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# COMMITTEE REPORT

## SENATE

FURTHER:

Date: \_\_\_\_\_

Mr. President:

The Committee on Education has had HR 10

consideration of a bill for the purpose of providing for the

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

COMMITTEE REPORT

SENATE

3/14/83

FURTHER:

Date: 4/18/83

Mr. President:

The Committee on Judiciary has had 10

Requesting a presidential pardon for Dr. Jim Goodson or restoration of his civil rights through executive order granted by the Governor.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

Do Pass

# LEWIS AND ROCA

LAWYERS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

CHARLES LEWIS  
CHARLES CATANZAR  
JOSEPH E. HIGGINS  
A. GREGORY OLSEN  
GEOFFREY S. SMITH  
JOHN A. MILLER  
MERTON E. HARVEY  
DAVID L. COFFMAN  
JAY E. RUFFER  
HARRY HATFIELD  
B. J. WATKINS  
JORDAN GREEN  
CHARLES O. CASE  
DAVID L. ALLEN  
TERENCE W. BLANCHARD  
PATRICK NORMAN HANSTAD  
JOHN L. WATKINS  
CAROL A. B. SHOOT  
THOMAS H. CAMPBELL  
BETH J. BEMMER  
DAVID L. TITTEWILL  
DAVID J. CANTELMO  
CHRISTINE A. COFFEY  
MELISSA M. BROWN  
SHEILA CASANOVA  
SANDRA H. BANE

JOHN P. FRANK  
PAUL R. HADDEN  
THOMAS W. HANSEN  
D. W. DRUMMOND  
ROBERT W. HARRINGTON  
PETER D. BARKER  
WILLIAM R. HARRINGTON  
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RICHARD W. BROWN  
BARRY FLEM  
RANDOLPH J. HAINES  
JOE A. LAMPERT  
DALE A. GARDNER  
JOSIE ROBERSON  
M. HALL J. MULLEN  
KEVIN D. BIRD  
GLENN S. BACAL  
CAROL A. CLARK  
SCOTT W. WATKINS  
SHARLE LEE POWERS  
GEORGE L. PAUL  
JOSEPH S. JACOBSON

WALTER CHEVETZ  
ROBERT P. BRADY  
DAVID R. BRAZIER  
JEREMY S. BUTLER  
PAUL S. CLIFTON  
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BRIAN GOODWIN  
P. MICHAEL MOYER  
RICHARD J. COUSUM  
PETER A. WILSON  
RICHARD H. GOLDBERG  
RICHARD S. COHEN  
ELIZABETH P. FRIEDMAN  
PAUL F. GOLDBERG  
ROBERTSON C. JONES  
JUDITH L. JONES  
PATRICK DEARDORF  
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EUGENE S. LINDSEY  
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GABRIEL WELLMANN  
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WALTER LINTON  
OF COUNSEL

OUR FILE NUMBER

WRITER'S DIRECT LINE

262-0873

April 12, 1983

The Honorable Fritz Pettyjohn  
The Honorable Pappy Moss  
Alaska State Senate  
Pouch V - State Capitol  
Juneau, AK 99811

Re: James Goodman adv. United States

Gentlemen:

We are co-counsel with Kay, Christie, Fuld and Saville of Anchorage, Alaska for Dr. James Goodman. We have been asked to respond to a letter dated March 23, 1983 addressed to Senator Pettyjohn from Ms. Sue Ellen Tatter concerning Senate Resolution No. 19. Before responding to Ms. Tatter's letter, we believe it helpful to analyze the issue.

As we understand it, Senate Resolution 19 would, among other matters, commend Goodman for pardon to the President of the United States. We urge adoption of the resolution. Analysis of Ms. Tatter's letter, in light of the issue pending before you, illuminates its predominately irrelevant remarks.

There can be no question but that Goodman was indeed convicted by a jury. There would, of course, be no need for pardon in the absence of such a conviction. Therefore, it is unpersuasive on the question whether to adopt the resolution to suggest that Goodman has been convicted.

