

May 1, 2015

-The Honorable Andrew M. Cuomo
Governor of New York State
-Howard A. Zucker, M.D., J.D.
New York State Commissioner of Health
-New York State Office of Inspector General
-Honorable James L. Seward – NYS Senate
-Honorable Kemp Hannon – NYS Senate
-Keith W. Servis, Director
Office of Professional Medical Conduct

-Administrative Review Board
of the Department of Health
-Michael A. Hiser, Esq. – Atty for OPMC
-Timothy J. Mahar, Esq. – Atty for OPMC
-David Brittain, M.D. – Dept. of Health
Syracuse Regional Office
-Gregory Eastwood, M.D. – President
SUNY Upstate Medical University

Dear Governor Cuomo and all others,

With the exception of the ARB, this letter marks a follow-up communication with each of you concerning matters involving, primarily, my New York State Medical License and the outstanding Vacatur Petition presently before the Board of Professional Medical Conduct. Equally important, and invariably tied to this matter, are issues regarding a considerable number of adverse reports on my National Practitioner Data Bank record along with a culture of moral unfitnes and clinical negligence amongst certain longstanding leaders in the department of Ob/Gyn at Upstate Medical University in Syracuse, NY. The latter have not only done a disservice to the resident physicians in training for decades, but, for far too long, have been responsible for the senseless harm to and/or needless loss of life for both women and babies of expectant mothers in this community because of their incompetence.

Does not this last point cause *any* of you to be concerned? It should be a *major* concern since each of you are not only in a position where you have a responsibility to those so affected, but you all also possess the actual authority to have influence over the very welfare of New York residents, particularly as it pertains to the medical care being rendered to them – this subgroup (above) certainly not excluded as one calling for your help as well. All of the communications sent to each of you contained this information concerning the unacceptable standard for women’s healthcare in Central New York as I have personally been witness to, while also directing you to the website (see bottom) that provides public access to the currently pending Vacatur Petition, in addition to numerous other documents that further delineate this entire matter. So, there is no need to reestablish all of what I uphold as irrefutable fact. And I reemphasize, *irrefutable*. Something each of you *know* to be true.

To date, and despite having detailed serious instances of corruption as to how I had my professional and personal lives unjustly invaded and destroyed by my medical license unmeritoriously being taken from me and my name denigrated publicly thus causing massive harm to my life and family, in addition to serious issues involving the health and welfare of thousands of patients, I have not received so much as a single response from any party listed above. Not even an acknowledgement of having received my letter or the actual Petition itself. I did receive a response from JCAHO as well as another official NY governing body that I am not at liberty to discuss. Therefore, the purpose of this correspondence is to address this issue of a deafening silence on part of all of you, as well as speak frankly to each of you individually with all the others in attendance, so to speak. As I have in the past chosen to do, I will at least reserve the right to post this and all other communications online for the public to understand the

course of this effort, how it impacts them directly and that at the heart of it all is simply a matter of truth and whether those in authority (be it through election or not) will do what is *right* – for my professional circumstance, for this community and for the great State of New York as a whole. Isn't the latter, at least, supposed to be your minimal objective?

To Governor Cuomo: Dear Governor, This letter is the fourth time in the past six months I have written you concerning these matters. I don't suspect that you really even know of who I am or any of my situation given how busy you surely are with other more pressing matters with the State. That is certainly understandable but not completely excusable. As I sit here hoping to appeal to your authority, a couple of things come to mind. First, it is common sense that any such issue as this would be mainly handled by someone on your staff and not by you directly. Still, it puzzles me as to why, even then, all of what I wrote would go unanswered by your office when these are serious issues for both myself, on top of a large community of New Yorkers so affected as well. Secondly, I sit here and ask myself, "If I were Governor, despite all the numerous things I have to keep abreast on, what would be my attitude about the little things that go on with individual constituents, who might also be seeking my attention and authority too?"

This is a typical type of contextual question for me since, if one were to simply look at my practice of medicine, I always made it my business, as the head of the ship (so to speak), to know (and likewise care) about all the minutiae involving the operations of my office, as well as the big stuff – which is but one element of how one *chooses* to conduct themselves in their authoritative role which ultimately separates him/her from the rest and might even position them for greatness. Because when you *do* care about the little things, you not only have a full command over your post but you now also have the knowledge of an important enough issue to the little guy involved to make a big difference, (even in that isolated regard), given the power that you wield. Though experienced on a much smaller scale within the context of my medical practice, such authority, when exercised in a just and munificent manner, is no doubt rewarding to the soul. Certainly, said emotion doesn't check itself at the door to the Governor's Office. And further, with all of this, I am sure I am not telling a seasoned, skilled and successful politician anything new.

If I had such power and authority as the leader of the State, it would be a huge honor to be able to utilize it when the time and situation was right and moreover just. Well, Governor, I cannot imagine a more suitable time than what is before you in this letter and moreover, what I presented in my aforementioned Vacatur Petition currently sitting, unrequited and unrecognized, at the DOH. I have endured more than a dozen years of an outrageously aggressive and baseless assault on my medical license, career, family and good name by an agency not only known for such atrocious activities but one over which you ultimately preside as the highest ranking official in the State of New York. In my Petition, (again, which you were apprised of in my last letter), I took the time to lay out the entire matter and how this agency (OPMC) systematically violated either their own rules for the proceedings and/or their ethical responsibility to adjudicate this matter in accordance with truth, justice and the American way, [which, despite sounding cliché, in essence involves The Constitution and the principles contained therein – all of which were glaringly absent for me these past thirteen years] – in order to exact an outcome that was predetermined to happen, (regardless of the facts), just because certain connected individuals and/or OPMC leadership decided that this is what they were going to do with their authority, so as not to look "weak" before only a small portion of the public who even observe (and moreover poorly understand) these issues to begin with. It has been and continues to be a sickening display of power abuse and outright dishonesty that should never go unidentified, whereafter it ought likewise be abolished as well as admonished.

Governor, I am not asking you to do anything that isn't justified. I went to great lengths to make looking into both my claims of dishonesty and malicious prosecution at the DOH (at least involving my case – and blatantly so) as well as the validation of my request for clemency very easy for whoever you might delegate this matter to. The Vacatur Petition spells out the precise manner by which a top performing doctor is able to be eliminated by those around him who have such a will and furthermore the means (aided by what sure seems to be an inside connection) by which to do so. With a stroke of your mighty pen, you can fix it all by restoring my license and expunging everything from the record – two things that are *completely warranted* given the plain facts. Despite monumental losses both personally and financially, I am not asking for anything more than for the record to be set straight and all parties to simply move on. I am asking you to please do the right thing, Governor. You've got more important matters to deal with than this pesky doctor from Syracuse constantly nagging you to do what you can do in an instant. But know also that I would only want you to do so with a clear conscience after having any of your staff vet out the assertions made in my Petition. I know that they are absolutely true even if cloaked in such a way as to not be that obvious within the DOH itself, (hence the basis for my persistence), and will most assuredly withstand the most extreme scrutiny, should it be done in an open and honest manner. Thank you again.

To Commissioner Zucker: The Department of Health's website under the heading of "Commissioner" has listed the following statements. Please note the italicized words.

