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Re: Case #1001461

Dear Judge John Mann,

I appreciate the time you spent with me on the phone recently. As a physician who practiced 25 years without incident, I remember how important it was to take the time to listen to patients. Their story alone typically accounted for 75% of my medical decision making.

I am filing a Complaint and **requesting a judicial review** regarding Administrative Law Judge (ALJ) Rick Barber for **unprofessional conduct, gross negligence, disregarding the Oregon Code of Ethics for ALJs and failing to honor his oath of office to uphold the Federal and State Constitutions**. He presided over my unconstitutional license revocation trial, which masqueraded as a “hearing”, for the Oregon Medical Board (OMB) in September 2010. At the end of this letter are listed the specific Constitutional laws and Codes of Ethics that Judge Barber **mindfully chose to ignore and violate** during my “hearing”. First let me address what occurred at the “hearing” under Judge Barber’s “supervision”.

ALJ Rick Barber **allowed, and seemingly encouraged,** **perjury multiple times** during my “hearing”. He allowed the Complainant in my case to state under oath that he presented 1 ½ inches of medical records on his only visit with me in January 2008. It took two years to get 11 pages of the Complainant’s medical records, none of which I had seen prior. The afternoon before my “hearing”, my lawyer was faxed two pages of lab results I had never before seen. By then, medical records had been requested for almost three years, yet only 13 pages of medical records were ever produced by the patient/Complainant and the OMB. Still, the Complainant and the OMB persisted in falsely stating that I refused to review 1 ½ inches of nonexistent records. **There were no concerns expressed, questions asked or argument made by Judge Barber regarding the Complainants’ inconsistent testimony.**  **Judge Barber never required the Complainant or the OMB to produce these “supposed records” or explain their nonexistence. Nor did he mention this extreme discrepancy in his Proposed Order**. Judge Barber simply accepted the Complainant’s and the OMB’s perjurious statement that I had refused to review the patient’s medical records. The OMB knew for three years that the Complainant had nowhere near 1 ½ inches of records, but still used this lie to attack me and Judge Barber allowed it.

Additionally, **Judge Barber made no mention in his Proposed Order** that the Complainant, while under oath at my license revocation trial, tried to falsely pass off two more sets of the 13 pages of medical records that we already had in our possession as the rest of the 1 ½ inches of “missing” medical records. The Complainant, over a three year period, produced a total of 13 pages of medical records, which is less than 1/16 inch of paper. Where were the rest of the supposed 1 ½ inches of medical records he alleged he gave me and that he alleged I refused to review? I have never refused to review a patient’s records no matter how voluminous. I reviewed patient’s records for free frequently throughout my now destroyed career, even when multiple files, each inches thick, were presented. **Judge Barber allowed the Complainant and the OMB to commit blatant perjury in a closed door trial without a jury. This should be of grave concern to Oregonians.**

As I wrote multiple times to the OMB, and stated under oath twice, the only records the Complainant brought to me were two Urgent Care visits. These two documents were not copies, but were the original paperwork from the supposed Urgent Care visits. The diagnosis for both visits was acute gout. Only an anti-inflammatory medication, Indomethicin, was prescribed. There was no follow up recommended, no medical evaluation performed or recommended, no other medication prescribed, and no referral to a specialist given at either of these two visits. These two Urgent Care records have not been seen since my January 2008 encounter with the Complainant. My concern of **forgery** of medical documents was presented to the OMB prior to my license revocation trial. **Judge Barber was also presented with this serious concern during my “hearing”, yet he made no mention of it in his Proposed Order**.

The Complainant committed **perjury** in Judge Barber’s Court when he stated under oath that I had ordered an x-ray of his wrong foot. The Complainant stated his left foot should have been x-rayed. I ordered an x-ray of his right foot and two other joints as he had requested. After the x-rays were performed, the Complainant never mentioned to me, the radiologist, the x-ray tech or any staff that the wrong foot had been x-rayed. If he had it would have been remedied immediately. When the Complainant’s eleven pages of medical records were eventually received after being requested for two years, they divulged that his last three office visits in 2001, 2006 and 2007 were for **right foot pain only.** The 2001 visit was for right big toe pain and swelling. The 2006 and 2007 office visits were for vague right mid-foot pain with no abnormalities noted on either exam. Out of six office visits over a 20 year period there were none that mentioned anything about left foot pain or any other joint/extremity pain or problems. The OMB was well aware I hadn’t x-rayed the wrong foot, but persisted in persecuting me with this obvious lie and ultimately used it as another reason to revoke my license. **Judge Barber made no mention of this significant inconsistency in his Proposed Order**, **but instead accepted the Complainant’s and OMB’s perjurious statements that I ordered an x-ray of the wrong foot.**

