

LETTERS

By Hand

October 9, 2006

TO: Attorney General Terry Goddard
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

RE: Complaints made against Chiropractor members
of the Arizona Board of Chiropractic Examiners

Dear Sir:

Enclosed herewith please find copies of certain documents sent to the Arizona Board of Chiropractic Examiners, filed as complaints against the three Chiropractor members of this Board, for exposing their patient records, and the very personal patient information they contain, in an unlawful and unethical manner. Should the phrase "Board immunity" come to mind, take note that these complaints were filed against these three chiropractors as working chiropractors, not as Board members. The chiropractor/ Board members involved are Dr. Steven Baker, Dr. Craig Seitz, and Dr. Diane Haydon.

The purpose of this letter and the accompanying materials is to acquaint your agency with the fact that these complaints were filed over one month ago, and to date not one of these very serious complaints have been acknowledged by any member or staff member of the Board as having been received, or any action taken, even such minimal action as being scheduled for review, or appearing on the monthly meeting calendar. *It appears, in fact, that these complaints have been wholly ignored, if not affirmatively hidden (with one very interesting exception; see **Attachment One** below).*

The sample of complaints provided herewith is but a small number of the total complaints filed with the Board. The cover letter sent with each complaint is also provided herewith, which describes among other things how and where these documents were found. An approximate total of One Thousand One Hundred (1,100) complaints have been filed thus far.

Each of these documents, some with multiple pages, were sent, individually, in separate envelopes as separate complaints, against each of these three chiropractor Board members, as appropriate. They were each addressed directly to Charles Brown, the Board's Investigator/ Deputy Director.

All of these materials were mailed; placed into the U.S. postal system for delivery. The Post Office advises that none are in any "dead letter box" or otherwise were not delivered as addressed. One hundred-eleven (111) complaints were mailed in a manner requiring signature, via Certified mail, all of which have been tracked and reported as delivered by the USPS.

continued...

The materials found contain patient names, dates of birth, social security numbers, addresses, telephone numbers, insurance claim forms, treatment details, treatment costs, insurance data, legal documents, patient credit card slips (with full account number and signature), copies of patient driver licenses, among other data. In addition, many of these documents appear to be electronic data transmission forms which may constitute HIPAA violations.

*The documents presented in this package comprise approximately 90 patient records and/or related materials, or about one-eleventh of the number sent to the Board. **These 90 patient and other records alone relate to approximately 432 different patients between the three offending chiropractor Board members.** There are an additional 1,000 patient records that are the subject of these complaints, involving hundreds more patients, presently being ignored by the Board.*

These complaints arrived at the Board over a period of weeks ending in early September, 2006. Each complaint carries a unique number identifying it separately from all the other complaints, and indicates when the material was collected. Over a month later, not one of these complaints has been acknowledged by anyone at the Board, including staff.

There is one single exception to the Board failing to acknowledge these complaints, and that is treated separately below. This scenario alone displays the unethical, arrogant, biased and corrupt manner in which all Board members and especially Charles Brown, the Chief Investigator/ Inquisitor of the Board, act to both protect the Board members and to inflict intentional, malicious pain and suffering upon other chiropractors.

It is hoped that you will now inquire of the Board regarding these complaints, so that they may be processed, and not hidden or destroyed, by the Board. All that is asked is that these complaints involving the said Board members, as chiropractors, be processed in the same manner as any other complaint against a chiropractor in their jurisdiction, would be processed. Just ask any chiropractor practicing in Arizona what would happen to them, instantly, if such a complaint of even one document was made against them. The answer should be clear from the scenario described below at Attachment One.

As responsible people, we have taken great pains to keep the patients' names and other identifying information from being made public, as can be seen from the redacted copies provided here, which you hopefully will review now. Each offending chiropractor/ Board member, when they disposed of their own patient records, and those of other chiropractors, failed to have such consideration for their own patients.

If, however, the Board fails to acknowledge these complaints, and your agency is unsuccessful in convincing and/or requiring the Board to honor its commitments to the profession it regulates, to force the Board to police itself, the next logical step is to inform the patients involved so that they may make their own choice about how they will go about righting these very obvious, and very dangerous wrongs.

Anonymous.

