

Medical Examiners Commission Meeting

August 27, 2014

Bruce A. Hyma, M.D. • Sheriff Rick Beseler • Angela B. Corey, J.D. • Kenneth T. Jones
Robert J. Krauss, J.D. • James S. Purdy, J.D. • Robin Giddens Sheppard, L.F.D.
Stephen J. Nelson, M.A., M.D. • Carol Whitmore

**MEDICAL EXAMINERS
COMMISSION LIST**

**DISTRICT MEDICAL EXAMINER
LIST**

**ASSOCIATE MEDICAL EXAMINER
LIST**

MAP

MEDICAL EXAMINERS COMMISSION

Stephen J. Nelson, M.A., M.D.
Chairman

District 10 Medical Examiner
1021 Jim Keene Boulevard
Winter Haven, Florida 33880
(863) 298-4600
FAX: (863) 298-5264

email: StephenNelson@polk-county.net

First Term: 2/13/2014-7/1/2016

Bruce A. Hyma, M.D.

District 11 Medical Examiner
Number One on Bob Hope Road
Miami, Florida 33136-1133
(305) 545-2425
FAX: (305) 545-2412
email: bahyma@miamidade.gov
Second Term: 8/18/2011-7/1/2015

Honorable Rick Beseler

Sheriff, Clay County
Post Office Box 548
Green Cove Springs, Florida 32043
(904)-213-6001
FAX: (904) 284-0710
email: sheriffbeseler@claysheriff.com
First Term: 8/15/2013-7/1/2017

Robin Giddens Sheppard, L.F.D.

Vice President/Funeral Director
Hardage-Giddens Funeral Homes
729 Edgewood Avenue South
Jacksonville, Florida 32205
(904) 388-2711
FAX: (904) 388-4427
email: robin.sheppard@dignitymemorial.com
First Term: 8/15/2013-7/1/2016

Mr. Kenneth T. Jones

Deputy State Registrar/Bureau Chief
Bureau of Vital Statistics
Post Office Box 210
Jacksonville, Florida 32231
(904) 359-6900 xt. 1001
FAX: (904) 359-6931
email: Ken.Jones@flhealth.gov
Term: Not applicable

Honorable James S. Purdy, J.D.

Public Defender, 7th Judicial Circuit
251 North Ridgewood Avenue
Daytona Beach, Florida 32114
(386) 239-7730
FAX: (386) 239-7702
email: purdy.james@pd7.org
Partial Term: 10/2/2008-6/30/2009
First Term: 8/15/2013-7/1/2017

Robert J. Krauss, J.D.

Chief - Assistant Attorney General
Bureau Chief, Tampa Criminal Appeals
3507 East Frontage Road, Suite 200
Tampa, Florida 33607-7013
(813) 287-7900
FAX: (813) 281-5500
email: bob.krauss@myfloridalegal.com
Term: Not applicable

Honorable Angela B. Corey

State Attorney, Fourth Judicial Circuit
Courthouse Annex, 14th Floor
220 East Bay Street
Jacksonville, Florida 32202
(904) 630-7075
FAX: (904) 630-2938
email: acorey@coj.net
First Term: 8/18/2011-7/1/2015

Honorable Carol Whitmore

Manatee County Commission
Board of County Commissioners
Post Office Box 1000
Bradenton, Florida 34206-1000
(941) 745-3704
FAX: (941) 745-3790
email: carol.whitmore@mymanatee.org
First Term: 8/15/2013-7/1/2017

STAFF

Medical Examiners Commission
Florida Department of Law Enforcement
2331 Phillips Road (32308)
Post Office Box 1489
Tallahassee, Florida 32302
(850) 410-8600
FAX: (850) 410-8621

Staff Director Margaret Edwards (410-8600)
margaretedwards@fdle.state.fl.us

Government Analyst II Doug Culbertson (410-8609)
dougculbertson@fdle.state.fl.us

Research & Training Specialist Danielle Santiago (410-8608)
daniellesantiago@fdle.state.fl.us

Administrative Assistant Debbie Turvaville (410-8610)
debbieturvaville@fdle.state.fl.us

FLORIDA DISTRICT MEDICAL EXAMINERS

District 1

Andrea N. Minyard, M.D.
5151 North 9th Avenue
Pensacola, Florida 32504
Dir of Ops Jeff Martin
(850) 416-7200
FAX: (850) 416-6475
e-mail: anminyard@aol.com

District 2

David T. Stewart, M.D.
Post Office Box 14389
Tallahassee, Florida 32317
Forensic Supervisor Tiffany Poston
(850) 942-7473
FAX: (850) 219-7690
e-mail: me2@kubpathology.com

District 3

Dixie Co. ME Service by Dt. 8
Madison, Lafayette & Suwannee
Co.'s ME Service by Dt. 2
Remaining Co.'s ME Service by Dt. 4

District 4

Valerie J. Rao, M.D.
2100 Jefferson Street
Jacksonville, Florida 32206
Operations Mgr Kim Bynum
(904) 255-4000
FAX: (904) 630-0964
e-mail: kbynum@coj.net

District 5

Barbara C. Wolf, M.D.
809 Pine Street
Leesburg, Florida 34748
Dir of Ops Lindsey Bayer
(352) 326-5961
FAX: (352) 365-6438
e-mail: Lindsey.Bayer@marioncounty.fl.org

District 6

Jon R. Thogmartin, M.D.
10900 Ulmerton Road
Largo, Florida 33778
Chief Inv Damon Breton
(727) 582-6800
FAX: (727) 582-6820
e-mail: dbreton@co.pinellas.fl.us

District 7 (Home Rule)

Marie A. Herrmann, M.D.
1360 Indian Lake Road
Daytona Beach, FL 32124-1001
Interim Dir of Ops Lindsey Crim
(386) 258-4060
FAX: (386) 258-4061
e-mail: lcrim@volusia.org

District 8

William F. Hamilton, M.D.
606 S.W. 3rd Avenue
Gainesville, Florida 32601
Dir of Inv Cathy Weldon
(352) 273-9292
FAX: (352) 273-9288
e-mail: weldonc@pathology.ufl.edu

District 9

Jan C. Garavaglia, M.D.
2350 East Michigan Street
Orlando, Florida 32806
Forensic Coord. Sheri Blanton
(407) 836-9400
FAX: (407) 836-9450
e-mail: Sheri.Blanton@ocfl.net

District 10

Stephen J. Nelson, M.A., M.D.
1021 Jim Keene Boulevard
Winter Haven, Florida 33880
Ofc Mgr Sheli Wilson
(863) 298-4600
FAX: (863) 298-5264
e-mail: Stephen.Nelson@polk-county.net

District 11 (Home Rule)

Bruce A. Hyma, M.D.
Number One on Bob Hope Road
Miami, Florida 33136-1133
Dir of Ops Larry Cameron
(305) 545-2400
FAX: (305) 545-2412
e-mail: BAHyma@MiamiDade.gov

District 12

Russell S. Vega, M.D.
2001 Siesta Drive, Suite 302
Sarasota, Florida 34239
Dir of Ops David Winterhalter
(941) 361-6909
FAX: (941) 361-6914
email: rvega@fldist12me.com

District 13 (Home Rule)

Mary K. Mainland, M.D.
11025 North 46th Street
Tampa, Florida 33617
Dir of Ops Richard L. Bailey
(813) 914-4500
FAX: (813) 914-4594
email: mainlandm@hillsboroughcounty.org

District 14

Michael Hunter, M.D.
3737 Frankford Avenue
Panama City, Florida 32405
ME Secretary June Williams
(850) 747-5740
FAX: (850) 747-5745
e-mail: medex@baycountyfl.gov

District 15 (Home Rule)

Michael D. Bell, M.D.
3126 Gun Club Road
West Palm Beach, Florida 33406
Mgr MEO Ops. Harold Ruslander
(561) 688-4575
FAX: (561) 688-4588
e-mail: mbell@pbgov.org

District 16

Thomas R. Beaver, M.D.
Interim District Medical Examiner
P.O. Box 523207
Marathon Shores, Florida 33052
Administrator Patty A. Polivchak
(305) 743-9011
FAX: (305) 743-9013
e-mail: d16meo@aol.com

District 17 (Home Rule)

Craig Mallak, M.D.
5301 S.W. 31st Avenue
Ft. Lauderdale, Florida 33312
Div Admin Asst Sherri Baker
(954) 357-5200
FAX: (954) 327-6580
e-mail: cmallak@broward.org

District 18

Sajid S. Qaiser, M.D.
1750 Cedar Street
Rockledge, Florida 32955
Interim Program Mgr Craig Engelson
(321) 633-1981
FAX: (321) 633-1986
e-mail: sajid.qaiser@brevardcounty.us

District 19

Roger E. Mittleman, M.D.
2500 South 35th Street
Ft. Pierce, Florida 34981
Admin Mgr Christine Weekes
(772) 464-7378
FAX: (772) 464-2409
e-mail: cweekes@jrsc.edu

District 20

Marta U. Coburn, M.D.
3838 Domestic Avenue
Naples, Florida 34104
Ofc Mgr Elizabeth Alfonso Nunez
(239) 434-5020
FAX: (239) 434-5027
e-mail: naplesme@d20me.net

