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Jan Stiglitz, Esq. CSC 07-003 Hearing Officer FAX: 213-974-2534
FROM: Jay Singer, MD Psychiatrist Appellant CSC 07-003
DATE: February 16, 2010
SUBJECT: Vincent McGowan Request for Evidence of DMH Withholding of Evidence:
Revised Summary Document Pursuant to Complaints by Vincent McGowan to Hearing
Officer Stiglitz that Original Summary dated May 18, 2009 is too sketchy.

Evidence of DMH Withholding Evidence as Requested by Mr. McGowan: A Partial List
and Related Notes: (Intimidation of Potential Witnesses is included, a DMH practice also
documented by the April 28, 2006 Survey of Administration by Staff/APL-Ex S1).

1. Surprise Eviction #1 on 12/31/02 from Twin Towers – Dr. Roderick Shaner orders me to not contact anyone at Twin Towers per letter: Amounts to denial of access to Emails, documents, witnesses related to Civil Service Case 03-137.
2. Dr. Stephen Shea, my supervisor at Twin Towers, conceals Emails from Twin Towers/LASD related to harassment and retaliation by LAC Sheriff's Department deputies and custody assistants I was subjected to after reporting abuse of inmates. This occurred after Dr. Shea promised to give them to me. Dr. Shea then did not answer subpoena for those Emails from Twin Towers for CSC 03-137.
3. Sheriff moves to quash production of Evidence/Emails during CSC 03-137 Hearing per Sheriff's Attorney Virgil Wright that Dr. Shea was also withholding (APL Ex X).
4. Edelman/DMH Administration conceals Emails, memos for 1&1/2 years (APL Ex X) before introducing them into evidence at CSC 03-137 on 1/4/05 within weeks of second memo allegation attack per 1/27/05 Dr. Shaner Letter (APL Ex Q1) for termination action leading to CSC 07-137.
5. Surprise Eviction #2 10/22/03 from Edelman Mental Health Center – within hours of CSC Hearing 03-137 being granted – Same instructions were given to me: Don't contact anyone at EMHC. This again amounts to denial of access to Emails, documents, and witnesses for the hearing.
6. Dr. Shaner (APL Ex X) does not produce concealed documents related to step 2 meeting of grievance related to excessive supervision, in spite of 8/12/03 written UAPD request by union (UAPD). Two years later Dr. Shaner claimed under oath at a CSC 03-137 Hearing (as per APL Ex Y) that he did not know which documents were requested by the Union (the requested documents were the ones he introduced into evidence a year and a half later at CSC 03-137 Hearing).
7. Surprise Eviction #3 on 1/27/05 from SFMHC, supervised by Elaine Jefferies from DMH Human Resources, with unspecified generic allegations, again with orders to not contact anyone at SFMHC per 1/27/05 Dr. Shaner Letter/APL Ex Q1. This again amounts to denial of access to witnesses, documents, charts on which DMH based it's case to terminate my employment (DMH Ex 1,2, 19). This dynamic/pattern of repeat evictions similar to that of Patient Number 6 per LOT (DMH Ex 2), who was repeatedly moved around Twin Towers after he was beaten unconscious by a group of Crips gang members, courtesy of LASD

deputies so he would have no witnesses to his injuries. He was also denied medical care so LASD physicians would not have to do CA Medical Board mandated reporting of his injuries. See related evidence/transcripts from CSC 07-003 Hearings.

