

January 30th, 2024

Complaint of Ethics and Conduct

Disciplinary Counsel
Office of Disciplinary Counsel
125 Slate Dr., Ste. 2
P.O. Box 2297
Bismarck, ND 58502-2297

Haley Lorelle Wamstad
Bar I.D. 06171
124 S. Fourth St.
P.O. Box 5607
Grand Forks, ND 58206-5607

Dear Disciplinary Counsel:

My name is Doug West and I am filing a complaint against Haley Lorelle Wamstad, Grand Forks County State's Attorney, Bar ID 06171. At this time last year I was nearly blind, completely blind in my right eye, and awaiting surgery. Shortly before surgery in late October of 2021, I simply could not get any answers to vital questions which was a very strong indicator something was altogether wrong, so I canceled. This prevented an extreme malpractice event and saved my eyes from being crippled, left out of balance, and locked into bifocal glasses that could never have been correct for my pair of eyes.

I will address correspondence with State's Attorney Haley Wamstad later in this complaint in more detail. She at one time giggled at me because I mentioned a television show and she implied I was someone who could not properly distinguish reality from television. She also wrote me back via email once regarding mail fraud, which is a federal matter, thus claiming this did not rise to a criminal offense under the laws of North Dakota. Obviously not as North Dakota law does not govern the postal service, yet there are North Dakota laws pertaining to falsifying certain documents.

Ms. Wamstad was unresponsive to several horrific crimes committed against me while behaving in an elusive and negligent manner. She refused to even answer if she would prosecute or decline prosecution. Crimes were committed against me while I was nearly blind, with a police officer not only contributing to these crimes but committing crimes as well. The police officer harassed me via voice mail message and misrepresented his name. Ms. Wamstad appears to practice forms of selective enforcement with both bias and gender favoritism. As an Assistant State's Attorney, Haley Wamstad lied in court to then District Judge, Jon Jensen. These matters display both her conduct and lack of credibility, clearly showing an attitude of one who appears to believe she can say and do nearly anything she wants and whenever selectively convenient to say or do so.

I am educated and already aware of complaint processes, however, Ms. Wamstad made reference that I should report matters to medical review boards. I informed her this was a criminal matter and she should do the reporting along with prosecution of the several crimes committed against me, but again she was completely unresponsive in her style of selective enforcement. I did write out a very detailed story and submitted it to three different boards. Since I canceled surgery there was no finding of malpractice with review boards, and obviously no finding of fault toward me whatsoever.

Ms. Wamstad was elusive and negligent in every manner possible. Her practice of selective enforcement became obvious. After multiple emails and contacts to where she would return telephone calls but merely giggle and laugh at me was not at all funny. She at one point giggled at me over a comment I made and told me those types of shows are made for television, as if I didn't know that myself. After all, I've worked in the media for a period of years and have a BA in Advertising with a minor in Visual Arts. The only time Ms Wamstad changed her attitude was after I presented her with documents that reminded her she lied to a District Judge in the past as a prosecutor. She at that point of course never offered to prosecute this matter but has not been in any local news since then either. She became rather quiet but with her selective enforcement still did not offer to prosecute. She also said this first had to go through law enforcement but I explained that law enforcement was aware of this and they would not take a report from me. That is how things are done locally when the State's Attorney is selective in enforcement.

After finishing up with eye procedures and eight trips to Fargo, ND, I finished the long complaint and not only sent it to various medical boards, I sent this to police and everyone in Ms. Wamstad's office, including Ms. Wamstad and the Chief of Police, suggesting this matter be prosecuted immediately. This was in early May of 2022 and the result was me being stalked by police rather than aided by police and the State's Attorney's Office. This complaint is included within a few pages as "The Story" which is followed by some additional amended pages that were also sent to medical review boards referring to a person with drug related convictions that had fabricated records intentionally, which did lead up to my being criminally victimized. It had become spring of 2022 and I had outside projects to finish, mainly a complete restoration and painting of my shop. This could not wait as if another year had past without restoring my shop I would have had to paid for new siding. It needed repairs, about six gallons of primer and five gallons of paint. I am disabled and have Chronic Fatigue Syndrome so I have a limited amount of energy and time to finish such projects.

My Father and I had a number of projects to complete around our home and most were completed before he passed away in November of 2020, but not all. The summer of 2021 was spent completing seven yards of dirt that I moved in and a number of small projects, then toward the end of that summer I went almost completely blind. I only had some vision in my left eye so I couldn't do much inside during that winter as well. During the summer of 2022 I finished my shop and a few other things then came inside to work on this complaint. I had contacted the Supreme Court Clerk regarding where to send the complaint and started working on it. Unfortunately I engaged in too much physical work outside during the summer and fell very ill. I've been into clinics six times in one year with recurring sinus and ear infections where I was prescribed steroids and anti biotics and I've had severe weakness, fatigue, and problems with my equilibrium. As a result of this I learned in early fall of 2023 I developed another infectious disease had had to go in for several procedures to clear that up. I've been in five times for that alone and it is now clearing up with one more visit in March of 2024. I apologize, but this is as early as I've been able to work on this complaint at all until January of 2024.

State Bar Complaints

From: Doug West <mail@dougwest.net>

To: phulm@ndcourts.gov

Date: Mon, 22 Aug 2022 10:12:43 -0500

Dear Ms. Mandigo Hulm,

I would like to know when filing a complaint with the State Bar Association of North Dakota, if the process is still on hard copy and mailed to the Clerk of the Supreme Court.

Please let me know as I will be drafting a complaint soon and would like to know the filing process before I begin writing.

Thank You,

Doug West

RE: State Bar Complaints

From: "Hulm, Petra" <PHulm@ndcourts.gov>

To: 'Doug West' <mail@dougwest.net>

Date: Mon, 22 Aug 2022 15:20:07 +0000 (08/22/2022 10:20:07 AM)

Mr. West - The process has changed and informal complaints are filed with Disciplinary Counsel. You can find more information on the process here: <https://www.ndcourts.gov/supreme-court/committees/disciplinary-board>.

Petra H. Mandigo Hulm
Clerk of Court
North Dakota Supreme Court
phulm@ndcourts.gov
701-328-2221

This email and any transmitted files attached are intended solely for the use of the individual or entity to which they are addressed, and may be confidential under the law. If you have received this email in error please notify the originator of the message.

-----Original Message-----

From: Doug West <mail@dougwest.net>

Sent: Monday, August 22, 2022 10:13 AM

To: Hulm, Petra <PHulm@ndcourts.gov>

Subject: State Bar Complaints

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Ms. Mandigo Hulm,

I would like to know when filing a complaint with the State Bar Association of North Dakota, if the process is still on hard copy and mailed to the Clerk of the Supreme Court.

Please let me know as I will be drafting a complaint soon and would like to know the filing process before I begin writing.

Thank You,

Doug West



I've attached a photo of my shop after I completed its restoration along with emails to and from Mandigo Hulm with the Supreme Court. Hanging on my shop is the clothes I wore covered in patching, primer, and paint. I did not take before photos but should have, as the corner boards were new and unpainted, it was peeled nearly bare, and that new storm window on the side was not there either. It had holes and bubbles in the vertical wood siding that I repaired, and this project could not wait one more year as it was too exposed to withstand elements of weather any longer. I went from this project to writing this complaint and then fell very ill. By November of 2022 I was at a Doctor and ended up in six times with the last being November of 2023. I've since not had any recurrences of infections in my ears or sinuses. I was at a specialist in December of 2023 regarding the other infectious illness I had developed as a result of being so run down, and after several procedures and my last visit I seem to be in the clear. My next visit is in March, about one month after my second eye exam after going blind. I've done the best in my health as possible to get this complain finished and mailed in, all in good faith as I have had two illnesses. I've stalled other projects and have only been able to keep up to snow and lawn, while also walking my dogs, and nothing more. I am behind on some indoor projects I hope to start on next, health permitting.

Complaint and Audio

1 message

DJW Complaint <djwcomplaint@gmail.com>

Mon, May 9, 2022 at 7:47 PM

To: mnelson@grandforksgov.com

Mr. Nelson,

I did send this to the City Council today as Richard Fuka should be removed.

This has already been filed with several entities and will be sent to many more, as you've not done your duty in this at all considering it was a swatting call and Fuka played a role.

It is a 129 page complaint and the entrapment Fooko audio of a message when he should not even called me nor taken a complaint without verification of its truth, especially when the one complaining has a criminal history. His name is not pronounced Fooko, which is a bit of an entrapment scenario, but he is not too bright.

Broke and stupid his wife rided herself of him and moved him into a little box known as a condo, then moved out to the far south end of town where she purchased a newer, nicer, bigger, better, box.

Sincerely, Douglas J. West

2 attachments

 **RichardFukaMessage.WAV**

64K

 **Complaint.pdf**

7474K

Prosecution

1 message

DJW Complaint <djwcomplaint@gmail.com>

Tue, May 10, 2022 at 4:56 PM

To: haley.wamstad@gfcounty.org

Cc: mail@valleynewslive.com, onlineteam@gfherald.com, smook@gfherald.com, akurtz@gfherald.com, pknudson@gfherald.com, jholley@gfherald.com, iharbo@gfherald.com, jbowen@gfherald.com, marbegast@gfherald.com, news wdaz <news@wdaz.com>, inewz <news@inewz.tv>

Ms. Wamstad,

You've not replied and have more or less eluded prosecution in this matter. This looks like terrorizing in that Vik shared with another person a man who could be out in the parking lot pointing an AK47 out a window, knowing this not to be true.

There is also a lower form of reckless endangerment, false reporting, criminal character defamation, and harassment.

Richard Fuka, your friend recently removed from your friends list, who engaged in criminal character defamation as I have no criminal convictions, false reporting for even writing down the false information of Habitual Offender Status, and harassment. Two dispatchers broke the law as well with one of them claiming me to be guilty of a crime.

Two fraudulent note creators were involved, one with the North Dakota Eye Clinic and the other with the North Dakota Surgery Center. The two facilities can be prosecuted and the entire swatting stunt involves Kristen Vik and Mark Sczepanski.

This has been reported as well to the American Board of Ophthalmology and Surgery Partners which has escalated it for review and will be in touch with me.

Complaints have been filed in North Dakota with the Board of Nursing and Board of Medical Examiners against Vik and Sczepanski. Today I mailed a complaint in Minnesota against Destin Coles with the medical board and they have responded. They will have the notarized hard copy on Thursday.

If you do not respond to my formal email address, mail@dougwest.net, I will have no other choice but to file a complaint against you with the State Bar Association of North Dakota.

Sincerely,

Douglas J. West

2 attachments **RichardFukaMessage.WAV**
64K **Complaint.pdf**
7474K

Crime Perspective

1 message

DJW Complaint <djwcomplaint@gmail.com>

Wed, May 11, 2022 at 7:58 AM

To: haley.wamstad@gfcounty.org

Cc: mail@valleynewslive.com, onlineteam@gfherald.com, smook@gfherald.com, akurtz@gfherald.com, pknudson@gfherald.com, jholley@gfherald.com, iharbo@gfherald.com, jbowen@gfherald.com, marbegast@gfherald.com, news wdaz <news@wdaz.com>, inewz <news@inewz.tv>

Ms. Wamstad,

I would appreciate your perspective on exactly what crimes, in your opinion, were committed and by whom in the swatting stunt I've written you about, relating to the call made from the North Dakota Surgery Center. A complaint has been filed against that facility with the company.

If you will not even provide an opinion nor respond, I will have to assume that to be a refusal to prosecute the facilities and involved people. The problem is you won't provide any answers and appear to not reply on this matter, as it is obvious several crimes were committed against me.

You've been provided with all of the information necessary.

Sincerely,

Douglas J. West

North Dakota Eye Clinic Fraudulent Note Maker

1 message

DJW Complaint <djwcomplaint@gmail.com>

Fri, May 20, 2022 at 10:48 PM

To: haley.wamstad@gfcounty.org

Cc: mail@valleynewslive.com, onlineteam@gfherald.com, smook@gfherald.com, akurtz@gfherald.com, pknudson@gfherald.com, jholley@gfherald.com, iharbo@gfherald.com, jbowen@gfherald.com, marbegast@gfherald.com, news wdaz <news@wdaz.com>, inewz <news@inewz.tv>

Ms. Wamstad,

I've been catching up on my home and the stress of this incident has affected me having Chronic Fatigue Syndrome, weakness with fibromyalgia pain, so I am a bit under the weather.

It seems in this matter of two fraudulent note makers and the swatting stunt with a false police report, where you fail to reply on prosecution, that almost all involved have criminal convictions while I do not. Sczepanski, DUI, Vik, DUI, KMT, the note maker who claimed I called when she called me and talked for more than one hour, then falsely claimed I did not cancel surgery when I did in fact cancel surgery.

I was cutting Freddie's hair, my Shih Tzu now one year old so a first cut, but her and I could not take anymore as she is touchy about it. I am not feeling well so I had to stop and had a little coffee before eating and going to bed. Then I decided to look into this since you've not been of any help whatsoever, as this woman is a convicted criminal as well.

The KMT note maker, Kristy Marie Taylor, was a Murray, and she has drug related convictions and is working at the North Dakota Eye Clinic. It's difficult to understand why so many drunks and drug users would be working at eye clinics and surgery centers, but even more difficult to understand why you would allow them to commit crimes against a permanently disabled person who was nearly blind at the time as well.

I've attached the note which is in the complaint file I provided to you and your staff. Also, two PDF files with the drug related convictions.

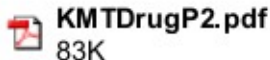
I thought you should know about this and I do desire to keep all of these matters open and in the public.

Sincerely, Douglas J. West

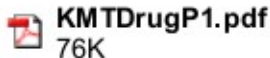
3 attachments



NDECRecords11.jpg
86K



KMTDrugP2.pdf
83K



KMTDrugP1.pdf
76K

Complaint Addendum

1 message

DJW Complaint <djwcomplaint@gmail.com>

Sat, May 21, 2022 at 3:31 PM

To: mnelson@grandforksgov.com

This information was sent to the Medical Review Board as an addendum in the 129 page complaint I sent earlier. At the time with my health conditions, new eyes, and both the length and importance of getting the complaint written and filed, I did not have time to identify the note maker responsible for the first of two fraudulent notes.