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The Honorable Pappy Moss  
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However, if the question is whether to commend Goodman for pardon because he did not receive a fair trial, then examination of some of the pretrial and trial events may be of assistance. Ms. Tatter relies heavily in her letter upon the notion that a jury rejected Goodman's defense. Of the men and women chosen for jury service, one individual was Mr. Geczy. Prior to selection as a trial juror, Geczy had been sued by Goodman's trial counsel, Mr. Kalamarides of Anchorage, Alaska. Imagine, if you will, Goodman's consternation when he learned that one of the people who determined his guilt had been a party adverse to Goodman's own lawyer, Kalamarides. How it came to pass that Geczy was permitted to remain on the jury without Goodman's knowledge is quite beside the point. If the jury verdict is advanced as a rationale for opposing Senate Resolution 19, one need only examine the membership of that jury to decide that the verdict is not all that it is made out to be.

Similarly, assuming Geczy had not been a juror, it is not likely that Goodman would have been acquitted in any event. This is so because critical evidence demonstrating billing errors in favor of the Government, as opposed to billing errors in favor of Goodman, were not presented. This failure of proof arose from two dichotomous problems. The dental work subject of dispute was predominately rendered to children. Their mouths change quickly by reason of maturation and dental care by others. Goodman received no notice that the Government intended to seek an indictment against him alleging false claims before the indictment was returned. While the Government was spending thousands and tens of thousands of dollars travelling about the State of Alaska looking for proof that Goodman filed false claims, Goodman continued to render dental care. He did not seek evidence supporting the notion that billing errors had been made in favor of the Government. By the time the indictment was returned, the Government had obtained its evidence and, by and large, it was too late for Goodman to gather his. The children's mouths had, by that time, changed and dental care had been rendered the children by other dentists.

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The Honorable Pappy Moss  
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Furthermore, in the post-indictment setting, no significant effort was made by Goodman's defense team to find billing errors in favor of the Government. In fact, it was not until after the jury verdict of guilty was returned and new counsel employed that anyone suggested to Goodman that evidence of billing errors in favor of the Government would have been relevant and material defense evidence in the trial of the case. Having been shown errors exclusively in favor of Goodman, it was doubtful that any could have acquitted Goodman of all counts. Therefore, suggesting that the Government's case was strong and the defendant's case was weak as a rationale for rejecting Senate Resolution 19 misses the mark.

It is indeed true that Goodman dismissed his appeal from the judgment and sentence of the Court. That decision was based on two facts -- economics and emotions. The trial of this case significantly drained Goodman and his family of their economic and emotional stores. The best result which could be achieved on appeal was reversal of the conviction with a remand for new trial. Goodman would then again be in a position of having to pay -- financially and emotionally -- for a second round. In light of the fact that the trial judge granted probation and recommended that his license to practice dentistry not be revoked, we pushed Goodman very hard toward abandoning an emotionally and financially expensive appellate process in favor of an end to Government litigation and a rebuilding of his emotional and financial condition. With great reluctance, he accepted our advice.

Almost immediately, the Government brought its civil action seeking \$100,000, or thereabouts, from Goodman. That civil action called into question the same issues raised in the criminal proceeding. The Government had already obtained its facts and was in a position simply to move forward. Goodman would be faced with the obligation of producing the contrary evidence needed to persuade the trier of fact not to impose civil liability. Once again, out of economic and emotional necessity, Goodman accepted our advice to settle. He and his family could not and cannot afford, financially or emotionally, a further war with the Government. The Government apparently has unlimited resources and unlimited time to litigate with one of its citizens. I dare say there isn't

LEWIS AND ROCA

LAWYERS

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A member of your august body who can financially and emotionally afford a war of attrition with the United States Government. Therefore, the civil case was settled. However, to suggest that settlement of the civil case is somehow relevant to the decision that you must make with respect to Resolution 19 is simply irrelevant. The settlement documents disclose Goodman's continuing denial of wrongdoing and a payment by him to settle litigation. They show nothing else.

Ms. Tatter's letter suggests that, contrary to Goodman's position, the prosecution in this case was not instituted vindictively, in retribution for Goodman's dispute with the Public Health Service. Unfortunately, Goodman's position on this basic issue was not presented to the trial court for resolution by Goodman's defense team before trial. There is, of course, much precedent for the view that the Government may not institute a criminal prosecution out of vindictiveness or retribution. See, for example, United States v. Gallegos-Curiel, 681 F.2d 1164 (9th Cir. 1982). In fact, no significant effort was made during trial to establish the motive of the Public Health Service dentists for testifying as they did in terms of Goodman's dispute with them. We note that Ms. Tatter does not deny in her letter to you that a serious dispute occurred before the investigation began between Goodman and the Public Health Service.