8. Elaine Jefferies, DMH HR Chief Investigator, claims that my Emails "are county property", as she denied me access to my own Emails, while she supervised eviction in progress on 1/27/05 per instructions by Dr. Shaner (APL Ex Q1) Letter. She also forced me to leave a whole box of my work related documents at SFMHC, which then "disappeared", along with Elaine Jefferies, who retired without giving notice and before she appeared at the hearing pursuant to my subpoena. She last told me my box of documents was still at SFMHC "where you left it" but then claimed, after she retired without notice, per Vincent McGowan hearsay report, that I did not leave box at SFMCH at all, after denying me access to the box of documents for 5 years and after DMH claimed they "could not find it".
9. The box of documents contained copies of Units of Service Logs. Dr. Kopelowicz alleged at the hearing, he used the Units of Service Logs to calculate patient no show rates for SFMHC psychiatrists, as part of a survey he claims he made. The survey results disappeared and were not produced at the hearing pursuant to the allegation. Dr. Kopelowicz falsely claimed that his survey calculations showed that I had the highest no show rate for all psychiatrists at SFMHC at 60%.
10. When I tried to subpoena copies of the Units of Service Logs, I received only 10 out of 80 or so Logs, and these turned out to be the Units of Service Logs DMH had already produced for their exhibit number 37.
11. When I again tried to subpoena the Units of Service Logs and Wendi Tovey, I received, instead of the Units of Service Logs and an appearance by Wendi Tovey, an affidavit of hearsay statements by Wendi Tovey, claiming that paper copies of Units of Service Logs were stored in Boxes for seven years at SFMHC and there were also copies stored on the computer, but that all of these had somehow disappeared together. Vincent McGowan also immediately quashed the subpoena of Wendi Tovey. This response was submitted into evidence by Vincent McGowan more than a year after I first subpoenaed the Units of Service Logs on 3/28/08. If these Units of Service Logs all disappeared as alleged, it indicates that SFMHC has no record of the majority of the patients I saw in the 8 months I worked there (about 180 patient visits).
12. I was denied access to allegation related patient charts until December 5, 2006 – which was one afternoon and one business day before Skelly Hearing on December 7, 2006, as documented in LOT/DMH Ex 2, p2. No copies of charts were provided at all until three years after related events occurred and then piece by piece under repeated orders of CSC 07-003 Hearing Officer as per hearing file and transcripts, as the correspondence and transcript record shows.
13. I was forced to respond to Letter of Allegations/DMH Ex 19 with my response letter/DMH Ex 20 without access to Emails, Charts, Allegation memos/documents (to identify allegation authors) despite my 5/15/05 Request/APL Ex Q2 & Q3 to obtain charts and related documents.

14. Elaine Jefferies forced 10/6/05 interview responses from me as per DMH Ex 17, again without Emails, Memos, Charts, Allegation memos/documents being available. Jefferies was then not available for related questions at the hearing related to her out of context generalities she questioned me about at the 10/6/05 hearing. She retired without prior announcement, despite having been subpoenaed by me.
15. I did not get to see copies of allegation documents/Skelly File (DMH Ex 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16) until October 2006, as documented per LOT, p1. I had not been able to clearly determine who made what allegation in the Letter of Allegations/DMH Ex 20 until then, which was about two years after the fact. Documents DMH Ex 11 and 13, prepared by Wendi Tovey, were withheld until the Hearings began.
16. I did not get access to my Emails related to allegations until Nov 2006 as documented per LOT, p2.
17. Fourth "Don't contact anyone at SFMHC" letter dated 1/6/06 by Dr. Shaner (APL Ex Q6), sent after I sent 12/23/05 FAX to Kopelowicz/DMH Ex 39 pointing out his ethical, legal violations, which amount to violations of the Obstruction of Public Justice Sections of the CA Penal Code. This amounts to continued denial of access to witnesses, documents by agents of DMH.
18. Vincent McGowan tries to quash continuance for 12/11/07 Hearing before producing most revealing chart and other documents on which case/allegations are based as per Hearing Transcript No 1.
19. Vincent McGowan repeatedly attempts to quash production of chart documents with irrelevant allusions to criminal law case standards for producing medical records etc. as per his 34 pages of related Briefs and Motion to Quash dated January 25, 2008.
20. Vincent McGowan repeatedly continues to fail to produce specific probative chart documents after they are specifically identified per his demand. He produces un-requested documents instead, as well as repeat copies of material already provided, as described in Hearing File Documents, while claiming he was giving me more documents than I asked for, giving me "all he got". It took 220 days to get almost "all" SFMHC chart documents related to the allegations but some are still missing. My difficulties in getting related chart surveys were documented in my Memos to Hearing Officer Jan Stiglitz, Esq, dated 11/28/07, 1/8/08, 1/24/08, 2/20/08, 3/6/08, 3/12/08, 3/10/08, 3/26/08, 6/6/08, 6/24/08, 6/26/08, as well as the related hearing transcripts.
21. April 28, 2006 Administration Survey by Staff/APL Ex S1: In response to my Subpoena Duces Tecum for this survey, Vincent McGowan first provides survey from wrong year (2001), after arguing that 2006 survey is too far removed in time from related events (four months from 9/12/06 letter or termination). When this argument failed, he then makes unsuccessful motion with his nine page (Kolender Case Review) Motion to Quash production of the Administrative Survey. When that strategy failed, he claimed the survey has been shredded and is confidential. When he was informed the survey he referred to as having been shredded was not the survey sought, he then claimed the survey sought does not exist with the help