KMT called me from the North Dakota Eye Clinic and talked for more than one hour, resolving nothing and refusing me information. She then wrote down something different which was completely false, and also falsely stated I called when phone logs show she called me.

Last evening before bed I identified the KMT initials of this dishonest individual who generated a fraudulent medical note, signed by Mark Szczepanski from the North Dakota Eye Clinic.

Kristy Marie Taylor is the individual who generated this Friday, October 22nd, 2021, fraudulent note that is in the original complaint along with my phone logs showing the note is a fraud, and I had canceled surgery to go elsewhere, resulting in 20/20 vision with very little need for glasses, as I am typing this email without glasses.

Kristy Marie Taylor prior to marriage was Kristy Marie Murray and she lives in East Grand Forks, MN, employed at the North Dakota Eye Clinic as an Ophthalmic Assistant. She received a drug related conviction that was deferred for one year, so it would have been dismissed if she violated no criminal laws for one year. Approximately 11 months into her one year period she received another drug related conviction, so the deferral was reversed and she has two drug related convictions.

It is not surprising she would lie on a medical note as she did and this was sent to the Medical Review Board as an addendum, since I did not have time to find out who she was while typing a lengthy 129 page complaint.

The note is attached which was in the original complaint along with my phone logs, establishing she lied on the note. Also, the two convictions are attached as PDF files from the Supreme Court Website.


Sincerely,

Douglas J. West

3 attachments



NorthDakotaEyeClinicKristyMarieTaylorFraud.jpg
71K

 KMTDrugP2.pdf
83K

KMTDrugP1.pdf

 76K

Falsified Medical Records

1 message

DJW Complaint <djwcomplaint@gmail.com>

Mon, May 23, 2022 at 10:20 AM

To: haley.wamstad@gfcounty.org

Cc: mail@valleynewslive.com, onlineteam@gfherald.com, smook@gfherald.com, akurtz@gfherald.com, pknudson@gfherald.com, jholley@gfherald.com, iharbo@gfherald.com, jbowen@gfherald.com, marbegast@gfherald.com, news wdaz <news@wdaz.com>, inewz <news@inewz.tv>

Ms. Wamstad,

I thought to remind you I do believe it is illegal to falsify medical records, not to mention make swatting calls to dispatch with false information in them and file false police reports.

The attached records and portion of my phone logs do show the two medical notes, by KMT with the North Dakota Eye Clinic, and JO with the North Dakota Surgery Center, are falsified and both digitally signed by Mark Sczepanski.

I did send an addendum to the Board of Medicine about KMT, as in my health with the length of the complaint filed, at the time I could not, nor had the time to identify KMT who falsely alleged I called among other things and that I did not cancel surgery when I did cancel, as they were not prepared for a person in my health and had no eye plan.

You have received enough information on this matter to charge several people with crimes yet you have not done so and refuse to respond.

Going toward credibility, a few of those involved have criminal convictions on their records and now last Friday evening from three initials, KMT, I was able to identify who this woman is since you've been of no help in this whatsoever.

KMT is Kristy Marie Taylor, prior to marriage, Kristy Marie Murray, and she has two drug related convictions on her record. The first was deferred and without violating criminal laws for a one year period, the charge would have been dismissed. Not only did she violate a criminal law again within the year so it was not dismissed, she received yet another of the same drug related conviction. I really should not have to point these things out to you, as a State's Attorney should be charging these people with the crimes they've committed.

This was done against a permanently disabled individual suffering from Chronic Fatigue Syndrome who was nearly blind at the time. I am currently rather exhausted and need to attach some loose trim on my truck door, and if the grass dries more later today, mow it and water some bad spots. Last year I added dirt in stump holes and around my house and with the drought, those spots have been seeded again along with my entire yard.

I also need to do some front porch patching which I've never done before, and around the back of my garage, then paint my entire shop. These are difficult tasks in my condition when too many tasks are compounded, but under the stress of this incident they are extremely difficult.

It would be much appreciated if you would work with crime victims and charge those who have in fact committed multiple crimes against me.

Sincerely,

Douglas J. West

5 attachments




NorthDakotaEyeClinicKristyMarieTaylorFraud.jpg
71K


A thumbnail of a spreadsheet showing a list of call logs. The columns include "Date", "Time", "Phone", "Area", "City", "State", "Zip", "Country", "City", "State", "Zip", "Country", "City", "State", "Zip", "Country". The rows contain various entries of call data.

magicJackCallLogs.jpg
137K



NorthDakotaSurgeryCenterMarkSczepanskiFraud.jpg
65K

 **KMTDrugP2.pdf**
83K

 **KMTDrugP1.pdf**
76K

The Story Begins on Page 15 Which is the Next Page After this Page

This was sent to police and State's Attorney for prosecution but I was not contacted in return, only stalked by police briefly. I had to email the Chief of Police and media to report these stalking events until they appeared to stop. I also had to use a Gmail address to send this lengthy document to both police and the State's Attorney's Office as shortly after my eye surgeries I had learned my email was being blocked. I cannot contact police by email for any emergency which is concerning, which is ridiculous and part of a selective enforcement pattern entirely supported by the State's Attorney.

After the story I will attach some addendum pages which I would have liked to have included as an amended complaint to medical boards, but had already filed the main complaint, so I sent them in later. My medical records were falsified regarding my contacting facilities and their contacts to me which did not occur, which were done in contribution to the false call to dispatch and false police report made.

I understand a State's Attorney has some discretion in prosecution but this was an event where a number of crimes were committed against me. Not only am I permanently disabled with a debilitating illness that has similarities to MS in spinal fluids, but I was almost completely blind at the time and needing surgery before going blind permanently. This was a severe case and had I not acted swiftly I would have needed a corneal transplant in my right eye. I now have 20/20 vision thanks to a professional facility in Fargo, ND. It was also interesting to learn most of the people involved in calling dispatch, police, and falsifying medical records were individuals with criminal convictions, such as drug related convictions and DUI convictions. I personally do not have any criminal convictions.

It was completely ridiculous to commit these crimes against me in my health condition and being nearly blind at the time. I had no vision in my right eye and a little in my left eye, so I had been suffering greatly already, not to mention being disabled having Chronic Fatigue Syndrome which is difficult to manage but I've done it quite well until I over did physical work on my home. At that point I developed weakness, muscular pain and fatigue, an inability to concentrate well with sinus and ear infections recurring along with ringing in my ears, and a dizziness that has continued along with all of this. It has taken everything I've had to keep up to the basics such as caring for my dogs and my home. The winter ending in 2023 was rough as we received approximately 85 inches of snow. Keeping up to snow and walking my dogs was literally all I could do. When the weather was better in May of 2023 I put off all remaining projects on my home, which are very few now, until I am feeling better. I fixed a front door screen and did nothing else but lawn, then learned I had another illness going on at the same time.

During the summer of 2021 I experienced increasing glare in my vision and driving had become more difficult. While driving at night the glare from lights became extreme with difficulty entering left turn lanes. I could not see a left curb well and it was hard to tell where I was in the lanes, as well as the lane I was turning into on the perpendicular roads. I had been outside a lot from the spring working on home and yard projects up until July. Once the humidity increases along with allergens, grain dust, and especially wildfires, I have to stay inside much of the time and use air conditioning. Upon turning 18 years of age I was badly stricken with mononucleosis and never fully recovered, later developing problematic allergies and chemical sensitivities, which are far worse today.

Since late in 1997 I was permanently disabled and have Chronic Fatigue Syndrome, which carries things like sore throats and neck glands at times for no known reason, and muscular weakness with fibromyalgia pain. I had sinus surgery in April of 1997 to alleviate congestion and it did help significantly. Allergies became worse, especially sensitivities to scented chemicals and in 2001 I was diagnosed with Asthma. Today chemical sensitivities are severe so in my home I only use Ivory soap and shampoo without any scent, as well as ordinary deodorant. Avoiding things like that or anything else that causes problems seems the best of solutions. I also prefer to be extremely careful of any medications or injections due to adverse reactions. When diagnosed with Asthma I received a pneumonia shot and was suggested to always get a flu shot, which I did through 2004 until adverse reactions became severe as well. This is a condition many see as some type of fake disease, as when I feel well and am active I do not appear ill. I've also told many I may tend to think the same thing if I did not have it and experience the symptoms. Over the years I've learned to take good care of myself, not only avoiding things that are bothersome, but also managing rest, activity, and weight.

I've given up on shaving with a razor and clipping or cutting my hair short, as I also have Pseudofolliculitis Barbae with baby soft wavy hair. When I try to trim up neatly and shave with a razor, I pay dearly with a sore head and horrible episodes of breaking out from shaving, leading to infections with swollen neck glands. In 2008 I was severely swollen to a point of it affecting my ability to breath. This condition has worsened in sensitivity and I finally decided to leave my hair alone and only clip my beard, never closely shaving. I have less difficulties this way and intend to continue in caring for myself in any manner that works well that does not cause difficulty or infections.

July 9th, 2021, I drove to Fargo, ND, and bought an 8 week old Shih Tzu puppy. The drive was tolerable but glare had increased. I had to be inside so it was a good time for raising a puppy while I changed my hot water heater and had a new furnace installed, leaving other outside projects for fall. I also made fall appointments with my dentist and to get an eye exam for new glasses. My lenses were nearly two years old and frames older yet, which had a break in the right stem causing wobble. I planned on things like anti glare and whatever would help with night glare. My glasses seemed cloudy on the right and one week before my eye appointment, I opened and closed each eye with and without my glasses. My right eye had no vision whatsoever but for light, blur, and glare.

Two years prior was my last eye exam with Dr. Destin R. Coles, O.D., at Opticare in East Grand Forks, MN, where I'd been a patient for nearly two decades. Dr. Coles said my right eye developed a cataract and would probably need surgery in the future, and it was likely affecting my vision at the time. When I discovered the condition of my right eye I immediately assumed it was from the cataract he informed me about. With my eye exam already scheduled and one week away, I told him my condition was just learned about one week ago after my appointment was scheduled.

Opticare and other providers such as my Dentist are already aware of my condition and due to the fact I cannot wear a mask, I've never worn one anywhere. I've not left home without two letters regarding my condition per advice of a disability Attorney, in that being transparent should be sufficient. The letters are from the Mayo Clinic and Allergy Associates in La Crosse, WI. With retail stores I presented these letters at the door along with mandate exemptions, and also displayed my Medicare card showing that I was in fact disabled. Only two retailers in Grand Forks were abusive while most others were very accommodating, so I no longer use those two particular stores. I've not heard once of any retailer or medical provider demand a person in a wheel chair walk while in the store or facility to be allowed entry, as that would be rather abusive.

Tuesday, September 7th, 2021, I went to my appointment with Dr. Coles at Opticare and was not treated at all like I was when I needed my broken glasses repaired late in 2020, as the right stem broke off. They were fixed and I was treated well as usual, and while the stem held it started to wobble over the months from side to side. I planned on new glasses soon anyway so that was fine. When I showed up there I had my two letters with me about my breathing condition in case a reminder was needed and all was well, as I was not harassed about wearing a mask in anyway whatsoever. The staff was rather gracious and helpful, but at this September 7th appointment they were seemingly indifferent toward me and I had no idea why.

Once again I had the same two letters which were also becoming weathered, but upon me presenting them as I did the last year, a woman more or less shoved a mask at me and told me I needed to wear one. I again had to explain my condition and presented the letters, but she did not seem to like this. While in the waiting area when staff walked by or came out for any other patient, I would receive what appeared to be and felt to be looks of scorn and displeasure. It felt as though my appearance of me merely waiting for my appointment with Dr. Coles was in some way, inappropriate. I had no such trouble at my dental appointments and did not even need the letters with me, as that office, like Opticare, was already aware of my condition. This was extremely uncomfortable and was very inconsistent in the way I was treated when having my glasses repaired.

While one might experience this from an abusive retailer with reckless disregard for the Americans with Disabilities Act, the ADA, it is not what anyone should experience with a medical provider, especially when your health condition is known to them. The next two pages are the letters I've presented anywhere necessary to be allowed entry.



ALLERGY ASSOCIATES
of
LA CROSSE, Ltd.

Offering comprehensive diagnostic and treatment options for the allergic patient...

David L. Morris, M.D., FACA, ABAI
George F. Kroker, M.D., FACA
Vijay K. Sabnis, M.D., ABP
Mary S. Morris, M.D., ABIM

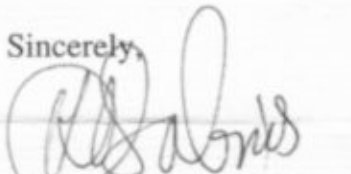
May 17, 2001

To Whom It May Concern:

RE: Douglas West
819 Lewis Blvd #4
Grand Forks, ND 58203

This is to state that Mr. Douglas West has consulted us for allergy evaluation. He has chronic nasal congestion, facial and eye pain, headaches, throat tightening spells, and choking attacks. Intradermal testing showed positive to several airborne inhalants such as dust, mite, pollen, mold spores, and dog dander. He also reacts to a variety of chemicals such as perfumes, scents, air fresheners, and disinfectants (Lysol and Pinesol etc). We have placed him on our immunotherapy program, but we also recommend that he have housing conditions that are free of dust, mold spores, volatile chemicals, and pollens. This will improve his medical condition.

Sincerely,



Vijay K. Sabnis, MD

VKS:rlc



Mayo Clinic
200 First Street SW
Rochester, Minnesota 55905
507-284-2511

August 27, 2001

Mr. Douglas J. West
Apartment 41
615 First Avenue South
Grand Forks, ND 58201-4582

Pulmonary and Critical
Care Medicine

RE: Mr. Douglas J. [REDACTED] West
MC#: [REDACTED]
DOB: [REDACTED]

Dear Mr. West:

It was a pleasure to have participated in your recent evaluation in the Division of Pulmonary and Critical Care Medicine.

Our final diagnoses were:

- Asthma
- Pulmonary nodule
- Marginally abnormal stress test performed elsewhere

Attached is the clinical documentation which summarizes our impressions and recommendations (William Sanchez, M.D.: Aug-24-2001, Aug-23-2001; Udaya B. Prakash, M.D.: Aug-23-2001). I have also included the most recent laboratory results and pulmonary function test reports.

Once again, it was a pleasure to participate in your care. Please feel free to contact me if you have any questions regarding the enclosed report.