The Complainant committed **perjury** at my “hearing” when he stated I told him to take a medication he claimed he was allergic to. The medicine was Allopurinol which had been prescribed to him by his physician just a few weeks prior to seeing me. This was discovered when his eleven pages of medical records were received after two years of requesting them. Of note, there was nothing in his records that noted any adverse reaction to Allopurinal. At the nonprofit, I did not prescribe or make any medical recommendations to patients I evaluated for the Oregon Medical Marijuana Program (OMMP). After the Complainant told me he had taken the Allopurinal and had an “allergic reaction”, he was asked to show me his prescription bottle. He was unable to produce it because he supposedly had thrown it away after his undefined “allergic reaction”. When I offered to call the pharmacy he had supposedly received the Allopurinol from just a few weeks prior, he couldn’t remember which one it was. My lawyer, for months prior to my license revocation trial, had requested any information regarding medications the patient had received, in particular Allopurinol. In a curt letter from Assistant Attorney General Warren Foote, who was and still is legal counsel for the OMB, he stated he would not allow Discovery of that information or any other information my counsel had requested. **Warren Foote denied Discovery and Judge Barber was complicit in that decision.** Surprisingly, the day of my “hearing”/license revocation trial, the Complainant was able to produce a bottle of Allopurinal he supposedly had tossed three years earlier. It looked brand new. It was from a pharmacy that had stated in writing to me, that they had never filled a prescription for this patient/Complainant. Judge Barber was given a copy ofthis pharmacy document during the “hearing”. **Again, no concern was expressed by Judge Barber regarding this remarkable discrepancy during the “hearing” and no mention of it was made in his Proposed Order.**

**Judge Barber allowed Dr. James F. Calvert**, the OMB’s supposed “expert” witness in rheumatology, chronic pain treatment and chart review, **to commit** **perjury** throughout his testimony. Dr. Calvert, under oath, presented himself as an “expert” in these three medical disciplines even though he and the OMB knew he wasn’t. Dr. Calvert was a rural Family Physician with no special training in these specialties other than what any Family Physician receives. **Dr. Calvert’s lack of expertise was made quite clear to Judge Barber**. Judge Barber was presented with textbook chapters from “the Bibles of Internal Medicine”, such as Harrison’s and Cecil’s, and writings from websites such as Boston University’s. All these medical documents were written by world renowned experts in these medical specialties. These expert’s writings were in complete contradiction to Dr. Calvert’s testimony. **There was no mention of this in Judge Barber’s Proposed Order**

My legal counselor’s questioning of Dr. Calvert also clearly exposed his lack of expertise in these specialties. An example of this was when Dr. Calvert was being questioned about medication treatment for gout. The drug Uloric was brought up. At the time, Uloric was the first new drug in 40 years for the treatment of gout and had been on the market for 18 months. **Dr. Calvert was completely ignorant of this medication and totally unaware of its existence.** I was stunned. For 18 months prior to my “hearing” there had been heavy TV, medical journal and drug representative advertising of Uloric. Dr. Calvert stated under oath he was an “expert” in gout diagnosis and treatment, yet he knew nothing of this drug. I had participated in two seminars over that 18 month period regarding inflammatory joint disease, and Uloric was discussed in depth at both. An expert would have been aware of this medication before it went to market instead of being completely oblivious to it after 18 months on the market. **Why is this not noted in Judge Barber’s Proposed Order?**