Salted throughout Ms. Tatter's letter is the notion that this was a serious fraud case. The seriousness of white collar offenses is ordinarily measured by the extent of the damage incurred. The amount in controversy with respect to the counts on which Goodman was convicted totalled \$1393. Ms. Tatter suggests that with respect to the claims for relief in the civil lawsuit, there was approximately \$2600 of overpayments to Goodman. The Government admits to having spent, in costs alone, \$28,000. In fact, the Government sought considerably more -- a sum in excess of \$40,000 as costs in the criminal case. If one compares the amount in controversy with the amount spent in pursuing the criminal litigation, that is, \$30-40,000 for costs, plus the salary of the Public Health Service doctors, FBI agents, and prosecutors, with the amount claimed to have been lost by the Government -- a number between \$1500 and \$3000, it is not hard to understand Goodman's assertion that the prosecution was undertaken vindictively. Moreover, it is truly difficult to give credence to the assertion that this was a serious fraud case in light of the dollars involved.

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Apparently recognizing this problem, Ms. Tatter has suggested that native American children did not receive dental care because of Goodman's false claims. One wonders whether the lack of care arose from Goodman's false claims or from the months of time that Public Health Service dentists were out in the bush looking for another 25 or 50 dollar error in a billing statement. In any event, the children are getting free care now. Without any order of a court, but out of a sense of responsibility to see to it that his innocent errors are corrected, Goodman has, on almost every Friday since his conviction, rendered free dental care to native Americans. We again note that Ms. Tatter ignores this fact in her letter.

We perceive the Government--Goodman litigation, both criminal and civil, as wholly unnecessary. Regardless of one's view of Goodman's intent, the sums involved are literally insignificant in terms of the overall scheme of things. If the Government truly wanted justice, as opposed to Goodman's hide, this dispute would have followed an entirely different scenario. For example, when the Government's investigation showed that Goodman had over-billed the Government, demand could have been made for immediate repayment and a termination of Goodman's Public Health Service contract. In addition, other forms of relief beyond money damages could have been obtained -- the Government could easily have requested that Goodman render free care for a period of time to even the scales of justice a bit.

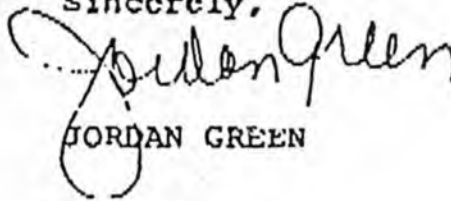
Instead, the Government has spent more than \$250,000 prosecuting a case in which it lost a maximum of \$2500. Now, to advance its cause of "justice" to its ultimate conclusion, the Government seeks to deny Goodman a pardon and threatens to seek further relief before the Dental Board in terms of a license revocation. The history of the litigation between Goodman and the Government, along with Ms. Tatter's letter on behalf of the Government,

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demonstrate to the reasonable mind that the Government has had enough and more than enough from Goodman, whatever his misdeeds. We urge adoption of the resolution.

Sincerely,



JORDAN GREEN

JG/bt

# Delta dentist settles suit with government

By SHEILA TOOMEY  
Daily News reporter

Delta Junction dentist James Goodman, convicted of defrauding the federal government by charging for dental work he didn't do, has settled a civil suit filed against him by the federal government with a \$20,751.60 check.

The sum will partially repay the government for the cost of detecting Goodman's fraud, said Assistant U.S. Attorney Sue Ellen Tatter. Tatter originally had sought to recover \$87,000 from Goodman to cover the cost of the investigation and trial that led to his arrest and conviction.

The amount of the check, received at the U.S. Attorney's office on Tuesday, was arrived at by Goodman's attorneys through a series of calculations, Tatter said. Nel-

ther Goodman nor the government admits any liability in the settlement.

Goodman was convicted by a jury on June 16 of 22 fraudulent billings to the U.S. Public Health Service. The jury acquitted him on 10 similar charges, and one charge was dismissed by the judge during the trial.

