

MEDICAL EXAMINERS COMMISSION MEETING

Hyatt Place Marathon/Florida Keys
1996 Overseas Highway
Marathon, Florida 33050
May 10, 2017 10:00 AM

Chairman Stephen J. Nelson, M.D. called the meeting of the Medical Examiners Commission to order at **10:00 AM** at the Hyatt Place Marathon/Florida Keys in Marathon, Florida. He advised those in the audience that the meetings of the Medical Examiners Commission are open to the public and that members of the public will be allowed five minutes to speak. He then welcomed everyone to the meeting and asked Commission members, staff, and audience members to introduce themselves.

Commission members present:

Stephen J. Nelson, M.A., M.D., F.C.A.P., District 10 Medical Examiner
Barbara C. Wolf, M.D., District 5 Medical Examiner
Wesley H. Heidt, J.D., Office of the Attorney General
Hon. James S. Purdy, J.D., Public Defender, 7th Judicial Circuit
Robin Giddens Sheppard, L.F.D., Funeral Director
Kenneth T. Jones, State Registrar, Department of Health (via Teleconference)

Absent commission members

Hon. Carol Whitmore, R.N., Manatee County Commissioner

Vacant positions on the Commission:

Sheriff
State Attorney

Commission staff present:

Vickie Koenig
Beth McNeil

Doug Culbertson
James D. Martin, J.D.

District Medical Examiners present:

Sajid Qaiser, M.D. (District 18)
Russell Vega, M.D. (District 12)
Jay Radke, M.D. (District 14)

Thomas Beaver, M.D. (District 16)
Craig Mallak, M.D. (District 17)

Other District personnel present:

Jeff Martin (District 1)
Lindsey Bayer (District 5)

Whit Majors (District 14)

Guests present:

Cynthia Hall, J.D. (Asst. Monroe Co. Attorney) Hon. Robert Lockwood (16th Cir. Public Def.)
Hon. Dennis W. Ward (16th Cir. State Attorney) Chief Kris DiGiovanni (Key Colony PD)
Linda Kruszka (LX Financial Services) Mark Wilson, J.D. (16th SAO)
Sheryl Graham (Monroe BOCC) Karen Frosio (LifeNet)
Lissette Quintero (Monroe County SO) Lee Ann Holroyd (Monroe County SO)
Hon. Rick Ramsey (Monroe County Sheriff) Kevin Wadlow (Keynoter News)
Patrick McCullard (Monroe County SO)

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE AGENDA.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE MINUTES OF THE FEBRUARY 24, 2017 MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Status Report: MEC Appointments and Reappointments – Ms. Koenig informed the Commission the Governor's Appointments Office had not yet reappointed the District Medical Examiner or Funeral Home Director positions on the MEC from July 2016.

Nominations have been received from the Florida Sheriffs Association for the sheriff seat vacated when Clay County Sheriff Rick Beseler retired. The nominees are Hamilton County Sheriff Harrell Reid and Jackson County Sheriff Lou Roberts. Their names have been forwarded to the Governor's Appointments Office for consideration.

Nominations were also received for the Public Defender seat, as Mr. Jim Purdy's final term is closing on June 30, 2017. The Public Defender nominees are Hon. Charles Cofer, 4th Judicial Circuit (Jacksonville), and Hon. Carey Haughwout, 15th Judicial Circuit (West Palm Beach). These names have also been forwarded to the Governor's Appointments Office for consideration.

Only one name was received for the State Attorney seat, vacated when 4th Judicial Circuit State Attorney Angela Corey lost her primary bid for reelection. The nominee for that seat is Hon. Jeffrey Siegmeister, 3rd Judicial Circuit (Live Oak). Mr. Siegmeister's name has been forwarded to the Governor's Appointments Office for consideration.

Staff has not yet received nominations from the Florida Association of Counties for the County Commissioner seat on the Commission. However, Ms. Carol Whitmore has indicated that she is interested in serving a second term.

