Stacy Owen

Oregon State Bar

Assistant General Counsel

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Tigard, OR 97281

 Re: Warren Foote CAO File No. 1501630

 Kathleen Haley CAO File No. 1001512

 Nicole Krishnaswami CAO File No. 1501630

Dear Ms. Owen,

I am responding to your November 19, 2015 letter.

**1. Regarding the withholding of records** **by Warren Foote and Kathleen Haley** I have attached a number of Exhibits.

**Exhibit A** is a letter I sent October 1, 2008 to the Oregon Medical Board (OMB) requesting medical records of the patient who made the complaint. I have highlighted this request. At this juncture in my case I had already been forced multiple times to answer OMB questions without any records.

**Exhibit B** contains multiple letters from my lawyer Win Calkins requesting the complainant’s medical records prior to my Investigative Committee interrogation. **As highlighted in the May 1, 2009 letter,** **Mr. Calkins had a direct conversation with Mr. Foote about these records**. Still none of the supposed 1 ½ inches of medical records of the complainant were released.

**Exhibit C** is the transcript of myInvestigative Committee interrogation which occurred on June 4, 2009. It had been 1 ½ years since the supposed initial incident. I still hadn’t received any of the complainant’s supposed 1 ½ inches of medical records I was repetitively told I’d refused to review. See the highlighted areas documenting this. My lawyer Win Calkins, is noted as Hawkins mistakenly in the transcript. He asked for records during the hearing that supposedly the committee had on their computers. His request went unacknowledged. I encourage you to read beyond the highlighted areas so you may see the utter confusion of this committee’s members regarding my case. Without being allowed access to what ultimately turned out to be nine pages of medical records, and without me being allowed to explain any of what occurred without being continually interrupted, the confusion continued unabated. **Ms. Haley as Executive Director and Mr. Foote as Legal Counsel for the OMB were present at this interrogation and allowed, and were involved with, this absolute fiasco and travesty of government function.** **What occurred at this interrogation is nothing short of malpractice on the part of all OMB participants involved.**

**Exhibit D** is a letter I sent to the full OMB, which included Ms. Haley and

Mr. Foote, on December 3, 2009. About two months earlier I was given notice that I had 3 weeks to request a license revocation hearing or just have my license revoked. I still hadn’t received any medical records. I requested the hearing. I was subsequently sent a letter requesting that I go to a program called CPEP. As my letter stated, I refused to go to any program without receiving all available medical records. On December 24, 2009 I received seven pages of the complainant’s supposed 1 ½ inches of medical records, none of which I had seen previously. At that point the window to schedule an appointment with the CPEP program had expired. See highlighted areas.

**Exhibit E** is a letter sent to Attorney General John Kroger. The same letter was sent to Governor Kulongoski and Secretary of State Kate Brown. See highlighted areas.

**Exhibit F** is Licensees Request for Discovery sent by lawyer Paul Loney to Warren Foote in February 2010. No response was received from Mr. Foote.

**Exhibit G** is Licensees Request for Discovery sent by lawyer Paul Loney to Warren Foote in June 2010.

**Exhibit H** is Warren Foote’s response to the June 2010 request. **He refused to comply with any of the requests for information or records.** Of note, my lawyer received two pages of the complainant’s labs by fax, done years prior, the afternoon before my September 2010 hearing.

**Exhibit I** has two parts. The first is a letter I sent to Kathleen Haley requesting the tapes of my hearing along with access to my file so that I could work on my *Pro Se* District Federal Court Complaint. The second is the letter received from the OMB denying access to any information.

**The above exhibits verify that Mr. Foote and Ms.Haley knowingly withheld records**. Ms. Haley runs this circus, so she is ultimately responsible for anything that occurs at the OMB. This is the level of responsibility the OMB holds physicians to. They stated that I was responsible for anything that occurred at the Voter Power clinic where I worked once a month as an independent contractor. The OMB has publicly stated this at their quarterly public meetings which are taped. An example was given of a Medical Assistant stealing a physician’s prescription pad, or even a single prescription. The physician is held responsible by the OMB for the individual’s actions even if the physician has nothing to do with the hiring or supervision of them. **Ms. Krishnaswami** works under and directly with Ms. Haley at the OMB so she **should be held to the same level of responsibility**. Also, per OSB rules, she is commanded to report illegal actions of other lawyers, such as the withholding of records associated with a case.