- **Mission:** *We protect, improve and promote the health, productivity and well being of all New Yorkers.*
- **Vision:** *New Yorkers will be the healthiest people in the world - living in communities that promote health, protected from health threats, and having access to quality, evidence-based, cost-effective health services.*
- **Values:** *Dedication to the public good, Innovation, Excellence, Integrity, Teamwork, Efficiency*

Given what you have been apprised of via my previous letter, along with the Petition itself to BPMC, as the head of the entire Department of Health, (under which OPMC falls), how has any of what was written and presented by me sat with how you wish to run the Department? How is what was disclosed about the widespread corruption/duplicity involving OPMC in my affair, along with the subpar history of care by the Department of Ob/Gyn at Upstate, in Syracuse, in step with any of the DOH's statements listed above, not to mention the specifics in italics – which is essentially the entire thing? From my own personal experience alone, is all of the proven blatant dishonesty within the operating principles of OPMC in line with your own operating principles as the Commissioner of Health so that all of New York can now understand what they get with your leadership – be it temporary or not? I mean you no disrespect, Commissioner, but these are profound matters demanding some sort of response to these tough questions, because there is corruption and power abuse in your midst and it has deliberately ruined the career of the very doctor writing you right now – and frankly, I would like an answer. Or are you actually, in fact, equally as appalled as I or anyone else should be by what you read in that Vacatur Petition? Whatever your position, it has apparently precluded you or your office from simply responding to my letter which laid out some serious allegations concerning the very State Agency over which you preside. Whether you intend on staying on beyond the current interim assignment is irrelevant and most certainly doesn't allow you to abrogate your duties and responsibilities as Commissioner of Health to answer this challenge.

While this might be seen as a small matter to some, it ought not be for you since allowing such a current state of affairs to continue under your rule only sustains the very conditions by which women and unborn babies continue to be placed at risk involving a large central region of New York, while at the same time a State agency (OPMC) remains out of control in abusing their power to the tune of baselessly destroying careers and lives of good doctors (and thus bringing great harm also to their families), so as to merely *justify* their existence and to show a gullible public that they indeed are “mighty” upholders of justice when it comes to exacting punishment against problematic doctors, when in reality the entire prosecutorial charade is often wholly *unjustified* unto itself. I once again, and unequivocally, submit the loss of my medical license and career as THE MOST quintessential case of outright baseless prosecution and power abuse by OPMC that could ever be demonstrated in the history of the DOH – and again, you ALL know that statement to be true – for all those who actually do know about it. And when I write “history”, I don’t use it lightly. It just goes to show how egregiously I was treated – it was THAT bad.

This current condition of OPMC is all technically and ultimately your doing since you are the one who is supposed to be in charge of all goings on under the heading of the Department of Health. Unlike the Governor, it is a far smaller delegation of responsibility for which you should be *readily* in the know, (first hand), concerning a great deal of what is going on within all departments and divisions. Thus, claiming ignorance or worse, now doing nothing, especially after you have been specifically apprised of such unspeakable issues such as that which was laid out in the Vacatur Petition, is not a sufficient response nor is it appropriate in any way. Is what has gone on in my case and the conditions that exist for women and unborn babies in Central New York something you are comfortable having occurred on your watch, even if only the acting Commissioner of Health? Do you sleep well at night knowing that you are aware of these things and yet, (from all that I presently have to go on), have not acted to cleanse the agency of such vile activities, rectify known abuses, improve the care for women and unborn babies or moreover, responsibly move to fix my situation – or how about even responding?

Now to be fair, you just *recently* received an official letter from me concerning my specific matters, though again, no response as of yet. However, regardless of the proximity of that information being disclosed to you or the personal particulars, OPMC still remains the same as it was yesterday and years prior – out of control with no transparency or oversight whatsoever – directed by *one* individual (Keith Servis) who possesses an enormous amount of power and who (apparently) can do just about anything he wants, regardless of the facts. Further, being a doctor yourself, you ought to both be well aware of OPMC’s history of power abuse and want to reform it. But again, nothing has apparently changed with your associated silence thus far seemingly a built-in part of the continued problem.

Actions define a man and with that said, I am asking you to step into action and just as I posed to the Governor, please do the right thing for crying out loud and fix this thing already. You too ought to have the power to remedy this situation, as I have petitioned it to be for both me and this community. The question remains, will you do so or will you ignore the calling? So far, all I have is the latter to go on as currently defining your actions and thus how you must interpret your duties as Commissioner of Health. Again, I mean no offense, Commissioner, but I believe I have waited long enough and endured far too great a hardship not to demand that someone in a position of authority finally do the correct thing by once and for all righting this wrong. So forgive me if it seems like I am lighting a fire under you to step up within your designated role in order to legitimately do something meaningful and just, under the auspices of such a prestigious and, (all the more importantly), professional responsibility. The question now before all the others reading this is, will *you* at least be one to do it?

To The Office of Inspector General: When I learned of your agency in a letter from the Office of Health Systems Management (OHSM), and the fact that you supposedly had oversight power over matters concerning the DOH and OPMC in particular, I was finally hoping that at least someone or some entity would take any of this seriously. So when I wrote you back in January around the time the original Petition was sent out, I at least thought I would hear back from **you**. I wanted to see for myself that your Office indeed had jurisdiction over OPMC, specifically what they were allowed to do and not do while acting under the authority of State law and policy, not to mention just plain old jurisprudence and Constitutional principles. Since I have not heard anything from you either, one of a few possibilities has to exist as to why. First would be that you are not an oversight agency for OPMC, which should then have readily produced some sort of response letter to that effect. None has been received. I do have a return receipt showing that you got my letter AND the petition, so that has at least been established.

If, just as OHSM suggested in their letter to me, you **do** hold some sort of administrative jurisdiction in this matter, then please don't tell me that you too are yet another State agency that either lacks the individuals to give a darn to act in oversight or overall lack the teeth or muscle to do what's right in the face of blatant corruption and abuse of power. Or are you simply another body who stands complicit with just about anything else your State level counterparts end up doing with their designated power and authority? Why do we have checks and balances if they are not to be exercised? I have seen all sorts of mutual enablement (if you will) amongst leadership within hospital's and clinical departments – amongst adults who deceive themselves into thinking they are “gentlemen and scholars” when they have proven to be anything but. I do hope that such a thing doesn't necessarily exist across the board within the ranks of State government as well.

You're not a rubberstamping kind of oversight agency are you, like I experienced after my second hearing with the Administrative Review Board of the DOH where they completely ignored nearly everything asserted in my appeal? I would think that there has to be at least someone within NY OIG that sees a case like the one I presented in my Petition and says something like the following to the others, “Hey everybody, there's a live one that just came in. Lest we forget, we're the Office of Inspector General! So assembly a team, we've got some “*inspecting*” to do! Looks like someone we have oversight power over might very well have been up to no good. So, let's get going. The people of New York are counting on us!” Yet, I suspect the actual response might differ just ever so slightly.

