

## **District Four Medical Examiner Search Committee**

### **Minutes**

**Meeting March 5, 2019**

#### **Attendance**

Present:

State Attorney Melissa Nelson, State Attorney Jeffrey Siegmeister, Jan Abel (RCC), Hon. Justin Taylor, Sheriff Mark Hunter, Sheriff J. Harrell Reid, Chief James Hurley, Sheriff Bill Leeper, Director Ron Lendvey, Public Defender Blair Payne, Chief Assistant Public Defender Lewis Buzzell, Dr. David Rice, MD, Councilman Sam Newby.

Non-members: First Assistant Stephen Siegel, Dian Moser, City of Jacksonville, Tim Crutchfield, District Four MEs Office, David Chapman, SAO Communications Director

At the beginning of the meeting ASA Siegel revealed the names of the candidates who submitted applications for the District Four ME Search. They are as follows:

#### **Candidates**

Dr. James Fulcher, MD  
Dr. Victor W. Weedn, MD  
Dr. Jesse Giles, MD  
Dr. Peter Gillespie, MD  
Dr. Stephen Pustilnik, MD  
Dr. Robert Pfalzgraf, MD  
Dr. Marius Tarau, MD  
Dr. Andrew Falzon, MD  
Dr. Robert Pietak, MD

ASA Siegel reminded the members the committee's objective is to review background information including work performance and relationships, criminal history, employment references, and then to conduct interviews of the selected candidates. The committee is to submit candidate packages to the State Medical Examiners Commission for further action. ASA Siegel outlined the background screening procedure followed with each candidate was designed to ensure uniformity in reporting.

ASA Siegel sent letters to various City, County, and ME HR Departments asking for materials associated with each candidate.

ASA Siegel presented the background information pertaining to the candidates as follows:

**Dr. Fulcher**

ME for Greenville, SC since 2009

Prior local ME in Richmond, VA

Teaching affiliation with USC – Clinical Professor of Pathology (several teaching awards between 2016 and 2018)

Licensed medical doctor in NC and SC – Obtained Florida medical license in December 2018

Board Certification by the American Board of Pathology

Education:

Virginia Commonwealth University School of Medicine (2004)

University of Virginia

Nothing negative in criminal history or social media review

Written performance review: “Dr. Fulcher doing a great job”

Shanna Williams, Ph.D. (forensic anthropology consultant) – Dr. Fulcher works quickly with great attention to detail. He is respectful, trustworthy, and straightforward.

Lucas Marchant (former prosecutor) - You would be remiss to pass him over for this position

Mike Ellis (Chief Deputy Coroner for Greenville) –Dr. Fulcher’s work is professional and he submits clear and concise autopsy reports quickly.

-Dr. Fulcher was largely responsible for helping the office become the only office in SC accredited by the National Association of Medical Examiners.

- I know that Dr. Fulcher will do a great job.

2015 Greenville Annual Report - 36 homicides

CV:

2017 –personal cases 283 autopsies

2017 -personal case sign-out average as 24 days

**Dr. Weedn**

Professor and Chair, Department of Forensic Sciences at George Washington University

(Academic appointments dating back to 1985)

Deputy Medical Examiner for the DC Office of

Chief Medical examiner through October 2018

Prior ME appointments in Maryland, NJ (Acting State Medical Examiner), Alabama, Pennsylvania Licensed medical doctor in Alabama

Board Certification by the American Board of Pathology

Education:

Univ. of Texas Health Science Ctr Dallas (1979)

University of Texas (Phi Beta Kappa – two years)

South Texas College of Law (JD)

Social media – Nothing remarkable or derogatory through FB and Twitter

Internet inquiries – Nothing negative or derogatory through open source inquiries (“Google”)

References:

Dr. Diaz – former supervisor –Dr. Weedn is an outstanding forensic pathologist; gets along with all stakeholders (prosecutors, law enforcement, funeral homes); would bring prestige to the position enabling the hiring of quality associates.

Dr. Dave Fowler: Supervisor from 2009 - 2012. Dr. Weedn is a hard worker, honest, high standards, and gets along well with all stakeholders.