Sincerely,

William Sanchez, M.D.

WS:kkt
Enclosures

The two letters were written on my behalf for the purpose of housing accommodations so I could show these health factors are of significant difficulty. The letter from Allergy Associates has a previous address than the letter from the Mayo Clinic. This is due to the fact most apartments were difficult for me to live in so I moved more than once.

Keeping a positive attitude regardless, I had some tests and completed my eye exam with Dr. Coles, who unlike much of the staff, was good to me and treated me well. He showed me a screen of my right eye being clouded over entirely and of course said I was going to need surgery. We went to the front desk together and he relayed to staff that I needed scheduling for cataract surgery. Without any discussion regarding options of various facilities, he told his staff to arrange this through the North Dakota Eye Clinic in Grand Forks, ND. The woman at the front desk did this via telephone and did me more harm than good. She set up the time and date while describing my condition.

Rather than saying something polite to the North Dakota Eye Clinic, such as he is a long term patient of ours and is disabled. Please be sure to treat him well as he is way out of balance from complete blindness in his right eye and has specific health problems along with breathing difficulties. He has Asthma and some severe allergies, especially to scented chemicals, so in no way can he wear a mask and he will likely provide you with paperwork regarding this, so please be patient with him. There was nothing relayed in support of my health conditions or me as a disabled individual. Instead, the woman made the arrangements and at the end of the telephone conversation said, "Oh, and he does not wear a mask", as if I can wear a mask and choose not to, which isn't the case.

Wednesday, September 15th, 2021, at 8:30 a.m., I went to my first appointment at the North Dakota Eye Clinic with Dr. Mark L. Sczepanski, M.D. Again I walked in and had to present the same two letters for entry into the facility without a mask. As with all other appointments, I did not wear a mask because of my health conditions. After the eye exam I met with Dr. Sczepanski and an assistant. He of course said my right eye was legally blind and I informed him I could no longer drive at night. I said if I do go to a friend's place before dark and leave after dark I need to take the "old man" way home down residential streets, as I cannot take main roads with traffic and headlights.

Dr. Sczepanski asked if Dr. Coles said anything to me about the cataract in my left eye and I informed him Dr. Coles hadn't gone into specifics. Dr. Sczepanski then mentioned there is "this thing" where after surgery you no longer need glasses. I asked him to tell me about it as I was interested and he said it was not covered by insurance. I said that's okay and offered to write him a check. He looked at his assistant and she provided him with a "no nod" reaction, and then Dr. Sczepanski said, "we better not", "we better not", and I asked why and if it were because my left eye shouldn't have its lens replaced without being worse, or like leaving well enough alone. He just said again "we better not" and would not provide me with any additional information. Upon leaving he asked what my papers were I was holding and I said it was about my asthma and why I cannot wear a mask. They were worn and staff said that was fine, copied them, and gave them back.

The concept of coming out of such blindness and not needing glasses was rather desirable to me and in one “no nod”, that idea or concept was gone. I felt as though with Dr. Szczepanski’s assistant giving the nod I was suddenly, in one nod, downgraded to the Medicare mule line and perhaps not a candidate. This was also hard to understand at the time as I was not doing well and needed about as much help in every way I could benefit from. It was also difficult in that I didn’t understand why he would bring this up and suddenly say, “we better not” without explanation over a nod from an assistant. The other difficulty was that I offered to pay for it and was willing to do anything necessary.

My glasses were bifocals for nearly 15 years and close to 7 years ago I was prescribed a mid range pair of glasses by Dr. Coles at Opticare for things like sitting at a computer, rather than switching to trifocals. The past few years I was constantly looking at things close up or far away and had no mid range in my glasses. This was my next step as well in glasses until cataracts became an issue. With all the years in bifocals and time for trifocals, the idea of not needing glasses did sound desirable and I was willing to pay for that, and do anything necessary, so it was rather saddening during a tough time.

Dr. Szczepanski’s staff then scheduled a physical with Dr. Lommen since my father and I brought my mother to her for years I thought she would be fine. I waited around for some of this to be scheduled and when I found out it would be more than one month out my plans were to finish up some light patching on my patio and porches outside. The summer humidity was absent and that was about all I could do with my vision. It was only silicon types of patching and mesh on the sides of a porch, along with basic patio cracks. Even that was not too easy but I like keeping busy and wanted to do this before it was too cold outside. Other than that I rested often to be prepared for surgery due to my health. Anything involving anesthesia can be difficult and likely to leave me quite ill.

With everything appearing to be scheduled, Dr. Szczepanski’s staff provided me with two documents. One thing on the paperwork was follow up the day after surgery at Opticare with Dr. Coles. Dr. Szczepanski previously mentioned this and I thought I would follow up with him and he said no, as Dr. Coles was my O.D. That was fine too but I felt the very next day I could perhaps follow up at the North Dakota Eye Clinic where it may be of slightly better convenience if anything went wrong. Remaining with the same facility if there was a problem with an Intraocular Lens seemed better in case anything were wrong so I would not have to drive to another facility. I went with that as I was willing to do anything necessary to get my vision back, but felt it may be easier at one facility.

There were also eye drops prescribed and I relayed which pharmacy to use, so those were sent to my pharmacy. I was asked if I wanted individual drops which were of 3 different drops, or combined drops where there would be one. The single drops cost a little more but I chose the 3 individual drops. Money or insurance was never an issue so if I saved a little here and spent much more there, that was fine. It seemed individual drops would be more to keep track of and combined drops easier. The next two pages are the papers on scheduling which were in a blue North Dakota Eye Clinic folder.

NORTH DAKOTA EYE CLINIC, LTD.

DATE OF SURGERY: 10/26/2021

ARRIVAL TIME TO SURGERY CENTER: A nurse from the North Dakota Surgery Center will call you one day prior to your surgery with your arrival time.

PRE-OPERATIVE APPOINTMENTS:

- **MEASUREMENTS:** Not applicable
- **PHYSICAL:** Scheduled for: 10/19/2021 @ 2:15pm with Dr. Lommen

*****DO NOT EAT OR DRINK ANYTHING AFTER MIDNIGHT THE EVENING BEFORE SURGERY.*****

MEDICATIONS: A nurse will review all medications with you during the pre-operative phone call. Please inform the nurse of all medications including vitamins, herbs and oxygen use. The nurse will tell you which of your medications may be taken before surgery and any that you should hold until after surgery. **Please be prepared to write these down.**

EYE DROPS: Use as directed.

CLOTHING: You will not need to remove any clothing for surgery, but please wear a short-sleeved shirt and comfortable pants. You **should not** wear any make-up, jewelry, or bring anything valuable with you. **Discontinue eye make-up 4 days prior to surgery.**

PLEASE BRING A CASE FOR YOUR GLASSES AND A PAIR OF SUNGLASSES IF YOU HAVE.

SURGERY: Your surgery will take 20-30 minutes. You can plan on being at the North Dakota Surgery Center for approximately 1-1 ½ hours. This includes pre-operative preparations, the surgery, and recovery time.

Avoid dental procedures for at least two weeks following surgery.

TRANSPORTATION: Patients are not allowed to drive for 24-hrs following IV anesthesia. Due to this restriction, you will need to arrange for someone to bring you to your surgery and to take you home. It is also recommended that you have someone available to help you for the first 24-hrs following your surgery.

BILLING / INSURANCE: You will receive three bills following your surgery. One from the North Dakota Eye Clinic for the physician fee, one from the North Dakota Surgery Center for the operating room fee and one from the Grand Forks Anesthesia Group for any sedation you received during your surgery. All bills will be submitted to your insurance provider on file. Please call our billing department with any questions or concerns regarding your account.

FOLLOW-UP APPOINTMENT: Your doctor will need to see you after your surgery.

- This has been scheduled for: 10/27/2021 @ 8:10am Dr. Coles

QUESTIONS: Please call Jess at 701-775-3151 or 1-800-333-7344.



Patient instructions: present this form to your primary care provider at your pre-operative appointment on 10/19/2021 @ 2:15pm.

Dear provider,

Our mutual patient has presented to your office today in preparation for an upcoming surgery on 10/26/2021. We hope you find the following information helpful in ensuring that all aspects of their pre-operative physical have been completed:

Per the North Dakota State Board of Health, the components required for clearance for outpatient surgery are as follows:

- Medical history
- Medications
- Allergies
- Physical exam, including:
 - Heart
 - Lungs
- Labs/scans (if applicable)
- Declaration stating the patient has been cleared and may proceed with surgery.

**Please fax results to the North Dakota Surgery Center @ 701-738-4247 by
10/21/21**

PLEASE NOTE:

Timely receipt of the patient's pre-operative physical is appreciated.

If the results have not been received by the North Dakota Surgery Center at least one business day prior to the procedure, the patient will need to reschedule.

Awaiting surgery I also brought my vehicles in for some work and purchased a nice Kodak camera since I had not owned a fairly good one. If I did breed my puppy the next year I wanted to take nice pictures of any litters. Without being able to do much and so out of balance with only some vision in my left eye, I did learn how to use the basics of the camera and its timer. I took pictures of my dog, cats, and new puppy, and also did some reading on IOL's to pick for cataract surgery and what it entails. I had not been informed on any IOL nor was there any discussion with me regarding IOL's.

While getting in some photos of my pets, I took one of me holding Freddie on Sunday, October 3rd, 2021, and wearing a patch over my eye Sunday, October 24th, 2021. The patch was from CVS which I wore since late September of 2021 when glare was bad.

With having Chronic Fatigue Syndrome I do have to take good care of myself in any manner possible. Many say I look young at the age of 58 and have almost no gray hair, so when people ask if there is a secret, I say I've used no scented chemicals in years.



Sunday October 3rd, 2021, Doug West at 58 years of age, blind in right eye, bifocals. Holding his baby girl Freddie, a Shih Tzu puppy, now enjoying time with his dog Teddy.



Sunday, October 24th, 2021, Doug West at 58 years of age, wearing patch on right eye. I would put my broken bifocals on over the patch to best see out of my left eye.

Tuesday, October 19th, 2021, one week prior to cataract surgery, I met with Dr. Lommen for a pre-op physical. Again upon entering the facility I had my two letters with me as always and presented them at the front desk when checking in for the appointment, as to be allowed entry into the facility. I'd been to the same facility for urgent care three times since mask mandates, presented the same two letters, and of course never wore a mask since I cannot. This was not a problem as my condition was clearly understood.

Disabled people and the nature of disabilities in society are often misunderstood, in such cases like retail stores. One must be more understanding of this and overlook these types of misunderstandings, remaining both positive and patient with others who may misunderstand, which is the way I tend to approach matters. This is also why I've always carried not only the two letters regarding my condition, but also the exemptions to mask mandates due to the fact many may not be aware of such exemptions. With medical providers I've always had the letters with me but often not medical exemptions because I've assumed they were already aware and knowledgeable of exemptions.

When I was taken back by staff to see Dr. Lommen I was told I would have to wear a mask and I explained my condition, presented my two letters, and this was entirely ignored. I had my blue folder with me from the North Dakota Eye Clinic and my two letters, so I waited for Dr. Lommen. Then another staff person came in and did check my pulse and blood pressure which was fine. Upon leaving the room this individual relayed to me in order to see the Doctor I was going to have to wear a mask, and I again explained I cannot do that. This was insisted upon and I am one who does not desire to waste another person's time, nor cancel anything as well. I also needed my vision back and surgery was one week away. I said I can put a mask on but will frequently need to lift it off anyway so that I can both inhale and exhale air, which is exactly what I did. I never wore the mask over my face and lifted it off to speak.

Dr. Lommen listened to my breathing in eight points on my back and I was cleared for surgery. Since many cataract surgeries are done while the patient is awake and others with merely sedation, I asked if I even needed to be here. Dr. Lommen said what they use for anesthesia was not too serious and they don't do anything like place a tube down your throat or use a respirator on anything like that. That alone alerted me to concerns because I had certainly hoped there was nothing along the lines of any respirator or oxygen use. I was finished and from the time in a mask when I did not lift the mask off to breath or speak caused a throat tightening spell on my way home. What I do when this happens is drink water to get my throat loosening and breath very easy, often standing in different positions until it subsides. I had another such attack walking my dogs Saturday afternoon, October 30th, 2021, and the next Sunday afternoon in my kitchen. On the walk this was from a neighbor using dryer sheets which spew out of the dryer vent, and I had to turn around and get home. I also learned later Dr. Lommen wrote down mild asthma on the physical results, which doesn't makes sense as there were no pulmonary function results provided and my situation is more serious, not mild.

In early 2001 I had left sided chest pain and a local provider ran a stress test, then later wanted to perform an angiogram without explanation, so I declined. I then went to the Mayo Clinic and learned this was from asthma, which also seemed simple to me but for whatever reason this was not achieved locally. After that I've noticed a tendency locally to not acknowledge that I even have asthma or play down the severity of that and my severe chemical sensitivity. Whenever I've offered the two letters regarding this or any medical records from the Mayo Clinic or Allergy Associates, local providers have been unwilling to accept this information and have refused to add this to my records. These letters were with me and my blue folder from the North Dakota Eye Clinic, which I also offered to Dr. Lommen and it was not accepted nor added to my chart. I feel this is of importance prior to anesthesia and surgery but I was cleared as a mild asthma case.

My last surgery was a sinus surgery in April of 1997, in Fargo, ND, and it went well. At that time I was not in my current health condition but I did get sick from anesthesia as usual, so it is of a much greater concern today. I've had five prior surgeries locally and all have gone well, one of them a next day emergency surgery, six surgeries in all.

The next few days I called the facility Dr. Lommen is with and often did not get through, but finally I did speak with someone in attempt to resolve this as I needed to know contents of the physical prior to surgery. I also called other local providers to find out if there was an availability for cataract surgery. If accurate information was not relayed from one facility to another, I was ready to cancel and wanted an alternative plan. With one local provider at two different locations, I only received voice mail after a few calls and waited for several minutes, which was not too reassuring so I'd given up. My other concern other than significant anesthesia and breathing risks, was a plan for both eyes.

Since my appointment with the North Dakota Eye Clinic was arranged through Opticare, I'd only called that facility one time prior to this on Monday, October 11th, 2021. This was regarding a bill I received and I wanted to make sure it was all processed with insurance so I didn't pay it now and receive a check back later. I called at 9:34 a.m. and no one answered so I left a message regarding this and the call duration was 2:03, or two minutes and three seconds. I never received a call back so I wrote a check for \$110.32 and mailed it. I later received a check back in the amount of \$41.32. The telephone number to reach the North Dakota Eye Clinic is 701-775-3151.