District 21

Rebecca A. Hamilton, M.D.
70 South Danley Drive
Ft. Myers, Florida 33907
Admin Mgr Patti Wheaton
(239) 277-5020
FAX: (239) 277-5017
e-mail: pwheaton@jee.gov

District 22

Riazul H. Imami, M.D., Ph.D.
18130 Paulson Drive
Pt. Charlotte, Florida 33954
Office Mgr Penny Fulton
(941) 625-1111
FAX: (941) 627-0995
e-mail: ai786@aol.com

District 23

Predrag Bulic, M.D.
4501 Avenue A
St. Augustine, Florida 32095
Operations Director Koni Rogers
(904) 209-0820
FAX: (800) 255-8617
e-mail: medex23@sjcfl.us

District 24

Marie A. Herrmann, M.D.
1360 Indian Lake Road
Daytona Beach, FL 32124-1001
Interim Dir of Ops Lindsey Crim
(386) 258-4060
FAX: (386) 258-4061
e-mail: lcrim@volusia.org

FLORIDA ASSOCIATE MEDICAL EXAMINERS

District 1
(Michael D. Bell, M.D.)
(Wilson A. Broussard, M.D.)
(Frederick P. Hobin, M.D.)
(Michael Hunter, M.D.)
(Aurelian Nicolaescu, M.D.)

District 2
(Anthony J. Clark, M.D.)
(Lisa M. Flanagan, M.D.)
(Jerry L. Harris, M.D.)
(John P. Mahoney, M.D.)
(Charles F. Manning, M.D.)
(Margaret Havens Neal, M.D.)
(L. Stephen Sarbeck, M.D.)
(Stephen L. Sgan, M.D.)

District 3
(Dixie Co. ME Service by Dist. 8)
(Madison, Lafayette, & Suwannee Co.'s ME Service by Dist. 2)
(Remaining Co.'s Service by Dist. 4)

District 4
(Robert Buchsbaum, M.D., J.D.)
(Jessie C. Giles, M.D.)
(Peter Gillespie, M.D.)
(Aurelian Nicolaescu, M.D.)
(Wendy Ann Stroh, D.O.)
(Martha J. Burt, M.D.)
(William F. Hamilton, M.D.)
(Carolyn M. Hopkins, M.D.)
(Kyle C. Shaw, MBBS)

District 5
(Wendy A. Lavezzi, M.D.)
(Kyle C. Shaw, MBBS)
(Martha J. Burt, M.D.)
(William F. Hamilton, M.D.)
(Carolyn M. Hopkins, M.D.)
(Susan S. Ignacio, M.D.)
(Julia V. Hegert, M.D.)
(Wayne D. Kurz, M.D.)
(Noel A. Palma, M.D.)
(Joshua D. Stepany, M.D.)
(Jon Thogmartin, M.D.)
(Christopher I. Wilson, M.D.)

District 6
(Susan S. Ignacio, M.D.)
(Wayne D. Kurz, M.D.)
(Noel A. Palma, M.D.)
(Dollett T. White, M.D.)
(Christopher I. Wilson, M.D.)
(Wilson A. Broussard, M.D.)
(Wendy A. Lavezzi, M.D.)
(Stephen J. Nelson, M.D.)
(Robert R. Pfaltzgraf, M.D.)
(Kyle C. Shaw, MBBS)
(Suzanne R. Utley-Bobak, M.D.)
(Russell S. Vega, M.D.)
(Vera Volnikh, M.D.)
(Barbara C. Wolf, M.D.)

District 7
(Tim J. Gallagher, M.D.)

District 8
(Martha J. Burt, M.D.)
(Carolyn Hopkins, M.D.)
(Robert Buchsbaum, M.D., J.D.)
(Predrag Bulic, M.D.)
(Jessie C. Giles, M.D.)
(Peter Gillespie, M.D.)
(Wendy A. Lavezzi, M.D.)
(Roger E. Mittleman, M.D.)
(Stephen J. Nelson, M.D.)
(Aurelian Nicolaescu, M.D.)
(Valerie J. Rao, M.D.)
(Kyle Shaw, M.D.)
(Wendy A. Stroh, M.D.)
(Jon R. Thogmartin, M.D.)
(Barbara C. Wolf, M.D.)

District 9
(Marie H. Hansen, M.D.)
(Joshua D. Stepany, M.D.)
(Gary L. Utz, M.D.)
(Sara H. Zydowicz, D.O.)
(Julia V. Hegert, M.D.)
(Wendy Lavezzi, M.D.)
(George D. Leidel, M.D.)
(Stephen J. Nelson, M.D.)
(Linda Rush O'Neil, M.D.)
(Krzysztof Podjaski, M.D.)
(Sajid Qaiser, M.D.)
(Kyle Shaw, M.D.)
(Vera Volnikh, M.D.)
(Barbara Wolf, M.D.)

District 10
(George D. Leidel, M.D.)
(Vera Volnikh, M.D.)
(Susan S. Ignacio, M.D.)
(Wayne D. Kurz, M.D.)
(Wendy Lavezzi, M.D.)
(Robert E. Mittleman, M.D.)
(Daniel L. Schultz, M.D.)
(Kyle C. Shaw, MBBS)
(Jon R. Thogmartin, M.D.)
(Christopher I. Wilson, M.D.)
(Barbara C. Wolf, M.D.)

District 11
(Emily Demison, M.D.)
(Timothy Fagen, D.O.)
(Kenneth D. Hutchins, M.D.)
(Katherine Kenerson, M.D.)
(Emma O. Lew, M.D.)
(Benjamin Mathis, M.D.)
(Jay Radtke, M.D.)
(Anand Shah, M.D.)
(Mark J. Shuman, M.D.)
(Albert W. Williams, M.D.)
(Michael D. Bell, M.D.)
(Lour G. Boiko, M.D., Ph.D.)
(Manfred Borges, M.D.)
(Gertrude M. Juste, M.D.)
(Craig Mallak, M.D.)
(Reinhard W. Motte, M.D.)
(Michael Steckbauer, M.D.)
(Khalil Wardak, M.D.)

District 12
(Wilson A. Broussard, M.D.)
(Suzanne R. Utley-Bobak, M.D.)
(Leszek Chrostowski, M.D.)
(Laura S. Hair, M.D.)
(Frederick P. Hobin, M.D.)
(Robert R. Pfaltzgraf, M.D.)
(Daniel L. Schultz, M.D.)
(Kyle C. Shaw, MBBS)
(Elise F. Arbefeville, M.D.)
(Marcela F. Chiste, M.D.)
(Leszek Chrostowski, M.D.)
(Kelly G. Devers, M.D.)
(Laura S. Hair, M.D.)
(Wendy A. Lavezzi, M.D.)
(Stephen J. Nelson, M.D.)
(Kyle C. Shaw, MBBS)
(Vera V. Volnikh, M.D.)
(Barbara C. Wolf, M.D.)
(Sara H. Zydowicz, D.O.)

District 13
(Elise F. Arbefeville, M.D.)
(Marcela F. Chiste, M.D.)
(Leszek Chrostowski, M.D.)
(Kelly G. Devers, M.D.)
(Laura S. Hair, M.D.)
(Wendy A. Lavezzi, M.D.)
(Stephen J. Nelson, M.D.)
(Kyle C. Shaw, MBBS)
(Vera V. Volnikh, M.D.)
(Barbara C. Wolf, M.D.)
(Sara H. Zydowicz, D.O.)

District 14
(Andrea N. Minyard, M.D.)
(Mark J. Shuman, M.D.)

District 15
(Gertrude M. Juste, M.D.)
(Reinhard W. Motte, M.D.)
(Lour G. Boiko, M.D., Ph.D.)
(Emily Demison, M.D.)
(Timothy Fagen, M.D.)
(Kenneth D. Hutchins, M.D.)
(Bruce A. Hyma, M.D.)
(Katherine Kenerson, M.D.)
(Emma O. Lew, M.D.)
(Rebecca MacDougall, M.D.)
(Craig T. Mallak, M.D., J.D.)
(Benjamin Mathis, M.D.)
(Roger E. Mittleman, M.D.)
(Linda R. O'Neil, M.D.)
(Jay Radtke, M.D.)
(Anand Shah, M.D.)
(Mark J. Shuman, M.D.)
(Michael Steckbauer, M.D.)
(Khalil Wardak, M.D.)

District 16
(Kenneth D. Hutchins, M.D.)
(Bruce A. Hyma, M.D.)
(Emma O. Lew, M.D.)
(Benjamin Mathis, M.D.)
(Jay Radtke, M.D.)
(Mark J. Shuman, M.D.)
(Wendy A. Stroh, D.O.)
(Albert W. Williams, M.D.)

