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Federal Election Commission  
Office of General Counsel  
999 E Street, NW  
Washington, D.C. 20463

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OFFICE OF  
GENERAL COUNSEL

**Re: Request for an Advisory Opinion from the Federal Election Commission**

Dear Sir or Madam:

I serve as legal counsel to the Alabama Academy of Radiology, an Alabama nonprofit corporation (the "Academy"), and its Alabama state political action committee, the Alabama Academy of Radiology PAC, or ALRAD PAC ("ALRAD PAC").

The Academy would like to convert ALRAD PAC into a joint federal and non-federal political committee and has authorized me, as its agent, to file this request with the Federal Election Committee (the "Commission") for an advisory opinion confirming the permissibility of the same under the Federal Election Campaign Act of 1971, as amended (52 U.S.C. §§ 30101 et seq.) (the "Act"), and the regulations promulgated thereunder by the Commission (11 C.F.R §§ 1.1 et seq.) (collectively, the "Regulations").

I am submitting this request for an advisory opinion from the Commission pursuant to section 30108 of the Act and section 112.1 of the Regulations. The Commission has jurisdiction over this request pursuant to Regulations section 112.1 because the Academy is seeking advice from the Commission concerning the application of the Act and the Regulations to a specific transaction or activity that the Academy plans to undertake in the future.

**A. Factual Background**

**1. Incorporation of the Academy**

The Academy is a nonprofit corporation incorporated in the State of Alabama under the Alabama Nonprofit Corporation Law, as amended (Code of Alabama, 1975, §§ 10A-3-1.01 et seq. (the "Alabama Nonprofit Corporation Law"). The Academy was originally incorporated on November 6, 1975, by the filing of its Articles of Incorporation dated the same date with the office of the Judge of Probate of Madison County, Alabama. A true, correct, and complete copy of the Academy's recorded Articles of Incorporation, as amended, are attached as exhibit A (as amended, the "Articles").

The Academy has adopted Bylaws for the regulation of its business and affairs. The current Bylaws of the Academy are dated October 27, 2012. A true, correct, and complete copy of the Academy's current Bylaws are attached as exhibit B (the "Bylaws").

As a nonprofit corporation, the Academy is subject to certain prohibitions under the Alabama Nonprofit Corporation Law that are relevant to this request. First, the Academy is prohibited from issuing stock. Second, the Academy is prohibited from distributing to, or otherwise allowing any part of its net earnings to inure to the benefit of, any member, director, or officer of the Academy or any other private individual other than reasonable compensation paid by the Academy for services rendered to the Academy. Third, upon dissolution, the Academy is prohibited from distributing any of its assets to any member, director, or officer of the Academy or any other private individual. These prohibitions are also set forth in the Academy's Articles.

## **2. Tax Status of the Academy.**

The Academy applied for exemption from federal income tax with the Internal Revenue Service (the "IRS") in early 1976 and thereafter received a determination letter from the IRS in May 1976 that it was exempt from the same under section 501(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §§ 1 et seq.) (the "Code"), as an organization described in section 501(c)(6) of the Code. As of the date of this request, the Academy's determination letter from the IRS has not been revoked, and the Academy continues to be organized and operated as a Code section 501(c)(6) organization exempt from federal income tax under Code section 501(a). A true, correct, and complete copy of a letter from the IRS confirming the Academy's tax exempt status is attached as exhibit C.

As a tax exempt organization, the Academy is subject to certain prohibitions under Code section 501(c)(6), and the regulations promulgated thereunder, that are relevant to this request. First, as under the Alabama Nonprofit Corporation Law, the Academy is prohibited from being organized for profit and from permitting any of its net earnings from inuring to the benefit of any member or individual. Second, the Academy is prohibited from allowing political activities to become the primary purpose or activity of the Academy. These prohibitions are also set forth in the Academy's Articles.

## **3. Purposes and Activities of the Academy**

The general purposes of the Academy are to advance the science of radiology, to improve radiologic services to the sick, to study the socio-economic aspects of the practice of radiology, to encourage improved educational facilities for radiologists, and to establish and maintain high medical and ethical standards in the practice of radiology.

The Academy engages in activities that are typical for a nonprofit professional organization. The Academy holds bi-annual meetings of its members where its members network and discuss medical issues that affect the members' practices. In addition, the Academy provides educational classes to its members where the members can obtain medical education that satisfies the continuing education requirements of the Alabama Board of Medical Examiners. The Academy also generally assists its members with their practices and the use of advancing technology in the same. Additionally, the Academy advocates for its members and the radiological profession in both governmental and non-governmental forums, and in connection with its governmental advocacy, the Academy monitors local, state, and federal legislation

and provides support (or opposition) to legislation that benefits (or disadvantages) its members and the radiological profession. Finally, the Academy engages in political activities through ALRAD PAC.

#### **4. Affiliation with the American College of Radiology.**

The Academy is affiliated with the American College of Radiology, which is a national trade association for radiologists and physicists (the “ACR”). The Academy has joined the ACR as a local chapter; however, the Academy remains a separate legal entity from the ACR, and the ACR does not control, or have the legal right to control, the Academy in any way whatsoever.

#### **5. Membership of the Academy**

The Academy is a non-stock organization that has members. The membership of the Academy is divided into 9 classes, which are set forth in Section 1 of Article IV of the Academy’s Bylaws. Those classes are: (1) Full Members; (2) State Chapter Member; (3) Associate Members; (4) Associate State Chapter Members; (5) Members in Physics; (6) Associate Members in Physics; (7) Members in Training/Members in Training in Physics; (8) Retired/Inactive Members; and (9) Affiliate Members.

To become a member in the Academy, an individual must satisfy certain requirements. First, the individual must meet a certain set of qualifications, which qualifications differ based on the class of membership for which the individual is applying. Second, the individual must complete a written application for membership.

The Academy and the ACR have adopted a joint system for application for membership. When an individual wishes to join the Academy as a member, the individual applies for membership in both the ACR and the Academy using an online form provided by the ACR on its website at [www.acr.org](http://www.acr.org).<sup>1</sup> Upon receipt of the application, the ACR determines if the individual has met the qualifications for membership in the ACR and the Academy. If the individual meets the qualifications, the ACR collects the individual’s dues and sends the Academy its portion of the dues along with the membership information for the individual. The ACR also sends the individual an email welcoming him or her to the ACR and the Academy, along with a receipt for payment made.<sup>2</sup> If the individual does not meet the qualifications, the ACR sends the individual’s application materials to the Academy for further evaluation and a final decision.

The Academy also permits an individual to apply for membership in just the Academy and not in the ACR. Such an individual would become a State Chapter Member. To become a State Chapter Member, an individual must meet all qualifications for the same and apply directly to the Academy for membership on a form prescribed by the Academy. If the individual meets the qualifications, the Academy collects the individual’s dues and sends the individual written confirmation of admission (most likely via an email). As of the date of this request, the Academy has no members who have applied to the Academy to become State Chapter Members.

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<sup>1</sup>Alternatively, an individual may apply for membership in both the ACR and the Academy by completing a joint application form entitled “Application for Membership/Chapter Application for Membership” and submitting it to the ACR. The ACR and the Academy receive extremely few applications in this manner.

<sup>2</sup>For individuals renewing membership in the ACR and the Academy, the ACR sends the renewing member an email confirming renewal with a receipt of payment made.

Each year, the Academy publicizes new members, dropped members, and retired members on a list circulated at its annual membership meeting, which is also posted on its website in its "Member's Only" section.

Each member of the Academy must pay annual dues in the amount of \$150, except that Members in Training/Members in Training in Physics and Retired/Inactive Members are not required to pay dues to the Academy.

The Academy actively solicits individuals to become members of the Academy, both in person and via the "Membership" link on its website located at [www.alrad.org](http://www.alrad.org). In addition, the ACR, on behalf of the Academy, actively solicits individuals to become members of the Academy via its "Member Resources" link on its website.

The Academy grants its members specific rights and benefits that differ depending on membership class. Full Members, State Chapter Members, Members In Physics, and Affiliate Members have the right to vote in the Academy and hold office in the Academy. Full Members, State Chapter Members, Associate Members, Associate State Chapter Members, Members in Physics, Associate Members in Physics, Members in Training/Members in Training In Physics, and Affiliate Members have the right to serve on the Academy's committees. In addition, the Academy grants all of its members the right to review, or receive copies of, the Academy's Articles and Bylaws upon request.

All of the members of the Academy have always been, and currently are, individuals, and none of the members of the Academy have ever been, or currently are, corporations or other business entities.

The vast majority of the members of the Academy are licensed radiologists or physicists who are actively engaged in a medical practice. Of these members, some are employee-owners who practice through separate legal business entities that they either wholly or partly own, while others are traditional employees who practice through separate legal business entities that they do not own, and a few practice by themselves in sole proprietorships.

As of January 21, 2018, the Academy has 523 members, of which 326 are Full Members, 13 are Physicist Members, 101 are Members in Training, and 83 are Retired/Inactive Members. There are currently no members in any of the Academy's other membership classes.

## **6. Establishment of ALRAD PAC**

The Academy established ALRAD PAC on June 15, 2006, and contemporaneously therewith adopted Bylaws for the regulation of the activities and affairs of ALRAD PAC. A true, correct, and complete copy of the current Bylaws of ALRAD PAC are attached as exhibit D.<sup>3</sup>

On June 16, 2006, the Academy filed a Statement of Organization of Political Committee with the Elections Division of the Alabama Secretary of State's office. A true, correct, and complete copy of the

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<sup>3</sup>The Bylaws of ALRAD PAC permit ALRAD PAC to engage in both Alabama state and federal political activities; however, at the time of its establishment, ALRAD PAC chose only to engage in Alabama state political activities and has only engaged in Alabama state political activities since that time.

Academy's Statement of Organization of Political Committee, as amended, is attached as exhibit E. Upon the filing of this Statement, ALRAD PAC became authorized under Alabama law to solicit and expend funds in connection with state and local elections in the State of Alabama.

## **7. Solicitation of Academy Members by ALRAD PAC**

Since its establishment, the Academy has continuously solicited the Academy's members<sup>4</sup> to make contributions to ALRAD PAC for use in Alabama state and local elections. Though the Academy has been soliciting contributions to ALRAD PAC for over 11 years, the documents, methods, and processes used by the Academy to solicit those contributions over the years have not changed in any material way. The following is a brief discussion of those documents, methods, and processes.

When the Academy solicits a member, the member is provided with a solicitation letter, an authorization form for payroll deduction, an authorization form for bank draft, and an employer authorization form for payroll deduction. True, correct, and complete copies of the letter and forms are attached as exhibits F through I, respectively.

The solicitation letter provided to the member advises the member of the political purposes of ALRAD PAC and informs the member of the following: (1) the member's contribution is purely voluntary; (2) the contribution amount stated in the authorization forms is merely a suggested guideline; (3) the member is free to contribute more or less than the suggested amount; (4) neither the Academy nor ALRAD PAC will favor or disadvantage anyone by reason of the amount of their contribution or decision not to contribute; and (5) the member has the right to refuse to contribute without reprisal.

The solicitation letter provided to the member also advises the member that the member can make either a single contribution or recurring contributions to ALRAD PAC. The solicitation letter further advises the member that if the member chooses recurring contributions, the member may make those recurring contributions only by employer payroll deduction or individual bank draft.

If a solicited member chooses to make a single contribution to ALRAD PAC, the member simply writes a check to ALRAD PAC and delivers it to the ALRAD PAC's Treasurer either by mail or hand delivery.<sup>5</sup>

If a solicited member chooses to make recurring contributions, the member must complete either the authorization form for employer payroll deduction or the authorization form for individual bank draft and deliver them to ALRAD PAC's Treasurer.<sup>6</sup> For recurring contributions via payroll deduction, the member must also have the member's employer complete the employer authorization form for payroll deduction (if that employer has not already done so with respect to another employee solicited by ALRAD PAC) and deliver it to ALRAD PAC's Treasurer.

If a solicited member is the first employee of an employer to agree to make recurring contributions to ALRAD PAC, ALRAD PAC's Treasurer forwards the solicited member's authorization form

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<sup>4</sup>Further, since its establishment, ALRAD PAC has not received contributions from any person or entity other than the Academy's members.

<sup>5</sup>To date, few Academy members have made single contributions to ALRAD PAC using this method.

