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Oregon State Bar,

My name is Eric Dover, M.D. I am filing complaints against three individuals for misconduct unbecoming legal professionals. Each will be listed individually. All three have conspired together to disobey and break the **Oregon Rules of Professional Conduct,** in addition to the State and Federal Constitutions. The rules broken by these three legal professionals include **Rule 8.3 (a)(b) and Rule 8.4 (a)(1)(2)(3)(4)(5)(6).**

1. **Warren Foote, J.D. (Assistant Attorney General at the State DOJ)**

Mr. Foote engaged in multiple unlawful and unprofessional behaviors while working on my case as legal counsel for the Oregon Medical Board (OMB) from February 2008 until January 2011 and at my OMB hearing in September 2010. The following are but a few examples of Mr. Foote’s malfeasance.

Mr. Foote **withheld all records** related to my case for two years. Over those two years, without records, Mr. Foote and the OMB demanded that I answer questions under interrogation at an OMB Investigative Committee meeting and in writing on multiple occasions. This was done under threat of immediate license revocation if refused. My responses, given under duress, were then later used out of context in the OMB’s Final Order. Multiple requests for records were made by my lawyers and me over a three year period, all of which went unanswered or were denied by Mr. Foote and the OMB.

Mr. Foote made numerous **false allegations** against me over the three years. Each accusation was easily disproven with what little medical records were available. One of the more egregious allegations was that I supposedly refused to review 1 ½ inches of medical records for the Complainant the one day I saw him. It took two years after my initial encounter with the Complainant to get 11 pages of medical records I had never seen prior and another year to get the last two pages which were labs intentionally withheld until the day before my hearing. Thirteen pages of paper aren’t even a 1/8” thick. Why was Mr. Foote allowed in an Administrative Law Court to put forth such a lie without challenge from the ALJ? The discrepancy in the Complainant’s testimony didn’t even show up in ALJ Rick Barber’s Proposed Order. The Complainant was **never** required to produce any further supposed records. Mr. Foote **refused discovery** of any other records or requested information other than the 13 pages of medical records eventually received after a three year period.

Other examples of false accusations made by Warren Foote are that I supposedly took an x-ray of the Complainant’s wrong foot, telling the Complainant to take a medication he stated he was allergic to, not performing a physical exam on the Complainant, and “prescribing” medical cannabis to patients. **These allegations are easily proven false with the Complainant’s medical records of just six physician visits over a 20 year period and other associated documents.**

Mr. Foote seemingly advised the Complainant to **perjure** himself on the witness stand multiple times at my hearing. One example was the Complainant stating under oath that he had given me 1 ½ inches of records, a fairly voluminous amount, that I had refused to review. Again, only 13 pages of records that I had never seen before were ever rendered. At my hearing the Complainant stated he had the entirety of the 1 ½ inches of records with him in his briefcase. When asked by my lawyer to produce them, he sheepishly pulled from his briefcase two more copies of the 13 pages we already had. In addition, the two Urgent Care reports that were the only records brought to me by the Complainant on our only visit were never seen again. I was quite suspicious of those two Urgent Care records being fabricated because he brought in the original documents instead of copies. Also, the chart notes just didn’t seem to be consistent with a typical healthcare provider’s notation.

It seems Mr. Foote also had the Complainant **perjure** himself regarding his alcohol consumption. The Complainant greatly minimized his alcohol consumption on the witness stand, yet out of the six office visits in 20 years that were documented in the Complainant’s records, there were two separate office visits on different dates by two different physicians, who both mention and counsel the Complainant regarding his excessive alcohol consumption. The Complainant himself had written on a recent intake form he filled out for a physician that he drank 6 plus beers a day. Again, the ALJ allowed statements that were brazenly and obviously false, as pointed out by my lawyer repetitively, to go unchallenged in his court and made no mention of these events in his Proposed Order.

Mr. Foote introduced **hearsay** on multiple occasions during my hearing from supposed witnesses who were not made available in person or by phone to confirm their or their supposed statements authenticity or for cross examination. Mr. Foote stated repetitively during my hearing that he was legally allowed to admit this hearsay evidence. Whether he is or isn’t, it’s just plain wrong and it’s definitely unconstitutional. It’s nothing but Orwellian.

Mr. Foote **purposely and falsely presented** Dr. James Calvert, a rural Family Physician, as an expert in Rheumatology (in particular the evaluation and treatment of gout), chronic pain and chart review at my hearing. Mr. Foote seemingly encouraged and advised Dr. Calvert to **perjure** himself under oath. Dr. Calvert, who years prior had written a simple 2 ½ page chapter on gout for a Family Practice textbook, contradicted everything he had written previously regarding the evaluation and treatment of gout in his testimony at my hearing. In addition, Dr. Calvert had no idea of a drug called Uloric which was the first new treatment for gout in 40 years and had been on the market for 18 months. Commercials were all over TV, drug reps were pushing it at offices and medical events and it was advertised heavily in physician magazines like JAMA or Lancet, yet the “expert”, Dr. Calvert, was completely unaware of it. Dr. Calvert knowingly lied under oath not just regarding the above, but also regarding the Complainants medical history and alcohol use. No challenges regarding these concerns were made by ALJ Barber and nothing about it in his Proposed Order.

