



## Guam Board Of Allied Health Examiners

To: Honorable Judge Lamorena

From: Sibyl Crisostomo, Chairperson, Guam Board of Allied Health Examiners

Subject: The Case of Joel Joseph, DVM (Plaintiff) vs. Flora Duenas, (Defendant)

Small Claims # SD060107

Dear Judge Lamorena:

After the small claims hearing on 7-14-08 involving Dr. Joel Joseph (aka Schiff) and Flora Duenas, in your courtroom, I went immediately to the Board office to review our records. I am forwarding you the details of some of the Board's dealings with him.

A series of cascading events began in January, 2007. On January 11-2007, the board received Dr Joseph's application for renewal of his veterinary license. All renewal applications were due on or before December 31, 2006. At our meeting on January 13, 2007, we found that approximately 30%-40% of his continuing education unit (CEU) declarations did not meet with board approval. We voted at this time to issue a cease and desist order. Not only were Dr. Joseph's CEU's very questionable but his application was late. In the previous year, he, along with all the other veterinarians, had renewed by the required deadline, (see attached). All professionals know the great importance of license renewal. Additionally, the Board had received numerous complaints against him from pet owners as well as other veterinarians. The Board has received more complaints against him than any other professional to this date. He has frequently intimidated and harassed the Licensing Board staff, other veterinarians and their staff and members of the Board. This cease and desist order was hand delivered to him on January 14, 2007.

The expected response in a situation like this is for the professional receiving a cease and desist order, to come to the Board and address the concerns. Dr. Joseph elected to supercede the Board altogether and push the case into court. The case was heard by Judge Elizabeth Barrett-Anderson on February 16, 2007. During this hearing, she stated that she did not want to hear about CEU's. She asked if there were other complaints against Dr. Joseph and I stated, "many". Despite this and for no known reason, she then ordered that his license be reinstated. Dr Joseph pleaded for leniency because he knew without the privilege of a valid license he could not continue to earn money or practice as a veterinarian. At this juncture, he had knowingly been practicing without a professional license from January 1, 2007 to February 16, 2007.

On February 28, 2007, the Board sent him a letter delineating the questionable CEUs and requested that he appear before the Board to explain. He never responded to the requests of the Board other than to challenge the veracity of all of the other licensees and their CEU's, and if had we questioned any of them. I sent a letter to Dr. Joseph to answer his question as he felt that he had been singled out. I stated that other licensees had willingly and quickly complied when required to and that no other licensees were late in filing their applications.

On March 23, 2007, at another hearing, Judge Barrett-Anderson overrode the decision of the Board and ordered the Chairperson of the Board to send Dr. Joseph a letter, and a wallet card informing him that his license had been reactivated this time until June 2007, which I did. In June, Judge Barrett-Anderson would make her final decision.

In May, 2007, the Board held a hearing addressing numerous complaints against Dr Joseph. The complaints ranged from unethical, unprofessional advertising, breaking Guam Statutes, etc. One of the complaints was from Flora Duenas about her cat Bell-Bell. Flora Duenas had her cat Bell-Bell spayed at the GAIN spay clinic and she had taken her cat in to see Dr. Joseph for some swelling at the surgical site. Dr. Joseph informed Flora Duenas that her cat needed to have the

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surgical site repaired and that her cat would die if the procedure was not done immediately. Two reputable Guam licensed veterinarians testified at the hearing that Dr. Joseph never performed the procedures that he had claimed as per the medical records. He claimed to have opened the cat, flushed the abdomen and resutured the site. The stitches were found to be untouched, as per testimony of the two other veterinarians. Dr. Joseph presented pictures, supposedly of Bell-Bell, but the photos that he presented did not have the tattoo that the GAIN clinic always applies to all of their spays. The picture that was presented to our Board attorney by the owner herself did have the tattoo. The board found him guilty on this count and the majority of the VII counts brought against him. The board, as per the hearing officer's recommendation voted to revoke his license.

The decision of the Board was then set aside in court due to a technicality. This technicality arose due to the lack of sufficient notice to the public as required by the Open Government Law 5 GCA, Chpt 8. I, myself, requested placement of the notice via the Pacific Daily News in a timely fashion. However the ads did not get put in the paper as requested, despite PDN's faxed response that they had received the request. When PDN was questioned about the omission of the Board's hearing notice, PDN claimed that the omission was an 'editorial decision' and claimed no fault!

On 2-29-08, nearly a year after the hearing, Mr. Bischoff, Assistant AG, assigned as legal advisor to the Board at that time, called me and informed me that the court had set aside the decision of the May hearing rendering our authority to protect the public moot in this case; (to this day, we do not know the details of this decision). Mr. Bischoff also instructed me to write a letter stating that Dr. Joseph's license was determined to be effective 1-11-08 to 12-31-08. I vividly remember that I was upset, stunned and astounded that this decision was made by the court. I initially refused to write the letter. However, upon Mr. Bischoff's legal advice, I reluctantly complied and wrote the letter as soon as I hung up the phone. I composed the letter hastily and delivered it quickly. I wrote a note on the Board's copy of this letter, dated 2-29-08, (see attached) stating that I had hand delivered that letter to the Attorney General's office for Mr Bischoff and requested that Atty. Bischoff forward a copy of the letter to Joel Joseph, DVM as I refused to deliver it to Dr. Joseph personally. (In the past, a hand delivered letter to Dr Joseph's Wise Owl staff resulted in Dr. Joseph's denial that he had received anything and that I was a 'liar'). Mr Bischoff stated he would see that it would get to Dr Joseph.

**The letter should have been dated 2-29-08, the day I wrote that letter. In addition, the Board believes that the renewal dates of licensure should have read 2-16-08, not 1-11-08 (this date only reflects the date of payment). However, payment never indicates acceptance nor completion of licensure requirements; In normal circumstances, only a majority vote by the Board decides renewal after thorough review of each application).**

It is the opinion of the Chairperson that Dr. Joseph practiced from January 1, 2007 to February 16, 2007 without a license and in defiance of the Board's order.

To the best of my knowledge, I believe the above is true. I'm sorry that my memory did not serve me well when in Court and thank you for allowing me to check the records at the office to clarify this issue. (please see all of attached documents).

Sincerely,



Sibyl Crisostomo,

Chair person, GBAHE.