of testimony by AK. Then Vincent McGowan claimed that it just showed up, after Director Marvin Southard, whose Administration was being rated and who was primary recipient of the survey, was subpoenaed per APL Ex S2, while Vincent McGowan made immediate motion to quash Marvin Southard's appearance and testimony at the hearing. It took 361 days to get survey after it was subpoenaed. My contact with Bing Lau, survey coordination assistant to Survey Summary/Abstract Author Jeff Bordin, PhD, shows her afraid to even discuss the existence of the survey and she would not even say if she still had a copy and then hung up on me, after saying that this survey can only be discussed by top administration. The Survey Results were clearly a "Top Secret" at DMH. Even Survey Coordinator and Survey Abstract Author Jeff Bordin, PhD., was reluctant to give me copy of survey results, after promising to do so, per routine survey participant policy. He was afraid of adverse consequences from DMH Administration if he did so. DMH Staff was afraid to participate in the survey for fear of retaliation, as indicated in the Survey/APL Ex S1. These Survey Production Issues are further described in my related memos to the Hearing Officer dated 6/22/08, 6/24/08, 10/6/08, 12/22/08 and related portions of the transcript. It took 361 days to get a Copy of the Survey (APL Ex S1) pursuant to the original subpoena from 3/26/08.

22. Vincent McGowan says on the record JS should not contact anyone at SFMHC (copies Dr. Shaner tactic or vice versa) because of problems with staff but all "staff problems" people had already left SFMHC clinic – La Tina Jackson had transferred to another clinic location, Florencio Arceno had returned to the Philippines, Chris Collins had transferred to West Valley Mental Health.
23. The Hearing Officer then ruled on the record that I may contact SFMHC witnesses.
24. When I Try to contact Dr. Tripodis—told by SFMHC head secretary Lupe Acosta "we have decided not to let you talk to him by phone – it is a legal decision" – I was then given 4 other reasons by Vincent McGowan not to contact Dr. Tripodis.
25. Vincent McGowan repeats again that I am supposed to contact him before talking to my witnesses from SFMCH, after Hearing Officer ruled I may contact witnesses myself!
26. Vincent McGowan repeatedly files motion to quash production of my witnesses e.g. Dr. Shulman, after Hearing Officer ruled on the record she should reappear etc., claiming I am abusing the witnesses etc. as described in my related memo to the Hearing Officer dated 12/19/08. Vincent McGowan delayed in producing relevant chart documents until after his witnesses appeared and had failed to produce these documents until repeatedly told by the Hearing Officer to produce them. He then claimed my attempts to subpoena the witness to answer questions related to those documents were abusive to the witnesses.
27. The multiple Motions to Quash production of evidence and witnesses by Vincent McGowan are in evidence in Hearing File.
28. Probative Evidence repeatedly disappears: 70 or so Units of Service logs "disappear"—only the 10 Units of Service Logs supporting DMH's allegations "appear". Emails that were relevant to testimony were deleted or "not saved" per WT and AK. Witnesses retired, left County Service (Glen Day/LAC Chief

Privacy Officer, Mr. Campbell/HIPAA Instructor, Florencio Arceno, Elaine Jefferies). The SFMCH Computer allegedly crashed three times with patient checkout records per Wendi Tovey, and all data was lost. Memory evidence predictably “disappears” pursuant to DMH and Vincent McGowan repeatedly forbidding me to contact witnesses at SFMHC per APL Ex Q1, Q6, the correspondence, the transcripts.

