

# Bennet Omalu, MD, MBA, MPH, CPE, DABP-AP,CP,FP,NP



December 5, 2017

Monica Nino  
County Administrator  
44 North San Joaquin Street  
Sixth Floor Suite 640  
Stockton, CA 95202

Dear Ms. Nino,

## **RE: NOTICE OF RESIGNATION FROM SAN JOAQUIN COUNTY**

With tears in my eyes and with a very heavy heart, I hereby submit my notice of resignation from San Joaquin County as the County's forensic pathologist. According to the terms of my contract with our beloved county, I have to give a three month notice of resignation, which shall begin on December 5, 2017 and end with the termination of my employment on March 5, 2018. I must stop performing autopsies on December 5, 2017 in order to have sufficient time to complete and close the over 150 pending and open cases I may have.

When I joined this most lovely county in September 2007, I fell in love with it and gave my utmost best to elevate the standards and quality of practice of forensic pathology and death investigation in the County, which had fallen apart. Today, we have collectively done a wonderful job in turning the trajectory of the Coroner's Office and providing the best standards of autopsy, pathology and medico-legal services to the good people of the County. I planned to continue to serve the people of this County until my retirement. In the dark and difficult days of 2005 – 2007, while I was living through my CTE quagmire, I was running away from Pittsburgh and felt homeless, hopeless and afraid. This County offered me a home and gave me hope. For this I am deeply grateful, faithful and loyal to you and the good people of San Joaquin County. I will always remain part of you.

On November 27, 2017, my colleague, Dr. Sue Parson, submitted her letter of resignation. In her letter she stated the following:

“Despite the privilege of working with Dr. Omalu, the behavior of San Joaquin County Sheriff Steve Moore and the working environment he created within the Coroner's Office made my day-to-day experience in the County personally unbearable and professionally unsustainable. Sheriff Moore's retaliatory behavior, arrogant expectations and of those under his employ, created an utterly untenable work environment – a complete hindrance to my professional growth and development in medicine and the discharging of my duties in a safe, non-threatening work environment, which is due all persons employed by the County under law.

In general terms, Sheriff Moore's intrusion into physician independence ranges from forcefully taking over physician scheduling to inserting himself into how and when Dr. Omalu and I perform our medical duties with attempts to control and influence our professional judgment and conclusions. This ultimately undermines the overall

competence of the Coroner's Office in conducting objective death investigation for the County.

Sheriff Moore's leadership style orders physicians to report, behave, and respond to him like rank-and-file sheriff's officers, producing an intolerable work environment for medical professionals in any stage of her or his career. Despite the framework Dr. Omalu built to enhance and elevate the quality of medicolegal death investigation for the County, I am certain that he too will be unable to continue to work at the Sheriff-Coroner's Office under such conditions, resulting in a massive and wholly avoidable loss to the County."

I must unfortunately stand by and support what Dr. Parson has most succinctly and precisely said. It is extremely unfortunate that it took us over ten years to hire a competent, intelligent and highly qualified forensic pathologist like her, and in less than one year, the Coroner's Office is forcing her to leave due to highly avoidable and unnecessary issues. The office has no concern or issue with Dr. Parson's job performance or competence and she served the County extremely well. This is important because there are less than 1000 board-certified forensic pathologists like her in the United States.

Since I joined the County as a physician employee assigned to the Coroner's Office, Sheriff Steve Moore has always made calculated attempts to control me as a physician and influence my professional judgement. I first experienced this with Sheriff Steve Moore in 2007 when he prevented me from attending crime scenes, which detectives from police departments of other cities may have wanted me to attend, or scenes I wanted to attend, especially on complicated and/or unusual cases. The standards of practice of pathology require forensic pathologists to attend all types of scenes. I wanted to leave then but I believed this interference would stop the longer I stayed in the office and exhibited the highest and exemplary standards of practice. Unfortunately, it did not stop despite the high level of services I performed. In fact, in the past year or two, and especially since Dr. Parson joined the County, it has gotten even worse.

Recently, I became frigidly afraid that in continuing to work under the circumstances Sheriff Steve Moore has created in his office, that I may be aiding and abetting the unlicensed practice of medicine. This would jeopardize my medical license. On many occasions, I met with him privately and provided him written memorandums trying to explain to him that the law does not allow him to insert himself in the duties of a physician unless he is a licensed physician. He dismissed me and stated that Dr. Parson and I work for him, and as long as we were his workers, that we must do anything and everything he asks us to do, even when we considered his actions acting against our standards of practice and the generally accepted principles of medicine. For example, Sheriff Steve Moore decided to cut off the hands of bodies at the morgue after the autopsies had been completed without the knowledge of any of the pathologists in the office.