District 17
(Lour G. Boiko, M.D., Ph.D.)
(Rebecca MacDougall, M.D.)
(Michael R. Steckbauer, M.D.)
(Khalil Wardak, M.D.)
(Michael D. Bell, M.D.)
(Emily Demison, M.D.)
(Timothy Fagen, D.O.)
(Kenneth Hutchins, M.D.)
(Bruce A. Hyma, M.D.)
(Gertrude M. Juste, M.D.)
(Catherine Kenerson, M.D.)
(Emma O. Lew, M.D.)
(Benjamin Mathis, M.D.)
(Reinhard W. Motte, M.D.)
(Linda Rush O'Neil, M.D.)
(Jay Radtke, M.D.)
(Anand Shah, M.D.)
(Mark J. Shuman, M.D.)
(Albert W. Williams, M.D.)

District 18
(Krzysztof Podjaski, M.D.)
(Roger E. Mittleman, M.D.)

District 19
(Linda Rush O'Neil, M.D.)
(Glen K. Axelson, D.O.)
(Michael D. Bell, M.D.)
(Jan C. Garavaglia, M.D.)
(Stuart M. Graham, M.D.)
(Marie H. Hansen, M.D.)
(Frederick P. Hobin, M.D.)
(Kenneth D. Hutchins, M.D.)
(Gertrude M. Juste, M.D.)
(Wendy A. Lavezzi, M.D.)
(Gertrude M. Juste, M.D.)
(Wendy A. Lavezzi, M.D.)
(Reinhard W. Motte, M.D.)
(Stephen J. Nelson, M.D.)
(Krzysztof Podjaski, M.D.)
(Kyle C. Shaw, MBBS)
(Joshua D. Stepany, M.D.)
(Sajid S. Qaiser, M.D.)
(Mark J. Shuman, M.D.)
(Gary L. Utz, M.D.)
(Barbara C. Wolf, M.D.)
(Sara H. Zydowicz, D.O.)

District 20
(Manfred Borges, Jr., M.D.)
(Glen K. Axelson, D.O.)
(Peter A. Gillespie, M.D.)
(Rebecca A. Hamilton, M.D.)
(Kenneth D. Hutchins, M.D.)
(Bruce A. Hyma, M.D.)
(Emma O. Lew, M.D.)
(Mark J. Shuman, M.D.)

District 21
(Robert Pfaltzgraf, M.D.)
(Thomas M. Coyne, M.D.)
(Manfred C. Borges, M.D.)
(Marta U. Coburn, M.D.)
(Riazul H. Imami, M.D., Ph.D.)
(Mark J. Shuman, M.D.)

District 22
(Wilson A. Broussard, Jr., M.D.)
(Daniel L. Schultz, M.D.)
(Suzanne R. Utley-Bobak, M.D.)
(Russell S. Vega, M.D.)

District 23
(Tim J. Gallagher, M.D.)
(Frederick P. Hobin, M.D.)

District 24
(ME Services Covered by Dist. 7)

Florida Medical Examiner Districts

District 1

Escambia
Okaloosa
Santa Rosa
Walton

District 2

Franklin
Gadsden
Jefferson
Leon
Liberty
Taylor
Wakulla

District 3 *Covered by

Columbia *4
Dixie *8
Hamilton *4
Lafayette *2
Madison *2
Suwannee *2

District 4

Clay
Duval
Nassau

District 5

Citrus
Hernando
Lake
Marion
Sumter

District 6

Pasco
Pinellas

District 7

Volusia

District 8

Alachua
Baker
Bradford
Gilchrist
Levy
Union

District 9

Orange
Osceola

District 10

Hardee
Highlands
Polk

District 11

Miami-Dade

District 12

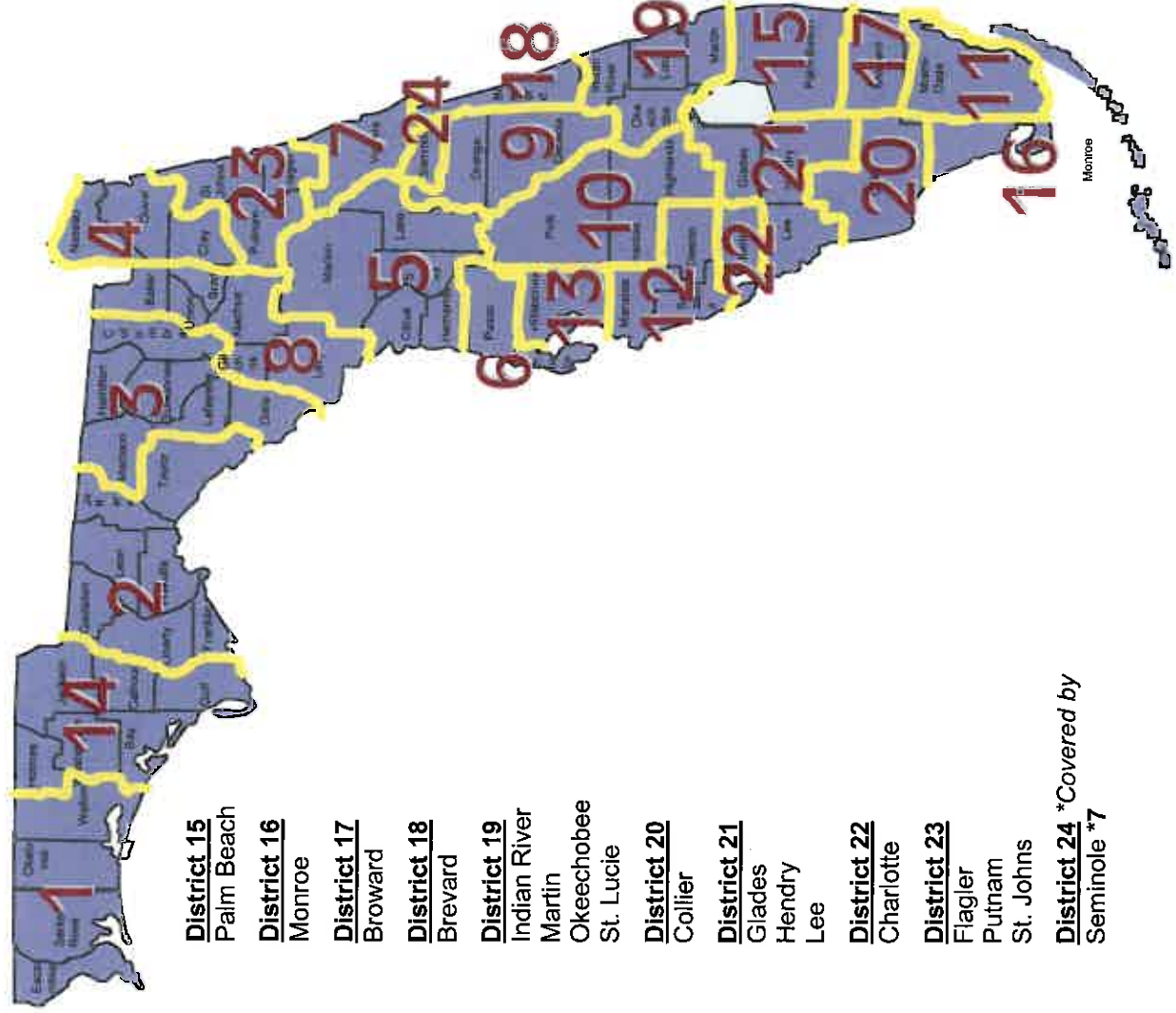
DeSoto
Manatee
Sarasota

District 13

Hillsborough

District 14

Bay
Calhoun
Gulf
Holmes
Jackson
Washington



District 15

Palm Beach

District 16

Monroe

District 17

Broward

District 18

Brevard

District 19

Indian River
Martin

District 20

Okeechobee

St. Lucie

District 21

Collier

District 22

Glades

Hendry

Lee

District 23

Flagler

Putnam

St. Johns

District 24 *Covered by

Seminole *7

**AGENDA
AND
MINUTES**

MEDICAL EXAMINERS COMMISSION MEETING

St. Petersburg Marriott Clearwater
12600 Roosevelt Boulevard, North
St. Petersburg, Florida
August 27, 2014
10:00 AM

Opening Remarks

Introduction of Commission Members and Staff

Approval of Meeting Agenda and Minutes from previous Commission Meeting of June 5, 2014 TAB A

<u>ISSUE NUMBER</u>	<u>PRESENTER</u>	
1. Informational Items:		
• Status Update: District 18, 19, 20, 21, 22, 23, and 24	Margaret Edwards	
• Status Update: District 4	Margaret Edwards	
• 2013 Drugs in Deceased Persons Report	Danielle Santiago	
• 2013 Annual Workload Report	Danielle Santiago	
2. District 16 Appointment Recommendation	Stephen J. Nelson, M.D.	TAB B
3. Ordinances for Domestic Partnerships	Jim Martin, J.D.	TAB C
4. Coverdell Grant Workshop	Danielle Santiago	TAB D
5. Search Committee Procedures Manual	Doug Culbertson	TAB E
6. Unidentified Deceased Initiative	Doug Culbertson	
7. PDMP Study	Bruce Goldberger, Ph.D.	
8. Report of 2014 FAME Educational Conference, July 16-18, 2014	Bruce Goldberger, Ph.D.	
9. Solicitation for 2015 FAME Educational Conference	Bruce Goldberger, Ph.D.	
10. Other Business	Stephen J. Nelson, M.D.	
• Deceased Fingerprint Cards		

MEDICAL EXAMINERS COMMISSION MEETING

Hilton Cocoa Beach Oceanfront
1550 North Atlantic Avenue (A1A)

Cocoa Beach, Florida

June 5, 2014

10:00 AM

Acting Chairman Stephen J. Nelson, M.A., M.D., called the meeting of the Medical Examiners Commission to order at **10:00 AM** at Hilton Cocoa Beach Oceanfront, in Cocoa Beach, Florida.