Dr. Calvert supposedly reviewed all records involved in the investigation of my case, including five additional patient charts requested by the OMB from the nonprofit clinic. The patients that came to the clinic, for the most part, were extremely ill. Of these five patients, one had AIDS and cachexia, one had chronic low back pain and lower extremity symptoms after 3 failed back surgeries, two had Multiple Sclerosis (MS), and one had terminal metastatic colon cancer. [The OMB later requested charts from my private office, but seemingly found no fault in them because nothing more was ever said about them by the OMB, Warren Foote or Dr. Calvert.] These very ill patients, many who were forced to suffer through a drive of up to 5 hours one way, were forced to see me because their own physicians wouldn’t sign their OMMP Physician Statement form. Some physicians didn’t sign because they were opposed to the program and therefore withheld a “legal” treatment from their patients. Others didn’t sign the patient’s form because they feared OMB retaliation and loss of their license. Some patients just weren’t in a position to ask their physician because they feared possibly losing them with their request. Dr. Calvert reported to the OMB that I had reviewed one of the five charts incorrectly and that one patient didn’t have MS as I had written as the patient’s diagnosis. During my OMB Investigative Committee interrogation, and later at my “hearing”/license revocation trial, I was accused of having reviewed the patient’s chart incorrectly. This patient had about 3” of medical records. Her Primary Care physician and specialists all stated she had MS. All her radiological studies were interpreted as being consistent with MS. At the end of the “hearing”, Warren Foote stated to Judge Barber that Dr. Dover was correct in his review of the patient’s chart and that she did have MS. **Judge Barber made no mention in his Proposed Order of this and other serious discrepancies regarding Dr. Calvert’s testimony. Judge Barber rejected all evidence which openly exposed the lack of credibility regarding the OMB members, who had also supposedly reviewed these records, and their supposed “expert” witness, Dr. James F. Calvert.**

**Three weeks after my “hearing”, Dr. James F. Calvert’s “expertise” was dramatically called into question.** There was a complaint made to the OMB regarding his medical care. Subsequently, there was at least one additional complaint made to the OMB. Ultimately, Dr. Calvert was found to have grossly misdiagnosed rheumatological disorders in multiple patients. In addition, he was found to have grossly mismanaged patient’s medications, including their acute and chronic pain management. This resulted in **at least one death and at least one near death**. One patient Dr. Calvert diagnosed with seronegative rheumatoid arthritis. He prescribed her opiates, medical cannabis, methotrexate, prednisone and other medications for about 18 months before she was finally sent to a rheumatologist. The specialist stated the patient didn’t have seropositive or seronegative rheumatoid arthritis. Dr. Calvert didn’t agree with the specialist so he continued to treat her for rheumatoid arthritis with the same drugs, most of which were extremely dangerous. These were the same medical disciplines, rheumatology and pain management, that Dr. Calvert was supposedly an “expert” in according to himself, the OMB and Warren Foote. The OMB most likely withheld this knowledge from Judge Barber, but even so, it was evident during my “hearing” that Dr. Calvert’s medical knowledge was severely deficient. **Judge Barber should easily have picked this up during the hearing considering what was presented to him, but again, no mention of these irregularities in his Proposed Order**.

The shame of it all is that my medical license was revoked for telling a patient that he needed further evaluation and treatment of a non-acute, non-life threatening “possible” medical concern. Dr. Calvert’s medical care on the other hand killed at least one patient and at least almost one other, yet his medical license was fully reinstated before he had satisfied any remediation requirement set forth by the OMB. Dr. Calvert’s “remediation” consisted of a fine of $5000 and to take some “brush up” courses in rheumatology and chronic pain.

**ALJ Rick Barber** **condoned** **hearsay multiple times** from the OMB, OMB investigator Jay Drum, OMB legal representative Mr. Warren Foote and the Complainant. Supposedly, Oregon law “allows” hearsay to be submitted at these proceedings. That law is unconstitutional. It is my understanding that we are the only State in the U.S. that allows unconstitutional absurdity of this nature. **Judge Barber has taken and signed an oath to uphold the Constitution and is therefore compelled not to allow unconstitutional laws, such as the use of hearsay,** **in his court**. Citizens have a constitutional right to cross examine witnesses during a trial which is what my “hearing” actually was. Hearsay was submitted and allowed during my license revocation trial from the Complainant’s wife and the patient whose chart was supposedly involved in a mix up with the Complainant’s chart. Without the ability to cross examine these individuals, there is no ability to verify the validity of the hearsay. This is not due process. **Judge Barber used this hearsay “evidence” against me in his Proposed Order.** This is not the American form of justice I was led to understand since I was young.