I recently testified to the truth and scientific facts on a high-profile case involving the County. My testimony was not what the Sheriff wanted me to testify to. Promptly after this occurred, Sheriff Steve Moore retaliated against us and took over the scheduling of physicians in the office in order to control when we work, how we work, what cases we do or not do, and approve or deny our requests for time off or vacation. For the past decade, the physicians in the office handled this scheduling to ensure that the office was fully and properly staffed. Sheriff Steve Moore took this action even though prominent county

officials, including leading county physicians, advised him that only a licensed physician can control the working hours of physician employees as required by the guidelines of the Medical Board of California.

I have also witnessed Sheriff Steve Moore humiliate and bully Dr. Parson. Dr. Parson filed a harassment complaint against one of the sergeants in the department. Sheriff Steve Moore summoned a meeting that was supposed to address his effort to take control of the physician's scheduling. However, Sheriff Steve Moore used the meeting to demonstrate his control over us as physician employees. During the meeting, he flung Dr. Parson's complaint at her and condescendingly reminded her that she worked for him and he had the final say on every complaint that is submitted in his office. I was stunned. He retaliated and instructed us that he would remove us as physician employees of the San Joaquin General Hospital, to which both Dr. Parson and I are contractually mandated to have staff privileges, and convert us to Sheriff Forensic Pathologists so that we would lose our physician privileges at the hospital. The Union of American Physicians and Dentists [UAPD], which represents all doctors that work for the County, interjected on our behalf and demanded that the Sheriff cease and desist in his threats and retaliatory action. Dr. Parson and I are both members of UAPD like all of the other doctors in the County.

Unfortunately, this is not the first time that the Sheriff has treated us very differently from other County physicians. For years, Sheriff Steve Moore has refused to afford the pathologists in the Coroner's Office the same benefits and privileges that all other County physicians enjoy. Sheriff Steve Moore withheld and refused to pay Dr. Parson and myself the professional physician benefits to which every physician employee of San Joaquin General Hospital is entitled following a negotiated salary agreement between the UAPD and San Joaquin County in December 2016. While all other County physicians have long been receiving the professional benefits, we unfortunately have been denied the same treatment. In doing so, Sheriff Steve Moore has repeatedly informed us that he does not believe our salaries and benefits should be greater than what he receives because "we work for him" and "he is our boss." We have been forced to pursue this matter through the County merely to ensure that we are treated equally.

While the foregoing has occurred, I reached out to a neighboring county to find out if our experience with Sheriff Steve Moore was similar to that of their forensic pathologist. I was shocked to learn that the forensic pathologist in the other county had met with their Sheriff privately only 2 or 3 times in the ten years in which he has been the county forensic pathologist and that their Sheriff affords him complete independence to perform his job duties. For Dr. Parson and I, Sheriff Steve Moore routinely inserts himself in our daily duties as physicians, routinely summons us to meetings, sometimes privately, to question our autopsy reports and findings, and, on occasion, requests that I modify my autopsy reports. One such case involved an individual who died during a physical altercation with the police. I refused to comply with this request because it was not proper. After we completed and closed autopsy cases, an attorney, a family member or a physician sometimes contact us directly to ask questions about our conclusions in the Coroner's report. We learned that changes were made to the Coroner's report without any form of consultation or expert advice from any of the pathologists employed in the office. Some of these changes may go against the generally accepted principles, standards of practice and common knowledge of medicine. It was our professional duty as physician employees of the office to advise the office on such matters and to guarantee that the office adheres to these standards and principles.

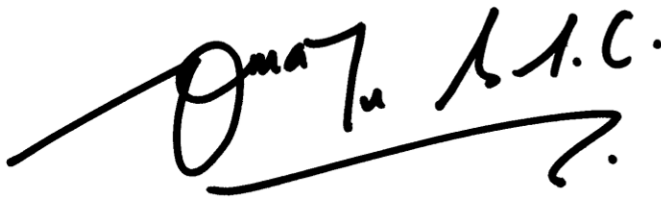
Several months ago, I received a phone call from an attorney who was representing the family of a man who had recently died in a motor vehicle crash. The family wanted to do a second autopsy after my autopsy because they did not believe and trust that my eventual conclusions and opinions would not be

influenced by Sheriff Steve Moore. That phone call bothered me and caused me to begin to suspect that the pervasive and adversarial environment in which I was working could be influencing my professional judgement, opinions and conclusions, without me knowing it. At this moment I realized that I had to leave to seek employment in another County in California where the Sheriff is not like Sheriff Steve Moore.

I want to thank you and the good people of San Joaquin County for supporting me, believing in me and giving me a home for over ten years. I feel like we are all part of the greater San Joaquin Family. I will remain in the Central Valley and will make myself available to assist you in any way I can to serve the residents of the County. Together we can do unimaginable things.

Thank you.

Very truly yours,

A handwritten signature in black ink that reads "Omalu B.A.C." with a long horizontal flourish underneath.

---

Bennet Omalu, MD, MBA, MPH, CPE, DABP-AP,CP,FP,NP  
Anatomic Pathologist/Clinical Pathologist/Forensic Pathologist/Neuropathologist/Epidemiologist