Isn't that at least one of the purposes of the OIG ? To make sure certain other agencies within the State, under OIG's jurisdiction, aren't abusing their power? In the words of Richard M. Cook, then Deputy Commissioner of OHSM on September 15, 2010, “*If you would like to file a complaint against the OPMC you may send the information directly to the New York State Office of the Inspector General (OIG) at the address provided below.*” As instructed by OHSM, I did just that. So, again, why haven't I heard from you? Was the lack of response a mere oversight and you actually *are* investigating the seriousness of what I claimed in both my letter to you and the Petition to the Board of Professional Medical Conduct? Or are you really not doing anything at all, and simply choosing the contemporary stylings of how many **officials** choose to respond these days when there is really no legitimate answer whatsoever other than that which is actually being sought from them as truly the only possible response to the issue? So what is this modern-day answer to being cornered with the truth and thus no true and honest response other than granting that which is being sought after? It is to **not** respond at all. The action is to *simply ignore* the other party instead of doing the right thing or else be forced to actually put in writing (God forbid) why such a legitimate request was ever denied in the first place? (see more on this below in section to Mr. Servis)

I certainly don't want to believe the latter as it applies to both my letter to you and my Petition before the State, but with how anyone with a brain understands high level politics to work, the friendships and alliances that form across agency lines can often prevent the original intent of individual agencies to operate to the full benefit of all those they were designated to serve. If this has been the case here or whatever the reason for not responding to me, I am asking you to please have a change of direction and do what's right by investigating my claims concerning what this agency, OPMC, has done to my life for thirteen years and countless other good and undeserved physicians since their inception.

The seriousness of the abuse historically perpetrated by OPMC, which I have categorically proven continues to this day, has no place in the ranks of State government. Well, at least in the opinion of those who still believe in sincerity and integrity amongst individuals delegated with high level official power and authority. It is the understanding of the constituents of New York that there exists an Office of Inspector General so as to protect them from other State agencies who might well overstep their bounds and cause undue harm to just about anyone they choose unless there were safety measures, such as yourself, in place. But unless those safety measures actually get implemented and the people behind those measures set aside whatever alliances, prejudices or hesitations they might hold thus preventing them from doing what they were commissioned to do in the first place, there will be nothing but continued deterioration in the ethics of honesty and justice since such a downward course is the inevitable and natural way of any unprincipled force that continues unabated and is allowed to devolve into such nefarious activities as we have so manifestly seen here.

So, can I rely on your agency to step up and do what is right in this matter or will we all sit back and see continued silence when the writing of outright dishonesty on the walls at OPMC is that obvious to everybody? I have faith that there are at least a few good people there to carry out their duties to the extent of taking on OPMC and justifiably so, with what was disclosed in my Petition and again here. OPMC need not be eradicated at all, just reformed, as even I believe they serve a very necessary purpose – but not like it currently exists or operates. No way. How would they all like to have their livelihoods completely and moreover, baselessly taken away from them in the same manner by which they did to me? Or who knows how many others? Let's see who would want to hire them with multiple convictions of professional misconduct? I'll give all the readers a hint – pretty much nobody. That's not my wish for them even though that was their wish for me for some reason. No, I would like just a polite (and sweeping) correction of their mistake and proper reform for the future to benefit everyone (including OPMC) while obliterating the potential for abuse on all faces of the process.

The question is, where will that reform emanate from? I certainly hope someone within New York's OIG does indeed take this initiative, since efforts to confront the big lie perpetrated by OPMC about my practice of medicine as well as patent untruthfulness and abuse of power within the agency have been a bit disregarded over here, having thus far challenged this matter all on my own. This is what they (OPMC) seem to rely in order to not be held accountable for it. Browbeat the little guy with boundless power and endless resources and eventually he will simply give up and eventually fade away. To possess the means and authority by which to identify, denounce and then offset the practice of such arrogance and power abuse is one of the glorious reasons why an agency such as OIG exists in a Constitutional republic such as ours, as far as I am concerned. How many opportunities do you really get to act on this sort of righteous authority such that it can really make a long term difference? Here's your chance. Make it happen already, won't you.

To State Senators Seward and Hannon: You both were written to because you previously were involved with the OPMC Reform Bill that was once before the Legislature. When writing you, I made certain to explain that the nature of my case was completely in line with the very abuses outlined in your Bill – literally every one of them. Knowing that the Bill was defeated at some point, it would stand to reason that a case such as mine would be more than sufficient to perhaps fuel a renewed reform interest or even effort, so long as the original intent was indeed to actually effect the necessary changes that would greatly improve the fairness and Constitutionality of the entire physician oversight system while still championing sound medical practice amongst doctors in the State. But again, it is hard to know what to think when there is simply no return correspondence after sending such revelatory and important information to each of you.

As with anyone on the recipient list of this letter, of course you are all very busy with your duties. However, part of those duties involves sometimes having to attend to peons like me who have been ravaged by a system you were elected to at least have some bearing on. I do not live in either of your constituencies. However, one would *not* think that to be reason enough to forgo jumping at the opportunity to embrace THE one prototypical case that could, (and most certainly would), in essence, establish the entire legal and material basis for the Reform Bill you were both once an intimate part of, while also exposing unmistakable dishonesty and abuse of power within the very agency itself - all in one felled swoop. Is this not like a dream for any elected official seeking to see a Senate Bill that he/she sponsored actually pass in the Legislature while also championing honesty and integrity in State government? What a grand slam in front of your own constituents, no less. Yet, it would really be disappointing to realize, (inferred by no action at all), that the previous interest in Senate Bill 5221 – The OPMC Reform Bill – was only for a season and that the very same continued corruption is now something to *keep* a blind eye turned to when such a golden opportunity is right before you, showing, (first hand and in great detail), just how the very transgressions (so once decried) are still being carried out, thus compelling, (without question), the need for reform.

I am confident that both of you two Senators still want to do the right thing. If, in fact, so, then I suppose it starts with someone on your staff actually taking the time to genuinely look into this matter in order to legitimize it and then bring it back to your attention where you take it from there. It is most certainly a worthy cause, as well established already. If there is junior member of the Senate to delegate it to, then please do. Else, what hope does this effort (or really any NY physician) truly have to see long lasting (and imperative) change to OPMC that was at least important enough at some point for you both to pursue?

To Keith Servis – Director of OPMC: It is hard to even know where to start when corresponding with you, Mr. Servis. Historically, of late, all official communication concerning matters involving my medical license is met with complete silence from you and/or the State agency over which you are director – that being BPMC/OPMC. Why is this? Need I remind you or anyone reading this that it was your agency that wrongfully (over a very painful and destructive thirteen year process) took my medical license from me, destroyed my name and career as a physician and caused irreparable harm to my family. In the official brief submitted to your office over two months ago, (for which I also received a return card indicating you got it), I specified clearly the statute that enables me to file all previous Modification Petitions as well as the most recent Vacatur Petition – especially since, for the latter, at the time of the events outlined and contended, my license was still otherwise active and paid for until 2016.

Therefore, are you not obligated to respond as the actual direct governing agency over these matters? I actually sent a follow up letter subsequent to the original filing where I specifically asked you or BPMC to provide any sort of acknowledgement that you were in receipt of the Petition and that it was being processed. Nothing in response, yet again. This mirrors the very thing you did back in 2013, when I was *literally* destitute while actually working full time as a physician, [A.G.I. of \$(-)57,000 and \$(-)3,800 in 2012 and 2013 respectively – no lie folks], because I was strangle-held by both the onerous probationary terms on my practice of medicine and the meaningless (not to mention baseless) limitation that was placed on my medical license. And don't even try to say or make any sort of excuse that all of you there at OPMC don't know that by placing these restrictions on doctors, it literally ends any sort of chance of ever fruitfully practicing again. You all know that it does and purposely impose such sanctions anyway. Why would you consciously and deliberately do such a harmful thing to someone else knowing full well the horrible consequences when you equally have the power to be benevolently effective as it pertains to the doctor in question while still protecting of the public? I have never quite understood that type of human mind and often wonder what others in that person's world would think if they truly knew of their actions – which, (in essence), define how they *really* are inside. I don't get it completely but I do believe I have an idea as to why you act as you do as the Director of OPMC.