Instead, Judge Barber focused on and blamed me in his Proposed Order for a supposed mix up of the Complainant’s records with another patient’s records at the nonprofit clinic. The nonprofit clinic’s staff certainly could have made this mistake while the Complainant was causing a ruckus as a result of his OMMP form not being signed. Judge Barber agreed with the OMB that I was responsible for this “supposed” error, because the physician is responsible for everything that occurs in any situation, even if you are an independent contractor as in my case. I worked as an Independent Contractor once a month for this nonprofit clinic in Medford and had no other involvement at any level with them regarding the function of their clinic or nonprofit. It’s not even known for certain if this mix up even actually occurred because this “evidence” was presented as “hearsay”. In fact, the evidence that was available regarding this allegation suggested that the Complainant probably took the other patient’s paper work purposefully and then tried to pass it off as his own. If there was a supposed mix up of charts then why didn’t the other patient have the Complainant’s paperwork? If this patient didn’t have it, then the Complainant should have had it, yet this paperwork disappeared forever. This was clearly presented to Judge Barber. **Judge Barber allowed unsubstantiated hearsay in his court which was ultimately used against me by him in his Proposed Order and by the OMB to revoke my license. Judge Barber abolished the right to cross-examine witnesses with his allowance of hearsay. This is a clear constitutional violation which did great harm at so many different levels to my family and me. And again, none of these serious concerns were noted in Judge Barber’s Proposed Order.**

For three years I was accused by the OMB and Dr. James F. Calvert of failing to recognize that the Complainant had “severe long term gout recalcitrant to treatment”. **It was made extremely clear to Judge Barber during my license revocation trial** **that the Complainant didn’t have “severe long term gout recalcitrant to treatment”**, if he actually ever had gout. The Complainant’s eleven pages of medical records revealed one office visit (out of a total of six office visits) in 20 years that may possibly have been an acute gout episode. That office visit was in 2001. As noted above, the Complainant had an office visit in 2001, 2006 and December of 2007 for right foot pain. There was essentially no evaluation for whatever medical problem, if any, he may have had at any of these visits. The Complainant had a single medicine, Allopurinal, prescribed (more like thrown at him) at his December 2007 office visit. It was prescribed without medical justification just weeks prior to the Complainant seeing me per his medical records that were finally obtained after requesting them for two years. It is unknown whether the Complainant actually took a tablet of Allopurinal and had a reaction to it, because there is no medical documentation to substantiate it. He stated the day I saw him that he couldn’t produce the medication bottle filled just a few weeks earlier because he had "thrown it out” secondary to the “allergic reaction” he had to it. He also couldn’t remember which pharmacy he had filled his prescription at when I offered to call them to verify it. I ordered x-rays of three different joints that the Complainant stated were severely affected by gout for 20 plus years the day I saw him. The radiologist read the films as **normal** except for some very minimal age expected osteoarthritis. **This information/evidence was clearly presented to Judge Barber.** **Once again, no mention of these discrepancies in Judge Barber’s Proposed Order.**

Judge Barber was also made well aware at my “hearing” that the Complainant had a problem with excessive beer consumption (alcoholism). Excessive beer consumption was twice noted in his medical records (2 of 6 office visits). Judge Barber was explicitly informed that beer is one of the biggest triggers for patients who have gout. The OMB and Dr. Calvert were quite upset by my signing an OMMP Physician Statement form for a Multiple Sclerosis patient and stated such during my “hearing”. [The OMMP form states nothing more than that cannabis may be helpful for a patient’s medical condition and twice notes it is not a prescription for cannabis.] They stated that their concern was she had used cocaine and alcohol on occasion in the past. At the time I saw her she had not used cocaine for 20 years and had had no alcohol for three years. The OMB, Warren Foote and Dr. Calvert argued against me for signing the MS patient’s OMMP form before and during my “hearing”, yet they, along with **Judge Barber, expressed no concern regarding the Complainant’s excessive beer consumption and the subsequent addition of marijuana for a nebulous, undefined medical concern.** This is not only hypocritical, it’s bad medicine. **Again, none of this is noted in Judge Barber’s Proposed Order.**