Ms. Edwards reminded the Commission that pursuant to § 406.03, F.S., the Commission shall annually elect a chair from among its own membership, and asked for nominations.

Commissioner Robin Giddens Sheppard nominated Stephen J. Nelson, M.A., M.D., and Commissioner Robert Krauss seconded the nomination.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO CLOSE THE FLOOR TO ADDITIONAL NOMINATIONS.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO ELECT STEPHEN J. NELSON, M.A., M.D. AS COMMISSION CHAIRMAN.

Dr. Nelson thanked the Commission for their confidence in him, and welcomed everyone to the meeting. He then asked Commission members, staff, and audience members to introduce themselves.

Commission members present:

Stephen J. Nelson, M.A., M.D., District 10 Medical Examiner
Robert J. Krauss, J.D., Chief Assistant Attorney General
Hon. James S. Purdy, J.D., Public Defender, 7th Judicial Circuit
Hon. Carol Whitmore, Manatee County Commissioner
Robin Giddens Sheppard, L.F.D., Vice President/Funeral Director
Hon. Rick Beseler, Sheriff, Clay County
Hon. Angela B. Corey, J.D., State Attorney, 4th Judicial Circuit

Commission members absent:

Bruce A. Hyma, M.D., District 11 Medical Examiner
Ken Jones, Deputy State Registrar, Department of Health

Commission staff present:

Margaret Edwards
Danielle Santiago
Debbie Turvaville

Doug Culbertson
Jim Martin, J.D.
Vickie Koenig

District Medical Examiners present:

Barbara C. Wolf, M.D. (District 5)
Jon R. Thogmartin, M.D. (District 6)
Roger E. Mittleman, M.D. (District 19)
Mary Mainland, M.D. (District 13)

Craig Mallak, M.D. (District 17)
Sajid S. Qaiser, M.D. (District 18)
Russell S. Vega, M.D. (District 12)

Other District personnel present:

Jeff Martin (District 1)
Bill Pellan (District 6)
Cathy Weldon (District 8)
Lindsey Crim (District 7 & 24)
Brett Harding (District 5)

Kim Bynum (District 4)
Clint Clark (District 23)
Lindsey Bayer (District 5)
Craig Engelson (District 18)

Guests present:

Jon Crisler (Lions Eye Institute)
Chris Bronaugh (Medical Eye Bank)
Bruce Goldberger, Ph.D. (University of Florida)
Liz Heid (TransLife)
Dan Schultz (LifeLink)
Nancy Williams (Wuesthoff)
William Respass (SAO, 18th Circuit)

Andrew Mullins (Lions Eye Institute)
Rebecca Sayer (LifeLink)
Ashleigh Story (TransLife)
Beth Withrow (LEITR)
Linda Sullivan (Wuesthoff)
Nick Waite (RTI Donor Services)
Chandler Brownlee (LifeNet)

At the request of Commissioner Robin Giddens Sheppard, the Commission added one item to the agenda — Domestic Partnerships.

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 18, 2014, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- **2013 Interim Drugs in Deceased Persons Report:** Ms. Danielle Santiago informed everyone that the 2013 Interim Drugs in Deceased Persons Report was released at a press conference on May 29, 2014. She also advised that the due date for all 2013 drug death data is June 30, 2014.
- **2013 Annual Workload Report:** Ms. Santiago reminded everyone that the deadline for submission of data for the 2013 Annual Workload Report is June 30, 2014.

- **Coverdell Grant:** Ms. Santiago reported that the 2012 Coverdell Grant period was closed, and that all reimbursements should have been made by now. She also reported that the 2013 Coverdell Grant funds were available, and that districts may begin purchasing items for the current period. Ms. Santiago said that last year four districts did not spend the money that was awarded to them, and reminded everyone of the importance of keeping up with the deadlines; this is important because if funds are not going to be used, they should be returned to FDLE for use by the FDLE laboratory system.

Dr. Nelson asked for a show of hands from those who would be interested in a workshop or telephone conference call on Coverdell rules, deadlines, etc., that would be presented by MEC staff. District 4 asked for a workshop to explain how grant funds are distributed to the districts and the process for requesting budget amendments.

Dr. Nelson informed everyone that the Justice For All Act, which has funds earmarked for the 2015 Coverdell Grant, was not moving through Congress. He encouraged everyone to contact their congressman and request that funds be released.

- **2014 Legislative Update:** Mr. Jim Martin reported that nothing passed in the 2014 legislative session that would have an impact on the medical examiners. He advised that HB 301, the bill affecting cremation approval fees, died in committee. Mr. Martin mentioned that with the passage of HB 697 and upon approval by the Governor, six additional synthetic drugs would be added to §893, F.S.

ISSUE NUMBER 2: STATUS UPDATE: DISTRICT 4 SEARCH COMMITTEE

Ms. Corey stated that the District 4 Search Committee had completed its process. She was disappointed in the lack of clarity provided by staff regarding the search process. Ms. Corey said that she was unclear of the process even after researching Rule 11G, Administrative Code, and stated that she was disappointed in statements made to the media regarding the selection process, including statements that the committee was "lowballing" potential candidates by failing to provide travel vouchers and offering a lower than average salary. Ms. Corey said that she was given conflicting information as to what did and did not fall under the Sunshine Law, and she felt that, in the future, it would be helpful to receive better guidance from the Medical Examiners Commission and Commission staff.

Dr. Nelson thanked Ms. Cory for her comments, and asked her to provide an update to the process. Ms. Corey informed the Commission that during the process they received six applications for the District Medical Examiner position, including that of the incumbent, Valerie Rao, M.D. In addition to Dr. Rao, the committee received resumes from District 14 Medical Examiner Michael Hunter, M.D., Thomas Beaver, M.D., and Arthur Copeland, M.D. The other two applicants withdrew prior to interviews being conducted. Two interviews were conducted in person, one over the phone, and one was conducted via Skype.

Three names were forwarded to Commission staff for consideration: Dr. Rao, Dr. Hunter and Dr. Beaver. However, Dr. Beaver withdrew his name from consideration after being offered the position of Interim District 16 Medical Examiner.

Ms. Whitmore asked if the applicants were ranked by preference when sent to Commission staff. Ms. Corey said that it was her impression that a search committee does not typically rank the applicants according to preference, but that the search committee chose to do so. Dr. Nelson informed the Commission that the issue before the Commission was whether to approve forwarding all of the names to the Governor's Office, and what name(s) to recommend.

Ms. Whitmore said that she supports Dr. Rao's reappointment. Dr. Nelson informed her and the Commission that Dr. Rao's name was already at the Governor's Office for consideration. The issue now was whether the Commission agreed to submission of the additional names.

Sheriff Beseler said that more guidance from the Commission on the search committee process would have been appreciated, as he found it confusing. He agrees with Ms. Corey that more guidance is needed.

A MOTION WAS MADE BY COMMISSIONER SHEPPARD, SECONDED BY COMMISSIONER WHITMORE, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO FORWARD DR. MICHAEL HUNTER'S NAME TO THE GOVERNOR'S OFFICE ALONG WITH DR. RAO'S.

Dr. Nelson reminded the Commission that Dr. Rao's name was already at the Governor's office for consideration, and that staff would forward Dr. Hunter's name.

Ms. Corey asked Dr. Nelson who should pay for travel for applicants in future search processes. Dr. Nelson said that all the search committees that he has served on in the past paid for travel. Ms. Corey asked who specifically paid for the travel and Dr. Nelson said that the counties paying the district medical examiner's salary paid for travel. Ms. Corey said that her county informed her that there was no budget to pay for applicants' travel, which is why interviews were held in the manner they were.

A MOTION WAS MADE BY COMMISSIONER COREY AND SECONDED BY COMMISSIONER WHITMORE, FOR THE COMMISSION TO DIRECT STAFF TO DEVELOP A PROCEDURES MANUAL REGARDING PROPER PROCESSES TO BE FOLLOWED, INCLUDING FLORIDA STATUTE 406, RULE 11G, SUNSHINE LAW, BACKGROUND INVESTIGATIONS, TRAVEL, AND BUDGETARY CONCERNS FOR FUTURE SEARCH COMMITTEES. THE MOTION PASSED WITH SIX YEAS AND ONE NAY.

ISSUE NUMBER 3: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 18, 19, 20, 21, 22, 23, 24 AND ASSESSMENT FOR DISTRICTS 15 AND 17

Ms. Edwards informed the Commission that surveys for districts awaiting reappointment and assessments for the home rule districts were completed, and that the results are in the meeting package. Ms. Edwards reminded the Commission that Districts 15 and 17 are home rule and, therefore, are not reappointed by the Governor. However, Commission staff has been directed by the Commission to conduct assessments on those districts for informational purposes. Ms. Edwards informed the Commission that only one district received an unfavorable comment from a constituent.

