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The Honorable John A. Alario, Jr
President
Louisiana State Senate
Louisiana State Capitol
900 North 3rd Street
Baton Rouge, LA 70804
Electronic Mail: alarioj@legis.la.gov

Re: Request for Investigation on Behalf of the Citizens of Louisiana

Senator Alario:

The actions taken by the Louisiana Senate and Governmental Affairs Committee (“Committee”) leading up to, during, and following the May 15, 2019 hearing relative to the Louisiana Physical Therapy Board (“Board”) were unlawful and unprofessional. Based on the following facts and reasons and on behalf of the citizens of Louisiana, I implore the Senate to conduct a full and complete investigation into this matter and the actions of the Governmental Affairs Committee, including Chairwoman Karen Carter Peterson and Sen. Jean-Paul “JP” to ensure that Louisiana citizens have law-abiding legislators who represent them in an ethical manner.

1. Publicly rebuking the Board with callous disregard for the truth by repeatedly mischaracterizing the adjudication *In the matter of Phillipe Veeters*, complaint no. 2018-I-014, stating “a person who is under nine counts of sexual assault charges is under probation with the Board”¹ and “this guy got a nine month slap on the wrist”.²
2. Utilizing threats to dissolve the Board, such as “[f]ar as I’m concerned, you’ll be a subsidy of the Orthopedists Board”³, coercion, and intimidation of Board members so as to:
 - a. influence an active investigation;

¹ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 109:4 – 5, May 15, 2019.

² Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 64:5, May 15, 2019.

³ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 22:19 – 20, May 15, 2019.

- b. corrupt the Board’s ability to be neutral decision makers;
 - c. dictate the outcome of Board adjudications; and,
 - d. mandate harsher penalties for licensees without regard to the evidence presented.
3. Publicly demanding that the Board summarily suspend a license of a person already under adjudicated suspension, which would be an illegal action for the Board to take;
 4. Creating a platform for the Complainant to make public disclosures of the subject matter of the ongoing Board investigation despite knowledge that such investigations are confidential under Louisiana law;
 5. Intentionally misleading the Board as to the purpose of the May 15, 2019 committee hearing, as well as issues to be discussed at the hearing to ensure the Board would not be prepared for the ambush, thereby orchestrating a public spectacle;
 6. Verbally attacking Board members, its employees, and contractors for “not protecting and educating the PT patients in our state” and stating that the “Board is failing all of us” in a public forum without investigation into the validity of the complaints nor a basic understanding of administrative laws, processes, or procedure;⁴
 7. Using “oversight” as a means to illegally overstep authority to manipulate and influence administrative and, potentially, civil and criminal proceedings;
 8. Lack of professionalism in communications to state employees, contractors, and Board members, as evidenced by statements such as “he may be a little outdated with the things that are happening right now”;⁵ “[t]his is not a law school exam, and I appreciate your very law school answers . . . obviously your lawyer is not getting what I’m saying . . . people are reading the paper”;⁶ and, “[s]o let’s just be very clear. Your boy has problems, has real significant problems.”⁷

⁴ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 45:22 – 46:2, May 15, 2019.

⁵ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 112:21 – 22, May 15, 2019.

⁶ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 109:15 – 22, May 15, 2019.

⁷ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 95:13 – 17, May 15, 2019.

Senate and Governmental Affairs Hearing on May 15, 2019

The unwarranted and undeserving public chastisement of the Louisiana Physical Therapy Board, its employees, and contractors took place on May 15, 2019 before the Senate and Governmental Affairs Committee disguised as a hearing relative to Senate confirmation of new Board members and HB 368. The public spectacle was orchestrated by Sen. JP Morell with the approval of Chairwoman Karen Carter Peterson and the willing participation of all committee members. To ensure that the Board would not be prepared, the Committee, specifically Sen. Morrell, misled the Board as to the purpose of the Hearing. As a result, key Board representatives, including, but not limited to, the prosecuting attorney, who would have been best situated to respond to the subsequent line of questions and accusations were not present, paving the way for the Sens. Morrell and Peterson to make false and misleading statements and accusations which were deemed fact by the Committee without investigation or a basic understanding of the requirements of the Louisiana Administrative Procedures Act, the Board Practice Act (La. R.S. 37:2402 – 2424), or Board rules (Louisiana Administrative Code, Title 46. Professional and Occupational Standards, Part LIV. Physical Therapy Examiners) (“administrative law”). As will be discussed in greater detail in the subsequent sections of this letter, these actions will not only have significant detrimental impacts to all current and future legal proceedings pertaining to Veeters, but also to the Board’s ability to protect the public.

I. Intentionally misleading the Board as to the purpose of the May 15, 2019 committee hearing, as well as issues to be discussed at the hearing to ensure the Board would not be prepared for the ambush, thereby orchestrating a public spectacle.

The Louisiana Physical Therapy Board was first contacted by a member of the Committee, Sen. Morrell, on September 12, 2018. On this date, Sen. Morrell sent a letter to Charlotte Martin, the Board’s Executive Director, stating that his “office has been contacted regarding allegations that the board is not investigating allegations of sexual assault by therapists under [the] board’s supervision and oversight.”⁸ The letter asked for information pertaining to the number of sexual assault complaints received, the number of those complaints actually investigated, and the number of investigations that led to penalties, license suspensions, revocations, and referrals for criminal investigation.⁹ Although Sen. Morrell’s letter was not case specific, Mrs. Martin’s response to Sen. Morrell was and included her stated belief that that *“the source of the stated allegation” against the board and received by the Committee “is a Complainant of an investigation that is currently open and active.”*¹⁰ Mrs. Martin, on September 25, 2018, placed Sen. Morrell on notice with the reason for her belief. “The reason that I believe this is that we have been notified by the Office of State Inspector General and the District Attorney in Baton Rouge that similar allegations have been alleged regarding us closing

⁸ Exhibit 2 - Sept. 12, 2018 ltr. to Board from Sen. Morrell.

⁹ Exhibit 2 - Sept. 12, 2018 ltr. to Board from Sen. Morrell.

¹⁰ Exhibit 3 –Sept. 26, 2018 email to Sen. Morrell from Charlotte Martin.

the case.¹¹ ***Our attorney is concerned that outside sources are attempting to influence our board's decision on this case through intimidation.***¹² Mrs. Martin also placed Sen. Morrell on notice that the representative of the Inspector General who interviewed her “regarding this open investigation [was] aware of our attorney’s concerns and ha[d] also reviewed our process for the current status of this investigation.” Because of the nearly simultaneous timing of Sen. Morrell’s letter, the unannounced visit to Mrs. Martin’s office by Tracy Richard of the Inspector General’s office, and the Board’s receipt of similar allegations from the District Attorney’s office, Mrs. Martin contacted Ms. Richard for advice.¹³ Ms. Richard then contacted Sen. Fred Mills to explain the situation and obtain advice on how best to proceed. In an email to Sen. Morrell dated September 25, 2018, Mrs. Martin explained the events that had transpired and informed Sen. Morrell that Sen. Mills “provided the recommendation that I explain to you that this case is still open and pending at this time.”¹⁴

Upon receipt of Mrs. Martin’s communication of September 25, 2018, Sen. Morrell would have known whether the person who contacted his office was the Complainant referred to in his September 12, 2018 letter to Mrs. Martin. At that same time, Sen. Morrell would have also been on notice that the allegations were false, as the Office of the Inspector General had evaluated the investigation and deemed it lawful and appropriate. Finally, upon receipt of the correspondence from Mrs. Martin, Sen. Morrell received notice that the same complaint had been submitted to three separate governmental agencies, with all three receiving false information from the same source engaging in, what appeared to be a coordinated effort, to pressure or influence the Board. As a result, he should have been cautious, if not skeptical, about criticism of the Board from that source and appropriately attuned to the Board attorney’s stated concerns that outside sources indeed were attempting to influence the Board during the confidential investigation.

