

Theodore A. Golden, M.D. Investigates MSU-Nassar Scandal Unethical Kristine Moore Should Not Work For MSU

I served in the Navy for two years with the Marines at Camp Lejeune, NC. The commanding officer of the Naval Hospital did not appreciate my asymmetrical campaign to give the black Marines with pseudofolliculitis and patients dignity. *Outspoken* was the only word he wrote on my fitness report.

During the summer it got very hot and humid. I sweated a lot and drank a lot of water to prevent dehydration. Little did I know at the time that the water was contaminated with carcinogens. A million people were exposed over a thirty year period. There was a cover up after it was known that the water had high levels of carcinogens. I was diagnosed with bladder cancer in 2012, which is one of the cancers that could be caused by exposure to Camp Lejeune water. No one was held responsible.

In the early 2000s I lived in Bloomfield Township. The Township's judges of the 48th District Court improperly fired an employee who two weeks earlier was the employee of the year. It cost the Township one million dollars in a civil lawsuit. The newspapers had a field day saying what the Judicial Tenure Commission would do to the judges. Nothing was written again about the incident. Did confidentiality rules of the JTC prevent the public from knowing if anything happened to the judges?

I was born and grew up in Flint. The Flint Water Crisis is well known. We are still learning about the cover-up and who was responsible.

I currently live in Rochester Hills, MI. Dr. Farid Fata poisoned 553 patients with deadly chemotherapy due to greed. A substantial complaint was filed with the State Board of Medicine two to three years before he was finally apprehended due to a whistle blower. Due to rules of secrecy the public does not know who, how, or why the State Board of Medicine inadequately responded to the complaint.

I was appalled when I read about the Nassar Scandal at MSU. Newspaper articles implied that Kristine Moore the Title IX investigator for the complaint against Nassar in 2014 did an improper job of investigating and writing two reports when there should have only been one report sent to the accused and the accuser. I was very upset to read that Moore stated in her report which exonerated Dr. Nassar that the complainant Amanda Thomashow did not know the nuanced difference between osteopathic medicine and a (sexual) massage. That was a real put down in my opinion. I became more interested and outraged when I read an [article asking why Nassar enablers still work at MSU](#).

As a physician (Dermatologist) I was initially interested in the medical science in the reports that Moore wrote. I was fortunate to obtain both copies of the reports that Ms. Moore wrote. I quickly realized that Moore never looked at any of Nassar's medical records concerning Amanda Thomashow's medical visit. There was no medical science other than the words "hip pain." No one had previously wrote that Ms. Moore never looked at the medical records. Nor did any articles suggest that Moore's experts should have evaluated Ms. Thomashow in person with the medical record. No articles mentioned that Moore did not interview the resident that Nassar ordered to leave the room before he sexually assaulted Ms. Thomashow or that Moore did not interview Dr. Nassar's receptionist that Ms. Thomashow complained to about Dr. Nassar. The biased three experts that Moore used was well documented in the news media.

I did a lot of Google searches and read a lot of articles about the MSU-Nassar Scandal. News media articles stated that a plaintiff's attorney implied that Moore violated Title IX rules when she issued different reports to Thomashow and Nassar. I determined that Moore actually violated the Clery Act by carefully reading the "Dear Colleague Letter" of 2011 (page 14).

I read that an attorney stated that he was going to file an ethical complaint against Ms. Moore because of the two reports. I thought that was very good because he was an attorney and he would be able to file a much better complaint than I. However, I felt that the attorney made too many errors based on the contents of the article. I emailed the William Forsyth Investigation and suggested that they should file an ethical complaint, but got no response. At that time the Forsyth Investigation had announced a few indictments, but none against Ms. Moore.

I felt that the only way to make Ms. Moore accountable for her role in the MSU-Nassar Scandal was to file an ethical complaint against her with the Michigan Attorney Grievance Commission. I mailed my complaint on Dec. 19, 2018. This turned out to be somewhat bad timing because William Forsyth issued his report on Dec. 21, 2018. I congratulate Forsyth and his team on analyzing Ms. Moore's handwritten notes and figuring out that Ms. Moore withheld important information from her three experts on how Dr. Nassar actually touched and sexually assaulted Ms. Thomashow. Based on the information that Moore gave them the experts concluded that what Nassar did was an appropriate medical treatment. The three experts recanted this opinion upon learning the true facts. The withholding of the actual facts from the three experts was the **most damning** evidence that could be used against Ms. Moore.