Mr. Purdy stated that as the Public Defender member of the Commission, he objected to the reappointment of Sajid Qaiser, M.D., as the District 18 Medical Examiner. Mr. Purdy then read the following document into the record:

**PUBLIC DEFENDER'S OBJECTION TO REAPPOINTMENT OF DR. SAJID S. QAISER AS
18TH DISTRICT MEDICAL EXAMINER
AND
MOTION TO TABLE AND FOR APPOINTMENT OF COMMITTEE TO ADDRESS
CONCERNS, PURSUANT TO RULE 11G-5.004, F.A.C**

In the Spring of 2011, the last time Dr. Qaiser was up for reappointment as Medical Examiner for the 18th District, Public Defender J.R. Russo of the 18th Judicial Circuit filed an "unfavorable" review with the Medical Examiners Commission. This "unfavorable" review resulted in a meeting between Mr. Russo, his Capital Division attorneys and Dr. Qaiser. In this meeting, the parties discussed concerns the public defenders had with deposition and trial testimony given by Dr. Qaiser in reference to criminal cases. The Public Defender made known his displeasure with the fact that Dr. Qaiser's opinions about important medical matters would differ significantly between deposition and trial and his concern that this appears to be due to influence by the prosecution.

Following this meeting, Mr. Russo wrote a letter expressing his belief that Dr. Qaiser now understood the importance of his role in the prosecution of homicide cases. The Public Defender retracted his unfavorable evaluation and assented to Dr. Qaiser's reappointment as Medical Examiner for District 18.

That was 3 years ago and Dr. Qaiser is again up for reappointment. Since then, Public Defender J.R. Russo has retired from office and Blaise Trettis has been elected as the Public Defender of the 18th Judicial Circuit. Unfortunately, not much has changed regarding Dr. Qaiser's testimony in homicide cases and Mr. Trettis has submitted an "unfavorable" recommendation for the reappointment of Dr. Qaiser.

Upon being notified by the Medical Examiners Commission staff of the unfavorable recommendation by the Public Defender, I contacted Mr. Trettis to learn the basis for his recommendation. I was provided examples of Dr. Qaiser's testimony in criminal cases. For the purpose of today's Commission meeting, I will summarize some examples here:

In the First Degree Murder case of State of Florida v. Patrick Whalen, Dr. Qaiser was called to testify during the penalty phase. The purpose of the penalty phase in a First Degree Murder case is for the jury to give a recommendation following conviction as to whether the judge should sentence the defendant to the death penalty or life in prison. During the penalty phase, the jury will hear testimony on statutorily enumerated "aggravating circumstances" justifying the imposition of the death penalty. One of those aggravating circumstances is that the murder was "especially heinous, atrocious or cruel." This aggravating circumstance is intended to take into account the pain suffered by the victim during the homicide. In the Whalen penalty phase, Dr. Qaiser testified that an unconscious person feels pain. This testimony, intended to establish the aggravating circumstance of "especially heinous, atrocious or cruel", came as a surprise to the public defender representing Mr. Whalen as it was not previously disclosed in discovery. I have made inquiry of the network of public defenders statewide who handle death penalty cases and to their institutional knowledge, this is the first time any medical examiner has ever testified in the penalty phase of a death penalty case in Florida that an unconscious person feels pain. Fortunately, the jury in the Whalen case recommended a life sentence which the judge then imposed.

However, Dr. Qaiser recently gave "unconscious pain" deposition testimony in the First Degree Murder case of State of Florida v. Robert Peek, a "cold case" prosecution from the 1980s before Dr. Qaiser became Medical Examiner. Dr. Qaiser testified at this deposition that he based his opinion solely upon a 2007 study out of Belgium regarding coma patients and an internet article regarding a 2005 coma study by neurologist Dr. Nicolas Schiff. He further testified that he knows of no other medical examiner who has testified on the subject. The Peek case is set for trial in August and a *Daubert* Hearing to determine the admissibility of this evidence is being scheduled.

In the case of State of Florida v. Andrew Harrell, Dr. Qaiser testified as an expert witness on behalf of the State in a sexual battery case wherein no death occurred. Dr. Qaiser examined photographs of the elderly female who was alleged to be the victim in that case and other discovery materials. Based on the materials provided, Dr. Qaiser gave expert testimony that forcible anal penetration occurred.

As there was not a death in this case, this was not a Medical Examiner case pursuant to Chapter 406. However, Dr. Qaiser testified that it was. After testifying that he had been an associate medical examiner in Charlotte County for 2 years and an associate and then District Medical Examiner in Brevard County for 12 years, the following exchange occurred between the prosecutor and Dr. Qaiser at pages 412-413 of trial transcript:

"Q Is there anything in your specialty that limits you to only looking at a dead body versus an injury that had occurred to someone that's living?

A No. No, I see both the dead and also the living people.

Q Okay. And is it the twelve years you've been here in Brevard County and two years prior in Charlotte County?

A Charlotte County, yes.

Q So, over all you've been doing -- specializing in this at least fourteen years?

A Fourteen years, yes, in Florida.

Q And then you're the head of the office in Brevard County; is that correct?

A That's true, yes."

At best, this testimony is intentionally misleading by inferring that as an Associate Medical Examiner in both Charlotte and Brevard Counties and then as the District 18 Medical Examiner, Dr. Qaiser's official duties include seeing both dead and living people, thereby bolstering his expert opinion on a matter outside the scope of his Chapter 406 Medical Examiner duties. Also, Dr. Qaiser's willingness to give expert testimony as "The District Medical Examiner" on behalf of the prosecution in a criminal matter outside the scope of his ME duties demonstrates a lack of impartiality essential to his position as Medical Examiner.

The attorneys in the Public Defender's Office have repeatedly complained that when Dr. Qaiser testifies as to possible scenarios surrounding a homicide, his testimony is always "consistent" with the scenario proposed by the prosecutor. However, when questioned by the defense about alternative scenarios consistent with innocence, his testimony is always that "anything is possible", with an emphasis on "anything". This inequity of treatment between State and defense has undermined the confidence the defense needs to have in the Medical Examiner of the 18th District.

A prime example of this occurred last June in State of Florida v. Jason Williams, where even Circuit Court Judge Charles Roberts got involved and, on more than one occasion, felt compelled to instruct Dr. Qaiser to answer the questions put to him by the public defender.

Jason Williams was charged with First Degree Murder in a stabbing death wherein Dr. Qaiser testified that there were stab wounds to the left side of the victim's throat that were upward, toward the rear and to the right. On cross examination, Dr. Qaiser was questioned about whether the wounds would be consistent with the victim straddling and choking a person laying on his back and stabbing upward toward the throat. Dr. Qaiser testified:

"No, I cannot say consistent, it could be possible." [p. 555 of trial transcript]

When pressed by the public defender about his response, Dr. Qaiser stated:

"I cannot say consistent with this. This is very specific term, I cannot use it. Everything is possible." [p. 558 of trial transcript]

The assistant public defender, Mr. Moore, sought further clarification. He asked Dr. Qaiser whether he was "ruling out" that scenario. The following then occurred:

[Answer by Dr. Qaiser]:

"A. I'm saying possible, everything is possible.

Q. Okay. And if the wounds are inflicted you're going to have at least -

THE COURT: Wait a minute. Hold on just a moment. Please take the jury in the back hallway for just a moment.

(Thereupon, the jury was escorted out of the courtroom by the court deputy and the proceedings were had as follows:)

THE COURT: Okay. Everybody have a seat and be comfortable.

Dr. Qaiser I feel the need to reinstruct you, sir, that you have to listen to the question and answer the question that's put to you. Mr. Moore didn't ask you if it's possible, he asked you a specific question which was *you're not ruling that out* and he gave you a scenario and said *if Mr. McIntosh is kneeling over Mr. Williams choking him* and he was asking you whether or not you're not- the question was *you're not ruling that out* and you said anything is possible. So, Mr. Moore, would you like to restate your question and I'm going to ask him to answer the question directly and then when the jury comes back in he'll have an opportunity to do so [and say] the same thing."

When the question was again asked, Dr. Qaiser stated "No, I'm not ruling out that, yes."

The judge then said, "Okay. That's a very direct response to the question. I'm going to ask you to please do that. Bring the jury back in, please." [pages 618- 620 of trial transcript].

If a scenario cannot be "ruled out", then it must by definition be consistent with the evidence. In the Williams case, intervention by the Court was required to get a direct answer out of Dr. Qaiser. Even so, Dr. Qaiser still would not agree that the defense scenario was "consistent".

These are but a few instances of cases that have led the Public Defender to have a good faith belief that Dr. Qaiser lacks the impartiality necessary to serve as District 18 Medical Examiner.

As a result, as a member of this commission, I am moving that the vote of the Medical Examiners Commission regarding the Recommendation for Reappointment of Dr. Sajid S. Qaiser as District 18 Medical Examiner be TABLED until the next meeting of the MEC and pursuant to Rule 11G-5.004(2)(c) of the Florida Administrative Code, I am requesting that the

Commission chairman establish a committee to address concerns regarding the incumbent medical examiner raised in the survey response of the Public Defender.