<sup>6</sup>To date, no Academy member has ever authorized recurring contributions via individual bank draft.

for payroll deduction to the employer so that the employer may establish the payroll deduction program and enroll the member in it. ALRAD PAC's Treasurer also ensures that he receives a signed employer authorization form for payroll deduction from the employer.

ALRAD PAC requires the employer to collect all contributions deducted using the payroll deduction program from participating employee-member's paychecks and credit them to a dedicated account on the employer's book. Upon completion of this process for each collection period of the employer, ALRAD PAC requires the employer to promptly mail a check in the total amount of all contributions to collected to ALRAD PAC's Treasurer.

Employers participating in ALRAD PAC's payroll deduction program deduct contributions to ALRAD PAC at different intervals. Most employers deduct contributions each payroll period (i.e., bi-weekly or monthly), while a few have chosen to deduct contributions quarterly or even annually. For those employers who deduct contributions bi-weekly or monthly, the Academy and ALRAD PAC believe that ALRAD PAC always receives the contributions collected by those employers no later than 30 calendar days of the date(s) on which such employer actually collects the contributions. For those few employers who deduct contributions quarterly or annually, the Academy and ALRAD PAC believe ALRAD PAC always receives the contributions collected by those employers no later than 10 calendar days of the date on which such employer actually collects the contributions.

The Academy and ALRAD PAC permit employers to request reimbursement for their costs in administering the payroll deduction program. To receive reimbursement, the employer must file an itemized statement of costs with ALRAD PAC at the end of each calendar year. Upon receipt of such statement, ALRAD PAC would reimburse the employer for its costs for the year in question. However, since ALRAD PAC's establishment in June 2006, no employer has ever requested reimbursement for its costs in participating in ALRAD PAC's payroll deduction program; thus, ALRAD PAC has not paid any employer for its costs of the same.

As of the date of this request, ALRAD PAC has 11 employers participating in its payroll deduction program.

#### **8. Political Activities of ALRAD PAC.**

Since its establishment, ALRAD PAC has engaged in only Alabama state political activities and has never engaged in any federal political activities or otherwise influenced, or attempted to influence, a federal election.

#### **9. Funds Held by ALRAD PAC**

As of the date of this request, ALRAD PAC holds approximately \$510,000.00 in funds that have been solicited and received by it from Academy members since its establishment in June 2006. ALRAD PAC holds all of these funds in a single bank account at ServisFirst Bank, an Alabama state banking corporation that is insured by the Federal Deposit Insurance Corporation.

**B. Questions Presented**

The Academy's desire to convert ALRAD PAC to a single federal and non-federal political committee raises the following questions under the Act and Regulations:

1. Is the Academy a membership organization as that term is used under the Regulations?
2. Do the Act and Regulations permit the Academy to register ALRAD PAC as a political committee and thereafter operate ALRAD PAC's existing bank account as a single (i.e., joint) federal and non-federal political committee?
3. If the answer to question 2., above, is "yes," and if the Academy transfers out of ALRAD PAC's account the aggregate value of all payroll deduction services provided to ALRAD PAC by employers that are corporations, is the Academy permitted by the Act and Regulations to retain all other cash on hand in ALRAD PAC's account following registration as a political committee with the Commission?
4. Regardless of the answer to 3., above, and assuming that ALRAD PAC registers as a political committee with the Commission, do the Act and Regulations permit the Academy to solicit future contributions from its members to ALRAD PAC for use in connection with federal elections using the Academy's existing payroll deduction program that is described in this request?

**C. Analysis**

The Academy offers the following analysis with respect to each of the questions presented in this request.

**1. Is the Academy a membership organization as that term is used under the Regulations?**

As stated above, the Academy desires to convert ALRAD PAC into a joint federal and non-federal political committee. The legal analysis of whether the Academy is permitted to do so turns first on whether the Academy is a membership organization as that term is used under the Regulations.

Regulations section 114.1(e)(1) defines a "membership organization" for purposes of Part 114 of the Regulations.<sup>7</sup> That subsection provides that a "membership organization" is a trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that: (i) is composed of members, some or all of whom are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution or other formal organizational documents; (ii) expressly states the qualifications and requirements for membership in its articles, bylaws, constitution or other formal organizational documents; (iii) makes its

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<sup>7</sup> Regulations section 100.134(e) also defines the term "membership organization;" however, the definition of "membership organization" in section 100.134(e) is applicable only to the provisions of section 100.134, as subsection (e) explicitly states in its beginning: "For purposes of this *section*..." (emphasis added). Section 100.134 addresses internal communications by corporations, labor organizations, and membership organizations. Since none of the questions presented in this request relate to internal communications by the Academy, this definition is not applicable in this case.

articles, bylaws, constitution or other formal organizational documents available to its members upon request; (iv) expressly solicits persons to become members; (v) expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member's name on a membership newsletter list; and (vi) is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to federal office.

For the following reasons, the Academy believes it satisfies the definition of a membership organization as that term is used in Regulations section 114.1(e)(1).

First, the Academy does not issue capital stock to its members, and in fact is expressly prohibited by Alabama Nonprofit Corporation Law section 10A-3B-2.41 from issuing shares of stock. As a result, the Academy is a corporation without capital stock as described in Regulations section 114.1(e)(1).

Second, the Academy has members. Regulations section 114.1(e)(2) defines "members" for purposes of Part 114 of the Regulations.<sup>8</sup> That section provides that "members" includes all persons who are currently satisfying the requirements for membership in a membership organization, affirmatively accept the organization's invitation to become a member, and either (i) have some significant financial attachment to the organization (such as a significant investment or ownership stake), (ii) pay membership dues at least annually of a specific amount predetermined by the organization, or (iii) have a significant organizational attachment to the membership which includes affirmation of membership on at least an annual basis and direct participatory rights in the governance of the organization. Other than the Academy's Members in Training/Members in Training in Physics and Retired/Inactive Members (who pay no dues to the Academy and have no right to vote), all members of the Academy currently satisfy the requirements for membership therein, affirmatively accept the Academy's invitation to become a member (by completing and delivering a joint membership application to the Academy and the ACR), and pay annual membership dues to the Academy. Thus, the Academy is comprised of members as that term is used in Regulations section 114.1(e)(1)(i).

Third, some of the Academy's members have the right to vote and hold office in the Academy. Section 1, Article IV of the Academy's Bylaws grant voting rights and the right to hold office to the Academy's Full Members, State Chapter Members, Members In Physics, and Affiliate Members. Article VI of the Academy's Bylaws vests the day-to-day governance of the Academy in the hands of an Executive Committee, which can be comprised of only members of the Academy.<sup>9</sup> And, Section 1, Article XII of the Academy's Bylaws provides that the Bylaws of the Academy may be amended by the Academy's members who have voting rights. As a result, some of the Academy's members are vested with the power and

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<sup>8</sup>Regulations section 100.134(f) also defines the term "members;" however, like the definition of "membership organization" in section 100.134(e), the definition of "members" in section 100.134(f) is also applicable only to the provisions of section 100.134, as subsection (f) explicitly states in its beginning: "For purposes of this *section*...." (emphasis added). Section 100.134 addresses internal communications by corporations, labor organizations, and membership organizations. Since none of the questions presented in this request relate to internal communications by the Academy, this definition is not applicable in this case.

<sup>9</sup>Technically, the Academy's Executive Committee may only be comprised of "officers" of the Academy. However, because only Full Members, State Chapter Members, Members in Physics, and Affiliate Members can hold office in the Academy, this means that the Academy's Executive Committee can only be comprised of members of the Academy.



authority to operate or administer the organization pursuant to the Academy's organizational documents, as required by Regulations section 114.1(e)(1)(i).

Fourth, Section 1, Article IV of the Academy's Bylaws sets forth the conditions for a person to become a member of one of the Academy's nine membership classes. Thus, the Academy expressly sets forth in its incorporation documents the qualifications and requirements for membership in the Academy, as required by Regulations section 114.1(e)(1)(ii).

Fifth, the Academy makes its Articles and Bylaws available to its members upon request, and, in fact, the Academy is required by Alabama Nonprofit Corporation Law section 10A-3-2.32 to permit any member to inspect the books and records of the Academy (including its Articles and Bylaws) for any proper purpose at any reasonable time. As a result, the Academy makes its incorporation documents available to its members upon request, as required by Regulations section 114.1(e)(1)(iii).

Sixth, the Academy solicits individuals to become members of the Academy, in person, via its agent, the ACR (through its website), and also on the Academy's website under the "Membership" link. Thus, the Academy expressly solicits individuals to become members, as required by Regulations section 114.1(e)(1)(iv).

Seventh, the Academy, by way of its agent, the ACR, sends an email to each new member welcoming him or her and providing a receipt for payment made. In addition, the Academy publicizes new members, dropped members, and retired members on a list circulated at its annual membership meeting, which is also posted on its website in its "Member's Only" section. As a result, the Academy expressly acknowledges the acceptance of members, as required by Regulations section 114.1(e)(1)(v).

Eighth, the Academy never has been, and is not now, organized or operated for the primary purpose of influencing federal elections, and, in fact, the Academy is explicitly prohibited by the federal income tax laws from having political activities as its primary purpose. Thus, the Academy is not organized or operated primarily for the purpose of influencing the nomination for election, or election, of any individual to federal office, as required by Regulations section 114.1(e)(1)(vi).

Based on the foregoing, the Academy is a "membership organization" as that term is used in Regulations section 114.1(e).

**2. Do the Act and Regulations permit the Academy to register ALRAD PAC as a political committee and thereafter operate ALRAD PAC's existing bank account as a single (i.e., joint) federal and non-federal political committee?**

Regulations section 102.5(a) provides, in relevant part, that an organization that finances political activity in connection with both federal and non-federal elections may either (i) establish a separate federal account that is treated as a separate federal political committee that must comply with the prohibitions and limitations of the Act or (ii) establish a political committee that receives only contributions subject to the prohibitions and limitations of the Act, regardless of whether such contributions are for use in connection with federal or non-federal elections. With respect to the account(s) established by a political committee, Act section 30102(h)(1) and Regulations section 103.2 provide that a political committee must use one or more state banks, federal chartered depository

institutions (including a national bank), or depository institutions the accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration.

While the above cited law addresses only the establishment of *new* depository accounts by federal political committees, the Commission has, on at least one occasion, addressed whether an existing account used by a non-federal political committee in connection with non-federal elections could be converted to a federal account used in connection with federal elections. In Advisory Opinion 1985-18, the Commission permitted the requestor, a non-federal political committee, to register its pre-existing non-federal account with the Commission as a federal political committee and thereafter use the same as a joint federal and non-federal political committee that receives contributions, and makes expenditures, for use in connection with both federal and non-federal elections.

As stated above, the Academy has established ALRAD PAC as an Alabama state political action committee. ALRAD PAC operates a single bank account at ServisFirst Bank, an Alabama state banking corporation that is insured by the Federal Deposit Insurance Corporation, from which ALRAD PAC receives contributions, and makes expenditures, in connection with Alabama state and local elections. ALRAD PAC has always used this bank account in connection with non-federal political activities and has never received contributions into, or made expenditures out of, this account for use in connection with federal elections. Further, the bank account used by ALRAD PAC satisfies all of the requirements of Act section 30102(h)(1) and Regulations section 103.2.

Based on the foregoing, the Academy should be able to register ALRAD PAC as a political committee in accordance with the requirements of the Act and Regulations and thereafter operate the existing bank account it holds at ServisFirst Bank as a joint federal and non-federal political committee that receives contributions, and makes expenditures, for use in connection with both federal and non-federal elections, provided, of course, that ALRAD PAC receives into this account only contributions subject to the prohibitions and limitations of, and otherwise complies with all other requirements of, the Act and Regulations.

- 3. If the answer to question 2., above, is "yes," and if the Academy transfers out of ALRAD PAC's account the aggregate value of all payroll deduction services provided to ALRAD PAC by employers that are corporations, is the Academy permitted by the Act and Regulations to retain all other cash on hand in ALRAD's account following registration as a political committee with the Commission?**

Regulations section 104.12 provides that a political committee having cash on hand at the time of registration as a federal political committee must exclude from funds to be used for federal elections any contributions not permissible under the Act. In connection therewith, Act section 30118(a) and Regulations section 114.2(b)(1) prohibit corporations from making contributions in connection with federal elections. Moreover, Regulations section 114.2(f)(1) prohibits corporations from facilitating the making of contributions to candidates or political committees, other than to the separate segregated funds of the corporations themselves.

