

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

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December 11, 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 am submitting my notice of resignation from San Joaquin County as the county 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 15, 2018 and end with the termination of my employment on March 15, 2018. I shall stop performing autopsies on December 15, 2018 in order to have sufficient time to complete and close the over 150 pending and open autopsies and brain examinations I may have.

When I joined this most lovely county in September 2007, I fell in love with the county and gave my utmost best to elevate the standards and quality of practice of forensic pathology and death investigation in the county, which we would all agree had fallen apart. Today, we would also agree that we have collectively done a good job in turning the trajectory and providing the best standards of autopsy, pathology and medico-legal services to the good people of the county. I had planned to continue to serve the people of the county until my retirement. My wife, my two children and I, now call the central valley our home. In those dark and difficult days of 2005 – 2007, in my CTE quagmire, I was running away from Pittsburgh and felt so homeless, hopeless and afraid, but San Joaquin 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 completely confirm, 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 within about one year we make her leave because of highly avoidable and unnecessary issues that do not have anything to do with her job performance or competence. This is especially when we know that there are less than 1000 board-certified forensic pathologists like her in the United States.

Since I joined the Sheriff's office as a physician employee in the county, the Sheriff has always made calculated attempts to control me as a physician and influence my professional judgement. The first problem I had beginning in 2007 was he, the Sheriff preventing me from attending crime scenes, which I may have wanted to attend, especially on complicated and unusual cases, which the standards of practice of pathology stipulate. I had wanted to leave then, but I believed that the longer I stayed in the office and exhibited the highest and exemplary standards of practice that this interference would stop. Unfortunately, it did not stop. In fact, in the past year or two, and since Dr. Parson joined us in the county, it has gotten even worse.

At some point, 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, which may jeopardize my license. On many occasions I met with him privately and sent him memos to explain to him that the law does not allow him to insert himself in the privileged duties of a physician unless he was a licensed physician. He dismissed me and stated that we 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 it may go against the standards of practice

and the generally accepted principles of medicine. For example, he decided at whim 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. Unfortunately, my testimony was not what the Sheriff wanted me to testify to. He retaliated 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 even when we may need time off work to fulfill our continuing medical education requirements. He took over our physician scheduling even after several prominent county officials and leading county physicians, whom we had gone to, went to him and advised him that only a licensed physician can be involved in the control of the working hours of physician employees as stipulated by the guidelines of the Medical Board of California.

Dr. Parson once filed a harassment complaint against a sergeant in the office, the Sheriff summoned a meeting during which he flung Dr. Parson's complaint at her and condescendingly instructed and reminded her that she worked for him, and he had the final say for every complaint that comes out of the office. He retaliated and instructed us that he would remove us as physician employees of San Joaquin General Hospital, 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 we are members of, interfered on our behalf and sent the Sheriff a cease and desist letter.

While all these were going on, I reached out to a neighboring county to find out if our experience was the same with that of their forensic pathologist. I was shocked to find out that the forensic pathologist in this county had met with their Sheriff privately only 2 or 3 times in the ten years he has been the county forensic pathologist. However, for us, almost on weekly basis, Sheriff Steve Moore will routinely insert himself in our daily duties as physicians, summon us to meetings, sometimes privately, question our autopsy reports and findings, and on one or two occasions actually requested that I modified my autopsy report in a case of an individual who died during a physical altercation with the police. After we have completed and closed autopsy cases, sometimes, an attorney or a family member or a physician would contact us directly to ask questions about our conclusions in the autopsy reports. It would turn out, to our surprise, that changes were made to the death certificate and coroner reports without any form of consultation or expert advice from any of the pathologists employed in the office. The problem is that some of these changes may go against the generally accepted principles, standards of practice and common knowledge of medicine. We had thought that it was our professional duty as physician employees of the office, to advise the office and county on such matters, to guarantee that the office and county adhere to these set standards and principles.

Still within his pattern of influence and control of our professional judgement and duties, the Sheriff withheld and refused to pay Dr. Parson and myself professional physician benefits every

physician employee of San Joaquin General Hospital was entitled to following a negotiated salary agreement between the Union of American Physicians and Dentists [UAPD] and San Joaquin County in December 2016. While every physician in the hospital has long been receiving these professional benefits, the Sheriff has denied these benefits to Dr. Parson and myself. He has repeatedly brought it to our knowledge that he did not believe that our salaries and benefits should be greater than his salary and benefits since we work for him and he is our boss.

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 the Sheriff. That phone call bothered me and instigated me to begin to introspect and wonder if the pervasive and adversarial environment I was working in may be implicitly influencing and controlling my professional judgement, opinions and conclusions, without me even knowing it. In other words, I began to even doubt the validity and autonomy of my own autopsy report and work product in the prevailing environment I worked in. This was the moment I realized I had to step aside. I need to protect my professional reputation, credibility and license. I cannot continue to work in such an environment especially if another physician employee who works with me is experiencing the same intrusion, and this was not personally unique to me.

Again, I want to thank you and the good people of San Joaquin County for supporting me and believing in me 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 anyway I can to serve our people. Together we can do unimaginable things.

Very truly yours,

A handwritten signature in black ink, reading "Omalu B.A.C." with a stylized flourish underneath.

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