So, again, destitute, I wrote you begging for relief in July of 2013 with irrefutable argument for each of the items I was seeking help with. Contrary to the fact that you (personally) actually responded three years earlier (in 2010) to a previous modification petition letter which was written seeking similar relief, [where you had no problem striking down everything asked for, citing multiple places where I materially failed to make my case], you still remain silent towards the most recent such petition, which marks two times in a row now you have done so (when considering the Vacatur Petition also), when the material basis for my argument and, moreover, what I seek is so overwhelming that even a middle schooler is capable of seeing the obviousness of it. Actually, such blatancy is unto itself the very reason why there can be no reply offered. So again, like it seems to be the case with many in authority who either have no legitimate response for what is being petitioned for or justifiable excuse for either their actions or the actions of those they oversee, the only response available in order to save face and avoid actually doing the right thing (particularly when their own accountability is now on the table as well) is to provide no response at all. They opt for an all-out ignoring of the situation and the individual himself. This is what I have thus far received from you, Mr. Servis. Not very *professional* for one leading a State agency overseeing the *professional* conduct of.....um.....*professionals*.

Here's the skewed reasoning that actually has to occur. ***“Let's see, we don't have any legitimate argument for denying what is being requested (really because we never had any legitimate reason for sanctioning him in the first place) but if we grant him what he's asking for, then we might look bad. But if we deny him what he is requesting, then we have to put in writing why we denied it when we really don't have a reason. So, here's what we'll do. We will just ignore him. That's it. We can do that because we are the State and even though we are merely humans (with no special rights over that of our fellow man), who just so happen to work here at this point in history, we can (and therefore do) choose to overstep our designated authority and use the State of New York as our power stick in doing whatever we want. And right now, even though our past actions have caused this individual great harm without any true reason for what we did, we choose to simply ignore this particular request and issue altogether rather than do anything that might alleviate any suffering, or worse, cause us to have to answer for those previous actions.”*** How would OPMC view a doctor who practiced with such a disregarding attitude towards his/her patients? Well, this is what we get from you, OPMC. Thanks.

What's all the more troubling over and above the fact that I have been ignored is what type of person does such a thing? Who are you, Mr. Servis? What happened to you in your life that you have apparently chosen to be an integral part (if not the outright driving force) of what your agency so obviously did by perpetuating monstrous lies about my practice of medicine through a patently corrupted process in order to simply win in the end and destroy me, my family, my career, my name and access for thousands of patients to their doctor – all done, not *just* because you could, but because you wanted to *show me* that you could regardless of how much truth I had on my side? Again, what kind of leader are you both knowingly sitting atop, and likewise acting in compliance with, the very agency that did this? I sadly submit not one who should be in charge of what you are in charge of, that's for sure. Why do I write that? Well, I have personally seen you choose to destroy another man's livelihood for the sole reason being – “just because you could”. You have literally thumbed your nose to Voltaire's famous axiom, “With great power comes great responsibility.” by how you have led BPMC. If the public or any of the oversight agencies knew that you prosecuted a top performing physician for thirteen years knowingly and willingly without merit in a most malicious way, are you that confident that you will be given a pat on the back for a job well done? Well, this is the degradation reality of truth under your rule.

If one were to simply do a google search on your name, all sorts of items come up. What seems to be clear is that you have most definitely been the subject of various criticisms over the years. One such site is the kahrman blog where I then caught a link to a 2012 Albany Times Union article where OPMC was cited as being soft on doctors and where your name appeared in the story as being the responsible party for the proclaimed “softness”. So the thought occurred to me. Are you one of those leaders or director-types that gets all bothered and anxious if they perceive even the appearance of looking bad or weak in the paper or public or something? I'm thinking maybe you are. I have been given at least one big clue by Michael Hiser when (after being challenged on the veracity of the issues) he said that my most recent prosecution in 2014 was him following his “marching orders from the higher ups.” That “higher up” in my understanding is YOU, Mr. Servis. So, knowing that I have never done anything in my practice of medicine to justify a single ounce of these past thirteen years, and knowing that you are the one pulling the trigger, something has to be driving your vicious actions. And ego (in the form of pride, usually) is almost always the one entity that trumps would-be good and proper behavior and actions in most cases.

Does a perceived public image of “ineffectiveness” as the Director of a State agency cause a disruption with your ego? Because if so, then such an article as the one named above must have made you pretty upset – OPMC being characterized as weak and all. Well, I've got something for you to contemplate while you are affirming in your mind the truth about my last statement. How do you think it might feel to be a successful and highly thought of physician and surgeon in a region (with arguably the best performance record of any Ob/Gyn in the entire State) to then have your name dragged across the paper and thus the entire community as a doctor guilty of multiple counts of professional medical misconduct when none of it was true? Think about how you felt about that newspaper article that named you when you “just know” (as concluded by your statements quoted in the article) that they were inaccurate in their reporting. Once that article was published for the entire community to see, I'll bet you wish you could reach out and let that reporter know a thing or two about reality, huh? Or how about all of them deceived readers by such an inaccurate article? You must be thinking, *“If only they knew the real statistics and how much work OPMC really does to keep our conviction numbers respectable, even if we have to baselessly destroy a few doctors in the process. At least our precious number charts don't allow that fact to be known. Whew! And further, doesn't the Times Union realize how embarrassed that made me feel, to even insinuate the presence of weak or ineffective leadership at OPMC when “I know otherwise!””?*

Well, as much as that reporter didn't seem to care whether they were right or wrong and moreover, whatever consequence it might have on your treasured little ego, I submit that what YOU did to me in that same vane by being the vehicle that led to my name being publicly shamed to such an inconceivable extent is the *pinnacle* of hypocrisy and yet another example of the power abuse so repeatedly experienced by the agency you lead. Do you have a conscience to even know what you have done?

So, the question that emerges in all of this is this. Are you the type who would actually use your power and authority to baselessly punish any given doctor in order to add to the "numbers" so to speak so as not to look weak? I posit such a thing because something has to account for how you purposely chose to untruthfully act in my case since the law explicitly states that ALL prosecutions and ultimately ALL determinations pass over *your* desk. Was it because OPMC had too many years invested into my case that, (even though **you all knew** the entire prosecution was a farce), you, Mr. Servis, as Director, decided to take it all the way to the end anyway, rather than admit years of wrongdoing? Could you imagine something similar being done to you or one of your own children all because someone couldn't humbly admit that they were in the wrong and thus chose to let the axe fall on your life instead of making a simple correction? I ask because, again, this is what YOU did to me and my family.