Further, Regulations section 102.8(b)(1) provides that every person who receives a contribution for an unauthorized political committee in an amount of \$50 or less must forward the same to the

treasurer of the political committee no later than 30 days after receipt. Regulations section 102.8(b)(2) provides that every person who receives a contribution for an unauthorized political committee in an amount over \$50 must forward the same to the treasurer of the political committee no later than 10 days after receipt, along with certain other information required by that subsection.

Finally, section 30116(a)(1)(C) of the Act and Regulations section 110.1(d) provides that no person may make contributions to any political committee that is not an authorized committee or a national party committee in any calendar year that exceed \$5,000 in the aggregate.

Since its establishment in June 2006, the Academy has received only *cash* contributions to ALRAD PAC from individuals who are members of the Academy. However, the Academy acknowledges that ALRAD PAC has received a small amount of *in kind* contributions from employers of its members in the amount of the value of the payroll deduction program services that such employers have provided to the Academy. The Academy additionally acknowledges that some of the employers from whom ALRAD PAC has received these services are corporations. Further, the Academy acknowledges that the value of the services provided to ALRAD PAC by these corporations represents prohibited contributions to ALRAD PAC under the Act and Regulations because ALRAD PAC has not paid such corporations, in advance, for the anticipated value of the services provided by the same.<sup>10</sup>

Though the payroll deduction services provided by these corporations are not “cash” contributions actually paid to ALRAD PAC, the Academy nevertheless believes it is reasonable to treat their value as if they were cash contributions actually paid. If treated as such, the Academy believes it should be able to exclude the value of these corporations’ services from ALRAD PAC’s account under Regulations section 104.12 and retain all other cash on hand in ALRAD PAC’s account for use in connection with federal elections. The Academy believes its position is supported by the broad authority granted it by Regulations section 114.7(f), which unequivocally provides that “there is no limitation under this section on the method of solicitation or the method of facilitating the making of voluntary contributions which may be used.”

To ensure that the correct amount of funds is excluded from ALRAD PAC’s account with respect to the payroll deduction services, the Academy proposes to take the following steps in connection with registering ALRAD PAC as a political committee with the Commission:

1. Prior to so registering, the Academy will review the entity structure and federal income tax status of every employer that has provided payroll deduction services to ALRAD PAC since its establishment in June 2006 and identify every corporation (including non-corporations that have elected to be taxed as corporations under the federal income tax laws)<sup>11</sup> that has provided services to ALRAD PAC.

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<sup>10</sup>The Academy bases this acknowledgement on Commission Advisory Opinion 2012-15, in which the Commission concluded that the value of payroll deduction services provided by corporations to the requestor would be prohibited by Regulations section 114.2(f)(1) unless the requestor paid the corporations participating in the requestor’s payroll deduction program, in advance, for the costs incurred by the corporations in providing the services.

<sup>11</sup>For this purpose, the Academy notes that Regulations section 110.1 generally provides that non-corporate entities that have elected C corporation status for federal income tax purposes are deemed to be “corporations” under the Act and Regulations prohibited from making contributions to political committees

2. The Academy will then consult with each such corporation and jointly determine with each of them the actual value of the payroll deduction services provided by such corporation to ALRAD PAC since its establishment.

3. Following such determination, the Academy will aggregate the value of all payroll deduction services provided by all such corporations to ALRAD PAC since its establishment.

4. Thereafter, not later than 10 days after the Academy registers ALRAD PAC as a political committee with the Commission, the Academy will transfer an amount of funds out of ALRAD PAC's account that is at least equal to the aggregate value of all payroll deduction services provided by all corporations as determined in 3., immediately above.

To provide additional assurance that no cash representing the value of any payroll deduction services provided by corporations remains in ALRAD's account following registration of the same as a political committee with the Commission, the Academy will not attempt to apply the "first in first out" rules of Regulations section 104.12 to determine if the value of any payroll deduction services provided to ALRAD PAC by corporations has been paid out in connection with Alabama state elections. Instead, the Academy will simply determine the aggregate value of all such services provided by corporations to ALRAD PAC since the establishment of the same in June 2006 and exclude that amount from ALRAD PAC's account within 10 days after registration of the same as a political committee with the Commission.

In addition, and to ensure that the cash on hand remaining in ALRAD PAC's account (after excluding the value of the above described payroll deduction services) does not represent contributions prohibited under the Act and Regulations, the Academy will take the following further steps:

1. As a remedial matter, and prior to registering ALRAD PAC as a political committee with the Commission, the Academy will notify all of ALRAD PAC's past and present donors in writing of (1) the decision of the Academy to convert ALRAD PAC into a joint federal and non-federal political committee, (2) the fact that the donor's unspent contributions will be used in connection with federal elections, and (3) the fact that the donor's unspent contributions will be subject to the limitations and prohibitions of the Act and Regulations. In addition, the Academy will notify all of ALRAD PAC's past and present donors in writing of the right of such donor to object to the use of his or her funds in connection with federal elections without reprisal and of the proper method by which an objecting donor may obtain a return of his or her unspent contributions.

2. The Academy will disclose on its first report with the Commission, as required by Regulations section 104.12, the sources of all of the cash on hand retained by ALRAD PAC in its account, including all of the information required by Regulations section 104.3(a)(1).

In connection with the foregoing, the Academy notes that it does not believe that any single donor has given to ALRAD PAC more than \$5,000 in the aggregate since the establishment of ALRAD PAC in June 2006. However, if the Academy subsequently determines otherwise, the Academy will transfer out of ALRAD PAC's account an amount equal to the excess over \$5,000 not later than 10 days after the Academy

registers ALRAD PAC as a political committee with the Commission, if the Commission deems this action necessary.<sup>12</sup>

Further, the Academy believes that every employer providing payroll deduction services to ALRAD PAC since its establishment in June 2006 has forwarded each contribution collected by such employer (along with all required information, if any) within the applicable time frames described in Regulations section 102.8(b). However, if the Academy subsequently determines otherwise, the Academy will transfer out of ALRAD PAC's account an aggregate amount equal to all such contributions not forwarded within these time frames not later than 10 days after the Academy registers ALRAD PAC as a political committee with the Commission, if the Commission deems this action necessary.

Lastly, and for the avoidance of doubt, the Academy notes that, other than contributions from its members and in kind contributions of services from employers of its members, the Academy has not received contributions to ALRAD PAC from any other person or entity since its establishment in June 2006, whether in cash or in kind, and, specifically, has not received any contributions to ALRAD PAC from any national bank, corporation, labor organization, federal contractor, or foreign national.

**4. Regardless of the answer to 3., above, and assuming that ALRAD PAC registers as a political committee with the Commission, do the Act and Regulations permit the Academy to solicit future contributions from its members to ALRAD PAC for use in connection with federal elections using the Academy's existing payroll deduction program that is described in this request?**

Regulations section 114.7(a) provides that a membership organization or separate segregated fund established by the same may solicit contributions to the fund from members of the membership organization. With respect to the timing of solicitation, Regulations section 114.7(e) provides that there is no limitation upon the number of times a membership organization may solicit its members. And, with respect to the methods of solicitation, Regulation section 114.7(f) provides that there is no limitation on the method of solicitation or the method of facilitating the making of voluntary contributions which may be used.

The Academy believes that subsection (f) of Regulations section 114.7 clearly permits the Academy to use a payroll deduction service to collect contributions to ALRAD PAC from the Academy's members for use in connection with federal elections. Subsection (f) of Regulation 114.7 specifically provides that "there is no limitation on . . . the method of facilitating the making of voluntary contributions which may be used." Regulations section 114.1(f), in turn, defines the phrase "method of facilitating the making of contributions" as meaning "the manner in which the contributions are received or collected such as, but not limited to, *payroll deduction* or checkoff systems, other periodic payment plans, or return envelopes enclosed in a solicitation request" (emphasis added). Thus, by the very definition of "method of facilitating the making of contributions," the Regulations explicitly permit the Academy to use a payroll

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<sup>12</sup>The Academy interprets Commission Advisory Opinion 1990-16 as requiring the Academy, in determining what cash on hand it must exclude from ALRAD PAC's account, to apply the \$5,000 individual contribution limit of Act section 30116(a)(1)(C) and Regulations section 110.1(d) on a "lifetime" basis (lifetime as measured from the establishment of ALRAD PAC) rather than on an "annual" basis. If this is not the correct interpretation, the Academy respectfully requests the Commission to advise the Academy on the proper interpretation.

deduction program to collect contributions to ALRAD PAC from the Academy's members for use in connection with federal elections.

This conclusion is supported by the determination of the Commission in Advisory Opinion 2012-15. In that Opinion, the Commission was asked by the American Physical Therapy Association (the "APTA") to determine the propriety of the APTA's proposed payroll deduction program. Finding that subsection (f) of Regulations section 114.7 applied to permit the APTA's proposed payroll deduction program, the Commission approved the APTA's use of its proposed program to collect contributions from its members for use in federal elections, provided the APTA paid all corporations providing those services, in advance, for the fair market value of their services.

The payroll deduction program proposed by the APTA in Advisory Opinion 2012-15 is virtually indistinguishable from the payroll deduction program currently being used by the Academy. The only meaningful difference in the two relates to the fact that the Academy has not been paying corporations that provide it with payroll deduction services for the value of those services.<sup>13</sup> However, the Academy represents that if the Commission approves the Academy's payroll deduction program for use in federal elections, the Academy will begin paying all corporations that provide it with payroll deduction services, in advance, for the full value of those services prior to registering ALRAD PAC as a political committee with the Commission.<sup>14</sup> Further, the Academy represents that it will continue paying all corporations that provide it with payroll deduction services, in advance, for the full value of those services as long as ALRAD PAC is subject to the Act and Regulations.

In addition to the foregoing, the Academy represents that it will make the following additional changes to its payroll deduction program prior to registering ALRAD PAC as a political committee with the Commission:

1. The Academy will revise its solicitation letter and authorization forms to make it clear that ALRAD PAC is also formed for the purpose of funding and supporting candidates for federal office.
2. The Academy will revise its employer authorization form to provide that all employers providing services that are corporations under the Act and Regulations will be paid by the Academy, in advance, on an ongoing basis, for the full value of all payroll deduction services provided by such corporations to ALRAD PAC. In connection therewith, the Academy will institute appropriate methods by which it will determine the value of the services provided by these corporations and by which it will pay for the services in advance.

Finally, following the Academy's registration of ALRAD PAC as a political committee with the Commission and for so long as ALRAD PAC is subject to the Act and Regulations, the Academy represents that it will ensure that the following requirements, among others, are always met:

---

<sup>13</sup>On the surface, it appears that the APTA's and the Academy's programs are also different because one is proposed while the other is in use. However, this difference is not meaningful, because the Academy's program is only in use in connection with Alabama state elections – it is not currently in use in connection with federal elections. As a result, the Academy's program is "proposed" inasmuch as it relates to use in connection with federal elections.

<sup>14</sup>In this connection, the Academy believes it is important to note that it has not paid employers for their payroll deduction services to date because there is nothing in Alabama election law that explicitly requires such payments.

1. The Academy will continue to comply with the requirements of Regulations section 114.5(a) by advising all solicited members of the political purposes of ALRAD PAC (including its federal political purposes) and notifying all solicited members of the following: (1) the member's contribution is purely voluntary; (2) the contribution amount stated in the authorization forms is merely a suggested guideline; (3) the member is free to contribute more or less than the suggested amount; (4) neither the Academy nor ALRAD PAC will favor or disadvantage anyone by reason of the amount of their contribution or decision not to contribute; and (5) the member has the right to refuse to contribute without reprisal.

2. The Academy will make sure that every person or entity that receives a contribution to ALRAD PAC that is not an authorized political committee will forward the same to ALRAD PAC within the time frames of, and with all information, if any, required by, Act section 30116(a)(1)(C) and Regulations section 110.1(d).

**D. Conclusion.**

Based on the facts and analysis presented above, as well as the representations of the Academy set forth herein, the Academy respectfully requests that the Commission answer all of the questions presented in this letter in the affirmative.

Thank you very much for your assistance with these most important matters.

Sincerely,



Richard L. McBride Jr.