29. Patient 1 Hospital Charts took 362 days to get (received approximately December 18, 2008), including lab, MRI, Neurology Exam reports ordered by La Tina Jackson in Fall of 04: these records should have been in SFMHC clinic chart. That should have included Hospital Discharge Summaries. DMH made no attempt to get these records for the patient’s chart, while Wendi Tovey, La Tina M Jackson (who did not even get the records after I asked her to do so per APL Ex G3, and while she herself had arranged the related tests and consultations), and Dr. Kopelowicz repeatedly testified how important it is to patient care to review charts and reports from other doctors.
30. Vincent McGowan attempted to make a major issue in cross examining me at the hearings out of false allegations by La Tina Jackson that I tried to coerce Patient 6 to testify for me, in another attempt to camouflage abuse of inmates at LAC Jail by LAC Sheriff Deputies and related DMH cover-up activities (as per related transcripts and testimony). Vincent McGowan also quashed appearance of witness Kevin Christy, PhD., who reported abuse to a Department of Justice Psychiatrist touring LAC Jails per DOJ/CRIPA (USCode 42-1997) oversight activities and per *'96 Memorandum of Agreement between the United States and LAC* (per Internet, and Rejected Appellant Exhibit Z5). Dr. Christy reported the abusive treatment of a female inmate he was asked to see that was held for two years in Twin Towers 211 solitary confinement unit awaiting trial for murdering her husband and threatening a deputy (solitary confinement is a practice amounting to torture, according to some experts on prisoner abuse, with two years of it in this case). Kevin Christy PhD. also suffered harassment and retaliation for reporting this abuse. Dr. Christy lost his security clearance and was demoted from clinician with an office at Twin Towers to a member of the mobile response team with no office, just as I was after I was transferred out of Twin Towers and had no office for 6 weeks or more. His clinical work was criticized following his report of abuse by his supervisor, Michael Maloney, just as mine was, and this hearing demonstrates. He was abruptly walked to the exit by Chief DMH Psychiatrist at Twin Towers, Thomas Klotz, MD, who provided the same eviction service for the Sheriff’s Department in my case and fabricated excuses for the Sheriff canceling my security clearance, as described in APL Ex X.
31. Dr. Christy became acutely nervous and fearful about even talking to me after I subpoenaed him for this hearing and apparently after DMH/Vincent McGowan talked to him. Notably, Vincent McGowan made extensive attempts in cross examining me, to establish that for Patient 6 to testify at a Civil Service Hearing, could be traumatic for him, i.e. testifying (or being cross examined by DMH Legal Council) about getting beat unconscious by a gang of Crips at LAC Jail, courtesy of the LAC Sheriff’s Department, would be hazardous to his mental health (versus what getting beat unconscious did to him, for which Mr. McGowan

- expressed no concern whatsoever, just like his witness, Social Worker La Tina M Jackson).
32. The issue of the Evidence Related to What Vincent McGowan has called my most egregious wrongdoing as a DMH Psychiatrist in his 3/26/08 Opening Statement (3/44/9-24): LTJ's allegation that I called EDD and told them Patient 1 was malingering and not disabled, resulting in discontinuation of her SDI disability benefits and subsequent deterioration in her condition, leading to her 12/24/04 Hospitalization at Olive View Medical Center.
 33. Related to this allegation, there was a consent in the chart from Patient 1 to release the Independent Medical Evaluation that Patient 1 had received from EDD on October 6, 2004 that found her able to work and resulted in discontinuation of her disability benefits. This IME should be in the chart according to the consent that was obtained by La Tina M Jackson herself per APL Ex J1, pp58-60. For unexplained reasons it is not. Had I been able to access the chart, as I repeatedly requested, while the consent was still valid (before November 15, 2005), I could have easily obtained a copy of the IME from EDD. 19 months of investigation by DMH into the allegations, did not produce this IME report either, while DMH witnesses who fabricated the related allegations, which DMH made the most egregious allegation against me per Vincent McGowan, (WT, La Tina Jackson, and AK) had full access to the chart of Patient 1. I was denied access to the Chart of Patient 1 and other patients repeatedly during this time.
 34. I was not allowed to have even a brief look at the charts until December 5, 2005, when the consent by Patient 1 to release the IME report had expired. I was also not given all the chart copies in the date range as ordered by the Hearing Officer at the beginning of the hearings, so I did not discover the consent until significantly later. I tried to subpoena a copy of the IME Report from EDD, but LAC Civil Service Commission Subpoenas are not recognized by the State of California or EDD. Consequently I then had to file for a Writ of Mandate in LAC Superior Court to get the documents.
 35. The Related EDD 10/6/04 IME Exam and Related Documents Writ Issue: Vincent McGowan has acted as if in hurry to get case finished. When asked to provide a copy of the notification that DMH sent out to Patient 1 for the Clinic charts by Rose Esquibel, Vincent McGowan did not cooperate and said the record was closed. According to his letter of correspondence dated April 10, 2008, he claimed he had already provided this document to me in the past but I do not have a copy of it.
 36. When I asked DMH (per Rose Esquibel) to notify Patient 1 that her EDD Records may be used for the hearing, with an opportunity for the patient to object (as had already been done for her clinic records), Vincent McGowan appointed Professor Alex Kopelowicz to perform the clerical task of contacting the patient and writing her a letter to obtain evidence that his related allegations were false. The same Professor Kopelowicz who has repeatedly made allegations, while the related evidence has disappeared. It took 8 weeks to get the predictable response, i.e. no response from the patient (she did not pick up her mail etc). Rose Esquibel could simply have used the same letter she already sent out to Patient 1, substituting EDD Documents for clinic chart documents. This would have taken a minute or