Now, humbly, can I be completely wrong about you? Sure, I would take delight in such a thought. But I am not entirely counting on it since your history towards me since 2010 pretty much defines how you willfully (and nefariously) choose to run the agency. I am sure you are probably saying to yourself, or at least there are all sorts of whispers in your ears to the effect of, "How dare he speak to me like this! Does he know who he is dealing with and the power I wield as director of OPMC? We're talking OPMC over here!" Or probably something close to those sorts of proud-type statements. And my response to you is this, "You bet I know what authority and power you hold. And shame on you and your agency for not exercising it properly and choosing to abuse it beyond measure. You and all your prosecuting attorneys are no better than me or anyone else reading this letter. You are not above reproach nor does your office reside in an ivory tower. You are just a man. A man who was blessed with a serious responsibility but who failed it miserably as far as my direct personal experience is concerned. So, in the name of the living God Who holds absolute and unequalled power over every micron in the Universe, including the very breaths that you and I both take, I say, enough already."

It shouldn't matter what you have to do to right this wrong. Just do it! And it really doesn't matter to me at this point if whoever is in charge of your job keeps you there. Wouldn't you like to be known as the OPMC Director who was able to humble himself and admit that his agency did wrong, only to seek to correct the process? That would make you look good to a known benevolent public and also gain considerable favor with the doctor world as well, should you actually have a heart, not to mention intend on enacting legitimate reform. Let me assure you and anyone else reading this; any doctor worth his salt is going to champion whatever process necessary to ensure good and safe medical practice, even to the extent of there being an OPMC. However, I think I can speak for ALL physicians that we flat out reject anything close to what you have allowed OPMC to be under your leadership, Mr. Servis. You alone should be the first to ensure that at least the Constitution was being revered and respected by the process over which you are the Director. You do believe in those principles of justice, don't you? If so, then why are they glaringly absent in the OPMC process? If not, then I think we all deserve an explanation. And please don't refuse to act for fear of setting a new precedent. That is just too bad, especially since setting precedents has been a repetitive theme in my case from the beginning, thanks to your agency's actions.

What I am seeking is not a great deal, considering all that has been done to me. And further, (much to your delight, perhaps), you don't even have to like me in order to do what's necessary. But, nonetheless, here is what I once again seek. I would like my license fully restored and my name cleared, please. And in short order, if you would be so kind. You know it is what's right and correct concerning these matters. *You absolutely know it.* So fix it. Thirteen years is long enough. I have endured a ridiculous amount of woe at the hands of your agency and am now simply willing to move on quietly hereafter, once you right the wrong. That's it and we each go our separate ways. Simple formula.

With the stroke of a pen, I have my license back fully and unrestricted. With the stroke of a pen, a brief is filed with the National Practitioner Data Bank theretofore expunging every single report associated with this matter and restoring the status to what it was at the beginning of 2001, since the only thing on my Data Bank Report (which is a lot actually) is entirely related to this ordeal. And with a stroke of the pen, you can sign a short letter stating that my license has been reinstated without any restriction, that my record has been cleared and that you encourage New York Hospital's to consider extending a staff position in light of this proclamation. That's it. I will happily sign any sort of nondisclosure agreement and take all material down from the internet. Fair is fair. I simply want to move on and provide for my children and be done with this. What say you, Mr. Servis? You've heard my petition here and have received a formal Petition whereby you would seem obligated to respond. Everyone reading this, including an interested public, is waiting to see what you do. It's ok to do what you know ought to be done. People will actually laud you for such a simple act of humility and maybe it can be the start of a new era of jurisprudence at OPMC under your leadership. *"The new and improved, Keith Servis."*

To the Administrative Review Board: I have included you in on this letter for a couple of reasons. First is so that you can officially be updated as to the "fruit" of your dreadful decision from April 2008 which saw you rubberstamp the completely counterfeit Determination and Order stemming from my dealings with OPMC rather than actually reading the Appeal and doing the right thing – for a second time in as many hearings – and throw the entire thing out. And the second reason for including you is to ask a question. I would like to know, "why do you even exist?" I mean that in all seriousness. Because given my experience, I am not quite sure. I suppose a quick examination of what OPMC says might help provide an answer. According to the Board for Professional Medical Conduct's 2011-2013 Report: *"Either side may appeal the decision of a hearing committee to the Administrative Review Board (ARB), comprised of three physician members and two lay members of the Board. The ARB hears all administrative appeals. There are no appearances or testimony in the appeals process. The ARB reviews whether the determination and penalty of the hearing committee are consistent with the hearing committee's findings and whether the penalty is appropriate. The ARB must issue a written determination within 45 days after the submission of briefs."*

You got it right in the first hearing by tossing it all out based on blatant dishonesty as demonstrated with that one "connected" juror who clearly wasn't supposed to be anywhere near my case. You had an even greater opportunity to do the "right" thing by granting me the much sought after clemency after the second hearing but chose a difference response. Sure, the majority of cases appealed to the ARB are likely justifiable prosecutions that result in the conviction being upheld. This only stands to reason. But, the other major reason for why appellate rights are afforded to given individuals in our society is for those every so often cases that come along where oversight protection is absolutely needed. This is

where you were supposed to come in but actually failed. It leaves one also wondering. Was your ruling regarding the first hearing actually less about calling out blatant cheating and more about covering the DOH's backside for the over-the-top obviousness of what unlawfully went down that simply couldn't be ignored or glossed over? I am starting to think so since the second appeal was all the more justified and moreover, substantiated than the first – only to see you essentially ignore the entire thing.

Why did you look the other way when after receiving my second appeal? The problem that I am sure was a factor in all of this is the fact that the entire thing got too far along in the minds of OPMC in order to simply make it all go away – or at least that's what had to be a driving force in essentially sticking it to me in the end, regardless of the truth of the matter. And that included your (ARB) part in it as well.

Think about it, OPMC baselessly prosecutes a physician with a ridiculously good track record, all founded on trumped up charges involving cases where no one was unduly harmed and nothing was done wrong, only to then make the conviction document look bad enough in order to justify the entire thing. If OPMC now all of a sudden admits that it was all wrong and that they were misled by this untold force from within Crouse Hospital to launch this entire thing; or if the ARB overturns the forced conviction based both on the facts and what was patently right concerning all matters involved, what sort of liability does that open them up to? Don't play anyone reading this as the fool that such a consideration doesn't come into the equation. So, if you really stop to think about it, at some point, OPMC knew the whole thing was a sham. But instead of backing off because they were not only too well invested, their power and authority got a bit overzealous in application where their total control over the process took a turn towards malevolence – most likely fueled by my vigilance for the truth – only to then be finalized by the ARB. In essence, you, ARB, did not fulfill your intended upon duties. You are supposed to make sure that the prosecution and conviction were legitimately exacted which was a far cry from what really happened. You are supposed to be that one final layer of protection against a process notorious for abuse of power – which was most assuredly in play for my prosecution. And when you were specifically asked to examine my case and ALL of the misdeeds involved with a predetermined outcome, you not only turned a blind eye but you sustained the very thing you were designed to prevent. Shame on you.

Not only did you condone what was done but you added insult to injury by imposing an extra year on my probationary terms without so much as an ounce of explanation. No reason given other than the fact that you *could* and thus chose to do so. Thank you. I certainly hope you (those responsible for my case) don't ever have that same standard of authoritative integrity applied to anything you hold to be important and necessary in your own life, such as you extended to me. Else, you might see and experience your own version of what was supposed to be a thirty day penalty from being able to work in order to supposedly “reflect” on yourself then turn into working for only two and half out of the last seven years and for negative income. I owe all of those thanks to you, ARB. Now, after what you are able to read in the Vacatur Petition, what say you now about your then decision to add your name to the list of those completely on board with forcing a known lie through a process infamous for those very things? Hmm?