**2. Regarding my allegation of Warren Foote and Kathleen Haley knowingly lying and manufacturing false allegations in my case,** I am attaching a number of Exhibits.

**Exhibit J** is my Complaint and Notice dated October 30, 2009 and signed by Kathleen Haley.

On Page 1, lines 25 and 26, it states that I conducted a physical exam (PE) on the complainant. On page 2, line 2, it states I examined the complainant’s head, eyes, etc. Then on page 2, line 14, Ms. Haley states that I didn’t conduct a PE on the complainant, **a confusing contradiction**. On Page 2, lines 17 through 20, **Ms. Haley contradicts herself once again** stating I performed a *pro forma* exam of the complainant, but documented it on another patient’s (Patient B) PE form. First, **this PE form does not and never did exist**. I never had the opportunity to document the complainant’s exam before he removed his paperwork from clinic premises. The only PE forms that do exist are Patient B’s. One is Patient B’s initial PE form which the complainant removed from the Voter Power clinic, wrote his name on top of and then tried to pass off as his own later that day. The other is the new physical exam form I had to rewrite for Patient B after his was taken. These truths were separately corroborated by Geri Kulp the clinic director, Alisa Wall the clinic employee that dealt with the angry and yelling complainant, and me. Second, as I’d stated multiple times prior to the synthesis of Exhibit J, including my interrogation, that I had only examined the complainant’s joints and found no sign of acute or chronic gout, nor any other rheumatologic process.

Third, of the **four contradictory statements** on this document regarding the PE alone, which is considered reality by Ms. Haley and Mr. Foote?

On page 1, line 26, and page 2, line 1, it states I filled out a PE form for the complainant and another patient, but mixed up their names on the forms. Please see the above paragraph regarding this **patently false allegation**. Mr. Foote and Ms. Haley were both aware the complainant had removed his documents, including the forged Urgent Care records, along with Patient B’s records. Both were aware I had filled out a new set of forms for Patient B as a result of the complainant’s theft of these records. Therefore, what Ms. Haley wrote on page 2, lines 1 through 8, is a total **fabrication – one big uninformed and poorly constructed lie.** The OMB has the gall to blame me for breaking the patient’s confidentiality when they were informed as to the circumstances surrounding the event. This is just one example of the incompetence, lying, and insanity I dealt with. This is the horror licensees contend with routinely regarding the OMB. If you make any demands regarding constitutional rights, point out the complete incompetence of the process (which is documented in an Oregon Audit of the OMB), or mention the lack of understanding or ignorance of the OMB regarding any aspect of your case, the practice of medicine or Oregon law and you become a focused target of retribution.

On page 2, line 9, it states the complainant had severe pain from gout. Where did Ms. Haley and the OMB come up with such nonsense? There is nothing in the complainant’s seven pages of medical records to support this statement. The OMB had these records for 1 ½ years and this is what they come up with? These **lies** were weaved together with Mr. Foote’s assistance. He is supposedly legal counsel for the OMB isn’t he?

On December 24, 2009, as a result of the letter noted as Exhibit D, I received six PCP office visits the complainant had over 20 years from Mr. Foote via mail. The complainant’s PCP visit on January 12, 2001 is the only one that may have been consistent with an acute flare of gout in his right 1st MTP joint (where the big toe attaches to the foot). That day his PCP did no further evaluation other than cursory observation and treatment with an anti-inflammatory. There was no blood work, joint aspiration, referral to a rheumatologist, etc. On October 2, 2006 the complainant was seen by his PCP for right heel pain. An x-ray of his right heel was ordered and was unremarkable except for very minimal arthritic changes. It showed no evidence of acute or chronic gout. The PCP gave him the diagnosis of plantar fasciitis. On December 4, 2007 the complainant was seen for vague right foot pain and had an unremarkable foot exam. He was flippantly given the diagnosis of gout and then indiscriminately placed on Allopurinol without any evaluation or consideration for referral to a specialist. The OMB, led by Ms. Haley, Mr. Foote and two different Medical Directors, for some odd reason considers this appropriate medical care. Frankly, I don’t consider them that stupid, but I do consider them that devious. **Plain and simple, they lied**. If needed I will copy these **six office visits the complainant had over 20 years** for you or they are readily available on my website drdovervsomb.weebly.com.