Dr. Kurt Nolte: ME has known Dr. Weedn for 25 plus years. Dr. Weedn is a visionary pathologist and ideal candidate.

## **Dr. Giles**

Associate ME – Orlando District 9 since 2015

Associate ME- Jacksonville District 4 (2002-2015)

ME positions in OH and TN Began career at District 9 Office

Licensed medical doctor in FL, AZ, TN, Indiana, and Alabama

Board Certification by the American Board of Pathology

Education:

Wake Forest (Bowman Gray Medical) 1983

Univ. of Tennessee-Knoxville

No criminal history

Social media – Nothing remarkable or derogatory through FB and Twitter

References:

Tommy Johnston (Peoples Funeral Home) Dr. Giles was always professional and courteous.

Bernie de la Rionda - Dr. Giles was a great witness and a hard worker that did his job well.

Lynda Wilson (Professor at Valencia College) Dr. Giles is a wonderful instructor.

Heather Walsh-Haney (Forensic Anthropologist FGCU) Dr. Giles is professional and knows his job well.

Orlando Performance Review:

Evaluator: Currently, his reports are being completed in a timely manner and knows not to get behind... He is open to suggestions... When a discrepancy is discovered, he accepts ownership and how to avoid it from happening again."

Workflow and time management issues - noted in a 2004 Ohio news article – left more than 80 final autopsy reports when he went to Florida. Noted again in 2013 Times Union article on ME Search for District Four

Disciplinary Action:

**Allegation:** Dr. Giles took a photo in the morgue of projectiles using his personal cell. Dr. Giles is taking too much time in the morgue. Dr. Giles needs to refrain from sleeping in his office during the day.

**Action Plan:** Do not use personal phone to take photographs. Improve workflow. Refrain from sleeping while at work.

### **Dr. Gillespie**

Associate ME District Four Jacksonville since 2014

Associate ME District Sixteen Marathon 2012-2014

Associate ME Miami Dade 2008-2011 Other ME appointments in RI and Florida

Licensed medical doctor in Florida

No Board Certification

Education:

Hahnemann Univ. School of Medicine (1995)

University of Massachusetts

No criminal history and social media – Nothing remarkable or derogatory through FB and Twitter.

Dr. Rao – Would not recommend Dr. Gillespie because he is not Board Certified .

Dr. Steckbauer – He would have Dr. Gillespie work for him if he was Board Certified.

Dr. Schuerman (former supervisor)- Dr. Gillespie has excellent skills. Dr. Gillespie had very good relationships with law enforcement and those within the ME's Office. No work issues regarding quality or speed. He would recommend Dr. Gillespie for the position.

One of five who interviewed for Flagler/Volusia ME in 2011. Committee ruled him out immediately during deliberations because he was not Board Certified.

### **Dr. Pustilnik**

Senior Forensic Pathologist – Lubbock

County ME since 2014

Chief ME – Galveston, TX (2003-2013)

Licensed medical doctor in TX

Board Certification by the American Board of Pathology

Education:

Washington Univ. School of Medicine (1992)

University of Pennsylvania

No criminal history and social media – Nothing remarkable or derogatory through FB and Twitter

References:

Dr. Randall Frost (Chief ME San Antonio): Stated he wishes he had an opening in San Antonio because he would surely hire Dr. Pustilnik. He is an outstanding doctor and man with great character.

Lubbock ME referred SAO to DA Megan Vaughn in Lubbock. Resulted in discovering the existence of a disclosure packet maintained by Galveston County Criminal District Attorney regarding Dr. Pustilnik.

Generally:

*“Medical examiner who performed Moore autopsy admits to error in previous case”*

-Gadsden Times headline

*“County misplaces evidence; accused child killer freed”*

-USA Today headline

2014 Remedial Plan with the Texas Medical Board (Not considered discipline)

Allegation: Pustilnik engaged in unprofessional conduct. Specifically, Dr. Pustilnik lacked professional judgment in his interactions with one subordinate employee.

**Dr. Pfalzgraf**

Associate ME for District Four- Jacksonville since 2017

Associate ME for District 21 in Ft. Meyers (2004-2017)

Appointments in Ohio and Tampa

Licensed medical doctor in Florida

Board Certification by the American Board of Pathology

Education:

Ohio State University (Medicine) (1984)

Wittenberg University

References:

Dr. Wendolyn Sneed –Associate ME in District 17. Dr. Pfalzgraf is a great doctor. He is a great teacher and works well with other agencies.