To Mr. Hiser: I write to you since, again, you were included in the original dissemination of the Vacatur Petition. For anyone else reading who might not immediately know your role in all of this, you were the most recent prosecuting attorney for OPMC this past Spring of 2014 when the agency, after sitting on a new set of bogus cases for more than six years, (seriously?), came bearing down on me in unprecedented fashion, (but not unexpectedly so, given all that I have thus far grotesquely experienced first hand), whereby I really had no choice but to surrender my medical license under this latest round of duress. All can be found in the Vacatur Petition.

Upon an internet search of your name, it was found, (as recent as this past September), that your title at the BPMC is *Deputy Counsel*. This would imply that you are at or near the top of all prosecuting attorneys. In other words, you carry a bit of clout which I believe has added bearing on this entire matter. I really don't have much to say to you like the others other than these few things. First, you told me that as part of your preparation for my most recent prosecution you read the entire *Truth Test* that I had written in early 2013 and posted online. Now again, for those unfamiliar, the *Truth Test* was a very personal account of my entire professional experience, including the license ordeal along with revelatory information I also discovered about certain unscrupulous individuals, certain unethical practices and certain horribly managed medical cases (all brushed under the rug, mind you) since moving to Syracuse, NY in 1998 to practice Obstetrics and Gynecology.

In this writing, I spelled out serious case examples of not only widespread professional misconduct and corruption by the longstanding leadership in the Department of Ob/Gyn at Upstate Medical University, but one case clearly showed that the activity by both physicians and administrators in that particular instance rose to the level of felony status. The point being this – that document was full of information that not only spoke to what had been baselessly done to my license and thus career by certain individuals in my hospital department connected to and by OPMC itself, (that being your very own agency, Mr. Hiser), but also spoke to a substandard quality of Ob/Gyn care that has been the norm in Central New York for far too long. What's more, as you know, within the first few months of posting *The Truth Test*, two separate computers at the DOH loaded more than 600 pages from my website, including the story itself, while also downloading every document made available for further elucidation of the matter. As you also know, those DOH internet records are available online at the website below. I find it interesting that OPMC seems to have finally chosen to use an IP address scrambler in order to “disguise” their continued activity on my website.

By you having told me that you read that 170-plus page *Truth Test* document, I was just dying to know how, in the face of what you read, you felt justified prosecuting me, AGAIN, in 2014? I asked you point blank that when these latest cases themselves were examined, and knowing that they were (expectedly) lame, especially when considering they were merely drummed up by the same miscreants at Crouse Hospital, who did this previously with the first set of cases, what exactly was it that you felt necessary to prosecute? Your answer again, just for the record here for fear of appearing redundant, “*I'm just following my marching orders from the higher ups.*” Aside from being very telling, who else could possibly be your higher up? You are the lead prosecuting attorney who has spent countless hours and State resources investigating the case yourself and who will spend countless more prosecuting it, even to the extent of a hearing if necessary. Thus, anyone would have to conclude that you, yourself, were pretty high up at OPMC to be leading this most recent charge. Deputy Counsel, no less. So, given how positioned you are, the only logical person higher than you would be the Director – that being Mr. Servis. Policy states that all OPMC prosecutions go through him anyway, so it must have been Mr. Servis at least involved at some point or another in giving you those “orders” as from the “higher ups”.

And again, lest we forget, you were also well aware of the fact that six months prior to your first contact with me in early 2014, where you told me that OPMC was ramping up matters, I had filed my bullet proof Modification Petition with OPMC pleading for some sort of mercy given the conditions imposed upon my ability to work as a physician and had still not heard a single thing in response. I believe the words from your mouth were, (and I paraphrase), “That troubles me greatly.” Yet, you seemed to forget it pretty easily, thereafter, for something that was so *troubling* to you. I don’t fault you since you are a State employee simply doing your job and unfortunately that often includes having to follow orders that are otherwise unjustified. But hey, it’s a paycheck, right? My point in any of this is this. By these two incidents, along with other commentary you have made when interacting throughout the Spring of last year, it is my suspicion that you actually are a man with integrity who recognized what was going on but had little influence other than to play it out. And I would suspect that you were probably relieved by not having to prosecute this thing in an actual hearing. Because, then it would have required you to pull the trigger on the full measure and scope of this latest lie with you having to be the one peddling it.

I don’t see you as being one to have been easily inclined to do so. You ain’t no Timothy Mahar from what I was able to gather in the little we interacted. But you are Deputy Counsel, so you ought to have had more say and authority to do what was right and not what was convenient for OPMC. You do have the authority and furthermore, the uprightness to stand up to Keith Servis if, for whatever reason, his orders to prosecute were against the facts, don’t you? You ought to but for some reason, you didn’t. Now, maybe if I had pushed matters more last year than I did then your heart might have shown itself more. Nevertheless, my being forced to surrender under the threat of monstrous punishment must have been a relief to you in some ways. But I ask you, how does it make you feel, or better yet, how would your own mother or child feel knowing that the agency you work for literally destroyed a physician and his family for no due cause, with you being the attorney of record for the final nail in the coffin, when you and *all* the others *knew full well* that it was all baseless? For some reason, you always struck me as one who would be above all of this. However, as I humbly submit concerning the limited amount I have to go on as to your character, I could be completely wrong. Maybe you were drooling to pounce on and once and for all silence this “deluded” doctor who has been making far too much noise for far too long. Yet, I don’t suspect so nor do I wish to believe so.

My question to you really is this. Being that I suspect you to be better than what has gone on here, what say you about what you read in my Vacatur Petition? Was it not believable? Were there not enough exhibits corresponding with the arguments presented for you as an attorney to be able to piece together the truth? Don’t you as a prosecutor with the agency, not to mention the actual prosecutor for the round that led to the fraudulent loss of my license, take issue with how dishonest and, (all the more importantly), how just plain wrong this entire thing has been – on jurisprudence grounds alone not to mention the clinical basis which I don’t expect you to even know? Have you no say or jurisdiction in this matter at all? Is the title “Deputy Counsel” merely a toothless label that only looks good on paper but in reality renders the holder equally as ineffective as anyone else against the lies perpetuated by your agency? Or, as alluded to already, was all of it just old news and you were simply going through the necessary departmental motions so as to finally pound this 13 year lie into the ground and move on to the next case, while turning a blind eye to what was actually being done by your very actions? Your thoughts about all of this would be great to know. Yet, I don’t suspect I will ascertain them any time soon so long as you maintain whatever ill-natured allegiance you have to the aforementioned leader of the gang.

To Timothy J. Mahar: Aside from the group email where you were provided a copy of the Vacatur Petition, this marks the first time really, that I have addressed you directly for what you have done in these matters. And for starters, I feel for you. The darkness, the callousness, the malice you demonstrated towards me and my family with how driven you were to pound those lies through two separate hearings in order to win at all costs and then incrementally upping the penalty for merely defending myself and then going so far as to actually *defend* OPMC's illegal release of my Determination was truly sad to have been witness to, nevertheless it being done to me. I had written a whole bunch concerning you but have held back in deference to the possibility that you too were "following marching orders from the higher ups." Something had to be pile driving that whole two-hearing-plus scam as well, unless you had complete autonomy to act, which we now know you don't given Mr. Hiser's inside information of "higher up" involvement – at least in my case. Not that this excuses your actions at all but it does provide some mitigating consideration.