On page 2, lines 11 through 14, Ms. Haley and the OMB accused me of telling the complainant to continue the medication allopurinal that he stated he had an “allergic reaction” to. As stated emphatically throughout my ordeal with the OMB, **I made no medical recommendations at this clinic** regarding patient’s medical problems or medications. The Complainant did tell me he had been prescribed allopurinal and had taken one pill. He could not describe the allergic reaction other than it made him not feel well. Once his seven pages of medical records were received two years later, there was no notation of an allergic reaction to the allopurinol in these documents. The day I saw him at the clinic he was asked the name of the pharmacy he had filled the prescription at. He stated he couldn’t remember even though it had only been filled four weeks prior. The complainant only lived a couple of miles from the clinic so he was asked to go home and bring back the bottle. He stated he couldn’t because he had thrown it away after his “allergic reaction” to it. **Exhibit G**, presented earlier,is the request for Discovery from my lawyer prior to my hearing. Mr. Loney specifically asks for pharmacy records to confirm that the complainant had even filled the prescription of allopurinol. Mr. Foote refused any Discovery as mentioned previously. Yet at my hearing, Mr. Foote produced a plastic container of allopurinal which appeared brand new and which supposedly had been thrown away by the complainant. The prescription came from a pharmacy that had already informed me they had never filled a prescription for the complainant. **Exhibit K** consists of the fax I sent this pharmacy on April 13, 2010 requesting prescription information about the complainant and the note they faxed me in response stating that the complainant had **never** had a prescription medication filled there. **Mr. Foote not only refused Discovery of this information requested by my lawyer, but seemingly fabricated evidence in addition.** The tapes of the hearing would shed light on this terrible abuse of justice and the **perjury** that Mr. Footeencouraged the witness to participate in.

In **Exhibit J**, Page 2, lines 15 through 17, Ms. Haley states I x-rayed the wrong foot of the complainant and then mistakenly ordered an x-ray of his knee later that day. First, I was kind enough to order x-rays for the complainant to enable him to prove he had chronic gout being that he lacked any documents or clinical abnormalities to prove his assertion. Second, he asked me to x-ray his **right foot and right elbow** being that these two areas, according to him, had been severely affected by gout for over 20 years. Third, the complainant never complained to the radiologist, office staff at either clinic or to me that the wrong foot had been x-rayed; otherwise I would have requested an x-ray of his left foot. Fourth, the right knee x-ray series was ordered at the complainant’s request, not because of some OMB imagined or fabricated mistake. The right foot and elbow x-rays showed only very minimal arthritic changes, so the complainant thought his knee would show chronic gout changes, but it didn’t. See **Exhibit L** – radiologist’s reading of the x-rays.The other patient that the OMB speaks of, Patient B, had both of his knees x-rayed earlier that day. There was no mix up. Once the complainant’s seven pages of medical records were received two years later by me, the only skeletal part of his body he had ever complained of having problems with was his **right foot**. Haley and Foote just *ad lib* this stuff as they go along. They **fabricate false allegations, lies and contradictions even** with all the contradictory evidence right in front of them. If you are interested in what chronic gout looks like clinically and radiologically see my website which has pictures of both.

The OMB audited five additional charts from the Voter Power clinic. All five of these patients were either already involved with the Oregon Medical Marijuana Program (OMMP) or were seeking to be involved. All five were currently using cannabis medically. **Patient charts audited included**: one HIV patient with nausea and wasting; two Multiple Sclerosis (MS) patients; one patient with chronic back pain after three failed surgeries; and one patient with end stage colon cancer. For some unknown reason Ms. Haley only included three of these audited patient files in **Exhibit J**.