Legal Counsel

Alabama Academy of Radiology and ALRAD PAC

RLMjr

cc: Mark LeQuire, Treasurer, ALRAD PAC

Natalie Munroe 334-567-5962

EXHIBIT A

BOOK 43 PAGE 924

36627

STATE OF ALA. MADISON CO. COUNTY RECORD INSTRUMENT WAS FILED ON

Nov 8 10 44 AM '75

ARTICLES OF INCORPORATION

OF

ALABAMA ACADEMY OF RADIOLOGY

These articles of incorporation are signed and acknowledged by the incorporators for the purpose of forming a nonprofit corporation under the provisions of the Alabama Nonprofit Corporation Act, Title 10, Chapter 10, Code of Alabama 1940, as follows:

ARTICLE I - NAME

The name of the corporation is "Alabama Academy of Radiology".

ARTICLE II - OBJECTS AND PURPOSES

The objects and purposes of this corporation are as follows:

- (a) To advance the science of radiology; to improve radiologic service to the sick; to study the socio-economic aspects of the practice of radiology; to encourage improved educational facilities for radiologists and to establish and maintain high medical and ethical standards in the practice of radiology.
- (b) To receive and maintain a fund or funds of real or personal property, or both, and, subject to the restrictions and limitations hereinafter set forth, to use and apply the whole or any part of the income therefrom and the principal thereof exclusively for charitable, religious, scientific, testing for public safety, literary, or educational purposes either directly or by contributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 and its Regulations as they now exist or as they may hereafter be amended.
- (c) No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes), and no member, trustee, officer of the corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.
- (d) The corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws.
- (e) The corporation shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws.

This instrument prepared by

Carl S. Bell of  
Bell & Krenenberg  
Attorneys at Law  
407 FRANKLIN  
WHEAT, R. H.  
MUNTSVILLE  
ALABAMA  
36061

10.00  
.25  
.25  
10.00  
1.00  
Pd. 21.50



(f) The corporation shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws.

(g) The corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws.

(h) The corporation shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws.

(i) Notwithstanding any other provision of this certificate, the corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by any organization exempt under Section 501(c)(3) of the Internal Revenue Code of 1954 and its Regulations as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations as they now exist or as they may hereafter be amended.

(j) Upon the dissolution of the corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to charitable, religious, scientific, testing for public safety, literary, or educational organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1954 and its Regulations as they now exist or as they may hereafter be amended.

ARTICLE III - ADDRESS

The location of the corporation is in the City of Huntsville, County of Madison, State of Alabama. The post office address of the registered office in Alabama is 905 Madison Street, Huntsville, Alabama. The name of its registered agent at said address is Lowry R. Young.

ARTICLE IV - INCORPORATORS

The names and places of residence, or business of each of the incorporators are as follows:

Edgar W. Branyon	Anniston, Alabama
Walter N. Brower	Cullman, Alabama
James E. Campbell	Huntsville, Alabama
Sam Crabtree	Anniston, Alabama
Lawrence E. Fetterman	Mobile, Alabama
L. C. Hamilton	Fairhope, Alabama
Edward R. Meadows	Birmingham, Alabama
Lowry R. Young	Huntsville, Alabama

The incorporators hereinabove set out shall serve as the initial executive committee for the corporation, and until their successors are qualified.

ARTICLE V - MEMBERS AND STOCK

The corporation shall be organized on a nonstock basis and shall have seven classes of members: (1) Active Members,

Dell & Eisenberg  
Attorneys at Law  
407 FRANKLIN  
STREET, S. E.  
HUNTSVILLE  
ALABAMA  
35801

(2) Associate Members, (3) Associate Members in Allied Health Sciences, (4) Members in Nuclear Medicine, (5) Members in Physics, (6) Junior Members, and (7) Retired Members. The executive committee of the corporation may through appropriate bylaws prescribe qualifications at a later time for members of the corporation.

ARTICLE VI - OFFICERS

The officers of the corporation shall consist of the president, vice-president, secretary and treasurer, together with such other additional officers as may be prescribed by the bylaws. The officers shall be elected for a term of one year in the manner provided for in the bylaws.

ARTICLE VII - EXECUTIVE COMMITTEE

The Executive Committee shall be composed of the president, vice-president, immediate past president, secretary, treasurer and the Councilor(s). This committee shall act for the chapter between regular meetings of the chapter and shall perform such duties as specified in the bylaws.

ARTICLE VIII - DURATION

The period of duration of this corporation shall be perpetual.

ARTICLE IX - DISSOLUTION

Upon the dissolution of the corporation, the executive committee shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organizations or organization organized and operated exclusively for charitable, education, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or any successor provision of any future United States Internal Revenue Code), as the executive committee shall determine.

ARTICLE X - LIABILITY

The property of the members, executive committee and officers of this corporation shall be forever exempt from all corporate debts of any kind whatsoever.

IN WITNESS WHEREOF, the undersigned incorporators have subscribed their names to these articles of incorporation on this the \_\_\_\_\_ day of \_\_\_\_\_, 1975.

Bill & Rosenberg  
Attorneys at Law  
407 FRANKLIN  
STREET, N. E.  
HUNTSVILLE  
ALABAMA  
35891

Edgar W. Branyon  
Edgar W. Branyon

Walter W. Brower  
Walter W. Brower

James E. Campbell  
James E. Campbell

Sam Crabtree  
Sam Crabtree

Lawrence E. Fetterman  
Lawrence E. Fetterman

L. C. Hamilton  
L. C. Hamilton

Edward R. Meadows  
Edward R. Meadows

Lowry R. Young  
Lowry R. Young

STATE OF ALABAMA )  
COUNTY OF CALHOUN )

The above-signed incorporator, Edgar W. Branyon, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 19<sup>th</sup> day of September, 1975.

James L. Wilkins  
Notary Public

My commission expires: 9-5-79

STATE OF ALABAMA )  
COUNTY OF CULLMAN )

The above-signed incorporator, Walter J. Brower, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 23<sup>rd</sup> day of September, 1975.

Barbara B. Eller  
Notary Public

My commission expires: Aug 11, 1979

Bell & Eisenberg  
Attorneys at Law  
607 FRANKLIN  
STREET, S. E.  
MONTGOMERY  
ALABAMA  
36101

STATE OF ALABAMA )

COUNTY OF MADISON )

The above-signed incorporator, James E. Campbell, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 17<sup>th</sup> day of October, 1975.

Ernest Moody  
Notary Public

My commission expires: 2-7-77

STATE OF ALABAMA )

COUNTY OF CALHOUN )

The above-signed incorporator, Sam Crabtree, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 19<sup>th</sup> day of September, 1975.

James T. Williams  
Notary Public

My commission expires: 9-5-79

STATE OF ALABAMA )

COUNTY OF MOBILE )

The above-signed incorporator, Lawrence E. Fetterman, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 1<sup>st</sup> day of October, 1975.

James Hardy Livers  
Notary Public

My commission expires: 10-27-75

Bill & Kresenberg  
Attorneys at Law  
407 FRANKLIN  
STREET, S. E.  
HUNTSVILLE  
ALABAMA  
35801

STATE OF ALABAMA )

COUNTY OF BALDWIN )

The above-signed incorporator, L. C. Hamilton, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 7<sup>th</sup> day of October, 1975.

Velia A. Warren  
Notary Public

My commission expires: 2-17-78

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

The above-signed incorporator, Edward R. Meadows, being duly sworn, and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 14<sup>th</sup> day of October, 1975.

Virginia E. Graves  
Notary Public

My commission expires: 7/23/77

STATE OF ALABAMA )

COUNTY OF MADISON )

The above-signed incorporator, Lowry R. Young, being duly sworn; and stating he is in compliance with the laws of the State of Alabama pertaining to nonprofit corporations has, being known to me, this day subscribed his hand and seal.

GIVEN under my hand and seal, this the 17<sup>th</sup> day of October, 1975.

Ernest Moody  
Notary Public

My commission expires: 1-7-77

Bill & Kromberg  
Attorneys at Law  
407 FRANKLIN  
STREET, S. E.  
HUNTSVILLE  
ALABAMA  
35891

STATE OF ALABAMA )  
COUNTY OF MADISON )

IN THE PROBATE COURT

TO: Edgar W. Branyon  
Walter W. Brower  
James E. Campbell  
Sam Crabtree  
Lawrence E. Fetterman  
L. C. Hamilton  
Edward R. Meadows  
Lowry R. Young

WHEREAS, the above-named incorporators have filed their certificate in this Court under the provisions of the Code of Alabama covering such matters for the purpose of organizing a nonprofit corporation to be known as Alabama Academy of Radiology; and

WHEREAS, said incorporators have in all respects complied with the laws of the State of Alabama.

KNOW ALL MEN BY THESE PRESENTS: That the said above-named incorporators and their successors are duly organized under the laws of the State of Alabama as a nonprofit corporation under the name of Alabama Academy of Radiology, having all of the powers, rights and privileges by law authorized to corporations of a nonprofit character and as set forth in the declaration of said incorporators.

IN WITNESS WHEREOF, I, Myrtle Green, Judge of Probate of Madison County, Alabama, hereunto subscribe my name and affix the seal of said County to these presents this the 6th day of July, 1975.

Myrtle Green  
Judge of Probate

STATE OF ALABAMA MADISON COUNTY PROBATE OFFICE

I hereby certify that the foregoing instrument was filed for record in this office on July 6, 1975 at 10:44 o'clock A.M. and duly recorded  
Deed Tax \_\_\_\_\_ Mortgage Tax \_\_\_\_\_ MYRTLE GREEN, Judge of Probate

Bill & Rosenberg  
Attorneys at Law  
607 FRANKLIN  
BIRMINGHAM, ALA.

Doc ID: 020541770004 Type: INCAMEND  
Filed/Cert: 02/12/2018 11:03:00 AM  
Fee Amt: \$48.25 Page 1 of 4  
Madison County, AL  
TOMMY RAGLAND Probate Judge  
File 2018-00008474

**CERTIFICATE OF AMENDMENT  
TO THE  
ARTICLES OF INCORPORATION  
OF THE  
ALABAMA ACADEMY OF RADIOLOGY**

TO THE HONORABLE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA:

The undersigned nonprofit corporation, desiring to amend its Articles of Incorporation filed in the office of the Judge of Probate of Madison County, Alabama, hereby adopts the following Certificate of Amendment to the Articles of Incorporation pursuant to sections 10A-3-4.01 through 10A-3-4.04 of the Alabama Nonprofit Corporation Law (Chapter 1 and Chapter 3 of the *Code of Alabama* (1975)), as amended (the "Nonprofit Law"):

FIRST: The name of the corporation is the "Alabama Academy of Radiology" (the "Academy").

SECOND: The Academy is a nonprofit corporation.

THIRD: The Academy's Articles of Incorporation were filed in the office of the Judge of Probate of Madison County, Alabama, on November 6, 1975, at Book 43, Page 924 (the "Articles").

FOURTH: The Academy's Articles are hereby amended as follows:

1. Article II of the Articles of the Academy is hereby deleted in its entirety and, in lieu thereof, the following is substituted:

**"ARTICLE II -PURPOSES**

The corporation is organized and will operate for the purpose of engaging exclusively in all activities in which it may engage as an organization described in section 501(c)(6) of the Internal Revenue Code of 1986, as amended (the "Code"), or the corresponding section of any future federal tax code, and the regulations promulgated thereunder, as such Code and regulations now exist or as they may hereafter be amended, and may promote and advance such purposes by any activity in which a corporation incorporated under the Alabama Nonprofit Corporation Law may engage. Subject to the foregoing limitations and solely in furtherance thereof, the corporation is organized and will operate specifically to advance the science of radiology, to improve

RICHARD L. MCBRIDE, JR.  
1784 TALIAFERRO TRAIL  
STE B  
MONTGOMERY, AL 36117

radiologic services to the sick, to study the socio-economic aspects of the practice of radiology, to encourage improved educational facilities for radiologists, and to establish and maintain high ethical standards in the practice of radiology.

Notwithstanding the foregoing or anything else contained in these Articles of Incorporation, no part of the assets or net earnings of the corporation will inure to the benefit of, or be distributable to its directors, officers, employees, members, or other private persons, except that the corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth hereinabove, and the corporation may engage in any political activity germane to its tax exempt purposes so long as such political activity is not the primary purpose or activity of the corporation.”

2. Article V of the Articles of the Academy is hereby deleted in its entirety and, in lieu thereof, the following is substituted:

**“ARTICLE V – MEMBERS AND STOCK**

The corporation is organized on a non-stock basis and has one or more classes of members on such terms as are set forth in the bylaws of the corporation.”