In reaching their decision, jurors rejected Goodman's defense that the fraudulent billings were inadvertent and due to sloppy bookkeeping by himself, his wife, Jane, and his staff.

Goodman was sentenced to five years probation and fined \$31,500.

The state board that licenses dentists has asked for the transcript of Goodman's trial. The board is expected to discuss at its June meeting whether or not his license to practice in Alaska should be

revoked, said Harry Treager, director of the Division of Occupational Licensing.

Tatter said Tuesday's settlement closes the government's case against him and will end a continuing investigation into other billing claims raised against the dentist since the filing of the original charges.

"We could keep investigating more and more of these claims," Tatter said, "but it's very expensive and it ties up the dentists from the Native Health Center."

Goodman treated about 150 Public Health Service patients between 1979 and 1981, according to Tatter. Investigators uncovered 26 patients charged for work not done totaling \$2,600 in billings, she said.

The government agreed to settle with Goodman to avoid incurring any further costs

and because they think the sum is a reasonable compromise, Tatter said. "We're very glad to get it," she said. "To date the civil case has cost us very little to pursue. It would cost us more to go further."

Goodman said he agreed to settle not because he felt he did anything wrong, but to save his family and friends the ordeal of another trial.

The Goodman prosecution — especially Tatter's decision to file a civil suit after the criminal trial — has angered some people in the Delta Junction area where the dentist lives and practices.

Three hundred people contributed \$3,400 at a Feb. 25 pro-Goodman rally to lobby Congress and President Reagan to pardon Goodman. And a local group has written a song picturing Goodman as a victim of overzealous law enforcement.



United States Attorney  
District of Alaska at Anchorage

Federal Building & United States Courthouse  
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701 'C' Street  
Anchorage, Alaska 99513

907/271-5071

March 23, 1983

The Honorable Fritz Pettyjohn  
The State Senate  
Pouch V - State Capitol  
Juneau, Alaska 99811

Dear Sir:

In response to your letter to Michael Spaan, United States Attorney, I am outlining the position of this office with respect to proposed Senate Joint Resolution No. 19 concerning Dr. Goodman. Many of the assertions in Senate Resolution No. 19, are not factually correct; they involve assertions of Dr. Goodman which were presented to the trial jury and rejected.

1. Criminal Charges - Summary

Dr. Goodman was indicted for 33 felony counts of presenting false claims to the Public Health Service. Under this charge, the United States is required to prove deliberate fraud for each count. The judge instructed the jury that the government had to prove Goodman intended to defraud. Mistakes, bookkeeping errors or unintentional overbilling were legitimate defenses, as described to the jury by the trial judge.

At trial, Dr. Goodman presented a defense of "mistake" or unintentional error. The jury heard the evidence and convicted him of 22 felony counts. The judge refused to grant Dr. Goodman a new trial. Dr. Goodman voluntarily dismissed his appeal to the Ninth Circuit Court of Appeals prior to any briefing.

2. Evidence at Trial

a. Discovery of the Fraud

The charges for which Dr. Goodman stands convicted involve serious fraud. The Senate resolution alleges the prosecution was initiated because of a "heated discussion" between Dr. Goodman and a Public Health Service dentist. This allegation is false. The charges arose because a

private dentist, Dr. Richard Siry of Wasilla, discovered Dr. Goodman had billed for major procedures in children's mouths which had not been performed when Dr. Siry treated them. Dr. Siry checked the children's mouths against copies of Dr. Goodman's bills. Dr. Siry informed the Public Health Service dentist, Dr. H. Douglas Smole, that the Public Health Service should investigate Dr. Goodman's billing.

Dr. Siry testified at trial that Dr. Goodman's false claims were for major procedures. Dr. Goodman's false claims had a high frequency. Dr. Siry checked for mere transpositions and other clerical<sup>1/</sup> or minor errors. In his opinion, the absent procedures for which Dr. Goodman billed were not the result of "mistakes."

b. The Government's Evidence

Dr. Smole and Dr. Robin Lenaker, another dentist now in private practice, audited the work of Dr. Goodman and three other dentists who contracted for "bush" work. They found a high percentage of serious errors in Dr. Goodman's case and only one or two clerical-type errors per other dentist. They checked for lost fillings or lost teeth.