The first one mentioned is Patient C. Discussion occurs on Page 3, line 1 through 7. There is no documentation of Patient C’s medical problem, but I think he was the individual with the chronic LBP after three failed surgeries. He was currently in the OMMP to the best of my memory. The patient had no current mental health problems other than PTSD which is now an acceptable diagnosis for medical cannabis usage. Ms. Haley **purposely excluded** the details of how medical cannabis was significantly helping his medical and mental status; **that is she lied**. The patient was living life much more fully as a result of medical cannabis and its positive effect on pain control, muscle relaxation and PTSD/anxiety.

The second one mentioned is Patient D. Discussion occurs on Page 3, lines 8 through 13. Ms. Haley states the patient had cocaine and alcohol dependence. This is **an outright lie**. The patient never had cocaine dependence but had used it intermittently some 20 years prior. The patient was honest about this instead of hiding the fact. The patient also never had alcohol dependence, but had decided to abstain years prior from her minimal social use of alcohol. Again, **another outright lie**. This information was readily available from the patient’s chart and the forms I filled out for her. To make matters worse, Ms. Haley and the Investigative Committee accused me of reviewing this patient’s chart incorrectly. They stated that the patient did not have MS. Ms. Haley stated in Exhibit J that “the patient mistakenly interpreted the diagnosis as MS”. Again, more **incredibly sloppy OMB work**. Patient C had at least two inches of medical records with multiple MRIs consistent with MS and multiple notes from neurologists stating she had MS. Again, **Ms. Haley lied**. Mr. Warren Foote pushed this same agenda while I was on the witness stand at the hearing. At the end of the two day hearing he quietly admitted that I had correctly reviewed the records and that the patient did have MS. Unfortunately, **his lies** had already done their damage.

The third one mentioned is Patient E. Discussion occurs on Page 3, lines 14 through 21. She also had MS. Ms. Haley and Mr. Foote stated there was concern regarding medical cannabis and the small Vicodin dosage she used intermittently for arthritic knee pain. I informed them and the Investigative Committee that there was no life threatening interactions or concerns with these two medications used together. **In fact, there have never been any documented serious or life threatening interactions between cannabis and any medication, nor has there been any deaths related to cannabis use, but the OMB continues to this day with those lies**. Ms. Haley and Mr. Foote persisted with this **lie** even though they were never able to show any documentation to counter my documentation. Again, **a fabrication based upon their personal biases as opposed to medical facts**. Additionally, the patient’s personal physician had sent her to the Voter Power clinic because they feared OMB retribution if they signed the physician statement. The physician’s concerns were warranted.

**Exhibit J**, the Complaint and Notice, also makes mention of physical exam forms used by the Voter Power clinic as substandard and that my documentation was “cryptic” and not “elaborative” enough. The document failed to mention that the **State of Oregon had approved these forms** years prior. See **Exhibit M** which includes three documents. The first is the one I filled out for Patient B whose medical records and other paper work were stolen by the complainant. The second is the form filled out by Dr. Darryl George for the complainant after I had refused to sign his Physician Statement form for the OMMP. Ms. Haley, Mr. Foote and the OMB stated that Dr. George’s form and evaluation were acceptable I’d like an explanation of why this form is more acceptable than the one used by the clinic I helped once a month? As noted on Dr. Georges “examination”, the complainant had a BP of 170/113 that wasn’t even addressed. The patient could have stroked out on the spot with that blood pressure. Dr. George performed nowhere near a complete PE. Many parts are crossed off indicating no exam was done. **In fact he crosses off the most important part of the exam – the joint examination.** Wouldn’t you want that performed on a patient complaining of “chronic recurrent gout with associated severe pain that has been recalcitrant to medication” as stated by the OMB? Without examining the joints and with no x-ray or medical record review being noted, Dr. George gives the complainant the diagnosis of “chronic polyarthritic pain secondary to chronic gout”. No evaluation was done nor a referral given. No other treatment was discussed or offered other than medical cannabis. This is an absolutely atrocious example of medical care. So why was this acceptable to Ms. Haley, Mr. Foote and the rest of the OMB? And why would they **lie** regarding this situation? **The reason is they don’t want any physician standing up for themselves and demanding their constitutional rights such as Due Process, nor do they like patients having access to medical cannabis or any other alternative medical treatments.** You do as the OMB says and agree to whatever allegations they make; otherwise you get treated like me. There is more to say about Dr. George later. The third document is from another physician who received the OMB’s blessing for its use. Again, how is this different than what I used?