Respectfully submitted,
James S. Purdy
Public Defender Representative
Florida Medical Examiners Commission

Dr. Nelson recommended bifurcating the reappointment process by separating the District 18 issue from the reappointments for districts 19, 20, 21, 22, 23, and 24.

A MOTION WAS MADE BY COMMISSIONER SHEPPARD, SECONDED BY COMMISSIONER KRAUSS AND PASSED UNANIMOUSLY FOR THE COMMISSION TO RECOMMEND TO THE GOVERNOR THE REAPPOINTMENT OF THE FOLLOWING DISTRICT MEDICAL EXAMINERS:

**DR. ROGER E. MITTLEMAN AS THE DISTRICT 19 MEDICAL EXAMINER;
DR. MARTA U. COBURN AS THE DISTRICT 20 MEDICAL EXAMINER;
DR. REBECCA A. HAMILTON AS THE DISTRICT 21 MEDICAL EXAMINER;
DR. RIAZUL H. IMAMI AS THE DISTRICT 22 MEDICAL EXAMINER;
DR. PREDRAG BULIC AS THE DISTRICT 23 MEDICAL EXAMINER;
DR. MARIE A. HERRMANN AS THE DISTRICT 24 MEDICAL EXAMINER**

NOTE: No other names were submitted to the Commission for consideration.

Mr. Purdy made a motion that the Commission table the reappointment of Dr. Sajid Qaiser as the District 18 Medical Examiner until the next meeting of the Medical Examiners Commission, and that the Commission appoint a committee to address concerns regarding Dr. Qaiser that were raised in the survey response of the public defender. There was no second to the motion, and it died on the table.

Dr. Nelson asked Dr. Qaiser if he would like to respond to the concerns raised by Mr. Purdy. Dr. Qaiser said that while he did not understand everything that Mr. Purdy said, he would like to respond. Dr. Nelson explained to Dr. Qaiser that the previous Public Defender changed his original survey from unfavorable to favorable based upon a conversation with Dr. Qaiser, but that the new Public Defender is claiming that nothing has changed since that time, so he is unwilling to change his unfavorable comment. Ms. Corey asked Dr. Qaiser if he had actually met with the Public Defender, and Dr. Qaiser said that he met in person, and also sent an email to follow up on the conversation, and that a copy of the email was included in the Commission meeting package.

William Respass, J.D., chief trial attorney from the 18th Judicial Circuit State Attorney's Office, spoke on Dr. Qaiser's behalf, and recommended that the Commission reappoint Dr. Qaiser.

A MOTION WAS MADE BY COMMISSIONER WHITMORE AND SECONDED BY COMMISSIONER COREY, FOR THE COMMISSION TO RECOMMEND TO THE GOVERNOR THE REAPPOINTMENT OF DR. SAJID S. QAISER AS THE DISTRICT 18 MEDICAL EXAMINER. THE MOTION PASSED WITH SIX YEAS AND ONE NAY.

NOTE: No other names were submitted to the Commission for consideration.

ISSUE NUMBER 4: DISTRICT 16 VACANCY

Dr. Nelson informed the Commission that E. Hunt Scheuerman, M.D. had tendered his resignation as the District 16 Medical Examiner effective June 20, 2014. State Attorney Katherine Vogel, 16th Judicial Circuit, had appointed Thomas Beaver, M.D. as Interim District 16 Medical Examiner effective June 21, 2014. Ms. Edwards said that Ms. Vogel was in the process of appointing a search committee to fill the position.

Dr. Nelson advised that Dr. Beaver must update his Florida medical license prior to his assuming the duties of the Interim District 16 Medical Examiner. Dr. Beaver's medical license lapsed on January 31, 2014, and Dr. Beaver was in the process of fulfilling his continuing education requirements to activate his Florida medical license.

ISSUE NUMBER 5: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson informed the Commission that the Unidentified Deceased Initiative training video that was developed by FDLE's Bureau of Professional Development and Missing and Endangered Persons Information Clearinghouse (MEPIC) is complete and undergoing final edits. He said that he had hoped to have the video for this meeting, but MEPIC wants to show it at the next meeting of the MEC. He also complimented District 20 Medical Examiner Marta Coburn, M.D., for her presentation in the video.

Mr. Culbertson reported that there were two unidentified deceased success stories for this period — one from District 10 and one from District 6.

Dr. Nelson informed the Commission and those in attendance that, in the District 10 case, skeletal remains were found and DNA was sent to the University of North Texas (UNT) for analysis. In addition, a forensic artist was able to use the remains to render a facial image. With the DNA and the sketch, the remains were identified and the next of kin notified.

Mr. Bill Pellan informed the Commission that the District 6 case involved fingerprints from a 1981 case that were matched in the IAFIS for a positive identification because the victim had been arrested in Las Vegas just before he came to Florida.

He also discussed a case from the District 13 medical examiner's office in Tampa. In that case, skeletal remains were found. In February, the District 6 office assisted by extracting DNA from the remains and searching those remains through CODIS. This led to an identification of a former convicted offender, and allowed the District 13 office to identify the remains in one week.

Mr. Pellan went on to say that when Dr. Thogmartin took over the District 6 office in 2000, there were 32 unidentified cases. Since then, thirteen have been identified using the tools available to all medical examiners. He reminded everyone that they should be checking their unidentified deceased cases against the IAFIS list of known offenders. The Federal Bureau of Investigations (FBI) recently added backlogged prints to the system. Additionally, enhanced software has been provided that identifies poor quality prints for possible matches.

ISSUE NUMBER 6: 2014 EDUCATIONAL CONFERENCE, JULY 16-18, 2014, ORLANDO, FLORIDA

Dr. Bruce Goldberger informed the Commission that District 5 Medical Examiner Barbara Wolf, M.D., will be hosting the 41st Annual Florida Association of Medical Examiner Educational Conference. The conference will be held July 16-18, 2014 in Orlando at the Hyatt Regency Grand Cypress. The room rate will be \$137.00 per night with the resort fee waived, and reduced self-parking fees. There is a great agenda set for this conference.

ISSUE NUMBER 7: OTHER BUSINESS

Commissioner Robin Giddens Sheppard informed the Commission that Orlando and Punta Gorda have both passed resolutions and joined Sarasota County in recognizing domestic partnerships. This has the potential to cause confusion for the funeral home directors should a domestic partner have a different opinion from the legal next of kin, as defined by §497.005, Florida Statute, regarding the manner in which the decedent's remains should be disposed.

A MOTION WAS MADE BY COMMISSIONER WHITMORE AND SECONDED BY COMMISSIONER SHEPPARD, FOR THE COMMISSION TO SEEK AN ATTORNEY GENERAL'S OPINION REGARDING THE DOMESTIC PARTNERSHIP ORDINANCES. THE MOTION PASSED WITH FIVE YEAS, AND COMMISSIONER KRAUSS ABSTAINING.

Dr. Nelson informed the Commission that District 2 Associate Medical Examiner Anthony Clark, M.D., had been recommended to replace Dr. Barbara Wolf on the statewide Child Abuse Death Review Team.

With no further business to come before the Commission, the meeting was adjourned at 11:20 A.M.

**DISTRICT 16 APPOINTMENT
RECOMMENDATION**



Catherine Vogel
State Attorney
530 Whitehead Street, Suite 301
Key West, Florida 33040

(305) 292-3400
Fax: (305) 294-7707

August 14, 2014

Florida Department of Law Enforcement
Medical Examiners Commission
PO Box 1489
Tallahassee, Florida 32302-1489

Re: Recommendation for Appointment of District Medical Examiner, Sixteenth Circuit, Monroe County, Florida

Dear Medical Examiners Commission:

The District 16 Medical Examiner Search Committee comprised of fifteen members met on August 11, 2014. The members are as follows:

Catherine Vogel, State Attorney Sixteenth Circuit, Chair;
Patricia Docherty Gibson, Chief Assistant Public Defender on behalf of the Public Defender, Sixteenth Judicial Circuit;
Dawn Hire, Mariners Hospital;
Hal Leftwich, Chief Administrator, Fisherman's Hospital;
Stephen Nelson, M.D., Chairman, Medical Examiners Commission;
Rick Ramsay, Sheriff Monroe County;
Jeffery Stalnaker, U.S. Border Patrol;
Donie Lee, Chief of Police Key West, Florida;
Kris DiGiovanni, Chief of Police Key Colony Beach, Florida;
Nicki Will, Lower Keys Medical Center;
Melanie Hardegree, University of Miami Tissue Bank;
Roman Gastesi, Monroe County Administrator;
Alhidak Salama, M.D., Life Alliance Organ Recovery Agency (absent);
Nick Cox, Statewide Prosecutor's Office.

Fourteen members were in attendance. Three applicants for the position of District Medical Examiner were set for interview by the committee. Two applicants appeared and were interviewed. The third applicant was given the option of coming to Monroe County at the County's expense but chose to appear via Skype. My office requested he test Skype on a day before his interview. He chose not to test his Skype ability and then was unable to appear on August 11 via Skype. He did not have a phone available to appear via conference call. The Committee voted to eliminate that applicant from consideration given the qualifications of the other candidates.