Encls: Attachment One and Two

ATTACHMENT ONE

Office of the Arizona Attorney General
10/09/2006

RE: The first complaint mailed in this series of complaints

The first complaint in this series mailed to the Board, involved a complete patient record, comprising some 35 pages. This material was found in Dr. Steven Baker's outdoor office waste disposal can. However, this patient record belonged to another chiropractor, one who had a case before the Board, and this record had been provided to the Board pursuant to the Board's order for this patient record. The original material recovered has the Board's intake stamp on each page. *Thus, Dr. Steven Baker threw away not just a complete patient record, intact, with all manner of identifying information about the patient included, but in so doing placed in the public domain another chiropractor's records, which material was entrusted to Baker as a Board member for safe-keeping.*

The packet that was mailed to the Board as a complaint involving this material contained the cover letter you see here. Each page of the material clearly also contains "Dr. Baker's" name on each page, to indicate the location where the material was found.

That notwithstanding, Charles Brown, the Board investigator, called up the involved chiropractor the very next day after he received this material (repeat, the very next day after receipt), and stated that he (Brown) was considering filing charges against this chiropractor for allowing his patient material to get into the public domain, unless he admitted he did so. These allegations were emphatically denied. More conversations followed, leaving the involved chiropractor with the impression that charges would be filed against him for the next Board meeting, in October. These conversations took place in September, 2006.

The involved chiropractor was then contacted and provided sufficient information for him to understand exactly where these documents were found; that they were found in Dr. Steven Baker's outdoor trash receptacle and not anywhere else. Charles Brown sent this chiropractor a copy of the documents, who then could clearly see Dr. Baker's name on them. This very obvious fact was not mentioned to the involved chiropractor when Charles Brown previously spoke to him, threatening him with charges.

Subsequent to the conversation with the involved chiropractor wherein he learned the real story, Charles Brown called him again, and renewed his threat to file charges. This time the involved chiropractor asked Mr. Brown what the name "Baker" was doing on each page. Mr. Brown failed to respond to this question, and abruptly terminated the conversation. The involved chiropractor has not heard again from Mr. Brown, as far as we know.

Incredibly, notwithstanding that Charles Brown knows exactly from where these documents were acquired (how could he not given the other 1099 complaints received alleging the very same acts), and that the involved chiropractor has repeatedly (and truthfully) denied having thrown out the subject records, the involved chiropractor's name appears on this month's calendar of cases before the Board (October, 12, 2006), specifically with regard to this situation.

continued...

ATTACHMENT ONE

Office of the Arizona Attorney General
10/09/2006

Attch. Page 2/2

*Thus we have the circumstance whereby Charles Brown, Board Deputy Director, has managed to bring charges against the involved chiropractor **immediately**, and yet, of over a thousand complaints filed against the three Board members **for the very same act, not one such complaint has made it to the October calendar naming any of the chiropractor Board members.** This, in sum and substance, is why these materials are being sent to you. The arrogance is mind-boggling, and unrestrained.*

This behavior on the part of Charles Brown, the Board's Deputy Director and Investigator, is the very height of arrogance and extortionate behavior. Bringing charges against the involved chiropractor in this case is an act of pure corruption, and an affirmative, calculated effort to protect a Board member at the expense of a "lowly" constituent chiropractor. It has been made with intentional malice aforethought, and is contemptible, as it has been done to get the involved chiropractor to confess. We use the term "Inquisitor" when referring to Charles Brown with good reason.

However, this is only one example of the consistently biased and corrupt behavior by the Board and its Investigator, based on favoritism, unethical treatment of its constituents, its illegal and extortionate tactics in forcing chiropractors to sign statements of confession under the threat of losing their license... it is a constitutional and ethical nightmare that needs to be investigated, punished and eradicated.

If nothing else, you are now looking at documents that have been illegally and unethically discarded by practicing chiropractors, but more significantly, by chiropractors who are members of the Board that sits in judgment of all other chiropractors in Arizona. These three chiropractor Board members have failed to comply with their own requirements about destruction of patient records, which require either "shredding or incineration" as the only acceptable forms of destruction. More importantly, they have placed in the public domain thousands of patient records and personal information that is an identity thief's dream. *Your agency specifically, should be interested in this aspect of this behavior.*

They have taken a stand as being higher and mightier than their constituents, that they do not have to follow the rules they themselves set for others in their profession, when in fact, they should be held to an even higher standard of compliance than the average chiropractor because of the very fact that they are Board members who should know better. It is as simple as that.

We hope you will do what is right in these circumstances, in this election year.

End.

ATTACHMENT TWO

Office of the Arizona Attorney General
10/09/2006

RE: Sample of complaints filed

The materials included here are samples of documents sent to Board as described above. Each packet contains a copy of the cover letter and the redacted patient record substantiating the complaint.

The documents are separated as follows:

1. Documents relating to Dr. Steven Baker

Number of sample complaints provided:	35
Number of patients involved:	244

2. Documents relating to Dr. Craig Seitz

Number of sample complaints provided:	35
Number of patients involved:	71

3. Documents relating to Dr. Dianne Haydon

Number of sample complaints provided:	12
Number of patients involved:	117

Please see individual packets.