During my three year ordeal of psychological and financial torture at the hands of Ms. Haley, Mr. Foote and the OMB, I was told repetitively that I “prescribed” medicinal cannabis to patients. Mr. Foote used this term repetitively during my hearing even after he was corrected multiple times. **Exhibit N** is a copy of a form titled the Physician Statement. **It states at both the top and bottom, in bold letters, that this form is not a prescription for medical cannabis**. Physicians don’t prescribe medical cannabis, the State of Oregon does. The physician’s signature on this form merely means that medical cannabis may be helpful for the patient’s medical condition. **This is stated explicitly on the form and in the medical cannabis laws**. This information was given to Ms. Haley and Mr. Foote. Both are lawyers so I assume they would have no difficulty understanding it. So they **lied**. There is no other explanation.

Ms Haley and Mr. Foote also **lied to the Governor’s office**. The OMB broke my confidentiality on three separate occasions. They sent confidential letters to a nonprofit organization, Voter Power, where volunteers opened them and then multiple volunteers read them. After the first incident I called the OMB and complained. After the second incident I wrote a letter - see **Exhibit O**. Yet there was still a third incident that occurred. At that point I wrote the Governor’s office to complain - see **Exhibit P**. I eventually received a letter from the Governor’s office stating that the OMB had informed them that “I hadn’t kept my address up to date with their office” and therefore it was my fault that there was a break in my confidentiality - see **Exhibit Q**. That’s it, blame the victim. Two weeks prior to the first break in my confidentiality I had received my renewal license at my private office with my private office address on it, just as I had every two years previously - see **Exhibit R**. Again, **another lie perpetrated by Ms. Haley and Mr. Foote. They lied to the Governor’s office to cover their incompetence, negligence and purposeful psychological abuse of me. They want you to understand that they can do whatever they desire without consequence to them personally.**

**Ms. Haley and Mr. Foote lied regarding their representation of Dr. James Calvert as an expert in Rheumatology, chronic pain treatment and chart review.** Dr. Calvert was a Family Physician in Klamath Falls, OR and also taught rural medicine to Residents from OHSU. He was not credentialed in any other discipline of medicine other than Family Practice. His opinions and testimony outside of the specialty of Family Practice would be ridiculed in any court other than the façade called Administrative Law. Dr. Calvert helped review my charts that were requested by the OMB. He, along with other OMB physicians, incorrectly reviewed the MS patient’s chart mentioned earlier (Patient C).

Three weeks after my hearing a complaint was made to the OMB regarding Dr. Calvert. Therefore, Ms. Haley, Mr. Foote and Ms. Krishnaswami were quite aware Dr. Calvert had serious shortcomings as a physician. Dr. Calvert killed at least one patient and nearly killed at least one other with his medical care. The OMB reviewed multiple charts from Dr. Calvert’s office which revealed atrocious medical care of his patients. His chronic pain treatment and misdiagnosis of rheumatology diseases that didn’t exist was frightening. **Ms. Haley, Mr. Foote and Ms. Krishnaswami never alerted me to these concerns**. **Dr. Calvert’s incompetence and the OMB’s lies and subsequent cover up had severe adverse affects regarding my case and hearing**. Additionally**, they were aware of concerns regarding Dr. Calvert prior to revoking my license**. Their callousness towards my family, patients and me is astounding. See **Exhibit S** – Dr. Calvert’s Interim Stipulated Order, Stipulated Order and Termination of Stipulated Order. These documents are a testament to Dr. Calvert’s horrendous patient care. Note the **oddly** **altered dates on the Interim Stipulated Order** associated with Dr. Calvert’s and Ms. Haley’s signatures. This seems to have been done to give the impression that the document was signed a year later than it actually had been; probably to cover up that Dr. Calvert’s incompetence was known by Ms. Haley, Mr. Foote and Ms. Krishnaswami prior to the OMB revoking my license. **This is criminal and Ms. Haley, Mr. Foote and Ms. Krishnaswami were directly involved with these criminal activities.**