Wednesday, October 20th, 2021, after concerns of anesthesia and breathing surfaced via seeing Dr. Lommen the day before, Tuesday, October 19th, 2021, I had questions of significant concern. I had never spoke with anyone at the North Dakota Surgery Center before, where I was scheduled for surgery Tuesday, October 26th 2021. I was to receive a call from the facility Monday, October 25th, 2021, for my arrival time and instructions. With the concerns I had this process was already seeming to be very last minute and I still didn't even know what type of IOL's would be used nor was there an eye plan for a functioning pair of eyes with binocular vision. All concerns needed to be addressed and accommodated within the next two days prior to the weekend, so time was now short.

The telephone number to reach the North Dakota Surgery Center is 701-738-4240. I called four times on Wednesday, October 20th, 2021, and only received messages or voicemail. At times I tried hitting different options to get through to someone and never reached anyone no matter which option I used and no one answered. The first call was made at 4:04 p.m. with a call duration of 11 seconds. The second call I made was at 4:08 p.m. with a call duration of 27 seconds. The third call was at 4:17 p.m. with a call duration of 54 seconds, and the fourth call at 4:34 p.m. lasting only 7 seconds and not reaching anyone. This was both tiring and exhausting while accomplishing nothing.

Thursday, October 21st, 2021, I again called the facility after seeing Dr. Lommen regarding inaccuracies and misinformation that may be transferred to the North Dakota Surgery Center prior to surgery and anesthesia. Without my information pertaining to both asthma and severe chemical sensitivity being accepted, that information would not be relayed to the surgery center. The facility also combined me alongside a different Doug West in Grand Forks who was prescribed two pain killers and one tranquilizer which if not removed from records, could and has caused significant problems.

Friday, October 22nd, 2021, I called Opticare in East Grand Forks, MN, regarding the fact I had several unanswered questions and would likely cancel surgery if my medical concerns were not addressed with accommodations for my condition. I needed new glasses which I could have been provided with following my eye exam in September of 2021 because the lenses could be updated after surgery. I informed Opticare of this but there was a lack of interest with the facility. The telephone number to reach Opticare is 218-773-3438 and I called at 9:05 a.m. with a call duration of 46 seconds as I only reached voice mail. I called again at 9:14 a.m., this time reaching someone with a call duration of 6 minutes and 16 seconds. The facility was not at all helpful, but negative.

My next call was to the North Dakota Eye Clinic and again the number to that facility is 701-775-3151. I called at 9:24 a.m. and the call duration was 1 minute and 57 seconds where I left a detailed message hoping for a call back to address all concerns so I did not have to cancel surgery as I was suffering badly for six weeks now and was coming close to permanent loss of vision in my right eye. Later in the day or early afternoon I called the North Dakota Surgery Center, again at 701-738-4240. The call was made at 1:22 p.m. with a call duration of 9 minutes and 2 seconds, and I did reach a woman.

I explained the matter of my physical and that I was in the facility without a mask until it was time to see Dr. Lommen. It was critical to be certain this would not happen again, especially during a surgery where anesthesia was involved. At first I explained having asthma and couldn't wear a mask so I asked how the North Dakota Surgery Center would handle this. The woman I reached said in that case I would not have to wear a mask and I said that was good because I did not want to wake up from surgery with someone putting a mask on me. She then said but during surgery I will have to wear a surgical mask, so I asked what that was. This didn't make sense to me at all because it is a cataract surgery in which many are done while people are awake.

This woman described the surgical mask as being a type of surgical apparatus and it supplies oxygen. I politely said I would not want anything like that used as it is not at all necessary for cataract surgery and I am best breathing on my own. The woman then said but you will be given oxygen and I replied that I did not want oxygen. I've had 911 type of attacks and the last one oxygen was supplied by the ambulance service and it had an artificial cherry-like taste that did more harm than good so I switched to the fire department's oxygen which was clear. She also said they do this for everybody and when I said but I have asthma, she said we do this for people with asthma, everybody.

What I could not believe about this was their treatment of individuals as "everybody" because I see everyone as individuals, each having a different surgery with individual circumstances. I also said they did not do this during my sinus surgery. She replied saying that was due to working through your nose and mouth so they couldn't. What this established was that if a higher trauma level surgery like that can be done without such an apparatus, whether it could be used or could not, that a cataract surgery could be performed without this device that I did not want used anyway, the call ended politely.

While on the telephone with the North Dakota Surgery Center a call was coming in from the North Dakota Eye Clinic, so I politely ended the call to take the next call. The call was from 701-775-3151 at 1:30 p.m., lasting 1 hour, 4 minutes, and 48 seconds, and was a woman with the North Dakota Eye Clinic on Dr. Sczepanski's staff. We had a long and polite conversation regarding my health matters, surgery, anesthesia, an eye plan, and surgical apparatus referred to as a surgical mask where I would be given oxygen.

We discussed matters of the North Dakota Surgery Center using a surgical apparatus on all patients when it is not required for cataract surgery. I explained the situation of learning I had asthma after visiting the Mayo Clinic and the tendency locally to not acknowledge that or play down the severity of this as my severe chemical sensitivity, which was of significant concern. I also brought up the time I had an attack and the ambulance provider oxygen had an artificial cherry-like substance that bothered me, so I did not want any oxygen used as it is not at all necessary for this surgery. The throat tightening spells were explained to this woman from Dr. Sczepanski's office and that if there was contact with anyone using scented laundry products alone, combined with anesthesia which typically makes me nauseous, I could end up with a serious throat tightening spell during surgery. I relayed that if this happened it would not show up nor be typically understood until it was too late and I would likely not be brought back.

These health related issues alone were of concern and that my medical information such as the two letters I provided to the North Dakota Eye Clinic, from the Mayo Clinic and Allergy Associates, was critical and not to be ignored. Accuracy of my information was extremely important and without this being recognized and accommodated for it could become dangerous. I also informed her of my information once combined right alongside with a different Doug West in Grand Forks who was prescribed two pain killers and one tranquilizer and how problematic this has been and could be very problematic if I was not certain it was straightened out before surgery. I desired to review the information sent by Dr. Lommen to the North Dakota Surgery Center prior to surgery and I was told they usually do not receive surgical clearances until Monday or Tuesday and some are not cleared. This was a Friday afternoon and that type of short notice clearance did not allow for time to correct nor accommodate anything needed.

The last minute nature of this surgery alone was frightening to me. If anything was not correct there would be nothing left but to cancel surgery. That was already the likely option since it was so last minute without any preparation and without an eye plan for both eyes or what was going to be done for follow up. The lenses used were never discussed with me which was very important and I wanted a plan. I requested to meet with Dr. Coles, O.D., at Opticare, Dr. Sczepanski, and the anesthesiologist all at the same time much like they do at the Mayo Clinic so I would be informed of anesthesia used, my health concerns relayed, and discuss an eye plan. Her reply was a very firm refusal and she said, I doubt that's going to happen. Surgery was scheduled for Tuesday and without knowing more about surgical accommodations relating to my health and an eye plan, I doubted I was going to let anyone cut into my right eye.

One hour was wasted on the telephone and nothing was resolved regarding my health issues or an eye plan. It was almost as though I should not ask questions and answers were not provided. This was a very elitist attitude as my eyes are important to me and nothing about me or my health as an individual was in preparation. Toward the end of our polite discussion I relayed there was going to be no way for me to have surgery where oxygen was going to be provided. Going onto oxygen and back off from it with a surgical apparatus can have risks for me and was not necessary for cataract surgery, which was relayed to this woman from Dr. Sczepanski's office. This was in violation of the ADA, American's with Disabilities Act to not accommodate me for what is typically a short surgery. This was also a huge overstep to use a surgical oxygen apparatus for cataract surgery, as it is absolutely unnecessary to begin with. Furthermore, it was obvious to me this facility seemed to not only be elitist in nature, but willing to be in full violation of the most basic of Nuremberg codes, in that the device should not exceed the experiment. The woman with Dr. Sczepanski's office really did not seem to care.

Use of a surgical apparatus providing oxygen suggested a use of general anesthesia rather than sedation. There was a refusal to answer any questions nor any information was provided to me about the anesthesia, so I tended to assume general anesthesia might be used when I really wanted little to no anesthesia, as many cataract surgeries are performed while people are awake. Without anyone telling me what was used, I had no way to be certain of anything regarding surgery or anesthesia. When I made it clear there would be no way of me going forward with surgery using this apparatus providing oxygen, the woman then asked me if a drape covering would be okay. I asked what a drape covering was and why it would be used during surgery. She informed me it was some type of cloth covering over my face with an opening for my eye. This also made no sense to me and she would not provide a need for this covering. I said that may be okay but it would have to be lifted up on one side so I could breath with an air flow in order to be able to both inhale and exhale. I explained to her I needed a free air flow both in and out for something like that to be used and she hesitated, saying nothing.

Her response was not at all connected to my ability to breath during surgery. The facility was aware of my condition from my first appointment with the North Dakota Eye Clinic and handed the two letters from the Mayo Clinic and Allergy Associates. I needed to provide those letters for entry into the facility which I've carried everywhere and I also informed Dr. Sczepanski and staff I had Chronic Fatigue Syndrome. They copied the letters and gave them back to me, as I am not shy about my condition for my very own well being. This oxygen apparatus and drape covering should have been relayed to me six weeks ago and I could have searched for a different facility if they were unwilling to accommodate a disability of serious concern. My vision was becoming worse with permanent blindness encroaching. She said the drape covering would have to be over my entire face and that my airway had to be covered during surgery. The facility and staff knew this was not an option six weeks earlier. I told her that could not be the case and that no, I would not go forward with surgery using an airway covering. She said she would talk to Dr. Sczepanski. The call ended politely without accommodations.

After six weeks of suffering from blur and glare, I was terribly out of balance. I could not believe I waited six weeks to find this out and did not understand how a need for oxygen was suddenly turned into my airway needing to be covered during surgery in one last minute telephone call. Dr. Sczepanski was aware of my condition as was the staff with the North Dakota Eye Clinic, as I was the only one at my appointment without a mask.

I went to Opticare in East Grand Forks, MN, and informed them I had to cancel surgery as they were not prepared for my health condition. I also relayed how there was an intention of oxygen use and likely a general anesthesia, as no information on this was provided to me, nor was the facility willing to disclose any detailed information. I wanted new glasses and I wanted them today if possible. I've always purchased glasses with my provider but today I needed glasses right away and I asked what I needed to do this so I could get some new glasses. My glasses were not only old, but broken, and while I only had a left eye which was not so good, anything that could help me see better today would be very beneficial. Opticare would not tell me what I needed to go elsewhere and purchase new glasses. The staff then said no and that I needed to go to surgery due to the fact I could go blind. I already told them I had canceled and the facility was not at all ready for someone in my condition, nor would they accommodate my condition. This did not make sense to me whatsoever because if I wanted to see better today, I should be allowed to see better today and no harm could come from a new pair of glasses. I was denied my right to see better and not given any information as to what it would take or what I needed to go get a new pair of glasses. Opticare simply denied me a prescription for glasses and would not aid in me in any manner. Upon leaving Opticare staff at the front desk again asked if I were going to surgery, and I had to say one more time, no, I had canceled as they were not prepared for someone in my condition. Saying no three times and wanting new glasses should not have been this difficult, but it was.

Saturday, October 23rd, 2021, I called Eyemart Express at 11:14 a.m. at 701-792-2607 and the call duration was 3 minutes and 35 seconds. I typically use a main line as my home telephone for business and appointments, and another number for personal use such as friends. That morning I picked up my personal telephone after struggling with small print on one eye through a phone book and called Eyemart Express to find out if my prescription for glasses could be sent to them by electronic means. It could not be done that way as I had to obtain my prescription and bring it there personally.

Hoping Opticare would be open on a Saturday I called there next at 218-773-3438 at 11:18 a.m. with a call duration of 1 minute and 1 second. I only reached a message and thought maybe they were open and called once again at 11:19 a.m. with a call duration of 55 seconds, reaching the same message. I obtained the cell number of Dr. Coles from their website and called him at 218-791-0241 at 11:20 a.m. with a call duration of 16 minutes and 6 seconds. I informed him of my canceling surgery with Dr. Sczepanski in case his staff had not done so and that I wanted new glasses. He told me to come in Monday and get my hard copy prescription as that is what I needed to bring over to Eyemart Express. He was busy at home during this time butchering chickens.

Had Opticare provided me with my hard copy prescription Friday afternoon, rather than repeatedly attempt to coerce me into a surgery I had canceled, I would have had new glasses by late Friday. As I said prior, they asked repeatedly if I were going to surgery when no was sufficient one time, as I had canceled. This appeared to me as an attempt to paint me as someone who was undecided when I was very clear I had canceled. On Saturday evening I looked up the North Dakota Surgery Center online and was happy to have canceled with what I read on their website front page. There was a statement about their number one priority being to protect their medical professionals so they able to continue to serve the community. No one in the community ever deemed their staff to be community servants, as they offer services for money like many other facilities.

When I was told they use an oxygen apparatus for “everybody”, people with asthma, “everybody”, I felt from their website language and how they treat “everybody” the same way when they are all individuals, that this facility was very elitist in nature and rather fascist in overall attitude. People are unique individuals and everyone has different and individual health issues. I felt relieved to have canceled and learning what I had learned this is not a facility I would ever feel comfortable with my life in their hands. Arrogance with a total disregard for patients appeared more than obvious to me. Over the weekend I sent two messages through their contact form letting them know how they treat people and another regarding my health related concerns. I also sent them a message after my eyes were taken care of elsewhere letting them know it was too bad they decided to treat me so badly. I was about to lose vision permanently and the facility did not care.