End.

By Hand

October 9, 2006

TRANSMITTAL MEMORANDUM

**To: Attorney General Terry Goddard
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007**

**RE: Complaints filed against Board members
of the Arizona Board of Chiropractic Examiners**

This packet has been sent to Mr. Goddard directly for information purposes only.

The full set of materials has been sent by hand to Erin Cohen, Assistant Attorney General, of your office. We were advised that she is responsible for the agency referenced above

Thank you.

By Hand

October 9, 2006

TRANSMITTAL MEMORANDUM

To: **Patrick Shannahan, Ombudsman
Arizona Ombudsman-Citizens' Aide
3737 N. 7th Street, Suite 209
Phoenix AZ 85014**

RE: **Complaints filed against Board members
of the Arizona Board of Chiropractic Examiners**

Annexed hereto please find documents relating to the above referenced matter.

Please be advised that the monthly Board meeting this month is on Thursday, October 12, 2006.

Thank you.

By Hand

October 9, 2006

TRANSMITTAL MEMORANDUM

**To: Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007
Attn: Erin Cohen, Esq.
Asst. Attorney General**

**RE: Complaints filed against Board members
of the Arizona Board of Chiropractic Examiners**

Annexed hereto please find documents relating to the above referenced matter.

A copy of this Transmittal Memorandum and accompanying letters only (no copies of documents) has also been delivered by hand to Mr. Goddard's office directly.

Thank you.

COVER SHEET

To: **Office of the Arizona Attorney General**
1275 West Washington Street
Phoenix, AZ 85007
Attn: **Erin Cohen, Esq.**
Asst. Attorney General

RE: **Complaints filed against Board members**
of the Arizona Board of Chiropractic Examiners

PLEASE SEE ACCOMPANYING TRANSMITTAL LETTER, LETTER AND ATTACHMENTS ONE AND TWO, delivered by hand on October 11, 2006.

See ATTACHMENT TWO document.

The documents below all relate to Dr. **Steven Baker**.

There are thirty-three (33) separate documents in this packet.

See Attachment One for an additional document relating Dr. Steven Baker, for a total of 34 documents relating to Dr. Baker.

End.

COVER SHEET

To: **Office of the Arizona Attorney General**
1275 West Washington Street
Phoenix, AZ 85007
Attn: Erin Cohen, Esq.
Asst. Attorney General

RE: **Complaints filed against Board members**
of the Arizona Board of Chiropractic Examiners

PLEASE SEE ACCOMPANYING TRANSMITTAL LETTER, LETTER AND ATTACHMENTS ONE AND TWO, delivered by hand on October 11, 2006.

See ATTACHMENT TWO document.

The documents below all relate to **Dr. Craig Seitz**.

There are thirty-five (35) separate documents in this packet.

End.

COVER SHEET

To: **Office of the Arizona Attorney General**
1275 West Washington Street
Phoenix, AZ 85007
Attn: Erin Cohen, Esq.
Asst. Attorney General

RE: **Complaints filed against Board members**
of the Arizona Board of Chiropractic Examiners

PLEASE SEE ACCOMPANYING TRANSMITTAL LETTER, LETTER AND ATTACHMENTS ONE AND TWO, delivered by hand on October 11, 2006.

See ATTACHMENT TWO document.

The documents below all relate to **Dr. Dianne Haydon**.

There are twelve (12) separate documents in this packet.

End.

By Hand

December 12, 2006

TO: Attorney General Terry Goddard
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

To: Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007
Attn: Erin Cohen, Esq.
Asst. Attorney General

TO: Patrick Shannahan, Director
Arizona Office of the Ombudsman
3737 N. 7th Street, Suite 209
Phoenix AZ 85014

RE: **Complaints (over 1,000) made against Chiropractor members
of the Arizona Board of Chiropractic Examiners**

Dear Sir or Madam:

It has now been two months since the last message regarding the above-referenced matter was sent to you. It has been three months since the original complaints were filed with the Chiropractic Board.

During this time period (between two and three months), charges against the average chiropractor (who is not a member of the Chiropractic Board, that is) who was alleged to have committed the same acts as the Board-member chiropractors have clearly committed, would have already been filed; the case would have been investigated, a case number assigned, and the matter would have appeared on the Board's calendar (agenda) for action to be taken. At minimum, an "interview" would have been requested by Charles Brown, Board Deputy Director and Chief Investigator/Inquisitor, for the involved chiropractor to appear and answer questions about the matter. At this "interview" the chiropractor is often threatened with punishment (pre-evidence gathering by the Board) if he/she fails to sign the already-prepared "agreement" presented by Charles Brown at that time. This is all well-documented as the usual course of action.