Ms. Alisa Wall testified during my hearing. She had been Dr. Darryl George’s chaperone for female patients for over a year. Dr. George was mentioned earlier in conjunction with Exhibit M. After a new chaperone was hired she continued to work at the clinic for about two more years. Dr. George was required by the OMB to have a chaperone with female patients because of inappropriate sexual contact with at least one female patient during an exam at his clinic and multiple sexual contacts with another female patient at his home. See **Exhibit T** – Dr. George’s Interim Stipulated Order and Stipulated Order. Dr. George was aware that the woman he was sexually active with for at least six months had significant psychological and substance abuse problems and that she was on psyche meds. **Dr. George gave this woman alcohol and drugs at his home routinely over the time they were seeing each other sexually.** He should have served jail time for these offenses.

Dr. George prompted the complainant, on the **OMB’s behalf and request,** to file a complaint against me. I have seen the letter from the OMB stating this directly. I have a copy of the pathological letter Dr. George wrote to the OMB complaining about me and my involvement with the Voter Power clinic. This entire scenario was orchestrated under the guidance of Ms. Haley and Mr. Foote.

There were a number of patients who came to the Voter Power clinic who told stories of Dr. George having white powder around his nose when he’d enter the exam room. Ms. Alisa Wall wrote a letter of complaint to the OMB regarding Dr. George’s cocaine use and inappropriate sexual behavior - see **Exhibit U**. This Exhibit also includes a complaint letter written to the OMB from a former patient of Dr. George’s, Ms. Candi Comfort. The letter details Dr. George’s cocaine abuse. The OMB was also given the names and phone numbers of other individuals who could and would attest to Dr. George’s severely unstable mental health, drug abuse and the risks he posed to others. **Ms. Haley, Mr. Foote and the OMB took no action regarding these serious allegations.** Their response to Ms. Wall was that her complaint was too late to take action. Wow.

Ms. Wall, who had to interact with the complainant at the Voter Power clinic, testified at my hearing over the phone. She was told by ALJ Rick Barber during her testimony that she was lying regarding statements she made about the complainant and Dr. Darryl George. ALJ Barber made this statement without letting her finish her testimony or even reviewing it. He negated her entire testimony. This is documented on the tapes of the two day hearing.

There are **numerous other** **lies fabricated by Ms. Kathleen Haley and Mr. Warren Foote**, but this is enough to give you an idea of the magnitude of corruption occurring at the OMB. It involved every aspect of my case and hearing. It is a pattern that occurs in case after case at the OMB. Again, Nicole Krishnaswami was also involved and had the obligation to report these illegal activities to the OSB and State Attorney General. I am happy to provide further instances and documentation of malfeasance by these actors if requested. **Much more can be gleaned from the tapes of my hearing which Ms. Haley and Mr. Foote refuse to provide for any review**. I would appreciate it if you could procure a copy of these tapes for me.

**3. Regarding Mr. Warren Foote encouraging witnesses to commit perjury,** I present the following Exhibits. Some instances of this have been noted above.

Consider Mr. Foote’s insistence that the complainant had 1 ½ inches of medical records. Both Mr. Foote and the complainant new this was untrue. **The complainant committed perjury.** **Foote encouraged this** even though he knew the complainant had no such records. Ultimately, there were only six pages of clinical medical records, a one page x-ray result of his right heel and two pages of labs. **The complainant and Mr. Foote knowingly lied.**

The **complainant also committed perjury** when he suddenly produced a bottle of allopurinal which three years previously he was unable to do because he had supposedly “thrown it out” and “couldn’t remember the pharmacy he had gotten it at”. **Exhibit K**, mentioned earlier, is proof that the patient never received any medication from the pharmacy noted on the prescription bottle. I have **documentation from every pharmacy** within Medford, and up to 50 miles away, that the patient never filled an allopurinal **prescription**. **Therefore, Mr. Foote not only encouraged the complainant to commit perjury, but was also somehow involved with criminally procuring this fake prescription.**