- Status Report: Reappointments for Districts 8, 10, and 12, and Appointment for District 14 – Ms. Koenig informed the Commission the Governor's Appointments Office had not yet reappointed the district medical examiners in Districts 8 (Alachua, Baker, Bradford, Gilchrist, Levy and Union counties), 10 (Hardee, Highlands and Polk counties), 12 (DeSoto, Manatee and Sarasota counties), or 14 (Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties). Pursuant to the Florida Constitution, the incumbent district medical examiners continue to serve until reappointed or replaced by the Governor.
- 2016 Drugs Identified in Deceased Persons Report – Ms. McNeil reminded everyone that all of the data for the 2016 Drug Report is due no later than June 30, 2017.
- 2016 Annual Workload Report - Ms. McNeil also reminded those in attendance that all data for the Workload Report is due no later than June 30, 2017.
- 2016 Coverdell Grant – Ms. McNeil announced that she is currently awaiting reimbursement requests, and that she has received requests from 2 of the 14 districts awarded funding.

- Status Report: District 23 Disciplinary Action – Ms. Koenig informed the Commission that the St. Johns County Attorney was in receipt of the Administrative Complaints against Associate Medical Examiner Frederick P. Hobin, M.D. and District Medical Examiner Predrag Bulic, M.D., and they requested and were granted an extension of the deadline for their response. Dr. Nelson stressed that District 23 needs to ensure that all records that have been inappropriately housed or stored at Dr. Hobin's residence are now back in the possession of District 23 and into the appropriate case files there.
- 2017 Legislative Session – Mr. Martin informed the Commission that House Bill 477 creates criminal penalties for trafficking of fentanyl with minimum mandatory terms of imprisonment. It creates criminal penalties for trafficking in synthetic drugs with minimum mandatory terms of imprisonment. If signed by the Governor, it will be effective October 1, 2017. *[NOTE: The Governor signed this bill on June 14, 2017.]*

The project to establish a forensic anthropology research facility in Pasco County was included in the General Appropriations Act (GAA) with funding of \$4.3 million. This is the University of South Florida project that the MEC provided a letter of support. When the GAA is presented to the Governor, this project and others are subject to possible line-item veto. *[NOTE: This project's funding was vetoed from the State budget by the Governor on June 2, 2017.]*

ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 16, 18, 19, 20, 21, 22, 23, and 24, AND ASSESSMENTS FOR DISTRICTS 15, 17, AND 25

The Commission reviewed the surveys and assessments for the reappointments of district medical examiners in Districts 15 (Palm Beach county), 16 (Monroe county), 17 (Broward county), 18 (Brevard county), 19 (Indian River, Martin, Okeechobee, and St. Lucie counties), 20 (Collier county), 21 (Glades, Hendry, and Lee counties), 22 (Charlotte county), 23 (Flagler, Putnam, and St. Johns counties), 24 (Seminole county), and 25 (Osceola county).

Districts 15, 17, and 25 are home rule districts and the Commission reviewed the assessment information provided for these districts.

The Commission reviewed the reappointment surveys for Districts 18, 19, 20, 21, 22, 23, and 24.

WITH NO FURTHER DISCUSSION, A MOTION WAS MADE, SECONDED AND PASSED FOR THE REAPPOINTMENT OF THE INCUMBENT MEDICAL EXAMINERS IN DISTRICTS 18, 19, 20, 21, 22, 23, AND 24. NO OTHER NAMES WERE SUBMITTED FOR CONSIDERATION IN THESE DISTRICTS.

Based on the survey results, the Commission opened the floor for discussion regarding the reappointment of District 16 Medical Examiner, Thomas Beaver, M.D.

Monroe County Sheriff Rick Ramsey stated that he was on the original search committee that recommended Dr. Beaver for the District 16 Medical Examiner position. Sheriff Ramsey said that the selection committee was tied between Dr. Beaver and another applicant, and that his was the tie-breaking vote.

Sheriff Ramsey said that he began having issues with Dr. Beaver, and that he had attempted to resolve them, but it had continued to be a difficult relationship. During a deep water recovery of a body, Dr. Beaver ordered the Sheriff's Office dive team to make the dive, even though it was far too

difficult a dive for a recreational diver to make (>300 feet). A technical dive team from Miami-Dade was contacted to conduct the recovery, and Dr. Beaver began yelling and screaming at Sheriff Ramsey.

Sheriff Ramsey went on to relay another incident involving three deaths that had occurred in an open trench/manhole in which the victims had been overcome by toxic gas fumes. He said that Dr. Beaver demanded that officers be sent into the manhole to recover the bodies. Sheriff Ramsey said that Dr. Beaver became agitated to the point that he considered having Dr. Beaver arrested.

Sheriff Ramsey said that he had not spoken to Dr. Beaver for several years, and he feels that the relationship has been irreparably damaged.