None of this has taken place to date, with regard to even one complaint of the 1,100 complaints properly filed against the three Board-member chiropractors. In fact, the Board, and/or Charles Brown acting on his own, appears to have destroyed all the materials sent to them. At the very least, no one has seen any evidence of these complaints being processed in any way... which is not a surprise given the Arizona Ombudsman essentially giving the Board permission to do so.

The Arizona Ombudsman's Office was consulted by the Board about these complaints, and issued a statement in writing to the Board dated September 29, 2006 (see **Attachment One** below). The Ombudsman took the Board's word that it (the Board) was "following [its] standard protocol" when "handling anonymous complaints", which protocol was to "file and dispose" of them, apparently, when the Board determines there is not sufficient information to investigate the complaint. This raises the question; what investigation did the Board do to make that determination, and who did it... the Board, its investigator... who? What other acts were committed resulting in this self-serving, obstructionist decision?

When issuing its advice to the Board (that the Board's procedure was appropriate), the Ombudsman was apparently under the very mistaken impression that the Board does not normally accept anonymous complaints. In truth and in fact, the Board *frequently* accepts such complaints and processes them like any other complaint. Most significant is the fact that many of the anonymous complaints that the Board acts on are actually made, albeit "anonymously", by the chiropractor Board members themselves, and many by Dr. Steven Baker (yes, against other chiropractors, many of whom have beaten him in court when he represented an insurance company, acting as an IME chiropractor; that is his form of retaliation for losing a case... another well-documented fact).

And from where did the Ombudsman get its bad information, that the Board does not accept anonymous complaints? Well, it seems he got it directly from the Board members themselves! As an alleged *neutral* party, it is also curious that the Ombudsman added its own opinion to the situation, that "the complaints seem to be made in bad faith with the intent of intimidating members of the Board", or was that the Ombudsman merely echoing the Board's carefully manipulative comments?

Notwithstanding the Ombudsman may be guilty of practicing law without a license in giving such advice, it does not seem to be the mandate of the Ombudsman to give such advice to the Board. The citizens of the State of Arizona are under the impression that the Ombudsman's Office is *neutral* territory, a place to go when a state agency fails or refuses to deal with a private citizen's complaint. Were it that the Ombudsman's job is to protect and/or advise any such agency, rather than to provide a forum to the public for negotiation and mediation, *then its usefulness has been completely usurped and it should be closed, immediately, as an enormous waste of taxpayer money.*

Attachment Two contains the Ombudsman's own description of its mission seen on its website home page, which is significantly contrary to the Ombudsman's behavior and actions in this matter, especially without conducting its own independent investigation.

The original documents (the subject of the complaints) are just as original as when they were collected from the waste containers and the outer office environs of the three chiropractor Board members *over a period of a year*. Unless the chiropractors are seriously prepared to state that these documents are not from their offices, or that these patients are not their patients, how can they deny from where these documents were obtained? Exactly what more investigation is needed? If it were any other chiropractor, the Board would simply *assume* these facts as true and proceed to punishment.

The Board's twisting of the truth and its clearly malicious manipulation of the Ombudsman's office has only served to prove the degree of corruption of the Chiropractic Board members. Further, it has served to prove, as many have alleged for several years, that they are unfit to serve on the Board, and/or in judgment of anyone, much less their peers.

It is fully expected that when the Board is challenged about destroying or ignoring these complaints they will respond as follows: "The Ombudsman said it was okay!" It is unlikely the Board members will readily admit to lying to the Ombudsman in order to manipulate the situation, but maybe by then the Ombudsman will have the intestinal fortitude to find out the truth, admit its mistake, acknowledge its mandate, and deal with the Chiropractic Board appropriately.

The purpose of this letter is to demand that action be taken on these complaints.

As the Attorney General of the State of Arizona, it is also your responsibility to investigate public corruption and protect the rights of citizens of Arizona against discrimination, unprofessional conduct, identity theft and other bad behaviors committed by the chiropractor Board members. If the Attorney General's Office was not interested before in asserting the rights of the patients/Arizona citizens in this huge volume of cases, perhaps now it will be.

The next logical step in the process of having these complaints heard, if the people's representatives fail to act, is to give the patients themselves the opportunity to assert their own rights in this matter by providing them with the copies of their own records, a few of which you have already seen.