Also mentioned previously, Dr. James Calvert **committed perjury** under oath regarding his credentials and medical expertise. **Mr. Foote encouraged and helped further these distortions.** **Exhibit S** clearly shows that Dr. Calvert had no expertise in any specialty including Family Practice. Mr. Foote was quite aware of this. Mr. Foote also had Dr. Calvert **perjure himself** regarding his previous writings regarding gout. This is fully displayed on my website. There is a pdf of the 2 ½ page chapter on gout Dr. Calvert wrote for a Family Practice textbook along with specific quotes teased from the text that are in complete contradiction to his testimony. **Mr. Foote was aware of this, but still allowed and encouraged Dr. Calvert to perjure himself on the witness stand**. Again, tapes of the hearing would clearly show what occurred.

**Mr. Foote also had investigator Jay Drum perjure himself under oath regarding hearsay testimony from two supposed witnesses**. One witness was allegedly the complainant’s wife, who I had never met, and the other was Patient B whose records the complainant removed from the clinic. With hearsay allowed during my hearing, my lawyer had no ability to cross examine these “supposed” witnesses and confirm or question the validity of their statements.

Welcome to justice in Oregon; feels more like North Korea.

**4. Regarding the allegation of *ex parte* contact between Mr. Warren Foote and ALJ Rick Barber** I offer you a few ways to confirm this. First, you already have another complaint which you are investigating that makes the same allegation. Second, speak with my lawyer, Paul Loney, who also witnessed the *ex parte* contact between Mr. Foote and ALJ Rick Barber. As everyone left the OMB hearing room, Mr. Foote and ALJ Barber were in front of my lawyer and me. The two of them then entered the OMB “library”. This space is completely windowed, therefore we could see that no one else but those two were in the room. It is unknown if others joined them later such as Kathleen Haley. Mr. Loney can be reached at 503-234-2694. Third, obtain a list of ALJ Barber’s cases over the past 10 years and see how many times he has worked together with Mr. Foote on hearings. This information could be used to find some pattern of collusion between the two and a preference of Foote wanting to work with Barber. I am trying to obtain this list, but as par usual, the State is reticent to give up any possibly damning information to the public.

**5. Regarding Ms. Kathleen Haley’s and Ms. Nicole Krishnaswami’s knowledge and involvement in these criminal and unconstitutional behaviors** I offer the following. First, Ms. Haley’s direct involvement has been noted multiple times throughout this document. Second, Ms. Haley is the Executive Director of the OMB. **If Ms. Haley is not aware of what transpires in the government agency she directly oversees then we have some serious concerns and problems**. Third, Mr. Foote does not work on licensee’s cases and hearings in a vacuum. There is significant collaboration between Ms. Haley, Ms. Krishnaswami and Mr. Foote. Fourth, Ms. Krishnaswami works directly under Ms. Haley. For her to feign lack of knowledge regarding OMB investigations, hearings and process is contemptible. She is compelled by OSB rules to report any wrong doing just as any other lawyer is. She has obviously failed this obligation. **Ergo, Ms. Krishnaswami is complicit regarding illegal and unconstitutional OMB procedures and activities**.

Lastly, I would like to end with a few additional concerns that are symptomatic of OMB dysfunction and criminal behavior. Please see the following:

**6. There is violent behavior occurring at OMB public quarterly meetings that is directed towards public attendees.** See **Exhibit – V** which details my experience with OMB violence on two separate occasions. **This violence was pre-planned, encouraged and intended to provoke me** into a negative behavior. To their disappointment it failed. When the violence occurred I was simply attempting to ask the public speaker a question and get his card as he left the meeting during a break. I had not been disruptive during his presentation or at any other time. I spoke up only once during his presentation and that was to say simply “20%” in response to a question he asked regarding the percentage of child poverty in Oregon that no one on the OMB knew the answer to or attempted to answer. That’s it. Needless to say, after two separate episodes of violent behavior directed towards me by people with loaded weapons, I have opted not to return to the public meetings. Mission accomplished by Ms. Haley and crew. They want no one observing and documenting their dysfunction.