Dr. Gary Utz- Associate ME in District 9. Dr. Pfalzgraf is the kind of guy who does the right thing. If I have a question about a case he is the one I call.

Dr. Russell Vega –Chief ME District 12. Dr. Pfalzgraf is smart and honest.

Very active social media user- last several months related to diet and health advocacy.

Some political postings.

SAO found various social media postings last year in connection with review for interim position. Those postings have been taken down or otherwise made private.

### **Dr. Tarau**

ME in Kansas City, MO

ME in Oklahoma City (2008-2011)

Teaching affiliation with Univ. of Missouri- Pathology

Licensed medical doctor in Missouri

Board Certification by the American Board of Pathology

Education:

School of Medicine, Romania (1994)

National College, Romania

No criminal history

Social media – Nothing remarkable or derogatory through FB and Twitter

Internet inquires – Nothing negative or derogatory through open source inquiries (“Google”)

References:

Dr. Diane Peterson- colleague at ME in Kansas City. She would recommend him for the current ME opening. He gets along well with others. He has a sarcastic sense of humor and sometimes his personality can be taken the wrong way. He has no major issues from having testified.

Dr. Kamani Lankachandra – Univ. of Missouri Pathology. Dr. Tarau is an asset to the community - has never heard anything negative about him.

Dr. Eric Duval – ME’s Office Oklahoma City. Dr. Tarau is an outstanding pathologist and he would recommend him for the position.

Performance Reviews:

2016-17- Top marks

Sample Review Comments: Completes reports with excellent turnaround time. He has good judgment. He is dependable and reliable. Good quality of autopsy reports.

Works well with outside agencies and families.

### **Dr. Pietak**

Interim Chief ME –Kansas City, MO since 2019

Deputy ME – Kansas City, MO (2011-2018) Assistant ME Wayne County, MI (1999-2011)

Teaching affiliation with University of Kansas Medical Center since 2012

Licensed medical doctor in MO and KS

Board Certification by the American Board of Pathology



Education:

Wroclaw Medical Academy (Poland) (1984)

No criminal history

Social media – Nothing remarkable or derogatory through FB and Twitter

Internet inquires – Nothing negative or derogatory through open source inquiries (“Google”)

Performance Review:

2017-18- Top marks

Sample Review Comments: Dr. Pietak has demonstrated excellent forensic pathology knowledge and skills. Dr. Pietak has sound judgment and decision-making skills. His work is thorough, accurate, and of high quality. He works well with those outside the office.

He is current with a heavy case load.

Tarau and Pietak 2017 Jackson County ME Annual Report

-8,836 deaths reported to the office

-Investigated 6,656 deaths

-The ME’s Office performed a complete autopsy on over 700 cases

-191 Homicides

**Dr. Falzon**

Chief State Medical Examiner –State of NJ since 2016

Previous service as ME in New Brunswick, NJ

Teaching affiliation with Saint Peter’s University and Rutgers

Licensed medical doctor in NJ

Board Certification by the American Board of Pathology

Education:

University of Mississippi University of Malta (1986)

References:

Dr. Diane Karluk – Middlesex ME – She advised Dr. Falzon is a very good pathologist. She highly recommends him.

John Pulomena, County Administrator for Middlesex County – highly recommends Dr. Falzon for the position.

Performance Reviews

2018 Achieved top rating – Exceptional. (Performance review is comprehensive)

Dr. Fred DiCarlo (Asst. ME Newark) He has known Dr. Falzon for over 20 years. Dr. Falzon is an excellent administrator and excellent pathologist.

Dr. Alfredo Walker (Pathologist-Ottawa Hospital) Dr. Falzon is the finest of the finest. He highly recommends Dr. Falzon for the position.

At the conclusion of the presentation, the committee selected the following for interviews:

Dr. Falzon, Dr. Pietak, Dr. Fulcher, Dr. Tarau and Dr. Weedn.

The meeting was adjourned.