I can see someone following orders to prosecute a case without merit, even if they have to lie and cheat their way to a conviction in order to protect their own job and ability to support their family. I can understand it for some who would allow themselves to be used that way for a paycheck though it be condemnable on its face alone. I am not saying that such a person is or isn't you. But what I do know is that you and I *both* know that I didn't do anything to justify *any* of what OPMC did to me, with you acting as the lead prosecutor. You know it now and knew it then but yet you did anything you could, including frank and utter dishonesty, in order to win. Isn't New York's Committee on Professional Standards (CPS) the "OPMC" of sorts for Attorneys? Now I would suspect that what you did to me by abusing your State level position and authority to baselessly prosecute a case in order to bring completely destructive consequences onto the life and career of an innocent physician is probably worthy of their interest, even at a first glance.

But how about if they (CPS) were additionally some renegade State agency who frothed at the mouth when going after "dirty" attorneys? Or even good attorneys who they often arbitrarily labeled as "dirty" for any number of reasons, even if it was meant only to add to their year end statistics? How about in this case? What if they suddenly had your name and had to investigate what you did to me? Would your actions of completely ignoring all exculpatory evidence, being complicit with the improprieties that occurred in the first hearing that were instrumental in its Determination being overturned due to bias (i.e. – corruption or dishonesty) pervading the *entire* proceeding, as well as all the other violations pointed out in the Vacatur Petition (and then some) stand CPS's acid test for professional conduct for an attorney? Is this what the legal profession espouses as upstanding behavior for all those admitted to the New York State Bar? If you worked for the Committee on Professional Standards and had to review your actions in my case, how would you rule? And don't kid yourself by feeling as though you were justified and that the charges were legitimate. You know they weren't and as one contemporaneous result, you got completely owned every time when trying to cross-examine me.

When looking at OPMC's performance report for 2011-2013, it delineates at least some of the internal processes that are "supposed" to take place in a genuine investigation. There is no way, if executed properly and with actual experts who were worth a darn, that my case would have ever survived the investigative stage. It is shameful for how I have been treated but the opportunity is before all of you to do what you know *is* the right thing to do. The question is, who at that office is going to step up and finally do it. Are you actually a good guy who was made to act badly? Maybe. I've given everybody else the benefit of the doubt, though again, not excusatory for what was done. If so, then show the world (and even your loved ones) what a good guy you can be and do something to fix what you did so we all can move on already.

To David Brittain, M.D. : Dr. Brittain, you have been a part of this ordeal from the very beginning having worked for the DOH for years in the Syracuse regional office. Though I can never tell completely where you stand in all of this, you have always struck me as a decent and honest man who simply didn't know what to fully believe in my case. Here you're aware of OPMC having these "letters" from my nameless accuser(s) and supposedly a properly carried out investigation while at the same time seeing me vehemently defending myself to the nth degree. Of course you are going to have your doubts given such a scenario but in the end, you were going to do as all the others did – tow the company line. What else are you going to do in your situation of being sort of removed from the active prosecution? Yet, given all the interaction we have had, I have definitely found you to be a pretty straight shooter. So, with that said, what say you about my Vacatur Petition? Do you feel the DOH did due diligence in my case? Of course these are all rhetorical questions when everyone reading this knows without question that my entire case was *illegitimate*.

So, I write you to see what the local regional office for the DOH thinks of these goings on, particularly the parts that involve the medical care of local women and unborn babies? Have you no interest in that sort of stark reality since it would seem a pretty important patient group to want to know if there is a quality problem, which then might very well fall under your jurisdiction? Or how about the sheer dishonesty seen in my case, now that you have had the entire thing laid out for you in the petition? I don't expect you to have a huge bearing on this matter other than to learn a valuable lesson when it comes to the lives and careers of the doctors you investigate. And I don't suspect that you remember the surprising question you asked me one day when the two of us were sitting alone in one of the conference rooms awaiting the latest round of investigative interviews. Well, if you do, my answer is still "no" with that Vacatur Petition standing as the continued and unassailable material basis for my response.

To Gregory Eastwood, M.D. : Dr. Eastwood, this is perhaps the most disappointing section of this letter for me. When I went to medical school at Upstate in the early 90's, it was one of my most memorable life experiences. You were the President at that time and to all of us students, your leadership was synonymous with what we perceived to be an experience of excellence in medical education. However, I did my clinical rotations in Binghamton and thus never directly interacted with the malefactors who ran the Ob/Gyn department in Syracuse. Had I just known how awful these individuals were, not to mention the department itself, I dare say that I would have never returned to Syracuse to practice amongst them.

With the relatively recent ousting of David Smith from Upstate's Presidency for his own misdeeds, you returned from retirement to reassume the post after heading up the ethics curriculum in the medical school for the preceding several years. This is where I simply cannot understand how the Medical University works politically and what exactly is the ultimate goal as it pertains to quality care and ethical behavior. These two (quality care and good ethics) are inextricably connected to each other, should any institution truly wish to be a center of excellence. You can have all the best medical care in the world but if you are ethically bankrupt, then such a big fat zero in that column does nothing but pollute the overall grade. The same works in reverse as well when bad medical care is coupled with outstanding ethics. The overall grade of care still suffers. But what results when you have sketchy medical care AND moral turpitude operating together? Well, just look at the department of Ob/Gyn at Upstate for the past several decades and you can see first hand the fruit of that corrupt tree.

I am sure my intermittent communication with you these past fifteen months has created a bit of a dilemma in your ethically oriented mind. Here you are the President of the entire medical university, technically including jurisdiction over the department of Ob/Gyn. Along comes this disgruntled physician (remember, disgruntled is not a derogatory term when applied correctly, as in this case) who challenges you to do something about the long standing and inconceivable underachievement by this department as it applies to both care to women and unborn babies as well as the resident physicians in training. And this doesn't even include the immorality that has poured out of this department for years as well. You were taken aback, I am sure. But what do you do with something like this now on your lap? I am sure you spoke to the reprobates who have represented the department for years only to have your ears filled with all sorts of ad hominem attacks directed towards me as well as anything else that would enable these men to deflect the reality of what they really are away from your attention or awareness.

I know how people are and I know how *these* people are. I know that any commentary by me to you about them will be met with immediate rhetoric by the party under scrutiny in order to offset any justifiable interest into their misgivings. I can just imagine the remarks if you actually took any of what I presented to you as serious. Morally corrupt men will say and do just about anything to save their own skin and to keep their ruse going. The one difference in all of this for all parties reading is that I have always been more than willing to take on any detractor face to face and in any open setting in front of anyone to let the real facts speak for themselves. They simple cannot and would *never* expose themselves in such a transparent and honest way. Whatever you might have heard from the Silvermans or the Badawys of the world in response to my assertions that they are not only morally unfit to serve as leaders in any sort of University setting (or anywhere really), but also clinically inept as well, I guarantee you that such “excuses” offered by them would never stand up if anyone with insight and true knowledge were to be present to hear any of it.