I was also accused for three years by the Complainant, and as well the OMB, of not conducting an exam the day I saw him. The Complainant committed **perjury** once again at my “hearing” stating this lie under oath. I did do an exam of his joints and noted no abnormalities, but all documentation of this was lost when the Complainant removed all his paperwork without anyone’s knowledge from the nonprofit clinic that same day. That paperwork was never seen again. When the Complainant’s previously unseen medical records were finally received it was discovered that his physician had noted no abnormalities on a physical exam in December 2007. This was just weeks prior to the Complainant seeing me in January 2008. Dr. Daryl George signed the Complainant’s OMMP form about two weeks after I had seen him. Dr. George used an exam form for documentation that was no different than what the nonprofit I helped was using. **There was no documentation of any joint exam by Dr. George on his exam form; in fact where it states “Musculoskeletal (MS)” on the exam form he only notes that the Complainant is right handed and that his gait was within normal limits (WNL). Under “MS” on the exam form is the sub exam word “Joint” which was crossed out, so I can only assume that no exam of the patient’s joints were done**. The Complainant was diagnosed by Dr. George as having “chronic severe gout” for 20 plus years, so there should have been very noticeable physical abnormalities seen on exam. Examples of chronic severe gout were shown to Judge Barber by way of photos and x-rays during my “hearing”. In addition, **Dr. George made no note of the Complainant’s beer consumption** and he gave no instructions to the Complainant to completely avoid all alcohol. The OMB was concerned about my charting and the forms used, but no concern regarding Dr. George’s documentation. This evidence was presented during my “hearing”, **but** **no concern or mention of this was made in Judge Barber’s Proposed Order.**

Judge Barber was made aware that Dr. Darryl George prompted, and then helped the patient make a complaint against me to the OMB after he wrongly signed the patient’s Physician Statement form for the OMMP. Dr. George was already in serious trouble with the OMB for years because of having had sexual relations with patients. He had written a complaint to the OMB making outlandish statements about the nonprofit clinic and me as I later found out when I read the letter he had sent the OMB. None of what he wrote was true. The OMB responded in a letter to Dr. George that he needed to find a patient to make a complaint against me. Some months later he did just that. It was brought to Judge Barber’s attention that a complaint had been made in early 2010 to the OMB regarding Dr. George by his former chaperone for female patients (this was required after his sexual misconduct with female patients). She stated in her complaint to the OMB that Dr. George was using cocaine in and outside of his clinic, that he had offered her cocaine at and outside of the medical office and that patients frequently noticed and commented on the white powder around his nose. He was also still being sexually inappropriate. As she stated in her complaint, Dr. Daryl George was at a staff party function drugged up on cocaine and marijuana masturbating in front of everyone in the hot tub. There was a second complaint sent to the OMB by a female patient of Dr. George’s who also witnessed him using cocaine at his office with other individuals that worked and hung out there. OMB investigator Jay Drum, who was the investigator in my case, spoke with both these women and was given the names of others who witnessed these same behaviors of Dr. George’s. The OMB quickly dismissed the concerns of these two women who made complaints and sent them a letter stating nothing further could or would be done regarding Dr. George. Why wouldn’t the OMB be extremely concerned about a physician using cocaine, offering it to others and inappropriately acting out sexually in front of others when he is already known as a sexual deviant who had previously preyed upon female patients in his practice that were psychologically unstable? It just doesn’t add up. Why did the OMB protect Dr. George? For some reason, they badly wanted to destroy my career and I had done nothing. Dr. George never had his license revoked and he was obviously seriously mentally unstable and a drug abuser/addict. **Judge Barber had this same evidence presented to him during my license revocation trial, yet he uttered nothing regarding these grave concerns and again mentioned none of it in his Proposed Order.**

