Eric A. Dover, M.D.

1615 Cloverleaf Rd.

Lake Oswego

Oregon 97034

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Eric A. Dover, M.D., ) No. 13-36183

)

Plaintiff-Appellant,)

) AFFIDAVIT OF ERIC DOVER, MD

v. ) CONCERNING THE ABSENCE OF

) FOURTEENTH AMENDMENT

Kathleen Haley, J.D., et al, ) EQUAL PROTECTION

) GUARANTEES AFFORDED

Defendants-Appellees.) BY DEFENDANTS

I, Eric A. Dover, M.D. being above the age of 18, do hereby say as follows:

1. I am a Citizen born in the United States, and I reside in Lake Oswego,

district of Oregon.

1. I am a graduate of a premier medical university, UCLA in California, and

hold a degree of Doctor of Medicine.

1. I was employed as a Doctor of Medicine for 25 years for various entities

both in California and Oregon prior to deprivation of my physician

license in January 2011 by Defendants-Appellees.

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1. I did not commit any criminal act or misdemeanor in my entire career as

medical doctor or doctor of medicine.

1. I am a Plaintiff-Appellant in the above federal entitled Court action

under 42 U.S.C. 1983, against the Oregon Medical Board (“OMB”) and

those referenced OMB defendants, including other State employees

defendants therein.

1. I say and declare that **James F. Calvert, MD**, a Family Physician as

myself, in the 2010 time frame, caused the death of at least one of his

patients and almost caused the death at least one of his patients as a

result of his remarkably poor medical care documented by OMB public

records. These records were presented to the Oregon District Federal

Court as an exhibit in my Response to defendants request for dismissal

of the case or summary judgment. These records also document

extremely poor medical care afforded to other patients by Dr. Calvert.

1. Furthermore, an **Interim Stipulated Order** (see, **Exhibit-AA)** was issued

by the OMB and Dr. Calvert signed the Order on January 13th, 2011.

His signature is above the date, but the 2011 below is X’ed out and

2012 is written to the right of it with no initials or other documentation

as to who was responsible for changing the year or when.

1. Furthermore, Kathleen Haley, the Executive Director of the OMB signed

the Order January 18th, 2011. Her signature is also above the date, but

in this case a 2 is written over the last 1 to change it to 2012; again with

no initials or documentation for who was responsible for this change

and on what date.

1. I further say and declare that my paper copy of the Order was

downloaded January 16th, 2012, two full days prior to Kathleen Haley’s

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supposed signature that is associated with an altered date, as

evidenced at the top of **Ex.- AA** and presented to the lower Court.

1. I furthermore say, that the Order stated that Dr. Calvert was disallowed

from prescribing Schedule II or narcotic drugs to any new patients, but

was allowed to continue prescribing them to his current patient

population and all hospital patients, even though the OMB knew and

was fully aware of his problems in prescribing these medications and his

medical decision making.

1. I furthermore say, that this Appellant is at a loss as to these

inconsistencies and why the lower Court would ignore such grave

concerns and professional dereliction which would impact the public

safety.

1. I further say and declare that a **Complaint and Notice of Proposed**

**Disciplinary Action** (see, **Exhibit-BB**) regarding Dr. Calvert was signed by

the OMB April 5, 2012. It is no longer available to the public although it

has been in the past and contains important information regarding the

OMB’s knowledge of Dr. Calvert’s case.

1. I further say, that on July 12, 2012 Kathleen Haley signed and on June

19,2012 Dr. Calvert signed and entered into a **Stipulated Order** (see,

**Exhibit-CC**) with the OMB which evidences Dr. Calvert’s egregious

patient mismanagement and dreadful outcomes relative thereto.

1. I further say, that the Order demands Dr. Calvert pay a $5,000.00 fine

in 60 days, to enroll in and successfully complete courses in chronic pain

management and rheumatology within one year, probation for five

years and to report to quarterly OMB meetings.

1. I further say, that on July 12, 2012 the OMB issued an **Order**

**Terminating Interim Stipulated Order** (see, **Exhibit-DD**) signed by OMB

Chair Dr, W. Kent Williamson, closed the investigation **and Dr. Calvert**

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**was allowed to return to unrestricted medical** **practice** without

proctoring, without completing remedial courses and without having

had any follow up with OMB.

1. I further say, that I am at a loss as to OMB consistency, decision making

and how OMB’s goal of public safety is met in such a catastrophic

situation.

1. I say and declare that **Darryl Brett George, DO,** a Family Physician as

myself, signed an **Interim Stipulated Order** (see, **Exhibit-EE**) September

5, 2001 as a result of an OMB investigation opened February 24, 2000 in

response to a complaint from one women regarding an inappropriate

physical exam and from another woman for unprofessional conduct.

1. I further say, that on November 15, 2001 a **Complaint and Notice** was

filed against Dr. George by the OMB that is not publicly

available – OMB offered protection from deprivation of his license, but

they filed a Complaint and Notice against me with devastating

consequences including loss of my license.

1. I further say, that on August 1, 2002 Dr. George entered into a

**Stipulated Order** (see, **Exhibit – FF**) with the OMB, whereas OMB never

entered into a Stipulated Order with me, but instead wanted to deprive

me of my license by any means.