At the close of the interviews, the committee voted and decided that our recommendation for the position of District Medical Examiner of the Sixteenth Circuit is Thomas R. Beaver, M.D. Currently Dr.

FDLE Letter
August 14, 2014
Page 2

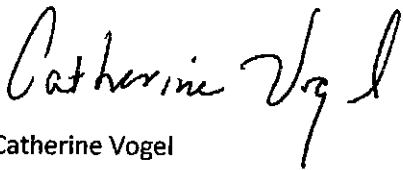
Beaver is the Interim Medical Examiner for the Sixteenth Circuit. He took over the office upon the retirement of Dr. E. Hunt Scheuerman which began on June 20, 2014.

The Office of the State Attorney, Sixteenth Judicial Circuit performed a criminal and financial background check on Dr. Beaver. The contents of the background check are included as an attachment. No criminal background was discovered.

Our committee respectfully requests that your Commission recommend the Governor appoint Thomas Beaver, M.D. as the District Medical Examiner Sixteenth Circuit. Enclosed are Dr. Beaver's application, Curriculum Vitae, letter appointing Dr. Beaver interim Medical Examiner, Authority for Release of Information executed by Dr. Beaver and his background inquiry result.

If you have any questions please feel free to contact the undersigned at 305-292-3400.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Vogel". The signature is written in dark ink and is positioned above the printed name and title.

Catherine Vogel
State Attorney

Enclosures

CV:sr

ORDINANCES FOR DOMESTIC PARTNERSHIPS



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner


Office of General Counsel
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

Rick Scott, *Governor*
Pam Bondi, *Attorney General*
Jeff Atwater, *Chief Financial Officer*
Adam Putnam, *Commissioner of Agriculture*

August 15, 2014

MEMORANDUM

TO: Medical Examiners Commission

FROM: James D. Martin, Assistant General Counsel 

SUBJECT: Domestic Partnership Ordinances

The Medical Examiners Commission (MEC) at the June 2014 meeting discussed the issue of domestic partnership ordinances as they relate to the definition of "legally authorized person" in section 497.005(39), Florida Statutes. The MEC voted to request a formal Attorney General Opinion for guidance on the issue.

Subsequent to the June meeting, MEC staff discussed the issue and I made contact with the Executive Director of the Florida Board of Funeral, Cemetery, and Consumer Services. The Executive Director advised that the issue of domestic partnership ordinances as it relates to the definition of "legally authorized person" had been addressed by the Board and that a legal opinion by the Chief Counsel for the Department of Financial Services had been issued addressing the issue.

I reviewed the legal opinion (attached) and agree with it. I also spoke with Assistant Attorney General Clark Jennings who was the legal advisor to the Board at the time the opinion was issued. He indicated that he also agreed with the legal opinion.

The legal opinion concludes that under the ordinance, the establishment of a domestic partnership serves as an agreement by the parties to the partnership to direct the disposition of the decedent's body. Because the written disposition of the decedent always has priority under the definition of "legally authorized person", such an agreement would have priority.

Based upon this legal opinion and the guidance it provides, I would recommend that a formal Attorney General Opinion is not necessary at this time.

Doug Shropshire

From: Ellen Simon
Sent: Monday, January 23, 2012 2:52 PM
To: Doug Shropshire; Anthony Miller
Cc: John Hale; Dennis Silverman; Karen Duehring
Subject: RE: Orlando's new domestic partner ordinance and registry

Attached, please find a legal memo answering the question referenced below.



Legal question
from F&C.docx

Ellen M. Simon
Chief Counsel of Prosecution and Enforcement
Division of Legal Services
Florida Department of Financial Services
(850) 413-4270

From: John Hale
Sent: Friday, January 13, 2012 2:16 PM
To: Dennis Silverman; Ellen Simon
Cc: Doug Shropshire; Anthony Miller
Subject: FW: Orlando's new domestic partner ordinance and registry
Importance: High

Please review the message below and let's discuss about who to give this assignment. We can get back to Doug not later than Tuesday on the request. Thanks for your assistance.

From: Doug Shropshire
Sent: Friday, January 13, 2012 1:57 PM
To: John Hale
Cc: Karen Duehring; Anthony Miller
Subject: Orlando's new domestic partner ordinance and registry

John

Would you please have the attached item assigned to an attorney for review. We need some legal advice on this.

It involves Orlando's new domestic partner ordinance and registry, and how the form used per the ordinance meshes, if at all, with chap 497's list of "legally authorized persons" for purposes of directing funeral arrangements, etc.

Your attorney can contact our Karen Duehring for more info if needed.

Thx



REPRESENTING
JEFF ATWATER
 CHIEF FINANCIAL OFFICER
 STATE OF FLORIDA

Date: January 13, 2012

To: ~~Doug Shropshire, Director~~
 Anthony Miller, Assistant Director

From: Karen Duehring, FE/A Supervisor

Re: City of Orlando Domestic Partner Registry

*TO: John Hale
 Please assign this to
 an attorney, we need
 legal advice re this.
 Thx.
 Doug S
 1-13-2012*

The City of Orlando has recently passed Article VI - Chapter 57 of the Orlando City Code (Exhibit 1). This section became effective on January 12, 2012. It has been much touted on both television and radio in the tri-county area (Orange, Seminole, and Osceola). A form is available on-line at www.cityoforlando.net for partners to complete and file with the city. (Exhibit 2)

Our concern is the last selection on this form, where the "partner" designates the co-applicant as the agent to direct the disposition of the partner's body for funeral and burial. Sec.497.005 (30), F.S. defines the legally authorized person to make final disposition arrangements. By definition, a domestic partner is not a legally authorized person. The central Florida field examiner has already begun receiving questions about this from the licensed funeral directors in the area.

Sec. 57.84(c) of the Orlando City Code, expressly states:

"Funeral/burial Decisions. Registry as a domestic partner shall be considered to be written direction by the decedent of his or her intention to have his or her domestic partner direct the disposition of the decedent's body for funeral and burial purposes as provided in Chapter 497, Florida Statutes, unless the decedent provides conflicting written inter vivos authorization and directions that are dated after the date of the registration, in which case the later dated authorization and directions shall control."

Our question is whether this document, filed with the City of Orlando, would constitute written inter vivos authorization and direction provided by the decedent, and therefore override the wishes of adult children, parents or siblings.

Also attached is an "information sheet" published on-line at the city's website, addressing general questions regarding this new ordinance, for information purposes. (Exhibit 3)

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
 Karen L. Duehring • Financial Examiner/Analyst Supervisor
 Division of Funeral, Cemetery and Consumer Services
 200 E. Gaines St. • Tallahassee, FL 32399-0361 • Tel. 850-413-4987 • Fax 850-413-4958
 Email • Karen.Duehring@MyFloridaCFO.com
 Affirmative Action • Equal Opportunity Employer

Question Presented

Does Section 57.81, Orlando City Code, establishing certain rights of domestic partners comport with state law regarding who is a "legally authorized person" for the purposes of Chapter 497, Florida Statutes?

Analysis

Orlando is not the first municipality in Florida to attempt to provide certain marriage-like benefits to individuals in domestic partnerships. See Lowe v. Broward County, 766 So. 2d 1199, (Fla. 4th DCA 2000). Lowe dealt with Broward County's enactment of the Broward County Domestic Partnership Act of 1999 (the "DPA"). The purpose of the DPA was to extend benefits and privileges to a domestic partner or to a dependent of a domestic partner. In Lowe, a Broward county taxpayer brought suit against the county claiming that the provisions of the DPA violated the Florida Constitution. Although Lowe, did not deal with the validity of the DPA as it related to funeral and burial purposes rights under Ch. 497, Florida Statutes; the case did examine at the validity of the DPA in an analogous situation, naming a healthcare surrogate under Ch. 765, Florida Statutes. The Court in Lowe ultimately held that one section of the DPA was preempted by state law, and severed that provision from the DPA. The section of the DPA invalidated by the Court in Lowe reads as follows:

- (a) If a health care facility or any licensed residential facility restricts the visitors of a patient or resident, the facility shall permit the patient or resident to name those individuals whom he or she wishes to visit, including any domestic partner, or any children or family member of such domestic partner, unless:
 - (1) No visitors are allowed; or
 - (2) The facility, in its sole discretion, decides that the presence of a particular individual named by the patient or resident would endanger the health or safety of a patient or a resident, or would endanger the primary operations of the facility.
- (b) If a patient or resident has not made the designation provided for in paragraph (1), the facility shall permit the patient or resident's domestic partner, the children of the domestic partner, and any other family member of the patient or resident's domestic partner, to visit, unless one of the exceptions described in paragraph [(a)(1)] or [(b)(2)] applies.
- (c) A domestic partner of a patient or resident shall have the same rights as would a spouse or other family member with respect to visitation, and the making of health care decisions for the patient or resident, to the extent that a patient or resident has not executed a valid power of attorney for health care or a health care surrogate designation.