It seems appropriate to remind you about the Constitution of the United States, at least the parts alluding to the social contract between the people of this country and its government. To oversimplify a bit, it goes like this; the people, the citizens, agree not to pursue their own vengeance, their own "pay back", their own personal satisfaction in punishing the bad guys themselves, because they realize that that might lead to chaos in the society, not to mention the wrong person being accused and punished. The reason the people at large agree to keep from taking their own revenge is precisely because the government promises that it will do that for them, that justice will be done, that the wrongdoers will be investigated and if convicted, or their guilt proven, that they will be punished.

When, however, this "arrangement" breaks down, when the government fails in its mandate to even review the petitions of the citizens, such as complaints of wrongdoing, then the citizens feel betrayed and worse, angered even further by the subsequent wrongdoing, this time on the part of the government that fails to act on their behalf as promised. That feeling has already grown strong among Arizona chiropractors vis-à-vis the Board; the patients will not be far behind.

A member of the Attorney General's Office sits at all the Chiropractic Board meetings and advises the Board members on Board activities. Perhaps the AG's Office is wrestling with a conflict of interest situation, and that could explain the AG's lack of action thus far. That being said, recall that these allegations are being made against three chiropractors who just happen to be members of the Chiropractic Board.

When and if these complaints become public, and the patients choose individually to take legal action against these chiropractors, these chiropractors will have to retain their own attorneys when their cases come before the Board, or a court. They will not enjoy immunity as Board members, because these complaints are not about their activities as Board members. The only connection with the Board might be in the punishment they each will ultimately receive, when their status as Board members is determined to be a "higher standard" to which they should have each been held.

Both the Attorney General's Office and the Office of the Arizona Ombudsman have not only failed to act in this matter by abandoning their constituents, but worse, they have given apparent aid and comfort to the wrongdoers by covering for them, providing excuses for them, being duped by them and apparently ignoring the complaints entirely by failing to even acknowledge the complaints. There is no place left for the citizens/patients to go but to personally assert their own rights in these matters in court.

If your respective offices need something to hang your hat on, recall the example we provided in the letter of October 9, 2006 (portions of which are annexed hereto for your reference at **Attachment Three**). When the Board (Charles Brown in particular) believed that one of the offending documents (the first one delivered to the Board) had come from a chiropractor who is not a member of the Board, they immediately threatened that chiropractor with sanctions and other punishment.

That was an "anonymous" complaint also, wasn't it? The Board acted on it, right? Did they ignore or destroy it? NO. Was there "sufficient information with which to investigate", even though it was exactly as anonymous as the other 1,099 complaints? Oh, yeah! WHY???? **Because it did not involve a Board member!**

These complaints are not about intimidation; the Board's behavior is all about intimidation, which is the normal way they treat other chiropractors. There is no intent here to take advantage of publicity or to use intimidation for leverage, as has already been alleged in the smear campaign started by the Board members and Charles Brown, as evidenced by the Ombudsman's letter. If that were the motivation, the media would have had this story running for several months already, and patients would already be lining up outside your offices and at the courthouses. In fact, just the opposite is true; there has been a sincere effort to keep politics and publicity out of the picture. Sadly though, the hand is being forced, and those lines of people may soon be seen.

The present chiropractor members of the Board have no business sitting in judgment of others when their own behaviors are unprofessional, unethical, and possibly criminal. While we are informed that there are apparently numerous other issues between Arizona chiropractors and this Board as presently constituted, maybe those problems will come to light as a result of these complaints, but that is a different matter.

The people of this state are not stupid, nor are they unable to organize and solve their own problems, as your collective actions and failures to act would make it seem you believe. Instead, they are at present being very patient; waiting to see if you will act in their best interests, as you have sworn to do, before they are forced to do that for themselves. They implore you once again; simply do your job, and hopefully, soon.

Thank you for your attention.

Anonymous.

ATTACHMENT ONE

Text from the Arizona Ombudsman letter dated September 29, 2006 to the Board:

Ombudsman-Citizens Aide

Page 2 of 4

September 29, 2006

Patrice Pritzl, M.P.A.
Executive Director
State of Arizona Board of Chiropractic Examiners
5060 N. 19th Ave. Ste. 416
Phoenix, AZ 85015

Dear Ms. Pritzl:

This letter responds to your letter dated September 1, 2006 regarding numerous anonymous complaints made against Board members.

I have reviewed your letter and agree that the procedure you have outlined is appropriate. To me, your procedure has three essential components:

1. The mailings do not provide sufficient information with which to investigate the complaints. Further, the complaints seem to be made in bad faith with the intent of intimidating members of the Board.
2. You are following your standard protocol in handling anonymous complaints and are treating these complaints the way you have treated other anonymous complaints.
3. You are going to file and dispose of the anonymous complaints in accordance with your records retention policy.