I have a BA in Advertising with a Minor in Visual Arts. While in college there was overlap with both Journalism and Public Relations, so one learns how to talk to people and the public. I’ve also had a significant orientation toward customer service from retail jobs while in high school, as the customer is the most important person. I’ve professionally performed for years in music as well, and the people you are entertaining are those of significant importance. However, for this facility to not say their patients are the number one priority is very poor in public relations, with a degrading attitude as well. They place themselves as a number one priority and don’t seem to care if a patient goes blind while waiting six weeks for surgery. When you are going to cut into my eye, my eye and my life are the number one priority, and if not, you are not going to cut into my eye, ever. While protecting medical professionals and all staff is of significant importance, the number one priority should always be the patients. My right eye was so severe the cataract had gone under the lens and clouded over the entire lens capsule. If this was not cared for soon, it would not be long before I had damage to my cornea which could have resulted in permanent blindness. I had suffered for six weeks in this condition.

Sunday, October 24th, 2021, I took photos of me wearing my eye patch, which was included on page 10 of this document. I was wearing this outside much of the time, walking my dogs and most other times. Also, I did wear the patch driving when glare was too severe. Sunday evening I drove out to Eyemart Express to be sure where that was, as it was easier in low traffic to know where I would be driving to the next day.

Monday, October 25th, 2021, at 10:59 a.m. while I was in the bathroom, my main phone rang four times and it then goes to voice mail. When I looked at the call it was from the North Dakota Surgery Center which didn't make sense to me as Dr. Szczepanski's staff with the North Dakota Eye Clinic knew I had canceled and I had sent two messages to the surgery center about their poor treatment of a man nearly blind. The number was 701-738-4240 and the call duration was 53 seconds, which means by four rings and the call duration they reached my voice mail but did not leave a message. This seemed odd to me and I had other things to do that day. One thing for certain which will be pointed out later in this document is there seems to be no confusion between staff with both the North Dakota Eye Clinic and North Dakota Surgery Center when creating fraudulent medical notes and making false police reports.

There is reference in notes to both facilities shortly apart from me calling and them calling me showing the two facilities and staff talk, as does Opticare with the North Dakota Eye Clinic. Dr. Szczepanski's staff with the North Dakota Eye Clinic knew I had canceled and that I called the North Dakota Surgery Center. Opticare also knew I had canceled surgery, as did Dr. Coles with Opticare from my call to his cell phone on Saturday, when he was butchering chickens. This call from the surgery center was not in any confusion about me having surgery as I had canceled before the weekend on Friday. Also, if there was any notion of me having surgery they would have left a message on my voice mail, which is always on and works through my provider.

I went to Opticare early in the afternoon to pick up my hard copy prescription so I could buy a new pair of glasses. At the front desk I informed them what Dr. Coles had told me about getting my prescription, as I did not want this denied to me again like it was on Friday afternoon. I needed to see as best I could through my left eye and enjoy new frames as well that are not broken on the right stem. They provided me with the hard copy prescription and once again asked if I were going to surgery. This coercion was exhausting as I told the staff no three times on Friday and told Dr. Coles on Saturday that I had canceled. Once again I told them no, I canceled surgery last Friday and politely thanked them for my prescription upon leaving.

The next thing I did was went to Eyemart Express and the service was excellent. Of all the frames I picked a light, nice looking frame and decided on poly lenses as well so they would not scuff easily as those are scratch resistant. They said it would take about one hour so I left to go sign a release of records to get my physical examination for surgical clearance. I was in the process of finding a facility that would take care of me, recognize my health condition, and develop a plan for both eyes to get my sight back. After I filled out the release I picked up my new glasses and wearing them felt great.

It was difficult to understand why Opticare constantly hounded me about going to this surgery I had canceled, as though it was implied that I was undecided when I had canceled last Friday. I later learned this was likely derived from Dr. Szczepanski's staff with the North Dakota Eye Clinic, relating to one of two fraudulent medical notes.



Patient Eyeglass Prescription Information

Name: Douglas West
908 Sunset Dr
Grand Forks, ND 58201

Opticare-Forks Vision Clinic
421 DeMers Ave NW
East Grand Forks, MN 56721-1835
Phone: (218) 773-3438
Fax: (218) 773-1645

Eyeglass Rx Type: Multi-Focal

Date of Eyeglass Exam: 9/7/2021

Prescription Expiration Date: 9/7/2023

	Underlying Condition	Sphere	Cylinder	Axis	Add	H.Prism	H.Base	V.Prism	V.Base	Base Curve	Slab Off
Right Lens		+1.00	-0.75	152	2.25						
Left Lens		+1.75	-0.50	082	2.25						

Distant Near

Binocular PD:

Rx Notes:

I have examined your eyes in accordance with current regulations.

Destin Coles, O.D.

Doctor Signature

Destin Coles, OD License # MN2851
Doctor Name

Patient
Authorization

Release Authorization

Type: Authorization Not Applicable
Expiration Date: 10/25/2022
Received Date: 10/26/2021 3:14 PM

Scan on 10/26/2021 3:14 PM by Scanned, Document: FGO Douglas J West (below)

10/26/2021 TUE 11:01 FAX

008/011

Authorization for Disclosure
of Protected Health Information

Patient Name: Doug West Date of Birth: [REDACTED]
 Full Address: 908 Sunset Drive, Grand Forks, ND 58201
 Phone Number: 701-772-4935
 Maiden/Previous Names: _____

Instructions: Fill out each section of the form in its entirety. Failure to do so may delay processing of your request.

Release Information From:

Name: [REDACTED]
 Address: _____
 City/State/Zip: East Grand Forks
 Phone: _____

Release Information To:

Name/Facility: Self
 Address: _____
 City/State/Zip: _____
 Phone: _____

Purpose of Release:

Continuing Medical Care Work Comp Other: _____
 Insurance Claim Disability Determination
 Application for Insurance Personal

Delivery Method: Date information desired by: _____

Release Format (Check 1 of 3 options only):
 1. Paper via Mail OR Pick Up OR Fax (as appropriate) Fax #: _____
 2. USB Mail OR Pick Up
 3. Electronic via My Sanford Chart Patient Portal
 Release to ALL My Sanford Chart Profiles

Information to be Released:

Service Dates: From 1-1-17 To Present OR all future records until this authorization expires
 NOTE: This authorization expires one year from the date of my signature unless I specify a different event, purpose or alternative expiration date here: _____
 Abstract (history & physical, discharge summary, operative reports, consults, outpatient visit notes, test results, labs, ER notes, provider notes related to specific timeframe)
 Discharge Summary ER Records History & Physical Clinic Visit Notes
 Psychological Evaluations EKG / Cardiology Reports Immunization Records Operative Reports
 Lab / Pathology Reports Radiology Images Radiology Reports Entire Medical Record (charge may apply)
 Billing Statements Other: _____
 Alcohol/Drug Treatment Records

I AUTHORIZE RELEASE OF ALL ALCOHOL AND / OR DRUG TREATMENT RECORDS THAT ARE PART OF THE RECORDS I SPECIFIED ABOVE UNLESS OTHERWISE INDICATED BELOW:

Do not release alcohol or drug treatment records protected under federal law.

I may revoke this authorization at any time by sending written notice to the facility/provider releasing records. A revocation is not valid if (1) action was previously taken in reliance on this authorization, or (2) if this authorization was obtained as a condition for obtaining insurance coverage. I authorize the facility/provider to disclose medical information to the party identified in the "Release Information To" section. I understand this may include information regarding mental health, alcohol/drug use, and HIV treatment. I understand that once disclosed, information may be re-disclosed by the recipient and no longer protected. I understand this authorization is voluntary and that I may refuse to sign. Unless allowed by law, my refusal to sign will not affect my ability to obtain treatment, receive payment, or my eligibility for benefits.

Signature (required): Doug West Date Signed (required): 10-25-21
 Printed Name of Person Signing (if not patient): _____

1212-0021 Rev. 3/18

EYEMART EXPRESS

Right Glasses. Right Price. Right Now.

(701) 792-2607
Eyemart Express Store #186
3750 32nd Ave S Ste 109
Grand Forks ND, 58201

Oct 25th 2021 @ 02:15:37 pm

West, Douglas

Insurance: 100 - None

Promise Times

Pair 1 - Oct 25th 2021 @ 03:19:37 pm

Single Items

10/25/2021	00404000012	\$124.95
	Surface Poly FT-28 (2 Lens)	
10/25/2021	000448003378	\$69.95
	ITECH CIRCUIT GUN 52	

Subtotal	\$194.90
Total Savings	\$0.00
Discounts	\$0.00
Sales Tax	\$0.00
Total	\$194.90
Payment (Cash)	\$200.00
Payment (Cash)	\$-5.10
Balance	\$0.00

Ticket #



93031

Questions, Comments, or Praise?
(701) 792-2607 | EyemartExpress.com

Associate: Chase M

Lowest Prices

GUARANTEED

Quality Eyewear

Grab a Pair and Get Out There!

Tuesday, October 26th, 2021, at 9:27 a.m., a friend called me on my line I use mostly for friends and we talked for 68 minutes and 56 seconds. We were talking about my eyes and where I may look for getting them cared for before going blind. While on the phone with him a call came in on my other main home phone I use for appointments and other formal matters. I also make and receive calls to my cousin on that line as I do with other relatives due to the fact it's been the known number to this house since 1959.

My other telephone started ringing from 701-215-9794 which was not a recognized number, so being on the phone with a friend I said I wonder who that is because I did not know the number. This call was at 9:58 a.m. with a call duration of 50 seconds and no voice mail message was left even though it rang four times and my voice mail was reached. After that the phone I was on with my friend had a signal come in that a call was now being made to that phone. This was at 10:00 a.m. and this time with a call duration of 1 minute and 26 seconds. The call was also from 701- 215-9794 and I told my friend while on talking on the phone with him I am going downstairs to my main computer to see if a message was left. My voice mail messages come into my email as an attached audio file with details about the call, and the phones keep detailed logs.

I listened to this message and it was a police officer misrepresenting himself with a false name as an officer "Fooko", when I later obtained a report and his name is Fuka. He left a message regarding the messages I had left with the North Dakota Surgery Center over the weekend. This seemed very peculiar as it was now Tuesday and this facility had the messages during the weekend and on Monday. I told my friend who knew well about my having canceled surgery last Friday that it was a cop and that surgery center called a cop and I could understand why. We chuckled a little and kept talking as my eyes were of my concern. I later obtained a report in January of 2022 as I had no time to do such things while nearly blind with only a half decent left eye to see out of, now with new glasses. Driving was very difficult so I tended to only go anywhere if it was necessary. At the time I was not too concerned with this due to my suffering of a blind right eye. What I learned later after surgery on both eyes was more than shocking.

Later that day I made two calls about getting in for trimming my hair. With my follicle condition I found someone who is very skilled in working with baby soft wavy hair so I can grow it out and leave it alone rather than clip it short which causes problems, as does a close shave to my face. I could not make that day and had an appointment with Dr. Coles at Opticare the next morning. Since I don't like wasting another person's time nor canceling appointments, this was supposed to be for follow up after surgery which Dr. Coles was aware of my canceling last Friday. No one from Opticare called to cancel this appointment so I had hoped we could use the time to discuss referring me to a different surgeon with a different facility. I already did a little looking around for another facility and hope Dr. Coles could be of help with this. My appointment with him was for Wednesday, October 27th, 2021, at 8:10 a.m. It was darkening earlier at this time too so getting around was becoming more difficult, as this was before fallback Sunday so I was nearly blind, running out of time, dizzy, out of balance, and was in need of help.

Wednesday, October 27th, 2021, I went to Opticare for my appointment at 8:10 a.m. with Dr. Coles. It was fairly dark and raining lightly so the drive was difficult. I had my blue folder with me from the North Dakota Eye Clinic with all scheduled appointments and I walked in up to the front counter. A woman looked at me like she had seen a ghost and asked what I was doing there. I said I had an appointment and I went to my blue folder, then pulled it out. The woman said no, that was for after surgery and you didn't go to your surgery. I again said no, I had canceled last Friday if you remember. I then told her I thought this would be a good time to meet with Dr. Coles and talk about referring me to a different facility. She said no and more or less wanted me to leave, so I went home.

Later that day I made another call on my hair and I got in. It had been a long time since I'd been in and I had the black patch on my eye. The hair dresser seemed surprised when I told her I went blind in my right eye. I showed her my newer glasses I just bought two days before this and told her about the experience I had and that I had to cancel surgery here. I explained how I went to my appointment earlier that morning but without any referral elsewhere I was sort of on my own and that I would think of something. At the end when leaving I was joking with her about my eye and how everything was a blur and nothing more. She was standing behind the counter and I laughed about when I close my left eye I could only by memory see her mask and the rest of her sort of blended in with the products behind her. I then told her if it were not for my left eye she could turn sideways, duck behind the counter, and blend away from there and I could not find her if I wanted to. I thanked her and said I will call again when I can see again.

At this point I needed to find a solution and fast before permanent vision loss occurred in my right eye. Days were getting shorter with the clocks to fall back the upcoming weekend. I was becoming more blind and suffering badly. My world was getting small and the status of vulnerable adult was surrounding me as it was increasingly difficult to drive or do much of anything. After finishing outside house projects I planned to clean up in my house at the least, but even cleaning a floor was hard as I couldn't distinguish wood grain from floor dirt. When I cleaned something I had to close my right eye and get up close with my left eye, so I gave up on most anything as to not struggle but rest and find a solution. I started looking for different facilities online and other cataract matters, such as the various IOL's to select from and anything else I could do to help before my right eye became worse to a point of corneal damage. I found Can-c eye drops online and they are to help with cataracts with lubrication and antioxidant properties. At first I thought they may be too much like a gimmick and were not worth the bother, but then decided to read what people actually attained for results such as message boards and things of that nature. Many said they helped significantly and others had little benefit. Before permanent damage set into my right eye if not already, I felt I best do anything I can, so I ordered two bottles on Friday, November 5th, 2021.

The Can-c drops arrived much earlier than the scheduled delivery date and they did help a little. Our postal carrier said I wasn't wearing my patch and I told him the drops helped a little. They were no cure for a clouded over lens capsule but they did help.

Address

Doug West
908 Sunset Dr
Grand Forks, ND 58201

Delivery date

Tue, Nov 9

1 item

Sold by FASHION NATION

Fulfilled by Walmart



Can-c lubricant eye drops with n-acetylcarnosine 2 - 5 ml vials **\$61.00**

\$30.50/EA

\$30.50 ea

Qty: 2

Order summary

Subtotal	\$61.00
Taxes	\$4.42
Total	\$65.42

Payment method

 VISA ending in XXXXXXXXXX

Temporary hold: \$65.42

Wednesday, November 3rd, 2021, I called a facility in Fargo, ND, and talked with staff for just about 10 minutes. I explained my cataract condition and my health conditions such as they would relate to surgery. I also mentioned why I canceled in Grand Forks with the intended use of an oxygen apparatus or if not some type of drape covering. Also, I did talk about wanting to have both eyes operated on so I could have a functioning pair of eyes. Since I was told by Dr. Sczepanski this was not covered by insurance I said I was willing to pay for my left eye and the person I spoke with took my information.