Assistant Monroe County Attorney Cynthia Hall stated that Dr. Beaver would not allow county employees or families of decedents to come to the District 16 office. She stated that she and other Monroe County employees had not been allowed into the medical examiner's office under Dr. Beaver's tenure. Families are directed to view bodies at the funeral homes. In addition, she said it had been reported by funeral homes that Dr. Beaver did not treat indigent bodies with the respect given to others. Ms. Hall brought up the allegation that Dr. Beaver had transported a dead body in the uncovered back of a pickup truck, and that the county had received complaints regarding that issue. She said that the Monroe County Mayor does not want Dr. Beaver to remain as the District 16 Medical Examiner, and recommended against his reappointment.

Key Colony Police Chief Kris DiGiovanni said that he originally stated "no opinion" on the survey for reappointment that he received because he did not know Dr. Beaver. However, he wanted to change his response to "unfavorable" after hearing from his partners in Monroe County because he does not want the citizens of Monroe County to have this type of service.

Dr. Beaver stated that he had investigated over 600 death scenes during his tenure as the District 16 Medical Examiner, and that the law enforcement agencies demanded that he be available 24 hours a day, 365 days per year, but Sheriff Ramsey picked 3 incidents to highlight. Dr. Beaver stated that he was not even aware of the deep water dive that Sheriff Ramsey mentioned until one of the divers recovered skin samples from the body and the sheriff's investigators wanted DNA testing performed on the sample. He indicated that he never ordered anyone to make the dive, but nonetheless, Dr. Beaver feels that they didn't try. Dr. Beaver stated that he had two witnesses to the conversations he had with Sheriff Ramsey about the construction worker trench/manhole deaths and they provided written statements to the Commission in advance of the meeting.

Dr. Beaver further stated that the reason that he transported a body in the back of his truck was due to the close proximity of the death scene to his office, the funeral home that provides transport service was approximately 3 hours away, and he was trying to help the family who wanted something done sooner. After this one instance, Dr. Beaver said he has never repeated transporting bodies in that way.

Regarding the denial of family members to visit the medical examiner's office, Dr. Beaver said that the office is industrial in nature, and that it is not conducive to receiving grieving family members because it is often difficult to make the bodies presentable. He said that all bodies, including those of indigents, were treated with respect, and that any county staff member is welcome to come to his office any time to view an autopsy.

Dr. Beaver said that he was under the impression that he had a good relationship with his county partners, and that the county representatives had saved up their complaints, which were based on rumors and gossip, until this day. He stated that he is ready to work with the Sheriff.

Members of the Commission asked Dr. Beaver questions based on his statements and Dr. Beaver responded. Following this exchange, Dr. Nelson asked Sheriff Ramsey if he wanted to amend or add anything to his statement based on Dr. Beaver's comments. Sheriff Ramsey stated he stood by his remarks. Dr. Nelson asked Ms. Hall if she wanted to amend or add anything to her statements on behalf of the county based on Dr. Beaver's comments. Ms. Hall stated she stood by her remarks.

Dr. Nelson stated that these were the worst survey results that have been submitted to the Commission that he has seen. Dr. Nelson was particularly concerned that Dr. Beaver's response was that everyone who complained about him is lying, and further that Dr. Beaver does not appear to be willing to make the relationship work by his incendiary language at this Commission meeting. Dr. Beaver responded that he was willing to work with Sheriff Ramsey and the county.

State Attorney Dennis Ward addressed the Commission and indicated that he had no interaction with Dr. Beaver since assuming office in January. Mr. Ward related a text message he received that morning from a citizen attempting to take a picture at a traffic accident where Dr. Beaver began screaming at the photograph taker. Based on the concerns of law enforcement and other county officials, he does not know how to fix the issues with Dr. Beaver.

Ms. Sheryl Graham, who works for Monroe County Social Services, echoed the comments of Ms. Hall regarding indigent families not being allowed to identify their deceased loved one at the medical examiner's office.

Ms. Linda Kruszka, who stated that she works as an independent investigator with the medical examiner, stated that in her experience law enforcement is always glad to see Dr. Beaver and she has never witnessed yelling or screaming by Dr. Beaver.

Dr. Wolf stated that she was astounded by the negative comments made by all the service partners. Dr. Beaver responded that the complaints had never been brought to him over the last three years, and what is being presented is biased. Dr. Wolf specifically asked Dr. Beaver about the incident State Attorney Ward mentioned from this morning. Dr. Beaver stated that he does not know about the incident, but he stated that generally there is a lack of good scene control.

Dr. Nelson asked Dr. Beaver about comments made to Allen-Beyer Funeral Home staff. Mr. Purdy asked if Dr. Beaver was denying making the comments. Dr. Beaver stated that he had no recollection of the incidents.

Mr. Purdy asked about a statement in Dr. Beaver's written response to the county that referenced the possibility that the issue might be "moved to a different forum", and said that it sounded like a threat to sue the Monroe County Mayor. Mr. Purdy questioned how anyone could possibly repair that kind of damage to a relationship with their partners. Dr. Beaver responded that his attorney had written that letter.

A MOTION WAS MADE BY ROBIN GIDDENS-SHEPPARD, SECONDED BY BARBARA WOLF, M.D., AND PASSED UNANIMOUSLY TO NOT RECOMMEND THOMAS BEAVER, M.D., FOR REAPPOINTMENT AS THE DISTRICT 16 MEDICAL EXAMINER. AS A RESULT, DR. BEAVER'S TERM AS DISTRICT 16 MEDICAL EXAMINER WILL CONCLUDE ON JUNE 30, 2017.

Dr. Nelson informed 16th Judicial Circuit State Attorney Dennis Ward that he is now required to appoint an interim medical examiner beginning July 1, 2017. Dr. Nelson advised that he would assist Mr. Ward with the formation of a search committee for a new district medical examiner, pursuant to Florida Administrative Rule 11G-5.004.

Dr. Nelson also advised Assistant Monroe County Attorney Cynthia Hall, that he would work with Monroe County to develop a contract extension to allow Dr. Beaver to complete his cases between the contract's current expiration (May 31, 2017) and the end of June when his gubernatorial appointment expires.

Dr. Beaver asked why he would want to extend his contract until an interim medical examiner could be appointed, and Dr. Nelson informed him that he should want to do so because he is a professional.

ISSUE NUMBER 3: DISTRICT 18 DISCIPLINARY STATUS

Dr. Nelson asked Mr. Purdy if he was satisfied that District 18 Medical Examiner Sajid S. Qaiser, M.D., has clarified the terms of his probation ending in July with the 18th Judicial Circuit Public Defender's Office. Mr. Purdy replied that he was fine with the documents provided.

ISSUE NUMBER 4: SUBMISSION OF DECEASED FINGERPRINT CARDS

Dr. Nelson informed the Commission that all districts had indicated that they are now submitting all deceased fingerprint cards to FDLE as requested, not just unidentified decedents.

ISSUE NUMBER 5: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson informed the Commission and those in attendance that there was another success story from District 17 to report this quarter.

District 17 investigators are going through cold case files and updating all the information. One of the cases was an adult male homicide victim from 1983, who was found in Pembroke Pines, Florida. The degraded fingerprints were originally sent to local authorities, FDLE, and the FBI, but were not identified.

Recently, District 17 was notified that the FBI obtained the fingerprints that were stored in the NamUs file and that they were able to use new technology to obtain identification. The FBI was able to compare the decedent's prints to an old arrest and confirm the identification.

District 17 notified the Pembroke Pines Police Department, who is currently trying to locate the decedent's family and reopen the homicide investigation.

ISSUE NUMBER 6: 2017 FAME EDUCATIONAL CONFERENCE

Dr. Nelson reminded everyone that the 2017 FAME Educational Conference would be held August 2-4, 2017, at the Four Seasons Resort in Orlando, Florida. The Districts 9 and 25 Medical Examiner's Office will host the 2017 conference.

ISSUE NUMBER 7: OTHER BUSINESS

Dr. Nelson announced that District 12 Medical Examiner, Russell S. Vega, M.D. would be recommended for reappointment to the Violent Crime and Drug Control Council.

Dr. Nelson announced that District 2 Medical Examiner David Stewart, M.D., had been named as a member-at-large member of the Executive Committee of the Florida Society of Pathologists. His term ends in 2019.

Dr. Nelson informed everyone that the FEMORS Mass Fatality Exercise would be held May 23-25, 2017, at the Miami-Dade College North Campus.

Ms. Koenig wanted everyone to be aware that RTI International, under a contract with the Drug Enforcement Agency (DEA), will be contacting all districts for a survey. Dr. Nelson encouraged everyone to participate.

With no further business to come before the Commission, the meeting was adjourned at 12:21 P.M.