Please let me know if you have further questions or if this letter does not fully address your questions.

Sincerely,

Patrick M. Shanahan

ATTACHMENT TWO

Text from the Arizona Ombudsman website home page statement:

Welcome to Arizona's Ombudsman Web Site

Making government more responsive to the people of Arizona -- that's what the Arizona Ombudsman-Citizens' Aide is all about. If you feel you have been treated unfairly by a state administrator, or if you find yourself in a disagreement or dispute with a state agency, department, board or commission, you can turn to the Ombudsman-Citizens' Aide.

Our Role

Our role is to help people who are having a problem with an agency of Arizona state government.

We help by first listening to the person's complaint. We then discuss their rights, options and explain the programs/procedures that may already be in place to resolve the problem. In some cases that may be all the help the person needs.

In other cases we work with the agency on a citizen's behalf to find a remedy that is fair and appropriate.

We also have the authority to conduct a formal investigation if the seriousness of the case warrants.

ATTACHMENT THREE

Office of the Arizona Attorney General
10/09/2006

RE: The first complaint mailed in this series of complaints

The first complaint in this series mailed to the Board, involved a complete patient record, comprising some 35 pages. This material was found in Dr. Steven Baker's outdoor office waste disposal can. However, this patient record belonged to another chiropractor, one who had a case before the Board, and this record had been provided to the Board pursuant to the Board's order for this patient record. The original material recovered has the Board's intake stamp on each page. *Thus, Dr. Steven Baker threw away not just a complete patient record, intact, with all manner of identifying information about the patient included, but in so doing placed in the public domain another chiropractor's records, which material was entrusted to Baker as a Board member for safe-keeping.*

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That notwithstanding, Charles Brown, the Board investigator, called up the involved chiropractor the very next day after he received this material (repeat, the very next day after receipt), and stated that he (Brown) was considering filing charges against this chiropractor for allowing his patient material to get into the public domain, unless he admitted he did so. These allegations were emphatically denied. More conversations followed, leaving the involved chiropractor with the impression that charges would be filed against him for the next Board meeting, in October. These conversations took place in September, 2006.

The involved chiropractor was then contacted and provided sufficient information for him to understand exactly where these documents were found; that they were found in Dr. Steven Baker's outdoor trash receptacle and not anywhere else. Charles Brown sent this chiropractor a copy of the documents, who then could clearly see Dr. Baker's name on them. This very obvious fact was not mentioned to the involved chiropractor when Charles Brown previously spoke to him, threatening him with charges.

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Incredibly, notwithstanding that Charles Brown knows exactly from where these documents were acquired (how could he not given the other 1,099 complaints received alleging the very same acts), and that the involved chiropractor has repeatedly (and truthfully) denied having thrown out the subject records, the involved chiropractor's name appears on this month's calendar of cases before the Board (October, 12, 2006), specifically with regard to this situation.

continued...

ATTACHMENT THREE

Office of the Arizona Attorney General
10/09/2006

Attch. Page 2/2

*Thus we have the circumstance whereby Charles Brown, Board Deputy Director, has managed to bring charges against the involved chiropractor **immediately**, and yet, of over a thousand complaints filed against the three Board members **for the very same act, not one such complaint has made it to the October calendar naming any of the chiropractor Board members.** This, in sum and substance, is why these materials are being sent to you. The arrogance is mind-boggling, and unrestrained.*

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However, this is only one example of the consistently biased and corrupt behavior by the Board and its Investigator, based on favoritism, unethical treatment of its constituents, its illegal and extortionate tactics in forcing chiropractors to sign statements of confession under the threat of losing their license... it is a constitutional and ethical nightmare that needs to be investigated, punished and eradicated.

If nothing else, you are now looking at documents that have been illegally and unethically discarded by practicing chiropractors, but more significantly, by chiropractors who are members of the Board that sits in judgment of all other chiropractors in Arizona. These three chiropractor Board members have failed to comply with their own requirements about destruction of patient records, which require either "shredding or incineration" as the only acceptable forms of destruction. More importantly, they have placed in the public domain *thousands* of patient records and personal information that is an identity thief's dream. *Your agency specifically, should be interested in this aspect of this behavior.*

They have taken a stand as being higher and mightier than their constituents, that they do not have to follow the rules they themselves set for others in their profession, when in fact, they should be held to an even higher standard of compliance than the average chiropractor because of the very fact that they are Board members who should know better. It is as simple as that.

End.