Instead, Mrs. Martin, on September 26, 2018 received a communication from Christine Arbo Peck, Senior Attorney, Senate Committee on Health and Welfare, chastising Mrs. Martin for invoking the name of another Sen. (Mills) and further stating “***Sen. Morrell did not ask for any specific data or information on any individual case but rather aggregate data***, therefore rendering your response arbitrary and your invocation of Sen. Mills name unnecessary.”¹⁵ Mrs. Martin’s response was factually based, not arbitrary and was ignored. The email from Ms. Peck was followed by a letter dated September 26, 2018 from Sen. Morrell clearly stating that he had “***not ask[ed] about any specific incidents in the last year, or last few months***, [he] asked for aggregate data over an extended period of time.”¹⁶ In the letter Sen. Morrell further stated “***[w]hether there is an individual investigation taking place or not is not my current concern.***”¹⁷ Because there was only one open sexual assault complaint and, in all likelihood, that Complainant was the basis for Sen. Morrell’s September 12, 2018, the circumstances

¹¹ Exhibit 4 - Sept. 14, 2018 email to Tracy Richard from Charlotte Martin.

¹² Exhibit 3 –Sept. 25, 2018 email to Sen. Morrell from Charlotte Martin.

¹³ Exhibit 4 - Sept. 14, 2018 email to Tracy Richard from Charlotte Martin.

¹⁴ Exhibit 3 –Sept. 25, 2018 email to Sen. Morrell from Charlotte Martin.

¹⁵ Exhibit 5 – Sept. 26, 2018 email to Board from Christine Peck.

¹⁶ Exhibit 6 – September 26, 2018 ltr. to Charlotte Martin from Sen. Morrell.

¹⁷ Exhibit 6 – September 26, 2018 ltr. to Charlotte Martin from Sen. Morrell.

strongly suggest that Sen. Morrell's interest were always, in part, related to the Laurie Jennings complaint. On September 26, 2018, the Board responded to Sen. Morrell's requests providing aggregate data related to sexual assault complaints received by the Board.¹⁸ Upon sending the letter, Mrs. Charlotte Martin sent an email to Tracy Richard of the Inspector General's office. In the email, Mrs. Martin outlined the events that had transpired.¹⁹ Mrs. Martin also informed Ms. Richard that "[t]he Complainant emailed me yesterday letting me know that she spoke with the FBI", raising further concerns that "*outside sources [were] attempting to influence our board's decision on this case through intimidation.*"²⁰

On May 9, 2019, the Committee, through Ms. Merrill LePlante, Senate staff person, sent the Board Chair, Mrs. Julie Harris, and Mrs. Charlotte Martin correspondence requesting their presence at a Committee meeting on May 15, along with the three gubernatorial appointees submitted for Senate confirmation.²¹ The email also contained the following: "A component of the appearance will be to discuss *complaints and allegations* of sexual harassment and/or assault *levied against the board.*"²² Mrs. Martin sent an email response to Chairwoman Peterson and Ms. Yolanda Dixon to inquire whether the Committee was concerned about the earlier report on that subject submitted to Sen. Morrell in September, 2018.²³ Mrs. Martin also specifically requested that if the Committee "*has other concerns or issues with our agency, we would appreciate the opportunity to discuss these or have knowledge of these concerns prior to the meeting on Wednesday to be sure we are able to be prepared to address the concerns of your members.*"²⁴ Ms. Dixon responded "*Please disregard prior email.* The corrected request appears below."²⁵ The corrected email was identical to the first except that the last sentence was deleted and replaced with the following: "a component of the appearance *will be to discuss responsiveness* to complaints and allegations of sexual harassment."²⁶ Relying on the communications between the Committee and the Board; assurances that a specific complaint had not been levied against the Board; the understanding that the Committee simply wanted to discuss generically the Board's laws, procedures, and processes in relation to complaints involving sexual assault; and, the Agenda posted the prior afternoon showing only a Senate Confirmation hearing and a hearing relative to HB 368 (proposed legislation pertaining to the Board creating and maintaining healthcare workforce database), Mrs. Martin gathered reports and requested that Courtney Newton, the Board's general counsel intentionally kept separate from investigations and prosecutions, attend the Committee Hearing with her and Mrs. Harris. At the Committee hearing, the plan to deliberately mislead Mrs. Martin and the Board, thereby ensuring that Board representatives in attendance at the meeting would be unprepared for the attacks by the Complainants, the Committee chairwoman, and Sen. Morrell became readily apparent when Sen. Morrell stated: "*Let's talk about Mr. Veeters. Are y'all familiar with Mr.*

¹⁸ Exhibit 7 – Sept. 26, 2018 ltr. to Sen. Morrell from Charlotte Martin.

¹⁹ Exhibit 8 – Sept. 26, 2018 email to Tracy Richard from Charlotte Martin.

²⁰ Exhibit 8 – Sept. 26, 2018 email to Tracy Richard from Charlotte Martin.

²¹ Exhibit 9 – May 9, 2019 email at 10:44 a.m. to Charlotte Martin and Julie Harris from Merrill Laplante.

²² Exhibit 9 – May 9, 2019 email at 10:44 a.m. to Charlotte Martin and Julie Harris from Merrill Laplante.

²³ Exhibit 10 – May 9, 2019 email to Chairwoman Peterson and Yolanda Dixon from Charlotte Martin.

²⁴ Exhibit 10 – May 9, 2019 email to Chairwoman Peterson and Yolanda Dixon from Charlotte Martin.

²⁵ Exhibit 11 – May 9, 2019 email at 10:57 a.m. to Charlotte Martin from Yolanda Dixon.

²⁶ Exhibit 11 – May 9, 2019 email at 10:57 a.m. to Charlotte Martin from Yolanda Dixon.

*Veeters?*²⁷ By denying the Board complete disclosure, the Committee grossly abused its authority to conduct “legislative oversight”.

Despite lack of notice and the inability to appropriately prepare, Mrs. Martin; Mrs. Julie Harris; and, Ms. Courtney Newton responded to the Committee’s hostile accusations and innuendos intelligently and professionally. In response to questions levied by the Committee, all Board representatives calmly attempted to explain the Board’s history with Mr. Phillippe Veeters, a physical therapist whose *license is currently suspended pursuant to an adjudication by Consent Order*.²⁸ Note, the Committee’s description of the facts leading up to this Consent Order were so distorted, inaccurate, and calculated to publicly discredit the Board’s handling of the Jennings complaint that a separate Appendix I containing the accurate and documented events leading up to that adjudication is included in this letter.

II. Creating a platform for the Complainant to make public disclosures of the subject matter of the ongoing Board investigation despite knowledge that such investigations are confidential under Louisiana law

Under the guise of Senate confirmation and the hearing relative to HB 368, and with prior notice of illegality, Sen. Morrell announced to the Committee that there were witnesses known to him that intended to speak on the confidential open investigation before the Board.²⁹ This action was in complete disregard of the *statutory requirements* imposed upon the Board to *maintain confidentiality of information* “gathered by the board through investigation” as imposed by La. R. S. 37:2406 B.³⁰ This action also created a *public forum for Complainant C. W. to publicly disclose substantive and detailed content of her complaint to the Board*.

Under long-standing law and Board protocol, the sitting Board members, other than the one Board member serving on the Board’s Investigative Committee, were isolated from any knowledge of C. W.’s complaint, including the existence of the complaint itself. Strict procedures are in place at the Board office so that the Board can meet the *due process of law requirements to provide the Respondent with “neutral decision-makers”*, as required by the State Supreme Court in the case of *Allen v. Louisiana State Board Of Dentistry*.³¹ The Committee’s participation in the breach of confidentiality of an open Board investigation has placed the ongoing prosecution of Philippe Veeters by the Board in jeopardy.

²⁷ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 17:4 - 5, May 15, 2019.

²⁸ Exhibit 12 – *In the Matter of Philippe Veeters*, No. 2018-I-014, Consent Order accepted by the Board on Dec. 5, 2018.

²⁹ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 22:6 - 12, May 15, 2019 (Clearly showing that the presentation by the two Complaining witnesses to testify about case specific complaints against the Board were orchestrated in advance by Sen. Morrell despite the corrected May 9, 2019 email stating otherwise thus ensuring that the Board would not only be ambushed but would also be unarmed.); Pg. 28:5 – 6; P. 30:2 – P.31:8 (Evidencing Morrell’s knowledge of the identity of the witnesses that were present and speaking as to sexual assault complaints submitted to the Board).

³⁰ Exhibit 13 - La. R.S. 37:2406.B.

³¹ Exhibit 14 – *Allen v. La. Board of Dentistry*, 543 So.2d 908 (La., 1989).

III. Using “oversight” as a means to illegally overstep authority to manipulate and influence administrative and, potentially, civil and criminal proceedings

The Board’s ability to provide Veeters with a hearing before “neutral decision makers” was compromised by the Committee’s public endorsements of the validity of such complaints, public chastisement of the Board and its attorney for not issuing harsher sanctions, in particular license revocations and summary suspensions,³² and Sen. Morrell publicly threatening that as “[f]ar as I’m concerned “[the Board] will be a subsidy of the Orthopedists Board.”³³ The Board’s ability to act as neutral decision makers was further compromised by the Committee publicly urging action by the sitting Board members to summarily suspend Veeters, the Respondent in an open investigation, when these sitting Board members would likely be the hearing panel for the Respondent at a later date. This Committee’s urging such case-specific action to be taken by the Board was not only an unlawful intrusion into an open investigation, but would require the Board to violate the law, specifically La. R. S. 49:961 C.³⁴ La. R.S. 49:961.C. mandates that a summary suspension is lawful only with a finding that the “public health, safety, or welfare imperatively requires emergency action” and further mandates that the Board incorporate a finding of immediate public endangerment in its order. Because the Respondent was already under an adjudicated suspension prohibiting physical therapy practice, a summary suspension was not required to protect the “public health, safety, and welfare” from an immediate and significant threat – the prerequisites for La. R.S. 49:961.C.

In addition to the above, the Committee’s actions will either result in disqualification of the sitting Board members or grounds for appeal should the biased Board members serve as the hearing panel.³⁵ In the event that the Board members are disqualified, the Governor will be required to immediately appoint members *pro tem* to sit in the place of any disqualified members as is also required by La R. S. 49:960.B.³⁶ However, given the intensity of the media attention to this Committee’s actions, there is some likelihood that physical therapists or physical therapist assistants appointed to serve as members *pro tem* may also be subject to disqualification under the same statute. As a further consequence of the Committee’s actions, there may be an effect on civil jury pools of persons called upon to make an award of damages in the lawsuit filed by the Complainant, as well as jury pools of persons who may be called upon to determine the guilt or innocence of Mr. Veeters in the event that he is formally charged with a crime.³⁷

³² Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 92:19, 94:20 – 95:8.

³³ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 22:19 - 20, May 15, 2019; It is important to note that orthopedists are licensed by the Louisiana State Board of Medical Examiners. As such, Louisiana does not have an “Orthopedists Board”.

³⁴ Exhibit 15 - La. R.S. 49:961.C.

³⁵ Exhibit 16 - La. R. S. 49:960 B.

³⁶ Exhibit 16 - La. R.S. 49:960.B.

³⁷ It should be noted that a civil suit has been filed in this matter by one of the Complainants.

IV. Unprofessional and unethical conduct including, but not limited to, publicly rebuking the Board with callous disregard for the truth in reference to the adjudication *In the matter of Phillippe Veeters*, complaint no. 2018-I-014³⁸

At the May 15, 2019 Committee hearing it was blatantly obvious that the Committee neither investigated the complaints made against the Board and the reliability of the Complainants, nor understood the black letter law related to *notice and due process*. Under the law, the Respondent cannot be accountable on any complaint unless and until the prosecutor establishes each allegation of the complaint by a preponderance of the evidence. This principle of administrative law is the legal equivalent to “innocent until proven guilty” in criminal law. The following statements made by Committee members, a mere sampling, demonstrate a level of unprofessionalism, disregard to the truth, and a lack of interest in the law that I have not witnessed in my fifty (50) years of legal practice. Following each quotation, I have provided an explanation of the reasons why the Committee’s statements were false and misleading. Reference has been made to factual events that occurred in relation to the complaint *In the matter of Phillippe Veeters*, complaint no. 2018-I-014. Please reference Appendix I of this letter for an accurate and complete accounting of the complaint.

1. **“But I find it kind of incredulous that in a situation like this one, A, you don’t think you could get a summary proceeding based upon the information in front of you which easily meets the criteria under the law for disciplinary actions. I don’t see how, based upon what you’re hearing, waiting is an option.**

I think right now, the challenge you guys have as a Board and as a profession, and I’m being deathly serious here, is that as it continues to be perpetuated that a person who is under nine counts of sexual assault charges is under probation with the Board. That is a problem.”³⁹

Sen. Morrell’s statement is categorically false and is contrary to the record facts. These are the record facts:

- a) Mr. Veeters’ Consent Order was accepted by the Board December 5, 2018;
- b) At the time of the Board’s acceptance of the Consent Order, the Board had received no other complaints against Veeters other than the 2013 Complaint resulting in a “Letter of Concern”;⁴⁰

³⁸ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 109:4 - 5, May 15, 2019.

³⁹ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 108:18 – 109:5, May 15, 2019.

⁴⁰ Exhibit 17 – Jan. 18, 2014 ltr. to Phillippe Veeters from George Papale; Feb. 7, 2014 ltr to Phillippe Veeters from George Papale; Feb. 8, 2014 ltr to George Papale from Veeters.

- c) At the time of the Board’s acceptance of the Consent Order, the only criminal complaint that had been filed was that of Laurie Jennings;
- d) It was only after the December 5, 2018 Consent Order was made public that six additional complaints were filed – two with the Board and all with the East Baton Rouge Sheriff’s Office;
- e) What the record truly reflects is that the publication and reporting of the December 5, 2018 Consent Order with Veeters was the catalyst for a chain reaction of the latter filed complaints.

As to the call for summary suspension, at the time the Consent Order was accepted by the Board, there was likewise no additional information of public endangerment as is required under La. R.S. 49:961.C. Further, the adjudicated suspension made it unlawful for Veeters to practice physical therapy for a period of time well beyond the subsequent complaints and arrests. And again, summary suspension without a Board finding of public endangerment is absolutely illegal.

- 2. **“Per your investigator to question why she’s there, A, is a least indirectly questioning the validity of their complaint, and B, is just plain damned offensive.”⁴¹**

First, at no time did I serve as the “investigator” for the Board. My sole position with the Board is as prosecutor. Second, at no time did the Investigative Committee question the validity of the complaint or Complainant. Third, the mere fact that I had already conducted the interview with the Respondent and confronted him with the January 18, 2014 “Letter of Concern” shows that I had already endorsed the validity of the complaint prior to interviewing the Complainant.

- 3. **“How many people came into contact with Mr. Papale and never filed a damned complaint?”⁴²**

At the time complaints are filed with the Board, I am neither aware nor involved with the complaint or Complainant. All complaints and investigations go through the Board Executive Director. The prosecutor does not become involved until an Investigative Committee is formed by the Executive Director. Accordingly, to say that I am the cause of individuals not filing a complaint with the Board has absolutely no basis in fact and is ludicrous.

- 4. **“Is there any reason [Mr. Papale] didn’t come [to the May 15, 2019 Committee hearing]?”⁴³**

⁴¹ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 48:1 – 4, May 15, 2019. Transcript, p. 49 (Morrell)

⁴² Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 46:23 - 47:2, May 15, 2019.

⁴³ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 48:14, May 15, 2019.

The Committee's email of May 9, 2019, as well as the corrected email of May 9, 2019 discussed above make it clear that the only persons requested to be present other than the new appointees for confirmation were Mrs. Martin and Mrs. Harris.⁴⁴ Should the Board have been notified appropriately, there would have been more than enough time between May 9th and May 15th to provide the Committee with all information contained herein, as well as any additional information requested, so that the Committee could have received a complete, thoroughly documented response. Based on the Committee first ordering me to testify at the May 29th hearing to be held accountable and then refusing to allow me to speak at the May 29th hearing, it is evident that it was the Committee's intent that I not be present on May 15, 2019 to discuss matters related to Board prosecutions - specifically Veeters. Clearly this committee did not want to hear from me at *anytime*, as the Committee even refused to allow me to speak as to the events of the May 15, 2019 hearing and allegations made against the Board and me pursuant to the submission of a green card at the May 29th hearing.

5. **“Madame Chairwoman, can I treat this as a hostile witness?” [In response to general counsel's attempt to educate the Committee.]⁴⁵**

and

6. **“I think sometimes I'm saying things - - This is not a law school exam, and I appreciate your very law school answers. Let me speak to the physical therapist because obviously your lawyer is not getting what I am saying. People are reading the paper, and they are seeing that a guy who has nine counts of sexual assault is under suspension for nine months, four or five of which has passed, correct?⁴⁶**

These quotes provide further evidence of the level of the Committee's unprofessionalism and that that this committee was only interested in its own agenda to discredit the Board and its attorneys based on false accusations and a callous disregard for the accurate and legal explanations tendered by the Board's former general counsel, Courtney Newton, whose remarks should have been accepted or at the very least carefully considered.

7. **“So let's just be very clear. Your *boy* has problems, has real significant problems. I think that at least we can see from our perspective as a third party looking in, the common thread right now, one common thread is Mr. Papale.”⁴⁷**

As the statement of this complaint and the unimpeachable exhibits attached hereto demonstrate, the Board did not have a problem with its “boy”. This is evidenced, in particular, by the fact that mere weeks before the Senate hearing Karl Kleinpeter, the Board

⁴⁴ Exhibit 9 – May 9, 2019 email at 10:44 a.m. to Charlotte Martin and Julie Harris from Merrill Laplante; Exhibit 11 – May 9, 2019 email at 10:57 a.m. to Charlotte Martin from Yolanda Dixon.

⁴⁵ Exhibit 1 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 73:12, May 15, 2019.

⁴⁶ Exhibit 1 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 108:7 - 1, May 15, 2019.

⁴⁷ Exhibit 1 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 94:6 - 10, May 15, 2019.

Secretary/Treasurer, praised me for the legal assistance I provided stating that “I appreciate all you do for the Board and helping us do our jobs in a responsible, ethical and legal manner.”⁴⁸

8. **“But there is a pattern of behavior here by at least one person who seems to be the continuing thread in this, Mr. Papale, who is not here, that these – the idea that in a Board - - in a profession that has such intimate contact with people where people put themselves in compromising positions so that you can perform and help them, the idea that people could do such horrific things - - and apparently they all get probation because you don’t revoke anybody.”⁴⁹**

Under *Allen v. La. Board of Dentistry*, the attorney prosecuting the complaint before the Board can have **absolutely no communication with the hearing panel** relative to its findings of fact, conclusions of law, or any sanction to be imposed.⁵⁰ That is a 100% Board function. Sen. Morrell’s statement above demonstrates his considerable lack of knowledge of Constitutional due process and mandates of administrative law practice.

9. **“I find it very interesting today that at the very least this committee offered you the opportunity to come speak and to be present and that the irony is that part of the reason why we had the meeting last week is because there were victims who wanted a hearing and were denied that ability to have one . . . I appreciate the fact that when you sign a consent agreement without a victim’s consent . . . you do not allow them to go to a hearing. Have a nice day.”⁵¹**

There is no requirement under administrative law or even a procedure whereby a Complainant could “approve” a sanction to be imposed by a board either serving as a hearing panel or considering whether to accept or make a counteroffer to a proposed consent order. In most cases, the Complainant is the prosecution’s principle witness at a hearing and provides the factual content of the draft administrative complaint, as well as the sworn administrative complaint, both of which were filed in the Veeters matter.⁵² Had this matter gone to a hearing, Ms. Jennings would not have been able to testify as to the sanction to be imposed upon a finding adverse to the Respondent any more than the prosecutor of the complaint itself. Furthermore, the Complainant is not a party at interest whose approval is required before the complaint can be adjudicated by a consent order. Unless there are drastic and sweeping changes to the Louisiana Administrative Procedure Act, the Complainant is not guaranteed a hearing merely because he or she files a complaint.

⁴⁸ Exhibit 18 – March 25, 2019 email to George Papale from Karl Kleinpeter, Board Secretary/Treasurer.

⁴⁹ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 94:18 – 95:2, May 15, 2019.

⁵⁰ Exhibit 14 – *Allen v. La. Board of Dentistry*, 543 So.2d 908 (La., 1989).

⁵¹ Exhibit 19 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 139:11 – 140:3, May 29, 2019.

⁵² Exhibit 20 – *Draft Administrative Complaint* and cover ltr. *In the Matter of Philippe Veeters* (August 31, 2018); Exhibit 21 – *Notice of Hearing* and sworn *Formal Administrative Complaint In the Matter of Philippe Veeters* (Sept. 27, 2018).

To reiterate, the above quotations from the transcribed Senate Committee Hearings (attached as Exhibits 1 and 19) that took place on May 15, 2019 are merely a sampling of the considerable lack of knowledge and misinformation broadcast in the public forum. Any legislator who holds a license to practice as an attorney is governed by the Louisiana Rules of Professional Conduct. Under these rules, licensed attorneys are prohibited from knowingly “mak[ing] a false statement of fact or law to a tribunal or fail[ing] to correct a false statement of material fact or law previously made to the tribunal by a lawyer”.⁵³ In addition, the Rules of Professional Conduct mandate that “a lawyer shall [neither] seek to influence a judge, juror, prospective juror or other official by means prohibited by law [nor] communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order”.⁵⁴

V. Demanding Mr. Papale appear and testify and then not allowing him to testify underscores the Committee’s real intent to publicly discredit the Board without challenge.

At the May 15, 2019 Committee hearing, serious and false allegations were made regarding the Board’s investigation and prosecution of sexual assault cases. In addition, defamatory statements were made without investigation about my professional competencies. Specifically, it was stated by Sen. Morrell: *“So let’s just be very clear. Your boy has problems, has real significant problems. I think that at least we can see from our perspective as a third party looking in, the common thread right now, one common thread is Mr. Papale.”*⁵⁵ Sen. Peterson also commented that *“what I heard is that he’s been around for 18 years, and maybe - - I’m sure he’s done a lot of good things over that time frame. But he may be a little outdated with the things that are happening right now, right?”*⁵⁶ The committee then demanded that *“[t]here are other issues with respect to Mr. Papale. He is - - we are requesting that he be here on May the 29th for that hearing.”*⁵⁷ It was then reiterated by Sen. Peterson that *“[h]e needs to be here and before that committee.”*⁵⁸

As demanded, I prepared to testify at the May 29, 2019 Committee hearing. On May 28, 2019, I contacted the Committee to inquire as to the time of the hearing and was informed that my appearance was no longer required. I then informed the Committee secretary by both telephone and email that I was prepared to testify and desired to testify in response to the allegations made at the hearing - a hearing for which I neither received notice nor was present at to defend the Board and myself.⁵⁹ I was again informed in writing that *“Your appearance is not required tomorrow.”*⁶⁰ As I had not been afforded the opportunity to testify at the May 15, 2019 Committee hearing, had been ordered to testify on May 29, 2019, and was prepared to testify, I submitted a green card at the May 28, 2019 Committee hearing in support of HB 368.

⁵³ Rule 3.3(a)(1) and (2) of the Rules of Professional Conduct, Louisiana Attorney Disciplinary Board

⁵⁴ Rule 3.5(a) and (b) of the Rules of Professional Conduct, Louisiana Attorney Disciplinary Board.

⁵⁵ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 96: 13 - 17, May 15, 2019.

⁵⁶ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 112: 19 - 22, May 15, 2019.

⁵⁷ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 102: 19 - 21, May 15, 2019.

⁵⁸ Exhibit 1 - La. Senate and Gov’t Affairs Committee Hearing Tr. Pg. 103:2, May 15, 2019.

⁵⁹ Exhibit 22 – May 28, 2019 email to Yolanda Dixon from George Papale.

⁶⁰ Exhibit 23 – May 28, 2019 email to George Papale from Yolanda Dixon.

I was then informed by Chairwoman Peterson:

When you asked if you needed to appear because of what had transpired, we told you no. We are talking right now about House Bill 368, which deals with the Physical Therapy Board, and it talks about to determine and collect at the time of new licensure and licensure renewal, core set of data elements, and if you want to talk about that, we can talk about that right now. But if you want to talk about something else that already transpired in this committee that's unrelated to this right here, this is not the place for it. We are not doing it.⁶¹

Ironically, the Committee utilized the hearing on HB 368 to levy false allegations and accusations relative to the mishandling of sexual assault complaints against me and the Board but refused to permit me to utilize the same legislative instrument to enlighten the Committee as to the accurate facts and information.

VI. Unjustified Attack on Professional Reputation

Due to the sequence of events that transpired during the May 15, 2019 hearing and the local and national media coverage that followed, my reputation and that of Courtney Newton have been unjustly and irrevocably tarnished. It did not matter that I was deliberately setup to not be at the May 15, 2019 Committee hearing to defend myself nor that, despite Ms. Newton's best efforts, Sens. Morrell and Peterson refused timely and substantive education on the basic tenants of Administrative Law and due process, choosing instead to continue to level false and disparaging allegations. Due to the sensational nature of the story and the public spectacle, the damage was done.

Because I was not there, I was not able to discuss the fact that for forty of my fifty years of law practice, I have been practicing administrative law and, during that time, I have developed a hard-earned reputation as a relentless and effective prosecuting attorney for multiple licensure boards by championing public protection and producing quality work.⁶² My strong prosecution efforts on behalf of the Board occurred as early as 2005 in the John Schmidt, PT, sexual assault case. In contrast to Sen. Morrell's allegation "that y'all have never revoked a single license over a sexual assault allegation",⁶³ my efforts resulted in the surrender of license by Schmidt and a report to the National Practitioner Data Bank as a revocation.⁶⁴ Prosecution on behalf of the

⁶¹ Exhibit 19 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 137:5 – 14, May 29, 2019.

⁶² Exhibit 24 – Resume of George Malcom Papale, Esq. and Papale DD 214; Exhibit 25 - Separation from Military Service (August 27, 1970) (Served as an officer in the U.S. army in Vietnam).

⁶³ Exhibit 1 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 92: 12 - 13, May 15, 2019.

⁶⁴ Exhibit 26 – Sworn *Formal Administrative Complaint In the Matter of John Schmidt, PT*, no. 2005-I-29 (July 18, 2005); Exhibit 27 – August 15, 2005 ltr. to Emily B. Gray, attorney to Schmidt, from George Papale re effect of license surrender on National Practitioner Data Bank Reporting); Exhibit 28 – Board Decision *In the Matter of John Schmidt, PT*, no. 2005-I-29 (Oct. 20, 2005) ("equivalent of a license revocation"); Exhibit 29 – Adverse Action Report to Data Bank (June 21, 2006) (showing Board action "regarded as a license revocation").

Louisiana State Board of Private Investigator Examiners in the Scott Frank case also resulted in Scott Frank's license revocation, upheld by the Court of Appeal for the First Circuit of Louisiana.⁶⁵ In addition, my prosecution on behalf of the Louisiana State Board of Medical Examiners ("Medical Board") yielded a three year license suspension against Joseph G. Pastorek, II, MD, upheld by the Court of Appeal, Fourth Circuit, on December 17, 2008.⁶⁶

One of my strongest prosecution efforts also occurred on behalf of the Medical Board and involved the physician behind the largest "pill mill" in the state of Louisiana, Dr. Jaqueline Cleggett. My prosecution effort was documented in a feature editorial in the Times Picayune entitled "Justice for Danny" by Jed Lipinski.⁶⁷ This article, which centers around the heroic actions of Dan Sneider, a pharmacist who personally tracked down the murderer of his son when the police were stymied, outlines how I, with Mr. Sneider's assistance, successfully led the investigation and prosecution of Dr. Cleggett on behalf of the Medical Board. The last testament to my work ethic that I will include in this letter is from the Louisiana Physical Therapy Board itself. As previously noted herein, just weeks before terminating my contract in an apparent response to the May 15, 2019 hearing, I received the following email from Mr. Kleinpeter, commending me on my work in conjunction with another complaint:

George,

Thanks for your input and help with the informal conference this past Friday. I believe that the process worked as it is supposed to work. Your questions to me helped me to hone my position and I believe some of my points to you stimulated thought on your part and helped you to formulate your opinion. In the process, *I believe that we did our main job of protecting the public while also offering a fair punishment to the licensee.*

*I appreciate all you do for the Board and helping us to do our jobs in a responsible, ethical and legal manner.*⁶⁸

More recent prosecution efforts on behalf of the Board include the prosecution of Kevin Bias, PT in case no. 2016-I-007. The complaint involved a licensee accused with aggravated assault with a firearm (Smith & Wesson .44 MAG) after pointing the firearm at the victim while driving. In an effort to ensure public protection, the Board requested that the licensee attend an Informal Conference but was unsuccessful due to the licensee's failure to cooperate. That lack of cooperation is documented in the Board's decision of January 30, 2017.⁶⁹ I was also required to defend the Board's sanction of suspension on Judicial Review in the 15th Judicial District Court; the Court of Appeal, Third Circuit; and, ultimately on a *Writ* granted by the Louisiana

⁶⁵ Exhibit 30 – *Frank v. La. St. Brd. of Private Investigator Examiners*, 212 So.3d. 1247 (La.App. 1 Cir. 2/17/2017).

⁶⁶ Exhibit 31 - *Pastorek v. La. St. Brd. of Med. Examiners*, 4 So.3d 833 (La.App.4 Cir. 12/17/08).

⁶⁷ Exhibit 32 – *The New Orleans Times Picayune* Editorial "Justice for Danny" by Jed Lipinski (Oct. 7, 2017).

⁶⁸ Exhibit 18 – March 25, 2019 email to George Papale from Karl Kleinpeter, Board Secretary/Treasurer.

⁶⁹ Exhibit 33 – Board's *Findings of Fact and Conclusions of Law in the matter of Kevin Bias*, no. 2016-I-007 (Jan. 30, 2017).

Supreme Court, docket no. 2018-C-2042.⁷⁰ I argued the case before the Louisiana Supreme Court on May 7, 2019. It is noteworthy that the original complaint received by the Board occurred on May 5, 2016 and, more than three years later, I was still arguing to have the Courts uphold the original Board decision. The litigation is still ongoing. The unpredictable, lengthy, and costly legal pathways which I have experienced as an administrative law practitioner are completely avoided, under appropriate circumstances, when the Board chooses to adjudicate a complaint by Consent Order, which adjudication may include a Voluntary Surrender of License.

Over my 50 years of practicing law in the state of Louisiana, I have received zero complaints with the Bar Association or reprimands from an employer. What I have received are a myriad of commendations, both formal and informal, such as the one provided by Mr. Kleinpeter. Yet, in an effort to generate favorable publicity, which has thus far been successful, none of that mattered and my name and my family's name was tainted.⁷¹ My children, one of whom served honorably as a submarine officer in the Navy and another who currently serves as an F-18 fighter pilot in the Marine Corps, have already been asked if they are related to a George Papale due to the extensive media coverage. That is unacceptable.

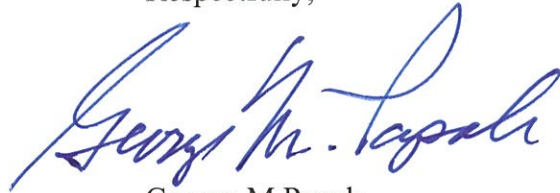
In conclusion, on behalf of the citizens of the state of Louisiana and to ensure public protection, I call for the leadership of the Louisiana Senate to investigate the issues that I have presented to determine the appropriate response for the wrongdoings outlined above. I also ask both Houses of the Louisiana Legislature to seriously consider legislation to accomplish the following:

1. amend the ethics laws in title 42 to provide for violations of abuse of office or undue influence by public officials without the necessity of having to prove monetary gain;
2. provide clear boundaries for legislative oversight so that it cannot be used as a tool to investigate and impact active, confidential board investigations and adjudications;
3. mandate that boards only be called to testify before a committee after receiving notice and full and timely disclosure of the matters to be discussed, witnesses, and documents to be addressed; and
4. permit boards to lawfully discuss specific, confidential complaints and investigations to defend their procedures and actions when a Complainant or Respondent first breaches confidentiality mandated by statute or rule.

⁷⁰ Exhibit 34 – *Writ Application* and required attachment to the Louisiana Supreme Court, *Kevin Bias v. the Louisiana Physical Therapy Board*, docket no. 2018-C-2042 (December 12, 2018) (Also joined in by Governor John Bell Edwards and Attorney General Jeff Landry by the submission of “Friends of the Court” Briefs).

⁷¹ Exhibit 35 – News articles highlighting “*Lawyers Fired After Board Criticized for Sex Assault Claims*” published locally and nationally in periodicals and newspapers including, but not limited to, the U.S. News & World Report, The Advocate, AP News, KALB, The Dispatch, and SFGate.

Respectfully,



George M Papale

Note: Hard copy with complete exhibits to be sent United States Postal Service not later than Monday, June 11, 2019.

Cc:

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Appendix I: In the Matter of Phillippe Veeters, **Complaint No. 2018-I-014**

The Board first received a complaint against Mr. Phillippe Veeters, PT in 2013. Following thorough investigation by an Investigative Committee, which included a physical therapist, legal counsel, and the Executive Director, it was determined that formal disciplinary action was not warranted.⁷² The basis for the decision, in part, was that the treatment provided by Veeters was a legitimate physical therapy technique given the patient's complaints.⁷³ In addition, the Investigative Committee considered the fact that this was the first complaint against Mr. Veeters and the only evidence related to the incident was the testimony of Mr. Veeters and the Complainant, a "he said, she said". On January 18, 2014, the Investigative Committee issued a "Letter of Concern" in the permanent file of Mr. Veeters to ensure that, should the Board ever receive another complaint against Mr. Veeters, there would be sufficient evidence of a pattern to prosecute successfully – the testimony of the complaining witness plus the "Letter of Concern", evidencing the past incident.⁷⁴

On June 7, 2018, approximately five years after receipt of the first complaint, a second complaint against Mr. Veeters was received by the Board alleging sexual assault. The Board immediately took action and formed an Investigative Committee. As I was the only Investigative Committee member with institutional knowledge of the events that occurred in 2013/2014 involving Mr. Veeters, I fully understood the necessity to thoroughly investigate this complaint. I retrieved the earlier complaint as well as the "Letter of Concern" and made the members of the Investigative Committee aware of this letter during the extended telephone conversation on June 15, 2018 with Mrs. Martin; Mrs. Stephanie Boudreaux, the Board Compliance Officer; and, Mrs. Julie Harris, the investigating Board member.⁷⁵ Because none of the members of the Investigative Committee were serving the Board in 2014, they were initially unaware of this letter. Also, during this telephone conversation, I advised the members of the Investigative Committee of certain similarities in the 2013/2014 complaint and the Jennings complaint and the need for a heightened level of investigation at the outset. The action plan discussed during this conversation included scheduling interviews with Mr. Veeters and Ms. Jennings, the Complainant, as quickly as possible.

⁷² Exhibit 17 – Jan. 18, 2014 ltr. to Phillippe Veeters from George Papale

⁷³ Exhibit 1 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 18:16 – 19:5, May 15, 2019.

⁷⁴ Exhibit 1 - La. Senate and Gov't Affairs Committee Hearing Tr. Pg. 19:5 – 15, May 15, 2019. 5

⁷⁵ Exhibit 17 – Jan. 18, 2014 ltr. to Phillippe Veeters from George Papale.

On June 20, 2018, I received a draft of the Informal Conference Notice Letter from Mrs. Boudreaux which contained the notice requirements mandated for due process under the law. I reviewed the letter, and the notice letter was served on Mr. Veeters through the United States Postal Service, certified mail, that same day.⁷⁶ On Saturday, June 30, 2018, I participated in the Informal Conference with Mrs. Martin, Mrs. Boudreaux, Mrs. Harris, Mr. Veeters, and Mr. Veeters' counsel of record, Mr. Floyd Falcon. Mrs. Harris participated by Skype. During the Informal Conference, I confronted Mr. Veeters with the January 18, 2014 "Letter of Concern" and advised him and his attorney that some common issues in the earlier complaint and this recent complaint warranted full investigation by the Investigative Committee.

Shortly thereafter, Mrs. Martin contacted Ms. Jennings to schedule a meeting to discuss questions of the Investigative Committee resulting from the Informal Conference. On July 5, 2018 I was copied on an email from Ms. Jennings to Mrs. Martin in which Ms. Jennings expressed displeasure about the time it was taking to schedule her interview.⁷⁷ Ms. Jennings, among other things, also stated: "Detective Blackman informed me the board voted in my favor."⁷⁸ In the email string Mrs. Martin advised Ms. Jennings that the Board had not voted on anything related to the case and that we had already had a meeting with Respondent,⁷⁹ to which Ms. Jennings responded: "Well apparently my detective misunderstood."⁸⁰ Ms. Jennings also placed Mrs. Martin on notice that she had already met with two attorneys and was speaking with a third one on Tuesday.⁸¹

On July 9, 2018 I participated in the interview of the Complainant, Laurie Jennings at the Board Office with Mrs. Boudreaux and Mrs. Harris, who participated via Skype. The Complainant appeared with her sister. During my preliminary explanation of the process, an explanation I have given probably one hundred times, Ms. Jennings advised that she had heard that I had not wanted to investigate the complaint. ***I advised her that was not true and that we were, in fact, investigating the complaint, had already interviewed the Respondent, and were in the process of investigating by interviewing her.*** My preliminary remarks were related solely to process and procedure and described how the Investigative Committee is formed. I also explained that Mrs. Harris, a Board member, was allowed to investigate so that the Investigative Committee could get the benefit of her expertise, but that she would be recused from any hearing panel deciding the case due to her knowledge of the matter and likely bias. I advised her that the Board does not have authority to award damages and that most of the questions would come from Mrs. Harris.

While Mrs. Harris was conducting the clinical part of the interview, she asked Ms.

⁷⁶ Exhibit 36 – June 20, 2018 Ltr. to Phillippe Veeters from George Papale re Informal Conference.

⁷⁷ Exhibit 37 - July 5, 2018 email correspondence between Charlotte Martin and Laurie Jennings.

⁷⁸ *Id.*

⁷⁹ *Id.* (Note, the Bottom two and one half lines of page 2 of the email string are redacted because the information relates to Ms. Jennings' health information in which she has a privacy interest. If Ms. Jennings and her attorney provide me with a written release to release this information, I am happy to provide the redacted portion at a later date.)

⁸⁰ Exhibit 37 - July 5, 2018 email correspondence between Charlotte Martin and Laurie Jennings, Pg. 2.

⁸¹ *Id.*

Jennings if she could point to the areas where Mr. Veeters had touched her during his examinations. ***Mrs. Harris did not ask Ms. Jennings to lower her underwear. Ms. Jennings volunteered to do so in order that Mrs. Harris could more accurately determine where the contact on her body had occurred.*** At that point I suggested that I leave the room to respect Ms. Jennings privacy. Ms. Jennings stated that my leaving the room would not be necessary. However, I felt it is necessary to leave anyway. Upon notice that I could reenter the room, I did so and Ms. Jennings expressed no complaints about the interview whatsoever. Ms. Jennings seemed composed and continued with the balance of the interview without any adverse comment. ***At no point during the meeting did I become enraged, unprofessional, or insensitive to the fact that Ms. Jennings was a victim of sexual assault.*** My departure from the room while Ms. Jennings lowered her underwear is evidence of my strong held belief that all Complainants be treated with dignity and respect during the Board investigative process. Testimony by any witness to the contrary, including Ms. Jennings, is simply ***not true.***⁸²

On August 22, 2018, over six weeks since the meeting with Ms. Jennings, I received an email attachment containing an opinion of wrongdoing prepared by Mrs. Harris and an authorization to prepare a Draft Administrative Complaint. On August 27, 2018, I completed all of the factual allegations of the Draft Administrative Complaint and sent the document as an email attachment to Mrs. Martin and Mrs. Harris. On August 30, 2018, I received the edits made to the “Facts” section of the Draft Administrative Complaint. I immediately drafted the “Violations” section of the Draft Administrative Complaint and provided it via email to Mrs. Martin and Mrs. Harris. The next day, August 31, 2018, I sent a transmittal correspondence mandated by La. R.S. 49:961.C. with the Draft Administrative Complaint to Mr. Falcon.⁸³

On September 14, 2018, I participated in a conference call with Mrs. Martin and Mrs. Boudreaux concerning the September 12, 2018 communication from Sen. Morrell regarding allegations that he had received that the board was investigating allegations of sexual assault by physical therapists under its jurisdiction. Also discussed was the nearly simultaneous unannounced visit that Mrs. Martin had with Ms. Tracy Richard of the Inspector General’s Office who asserted that their office had received complaints that the Board had closed the investigation of the Veeters complaint.⁸⁴ At that time, I began having concerns that outside forces were attempting to influence Board action on an open, confidential investigation. I recommended that the Investigative Committee stay focused, continue to work, and not be impacted by or concerned with these unusual events.

On September 25, 2018, during a conference call with Mrs. Martin, Mrs. Harris, and Mrs. Boudreaux, I was instructed to prepare the Formal Administrative Complaint against Mr. Veeters. On September 27 2018, I completed the Administrative Complaint and sent it by

⁸² It is my understanding that following the meeting with Mrs. Jennings both Mrs. Harris and Mrs. Boudreaux submitted incident reports concerning the matter. My public records request for a copy of the incident report was denied as being confidential.

⁸³ Exhibit 20 – *Draft Administrative Complaint* and cover ltr. *In the Matter of Philippe Veeters* (August 31, 2018).

⁸⁴ Exhibit 3 – Sept. 25, 2018 email to Sen. Morrell from Charlotte Martin; Exhibit 4 – Sept. 14, 2018 email to Tracy Richard from Board; Exhibit 5 – Sept. 26, 2018 email to Board from Christine Peck; Exhibit 7 – Sept. 26, 2018 ltr. to Sen. Morrell from Board.

regular and certified mail that date.⁸⁵ On October 1, 2018, Mr. Falcon contacted me concerning the possibility of a Consent Order resolution to the Complaint. I advised Mrs. Martin of that conversation.

On October 2, 2018, I received communication from Ms. Sarah Wagar Hickman, advising me that she represented Ms. Jennings in the proceedings before the Board.⁸⁶ As it was evident from the letter sent by Ms. Hickman that she lacked familiarity with Administrative Law Proceedings, following review and approval by Mrs. Martin, I responded to Ms. Hickman on October 4, 2018 to, in part, educate Ms. Hickman on the processes of Administrative Law, the Complainants role in the proceedings, and the date on which the hearing before the Board was docketed.⁸⁷ It should be noted that the October 2, 2018 letter makes no mention of any complaint or concerns about my lack of sensitivity during the interview with her client against me by Ms. Jennings. On October 25, 2019, Ms. Jennings sent an email entitled "Papale" to the entire Investigative Committee as follows:

Is Mr. Papale the La PT board's attorney or Mr. Veeters attorney?
My lawyer is telling me Mr. Papale is Veeters attorney. I am very confused. I am sure he can not be the attorney for both the board and Mr. Veeters, correct? That seems to be a serious conflict of interest is that is the case.⁸⁸

In response to the October 29, 2018 email from Ms. Jennings, and because of ethical considerations related to speaking with an individual represented by counsel, on that same day I sent Ms. Hickman a letter stating "Should you decide to respond to my letter dated October 4, 2018, please also advise me if you told your client anything which could have prompted her enclosed October 25, 2018 email to me and the Board office."⁸⁹

On October 30, 2018, Ms. Hickman filed suit on behalf of Laurie Jennings entitled *Laurie Jennings V. Dutch Physical Therapy, Inc. and Phillippe Veeters* for assault in the United States District Court for the Middle District of Louisiana under case number 3.2018 CV 00985. A jury trial was requested by Ms. Hickman. On October 31, 2018, Ms. Hickman contacted me by telephone regarding my letters to her of October 4, 2018 and October 29, 2018. She expressed apologies for not contacting me sooner. She also informed me that she had just filed the lawsuit, stated that she was in agreement with the October 4, 2018 correspondence on all substantive issues, and ***stated that her staff had miscommunicated the status of my legal representation*** to her client, Ms. Jennings. I advised Ms. Hickman that for my protection and that of the Board, I needed a letter from her clearly authorizing Board, staff, and legal counsel to

⁸⁵ Exhibit 2 – Notice of Hearing and sworn Formal Administrative Complaint In the Matter of Philippe Veeters (Sept. 27, 2018).

⁸⁶ Exhibit 38 - October 2, 2018 ltr. to Charlotte Martin from Sarah Wagar Hickman, cc George Papale re representation of Ms. Jennings and October 4, 2018 response letter to Ms. Hickman from George Papale.

⁸⁷ Exhibit 38 - October 2, 2018 Ltr. to Charlotte Martin from Sarah Wagar Hickman, cc George Papale re representation of Ms. Jennings and October 4, 2018 response letter to Ms. Hickman from George Papale.

⁸⁸ Exhibit 39 - October 25, 2018 email to the Investigative Committee from Laurie Jennings.

⁸⁹ Exhibit 40 - October 29, 2018 Ltr. to Sarah Hickman from George Papale.

communicate directly with Ms. Jennings, the complaining witness, as since October 2, 2018, all communications to Ms. Jennings were required to go through Ms. Hickman. I did not receive any written response to my letters of October 4, 2018 or October 29, 2018. Significantly, at no time was I informed by Ms. Hickman that her client, Ms. Jennings, had any complaints about Mrs. Harris or me related to the July 9, 2018 witness interview.

Within six months, despite the difficulty in communicating with the complaining witness, the Investigating Board Member recommended a Consent Order to the Board. The Board accepted, thereby adjudicating the matter by Consent Order, and Mr. Veeters' license was suspended.⁹⁰ Upon acceptance, the Consent Order was published in the Board Newsletter, posted on the Board website, and reported to the National Practitioner Databank. ***At the time of the Board's acceptance of Veeter's Consent Order, the Board was aware of only one complaint. It was only after the adjudication by Consent Order was made public in early January, 2019 that other Complainants, both administrative and criminal, came forward.***

Following the Consent Order accepted by the Board on December 5, 2018 relative to Ms. Jennings' complaint., in 2019 the Board received an additional complaint submitted by Complainant "C.W." and immediately began formal investigation. ***Significantly, as Mr. Veeters' license was already suspended and he could not lawfully practice physical therapy, there was no immediate danger to the public at the time the complaint was received.*** Contrary to "C.W.'s" testimony at the Committee hearing on May 15, 2019, "C.W.'s" complaint was taken very seriously by the Investigative Committee consisting of a Board member physical therapist, a Board advisory member physical therapist, Mrs. Martin, Mrs. Boudreaux, and myself as prosecutor. "C.W." had an attorney present with her during the entire interview, which was extensive. At no time during the interview did C.W. express any displeasure about the interview process, and all members of the Investigative Committee were polite, respectful, and considerate of "C.W." On March 8, 2019, at Mrs. Martin's request, I reviewed an email exchange she had with Morgan Lamandre, "C.W.'s" attorney, and was authorized by Mrs. Martin to prepare a response. That same date, I sent Ms. Lamandre a detailed and legally documented letter concerning the administrative law process, the confidentiality of the proceedings, the protective measures available to the Board under HIPAA to protect any health information we obtained from "C.W.", and invited a response from Ms. Lamandre.⁹¹ Ms. Lamandre, has, thus far, not seen it fit to respond to my letter, nor has she submitted to me or the Board complaint about the one and only meeting with "C.W.", in which I participated as the prosecuting attorney for the Investigative Committee.

Because the "C.W." case is an open and confidential complaint, I am not able to discuss information that I obtained in connection with certain actions that I took. However, steps were taken to protect the public by obtaining an *Abstention Agreement* from Mr. Veeters through his attorney, Floyd Falcon, after consulting the Investigative Committee. At the time of the Committee hearing on May 15, 2019, the Board had already obtained written confirmation from

⁹⁰ Exhibit 12 – In the Matter of Philippe Veeters, No. 2018-I-014, Consent Order accepted by the Board on Dec. 5, 2018; Exhibit 41 - November 6, 2018 ltr. to Floyd Falcon from George Papale re the Consent Order, November 9, 2018 ltr. to Floyd Falcon from Charlotte Martin, and Nov. 12, 2018 ltr. to George Papale from Floyd Falcon;

⁹¹ Exhibit 42 – March 8, 2019 ltr. to Morgan Lamandre from George Papale.

Veeters' attorney that he would enter an *Agreement to Abstain from the Practice of Physical Therapy* until all criminal and administrative complaints had been resolved.⁹² By my facilitating the *Agreement to Abstain from the Practice of Physical Therapy*, it was assured that the confidential complaint would remain open, that Mr. Veeters could not lawfully practice physical therapy until ***all criminal and administrative matters had concluded***, that prosecution could utilize any criminal convictions as evidence in future administrative proceedings, and that the public was protected by a means insulated from stay or appeal. The use of an *Agreement to Abstain from the Practice of Physical Therapy* was the ideal method to guarantee public protection and ensure the success of future administrative proceedings in which Mr. Veeters was the Respondent. Ironically, Ms. Newton, former general counsel for the Board, was desperately trying to help the Committee understand the value of the *Abstention Agreement*, as opposed to an ill-advised Summary Suspension, when she was summarily cut off by the Committee.

⁹² Exhibit 43 - April 29, 2019 ltr. from Floyd J. Falcon, Jr. (While the letter states on "Criminal proceedings" the *Agreement to Abstain* utilized by the Board mandates abstention from the practice until both criminal and administrative proceedings have concluded. A draft of this formal *Abstention Agreement* prepared for the Veeters matter was delivered as an email attachment from Mr. Papale to the Investigative Committee for its approval while the Board was being chastised for not protecting the public on May 15, 2019.)