At the end of my two day hearing, Mr. Warren Foote had ***ex parte*** **contact** with ALJ Rick Barber. Mr. Foote and ALJ Barber walked into a private room alone and closed the door. This was witnessed by my lawyer and me. We discussed our concerns about this irregularity of justice and the actual brazenness of it. I attribute this “conspiracy” between the two as the reason for the “fictional” Proposed Order put forth by ALJ Rick Barber.

Resorting to contemptible practices, the above being just a small example of what occurred in my case, is the **only way** that Mr. Foote could, or will, ever win in court. He uses his rank and authority to bully healthcare professionals. He disregards due process and the constitution in general. He had *ex parte* contact with the ALJ presiding over my case. He conducts his criminal behaviors as he hides behind his, to date, cloak of immunity**. It seems** either he isn’t bright enough or is just too lazy and arrogant to do a professional job.

1. **Kathleen Haley, J.D. (Executive Director of OMB)**

Ms. Haley and Mr. Foote work extremely close together on OMB healthcare professional issues. Each is aware of what the other is doing as they collude jointly in their unprofessional and unconstitutional behaviors. Therefore, Ms. Haley was knowledgeable and directly involved in the decision making to **withhold medical records** for up to three years in my case. She was quite aware that Dr. James Calvert, a rural Family Physician, had **no expertise** in Rheumatology, chronic pain or chart review. This was made quite clear at my Investigative Committee interrogation and it was made crystal clear at my hearing. Ms. Haley was also intimately involved in **manufacturing false accusations**, the use of **hearsay**, the **obstruction and denial of discovery**, and **perjury**. She would also be aware of the ***ex parte* meeting** between Mr. Foote and ALJ Rick Barber at the conclusion of my hearing at the OMB office. She and others associated with the OMB may have participated in this *ex parte* meeting.

There was a complaint sent to the OMB regarding Dr. James Calvert three weeks after my hearing. Subsequently, there was the death of one of his patients who he treated with a deadly concoction of prescription drugs, including opiates. Dr. Calvert was treating the patient for a rheumatologic disease that they didn’t have. Dr. Calvert, a rural Family Physician, ignored a Rheumatology specialist’s evaluation who stated the patient didn’t have a rheumatology disorder. Instead, Dr. Calvert continued his plan of treatment for the patient, ignoring the specialist’s consult, which resulted in the patient’s death.

At that time, there was a second patient of Dr. Calvert’s who almost died under similar circumstances, but somehow survived Dr. Calvert’s dangerous and inappropriate treatment. The OMB conducted additional chart reviews of Dr. Calvert’s practice which turned up numerous serious concerns and deficiencies in his medical practice. Therefore, Ms. Haley, Warren Foote and the OMB members were all obviously aware of complaints against, and problems with, Dr. James Calvert. Death and near deaths of Dr. Calvert’s patients, disturbing reviews of his charts and severe deficiencies and unethical behaviors in his medical knowledge and critical decision making, yet the OMB never notified me or my lawyer as to those newly raised concerns or his role in my case as a supposed “expert” witness. I wasn’t aware of Dr. Calvert’s circumstances until a couple of years after my hearing; I found out serendipitously. Dr. Calvert’s deceit and arrogance contributed to the loss of my license, career and family’s stability, yet no one at the OMB cared enough to notify me of this turn of events. His testimony is therefore invalid, as was my hearing,

Dr. Calvert had all restrictions removed from his license within seven months by Ms. Haley and **her** Board. He hadn’t even started any of the ordered remediation when this occurred. There are **two altered dates** on Dr. Calvert’s Interim Stipulated Order. One of these alterations is associated with Ms. Haley’s signature, the other with Dr. Calvert’s. The dates were unprofessionally altered and no initialing of the alterations was made as is required legally.

This segues directly into **Unequal Protection under the law.** As above, Dr. James Calvert got off extremely easily considering his gross medical malpractice and misconduct. He should have had an emergency suspension of his license immediately. In comparison, I and others have suffered through much more for nothing other than being in disfavor with the OMB. The reason for this disfavor is typically for alternative treatments to allopathic medicine, for standing up and demanding due process and/or refusing to sign the OMB’s “forced confessions” of guilt. Dr. Calvert’s care was horrific and led to at least one death, yet he quickly regained his full license without restrictions. Could this be because he worked for the OMB as a “consultant” and seemed willing to lie for them?

Another example is Dr. Keith White who was a Board member of the OMB. He was investigated recently for a complaint regarding opiates, the specifics of which are kept secret by the OMB. He was given nothing more than a wrist slap, just a Corrective Action, which is not reported to the National Practitioner Data Bank (NPDB). Therefore, Dr. White continues to practice. Another physician, Dr. Roy Blackburn was not as fortunate. He is unaware of who complained or the specifics of the complaint, but he had his license restricted regarding opiate prescriptions. He had never had any prior problems or deleterious patient outcomes. His name went to the NPDB and he has not been allowed to practice medicine since. He lives on welfare, has twin six y/o boys and watches in despair as his life and family fall apart. Ms. Haley and Mr. Foote are directly responsible for this. Guess it helps being a Board Member, somehow being associated with the OMB or just a “good buddy” of the OMB when you get in trouble.