Monday, November 8th, 2021, I received a call back from the facility and they let me know it would not be general anesthesia used but only sedation without the use of any oxygen apparatus or drape covering, but an eye tent that would not be directly over my airway. The person calling asked if this would be okay and I said yes, and we made an appointment for mid November. I also went on to inform them since I have no choice but to have lens removal performed with IOL's put in place I wanted to not only have both eyes done, but to develop the best vision plan going forward. I said at my age since this is necessary, I want to look at this positively and as an eye plan for me to obtain a new pair of eyes. I also brought up about how I would pay for the left eye since I was told by Dr. Sczepanski this was not covered by insurance. Also, I said I wanted this to be a very positive after what I went through in Grand Forks, and that if anything goes wrong for any reason such as an IOL needing to be done over, that I will simply pay for that as well in the event something happened. People often start complaining or if there is a cost they may desire to bicker about who will pay for it and things of that nature. I was very clear that under no circumstances do I want anything to be negative like that on my part due to the fact negativity is not a solution to obtaining a new pair of eyes. I was told they would want records from my last eye exam so I said I would get that done today.

This call back was just under 12 minutes so unlike with the North Dakota Eye Clinic that wasted more than one hour on the telephone and accomplished nothing, with this facility there was just under 22 minutes on the telephone of the two calls combined and all issues were addressed, all questions answered, and we were ready to move forward which was nothing like Dr. Sczepanski's staff or himself. Nothing was done last minute either and there were no last minute surprises of any kind regarding surgery.

At 12:58 p.m., shortly after being off the telephone, I called Opticare in East Grand Forks, MN, with a call duration of 3 minutes and 33 seconds. I requested a release form as a facility desired records from my last eye exam. I later went to Opticare and they had be fill out the release form at the front counter. Since I've never filled out a release there I asked where to write all information and staff told me what to write and where, then looked at it and said it was good. I later felt I should have requested my records personally rather than requesting they be sent to the facility in Fargo, ND. When I did arrive for my eye exam in Fargo they asked about my records from my last eye exam and I said they should have it by now, which was Wednesday, November 17th, 2021, and the release was filled out on November 8th. They never received my records from Opticare so we started from the beginning and the facility was excellent.

Opticare and Dr. Coles had every opportunity to refer me to a different facility when I showed up for my appointment Wednesday, October 27th, 2021, but instead didn't seem to want me there. Also, they did not forward my September 2021 eye exam to Fargo, leaving me on my own entirely while nearly blind. I had not too great of vision in my left eye with significant glare and no vision in my right eye whatsoever. I was left to find Can-c eye drops which helped, and to find a facility that could take care of my eyes soon before I went permanently blind in my right eye. It was becoming more difficult to do anything and there was less daylight than six weeks prior. I was soon about to be a vulnerable adult in my condition. Before I contacted a few other facilities and with great results from the one that took care of me, I sat up at nights in tears thinking what in the world am I going to do now. Driving was difficult and days were short. I had to either find a facility and prevail with a new pair of eyes or face going blind.

I dressed up in a suit for each and every appointment other than the two surgeries, as this was very important to me. The eye exam in Fargo was much more thorough than the one at the North Dakota Eye Clinic, and more lengthy as well. Before my very first appointment I did more reading on IOL's to help select the best lenses for my eyes and money was not a factor as I offered to pay Dr. Sczepanski for this myself. He never discussed IOL's with me nor told me what he intended on using for only my right eye, and that was of serious concern as well as my health condition. I read about multifocal IOL's, enhanced, and monofocal IOL's and finding what seemed best was not easy, but I did my research on one eye because I had to. Out of all the IOL's I decided a monofocal was best as enhanced IOL's and multifocal IOL's tend to have more residual side effects of things like halos and glare. One can benefit from those more without side effects but the chances of more halos on headlights and night vision difficulties are valid.

The TECNIS Eyhance was in trials for two years and approved in the US earlier that year in 2021. Older TECNIS IOL's have all had an improved night vision via materials used, so I liked that from the start. But the Eyhance had more UV blocking and with the hydrophobic acrylic materials, frosted edges, everything to minimize glare seemed to be about the best IOL there could be for me. They are a monofocal but designed much along the concept of an enhanced lens but without the clinical claim of the technological boost of an enhanced lens. Enhanced IOL's are typically set for distance and have an improved focus depth through corneal aberrational corrections so your mid and close range are typically good with perhaps the need for minimal glasses. They do however at times have more halos and reduced night vision. The TECNIS Eyhance was designed with the corneal aberrational corrections as well through the materials and curves of the lens, and I felt in all my reading they would be good for me as a monofocal lens set for distance. Designed on a concept of an enhanced lens but less chance of side effects.

The Eyhance being a monofocal lens when set for distance typically provides great binocular distance vision. Without a guarantee of course, the close up expected results is to see a person's face clearly when sitting across a dinner table. A person may end up slightly better for close up vision as well, and I just thought it had to work.

After my eye exam I met with a surgeon and we discussed lenses. I always had an AARP bag with me filled with glasses, records, and paperwork. I had the PDF file printed on the Eyhance with me as well. We discussed multifocal and enhanced lenses and I said I just didn't want to try those because of residual effects. The surgeon said we have these Eyhance. I said, did you say Eyhance, wait, I will show you what a nerd I am and I went to my AARP bag, then pulled out the PDF file. I asked these, the Eyhance DIB00, and that was it, so I said that is what I want. This facility is fantastic on emphasis about the way in which a person uses their eyes, as we are all individuals. We talked about the aberrational corrections for improved depth of focus and how close up vision may be a clear face across a dinner table and I liked it so that was the pick. I was also asked if I rub my eyes and I said yes, with chronic dry eye and severe allergies I am an eye rubber, much so in July and August. The surgeon then gave me a bottle of Refresh Relieva eye drops and told me to use these three times a day and don't rub your eyes as that wears away your eye zonules which are needed for the IOL's to heal in well, so using the drops and not rubbing my eyes was critical. I asked if I should buy more of these and continue using them and I was told yes, do just that. Once you have IOL's put in of course you can no longer rub your eyes so I broke that habit that day.

Critical information like this was never discussed with me by Dr. Szczepanski with the North Dakota Eye Clinic and it is very important to do so. If you are not told you should no longer and cannot rub your eyes, you will continue to do so. With that alone your zonules may be minimal before surgery and you could tear an IOL off at a later time. As previously mentioned, the North Dakota Eye Clinic and North Dakota Surgery Center, at the last minute, wasted more than one hour on the telephone and never provided me with any such information, so I canceled. I don't understand why Opticare and Dr. Coles would not have referred me to the facility I found in Fargo when I had no choice but to cancel in Grand Forks, as I was a patient there for well over a decade. This was the worst eye and prior surgical experience I have ever had while I made positive efforts.

In Fargo while meeting with the surgeon I also said I will pay for my left eye since it is not covered by insurance. This is what I was told by Dr. Szczepanski. The surgeon said no, it will be covered due to my left eye and the very fact I would be too out of balance, which is what concerned me in the first place for an eye plan. I had bifocal glasses for years and used mid range at a computer to avoid trifocals, which grew tiring, so there was no good way to proceed with only one eye. It was a relief to know this as an eye plan for both eyes was of serious concern to me. While an Eyhance lens cost less than an enhanced or multifocal, I read out of pocket cost for the Eyhance was a little more than older monofocals. That and insurance covering surgery for both eyes saved me money which was great, even though I was willing to spend anything to get a fitting pair of new eyes. I never placed cost or insurance coverage first, but my eyes were first for me and my health. I was ready to spend a lot more on IOL's for whatever was the best fit for me, and I was prepared to pay for surgery on my left eye. Expense was secondary but I enjoyed paying much less for a fantastic IOL that was the best fit for me, and the fact surgery on both eyes was covered by insurance.

My surgery dates were mailed to me for mid December of 2021 and early January of 2022, three weeks apart. I was also contacted and told the facility would need payment for my out of pocket portion for two Eyhance IOL's, so I sent a check. I was also sent a questionnaire from the surgery center which I filled out all my health history information and last surgery which was my sinus surgery in April of 1997. Then I received a phone call about a cancellation and I felt blessed. I accepted that and my right eye was moved up to early December of 2021 and my left eye one week after in mid December of 2021.

The North Dakota Eye Clinic never discussed any lens with me and refused to do so even at the last minute, as though everything was shrouded in secrecy. There was no payment for IOL's requested either, as though no eye plan existed. I was also not contacted early regarding health information prior to surgery. Nothing like that was set up other than a call the day before with instructions which is very last minute.

In Fargo, ND, the surgery center called several days before regarding my filled out questionnaire they sent earlier. They asked several questions and provided instructions too, which seemed to be what one would expect. This way if there was anything that could be or question, the process allowed for adaption and/or changes. I was asked since I have Chronic Fatigue Syndrome if I was having any fibromyalgia pain, and I said no but I do get that at times. I said I had that for awhile early last winter after my Dad passed away, as there was significant stress and estate matters to deal with. I said recently I had just shoveled all the snow at my house by hand for some exercise and had nothing more than normal muscular stiffness. I also mentioned I had been resting plenty prior to surgery and the exercise was good, and that I was very clear in my lungs and sinuses so I felt just great and things could not be better. They also asked since I cannot wear a mask if I would wear a face shield and if that would be okay. I said that should be fine and would only be a problem if for some reason it fogged and made the air in front of me causing a feeling of congestion, otherwise that would be just fine.

I had surgery on my right eye and it felt good to wake up being able to see again, it was much like a miracle and even with an eye shield taped on I could see from my right eye for the first time in a very long time. Before surgery the nurse showed me a button to hit if anything was wrong and she pressed it for me so I heard the sound it made around the building. She said if you press that button she will come running. I was a little groggy and felt I could get away with this, so I hit the button and the nurse showed up quickly along with another nurse and asked what was wrong. I said nothing, but you said if I hit this button you would come running, so I hit the button and you came running. The staff was very kind and it was actually a fun experience. It felt great to be treated so well and see again clearly when I was very nervous about my right eye and after the horrible experience with the North Dakota Eye Clinic and North Dakota Surgery Center.

After surgery I had an eye appointment and could read a chart at about 20/40 from my right eye already. Everything looked good and I used all my prescribed eye drops, taped the eye shield on every night and followed all instructions, which was very important.

During the week awaiting surgery on my left eye I could function better and it was so good to see again. But I must admit that is when I realized how bad my left eye was which I thought was my good eye, as it was all I had. I would have been terribly out of balance had I been left that way by Dr. Sczepanski, and I was for one week. I even went to Eyemart Express to see if they could update my glasses to no prescription on my right eye, but they could not do that without a prescription. I thought about going to a store to get cheap cheaters and break to right eye lens off because the out of balance was difficult to cope with. Colors looked great from my right eye now and from my left eye things were more brown a dull. My left eye had significant glare when outside or while driving and it was not such a good eye after all. I really could not wait to get my left eye taken care of and have matching colors with consistent binocular vision.

During my surgery on my left eye I had a different nurse and she was fantastic. I had flinched like a dummy when she was inserting an I.V. and I messed her up. She then checked it to make sure and she had to do it over. She was so good that even though she had to do this over because of me, the next day I had no mark on my arm or hand other than a tiny dot. I didn't even have a light yellow bruise of anything. She was as professional and talented as one could be, as was everyone with these facilities in Fargo, and I was treated kindly at all times. Again I went for an exam on my left eye and was reading like last week on my right eye. This was also a one week follow up for my right eye and I was doing quite well with that. I was provided with some plastic cheaters to use with no prescription and a slight bifocal lens for close up vision.

The next day was a Friday and I was at home when a crown came loose on a tooth, one day after surgery and a weekend this was not fun. However, Monday I called my Dentist and got in that afternoon. I drove over there without my cheater glasses and only some cheap sunglasses I had for all the snow and driving. My crown was fixed and for the first time in many years I wrote a check without any glasses whatsoever, like a miracle.

Later that week I had a one week follow up appointment for my left eye which was just before Christmas. I was reading charts at 20/20 and that was the best present before Christmas I received, ever. I could now drive without glasses, write a check, and many other things. I was nowhere near adjusted yet and had a follow up appointment in mid January as well, but to be in my condition without vision in my right eye, reading a chart that well was much like a miracle. I of course had immediate regrowth around the edges of the lens capsule on my right eye since it was severe and clouded entirely over my original lens capsule, but that had to be dealt with at a later time after healing entirely.

I've always been good to the blind and at times delivered pizza to a blind man, ensuring he got the right change. During college at UND a blind woman was stuck at a sidewalk block because of construction on the Old Science building, so I helped her around and back onto the sidewalk. This happened again while I lived at an apartment. A blind man got off the sidewalk and into our parking lot, so I helped him back to the sidewalk. He said whatever you do, if you go somewhere, don't go blind, and I've never forgot that.

After more than 25 years I still remember that man and seeing him caught between two parked cars in our parking lot. He was kind with a good heart, tall, short brown hair, and his eyes looked different in a way that I remember the look of his eyes. When I helped him back to the sidewalk he had been on his way to a convenience store. I offered to help him there and back, but he said no and that he now knew where he was and where he was going so he will be fine and be able to get to the store and back. When he said whatever you do, if you go somewhere, don't go blind, he smiled and I couldn't believe the good nature of this man. There are two things about this man and the incident that have recently become clear to me. I was once tested at the Mayo Clinic and have an above average IQ and an aptitude skill set missing nothing. I was told I can do or learn anything without the need of a teacher and they were impressed. The other thing was that my long term memory was roughly twice that of anyone tested.