**Bullying and name calling were allowed and even joined in by ALJ Rick Barber during my license revocation trial.** An example is ALJ Barber allowing Mr. Warren Foote to call me a scofflaw. I hadn’t flouted any laws nor was the “hearing” about me breaking any laws. This was extremely psychologically abusive, yet Judge Barber allowed this and other abuses during my “hearing”. I certainly wasn’t allowed to call anyone names nor would I. During my “hearing”, Judge Barber made open verbal statements of his opinions. He made unsubstantiated allegations about a witness’ credibility regarding her testimony of what occurred at the clinic the day I saw the Complainant. His remarks were made during her testimony by phone without Judge Barber even re-listening to or critically evaluating her testimony. **In his Proposed Order he did not attend to the facts of the case but instead chose to castigate and assassinate the character of my witness, my lawyer and me.**

**My confidentiality was broken by the OMB on three separate occasions**. They sent confidential letters in each instance to a nonprofit’s office where multiple volunteers opened and read each letter. The first time this occurred I phoned the OMB. The second time I sent a letter. Still, my confidentiality was broken a third time, even though twice previously they told me it wouldn’t happen again. At that point I contacted the Governor’s office. They responded by letter that the OMB blamed me for the loss of my confidentiality on three different occasions because I had supposedly not kept an updated office address with them. This was absolute nonsense and an outright lie by the OMB. I had been at my same office address for over six years. I had received my license at that address every two years on at least three different occasions, the last one being just four weeks prior to the first time my confidentiality was broken. Each license had my office address on it. **Judge Barber was well aware of this sinister behavior, but made no mention of it in his Proposed Order**.

**Judge Barber, like the OMB, purposefully ignored the Oregon State Medical Marijuana laws.** These laws specifically state that a patient can see any physician regarding the signing of their Physician Statement form for the OMMP. Patient’s typically had to see someone other than their own physician(s) because their physician(s) wouldn’t typically sign their form for reasons noted above. The law states that a physician is required only to review the patient’s records and do an appropriate physical for the medical problem prior to signing the form. As previously noted, the Physician Statement states only that cannabis may be helpful for the patient’s medical condition, what the patient’s medical condition is and twice notes in bold letters at the top and bottom of the form that the form is not a prescription for cannabis. Warren Foote throughout the license revocation trial repeatedly stated that I had prescribed patients medical cannabis. **Judge Barber did nothing to stop Mr. Foote’s obvious slanderous attack against me.** He allowed Mr. Foote to continue his inappropriate language even after being informed of its purposeful misuse multiple times by my counsel. The OMB and Mr. Foote made up their own interpretation and requirements of the Medical Marijuana laws as they went along, deviating greatly from the simple, straight forward language of the laws as was intended and as was presented to Judge Barber. The State is who “prescribes”/ allows the patient to have medical cannabis. The department which oversees the OMMP never had any concerns regarding my paperwork for their program. **This was presented clearly to Judge Barber, but once again, no mention of any of this in his Proposed Order.**

Judge Barber signed a Motion for Protective Order in August 2010 based upon wild, unsubstantiated allegations made by Mr. Warren Foote. Firstly, these allegations were untrue. Secondly, he signed this Motion without my counsel having any chance to address it. **Judge Barber admitted during my license revocation trial that he had made this mistake and apologized to my counsel, yet he still used unsubstantiated hearsay alluded to in his Motion against me in his Proposed Order. He certainly made no mention of his mistake in his Proposed Order**, though it’s on the tapes of the “hearing”.

Directly after my license revocation trial/”hearing” finished, **ALJ Rick Barber and Assistant Attorney General Warren Foote walked together by themselves into a private room and had a face to face meeting alone.** My counsel and I were both witnesses to this occurrence. Whether the two were later joined by OMB administrators such as Kathleen Haley or by Board members is unknown, but being that the license revocation trial was held at the OMB office, it would not surprise me. This wasn’t a privilege either my counsel or I was afforded. It’s unfortunate the leaders of Oregon have, and still do, allow unethical and unconstitutional behavior in Oregon government as they all hide behind their “cloak of absolute immunity”.