Broward Co., Fla.Code § 16 ½-158 (1999)

In determining that Broward Co., Fla.Code § 16 ½-158 above referenced section was preempted by state law, the Lowe court focused its attention on the language of Subsection (c). Subsection

(c) of the DPA purported to give domestic partners the same rights as a spouse or family member in cases where the patient has failed to execute a valid health care surrogate designation. Under 765.401, Florida Statutes, there is a hierarchy as to who can act as a proxy in the absence of a written directive. A patient's spouse is accorded a greater preference to be appointed as a proxy over the patient's children, or a "close friend." The language of subsection (c) overrode the order of priority with respect to health care designations expressed in 765.401, Florida Statutes. Because under the DPA a Domestic Partner was afforded rights equal to that of a spouse, the court found that it encroached on an area preempted by state law and the specific provision was invalidated.

Unlike the DPA in Lowe, the Orlando City Code contains no reference to affording rights equivalent or equal to that of spouses. In fact, the rights created by the Orlando City Code are based on contract principals rather than those of family law. The Orlando Code treats creation of a domestic partnership serves as a:

written direction by the decedent of his or her intention to have his or her domestic partner direct the disposition of the decedent's body for funeral and burial purposes as provided in Chapter 497, Florida Statutes.

Under the Orlando City Code, the establishment of a domestic partnership serves as an agreement by the parties to the partnership to create reciprocal written directions their partner as the individual to direct the disposition of the decedent's body. Under 497.005, Florida Statutes, "Legally Authorized Persons" are listed in an order of priority similar to that of health care proxies. Under both statutes, the written validly executed written directions of the decedent/patient are given a greater preference than that of a spouse. Specifically the language of 497.005(39)(a), Florida Statutes, states

- (39) "Legally authorized person" means, in the priority listed:
- (a) The decedent, when written inter vivos authorizations and directions are provided by the decedent;...

Because the written disposition of the decedent always has a higher priority than that of the decedent's spouse or other family members, the Orlando Code avoids the problems that the DPA had by approaching funeral/burial decisions in this manner.

Conclusion

As it relates to funeral/burial designations, the Orlando Domestic Partnership statute should be valid under Florida law. By treating the designation as a matter of contract law as opposed to one of family/domestic relations, the statute avoids the preemption issues that were raised by the Broward DPA in Lowe.

COVERDELL GRANT WORKSHOP

Paul Coverdell Grant Workshop



PRESENTED BY
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
MEDICAL EXAMINERS COMMISSION

AUGUST 27, 2014

Coverdell Grant Overview



- Federal grant issued by the National Institute of Justice (NIJ) as part of the National Forensic Science Improvement Act
- FDLE began receiving funds in 2002
- FDLE is “Grantee”; MEs are “Sub-recipient”
- MEs receive a set amount; other forensic science areas get a percent of grant total.

Coverdell Grant Overview (Cont.)

- Allotment to MEs determined by FDLE Forensic Sciences director
- MEs submit solicitations each year. Must include:
 - **specific purpose**
 - **dollar amount**
- MEC staff divides allotted amount among districts
- Unclaimed awards revert to FDLE, **not** to ME grant fund, and are not available for other districts' use

Solicitations

- Format up to each district; emails, letters, booklets, etc., are accepted.
- What is required:
 - Dollar amount
 - Specific information on what will be purchased
 - Submitted by the due date:
 - ✦ FDLE provides solicitation information and due dates via email each year

Awards



- 2014 total ME award = \$39,758.11
- Total ME solicitations = \$46,000+
- Average award amount = About \$2,300
- **It is important to use the money awarded to your district. If you can't, notify MEC staff as soon as possible, so that we may find a use for it; otherwise it reverts to FDLE general fund.**

Coverdell Contract (MOU)



- Please read your sub-recipient agreement!
- Page 1 specifies the grant period and award amount

Grant Period. This Agreement covers funding and related activities for the term of the FY2013 Coverdell FSI Grant, which is currently 10/01/2013-03/31/2015, provided this term may be extended by FDLE in accord with DOJ/OJP approval. The total period of an award under the Grant, including one that receives project period extensions, ordinarily will not exceed 3 years.

Subgrant Award (Subaward). FDLE is authorized to subaward Grant funds to the Subrecipient in an amount not to exceed \$2,040 under the terms of the FY2013 Coverdell FSI Grant Award to FDLE from DOJ/OJP dated August 21, 2013, and pursuant to the terms of this Agreement, subject to applicable federal, state, and local laws, regulations, directives, and guidance.

- **Contract must be signed by the district medical examiner and returned to FDLE**
 - No exception for home rule counties

Reimbursement Requests



- Must provide proof of payment
 - Bank statement, invoice, cancelled check, receipt, etc.
- Reimbursement forms provided by FDLE
 - (EXCEL form; page 8)
- Submitted no later than March 31st of the grant period
 - (Example: 2013 year grant period runs from October 1, 2013 – March 31, 2015)

Excel Reimbursement Form



Reimbursement Request

Department of Law Enforcement
Investigation and Forensics Program Area
Lab Services

SUMMARY STATEMENT OF TOTAL PROJECT COSTS

Subgrantee:	Facial Contact
FEU#	Telephone:
Address:	Claim Number:
Category:	Cost:
PERSONNEL	
FRINGE	
TRAVEL	
EQUIPMENT	
SUPPLIES	
CONSULTANTS/CONTRACTS	
OTHER	
TOTAL REIMBURSEMENT REQUESTED	

I hereby certify that the above costs are true and valid costs incurred in accordance with the project agreement.

Local Project Director

I hereby certify that the above costs are true and valid costs incurred in accordance with the project agreement and are approved for reimbursement.

David Colman, Forensic Services Director

Local Damage Page Summary Page Travel Equipment Supplies Consultants/Contracts Other

Forms for purchases from specific categories



Amendments



- If you decide to use your award money on something other than what was originally requested:
 - **Submit amended request**
 - **Request must be accepted prior to use**
- Submit request via email, letter, fax - must be in writing
- Cannot be submitted after reimbursement window closes (March 31st; also note amendments can take a few weeks to process)

Questions



- Please contact Danielle Santiago:

- daniellesantiago@fdle.state.fl.us

- 850-410-8608

SEARCH COMMITTEE PROCEDURES MANUAL

District Medical Examiner Search Committee Procedures Manual — Outline

- I. District Medical Examiner (Sec. 406.06, F.S. and Rule 11G-5.003, FAC)**
 - A. Appointment
 - 1. By Governor
 - 2. Home Rule County charter
 - B. Term of office
- II. Government in the Sunshine Law (Sec. 286.011, F.S.)**
 - A. Purpose
 - B. Basic requirements and to what they apply
 - C. Penalty for violation
 - D. Legal implication of a violation
- III. Medical Examiners Commission (MEC) Responsibilities (Rule 11G-5.004(2)(c), FAC)**
 - A. Notify Governor of vacancy
 - B. Notify local officials; request names of potential candidate
 - C. MEC Chairman calls for establishment of search committee and appoints a chair
 - D. Nominate one or more candidates to Governor within specified timeframe
 - E. Notify each candidate of Commission action regarding nomination
 - F. Notify search committee chair of Commission actions
- IV. Establishing the Search Committee (Rule 11G-5.004(3))**
 - A. Required notifications of vacancy
 - B. Search Committee Chair or Co-Chair(s) appointed by MEC Chairman
 - C. Required members of committee
 - 1. Representatives from offices of state attorney(s), public defender(s), sheriff(s), police chief(s), county commissioner(s), funeral homes
 - 2. Representative of local medical community
 - 3. Physician member of the MEC or other ME designated by the MEC chair
- V. Search Committee Responsibilities (Rule 11G-5.004(3))**
 - A. Seek applications from interested candidate
 - 1. Must be licensed physician with experience in pathology
 - 2. Must be board certified in pathology or qualified to take exam
 - B. Advertise position

- C. Establish interview team
- D. Search committee operating budget
 - 1. Advertising and other administrative costs
 - 2. Candidates travel expenses
- E. Ensure budget agreement between candidates and county representatives
 - 1. DME office organization and personnel structure
 - 2. DME office budget
- F. Conduct background inquiry and review results
 - 1. Verify present and past employment
 - 2. Obtain information on work performance and relationships, reasons and circumstances of employment termination
 - 3. Perform criminal history check
 - 4. Solicit comments from appropriate county medical associations, local hospitals, government agencies and funeral homes
- G. Assemble interview package for each recommended candidate
 - i) Include pertinent correspondence; result of background; letters of reference; letter from candidate authorizing release of information
 - ii) Rate recommended candidates, if appropriate
 - iii) Cover letter to include explanation of rating methodology
- VI. Submission of Recommended Candidates to MEC Staff for Review(Rule 11G-5.004(3))**
 - A. Include complete interview package for each recommended candidate
 - B. MEC staff review packages for completeness
 - 1. Verify each candidate's medical licensure status
 - 2. Notify each candidate of MEC meeting to consider nomination
- VII. Timeframe for Completion (Rule 11G-5.004(3)(6))**
 - A. Candidate selection and interview process
 - B. Requesting extension