These men have gone above and beyond to attain a certain degree of “chumminess” with their administrative colleagues so that rightfully ousting them is all that much more difficult given certain interpersonal connections. As the President of the entire University, which has just as much responsibility to the community as well as to any individual physician in the system, is the “good ol’ boy” club of rewarding (or even sustaining) bad behavior in line with both your historical rule as leader, not to mention what you laid down as part of the curriculum in medical ethics at the medical school? This cognitive dissonance tearing away at your mind over this matter is certainly not fun for you, I am sure. That’s assuming that there is that conflict actually going on inside of you. I’m going to assume that it is given my longstanding perception of your character. The big question for you, as it has been for everyone else in this letter who have the authority to actually do something good with this information, what are you going to do about it? This is not just my beef, but a community wide problem. Were the scoundrels of the Ob/Gyn department successful in deflecting any and all attention away from them? Were they able to convince you that they really are “good” doctors and “good” men and that the cases I have cited are mere outliers that have no place in the overall assessment of the department’s wherewithal to provide consistent excellence to the community? Have you now been fooled as well? The likelihood is high, which is sad. Just look at the recent conviction for murder of one of their contemporaries – someone who directly worked with these two men. In fact, there are many from this same generation of Ob/Gyn’s in this community who are just as murderous in their hearts. Take Jeff Chick, M.D. as a prime example. Just a disgusting man who, himself, has been able to get away with all sorts of incredible transgressions while fooling everyone. The lesson from all of this is the fact that anyone can appear to be “professional” and “upright” in their role as a physician when in reality, inside they are as black as black can be.

Let me assure you, just the clinical cases that I know about from this department are so egregious that if I were to even hint of anything like what I have repeatedly seen here occurring where I trained in Michigan, there would be serious ramifications and heads rolling. Since when did it become medically ethical to tolerate repeated and preventable poor outcomes only to pat each other on the back for a job well done, while a dead baby lies in a specimen container? Completely senseless. Such realities should not have to happen even more than once in order to stimulate the necessary steps to eliminate such a thing. Here in Syracuse? Such outcomes are commonplace with the only response I have seen being a scramble to make sure any and all facts and personal association with the case are glossed over and brushed under the rug so as to avoid any heat. Besides, the worst perpetrators are the ones who head up peer review anyway, so they are doubly insulated and thus, the same conditions invariably persist.


In all of your experience as a physician in addition to your teaching on medical ethics, I am surely not telling you anything you don't know. But, despite all your knowledge of how such individuals continue to dupe the system and get away with it to the detriment potential of a sizable community, as the one in charge of the entire University with the power to actually clean house once and for all, still nothing has been done. It has been very disappointing to see the President of my medical school, who has long championed the ethical practice of clinical medicine, when actually presented with the chance to put into action that which he has preached for years, balk at the opportunity. I know you are well aware of all of what I have been critical of concerning this department. Not just from our in-person meeting in January of 2014 but also from the numerous times I have record of you going online to my website to read the facts. The question remains still, "Are you going to allow these proven liars and clinically borderline physicians to continue to manipulate and dominate (for their own massive financial and professional gain and at the expense of both medical education and consistently safe care for the community) even the ethics professor turned President? So far you have. Your silence has sadly fallen in line with the others who have chosen to do nothing. Somehow, in your mind, you must be thinking that it would be a difficult and politically messy task to clean house. Well, it ought not be and furthermore, it is long overdue. There will be rejoicing in heaven alone should this community finally have this rubbish put to the curb.

As can be seen in each of my communications above that I am not an unreasonable man. But I am a perturbed one. In fact, all that is being asked of each of you is to do your job and do it correctly. Let me ask this to all of you. Surely at some point prior to taking on your respective positions there had to be at least the following implication during the hiring process – (of course, you Governor, essentially did the same by taking your oath of office). If the party interviewing you were to pose the following very valid question, "***If you are hired for this position*** (be it Commissioner of Health, Director of OPMC, a staff member at OIG, a prosecuting attorney for OPMC, a member of the Appellate Division of the DOH, a State Senator, a President of a Medical University, etc.), ***do you feel as though you can execute the duties entrusted to you in a fair and honest manner so as to properly represent and protect the State of New York and its citizens?***" how would you have answered it? Of course, ALL of you would have said, "Certainly, of course. Yes!" while some of you may very well have had your fingers crossed while saying it. So, if this be your (expected) answer, even if asked this same question right now, (should, someone like a reporter stick a microphone in your face), then why have ALL of you chosen to violate it as it pertains to carrying out your duties in this matter before you, as delineated in this letter? Seriously?

Each of the parties addressed in this correspondence might be thinking that this nuisance of a letter could just as easily be handled by any of the others listed while maintaining your own pitiable silence. Surely, this “passing the buck mentality” is not the intent of this effort nor is it a satisfactory response either. Neither is continuing to ignore the matter altogether considered acceptable as well. This should be a great opportunity to show how each party addressed can come together and use their authority to actually do something right and just for once. Am I a just a foolish dreamer to think that such forthrightness actually exists in government and that adults could actually act like adults by carrying out such a thing? Maybe so. But each and every one of you at some point in your life thought the same way as I do. I just so happen to believe that such honesty, integrity and good deeds still exist. Now that each of you are in a position to actually make it happen, what have you done to fulfill that same ideology?

I don't seek anything from this effort other than to be employable once again and for my name to be rightfully restored – on paper at least. How hard could that really be? Yet, in order for anything good, just, righteous and true to be able to overcome an already established act badness, the parties involved must develop an appetite for humble pie. Rest assured, I made certain that this confectionary has been constructed with the finest of ingredients and therefore will bring health and vitality to the body and soul should you just try a piece. I dare say that many of you have forgotten what such a delicacy tastes like when able to get past the name and personal pride. At least it's not succotash. So, cut yourself a piece and get on with the consumption already. I have children of my own to feed and you all are holding that up. I thank you in advance for what I know you are more than capable and willing to do. Now all you have to do is just do it.

Sincerely,



James R. Caputo, M.D.

<p>The Honorable Andrew M. Cuomo Governor of New York State New York State Capitol Building Albany, NY 12224</p>	<p>Howard A. Zucker, M.D., J.D. – Commissioner of Health New York State Department of Health Corning Tower • Empire State Plaza Albany, NY 12237</p>	<p>New York State Inspector General Empire State Plaza Agency Building 2, 16th Floor Albany, New York 12223</p>	<p>Honorable James L. Seward 172 State Street Capitol Building, Room 430 Albany, NY 12247</p>	<p>Honorable Kemp Hannon 172 State Street Capitol Building, Room 430 Albany, NY 12247</p>
<p>Keith W. Servis, Director Office of Professional Medical Conduct New York State Department of Health Riverview Center 150 Broadway Suite 355 Albany, N.Y. 12204-2719</p>	<p>Administrative Review Board of the Department of Health 433 River Street, Fifth Floor Troy, NY 12180</p>	<p>Michael A. Hiser, Esq. Timothy J. Mahar, Esq. Riverview Center 150 Broadway Suite 355 Albany, NY 12204-2719</p>	<p>David Brittain, M.D. Department of Health Syracuse Regional Office 217 South Salina Street Syracuse, NY 13202-1380</p>	<p>Gregory Eastwood, M.D. President SUNY Upstate Medical University 1154 Weiskotten Hall 766 Irving Ave. Syracuse, NY 13210</p>

Web link to the Vacatur Petition: <http://www.goodlifecentre.com/petition.html>