



**STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
P.O. BOX 818
DOVER, DELAWARE 19903-0818
302-744-2680**

**The Honorable Jack A. Markell
Governor**

**The Honorable Lewis D. Schiliro
Cabinet Secretary**

July 4, 2014

CERTIFIED MAIL

Richard T. Callery, M.D., F.C.A.P.
21 Hillstream Road
Newark, Delaware 19711

Dear Dr. Callery:

During the past several months, the Department of Health and Social Services (“DHSS”), with assistance from the Office of Management and Budget (“OMB”), has been conducting an investigation into allegations that you misused State resources (the “Investigation”). That Investigation revealed substantial evidence to support a finding that you: (1) regularly misused State resources to perform private work during State time; (2) engaged in private work that constituted significant conflicts of interest in violation of the State Employees’, Officers’ and Officials’ Code of Conduct; and (3) neglected your official duties in favor of your private work to such a degree that the Office of Chief Medical Examiner (“OCME”), for which you were responsible, failed to operate in an effective manner. As a result of the significant extent of your misconduct, the State has sustained incalculable damage and incurred tremendous costs.

On June 24, 2014, the Governor signed into law S.B. 241 (the “Act”). The Act, which takes effect today, July 4, 2014, abolishes the OCME and creates within the Department of Safety and Homeland Security (“DSHS”), a Division of Forensic Science (the “DFS”). The DFS has all of the powers, duties, and functions previously vested in the OCME.

The Act further provides for the appointment of a DFS Chief Medical Examiner. That appointment must be made with my approval and, once appointed; the position will serve at my pleasure, subject to removal with or without cause. In light of the legislative abolishment of the position of OCME

Chief Medical Examiner, your employment and any property interest you may have possessed therein are terminated, effective today.

Even if the position was not abolished, though, in light of the information discovered during the Investigation, it is clear that you are not able and/or willing to perform the duties and responsibilities required of the DFS Chief Medical Examiner. For those reasons, I would not—and do not—appoint you to the position of DFS Chief Medical Examiner. Furthermore, in the event that it could be deemed that you assumed the position of DFS Chief Medical Examiner, I would—and hereby do—remove you in accordance with the Act. Thus, even if your position was not legislatively extinguished, your employment is hereby terminated, effective immediately.

I have reviewed the charges levied against you and discussed the findings of the Investigation with Secretary Landgraf. She concurs that your misconduct warrants the immediate termination of your employment and therefore co-signs this letter. You also are advised that information discovered during the Investigation relating to unprofessional conduct as defined by the Medical Practice Act has been referred by Secretary Landgraf to the Division of Professional Regulation and that information relating to the misuse of state resources has been referred to the Delaware State Police. The State reserves the right to make additional referrals as it deems appropriate.

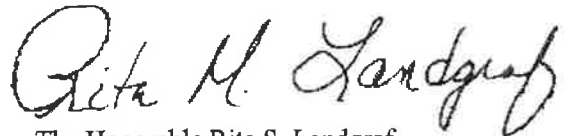
Finally, the State reserves the right to seek damages and any other available remedies for losses incurred as a result of your misconduct.

Please contact DHSS HR Director Mary Parker within the next ten (10) days to arrange for the return of any personal items that you may have remaining in the OCME. Any questions regarding this letter should be directed to Monica Gonzalez-Gillespie at (302) 577-8977.

Sincerely,



The Honorable Lewis D. Schiliro
Cabinet Secretary
Department of Safety & Homeland Security



The Honorable Rita S. Landgraf
Cabinet Secretary
Department of Health & Social Services

cc: Laurence V. Cronin, Esq. (via email at LVC@skjlaw.com)