3. Article IX of the Articles of the Academy is hereby deleted in its entirety and, in lieu thereof, the following is substituted:

**“ARTICLE IX – DISSOLUTION**

“Upon the dissolution of the corporation, after the payment, satisfaction, and discharge of all of its liabilities and obligations (or after making adequate provision therefor), and after return, transfer, or conveyance of those assets requiring return, transfer, or conveyance upon dissolution, the corporation shall distribute all of its remaining assets and property of every nature and description to such organization or organizations described in section 501(c)(6) of the Code that are exempt from income tax under section 501(a) of the Code, or the corresponding sections of any future federal tax code, selected by the corporation’s Executive Committee that have the same or similar exempt purposes to those of the corporation.”



- FIFTH: The members of the Academy's Executive Committee, and not the Academy's members, are entitled to vote on amendments to the Academy's Articles. The foregoing amendments to the Academy's Articles were duly adopted and approved by unanimous vote of the Executive Committee of the Academy pursuant to a Unanimous Written Consent signed by all members of the Executive Committee as of January 31, 2018, pursuant to the provisions of section 10A-3-2.14 of the Nonprofit Law.
- SIXTH: Except as amended hereby, the Articles remain in full force and effect and are hereby reconfirmed in all respects.

The undersigned individuals are signing this Certificate of Amendment to the Articles of Incorporation of the Alabama Academy of Radiology, an Alabama nonprofit corporation, on behalf of said nonprofit corporation as of the 31 day of January, 2018.

ALABAMA ACADEMY OF RADIOLOGY,  
AN ALABAMA NONPROFIT CORPORATION

By: Therese Weber  
Therese Weber, M.D.  
As Its President

[EXECUTION AND VERIFICATION CONTINUE ON NEXT PAGE]

[EXECUTION AND VERIFICATION CONTINUED FROM PREVIOUS PAGE

ALABAMA ACADEMY OF RADIOLOGY,  
AN ALABAMA NONPROFIT CORPORATION

By: Michael DeVenny  
Michael DeVenny, M.D.  
As Its Secretary

STATE OF ALABAMA )  
COUNTY OF Tuscaloosa )

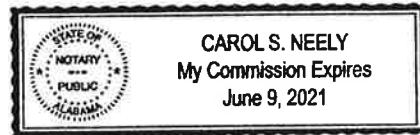
Before me, the undersigned authority in the aforesaid County and State, personally appeared Michael DeVenny, M.D., who being by me first duly sworn, doth depose and say that he is the Secretary of the Alabama Academy of Radiology, an Alabama nonprofit corporation, and that the foregoing statements contained in this Certificate of Amendment to the Articles of Incorporation are true, full, and correct.

Michael DeVenny  
Michael DeVenny, M.D. ✓

Subscribed and sworn to before me on this, the 31 day of January, 2018, and in witness whereof I hereunto subscribe my name and affix the seal of my office.

(SEAL)

Carol S. Neely  
Notary Public  
My Commission Expires: \_\_\_\_\_



Instrument Prepared By:  
Richard L. McBride, Jr.  
McBride Law, LLC  
1784 Taliaferro Trail, Suite B  
Montgomery, Alabama 36117  
Phone: 334-676-2155

## **BYLAWS - ALABAMA ACADEMY OF RADIOLOGY**

### **Article I - Name**

The name of this organization shall be the Alabama Academy of Radiology, hereinafter referred to as the "Chapter".

### **Article II - Purposes**

The purposes of the Chapter shall be those of the American College of Radiology, hereinafter sometimes referred to as the "College": advancing the science of radiology, improving radiologic service to patients and the medical community, and studying the economics of radiology; the encouragement of improved and continuing education for radiologist; and the establishment and maintenance of high medical and ethical standards in the practice of radiology.

### **Article III - Affiliation**

The Chapter will be an affiliate of the American College of Radiology. The *Principles of Medical Ethics* of the American Medical Association and the *Code of Ethics* of the American College of Radiology, as published in the College's most recent bylaws, is hereby expressly adopted as the ethics of the Chapter.

### **Article IV - Membership**

#### **Section 1 - Classification of Members**

There shall be nine classes of members in the Chapter: (1) Full Members, (2) State Chapter Members (3) Associate Members, (4) Associate State Chapter Members (5) Members in Physics (6) Associate Members in Physics, (7) Members in Training and Members in Training in Physics, (8) Retired or Inactive Members, and (9) Affiliate members.

(1) Full Membership. A full member shall:

- a) be engaged in the practice of Radiology or Radiation Oncology in the state of Alabama;
- b) be a diplomat of the American Board of Radiology;
- c) be of high professional reputation and be a member of the American College of Radiology (and is encouraged to join the county medical society and the state medical society);
- d) have the right to be appointed to committees, vote, and to hold office in the Chapter.

(2) State Chapter Member. A state chapter members shall:

- a) be engaged in the practice of Radiology or Radiation Oncology in the state of Alabama.
- b) be a diplomat of the American Board of Radiology
- c) have the right to be appointed to committees, vote, and to hold office in the Chapter
- d) be encourage to join the American College of Radiology

(3) Associate Members. An associate member shall:

- a) be engaged in the practice of radiology and meet all the requirements of active membership excepted requirement (1) a;
- b) not have the right vote or hold office in the Chapter;
- c) have the right to be appointed to committees.

- (4) Associate State Chapter Member. An associate state chapter member shall:
- a) be engaged in the practice of radiology in the state of Alabama,
  - b) meet all the requirements of active state chapter membership excepted requirement (2) b,
  - c) not have the right to vote or hold office in the Chapter,
  - d) have the right to be appointed to committees,
  - e) be encourage to join the American College of Radiology
- (5) Members in Physics. A member if physics shall:
- a) be certified as a physicist by the American Board of Radiology;
  - b) have the right to be appointed to committees, vote, and to hold elective offices.
- (6) Associate Members in Physics. An associate member in physics shall:
- a) be a physicist engaged in the practice of radiological physics on a full-time basis, but not certified by the American Board of Radiology;
  - b) not have the right to vote or hold office in the Chapter;
  - c) have the right to be appointed to committees.
- (7) Members in Training and Members in Training in Physics. A member in training or a member in training in physics shall:
- a) occupy a residency or fellowship in radiology approved by the Council on Medical Education of the American Medical Association or the American Osteopathic Association (or a formal educational program in medical physics);
  - b) not have the right to vote or hold office in the Chapter;
  - c) not be required to pay dues;
  - d) have the right to be appointed to committees;
  - e) after (1) completion of training; (2) certification by the American Board of Radiology, the American Osteopathic Board of Radiology; and (3) appropriate review by the Chapter, the member in training will automatically become a member of the Chapter in the appropriate class of membership, unless the member in training affirmatively declines membership.
- (8) Retired or Inactive Members.
- a) retired members shall be those active members, associates members, members in physics, associated members in physics, and affiliate members who have retired from active practice because of age or physical disability. Temporarily inactive members shall be those from the above membership who, for reasons acceptable to the Chapter's Executive Committee, are temporarily unable to continue their practice. Retired or temporarily inactive members shall not have the right to vote or to hold committee appointment and shall not be required to pay dues.
- (9) Affiliate Members. An affiliate member shall:
- a) be a member in one of the above membership categories who maintains active membership in another Chapter that is not in the state where his or her principal practice is conducted, but chooses to have membership in this state Chapter.
  - b) pay dues to both Chapters;
  - c) have the right to vote;
  - d) have the right to be appointed to committees; and
  - e) have the right to hold office in the Chapter.

## Section 2 – Application for Membership

Application for any of the classes of membership established in Section 1 of this Article shall be in writing on a form provided by the Secretary. Application for all classes of membership except retired or temporarily inactive status shall include an agreement to abide by the bylaws of the Chapter including the *Code of Ethics* of the American College of Radiology and the *Principles of Ethics* of the American Medical Association. An application must be endorsed by two active members of the Chapter who shall certify the applicant's qualifications for membership.

### **Section 3 – Retirement or Inactive Membership Requests**

Members shall seek retired or inactive membership status by written request, which may be granted by the Executive Committee.

### **Section 4 – Centralized Membership**

The Chapter adopts the centralized membership system of the College whereby:

1. The American College of Radiology sends both the ACR and Chapter applications to the prospective member.
2. The prospective new member sends the application for the ACR and Chapter membership to the ACR office with the necessary supporting data to fulfill the state Chapter requirements.
3. The ACR sends to the Chapter Secretary the Chapter form that the applicant fills out to be on file with the Chapter.
4. The ACR dues and Chapter dues are collect by the ACR and the Chapter dues are forwarded to the Chapter Secretary along with the name and address of the new member.
5. If objection to the application is received, the application will be remanded to the Chapter Secretary for further processing.

The Chapter allows for state chapter membership without membership in the ACR whereby:

1. The prospective state chapter member will receive an application from the AAR.
2. The completed application is returned to the AAR with necessary supporting data.
3. Dues for state chapter members will be paid directly to the AAR.
4. If objection to the application is received, the application will be remanded to the Chapter Secretary for futher processing.

### **Section 5 - Resignations**

Any member of the Chapter may resign by submitting a letter of resignation to the Chapter Secretary.

### **Section 6 – Disiplinary Actions**

1. The Executive Committee may censure, suspend, or expel any member of the Chapter for violation of its rules, regulations, or principles, in accordance with the procedures outlined below.
2. Disciplinary questions related to such violations shall be initially referred, in writing, to the President of the Chapter. The matter shall be referred to the Chapters' Committee on Judicial Affairs, which shall investigate the merits of the charges. On the basis of the findings of this investigation, the Committee on Judicial Affairs shall recommend to the President either that disciplinary actions be taken or that no such action be taken. If the Committee on Judicial Affairs decides that disciplinary action should be taken, its recommendation shall be submitted to the President in writing.
3. If disciplinary action is recommended by the Committee on Judicial Affairs, the member shall be notified in writing, by registered mail, that a professional review action may be taken against him or her and the reasons for the proposed action. The member shall be informed that he or she has the

right to request a hearing on the proposed action at any time within 60 calendar days. The member shall be provided with a written summary of his or her right during the hearing. A member who does not request a hearing within the 60-day period waives the right to such a hearing and shall be deemed to have accepted the recommendation of the committee. The committee's report shall then be forwarded to the Chapter's Executive Committee for ratification, in accordance with Section 9 of this article. If the disciplinary action is based on professional conduct or competence that affects or could affect patient health or welfare, the final decision of the Chapter shall be reported to the National Practitioner Data Bank within 15 days. A failure to request a hearing after a complaint has been filed and found to be meritorious will also result in loss of membership in the Chapter.

4. If the member request a hearing on a timely basis, the President of the Chapter must give him or her written notice of the time, place, and date of the hearing.
5. The right to a hearing may be forfeited if the member fails to appear without good cause, and the member shall be deemed to have accepted the disciplinary action involved. If the right is forfeited without good cause, membership in the Chapter may be terminated, and a report on the action may be forwarded to the National Practitioner Data Bank.
6. During the hearing, the members has the right to have record made of the proceedings.
7. Evidence at the hearing should be present first by the Chapter Executive Committee and then by the member.
8. At then end of the hearing, the member has a right to received the written recommendation, including the basis for the recommendation. He or she also has the right to received the written decision of the Chapter, including the basis for the decision.
9. Ratification of disciplinary action against any member of the Chapter shall require the affirmative vote of no fewer than three-fourths of the membership of the Executive Committee present at the meeting when the action is taken. On ratification by the Executive Committee, the disciplinary action shall be effective and be promptly reported to the Judiciary Committee of the American College of Radiology by the Secretary of the Chapter. Members against whom disciplinary actions are taken by the Chapter may appeal the decision to the Judiciary Committee of the ACR.

## **Article V - Officers**

### **Section 1 - Titles**

The officers of the Chapter shall be the President, President-Elect, the Secretary, the Treasurer, and the Councilors and Alternate Councilors. The offices of Secretary and Treasurer may be combined.

### **Section 2 - Elections**

Election shall be by ballot at the annual meeting of the Chapter, and the nominee for each office designated in Section 1, who shall receive a majority of votes cast, shall be declared elected. In case no candidate received a majority, a second ballot shall be taken on two candidates receiving the greatest number of votes.