1. I further say, the Stipulated Order states that in November 1999,

Dr. George who was 41 years old at the time began treating a 25 year

old female for anxiety, depression, dependency issues and epilepsy.

1. I further say, they became sexually active in September 2000 for the

next six months during which time Dr. George provided her with alcohol

and other psychoactive addictive drugs. Dr. George allegedly

counseled her to not discuss their relationship with the OMB.

1. I further say, it is stated in the Order that a second patient was

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examined only with panties on, fully exposed and without a chaperone

by Dr. Darryl George.

1. I further say, that Dr. George was placed on probation for 10 years,

fined $5000.00, given a 90 day suspension, required to have a

chaperone with female patients, undergo psychological evaluations

biannually, routine psychotherapy, quarterly polygraphs and meetings

with the OMB, and 20 hours of continuing medical education regarding

patient/physician boundaries – **but curiously no license deprivation.**

1. I further say, that in 2010 two individuals, one of whom had worked as

chaperone and office staff for Dr. George, and another who was his

patient, complained to OMB about his cocaine use at and outside of

work place and inappropriate sexual behavior, and gave OMB additional

names and phone numbers of other individuals who could also verify

their claims. Dr. Darryl George allegedly offered the staff member

cocaine. OMB allegedly contacted these individuals, and after speaking

with them, stated OMB could do nothing about their concerns. see,

**Exhibit-GG.**

1. I further say that Dr. Darryl George is presently allowed to practice

medicine without restrictions – while OMB has deprived me of my

license in violation of the Equal Protection of the Laws

1. I further say, that I am at a loss as to OMB consistency, decision making

and how OMB’s goal of public safety is met in light of such serious

concerns.

1. I say and declare that **Robert Jerome McQueen**, a Family Physician as

myself, signed a **Corrective Action Order** on April 27, 1998 which

commanded him to see a mental health professional, reduce his work

hours and have a physician monitor until July 11. 2002 for unspecified

reason(s), but never revoked his license as they did to myself.

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1. I further say, that on February 16, 2001 the OMB issued a **Complaint**

**and Notice** against Dr. McQueen that is not publicly available.

1. I further say, that on May 17, 2001, Dr. McQueen entered into a

**Stipulated Order** (see, **Exhibit-HH**) with the OMB regarding an alleged

“inappropriate boundary violation” regarding a patient/physician

relationship because he married a woman he had known socially since

1991, cared for medically along with her children since 1992 and then

married in June of 2000 after his wife died of breast cancer in May 2000

which initially was diagnosed in 1995 – and of course, he was allowed to

continue his medical practice, but OMB afforded no such graces to me.

1. I further say, that Dr. McQueen was “reprimanded” , had one year to

complete a course on physician/patient boundary issues and was to

continue seeing a mental health professional.

1. I further say, that on July 11, 2002, the OMB issued an **Order**

**Terminating Corrective Action** and on November 7, 2003, an **Order**

**Terminating Stipulated Order** was signed by the OMB – but OMB would

not offer me any such leniencies.

1. I further say, that on January 12, 2007, the OMB issued a **Complaint**

**and Notice** (not publicly available) for Dr. McQueen, for violations of

the Medical Practice Act related to unprofessional conduct, failing to

report a new office address and refusing an “invitation” to appear for

an “informal” interview before the Board.

1. I further say, that on September 4, 2008, Dr. McQueen entered into a

**Stipulated Order** (see, **Exhibit-II**)with the OMB which reviewed eight of

his patient charts and then accused him of writing false entries and

diagnoses into patient’s charts prior to seeing the patient, falsely stating

he had done a complete exam, illegible chart notes, complete exams

noted when not medically necessary and on occasion failed to note the

antibiotic dosage

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1. I further say, that the **Stipulated Order** states Dr. McQueen was

“reprimanded”, placed on probation for five years, had 30 days to enroll

in the Oregon Medical Association PEER program and two years to

complete it and was to complete a course in medical charting and

Family Practice – but he was allowed to continue to practice medicine.

1. I further say, that on January 12, 2012, the OMB signed an **Order**

**Terminating the Stipulated Order**. see, **Exhibit-JJ**.

1. I further say what is most concerning about OMB cases is inaccurate

and deceptive investigations and reports by OMB, documenting what

“supposedly” occurred, and that each physician is **forced to sign a**

**“statement of guilt”** under duress or go on to a hearing which, without

Notice, Due Process or Equal Protection of the laws, physicians will

ultimately lose their license and ability to practice their profession

**forever**, while others like Dr. Calvert and Dr. George are being

protected.

Further, affiant sayeth not.

Dated this 25th day of March, 2014

Respectfully submitted,

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ERIC A. DOVER, M.D.

In Pro Se

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**Notarization**

STATE OF OREGON )

) ss:

County of Clackamas)

SUBSCRIBED and sworn to before me: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

a Notary Public in and for the State of Oregon, in the County of Clackamas, on this

22nd day of March, 2014.

Notary Public Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission expires on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Seal of Notary Public:

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