The government presented testimony of Public Health Service dentists, two private dentists and a government dentist who privately consults for the Dental Health Plan as an auditor. None of these persons exhibited any personal animosity toward Dr. Goodman. In fact, they had never met him. They described only professional concern that a dentist was billing for procedures clearly not performed, such as repeated billings for repeat visits for the same unperformed work, in circumstances which make unintentional mistakes unlikely. In addition, the government

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<sup>1/</sup> "Clerical" errors would be mere transpositions of work done to another side of the mouth, or mis-numbered teeth where restorative work was done on another tooth. In contrast, Dr. Goodman's fraudulent claims included the bill for Lorita Paul, a four year old, whose mouth, including all of her baby teeth, were intact, with no dental work and no fillings, at the time of trial. Dr. Goodman billed for three baby tooth fillings for Lorita Paul. For numerous children, Dr. Goodman billed for stainless steel crowns, an elaborate procedure requiring preparation of the tooth, when the children's mouths contained no such crowns nor preparations. In one case, the patient testified that Dr. Goodman did the work after Goodman was indicted, and not when the bill was submitted.

presented slides and X-rays of the children's teeth, so that even a lay person could understand the nature of the false claims. Further, the government's charge of deliberate falsity were supported in some cases by Dr. Goodman's own X-rays and charts. Dr. Goodman, working in an isolated situation in the "bush," where detection was unlikely, billed for major procedures which he did not perform in the mouths of small Native children.

c. Dr. Goodman's Defense and the Government Rebuttal

Dr. Goodman did not testify at trial to any vendetta or "heated discussion" as described in the Senate resolution. He did not dispute at trial that many of his claims were false. He and his expert at trial recognized that many of these procedures were absent. Dr. Goodman and his staff alleged, in certain cases, that these procedures were performed on patients other than the ones named in the bills. In one case, the government introduced evidence to show that the "other patient" did not exist. In another case, the government showed that the "other patient" was in continual court-ordered custody in a state children's home when Dr. Goodman was supposed to have treated her and that Dr. Goodman did not treat her as claimed.

In some cases the defense alleged that the false claims occurred because of Dr. Goodman's frantic office pace or poor bookkeeping. However, as the government pointed out, Dr. Goodman saw many of these patients repeatedly and never corrected his "errors." Nor did he testify to one instance where he made an "error" against his own interest.

Some patients testified personally that they either did not receive any fillings from Dr. Goodman or that Dr. Goodman did the work he billed for after he was indicted for false billing. There was testimony that these were memorable, traumatic procedures, even from Dr. Goodman's own witnesses.

The Senate resolution indicates Dr. Goodman was convicted because of arguably corroded fillings whose age could have been disputed by experts. This is not true. Dr. Goodman presented several experts at trial. He was not convicted of the counts where his experts disputed the Public Health Service opinions. Where he disputed the interpretation of the bills, such as the corroded fillings cases, the jury gave him the benefit of the doubt and did not convict him.

The trial testimony has been described and is available if the Committee is concerned with factual accuracy. I am certain the facts described in the Senate

resolution are not accurate reflections of the testimony under oath at trial.

### 3. The Sentence

The United States feels that the judge gave a fair sentence. Dr. Goodman was placed on probation and received a fine in lieu of jail time. This fine was punitive. It did not serve to reimburse the government or the defrauded health program.

The children in the villages served by the Public Health Service are entitled by Act of Congress to receive health care from the United States. The Public Health Service dental program has limited funds. There are children in the village who cannot have cavities or abscesses treated because the money was used up, partially to pay for Dr. Goodman's false claims.

### 4. Public Interest

It was important for the United States to bring this case against a public contractor, paid by the taxpayers, for deterrent purposes. The government in Alaska is forced to rely on many professionals who contract with the government. Many of these persons do work in the "bush" where false billing is difficult to detect. It is very expensive for the government to examine every single patient or every single contract performed by a government contractor. In this case, only a dentist could detect the falsities. In fact, the falsities were discovered not by Public Health Service dentists, but by a private dentist who worked on the children's teeth in the village of Mentasta. In such circumstances, the government believes it must occasionally undertake a thorough investigation to root out fraud.

We sincerely hope no legislator takes the position that the government should prosecute crimes that are easy to detect, and let clever professionals escape liability because they possess special knowledge and a special trust relationship with the patient. Violation of the special trust relationship here between patient and dentist makes the fraud especially serious.