## **Article VI - Executive Committee**

The Executive Committee shall be composed of the President, President-Elect, immediate past President, Secretary, Treasurer and the Councilors. This committee shall act for the Chapter between regular meetings of the Chapter and shall perform such duties as specified elsewhere in these bylaws.

## **Article VII - Duties of Officers and Committees**

### **Section 1 – Duties of the President**

The President shall be the presiding officer of the Chapter and shall perform all of the duties which custom and parliamentary practice associate with the office of the President. He shall be a member ex officio of all committees and shall act as chairman of the Executive Committee.

## **Section 2 - Succession**

In the absence of the President, or in his inability to act, the order of succession to his duties shall be as follows: President-Elect, Secretary, Treasurer and immediate past President.

## **Section 3 – Duties of the Secretary**

The Secretary shall record and preserve the minutes of the proceedings of meetings of the Chapter and of the Executive Committee, and shall forward promptly to the Executive Director of the American College of Radiology a copy of the minutes of each meeting of the Chapter. He shall notify all members of the Chapter of their appointments and he shall keep a record of the membership of the Chapter. He shall notify all members as to time and place of meetings and of any special business to be brought before the Chapter. The Secretary shall serve a term of five years, or until a successor is elected and qualified.

## **Section 4 – Duties of the Treasurer**

The Treasurer shall receive all moneys due the Chapter and shall disburse such moneys. He shall make a report of the funds of the Chapter at each annual meeting. The Treasurer shall serve a term of five years, or until a successor is elected and qualified.

## **Section 5 – Term for President/President-Elect**

The President and President-Elect shall each serve a term of two years, or until their successors are elected and qualified.

## **Section 6 – Vacancies in Office**

Vacancies occurring in any office shall be filled by action of the Executive Committee.

## **Section 7 – Committee Appointments**

The President shall appoint such committees as are necessary for the proper functioning of the Chapter in addition to the following standing committees:

### *Membership Committee*

This committee shall review applications for all classes of membership in the Chapter and shall report its recommendations to the Executive Committee at any regular meeting. Recruitment activities shall be conducted by this committee.

### *Program Committee*

This committee will prepare programs for Chapter meetings, workshops for residents, and efforts in continuing education. The members of the Executive Committee will serve as members of this committee.

### *Committee on Radiologic Practice*

This committee shall be charged with the duty of assisting members of the Chapter in the practice economics of radiology in accordance with the principles and policies of the American College of Radiology. This committee will also relate to third party carriers and refer policy problems to the Chapter.

### *Fellowship Committee*

This committee shall annually review the membership of the Chapter for the purpose of nominating members to fellowship in the American College of Radiology. This committee shall be composed of Fellows of the College.

### *Legislative Committee*

This committee should anticipate and review legislation proposed that affects the practice of radiology in their state. Their findings shall be reported to the Chapter for action.

*Technologist Advisory Committee*

This committee shall assist organizations and individuals in projects and programs undertaken to advance radiologic technology. They will also be responsible for furnishing names of radiologists to survey programs of radiologic technology to the Joint Review Committee of Education in Radiologic Technology.

*Committee on Judicial Affairs*

This committee shall consider charges of unethical conduct involving a member of the Chapter and shall transmit its recommendations to the Executive Committee of the Chapter. The Judicial Affairs Committee shall be composed of three members appointed by the President with the approval of the Executive Committee. Where possible, except for the chairman, members of the Executive Committee shall not be appointed to the Committee on Judicial Affairs.

*Bylaws Committee*

The Bylaws Committee shall be responsible for periodic review of the bylaws and provide recommended revisions when necessary.

*Nominating Committee*

This committee shall present to the annual meeting nominations for all offices established in these bylaws and shall, when possible, consist of three past presidents and two members elected by the Chapter who are not members of the Executive Committee.

**Article VIII - Councilors and Alternate Councilors of the American College of Radiology**

**Section 1 - Representation in the Council**

The Chapter shall elect councilors to the Council of the American College of Radiology in such numbers and on the terms authorized by the Bylaws of the College and the rules and regulations of the ACR Council.

**Section 2 - Election of Councilors**

Election of Councilors shall be by ballot at the appropriate annual meeting of the Chapter, and the nominee for each vacancy who shall receive a majority of the votes cast shall be declared elected. In case no candidate for a vacancy receives a majority, a second ballot shall be taken on the two candidates for the vacancy receiving the greatest number of votes. For each Councilor so elected, the Chapter shall elect by the same procedure, an Alternate Councilor. Councilors and Alternate Councilors must be members or Fellows of the College.

**Section 3 - Term of Office**

The term of office of a Councilor shall be three years, or whatever term of office is prescribed in the Bylaws of the American College of Radiology. He or she may be eligible to succeed himself or herself for one additional term of three years, but shall not be eligible for re-election to additional terms until a lapse of not less than one year; provided, however, that notwithstanding anything in this section 3 to the contrary, it is suggested that the terms of any or all of the Councilors first elected under this Article VIII may be established at less than three years so as to insure that the terms of one-third, or a number as near thereto as is practicable, of the Councilors so elected shall expire each year.

The term of office of an Alternate Councilor shall be one year; alternates shall be eligible to succeed themselves. An Alternate Councilor shall be eligible at any time to be elected a Councilor for a full three-year term.



A Councilor or Alternate Councilor shall take office at the conclusion of the American College Annual Meeting.

#### **Section 4 - Duties of the Councilor**

The Councilor's primary duty is to serve as a representative from the Chapter in the Council - the legislative body - of the American College of Radiology.

The duties of the Councilors shall include attending and participating actively in the meetings of their Chapter and of the College; familiarizing themselves with activities and problems at the local and national levels; acting as liaison between their Chapter and the College and interpreting each to the other; contributing to both groups' ideas, guidance, and advice; and stimulating preparation of resolutions of their Chapter for presentation to the Council.

#### **Section 5 - Duties of the Alternate Councilor**

The Alternate Councilor shall help the Councilor in the performance of his or her duties and accompany him or her to meetings of the Chapter and of the College. The Alternate Councilor shall be prepared to act for the Councilor whenever necessary.

### **Article IX - Meetings**

#### **Section 1 - Annual and Other Regular Meetings**

The annual meeting of the Chapter shall be held at such time and place as shall be selected by the Executive Committee. Notice of the exact time and place of such meeting shall be mailed or distributed electronically to the members by the Executive Committee not less than thirty days prior to such date. Additional regular meetings may be scheduled by the Executive Committee, and notice of the time and place thereof shall be mailed or distributed electronically to the members by the Executive Committee not less than thirty days prior to any such scheduled meeting.

#### **Section 2 - Special Meetings**

Special meetings of the Chapter shall be called: (a) by the President when deemed necessary by the Executive Committee; (b) at the request of the Board of Chancellors of the American College of Radiology; or (c) by petition of one-third of the voting members in good standing or by ten such members, whichever is less. Notice stating the time, place and purpose of the meeting shall be mailed or distributed electronically to each member at least twenty-one days prior to the meeting. At a special meeting, no business may be transacted except that for which such special meeting was called.

#### **Section 3 - Quorum**

A quorum shall consist of five percent of the voting members of the Chapter.

#### **Section 4 - Order of Business**

The following is the recommended order of business at all regular meetings of the Chapter.

1. Call to order
2. Reading of the minutes of previous meeting of the Chapter and the meetings of the Executive Committee
3. Report of the Secretary
4. Report of the Treasurer
5. Report of the Membership Committee

6. Election of new members
7. Report by the President as chairman of the Executive Committee
8. Committee Reports
9. Unfinished business
10. New Business
11. Report of Councilor(s)
12. Report of the Nominating Committee (when required)
13. Election of officers (when required)
14. Adjournment

#### **Article X - Standing Rules**

*Sturgis "Standard Code Of Parliamentary Procedure"* shall be the authority governing all business meetings of the Chapter, unless otherwise provided in these bylaws.

#### **Article XI - Dues and Assessments**

All full members, state chapter members, associate members, associate state chapter members, members in physics, associates members in physics, affiliate members, and inactive members shall pay dues in an amount based upon a budget prepared by the Executive Committee and approved by the members at the annual meeting. Members in training, members in training in physics, retired, and temporarily inactive members shall not pay dues.

Members in Training and Members in Training in Physics shall not be assessed for dues for the remainder of the billing cycle in which they complete their training and for the next complete billing cycle.

Assessments may not be levied except upon recommendation of the Executive Committee and by a majority vote at the annual meeting of the Chapter, notice of such recommendation having been sent to each member not less than thirty days prior to the meeting.

Names of members in arrears in payment of dues or assessments shall be referred to the Executive Committee for action.

#### **Article XII - Amendments**

##### **Section 1 – Amendment Process**

Amendments to these bylaws may be made at any regular meeting of the Chapter by the favorable concurrence of two-thirds of the members present and voting, provided the proposed amendments shall have been presented in writing to the Executive Committee at least forty-five days prior to the meeting at which the proposed amendments are to be voted upon. The Executive Committee shall notify the members by mail of proposed amendments not less than thirty days prior to such meeting.

##### **Section 2 – Amendment Requirements**

Any amendment so adopted shall not be contrary to requirements for Chapter status in the American College of Radiology and shall be immediately forwarded to the College for its records.

FROM :RADIOLOGY ADMINISTRATION

FAX NO. :251 435 2872

EXHIBIT C

**Internal Revenue Service**

**Date:** June 24, 2005

ALABAMA ACADEMY OF RADIOLOGY  
% LINDA CREMEEN  
PO BOX 1075  
WETUMPKA AL 36092-0018 759

**Department of the Treasury**  
**P. O. Box 2508**  
**Cincinnati, OH 45201**

**Person to Contact:**

Ms. K. Hilson 31-07340  
Customer Service Representative

**Toll Free Telephone Number:**

8:30 a.m. to 5:30 p.m. ET  
877-829-5500

**Fax Number:**

513-263-3756

**Federal Identification Number:**

63-0702785

Dear Sir:

This is in response to your request of June 24, 2005 regarding your organization's tax-exempt status.

In May 1976 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(6) of the Internal Revenue Code.

Because your organization is not an organization described in section 170(c) of the Code, donors may not deduct contributions made to your organization. You should advise your contributors to that effect.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

*Janna K. Skufca*

Janna K. Skufca, Director, TE/GE  
Customer Account Services

**BYLAWS  
OF THE  
ALABAMA ACADEMY OF RADIOLOGY PAC  
(ALRAD PAC)**

**ARTICLE I  
NAME**

The name of this political action committee shall be the "Alabama Academy of Radiology PAC" ("ALRAD PAC") (hereinafter the "PAC"), which is established by the Alabama Academy of Radiology, an Alabama nonprofit corporation (hereinafter the "Academy"), as a separate, segregated political fund of the Academy.

**ARTICLE II  
PRINCIPAL OFFICE**

The principal office of the PAC shall be located in the City of Montgomery, Alabama, or at such other place or places as may be determined by the Legislative Committee of the PAC.

**ARTICLE III  
PURPOSES**

The PAC shall be organized and operated for the purpose of engaging in all activities in which it may engage as a "political organization" qualifying as exempt from federal income tax under section 527 of the Internal Revenue Code of 1986 (hereinafter the "Code"), and the regulations promulgated thereunder, each as amended from time to time, and in which it may also engage as a "separate segregated fund" in accordance with § 10-1-2 of the Code of Alabama (1975), the Alabama Fair Campaign Practices Act, § 17-22A-1 et seq., of the Code of Alabama (1975), and the Federal Election Campaign Act, 2 U.S.C. § 431 et seq., and all regulations promulgated thereunder, each as amended from time to time (hereinafter referred to collectively as the "Campaign Acts"). Solely in furtherance thereof, the PAC's purposes shall be:

(a) To fund and support candidates for state and/or federal public office who support the interests of radiologists and the profession of radiology by making contributions of the PAC's funds to, and otherwise expending the PAC's funds for the benefit of, such candidates and their respective campaign committees; and

(b) To contribute funds of the PAC to any state or federal political party, to any state or federal political action committee, and in support of or opposition to propositions and constitutional amendments or issues presented to the electorate of the State of Alabama or the United States of America in accordance with the interests and purposes of the PAC; and

(c) To administer and solicit contributions to the PAC through oral solicitations, political advertising, mail, fundraising events and otherwise, to be utilized to further the interests and purposes of the PAC; and

(d) To do such other acts and things, consistent with the aforesaid purposes for which the PAC is organized and operated, as are necessary for or incidental to the accomplishment of those purposes, all for the advancement of the PAC's objectives.

