8/26/2015

Client Assistance Office

Oregon State Bar

16037 SW Upper Boones Ferry Road

Tigard, OR 97281-1935

Attn: Staci Owens, Assistant General Counsel

RE: Warren Foote

Ms. Owens,

As per your email, I have included in this packet evidence and exhibits that Mr. Foote submitted as factual, when they really are not (in fact, some has nothing to do with the trial, but he claims they are a part of the trial).

Explanation of enclosed documentation:

In DOJ File #108001-GB0814-11 Mr. Foote submitted numerous exhibits for his case. Most of the evidence provided have been submitted by Mr. Brewer to Mr. Foote (who was found to have committed perjury in this case). Mr. Foote has direct knowledge that these documents are falsified, made up or inconsistent with the case; however, Mr. Foote continues to present them as true and factual.

Page 1) In Exhibit A3 pg 1 Mr. Foot submitted documentation that stated I collected $3600 from a client that was due to the company I was working for. Mr. Foote knew that another psychiatrist referred the client directly to me and not the company, Mr. Foote continued to use this false information to argue his case for the State. This doctor had a conversation with both Brewer (Sunset) and Mr. Foote and told him that the information on this document was not true in 2011 and again in 2012. Mr. Foote continued to present it as fact and as accurate. I have the referring doctor’s information for you to call upon request from the Bar.

Page 2) Copy of an email indicating that page 1 (exhibit A3) was not true and was actually a HIPPA violation. Mr. Foote successfully excused the Oregon Psych Board and instructed them to not investigate this claim (as per OPBI Case #’s 2015-024, and OPB 2015-023). OPB did not even call the victim in this case or the referring psychiatrist to quantify the claim as Mr. Foote gave them direct instruction to not investigate. You will see that Foote is aware that not only a Federal violation has occurred, but he has also failed to report the Federal offense (HIPPA Law Violation which he is required to do as Brewer is not his client); further he went on to repress this evidence with the OPB as to avoid his own colluding and involvement.

Pages 3-10) Exhibit A8 was provided by Mr. Foote which are supposed to be receipts meant to incriminate me; Mr. Foote had the receipts redacted so I could not properly identify the discrepancies and call him out in court while I was under oath – even though a protective order was in place and names could be shared, he had them redacted. There was also permission to release the names of at least 5 other clients’ information (as per exhibit A6 pg 21). Mr. Foote did this in an attempt to persuade the judge and falsely present his case. He also used receipts with other people’s signatures, but presented it as my “incriminating” receipts. He did this to falsify his case against me. Specifically look at Exhibit A8 page 22 where I was never involved in any of this, but he presented it as if it were mine.

Page 11) Mr. Foote saw that the Sheriff’s Department report dropped a case against me, but he chose to misrepresent the findings of the Washington County Sheriff’s Department (exhibit A6 pg 13) and told the judge that there was but was dropped because of “time passing”. See verbal testimony. Foote knowingly misrepresented the police reports in order to solidify his case. Testimony of Brewer was dismissed by the Judge, but his verbal testimony was still used by Foote to falsely represent himself and his case to the court. There is no evidence that there was any action against me, other than this saying there was not enough proof there was any wrong-doing. Foote provided no evidence to the contrary, but he knowingly made verbal statements that were false and misleading.

Page 12) Mr. Foote presented that I was following the ACA code of ethics, when I am actually following the NBCC code of ethics. He has misrepresented himself in order to continue his false presentation of his case. The NBCC is a different code, but Mr. Foote continued to present I was following the ACA code as factual. This is a discrepancy that he was aware of as Interns are allowed to follow the NBCC code and not the ACA until their internship is over. (Exhibit A29) I am in compliance with the NBCC code, but Foote has presented I was out of compliance with the ACA code. Very tricky and unethical for him to do.

Pages 13-27 and Verbal Testimony of Linda Shutterly): Mr. Foote called a witness on April 7 from Web.com, Linda Shutterly, in an attempt to show that I was able to “hack” into an email system; he presented IP addresses that he said were mine. It was confirmed that none of the IP addresses were mine and that it was “impossible” for me to have done this. Mr. Foote then falsified his statements (changing his statements on record) as per verbal testimony in this case with no evidence or proof that what he was saying was truthful or accurate – or that the evidence the State has falsely accused me of was accurate or even appropriate to accuse me of. (Exhibit A18a, Pg 1-15 and verbal testimony recorded by court). The court ended up making a ruling off his falsified statements as if they were true and accurate (report available if requested). *This is a result of the ex parte he engaged in.*

Pages 28-39) Mr. Foote was aware that due diligence in the investigation never took place, this case should never have moved to the next steps due to the incompetence of the board and the investigation. The previous Executive Director and the Investigator were both dismissed due to their poor performance in this case and in violating my federal civil rights under Federal Title 42 Section 1983. Mr. Foote knew this and still encouraged that the case be prosecuted with inaccurate and incomplete information.

Foote knew that the State had failed to perform their responsibilities, but repressed evidence that would show he was attempting to falsify his case and presented that they did not violate any Oregon Laws or Regulations (P12 pg 1-13)

Pages 40-41: I did file a motion to dismiss based off the US Supreme Court Ruling. Mr. Foote opposed this motion (common), but he misrepresented what the US Supreme Court had actually ruled in their interpretation. The Judge stated this was presented in the hearing, but it really was not (other agency is investigating the ALJ’s of conduct at this time). This also shows that Mr. Foote was aware of the lack of compliance with ORS to get the case to this point.

My testimony regarding ex-parte between ALJ and Mr. Foote:

On April 7, 2015 before I left the building on Pringle Street in Salem Oregon, I was meeting with my attorney in another room; the trial was over and we both noted that there was no evidence to move this on – we were both very optimistic as Foote’s own evidence and witnesses tore his case apart (when one of his points falls, they all lose their consistency and there is no case).

My attorney left the building while I finished up a telephone conversation in the provided conference room (separate from where the hearing took place). I ended the telephone conversation and proceeded to exit the offices. I was in a common area (hallway) directly outside the room where the hearing took place where it was only Mr. Foote and the ALJ present. My guess is that Foote believed I previously left with my attorney when Foote chose to engaged in a conversation with the ALJ where he stated “nobody likes this guy and even though the evidence on the email hacking looks screwy, we have to find him guilty, the State will pay too much for this if we don’t.” More was said about kids and his commute, but that was all I heard concerning the case.

I have no problem swearing under oath that this occurred and that the evidence I am submitting are true and factual to the best of my knowledge.

Mr. Foote had a very poor case and instead of fixing it, he continued to lie and misrepresent himself and the State. There is very little holding the licensing boards accountable to uphold ORS and Fed Laws, I do believe Mr. Foote just thinks he is above the law and is smarter than those he has been appointed to serve – taking advantage of those with his lies and misdeeds.

Please let me know what more I can do to aid you in your review for disciplinary action. Mr. Foote has quite the record of doing things like this with the Board as he feels he is not regulated with the licensing boards (I can get you at least 5 or 6 others to talk with you that he does this often). I do hope he is stopped and Oregon can be protected from such an unethical individual. He uses intimidation and threats to others who attempt to stand up to him and I can get you names and numbers of individuals who have had such interactions.

Thank you,

Stephen Whittaker, MA

503-547-8686 phone