Dr. Goodman's case was not easy to prosecute, but it certainly did not involve a disproportionate amount of government expense. It was only one of several other criminal fraud trials I handled in 1982, in addition to many civil and appellate cases. Dr. Goodman's case was one of numerous criminal cases prosecuted by this office: it was not singled out for unusual treatment by this office or the FBI.

The government did bear the cost of transporting all the patients to the trial because Dr. Goodman refused to stipulate concerning what was in the childrens' mouths. Once the children appeared at court, Dr. Goodman's attorney changed his mind in many cases and did not dispute the patient's mouth configurations. The cost of bringing the witnesses was approximately \$28,000. The expense was due solely to Dr. Goodman's initial evidentiary position.

#### 5. The Civil Fraud Suit

The federal government sued Dr. Goodman for presenting false claims to a government agency under the Civil Fraud Statute. This is a permissible method of proceeding, approved by our elected representatives in Congress. Its purpose is to make the government whole. The civil concept allows recovery for cases where the burden of proof is less strict than in a criminal case where many rights are given to the accused.

The civil fraud suit involved claims in addition to those presented to the criminal trial jury. Further, in the course of preparing for this civil lawsuit, the Public Health Service dentists are discovering even more false claims made by Dr. Goodman.

Dr. Goodman has, at present counting, submitted false claims for 26 patients totaling approximately \$2600 or an average of \$100/patient. He treated about 150 Public Health Service patients. Thus, it is likely there are still more false claims that are difficult and expensive to detect.

One of the purposes of the civil fraud statute is to permit recovery where there have been numerous fraudulent claims -- and the likelihood of many more -- but where the fraud is difficult or expensive to detect.

Mr. Spaan believes we would be remiss in our duties to the taxpayers and to the general treasury if we did not pursue all avenues to reimburse the government for false claims and their attendant cost, particularly, the cost of detection. If we pursue collection remedies against those who default on student loans, VA loans or SBA loans, even where the borrower is in difficult circumstances, it is unfair to exempt a wealthy dentist from his statutory duties described by Congress.

The civil suit is in the final stages of settlement negotiations. The government is considering a substantial settlement offer proposed by Dr. Goodman's attorneys. If Dr. Goodman believes the suit is unjust, his proper avenue is in the courts.

We believe it will be prejudicial to both parties to discuss the case more at this point, but the results will become a matter of public record soon.

6. Conclusion

The jury was convinced beyond a reasonable doubt that Dr. Goodman was guilty of 22 counts of intentional fraud. The jury thus did not accept his explanations of "mistake," "professional disagreement" or "bookkeeping errors." Dr. Goodman has elected not to pursue his appeal: Thus any claim of innocence is not supported by the record.

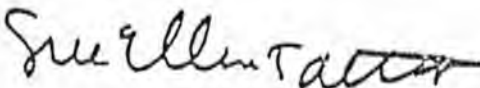
The United States has taken no position on any State Dental Board proceedings. However, if any doubt remains about the fraudulent nature of Dr. Goodman's intent, after the jury verdict, after Dr. Goodman dismissed his appeal and after compromise of the civil suit then perhaps presentation to the Dental Board will resolve any lingering doubts.

The transcript of the criminal trial, as well as all pleadings in both the civil and criminal cases, are a matter of public record and available for you or your Committee to examine. We believe that if the matter is investigated by yourselves or the Dental Board, impartial persons will see, as did the jurors, that indefensible fraud was perpetrated upon the Public Health Service, the American taxpayers and upon the children whom Dr. Goodman was paid for treating.

Thank you for your attention.

Very truly yours,

MICHAEL R. SPAN  
United States Attorney

  
SUE ELLEN TATTER  
Assistant U.S. Attorney

Dental Emphasis:  
Dentures and Partial Dentures

April 4, 1983

Senator Bill Ray  
Chairman Senate Judiciary Committee  
C/O Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Ray:

I am appalled by Senate Joint Resolution Number 19 which represents a presidential pardon for Dr. Goodman. I am appalled not by the appeal but by what it is based on. Several very important aspects of it are absolutely incorrect! I find it difficult to believe that a legislator could print erroneous information in a document that is to be presented before the state legislature.