March 30, 2007

TO: Attorney General Terry Goddard
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

To: Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007
Attn: Erin Cohen, Esq.
Asst. Attorney General

TO: Patrick Shannahan, Director
Arizona Office of the Ombudsman
3737 N. 7th Street, Suite 209
Phoenix AZ 85014

RE: **Complaints (over 1,000) made against Chiropractor members
of the Arizona Board of Chiropractic Examiners**

This letter is submitted as the final communication to you, in this format, regarding the illegal dumping of patient records by the three D.C. members of the Arizona Board of Chiropractic Examiners. Thus far we have made every effort to apprise you of the situation, and have so far hoped you would accept your mandated responsibilities, and protect the public from these arrogant, unprofessional, unethical and corrupt public officials. Others will now take up the work.

Since you have chosen not to deal with the situation placed before you, with all the evidence you needed to begin an investigation, the victims, the patients, who have been affected by this situation will now be made aware of what has been going on, and what has not been going on.

Sufficient time has passed to investigate the matter, with no apparent effort by your agencies to do so. The strategy and scheduling of this matter, all along, have been chosen to protect the identities of the patients involved. It really would have been unnecessary to reveal their identities and involve them, had an investigation begun.

You really have your collective heads in the sand if you think the chiropractors in this state are not fed up with the treatment they receive from the Board members, and its investigator, what they call its Inquisitor, Charles Brown. Your lack of action, and even acquiescence of the Board's decision to not even open an investigation into this egregious behavior only fuels the view that the Board, and your agencies, are corrupt.

It is clear to everyone, except obviously the Ombudsman and the Attorney General that the Executive Director of the Board lied to the Ombudsman when she explained in her letter of September 1, 2006, the Board's policy with regard to anonymous complaints. The Ombudsman relied on her false statement to give his stamp of approval to the Board's decision to destroy the complaints, without even starting an independent investigation about them. The Ombudsman does advocate for the People of this state, correct? The Board will now simply hide behind the response letter from the Ombudsman, and will surely try to blame its inaction on the fact that the Ombudsman "said it was okay"... fueling the fire.

By the way, did you know (of course you did) that the Board, "as a public service", has published its September 1, 2006 letter to the Ombudsman in a state chiropractor association's monthly magazine for all to see? One has to wonder what prompted this first (albeit six months later) public acknowledgement by the Board of these complaints, and its actions taken about them. One has to wonder what motivated this step, at this time. Surely nothing in the case itself has prompted it. Is this an attempt at getting in front of some announcement by the Governor, or someone else who will further try to bury this situation? Or is it, as your own experienced investigators probably are thinking, their consciousness of guilt seeping through? So, why doesn't the Board have all the complaints published also, you know, as a "public service", and oh yes, as a fair and balanced presentation of the matter? One simply has to wonder.

The false statements in that letter were made obvious when the Board brought charges against the chiropractor whose entire patient record was thrown away *by Board member Dr. Steven Baker, D.C.* The complaint made anonymously against Dr. Baker, D.C. was ignored, while the chiropractor whose records Dr. Baker threw out was charged in about 30 seconds by the Board investigator, *under the very same anonymous complaint.* Seriously, how do you reconcile these two situations without concluding that there is something wrong with this picture? Just how stupid do you think the people of Arizona are not to realize this?

Testimony from whoever acquired the documents is not required to prove where the documents came from, as the Board itself has shown by its actions. On that day, the Board accepted an anonymous complaint for filing, knowing full well that these documents had been found in a Board member's garbage can, and not the garbage can of the treating chiropractor. By filing that complaint against the treating chiropractor, *the Board essentially admitted that they did not need a person to testify in this type of case;* that they could make their case without anyone's testimony, and apparently did not need a "complainant". Consistency, anyone?

The "illegal", "unprofessional" and "unethical" behaviors are fairly clear; "corrupt" here involves not only the actions of the Board in handling this matter, but the organized cover-up of these allegations participated in by your agencies, and the Board. You can, of course, use your discretion to not prosecute cases you think are without merit... but this? Perhaps you have never heard of "identity theft"; those laws were written about this case in particular. These chiropractors, Board members of a disciplinary agency, themselves have violated numerous laws and regulations by exposing their patients to what today is the most prolific crime, with the most agonizing and long-term effects on its victims short of murder. Do you ever read your own websites?

We have made every effort to keep the patients unaware of this scenario, and avoid exposing their records to the public, in the hope that investigations would be started. That has not happened. Therefore, to right the wrongs perpetrated against them, the following actions will now be taken, as it is their (the patients involved) right to know.