Notwithstanding the foregoing, nothing contained herein shall be interpreted to require the PAC to register with the Federal Election Commission as a federal political action committee, to fund and support candidates for federal public office or to otherwise engage in federal election activities, it being the intent of these Bylaws not to require the PAC to engage in such federal election activities, but only to give the PAC the right and power to do so if it so chooses.

#### **ARTICLE IV REGULATION OF THE PAC**

Notwithstanding any provision contained in these Bylaws to the contrary, the PAC shall be organized and operated in all respects and at all times as a "political organization" exempt from federal income tax under section 527 of the Code and the regulations promulgated thereunder, each as amended from time to time, and shall engage solely in political activities that constitute "exempt functions" as that term is defined therein. Further, the PAC shall be established and maintained as a "separate segregated fund" of the Academy in accordance with the Campaign Acts that are applicable to the PAC. To the extent that these Bylaws are not inconsistent with applicable law, the general affairs and business of the PAC shall be regulated by these Bylaws, as such Bylaws are amended from time to time.

#### **ARTICLE V LEGISLATIVE COMMITTEE**

**Section 1. General Powers.** The general supervision and oversight of the PAC shall be vested in the Legislative Committee of the Academy. The Legislative Committee shall have the power and authority to appoint and remove officers of the PAC, amend these Bylaws, and dispose of the funds of the PAC upon dissolution, all as provided herein, and to exercise such other rights as may be granted to it by these Bylaws from time to time.

**Section 2. Matters Relating to the Members of the Legislative Committee.** The terms for the appointment, number, qualifications and duration of office of the members of the Legislative Committee, as well as the terms for the resignation and removal of such members and for filling vacancies on the Legislative Committee, are as are set forth in the Bylaws of the Academy.

**Section 3. Meetings of the Legislative Committee.** Regular and special meetings of the Legislative Committee shall be held at the place, in the manner and at the time provided for in the Bylaws of the Academy. In general, when dealing with PAC matters, the Legislative Committee shall follow all of the rules applicable to meetings, quorums and voting as are provided for in the Bylaws of the Academy.

## **ARTICLE VI COMMITTEES**

The Legislative Committee, by majority vote, may designate and appoint one or more committees to assist it in its duties and responsibilities, each of which shall consist of the Chairman, the Treasurer and at least one (1) other Committee member.

## **ARTICLE VII OFFICERS**

**Section 1. Number.** The officers of the PAC shall be a Chairman, a Secretary and a Treasurer. In addition, there may be such other officers as may be designated from time to time by the Legislative Committee. A person may hold more than one officer's position, except that the positions of Chairman and Treasurer must be held by different individuals.

**Section 2. Election, Term of Office and Qualifications.** The officers of the PAC shall be elected by a majority vote of the Legislative Committee at any regular or special meeting of the Legislative Committee. Each such elected officer shall hold office for three (3) years or until his or her successor shall be duly elected and qualified. Officers of the PAC must be members of the Legislative Committee.

**Section 3. Resignation.** Any officer may resign at any time by giving written notice of such resignation to the Legislative Committee. Such resignation shall take effect at the time specified therein, or if no time is so specified, upon its receipt by the Legislative Committee. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**Section 4. Removal; Vacancies.** The Legislative Committee, may, by majority vote, remove any officer from office, with or without cause.

**Section 5. Vacancies.** A vacancy in any office shall be filled by a majority vote of the Legislative Committee at any regular or special meeting.

**Section 6. Chairman.** The Chairman of the PAC shall be responsible for performing all of the duties required of him by the applicable Campaign Acts or by other law. In addition, the Chairman shall perform all duties incident to the office of the Chairman and such other duties as may from time to time be assigned to him by these Bylaws or the Legislative Committee.

**Section 7. The Secretary.** The Secretary shall be responsible for performing all of the duties required of him by the applicable Campaign Acts or by other law. The Secretary shall also keep copies of these Bylaws available for inspection by the Legislative Committee. In addition, the Secretary shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by these Bylaws or the Legislative Committee.

**Section 8. The Treasurer.** The Treasurer shall be responsible for performing all of the duties required of him by the applicable Campaign Acts or by other law. The Treasurer shall also oversee the collection of all monies payable to the PAC and the disbursements of all funds of the PAC. The Treasurer shall be responsible for the maintenance of the PAC's accounts and records and shall be responsible for the entry of all receipts and disbursements of the PAC on the PAC's books and records, and the Treasurer shall report thereon at the request of the Legislative Committee. The Treasurer may sign, execute and deliver in the name of the PAC checks, drafts and other instruments, except in cases where the signing and execution thereof shall be expressly delegated by the Legislative Committee to some other officer or agent of the PAC or as otherwise required by law. In addition, the Treasurer shall perform all the duties incident to the office of Treasurer and such other duties as may from time to time be assigned to him by these Bylaws or the Legislative Committee.

In accordance with the applicable Campaign Acts and the regulations promulgated thereunder, each as amended from time to time, the Treasurer shall be specifically responsible for the following: (i) filing complete and accurate reports and statements in a timely fashion; (ii) signing all reports and statements; (iii) depositing contributions in the PAC's bank account within the time required by law; (iv) authorizing expenditures; (v) monitoring contributions to ensure compliance with the limitations and prohibitions contained in said applicable Campaign Acts; and (vi) maintaining records and accounts of all contributions and expenditures, and otherwise fulfilling all recordkeeping requirements, in the manner and for the length of time required in said applicable Campaign Acts. The Treasurer may appoint an agent either orally or in writing to manage the duties and responsibilities of the Treasurer as provided herein, but the Treasurer shall at all times remain responsible for ensuring that such duties and responsibilities are carried out in accordance with these Bylaws and all applicable laws.

## **ARTICLE VIII CONTRIBUTIONS**

**Section 1. Solicitation of Contributions.** The PAC may solicit and receive contributions from members of the Academy and from such other persons and entities as are not otherwise prohibited by law.

**Section 2. Methods of Solicitation.** The PAC may solicit contributions orally through speeches, meetings, fundraisers and other oral communications and in writing through mailings, publications and other written correspondence. In addition, the PAC may solicit contributions through Internet websites accessible by the Academy's membership and at Academy conventions

and meetings. In soliciting contributions, the PAC may suggest a specified amount to be contributed, but must notify the person being solicited that such amount is only a suggestion, that more or less than the suggested amount may be given and that the amount given by the contributor, or the refusal to give, will not benefit or disadvantage the person being solicited.

**Section 3. Limitations on Contributions.** Contributions to the PAC must be voluntary. The PAC shall not at any time solicit contributions by the use or threat of physical force, job discrimination or financial reprisal, nor shall the PAC use dues or fees obtained as a condition of membership in the Academy or use contributions obtained as the result of a commercial transaction.

**Section 4. Deposit and Segregation of Funds.** All contributions to the PAC shall be deposited from time to time in one or more bank accounts designated by the Treasurer for such deposit. All such bank accounts designated by the Treasurer shall be separate and segregated from the accounts of the Academy, and no funds of the PAC shall be commingled with the funds of any director, officer, committee member, member or other associate of either the PAC, the Academy or any other person or entity.

**Section 5. Compliance With Laws.** Notwithstanding any provision contained in these Bylaws to the contrary, all contributions to the accounts of the PAC shall be accepted solely for an "exempt function" or for any activity necessary to fulfill an "exempt function" as that term is defined in Code section 527 and the regulations promulgated thereunder, each as amended from time to time, and only in accordance with the provisions contained in the applicable Campaign Acts and the regulations promulgated thereunder, each as amended from time to time, applicable to a "separate segregated fund".

## **ARTICLE VIII EXPENDITURES**

**Section 1. Authorization of Expenditures.** No expenditure shall be made for or on behalf of the PAC without the authorization of the Treasurer or his or her designated agent.

**Section 2. Signing of Checks, Drafts, Orders for Payment.** All checks, drafts or other orders for the payment of money shall be signed by such officer or officers, agent or agents of the PAC and in such manner as provided in these Bylaws or as otherwise required by law.

**Section 3. Compliance with Laws.** Notwithstanding any provision contained in these Bylaws to the contrary, all expenditures from the accounts of the PAC shall be used solely for an "exempt function" or for any activity necessary to fulfill an "exempt function" as that term is defined in Code section 527 and the regulations promulgated thereunder, each as amended from time to time, and only in accordance with the provisions contained in the applicable Campaign Acts and the regulations promulgated thereunder, each as amended from time to time, applicable to a "separate segregated fund".



**ARTICLE IX  
MISCELLANEOUS**

**Section 1. Operating Year.** The operating year for the PAC shall be the calendar year, except as may otherwise be provided by law.

**Section 2. Disclosure of Finances and Accounts.** The finances and accounts of the PAC shall be open at all times to the inspection of any member of the Academy. The PAC shall issue an annual statement of its finances as of the close of the calendar year to such persons as the Legislative Committee, in its discretion, prescribes.

**Section 3. Indemnification and Reimbursement of Expenditures.** The PAC is authorized to indemnify, reimburse or otherwise provide for the payment of expenses paid or incurred by officers, members of the Legislative Committee, employees and any other individual designated by the Legislative Committee in connection with services rendered by them for the use or benefit of the PAC.

**Section 4. Amendments.** These Bylaws may be amended by a majority vote of the Legislative Committee at any regular or special meeting called for that purpose.

**Section 5. Disposal of Funds Upon Termination.** Upon the termination of the PAC, any remaining funds of the PAC shall be returned to either the donors contributing such funds or distributed to one or more organizations described in section 501(c) of the Code and exempt from taxation under section 501(a) of the Code, each as amended from time to time, as shall be determined by the Legislative Committee in its sole discretion.

[Certification to Follow on Next Following Page]

I, Mark H. LeQuire, Secretary of the Alabama Academy of Radiology PAC, do hereby certify that the foregoing is a true and complete copy of the Bylaws of this PAC as adopted as the Bylaws of this PAC under a resolution of the Legislative Committee of the Academy dated as of the 15 day of June, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15 day of June, 2006.


  
\_\_\_\_\_  
Mark H. LeQuire, M.D.  
Secretary

EXHIBIT E

ALABAMA FAIR CAMPAIGN PRACTICES ACT

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE

This form is due within ten (10) days of raising or spending \$1,000.00

Please print in Ink or Type.



THIS STATEMENT ESTABLISHES THE FOLLOWING POLITICAL COMMITTEE:

Form with fields for Full Name of the Committee (Alabama Academy of Radiology PAC), Address (2055 Myrtlewood Drive), City (Montgomery), State (Alabama), ZIP Code (36111), Telephone Number (334-467-6190), Acronym for Political Committee (ALRAD PAC), and Date Political Committee established (June 15, 2006).

Type of Committee (check one)

- Statewide political committee (checked)
County political committee
Municipal political committee

Duration of Committee (check one)

- Continuing (not short-term) (checked)
Short term - Termination date:

Describe, as concisely as possible, the purpose of this committee and, if applicable, the identification of affiliated or connected organizations [pursuant to §17-22A-5(b)(2)-(3), Code of Alabama, 1975]

See "Insert 1" on the Attachment attached to this Statement.

Please describe the manner in which residual funds will be disposed in the event of dissolution of the political committee [pursuant to §17-22A-5(b)(8), Code of Alabama, 1975]

See "Insert 2" on the Attachment attached to this Statement.

IDENTIFY THIS COMMITTEE'S CHAIRPERSON AND TREASURER:

Chairperson form with fields for Full Name (John T. Renz), Address (Post Office Box 2144), City (Mobile), State (Alabama), ZIP Code (36652), and Telephone Number ((251) 533-2092).

Treasurer form with fields for Full Name (Mark H. LeQuire), Address (2055 Myrtlewood Drive), City (Montgomery), State (Alabama), ZIP Code (36111), and Telephone Number (334-467-6190).

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of Mark H. LeQuire and date 16 JUN 06.

Where to file this form ...

Political committees, except principal campaign committees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the judge of probate of the county affected.

All other political committees that are not principal campaign committees shall file reports and statements with the Secretary of State. [§17-22A-9(b), Code of Alabama, 1975]

In the event this information changes ...

Any material change in information reported on this Statement of Organization shall be reported to the Secretary of State or the county judge of probate within ten (10) days following the change.

"Material change" includes changes in the identity or address of the chairperson or treasurer, or changes in the name, address, purpose or intended duration of the political committee. [§17-22A-5(b)-(c), Code of Alabama 1975].