I requested a copy of the tapes of my two day hearing from Kathleen Haley, but **she denied the request**. Legally I have a right to a copy of these tapes, but that does not confront the OMB. Kathleen Haley, Warren Foote and the rest of the OMB don’t want these tapes in my hands because they explicitly substantiate the entire façade of Justice I have described and expose them, along with their accomplice ALJ Rick Barber, as the bullies and destroyers of Oregonians that they are.

Ms. Haley **allows, and in fact coordinates, violence** towards individuals that she dislikes at the OMB public meetings. I was the recipient of that violence about 2 years ago. I was “bum rushed” by two investigators and the two security personnel and slammed into a hallway wall for wanting to ask a presenter some questions and for their card. I am happy to provide you with my letter of complaint about these incidences.

1. **Nicole Krishnaswami, J.D. (OMB)**

Ms. Krishnaswami works directly under Kathleen Haley and is quite involved in the OMB’s mechanizations. She is quite aware that good physicians are being psychologically tortured and financially ruined, as their careers and ability to work are destroyed by the OMB, while physicians with OMB connections are shown favoritism. She knows licensees Due Process and Equal Protection under the Law are routinely violated by the OMB because she actively participates in these violations. Ms. Krishnaswami is young and it seems she is being groomed to take Kathleen Haley’s position at some future date. I assume they still teach constitutional law in Law school and that her parents taught her right from wrong; therefore she should be held accountable for her participation in these violations and her failure to report them.

All the egregious violations noted above, along with many others, were done under color of law with the above individuals’ knowing that they operate, so far, with absolute immunity for their actions. Many licensees aware of the OMB’s *modus operandi* are too fearful to speak out fearing retribution by way of revocation of their license and the resultant inability to practice anywhere in the US and in most countries worldwide. Many licensees are just ignorant of the system until they become ensnared in it. A handful of unelected people, without oversight, can determine an individual’s ability to work their trade forever.

The OMB presently makes all final decisions regarding a licensee regardless of what any ALJ recommends. The OMB uses Administrative Law as a façade and the ALJ as a prop giving the public the illusion that the licensee was given due process, equal protection, and a fair investigation and process. In Administrative Law it takes only a preponderance of evidence, 51% likelihood, to make a “legal” determination. This is a ridiculous and extremely low standard in any situation, but especially when determining the economic and social fate of a licensee, their family and patients. This absurd “standard” plays well in the OMB’s hands to push through their predetermined decisions.

The physician and public members on the Board are spoon fed the

information desired by Ms. Haley and Mr. Foote. These members don’t attend the hearings and don’t review the tapes. They don’t go over anywhere near all the available information because they don’t have time. It would be a full time job and they all already have one of those. The licensee is never allowed an audience with the full OMB to inform them of information excluded from their investigation or hearing, constitutional and other legal infractions or another side of the story that has been excluded.

My website, [**drdovervsomb.weebly.com**](drdovervsomb.weebly.com), chronicles and documents in great detail my ordeal with the OMB starting in 2008. There is an abundance of documentation to support the accusations made above and many others that there is just not enough space to discuss. At my website you can see chart notes, pictures, legal documents, Dr. Calvert’s textbook chapter with an in depth analysis, OMB documents regarding physicians who are still allowed to practice medicine who have raped women (Dr. Darryl George) and killed patients (Dr. James Calvert), my Federal Court documents which contain an extraordinary array of exhibits and much, much more.

I am not just seeking justice for myself, but for all the others in the past, present and future that have been, or are being, harmed, tortured and destroyed by the above named individuals and the toothless, decayed and corrupt system that supports this tyrannical behavior.

Immunity for **any** government official equals totalitarianism and opens the door for incredible abuses as we are seeing in this state. Those who hide behind immunity can have it used against them, or others that they love, at any time. It’s easy to become a victim in Oregon; all it takes is pissing off the wrong person in a position of governmental authority. The OMB uses their rank, position and legal immunity to bully, humiliate and destroy licensees, at least the ones they dislike.

Lawyers are afraid to report the healthcare boards, in particular the OMB, to the State Bar because they fear retribution from the State Bar via these boards. This is a fact told to me personally by numerous Oregon lawyers. I am sick and disgusted with Oregon government corruption and that no government official has the intestinal fortitude to stop it.

I am happy to speak with the State Bar in detail anytime. I am quite aware of Warren Foote’s present situation.

Sincerely,

Eric Dover, M.D.

November 3rd, 2015

Cc: Governor Kate Brown

Secretary of State Jeanne Atkins

State Attorney General Ellen Rosenblum

State Representatives and Senators

State Ethics Board

FBI

All Media Outlets