The patients whose records were illegally, unethically and unprofessionally thrown away without shredding or incinerating, in other words, fully exposed to anyone who might acquire them, such as identity thieves, will be receiving a copy of their records that were improperly disposed of, a copy of the complaints filed over six months ago about this situation, and copies of the correspondence sent to you thus far, including this letter.

In addition, every chiropractor, chiropractor association and every attorney who represents chiropractors in Arizona will receive a copy of these materials, for their review and edification. Perhaps they will be motivated enough to take legal action against the Board, demanding that the Board members be removed, and then demand that their clients' cases be reviewed that were heard by these Board members. Perhaps they will be motivated to seek retroactive dismissals of their cases, or at least a re-investigation and re-trial of their cases, in light of the fact that the Board members sitting in judgment of them were found (eventually, no thanks so far to you) to be improperly sitting in judgment of anyone, much less their peers.

Perhaps they will be motivated to seek and support new laws regarding the re-organization of the Board, especially the structure that makes its investigator a staff member of the Board. To insure that no conflict of interest is at work, the investigator should be independent of the Board, not its slave. That would make any case brought before it that much stronger. That would insure some safeguard against corrupt Board members and the corrupt Executive Director having the influence they now clearly have over the investigator. *After all, who would investigate the complaints against a Board member in a case like this? Should it be the Board's own investigator, a member of the staff, or a Deputy Director of the Board? But wait a minute... in this case, these are all the same person. Do you really not see the inherent conflict here?*

We even waited for the elections to be over, so no disruptive influence would take place during that time period. Does the Governor even know about this situation? If she did not know before, sadly, she is going to know now. We gave her the opportunity, through you, to be on the right side of this thing.

All the D.C. members of the Board, including its investigator, make threats, intimidation, dismissive behavior of the people in front of them, rude and unprofessional remarks, and other unethical behavior the order of the day. It is the fear of retaliation that keeps many chiropractors from defending themselves before the Board. Even their lawyers advise against defending the actions due to the specter of *additional* charges being brought as punishment for challenging the Board's actions and decisions. The people of South Africa under apartheid had a better chance at challenging their inquisitors.

It is the arrogance of the D.C. Board members that makes them feel impervious to criticism, discipline or punishment. It is also their arrogance that allows them to act without regard to the law in their own individual practices as chiropractors. The Board and its investigator are out of control, and you have succeeded in feeding that beast by failing to at least inquire, and make them accountable.

These Board members are sitting in judgment of others, and for a variety of reasons, they should not be. If a judge was breaking the law, and you knew it, would there not be an investigation? Maybe in Arizona, if this case is any indication, there would not be. The language in both the Board's letter and the Ombudsman's gratuitous response with regard to "bad faith" and intimidation leads one to a question, as they seem to be of one mind. Are they really suggesting that if you caught, for example, the Arizona State Attorney General (or the Ombudsman) committing a crime, that charging them with that crime would be seen as a form of intimidation and harassment, to keep them from doing their job, rather than seen as a public duty to seek justice, as seems to be expressed in these letters?

These are the people you keep in office, knowing full well what they are and what they have done, and with the power to intervene, you do not.

You should, at the very least, be ashamed to represent to the people of Arizona that you care about official corruption and wrong-doing, and are willing to do something about it, when you clearly have no such intentions. Perhaps you will re-think this situation and give it the attention it deserves.

It is relevant to quote from an interview of a recently retired Deputy County Attorney in Kingman, Arizona, who had this to say about his work in public service:

"I continually expressed... that the function of the county attorney's office is to seek justice, not just to get convictions... That's not to say I always got everything just right... I've learned, however, that the public will always forgive you for making mistakes; but they won't forgive you if you lie or try to cover up a mistake."

This former prosecutor is the husband of Dr. Dianne Haydon, one of the three D.C. Board members who are the subjects of these complaints. If only they had followed his obviously sane and decent advice, and in this case, prophecy.

The end-game? The patients, the victims of these Board member D.C.'s, will soon be receiving copies of their thrown-away records to do with as they see fit.

The press has been mysteriously absent in these events, notwithstanding three state agencies have been involved and the Arizona Governor's office has been made fully aware of this matter (the Governor appointed these Board members, yes?). One has to wonder about that, too.

Your agencies have ignored, and perhaps worse, aided and abetted the cover-up of the illegal, unethical and unprofessional dumping of patient records. Why are these complaints really important? Because they reveal the hypocrisy of the Arizona Board of Chiropractic Examiners, allowing its members to sit in judgment of others while they break the rules themselves. All of the agencies involved have failed the public. And that is why, we remain,

Anonymous.