**ATTACHMENT  
TO  
STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE  
OF  
ALABAMA ACADEMY OF RADIOLOGY PAC  
(ALRAD PAC)**

INSERT 1:

The purpose of ALRAD PAC is to provide funding for candidates for state public office who support the interests of radiologists and the profession of radiology generally. The connected organization of ALRAD PAC is the "Alabama Academy of Radiology," a nonprofit corporation incorporated under the laws of the State of Alabama.

INSERT 2:

In the event of dissolution of ALRAD PAC, all residual funds shall be returned to either the donors contributing such funds or distributed to one or more organizations described in section 501(c) of the Internal Revenue Code of 1986, as amended (the "Code"), as exempt from taxation under section 501(a) of the Code.



**FAIR CAMPAIGN PRACTICES ACT  
STATE OF ALABAMA**

**THIS AREA FOR OFFICIAL USE ONLY**

This document was filed electronically on 07/16/2014 at 10:38AM with the Elections Division, Office of the Alabama Secretary of State.

# Statement of Organization of Political Action Committee

**This statement establishes the following political action committee:**

**Please print in ink or type. Email address is required**

Full Name of the Committee <b>ALABAMA ACADEMY OF RADIOLOGY</b>		Email Address of the Committee (required) <b>TRAYBORN@MONTRAD.COM</b>	
Address of the Committee (street or post office box) <b>2055 MYRTLEWOOD DRIVE</b>			
City <b>MONTGOMERY</b>	State <b>AL</b>	ZIP Code <b>36111</b>	
Telephone Number <b>(334) 467-6190</b>		Acronym for Political Committee <b>ALRAD PAC</b>	
Date Political Committee established <b>June 16, 2006</b>			

This form is due within **ten (10)** days of raising or spending \$1,000.00

**Type of Committee (check one)**

- Statewide political action committee
- County political action committee
- Municipal political action committee

**Duration of Committee (check one)**

- Continuing (non short term)
- Short term - Termination Date:

Describe, as concisely as possible, the purpose of this committee and, if applicable, the identification of affiliated or connected organizations [pursuant to Code of Alabama 1975, §17-5-5(b)(2)-(3).] (if additional space is necessary, please use back of form or attach pages)

TO PROVIDE SUPPORT TO THOSE CANDIDATES CHOSEN BY THE MEMBERS OF THE ALABAMA ACADEMY OF RADIOLOGY.

**Committee Associated Entity Information:**

Committee Associated Entity Name	Address	City	State	Zip Code

Please describe the manner in which residual funds will be disposed in the event of dissolution of the political committee [pursuant to Code of Alabama 1975, §17-5-5(b)(8).] (if additional space is necessary, please use back of form or attach pages)

RETURN TO CONTRIBUTING MEMBERS IN PROPORTION TO THE AMOUNT DONATED.

**Identify this Committee's Chairperson and Treasurer:**

To identify other principal officers of the political action committee pursuant to Code of Alabama 1975, §17-5-5(b)(5), including members of any finance committee, please attach additional pages.

Chairperson			
Full Name <b>JOHN T RENZ</b>			
Address (street or post office box) <b>3290 DAUPHIN STREET</b>			
City <b>MOBILE</b>	State <b>AL</b>	ZIP Code <b>36606</b>	
Telephone Number <b>(251) 435-6000</b>	Email Address (Required) <b>JOHNRENZ@ME.COM</b>		

Treasurer			
Full Name <b>MARK H LEQUIRE</b>			
Address (street or post office box) <b>2055 MYRTLEWOOD DRIVE</b>			
City <b>MONTGOMERY</b>	State <b>AL</b>	ZIP Code <b>36111</b>	
Telephone Number <b>(334) 467-6190</b>	Email Address (Required) <b>MHLEQUIRE@GMAIL.COM</b>		

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of chairperson or treasurer of political committee \_\_\_\_\_ Date **07/16/2014**

**Where to file this form ...**

Political committees, except principal campaign committees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the judge of probate of the county affected.  
All other political committees that are not principal campaign committees shall file reports and statements with the Secretary of State.  
[Code of Alabama 1975, §17-5-9(b)]

**In the event this information changes ...**

Any material change in information reported on this Statement of Organization shall be reported to the Secretary of State or the county judge of probate within ten (10) days following the change.  
"Material change" includes changes in the identity or address of the chairperson or treasurer, or changes in the name, address, purpose or intended duration of the political committee. [Code of Alabama 1975, §17-5-5(b)-(c)].



**FAIR CAMPAIGN PRACTICES ACT  
STATE OF ALABAMA**

**THIS AREA FOR OFFICIAL USE ONLY**

This document was filed electronically on 01/11/2017 at 04:01PM with the Elections Division, Office of the Alabama Secretary of State.

# Update Form for Political Action Committee

Please Print in Ink or Type.

## New (current) Information:

Current Name of the Committee ALABAMA ACADEMY OF RADIOLOGY		
Address of the Committee) street post office box 2055 MYRTLEWOOD DRIVE		
City MONTGOMERY	State AL	ZIP Code 36111
Telephone Number (334) 467-6190	Email Address (required) KDESTIN@MONTRAD.COM	

This form is used by political action committees for the purpose of changing the name of the PAC or for reporting changes in address, chairperson, or treasurer.

## Former Information (for reference purposes):

Former Name of the Committee ALABAMA ACADEMY OF RADIOLOGY		
Address of the Committee) street post office box 2055 MYRTLEWOOD DRIVE		
City MONTGOMERY	State AL	ZIP Code 36111
Telephone Number (334) 467-6190	Email Address TRAYBORN@MONTRAD.COM	

## Committee Associated Entity Information:

Committee Associated Entity Name	Address	City	State	Zip Code
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## New Information Only:

Chairperson	
Full Name	
Address (street or post office box)	
City	State ZIP Code
Telephone Number	Email Address (required)

Treasurer	
Full Name	
Address (street or post office box)	
City	State ZIP Code
Telephone Number	Email Address (required)

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of chairperson or treasurer of political committee	01/11/2017 Date
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## Where to file this form ...

Political committees, except principal campaign committees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the judge of probate of the county affected. All other political committees that are not principal campaign committees shall file reports and statements with the Secretary of State. [Code of Alabama 1975, §17-5-9(b)]

## In the event this information changes ...

Any material change in information reported on this Statement of Organization shall be reported to the Secretary of State or the county judge of probate within ten (10) days following the change. "Material change" includes changes in the identity or address of the chairperson or treasurer, or changes in the name, address, purpose or intended duration of the political committee. [Code of Alabama 1975, §17-5-5(b)-(c)].

**ALABAMA ACADEMY OF RADIOLOGY PAC  
ALRAD PAC**

Dear Member:

The Alabama Academy of Radiology (the "Academy") has established a state political action committee known as the Alabama Academy of Radiology PAC, or "ALRAD PAC. ALRAD PAC was formed for the purpose of funding and supporting candidates for Alabama state and local public office who support the interests of radiologists and the profession of radiology. The Alabama Academy of Radiology urges you, as a member of the Academy, to contribute funds to ALRAD PAC to help it further its political purposes in the State of Alabama.

Should you wish to contribute to ALRAD PAC, the Academy would like for you to consider making your contributions on a recurring basis. To this end, the Academy has established two methods by which you may make recurring contributions to the PAC. You may choose to make such recurring contributions via payroll deduction, if your employer offers it. Alternatively, you may choose to make such recurring contributions to the PAC via bank draft.

If you desire to make recurring contributions to ALRAD PAC, please select the appropriate method by which you would like to make your contributions, then complete the form accompanying this document that corresponds to that method and return the completed form to the representative of ALRAD PAC who has presented you with this solicitation. Should you choose to contribute in this manner, please note that the contribution amount you select will automatically renew in the amount and at the times indicated until you advise the PAC in the manner set forth below that you no longer wish to contribute to the PAC.

Please be advised of the following before making your decision:

1. Your contribution is purely voluntary.
2. The contribution amount stated on the accompanying forms is merely a suggested guideline, and you are free to contribute more or less than the suggested amount.
3. The Alabama Academy of Radiology and ALRAD PAC will not favor or disadvantage anyone by reason of the amount of their contributions or their decision not to contribute.
4. You have the right to refuse to contribute without reprisal.

You are free to cancel your recurring contribution amount at any time after electing to make such contributions. Should you wish to do so, you should send a written notice of cancellation to ALRAD PAC at 2055 Myrtlewood Drive, Montgomery, Alabama 36111, Attention: Dr. Mark H. LeQuire, Treasurer.

Thank you for your consideration of this most important request.

Note: Contributions to ALRAD PAC are not deductible as charitable contributions for federal income tax purposes.







ALABAMA ACADEMY OF RADIOLOGY PAC  
ALRAD PAC

EMPLOYER INSTRUCTIONS FOR PAYROLL DEDUCTION

Thank you for agreeing to participate in the Alabama Academy of Radiology PAC's payroll deduction program for political contributions to the PAC by members of the Alabama Academy of Radiology (the "Academy"). In order to establish and administer this payroll deduction program, please follow the below instructions:

1. Each of your employees who are members of the Academy and who desire to contribute to the PAC via payroll deduction will complete an authorization form for payroll deduction. A copy of this authorization form will be provided to you so that you may enroll that employee in your payroll deduction program.
2. You will establish a dedicated account on your books for recordation of the authorized deductions from your employees' paychecks. Each month as deductions are made from participating employees' paychecks, you will credit the aggregate amount deducted from such employees' paychecks to this account.
3. Upon completion of each month's payroll deduction, you will mail a check to the PAC in the aggregate amount of all contributions deducted by you from participating employees' paychecks for that month and credited to your dedicated account.
4. For your efforts in administering this payroll deduction program, the PAC will reimburse you your actual costs of such administration. In order to be reimbursed for these costs, please mail an itemized statement of costs to the PAC at the end of each calendar year, along with a request for reimbursement. Provided the PAC finds the request in order, the PAC will reimburse you your claimed costs for the year.
5. All correspondence, payments and inquiries relating to your payroll deduction program should be made to Dr. Mark H. LeQuire, Treasurer, Alabama Academy of Radiology, 2055 Myrtlewood Drive, Montgomery, Alabama 36111, telephone (334) 467-6190.

By signing these instructions, you are hereby acknowledging receipt of these instructions for use in establishing and administering your payroll deduction program for the benefit of your employees who wish to participate in the program.

Date: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYER

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**From:** Rick McBride Jr.  
**To:** [Tony Buckley](#)  
**Subject:** RE: Request for an Advisory Opinion - Alabama Academy of Radiology and ALRAD PAC  
**Date:** Thursday, March 01, 2018 10:19:37 AM

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Mr. Buckley,

I enjoyed our conversation yesterday. By this email, I hereby confirm that the two statements set forth in your below email are true and accurate. I understand that this response may be considered a part of my advisory opinion request, and I am fine with the same.

Please let me know if you need anything else from me. I am happy to provide you with whatever you need in order to see this request through.

Thank you.

Sincerely,  
Rick McBride Jr.

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**From:** Tony Buckley [mailto:tbuckley@fec.gov]  
**Sent:** March 1, 2018 9:11 AM  
**To:** Rick McBride Jr. <rick@mcbriidelawllc.com>  
**Subject:** Request for an Advisory Opinion - Alabama Academy of Radiology and ALRAD PAC

Mr. McBride –

Thank you for speaking with me yesterday about your advisory opinion request. I have set out below my understanding of some of the information that you provided in that conversation.

As we discussed, please confirm by return email the accuracy of the following two statements or correct them if they are not accurate as written:

1. Prior to registering ALRAD PAC as a political committee, the Academy and ALRAD PAC will exclude from ALRAD PAC's account the cost of payroll deduction services incurred by corporations. The Academy and ALRAD PAC will consult with each corporation to determine the fair market value of these costs, including the amount of wages of personnel involved, overhead expenses, and any other costs incurred by each corporation.
2. The Academy and ALRAD PAC will transfer from ALRAD PAC's account an amount of funds that is at least equal to the aggregate fair market value of all the costs incurred by corporations for providing payroll deduction services to ALRAD PAC. ALRAD PAC will place these funds into a separate account to be used for Alabama state elections only.

Your response may be considered part of your advisory opinion request; if so, it will posted as such on the Commission's website.

Very truly yours,

Tony Buckley  
Attorney  
Office of the General Counsel  
Federal Election Commission