I was not the first to file a complaint against Ms. Moore. Ms. Moore's attorney responded to the initial complaint by providing a copy of the complete set of her notes which she mentioned in her report. The notes contained other evidence of her substandard performance. I wrote an addendum to my original complaint including the new information that I had. The other complainant against Ms. Moore was aware of the Forsyth Report.

The MAGC issued Ms. Moore a well written admonishment letter dated March 21, 2019, which stated that she was guilty of a lot of ethical violations concerning her investigation and report. The letter stated that the conclusion of her report was not valid. The letter stated that she violated Michigan Rules of Professional Conduct: **8.4 Misconduct (c) engage in conduct that is prejudicial to the administration of justice**. Ms. Moore had a right to dispute the letter, but she did not. Therefore, she accepted the findings of the MAGC as stated in the letter dated March 21, 2019.

I was pleased that Ms. Moore was found guilty of engaging in unethical conduct concerning her role as the Title IX investigator to the complaint against Dr. Nassar by Amanda Thomashow. I was disappointed that the MAGC decided to only admonish Ms. Moore. This means that the MAGC considers the complaint and admonishment against Ms. Moore to be a confidential matter with no discipline, and the file is closed.

I felt that Ms. Moore's case should have been turned over to the Michigan Attorney Discipline Board. This would have made the case and the details concerning the case public information. She could have received a reprimand which is public information, a fine, and a suspension. The MAGC did not tell me why Ms. Moore only received an admonishment. I felt that it should be on public record that she violated the MRPC because of the notoriety of the MSU-Nassar Scandal, Ms. Moore's role in the Scandal, the fact that the MAGC stated many unethical acts on the part of Ms. Moore, the fact that MSU is a large public institution supported by a lot of tax dollars, and Ms. Moore's misconduct had serious consequences because Ms. Moore's invalid report allow Nassar to practice medicine for another 26 months, during which time he sexually

assaulted 20 to 60 patients. I had some heated words with some of the MAGC attorneys because the case was not sent to the Michigan Attorney Discipline Board.

The MAGC sent me the same letter that Ms. Moore received which is standard operating procedure. They want me to keep the letter and everything concerning their role in the Kristine Moore complaint confidential, which they will. **I am not legally bound to abide by the MAGC rules of confidentiality.** My primary goal is to have unethical Kristine Moore no longer work for MSU. I should point out that President Udpa emailed me in Feb., 2019, and stated that he knew that I filed a complaint with the MAGC against Ms. Moore. Ms. Moore or her attorney must have informed MSU, and the news got to President Udpa. So, the other side broke the MAGC desire to keep things confidential. That same emailed I received from President Udpa may have been sent to several newspapers. Perhaps, it was by mistake.

I tried to abide by the MAGC wishes to keep the matter confidential. I wrote emails to President Udpa, the MSU Trustees, and other high MSU administrators. I informed them that the MAGC made a ruling and it was time for Ms. Moore to leave. I told them that she should supply them with the details of the letter she received. I hinted to some that I would go public with the letter. I did not hear from anyone that I emailed. I had an opinion letter published April 26, 2019, in *The State News* stating the many acts of misconduct committed by Ms. Moore. I did not mention my complaint to the MAGC or their ruling. It was time for Ms. Moore to resign. I thought that my opinion letter in *The State News* may persuade some action on the part of MSU. Unfortunately, President Udpa had a health incident during MSU graduations ceremonies on May 4. I have waited for him to return to work. It is now June 6, 2019, and nothing has changed concerning Ms. Moore's employment at MSU. My next course of action is to publicly release the MAGC's admonishment letter to Ms. Moore.

I would like to thank the staff attorney of the MAGC who received my complaint and allowed me to be part of the complaint considering the fact that a complaint was already filed against Ms. Moore. The MAGC sent me Ms. Moore's response to the initial complaint written by her attorney. It included her handwritten notes and some emails. The admonishment letter issued to Ms. Moore was well written and to the point. The letter written to me accompanying the Admonishment Letter was well written and explained that Ms. Moore accepted the admonishment. It was a pleasure speaking to the MAGC attorneys although we did not agree on everything. They were very responsive and gave me all the time that I needed. I wish to apologize to them if they thought that I got out of line on the telephone.

The fact that Kristine Moore was admonished and not disciplined by the Michigan Attorney Discipline Board should in no way diminish the scope of her unethical behavior. She violated the MRPC most of the days she conducted the investigation, wrote the report, and delivered the report. This was not a simply one time mistake. Nor can it be explained by stating she had a bad day. There is no nuanced difference between Ms. Moore's guilt and innocence. She is very guilty.