First of all, and least of all, the amount of falsified claims totalled \$1800.00 not \$900.00 as alleged in the resolution. Secondly, no prosecution of these claims was ever initiated until a thorough quality review had been performed on five contract dentists, all working in the TOK area, Dr. Goodman being one of them.

Finally, the reason that an inquiry was performed was that another private contract dentist had noted a discrepancy with work Dr. Goodman had claimed to have performed and alerted the chief of Dental Services of the USPHS, Dr. Smole of this. At that point an investigation ensued which uncovered numerous billings for work never performed that had been paid for by US. tax dollars.

The most abusive portion of this resolution is the part that states that Dr. Smole has or had a personal vendetta against Dr. Goodman. I not only assisted Dr. Smole in the five day assessment in the TOK area that uncovered the discrepancies, but worked along side him for over two years at the Alaska Native Medical Center in Anchorage. He has always dealt fairly with individuals whether they be fellow PHS officers or private contact dentists. Dr. Smole has always adhered to honorable cognitive approaches to all problems requiring reasonable judgments.

I feel, and have told him so, that court action should be pursued for the defamation of character remark made in this resolution as well as other degrading statements made in papers in the last few months.

PHIL W. WRIGHT, JR., D.D.S.  
ROBIN P. LENAHER, JR., D.D.S.  
502 E. Fireweed Lane, Suite B  
ANCHORAGE, ALASKA 99503  
(907) 279-0628

Dental Emphasis:  
Dentures and Partial Dentures

April 4, 1983  
Page 2

Senator Ray, I only ask that your committee be fully aware of the court transcripts prior to acting on this resolution.

Sincerely,

A handwritten signature in cursive script that reads "Robin P. Lenaker Jr." The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Robin P. Lenaker; D.D.S.

RPL/jl

cc: Senator Tim Kelly  
C/O Alaska State Legislature  
Room 208 - B  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Lear  
4/18/83

Original sponsor: Moss

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE JOINT RESOLUTION NO. 19 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Recommending to the Alaska Board of  
6 Dental Examiners that they not revoke or  
7 suspend Dr. Jim Goodman's license to  
8 practice dentistry.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS Dr. Jim Goodman of Delta Junction was convicted in June 1982,  
11 in federal district court in Anchorage of filing false claims for dental  
12 service with the Public Health Service totaling \$900 over three years; and

13 WHEREAS Dr. Goodman was fined \$31,000 and placed on probation for five  
14 years, ~~during which time he~~ <sup>AS A RESULT OF WHICH MUST</sup> forfeit such civil rights as the right to  
15 vote, the right to bear arms, the right to serve as a juror, and the right  
16 to hold public office or public trust, authority, or power; and

17 WHEREAS the prosecuting attorney decided that a \$31,000 fine and  
18 suspension of Dr. Goodman's civil rights did not make the government whole  
19 for the \$900 in false claims established in this prosecution, and, there-  
20 fore, instigated filing of a civil claim against Dr. Goodman for approxi-  
21 mately \$100,000 in damages; and

22 WHEREAS the United States Attorney <sup>AND DR GOODMAN HAVE</sup> settled the civil claim <sup>for</sup> sub-  
23 stantially less money than \$100,000; and

24 WHEREAS hundreds of Alaskans have voiced their concern that Dr.  
25 Goodman be allowed to continue practicing dentistry in Delta Junction; and

26 <sup>NEW WHEREAS -></sup> WHEREAS it is likely that the Alaska Board of Dental Examiners will  
27 consider whether or not Dr. Jim Goodman should be allowed to retain his  
28 right to practice dentistry in Alaska;

29 BE IT RESOLVED by the Alaska State Legislature that the Alaska Board

1 of Dental Examiners is respectfully requested to give favorable considera-  
2 tion to the issue of whether or not Dr. Jim Goodman should be allowed to  
3 retain his license to practice dentistry in Alaska.  
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Judiciary Committee

Amendment - CS 50219

line 22: insert "and Dr. Goodman here" after  
"attorney" and insert a semicolon (;) after  
"claim", deleting "for substantially less  
money than \$100,000"

line 26, add new 'WHEREAS' clause, read:

"Whereas Dr. Goodman renders dental service  
to an area not otherwise served by <sup>practitioners of</sup> private  
dentistry"