**Judge Rick Barber condoned the complete absence of discovery, unequal protection of the law and due process during my license revocation trial.** Judge Barber was supposedly there to impartially hear and to justly administer my case, not oversee an unconstitutional “hearing”. All above mentioned improprieties, and there are more, were taped at the hearing, but none were mentioned in Judge Barber’s Proposed Order. His Proposed Order is nothing but character assassination with no semblance of what truly occurred at my September 2010 “hearing”. Judge Barber does nothing more in his Proposed Order than repeat what the OMB had already written about me prior to my “hearing”, except he added a large helping of subjective character assassination. He lifted statements out of context from questions I was forced to answer by the OMB without the aid of any medical documents. He used information from the OMB that was based upon little, if any, real investigation and a review of medical documents by the medically incompetent Dr. Calvert. My family and I have lost everything as a result of Judge Barber’s, Warren Foote’s and the OMB’s unconstitutional, criminal behavior and their lack of competent work.

**OMB “hearings” are shams.** They are nothing but unconstitutional trials done in private with the intention to revoke a physician’s license. Actually, an ALJ is not even needed at these license revocation trials. You’re just an added expense to the physician’s fine, which along with no income and significant legal expenses, ultimately sends the physician into bankruptcy and destroys their family. Your opinion means nothing regarding the OMB’s final decision. The ALJ is their only to give the illusion of fairness and justice. Complaints to the OMB are easily and anonymously made against doctors, yet there is no system in place to lodge a complaint against the OMB. I and many other physicians have contacted State Senators, the DOJ, the Secretary of State and the Governor’s office and no one cares or seems willing to address the problem. As a result, I no longer have faith in Oregon government or its justice system. They all seem, ALJ Barber included, incapable of upholding and protecting citizens constitutional rights. If you think I am a lone voice regarding the OMB dysfunction and tyrannical behavior you would be mistaken. I can easily connect you with a plethora of physicians who have been unjustly destroyed by the OMB without any regard for them or their family’s financial and psychological well being. I can also provide you with names of many physicians who have been unjustly protected by the OMB such as Dr. Calvert and Dr. George mentioned above. The OMB’s “supposed” mission of protecting the public from “bad” physicians is nothing more than an empty statement used to cover their illegal behaviors and criminal intent.

**The revocation of my license in Oregon has resulted in me not being able to practice medicine anywhere in the world forever**. That’s a harsh reality for a respected, diligent, compassionate physician of 25 years who went out of his way to help the poor, uninsured, and needy. A small nucleus of bureaucrats, along with a small group of ignorant, authoritative physicians who act as a rubberstamp for the misinformation they are fed, are destroying excellent physicians in this State. Our families are destroyed. All the time in school and residency, all the money spent on education and all the time we gave up in life that we should have spent on our family, friends and our own well being is flushed down the drain without a hint of concern from the OMB or Oregon governmental servants. This occurs because there is no oversight of the OMB and no Ombudsman for physicians to turn to. In reality, there is no legal protection for physicians because lawyers fear for their own license going up against such a vindictive board. All lawyers who represent physicians in front of the OMB instruct them to agree to all charges leveled against them by the OMB and to do whatever the OMB tells them. They are told that if they put up any argument to protect themselves from false allegations, they will be labeled as arrogant and have their license revoked. Physicians are forced to sign statements of guilt put together by the OMB whether they be true or not, just as prisoners of war were forced to do in the Vietnam War. When a physician is **forced to sign this “statement of guilt”** (if they don’t sign they lose their license), they also sign away any ability to legally challenge the OMB in the future. Now Executive Director Kathleen Haley, along with others at the OMB, is working to make it such that the OMB stands completely autonomous from any governmental entity. If this occurs, the situation for physicians will only worsen in Oregon. Oregon is already getting a reputation nationally as a State not to practice medicine because of the OMB’s draconian attitudes towards physicians, their humiliating treatment of physicians and the fact that they destroy so many physician careers forever. I know this to be true because of my national discussion with physicians. **At this juncture, it is my personal goal to keep physicians out of this State to protect their careers and family from the tragic outcome I and others have suffered at the hands of an out of control Medical Board.**  I will not discontinue my warnings until there is definitive remediation of how the OMB operates, my license is reinstated, my name is removed from the National Practitioner Data Bank and I am monetarily remunerated for the damage done to my career, my family and myself.

I have a website, **drdovervsomb.weebly.com**, which documents in detail my entire experience with the OMB. It contains a significant number of documents that substantiate everything I have written here and much more. I encourage you to contact me if you need additional documents or if you have any questions.