Ms. Moore had very good legal credentials. Why she constantly violated the MRPC while doing the Title IX investigation is not known. There are theories and the investigation concerning the MSU-Nassar Scandal is still ongoing.

Conclusion: Time for Unethical Kristine Moore to Resign or be Terminated from MSU

Theodore A. Golden, M.D.

Admonishment Letter Follows:

VICTOR A. FITZ
CHAIRPERSON

VALERIE R. WHITE
VICE-CHAIRPERSON

LATOYA M. WILLIS
SECRETARY

MEMBERS

CATHY JOAN PIETROFESA
JEFFREY J. SAKWA
CHERYL A. BUSH
THOMAS G. KIENBAUM
JAMES WEBB
MARY CHARTIER

STATE OF MICHIGAN

ATTORNEY GRIEVANCE COMMISSION

BUHL BUILDING
535 GRISWOLD, SUITE 1700
DETROIT, MICHIGAN 48226
TELEPHONE (313) 961-6585
WWW.AGCM.I.ORG

ALAN M. GERSHEL
GRIEVANCE ADMINISTRATOR

ROBERT E. EDICK
DEPUTY ADMINISTRATOR

CYNTHIA C. BULLINGTON
ASSISTANT DEPUTY ADMINISTRATOR

ASSOCIATE COUNSEL

STEPHEN P. VELLA
RHONDA SPENCER POZEHL
EMILY A. DOWNEY
KIMBERLY L. UHURU
DINA P. DAJANI
JOHN K. BURGESS
CHARISE L. ANDERSON
SARAH C. LINDSEY
JORDAN D. PATERRA
NATHAN C. PITLUK
MICHAEL K. MAZUR

April 17, 2019

PERSONAL AND CONFIDENTIAL

Theodore A. Golden M.D.
181 Shagbark Dr.
Rochester Hills, MI 48309

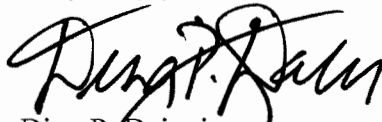
**RE: Grievance Administrator and Theodore Golden, M.D.
as to Kristine M. Moore
AGC File No. 18-0406**

Dear Dr. Golden:

On March 21, 2019, Attorney Kristine M. Moore was issued the enclosed admonishment letter. Attorney Moore had 21 days to file an objection to the admonition and she did not object. Therefore, the admonishment letter served on Attorney Moore is effective. An admonition is not public discipline and is confidential, but is a part of Attorney Moore's permanent records within the Attorney Grievance Commission. The issuance of this admonishment letter constitutes the Commission's final disposition of this matter.

If you have any remaining questions or concerns, please do not hesitate to contact our office.

Very truly yours,


Dina P. Dajani
Senior Associate Counsel

DPD/cam
Enclosure

VICTOR A. FITZ
CHAIRPERSON

VALERIE R. WHITE
VICE-CHAIRPERSON

LATOYA M. WILLIS
SECRETARY

MEMBERS

CATHY JOAN PIETROFESA
JEFFREY J. SAKWA
CHERYL A. BUSH
THOMAS G. KIENBAUM
JAMES WEBB
MARY CHARTIER

STATE OF MICHIGAN

ATTORNEY GRIEVANCE COMMISSION



BUHL BUILDING
535 GRISWOLD, SUITE 1700
DETROIT, MICHIGAN 48226
TELEPHONE (313) 961-6585
WWW.AGCM.ORG

ALAN M. GERSHEL
GRIEVANCE ADMINISTRATOR

ROBERT E. EDICK
DEPUTY ADMINISTRATOR

CYNTHIA C. BULLINGTON
ASSISTANT DEPUTY ADMINISTRATOR

ASSOCIATE COUNSEL
STEPHEN P. VELLA

RHONDA SPENCER POZEHL
EMILY A. DOWNEY
KIMBERLY L. UHURU
DINA P. DAJANI
JOHN K. BURGESS
CHARISE L. ANDERSON
SARAH C. LINDSEY
JORDAN D. PATERRA
NATHAN C. PITLUK
MICHAEL K. MAZUR

March 21, 2019

PERSONAL AND CONFIDENTIAL

Kristine M. Moore
Michigan State University
426 Auditorium Rd Rm 494
East Lansing, MI 48824-2600

Thomas W. Cranmer
Respondent's Attorney
Miller Canfield Paddock & Stone PLC
840 W Long Lake Rd Ste 150
Troy, MI 48098-6356

**Re: Grievance Administrator and Theodore A. Golden, M.D.
as to Kristine M. Moore
AGC File No. 18-0406**

Dear Ms. Moore:

The Grievance Administrator's request for investigation was filed on February 21, 2018, alleging improper conduct on your part. Dr. Golden filed a substantially similar request for investigation on December 19, 2018.