**Exhibit - V** was mailed to the Governor, the Attorney General and the Secretary of State, along with being emailed to every State Senator; yet nothing has been done to correct this violent behavior from the few responses I received. These Democratic “leaders” in higher office simply condone the violence and dysfunction of the OMB. Of note, **many State Representatives and Senators openly voice their dislike and distrust of Ms. Haley, Mr. Foote and Ms. Krishnaswami.** That’s why the OMB couldn’t push through SB279 this year which would have allowed them to be a semi-autonomous governmental agency. Last year, the Representatives and Senators would not reconfirm the OMB. Unfortunately, that was bypassed by our now tarnished and soon to be jailed ex-Governor who reconfirmed the OMB on his own. It’s ironic how Mr. Kitzhaber has complained he hasn’t gotten due process in his case (though he has), yet he never cared to respond to letters from numerous healthcare licensees complaining about the complete absence of due process and constitutional rights in their dealings with these healthcare boards. **The one common denominator - all these boards have Mr. Foote as legal counsel**.

Also, when is the OMB going to take Mr. Kitzhaber to task regarding his medical license? Any other physician would have been revoked, or at least be under investigation, by now for the activities he was involved with. That segues perfectly into the next concern - #7.

**7. Unequal Protection of the Law.** The playing field **is not level** at the OMB. Certain folks get favoritism and therefore are treated more leniently. Dr. Kitzhaber is a perfect example.

Another recent example is **Dr. Keith White**. There are few details of his case available to the public, but he was investigated for problems regarding opiates and possibly other controlled substances. This occurred while he was a sitting member of the OMB. He was only given a Corrective Action, therefore his name does not go to the Data Bank and he can continue to prescribe controlled substances, maintain contracts with insurers, acquire malpractice insurance, etc. Another physician had his ability to prescribe opiates restricted. He doesn’t know who made the complaint, but he feels it was a pharmacist. **He is told he has broken a law, yet the OMB – Ms. Haley and Mr. Foote - won’t tell him or his lawyer which law it is**. I have a letter to confirm that statement. He received a Stipulated Order so his name went to the Data Bank and his career is done. This physician had never had any previous complaints or malpractice claims.

For another example see **Exhibit S**. Carefully read the OMB documents regarding Dr. Calvert. How is it that Dr. Calvert’s license is completely reinstated without restrictions in such a short time period? **His care was atrocious and it** **took only 7 months for reinstatement of his license to occur; that’s if you go by the altered dates on the Interim Stipulated Order.**

There are plenty more examples if they should interest you. The OMB targets certain groups of physicians or individuals they don’t like. Those they know and like are treated much differently. Unfortunately, most physicians stay silent about what is occurring at the OMB fearing retribution if they should speak up.

**8. The OMB is not okay with medical cannabis.** Contrary to what they say, they don’t agree with its use. They have come after every physician that signs more than a couple of dozen Physician Statements. Certainly any one like me, who helped a clinic once a month, is a definite target.

**The OMB is both horribly incompetent and criminal in their actions knowing that so far they have had immunity protected positions**. The OMB, instead of protecting the health and safety of the public and physicians has instead become the threat. Incredibly substandard investigations. Contrived allegations and stories purposely made convoluted. The absolute absence of constitutional guarantees. Witness tampering. What a travesty of justice and government the OMB is and it never gets any better. That’s because you have the same two kingpins controlling the whole operation – Kathleen Haley and Warren Foote. Ms. Haley goes back to the Dr. Patel fiasco and even further back to the Dr. Phillip Alberts molesting women days. Research those on your own or I’d be happy to email you links. **Oregon should be better than the F grade they just deservedly received from the Center for Public Integrity**, a 2014 Pulitzer Prize winner.

I am happy to assist anyway I can Ms. Owen.

Sincerely,

Eric Dover, M.D.