You stated in our phone conversation that you have a tape of my two day “hearing”. I requested a copy from the OMB about two years ago, but they refused. **I am making a formal request of you for a copy of this tape.**

Respectfully,

Eric Dover, M.D.

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**Federal Constitutional Rights Violated by Judge Rick Barber**

The **5th Amendment of the Constitution,** *“nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”*

The **7th Amendment**, *“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”*

The **8th Amendment**, *“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

The **14th Amendment**, **Section 1**, *“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

**State Constitutional Rights Violated by Judge Rick Barber**

**Section 10. Administration of justice.** *No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.—*

**Section 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case.** *Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.—*

**Section 33. Enumeration of rights not exclusive.** *This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.—*

**Section 3. Oaths of office.** *Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.—*

**ALJ Code of Ethics Violated by Judge Rick Barber**

In the Forward of the **ALJ’s Code of Ethics** it’s stated, *“It [Code of Ethics] is* ***aspirational*** *only, and describes the standards of professionalism which every Administrative Law Judge in Oregon’s Office of Administrative Hearings should strive to achieve.”* Wow, can we set the bar any lower? For physicians, integrity of ethics isn’t an aspiration, but an **absolute** **requirement** as it should be for Mr. Barber and all ALJs.

Under MAINTAINING THE INTEGRITY OF THE ADMINISTRATIVE HEARINGS PROCESS, it states:

*1-101    (A) An Administrative Law Judge shall* ***observe high standards of conduct so that the integrity, impartiality and independence of Oregon’s administrative hearings system is preserved****, and shall act at all times in a manner that* ***promotes public confidence*** *in the conduct of administrative hearings as a part of state government.* ***Public confidence is promoted*** *when an Administrative Law Judge conducts hearings in a dignified and respectful manner, and arrives at decisions in which* ***facts have been found fairly******and the law has been applied accurately.****(B) An Administrative Law Judge shall not engage in conduct that reflects adversely on the officer’s character, competence, temperament or fitness to serve as an Administrative Law Judge.****An Administrative Law Judge shall not engage in conduct involving misrepresentation, fraud, dishonesty, deceit or felonious criminal behavior.***

*(D) An Administrative Law Judge shall not allow family, social or other relationships to influence official conduct or judgment.*

*(E) An Administrative Law Judge shall not use the position to advance the private interests of the officer or any other person,* ***nor shall an Administrative Law Judge convey the impression that anyone has a special influence with the ALJ.***

Under IMPARTIAL AND DILIGENT PERFORMANCE OF OFFICIAL DUTIES it states:

*2-101 An Administrative Law Judge shall perform* ***diligently*** *all official duties.

2-102 (A) An Administrative Law Judge shall provide to all parties or participants in a proceeding, and to their legal representatives, the* ***right to be heard according to law.***

*(D) An* ***Administrative Law Judge shall promptly disclose to the parties*** *any communication not otherwise prohibited by this rule that will or reasonably may influence the outcome of an adversary proceeding.  At a minimum, the disclosure shall identify the person with whom the communication occurred and the substance of the communication and the* ***Administrative Law Judge shall give the parties a reasonable opportunity to respond to the information disclosed.***

*2-103    An* ***Administrative Law Judge shall not****, while a proceeding is pending in any forum within the officer’s jurisdiction,* ***make any public comment that might reasonably be expected to affect the outcome or impair the fairness of the proceeding.***

*2-104 (A)  Except as provided in (B) herein, the Administrative Law Judge shall disqualify himself or herself in a proceeding in which the* ***ALJ’s impartiality reasonably may be questioned****, including but not limited to instances when:

(1) the* ***Administrative Law Judge has a******bias or prejudice concerning a party, a representative, or any other participant in the proceeding before the ALJ,*** *or has knowledge, obtained from sources outside the proceeding, of disputed evidentiary facts concerning the proceeding;*

*2-105 An Administrative Law Judge shall be* ***faithful to the law*** *and shall decide matters on the basis of the facts and applicable law.

2-106 An Administrative Law Judge shall not be swayed by partisan interests, public clamor or fear of criticism.*

*2-108* ***An Administrative Law Judge shall not act in a way that the officer knows, or reasonably should know, would be perceived by a reasonable person as biased or prejudiced toward any of the litigants, witnesses, lawyers or members of the public.***