so and could have been done in a maximum of three weeks, including giving 10 days for any objection response from the patient, and would have been in compliance with Welfare and Institution Code 5328-x). No verification of notification was provided by Alex Kopelowicz, as Rose Esquibel had done per routine for each patient's chart as per record.

37. When I objected to this way of proceeding and asked for Rose Esquibel to notify the patient, Vincent McGowan claimed I was attempting to "micromanage" DMH's way of proceeding. Notably, in his correspondence with Patient 1, AK confounded the issue when he asked her to agree or disagree with herself obtaining the desired records from EDD. The notification was simply to be that of intended use of her records per Welfare and Institutions Code 5328-x), as discussed per telephone conference and addressed per correspondence. Patient 1, who, as the record shows, did not ever even obtain the lab, MRI, and consultation evaluations from Olive View Medical Center that were important for her mental health care, despite my written request/APL Ex G3. Her lack of response, most likely due to not wanting to provide evidence of her misleading maneuvers to obtain disability, could also be due to drug binging, serving jail time for drug possession, evading law enforcement, etc. As her SFMHC chart shows, she has repeatedly disappeared from treatment at SFMHC for months at a time without explanation and repeatedly shown up at the clinic with signs consistent with methamphetamine/coke abuse and binging. Welfare and Institutions Code 5328-x) recognizes the vagaries of DMH and DHS patients and requires only notification of intended use of chart documents and an opportunity for the client to respond, as the administration of justice cannot depend on these client's day to day disposition or whereabouts.
38. Mr. McGowan has attempted to put this very patient, who has not been reliable about much of anything as the record shows, in charge of obtaining the EDD documents sought (and that is after he alleged per double hearsay statements from a doctor that is currently treating her, that Patient 1 had refused to sign a consent to release these EDD records, which was long after she signed it on November 15, 2004 per APL Ex J1, pp58-60). The "consent form" that he or AK has made up is intended for the patient to give herself permission to contact EDD and get the records herself (without even specifying which EDD records are needed, after Vincent McGowan repeatedly argued that one has to be very specific and limited in record requests). This is not a valid attempt to notify the patient per 5328-x). It makes no sense and is not vaguely consistent with the notification stipulations of Welfare and Institutions Code 5328-x or Standard Consents used by DMH. That is, Vincent McGowan has found a method of pretending as if he and AK are attempting to get the records, that surely will not produce the records. He has made similar claims and maneuvers on the record in the past when asked to produce evidence clearly identified per his request (" I am giving you all I got... I did not cherry pick these records...I am giving you more than you asked for...the survey is not relevant ...the survey was shredded...the survey does not exist...contact me if you want anything"... accompanied by "...but the record is closed, ...the hearing officer ruled that is all you will get", etc. etc.", as he continues to withhold relevant evidence). These responses typically occurred with

probative evidence that would prove the allegations made by DMH are false, as the record shows.

39. Vincent McGowan asks the Hearing Officer that documentation from the Writ of Mandate case be submitted, then makes false arguments from the Judge's decision about how insurmountable the Writ case is, as he withholds the documents needed for the appeal to the Judge's Decision.
40. Other evidence of evidence withholding tactics by agents of DMH, including Vincent McGowan, is contained in the Hearing Files for CSC 03-137 and CSC 07-003 as well as related exhibits, briefs, transcripts, correspondence from this hearing.

The withholding for relevant evidence maneuvers by DMH and Vincent McGowan continue to date.