While only nearly blind I still had some vision in my left eye and I could still drive a little but not without severe difficulty. Driving was extremely stressful and hard to maintain a straight path without being able to see from side to side. Side to side is relevant in this and oncoming cars were hard even down residential streets with low traffic. I had to pay close attention to oncoming cars but could not see the curb. One thing about the blind man I helped is that years later while living in an apartment there was a blind man down the hall whom I'd only seen once. He was tall but heavier with less hair, but his eyes and face were of the man I'd helped in our parking lot. I did not realize this until recently but he was the same man. The second thing about that man is that since he could get to the store and back after helping him, I always wondered what got him lost and off the sidewalk, into our parking lot. After going nearly blind, side to side being the pertinent matter, I finally figured it out. His guide was his cane and knowledge of where he was and where he was going, that sort of thing. Sidewalks tend to have grass or something of a border on each side. The street was to his right and our parking lot to his left, so the driveway approach was on his right side and the lot to his left. During that stretch of sidewalk there was concrete on both sides and no border such as grass, especially to his left as the lot and sidewalk were connected, and that is likely why he lost his place.

Mistreating a blind person is horrible, even someone partially blind and suffering out of balance while struggling with even the basics of life. I feel blessed in that I was going blind and received a second chance, now with vision I have not had in years. I am very grateful for my new eyes and that I have always been good to the blind in the past. At the very least a medical provider should likely know how to treat someone in blindness.

It was just before Christmas and I received not only my sight back, but a new pair of eyes like I have not had for many years. I still had to adjust and would often open and close each individual eye, as both were different in sight at different distances. The pupil in my right eye was larger than my left pupil and they now match better but the right at times becomes larger. The regrowth was causing some distance problems and fuzz with my right eye but overall I was doing well. I wrote my brother and sister Christmas Eve to let them know how I was doing. This email is consistent with contents of this document.

Christmas Eyes

From: Doug West [REDACTED]

To: Lori [REDACTED] Darrin [REDACTED]

Date: Fri, 24 Dec 2021 19:27:57 -0600

Merry Christmas,

I do hope all is well and you have a lovely Christmas. I'm a little worn out and had to go to Fargo again yesterday, so I'm not doing much of anything not feeling all that well. Just walk the dogs, move a little snow if I can, as I have and need to be careful but I'm more in the clear for activity now.

My right eye lost all vision quite some time ago and I didn't notice it with the glare. I was going to get in for dental and eyes and one week before I opened and closed each eye individually, and realized I couldn't see anything from my right eye. The cataract clouded over the entire eye, and then they were going to fix it in town but I felt there were problems, and there was no vision plan going forward.

I got in at the best place in Fargo mid November and the drive was very hard as I had about half of one eye left. I got hooked up with the best surgeon who does corneal transplants and I think it was because I could have likely needed one. They had to numb my eye nearly to frozed for density tests. I was supposed to get it fixed last week and the left eye early next month. I would wear a patch to block the blur, it was like a sky like stuck on your eye, all light glaring in and nothing clear, dizzy, no depth perception with one eye. I prayed a lot and just tried to hang in there, since I could see light that was good, and cried at times going to bed.

They called and had a cancellation, so I got my right eye fixed and last week got the left eye fixed. I've been in bifocals 14 years and now I drive without glasses and went to the Dentist Monday because a cap fell off after years and he glued it. I wore sunglasses and have to outside for a long time, and driving, but I brought no cheaters with me and wrote a check without any glasses at all. I got the latest monofocal lenses as the multifocals can give halos, glare, and reduced night vision but are getting better. There was a little more cost on them after insurance than older standard mono lenses, but not all that much. Multi's can get into a few thousand for each eye and not covered, but I didn't want them anyway with the possible side effects.

Driving is hard out of town, yesterday was fog, and the interstate is a bit fast yet, but many things are quite good already. I go back in three weeks and I will be mostly healed and done with drops, swelling

should be gone altogether and mostly is now. I still can't ready perfectly up close and my right eye has a little fuzz in the way out distance, but the cataract is growing back around the lens capsule which could be the cause. Bad one like this do that so she has to laser it off the edges and I don't know if that will be just once or more times until it stops growing over, just don't know yet. I may do some additional fixes to my eyes and then not need glasses at all, just not sure yet. When you get 20/20 that is a chart read, so even though my right eye isn't perfect yet, needs a laser job, etc, I scored 20/20 vision from my right eye yesterday and it was totally blind two weeks ago, and my left eye is coming in as the swelling goes down.

I pray you all have a wonderful Christmas. Praise the Lord as He has never let me down. After 14 years of bifocals and going blind for months, I got new eyes for Christmas. I'm pretty worn out and not doing a lot but I must have received the best Christmas gift of anyone in the entire world, blessed to see Christmas with my own two new eyes, and without glasses.

God Bless, Doug

January of 2022 I had my final eye exam and I was healed so I no longer needed any surgical eye drops. I continue to use the Refresh Relieva drops to keep my eyes moist and never rub them, as that was a habit in need of breaking prior to surgery. I was then scheduled in early February to have a laser procedure for regrowth but this was only for my right eye. At first I thought it may be both eyes but just the right one. I also learned my astigmatism in my left eye was very slight, so I needed no other procedures after this, nor any surgeries which was fine with me. I didn't get new glasses yet as it was decided to wait until after the procedure and follow up from that.

February of 2022 I had a laser procedure completed on my right eye for regrowth of the cataract around the lens capsule of the new Eyhance IOL. It was very severe with the regrowth beginning not long after surgery. After the procedure I purchased a beautiful pair of Oakley black mirror teardrop shades which I wear almost anytime I am outside or while driving. I also grabbed some yellow tinted night vision goggles that works great if glare is strong while driving at night. I then went back for a final eye exam in less than two weeks and everything looked great. It is likely that I will never need a procedure again as the regrowth appears non-existent. I was given my hard copy prescription so I could go back to Eyemart Express in Grand Forks, ND, to have glasses updated and they were updated for free. Eyemart Express provided excellent service and fitted my glasses tighter since I no longer wore an eye patch with glasses over the top. Following my eye exam I picked out a pair of Oakley glasses with anti glare too, so I use one pair on a computer and my Oakley's at other times. My glasses are now without prescription and just a small bifocal on the bottom for small things in a close up range. I requested a second pair of shades as well so if anything happens I have a backup pair.

March of 2022 I was called that my glasses were in and backup pair of shades. I made my 8th and last trip to Fargo, ND, to pick up these items. A portion of my glasses were also covered by insurance due to a one time post surgical change to my prescription, and my backup pair of shades were discounted. I could not have been treated better by anyone and I was fitted with the best of eyewear as well. It is nice not needing glasses for most things, even sitting at a computer I can go with or without glasses. I also left a thank you letter at this last visit and received two thank you cards, two days apart after surgery. These were hand written and hand signed by the entire staff.

After surgery I lost appetite for awhile and also after my laser procedure. I had to adjust all over again briefly after the procedure. I was only able to be on a computer a little at a time until recently. In late February and early March I started getting back on a computer by purchasing additional music gear and it was rather fun. This consisted merely of light computing such as searching, purchasing, and unpacking items at home so I could leave feedback. It has only been until later in March of 2022 that I've been able to sit down and type at length. I had a few obstacles of stress during my eye recovery, such as needing new tires on my car for the trips to Fargo, a few minor vehicle problems that I typically don't have in the winter. My house iced up too so I had to go outside and take that off. However, there was one huge stress factor that I will address next.



Hasler

FIRST-CLASS MAIL

12/28/2021

US POSTAGE \$000.53⁰



ZIP 58103
011E10674363

Douglas West
908 Sunset Drive
Grand Forks, ND 58201



Hasler

FIRST-CLASS MAIL

12/28/2021

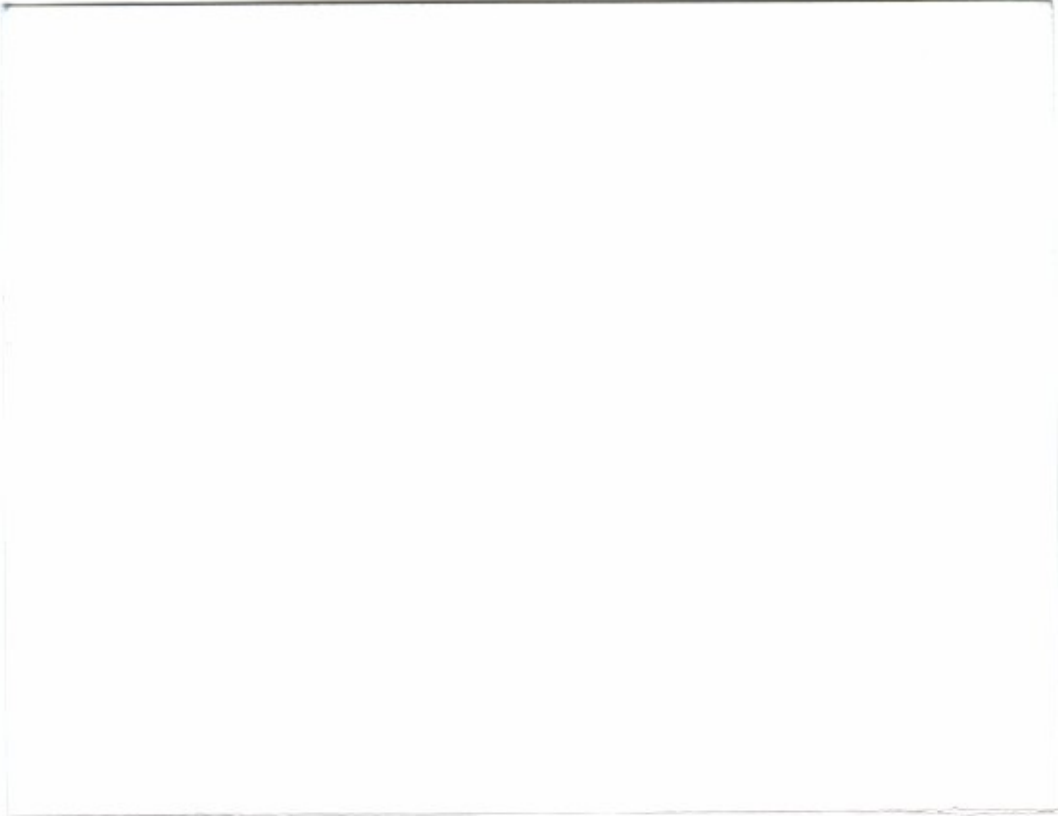
US POSTAGE \$000.53⁰



ZIP 58103
011E10674363

Doug West
908 Sunset Dr.
Grand Forks, ND 58201





THANK YOU



Best Wishes from all of us!



Doug,

So glad your surgery went
well. Best wishes for a comfortable
recovery! Take care.

████████████████████
THANK YOU
████████████████████

Best Wishes from all of us!

You are receiving this thank you letter today because I am picking up my Oakley glasses and another pair of Oakley shades. I love my first pair so I wanted another. The night glasses have been helpful too, although while wearing those along with a stocking cap friends have said I look like a beetle. That's cool, beetle or human, they're quite effective. With all the snow this year, the Oakley shades have made driving significantly easier. I wear them much indoors too wherever there are bright lights with white ceilings.

I would like anyone and everyone in your staff to read this letter if desired, but not only staff with [REDACTED] but also [REDACTED], and [REDACTED] as everyone treated me well and were so very kind. Everyone also did an excellent job at every point in my surgery, exams, and eyewear. You provide the best services in this area and beyond. My lenses and all eyewear have been a perfect fit in every way possible. The Eyhance lens had to be made for my eyes, as I barely need glasses and have little residual effects. I can see just fine in any dim lighting to where if something is on my floor at home in a dim hall, I can spot it and know what it is without difficulty. Before surgery I could not distinguish between an object or shadow.

When I lost all vision in my right eye the timing could not have been worse for me. I lost both parents one year apart, so with getting onto things both outside and inside my home, all progress with anything had to stop and I could barely drive. Being alone this was simply a very difficult time and with the timing so bad for me, all of you made things better and rather quickly as well. If you think at times I don't remember how difficult this was and tears come to my eyes, they do, as once I arrived at your facilities, things were no longer difficult, but rather easy. Being alone, for now, was very hard while going blind. I felt the status of becoming a vulnerable adult was near to my future and all I could think is what in the world am I going to do now. Now I drive around without glasses which I haven't done in nearly fifteen years. When I arrived for my first appointment I was rattled and in rough shape, but [REDACTED] assured me staff was going to take very good care of me.

My six prior surgeries have all gone well, the last with [REDACTED] in Fargo for sinuses in 1997 and he was great. All surgeries I've had, even an emergency surgery have turned out well and were handled professionally. However, my eye surgeries have been the ultimate of all, as for whatever reason when you lose your vision and come out far better than you were years ago, it hits a certain spot with a person. [REDACTED] was the most professional of all surgeons I've had for anything, and I feel [REDACTED] is the best there is anywhere. If anyone does not agree, I would gladly challenge them to find someone better, as there is no one better. The way all staff treated me was excellent, so kind and professional at all times no matter how significant my difficulties were. In my condition that made each and every day for me. I dressed up for every appointment as this was of extreme importance to me. I completed every follow up instruction provided to me, and still do using the refresh drops and never rubbing my eyes. I also need some safety goggles for the times when I am under a vehicle, sharpening a lawn mower blade, and things of that nature.

Grading you like a professor, I am sticking everyone with an F+++ , because through my new eyes today, you have attained for me, Freakishly Fantastic Focus! My adjustment is coming along well and I'm loving it. I have been back on a computer lately buying up lots of Bose and Yamaha music gear, so it was a fun way to attain the gear and get my computing skills back. Once I'm back on my game and caught up, I have an upper floor of my house filled with several vintage drum kits and all kinds of professional audio gear of studio quality which can also be used for live gigs. It's going to be fun playing again down the road and not wearing glasses, just being me and loving it!

I will see you again next year for my February 13th appointment. Thank you for everything,

Doug West

Shortly after surgery I wondered how it was so simple and professional to obtain a pair of eyes, now reading charts at 20/20 vision, and why my horrible experience with the North Dakota Eye Clinic and North Dakota Surgery Center even occurred. I made requests for records with the North Dakota Eye Clinic and with Opticare, receiving eye exams and notes. At roughly the end of my requests Opticare did send my two letters back to me pertaining to breathing and health conditions from the Mayo Clinic and Allergy Associates. Opticare at least had these on file while the North Dakota Eye Clinic later claimed not to have these letters on file. As I stated previously, I carried these letters with me since mask mandates began, as it is the only way I can enter facilities without a mask. I handed them to staff at the North Dakota Eye Clinic in the presence of Dr. Sczepanski, they were taken down a hall, copied, placed on file, and handed back to me, so it is ridiculous to claim they did not have these. This is in defense of false allegations made by both the North Dakota Eye Clinic and North Dakota Surgery Center regarding my character, and in support of two notes generated entirely by fraud.

December 30th, 2021, I requested records from the North Dakota Eye Clinic and was sent a release form. I filled out the form and sent it back resulting in my receiving via USPS some eye exam records. A few days later I received additional records and two fraudulent medical notes, which were a bit shocking and didn't make sense. At the time with new eyes, many things looked at were difficult to make sense of and I thought perhaps these were edited at a later date. I finally realized the North Dakota Eye Clinic and North Dakota Surgery Center wanted to harm me on the way out. This was likely because they knew I greatly needed help and had to go elsewhere. Upon doing so I was going to learn what I learned, that I received a new pair of eyes in a professional manner, which were in fact covered by insurance. Dr. Sczepanski told me this was not covered by insurance and I offered to pay for it myself. In the end I only paid the out of pocket portion of my IOL's, which were \$499 per IOL, followed by only a small bill from surgery and a bill for out of pocket eye exam expense. I also purchased great eyewear which I was fitted in for all my needs, night driving, anti glare glasses, shades, etc.

After the requests for records and receiving them, there was fraud in the notes and I suspected fraud due to the fact Dr. Sczepanski said this was not covered by insurance when it was in fact covered. I felt to be quite accurate in my suspicions after receiving fraudulent medical notes, that upon first sight did not make sense to me. Recovering from blindness is difficult with eyes not adjusted yet. One eye can see in a different range and things like that, and I am much more adjusted today with nearly equal sized pupils most of the time in both eyes. My right eye has a slightly larger pupil and at times is still larger than my left eye, but often more equal much of the time.

Also, after making more sense of why the fraudulent notes were generated as such, it had become clear to me this was set up to harass me on the way out after I canceled surgery. I always wondered why I received a call from a police officer leaving a message on my voice mail about messages I sent from the surgery center contact form over the weekend. It made no sense for this to occur on a Tuesday rather than Monday.



Ophthalmologist:
Mark Szczepanski, M.D.
Optometrists:
Kristina Aikens, O.D.
Thomas S. Dunham, O.D.
Terra Boettcher, O.D.

Authorization to Release Protected Health Information

Name (First, Middle Initial, Last) <i>Doug J West</i>		Birth Date (MM/DD/YYYY) [REDACTED]
Release Information From: <input checked="" type="checkbox"/> North Dakota Eye Clinic 1820 42nd St. South Grand Forks, ND 58201 <input type="checkbox"/> Other (Specify facility or individual, address and phone and/or fax number) _____ _____ _____	Release Information To: <input type="checkbox"/> North Dakota Eye Clinic 1820 42nd St. South Grand Forks, ND 58201 <input checked="" type="checkbox"/> Other (Specify facility or individual, address and phone and/or fax number) <i>Doug West</i> _____ <i>908 Sunset Drive</i> <i>Grand Forks ND 58201</i>	

All Information to be Released

ALL AVAILABLE RECORDS

if not all, please specify below

Service Dates (optional)	Comments:
From: _____	_____
Thru: _____	_____
_____	_____

Patient Signature: *Doug West* Date: *12/30/21*

Authorized Signature (if patient is a minor or incapable of signing): _____

Re: Additional Records Request

From: Rebecca S [REDACTED]
To: Doug West [REDACTED]
Date: Tue, 11 Jan 2022 16:59:31 +0000 (01/11/2022 10:59:31 AM)

Hello Doug,

After researching your account, I found that we have sent you all information that we have on file.

Becca
Call Center
(701) 775-3151



From: Doug West [REDACTED]
Sent: Monday, January 10, 2022 2:12 PM
To: Rebecca S [REDACTED]
Subject: Additional Records Request

Last Thursday I received additional records and notes from you in the mail via USPS and I did not request them, but thank you for sending them.

Upon my first appointment your clinic was handed two critical documents from me, staff copied and filed them, and handed the documents back to me which were letters from Allergy Associates in LaCrosse, Wisconsin, and another from the Mayo Clinic in Rochester, Minnesota.

They were a little curled and worn, so please send me copies of those two letters I provided to you upon my first and last eye appointment. If they show up to me all clear and new looking, they won't be the ones I handed to your staff, they would be from the web or some other place as I carried those worn documents around to every store I entered for a long period of time.

You can mail copies of those letters to me at 908 Sunset Drive, Grand Forks, ND, 58201.

Thank You, Doug West



Douglas West
908 Sunset Dr
Grand Forks, ND 58201

Hasler
01/04/2022
FIRST CLASS MAIL
US POSTAGE \$000.93
ZIP 58102
01E12650123



Douglas West
908 Sunset Dr
Grand Forks, ND 58201

Hasler
01/03/2022
FIRST CLASS MAIL
US POSTAGE \$000.49
ZIP 58102
01E12650127

LBBDSDMM 58201



Patient WEST, Douglas		North Dakota Eye Clinic		Provider Mark Szczepanski, MD	
Account	Birthdate	Age	58M	1820 42nd Street South	Phone 701-775-3151
				Grand Forks, ND 58201	Fax 701-775-3153
Referring Doctor					Service Date 09/15/21 Page 1

Problem List

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: SNOMED CT: 137982008 Non-smoker (& [never smoked tobacco]) (finding) Location: Status: Active Health Status: Comments: Tobacco Use

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: H25.11 Age-related nuclear cataract, right eye SNOMED CT: 359766000 Nuclear sclerotic cataract (disorder) Location: OD Status: Active Health Status: Comments: Unilateral

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: H25.041 Posterior subcapsular polar age-related cataract, right eye SNOMED CT: 5318001 Posterior subcapsular polar senile cataract (disorder) Location: OD Status: Active Health Status: Comments: Unilateral

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: H25.12 Age-related nuclear cataract, left eye SNOMED CT: 373414000 Nuclear sclerosis Location: OS Status: Active Health Status: Comments: NSC observe

Chief Complaint

Douglas West 58 year old male presents for evaluation for decreased vision to Right eye Referred by Dr. Coles.

HPI

Documented by Dr. Szczepanski 09/15/2021

Location: Right eye
 Quality: No Pain vision decrease both distance and near
 Timing: The symptoms began gradually
 Context: Occur When on the computer
 Modifying Factors: Exacerbated by: glare at night off headlights. Will try not to drive at night
 Associated Signs: The symptoms are associated with blurred vision
 Other HPI: Denies using lubricating eye drops.

Ocular History

Timeline	Type	Location	History	Status	Entered
	Illness		Cataract	Active	KT 09/15/21
2021/09/15	Trauma		no known ocular trauma	Active	KT 09/15/21
2021/09/15	Procedure		No known ocular procedures	Active	KT 09/15/21
2021/09/15	Family		160266009 -- No family history of clinical finding / No ocular family history noted.	Active	KT 09/15/21

Medical History

Timeline	Type	Location	History	Status	Entered
2021/09/15	Trauma		No known traumas noted	Active	KT 09/15/21
2021/09/15	Procedure		No known procedures noted	Active	KT 09/15/21
2021/09/15	Family		160496001 -- Adopted / Adopted	Active	KT 09/15/21
	Illness		Chronic Fatigue Syndrome	Active	KT 09/15/21

Social History

Timeline	Type	Location	History	Status	Entered
	Smoking		Former smoker. / 8517006	Active	KT 09/15/21

Immunizations

Immunizations NO, patient has not had their yearly immunizations, advised to follow-up with their primary care provider.

Current Ocular Meds

No Meds Reviewed by KT 09/15/2021

Current Systemic Meds

No Meds Reviewed by KT 09/15/2021

Medication History

No Meds Reviewed by KT 09/15/2021

Allergies

No Known Drug Allergy

Visual Acuity

Dominant: Eye Hand

Type Visual Acuity Method Snellen
 OD ccDva 20/400 ccNva 20/800 +1
 OS ccDva 20/20 -2 ccNva 20/20
 OU

Refractions

Final Rx OD Rx +1.00 +0.75 x 060 Add +2.00 Dva 20/400
 OS Rx +1.25 +1.25 x 180 Add +2.00 Dva 20/20

Manifest OD Rx +1.00 +0.75 x 060 Dva 20/400
 OS Rx +1.25 +1.25 x 180 Dva 20/20

Wearing OD Rx +1.00 +0.75 x 060 Add +2.50
 OS Rx +1.50 +0.75 x 165 Add +2.50

IOP		Target	OD	OS	T-Max	OD	OS	Pach	OD	OS		
Date	Time	Staff	OD	OS	Method	Timing	Adj OD	Adj OS	Gonio	VF	OCT	Comments
9/15/21	8:59a	KT	13	14	TonoPen							

Review of Systems

Constitutional fatigue
 Eyes please see ocular exam
 Other ROS Reviewed with patient

Mood/Orientation

Mood/Oriented Mood Normal

External Exam

	OD	OS
Pupils	Equal Round & Reactive	Equal Round & Reactive
Motility	Full	Full
Muscle Balance	Orthophoric	Orthophoric
Confrontational Field	Full	Full

Dilation

	OD	OS
Tropicamide 1%	Dilated at : 8:59a	Dilated at : 8:59a
Phenylephrine 2.5%	Dilated at : 8:59a	Dilated at : 8:59a

Slit Lamp Exam

	OD	OS
Lids and Lashes	Dermatochalasis	Dermatochalasis
Tearfilm	normal tearfilm	normal tearfilm
Conjunctiva	Normal Bulbar and Palpebral.	Normal Bulbar and Palpebral.
Cornea	Clear	Clear
Anterior Chamber	Deep and quiet	Deep and quiet
Iris	Normal appearing iris with no signs of neovascularization, atrophy or synechia.	Normal appearing iris with no signs of neovascularization, atrophy or synechia.
Lens	3+ NSC. 3+ PSC. 1+ASC central white	2+ NSC. Trace PSC. central white
Angles	angles appear open	angles appear open

Fundus

	OD	OS
Dilation	Dilated retinal examination was performed. The patient was warned against driving.	Dilated retinal examination was performed. The patient was warned against driving.
Optic Discs	Normal appearing optic nerve with healthy pink rim and normal appearing nerve fiber layer.	Normal appearing optic nerve with healthy pink rim and normal appearing nerve fiber layer.
Cup to Discs	0.1	0.1
Macula	poor detail seen	Normal Color and Contour for Age

Vessels vessels are of normal caliber without arterio-venous nicking or significant tortuosity
 Periphery Attached 360 Degrees, No Holes or Tears.
 Vitreous Vitreous Normal and Clear for Age, No PVD

Impression

Seq	ICD9	Diagnosis	SNOMEDCT	ICD10	Location	Provider	Status	Comments
			137982008 -- Non-smoker (& [never smoked tobacco]) (finding)			MS	Active	Tobacco Use
			359766000 -- Nuclear sclerotic cataract (disorder)	H25.11 -- Age-related nuclear cataract, right eye	OD	MS	Active	Unilateral
			5318001 -- Posterior subcapsular polar senile cataract (disorder)	H25.041 -- Posterior subcapsular polar age-related cataract, right eye	OD	MS	Active	Unilateral
			373414000 -- Nuclear sclerosis	H25.12 -- Age-related nuclear cataract, left eye	OS	MS	Active	NSC observe

Plan

09/15/21 Nuclear sclerotic and Posterior cataract, right eye>left eye. The patient was described the risks, benefits, and options of treatment including cataract surgery or observation. The patient is significantly bothered by decreased vision and glare from the cataract and would like to proceed with basic cataract surgery to the right eye. This will be performed soon under topical anesthesia. Intraocular lens calculations will be performed with an aim of plano refraction.

Comng Dr Coles
 Will follow cataract OS for now

Ocular Medications

No Meds

Order Quicklist

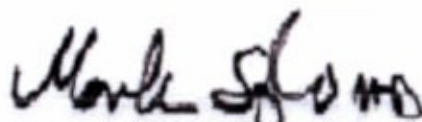
IOL Master OD.

Orders

09/15/21 Order# 66296 IOL MS

Handouts

Date	Handout	Staff	Provider	Education	Comments
9/15/21	Cataract	MS	MS		
9/15/21	Cataract	MS	MS		
9/15/21	Cataract	MS	MS		



Mark Szczepanski, MD
 09-15-2021 09:26 AM

Scribed by Nicole Hinze

DOCUMENT SIGNED ELECTRONICALLY BY: Mark Szczepanski, MD 09-15-2021 09:26 AM



Pre-Surgical Cataract Patient Questionnaire

Patient: Douglas West Date of Birth: [REDACTED]

Eye(s) being evaluated (*circle one*): Right eye Left eye Both eyes

Visual Functioning	
<i>Do you have difficulty, even with glasses, with the following activities:</i>	<i>(circle one)</i>
1. Reading small print, such as labels on medicine bottles, telephone books, or food labels?	YES NO
2. Reading a newspaper or book?	YES NO
3. Reading a large-print book, large-print newspaper, or large numbers on a telephone?	YES NO
4. Recognizing people when they are close to you?	YES NO
5. Seeing steps, stairs or curbs?	YES NO
6. Reading traffic signs, street signs or store signs?	YES NO
7. Doing fine handiwork like sewing/knitting or carpentry?	YES NO
8. Writing checks or filling out forms?	YES NO
9. Playing games such as bingo or card games?	YES NO
10. Taking part in sports like bowling, tennis or golf?	YES NO
11. Cooking?	YES NO
12. Watching television?	YES NO

Continued on reverse side ►

Symptoms	
<i>Have you been bothered by:</i>	<i>(circle one)</i>
1. Poor night vision?	<input checked="" type="radio"/> YES <input type="radio"/> NO
2. Seeing rings or halos around lights?	<input checked="" type="radio"/> YES <input type="radio"/> NO
3. Glare caused by headlights or bright sunlight?	<input checked="" type="radio"/> YES <input type="radio"/> NO
4. Hazy and/or blurry vision?	<input checked="" type="radio"/> YES <input type="radio"/> NO
5. Seeing well in poor or dim light?	<input checked="" type="radio"/> YES <input type="radio"/> NO
6. