
2	Comprehensive Health Management of Florida, LLC	Bean, Aaron	FL	House	500		
3	Comprehensive Health Management of Florida, LLC	Bendross-Mindingali, Dorothy	FL	House		500	
4	Comprehensive Health Management of Florida, LLC	Benson, Holly	FL	House	500		
5	Comprehensive Health Management of Florida, LLC	Berfield, Kim	FL	House		500	
6	Comprehensive Health Management of Florida, LLC	Bogdanoff, Ellen	FL	House		500	
7	Comprehensive Health Management of Florida, LLC	Bolanos, Frank	FL	Senate		500	
8	Comprehensive Health Management of Florida, LLC	Brummer, Fred	FL	House	500		
9	Comprehensive Health Management of Florida, LLC	Cannon, Dean	FL	House			
10	Comprehensive Health Management of Florida, LLC	Capelli, Angelo	FL	House		1,000	
11	Comprehensive Health Management of Florida, LLC	Coney, Chloe	FL	Other		500	500
12	Comprehensive Health Management of Florida, LLC	Corcoran, Richard	FL	Senate			
13	Comprehensive Health Management of Florida, LLC	Cretul, Larry	FL	House		500	
14	Comprehensive Health Management of Florida, LLC	Farkas, Frank	FL	House	500		
15	Comprehensive Health Management of Florida, LLC	Gaetz, Don	FL	Senate	500		
16	Comprehensive Health Management of Florida, LLC	Garcia, Rene	FL	House		500	
17	Comprehensive Health Management of Florida, LLC	Gardiner, Andy	FL	House		500	
18	Comprehensive Health Management of Florida, LLC	Goldstein, Susan	FL	House		500	
19	Comprehensive Health Management of Florida, LLC	Gonzalez, Eduardo	FL	House	500		
20	Comprehensive Health Management of Florida, LLC	Hairdopolos, Mike	FL	Senate		500	
21	Comprehensive Health Management of Florida, LLC	Harrell, Gayle	FL	House		500	
22	Comprehensive Health Management of Florida, LLC	Hasner, Adam	FL	House		500	
23	Comprehensive Health Management of Florida, LLC	Hooper, Ed	FL	House		500	
24	Comprehensive Health Management of Florida, LLC	King, Jim	FL	Senate		500	
25	Comprehensive Health Management of Florida, LLC	Kyle, Bruce	FL	House		500	
26	Comprehensive Health Management of Florida, LLC	Lee, Tom	FL	Senate Attorney	500		
27	Comprehensive Health Management of Florida, LLC	McCollum, Bill	FL	General		500	
28	Comprehensive Health Management of Florida, LLC	McInvalle, Sherri	FL	House		500	
29	Comprehensive Health Management of Florida, LLC	Murman, Sandra	FL	Senate	500		
30	Comprehensive Health Management of Florida, LLC	Murzin, Dave	FL	House Attorney		500	
31	Comprehensive Health Management of Florida, LLC	Negron, Joe	FL	General	500		
32	Comprehensive Health Management of Florida, LLC	Norman, Jim	FL	Other	500		
33	Comprehensive Health Management of Florida, LLC	Oelrich, Steve	FL	Senate		1,000	
34	Comprehensive Health Management of Florida, LLC	Pope, David	FL	House		500	

WellCare Health Plans, Inc.
 Political Contributions - Unfunded Entities
 CHMILLC Contributions Detail

	Contributor	Candidate	State	Type	Amount		
					2005	2006	2007
35	Comprehensive Health Management of Florida, LLC	Precourt, Steve	FL	House		500	
36	Comprehensive Health Management of Florida, LLC	Pruitt, Ken	FL	Senate		1,000	
37	Comprehensive Health Management of Florida, LLC	Pruitt, Will	FL	House			500
38	Comprehensive Health Management of Florida, LLC	Quinones, John	FL	House		500	
39	Comprehensive Health Management of Florida, LLC	Rubio, Marco	FL	House		500	
40	Comprehensive Health Management of Florida, LLC	Sansom, Ray	FL	House		1,000	
41	Comprehensive Health Management of Florida, LLC	Schenck, Robert	FL	House		500	
42	Comprehensive Health Management of Florida, LLC	Storms, Ronda	FL	Senate	500		
43	Comprehensive Health Management of Florida, LLC	Swanson, Brad	FL	Other			500
44	Comprehensive Health Management of Florida, LLC	Traviesa, Trey	FL	House			
Totals					6,000	17,000	1,500

WellCare Health Plans, Inc.
 Political Contributions - Unfunded Entities
 HHMI Contributions Detail

	Contributor	Candidate	State	Type	Amount	
					2006	2007
1	Harmony Health Management of Indiana, LLC	Berfield, Kim	FL	House	500	
2	Harmony Health Management of Indiana, LLC	Bogdanoff, Ellen	FL	House	500	
3	Harmony Health Management of Indiana, LLC	Cretul, Larry	FL	House	500	
4	Harmony Health Management of Indiana, LLC	Fields, Terry	FL	House	500	
5	Harmony Health Management of Indiana, LLC	Goldstein, Susan	FL	House	500	
6	Harmony Health Management of Indiana, LLC	Hasner, Adam	FL	House	500	
7	Harmony Health Management of Indiana, LLC	Oelrich, Steve	FL	Senate	500	
8	Harmony Health Management of Indiana, LLC	Pruitt, Ken	FL	Senate	500	500
9	Harmony Health Management of Indiana, LLC	Pruitt, Will	FL	House		
10	Harmony Health Management of Indiana, LLC	Quinones, John	FL	House	500	
11	Harmony Health Management of Indiana, LLC	Storms, Ronda	FL	Senate	500	
12	Harmony Health Management of Indiana, LLC	Traviesa, Trey	FL	House	500	500
Totals					5,500	1,000

WellCare Health Plans, Inc.
 Political Contributions - Unfunded Entities
 HHPIN Contributions Detail

	Contributor	Candidate	State	Type	Amount	
					2006	
1	Harmony Health Plan of Indiana, Inc.	Berfield, Kim	FL	House	500	
2	Harmony Health Plan of Indiana, Inc.	Bogdanoff, Ellen	FL	House	500	
3	Harmony Health Plan of Indiana, Inc.	Bolanos, Frank	FL	Senate	500	
4	Harmony Health Plan of Indiana, Inc.	Capelli, Angelo	FL	House	1,000	
5	Harmony Health Plan of Indiana, Inc.	Cretul, Larry	FL	House	500	
6	Harmony Health Plan of Indiana, Inc.	Goldstein, Susan	FL	House	500	
7	Harmony Health Plan of Indiana, Inc.	Hukill, Dorothy	FL	House	500	
8	Harmony Health Plan of Indiana, Inc.	Lee, Tom	FL	Senate Attorney	500	
9	Harmony Health Plan of Indiana, Inc.	McCollum, Bill	FL	General	500	
10	Harmony Health Plan of Indiana, Inc.	Norman, Jim	FL	Other	500	
11	Harmony Health Plan of Indiana, Inc.	Oelrich, Steve	FL	Senate	500	
12	Harmony Health Plan of Indiana, Inc.	Pruitt, Ken	FL	Senate	500	
13	Harmony Health Plan of Indiana, Inc.	Quinones, John	FL	House	500	
14	Harmony Health Plan of Indiana, Inc.	Storms, Ronda	FL	Senate	500	
Totals						7,500

WellCare Health Plans, Inc.
 Political Contributions - Unfunded Entities
 WCPBM Contributions Detail

	Contributor	Candidate	State	Type	Amount	
					2006	2007
1	WellCare Pharmacy Benefits Management, Inc	Atwater, Jeff	FL	Senate		500
2	WellCare Pharmacy Benefits Management, Inc	Bendross-Mindingall, Dorothy	FL	House	500	
3	WellCare Pharmacy Benefits Management, Inc	Bennett, Mike	FL	Senate		500
4	WellCare Pharmacy Benefits Management, Inc	Berfield, Kim	FL	House	500	
5	WellCare Pharmacy Benefits Management, Inc	Bogdanoff, Ellen	FL	House	500	
6	WellCare Pharmacy Benefits Management, Inc	Brown, Julie	FL	Other		500
7	WellCare Pharmacy Benefits Management, Inc	Cannon, Dean	FL	House		500
8	WellCare Pharmacy Benefits Management, Inc	Capelli, Angelo	FL	House	500	
9	WellCare Pharmacy Benefits Management, Inc	Carollo, Frank	FL	House	500	
10	WellCare Pharmacy Benefits Management, Inc	Constantine, Lee	FL	Senate		500
11	WellCare Pharmacy Benefits Management, Inc	Corcoran, Richard	FL	Senate		500
12	WellCare Pharmacy Benefits Management, Inc	Cretul, Larry	FL	House	500	
13	WellCare Pharmacy Benefits Management, Inc	Crist, Victor	FL	Senate		500
14	WellCare Pharmacy Benefits Management, Inc	Dean, Charles	FL	House		500
15	WellCare Pharmacy Benefits Management, Inc	Fasano, Mike	FL	Senate		500
16	WellCare Pharmacy Benefits Management, Inc	Ford, Clay	FL	House		500
17	WellCare Pharmacy Benefits Management, Inc	Gelber, Dan	FL	House	500	
18	WellCare Pharmacy Benefits Management, Inc	Goldstein, Susan	FL	House		500
19	WellCare Pharmacy Benefits Management, Inc	Grant, Michael	FL	House		500
20	WellCare Pharmacy Benefits Management, Inc	Hairdopolos, Mike	FL	Senate		500
21	WellCare Pharmacy Benefits Management, Inc	Hasner, Adam	FL	House	500	
22	WellCare Pharmacy Benefits Management, Inc	Holder, Doug	FL	House	500	
23	WellCare Pharmacy Benefits Management, Inc	Hukill, Dorothy	FL	House		500
24	WellCare Pharmacy Benefits Management, Inc	Jones, Dennis	FL	Senate		500
25	WellCare Pharmacy Benefits Management, Inc	Kendrick, Will	FL	House		500
26	WellCare Pharmacy Benefits Management, Inc	Lynn, Evelyn	FL	Senate		500
27	WellCare Pharmacy Benefits Management, Inc	McInvale, Sherri	FL	House	500	
28	WellCare Pharmacy Benefits Management, Inc	McKeel, Seth	FL	House	500	
29	WellCare Pharmacy Benefits Management, Inc	Nehr, Peter	FL	House		500
30	WellCare Pharmacy Benefits Management, Inc	Norman, Jim	FL	Other	500	
31	WellCare Pharmacy Benefits Management, Inc	Oelrich, Steve	FL	Senate	500	
32	WellCare Pharmacy Benefits Management, Inc	Patterson, Pat	FL	House	500	
33	WellCare Pharmacy Benefits Management, Inc	Pope, David	FL	House	500	
34	WellCare Pharmacy Benefits Management, Inc	Pruitt, Ken	FL	Senate	500	

WellCare Health Plans, Inc.
 Political Contributions - Unfunded Entities
 WCPBM Contributions Detail

	Contributor	Candidate	State	Type	Amount	
					2006	2007
35	WellCare Pharmacy Benefits Management, Inc	Pruitt, Will	FL	House		500
36	WellCare Pharmacy Benefits Management, Inc	Reed, Betty	FL	House	500	
37	WellCare Pharmacy Benefits Management, Inc	Richter, Garrett	FL	House		500
38	WellCare Pharmacy Benefits Management, Inc	Rivera, David	FL	House		500
39	WellCare Pharmacy Benefits Management, Inc	Roberson, Yolly	FL	House	500	
40	WellCare Pharmacy Benefits Management, Inc	Sansom, Ray	FL	House		500
41	WellCare Pharmacy Benefits Management, Inc	Schenck, Robert	FL	House		500
42	WellCare Pharmacy Benefits Management, Inc	Sharpe, Mark	FL	Other	500	
43	WellCare Pharmacy Benefits Management, Inc	Storms, Ronda	FL	Senate	500	
44	WellCare Pharmacy Benefits Management, Inc	Suarez, Tony	FL	House		500
45	WellCare Pharmacy Benefits Management, Inc	Travisa, Trey	FL	House	500	
46	WellCare Pharmacy Benefits Management, Inc	Vana, Shelly	FL	House	500	
47	WellCare Pharmacy Benefits Management, Inc	Weatherford, Will	FL	House		500
48	WellCare Pharmacy Benefits Management, Inc	Zapata, Juan	FL	House		500
Totals					12,500	13,500