Following a thorough investigation, the matter was submitted to the Commission for review and decision. At its regular monthly session in March 2019, the Attorney Grievance Commission determined that you should be admonished regarding the investigation of sexual assault committed by Larry Nassar, D.O. against Amanda Thomashow when he worked at the MSU Sports Medicine Clinic in March 2014.

In the spring of 2014, as the Assistant Director for Institutional Equity in MSU's Office for Inclusion and Intercultural Initiatives, you conducted a Title IX investigation into an allegation made by Ms. Thomashow against Larry Nassar that he sexually assaulted her during his treatment of her hip pain. You subsequently issued two versions of a report dated July 18, 2014. The Conclusion and Recommendations section of each report differed substantively. One version was provided to Ms. Thomashow and a second version was provided to Nassar and others within MSU.

STATE OF MICHIGAN
ATTORNEY GRIEVANCE COMMISSION

AGC File No. 18-0406

Page 2

The Commission agrees with the conclusion of the December 21, 2018 report entitled "Status of the Independent Special Counsel's Investigation into Michigan State University's Handling of the Larry Nassar Matter" issued by William Forsyth. That report concluded that there were multiple shortcomings with your investigation that, even without the benefit of hindsight, substantially influenced your incorrect conclusion that Nassar did not violate the sexual misconduct policy. The first failure identified was the failure to consult neutral and objective medical experts with no ties to Nassar or the MSU College of Osteopathic Medicine. The second significant failure was that you did not accurately convey Ms. Thomashow's allegations to the three doctors who were interviewed. To this, the Commission adds that you failed to interview the female resident physician who was initially in the examining room with Nassar and Ms. Thomashow and who was told to leave the room by Nassar, leaving him alone with Ms. Thomashow. These failures appear to have led to what Mr. Forsyth's report termed as a failure to "pursue whether there was a material disconnect between Ms. Thomashow's specific allegations and proper medical procedures." In other words, Ms. Thomashow went to Nassar because she was suffering from *hip* pain. Nassar's acts of telling the female resident physician to leave the room, massage Ms. Thomashow's breast under her shirt, massage her vaginal area without gloves, failing to heed her request to stop, failing to stop until she physically removed his hands from her body, and becoming sexually aroused cannot seriously be considered an appropriate medical technique and not sexual in nature, especially in consideration of the reason that Ms. Thomashow sought the medical treatment.

In addition to conducting a deficient investigation, your report violated specific requirements under Title IX and the Clery Act, that being that different Conclusion and Recommendations sections were provided in the reports sent to Ms. Thomashow and Nassar. Further, you failed to notify the parties in writing of any appeal rights. Federal regulations require both parties be notified in writing of the outcome of the complaint and any appeal in accordance with 34 CFR §106.8(b) and 34 CFR §668.45(b)(11)(vi)(B). The United States Department of Education, Office for Civil Rights recognized these systemic failings in a 2015 report issued to MSU's Office of General Counsel.

These failings, regarding your investigation and report, were not without consequence because Nassar was permitted to return to work and it has been reported that approximately twenty more women and girls were sexually assaulted by Nassar after your report and until he was finally terminated in September 2016.

Your conduct violated MRPC 8.4(c) and MCR 9.104(1) and (2).

STATE OF MICHIGAN
ATTORNEY GRIEVANCE COMMISSION

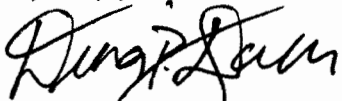
AGC File No. 18-0406

Page 3

Based upon these findings and pursuant to MCR 9.114(B), you are admonished by the Commission. An admonition does not constitute discipline and shall be confidential, except as otherwise provided in Subchapter 9 of the Michigan Court Rules. In accordance with MCR 9.114(B)(2), you may, within twenty-one (21) days of this admonition, notify the Commission in writing that you object to the admonition. Upon timely receipt of such written objection, the Commission shall vacate the admonition and determine what further action to take which could include authorizing the filing of a formal complaint against you with the Attorney Discipline Board.

Please note that Commissioner Thomas G. Kienbaum recused himself and did not participate in the Commission's decision.

Very truly yours,



Dina P. Dajani
Senior Associate Counsel

DPD:cam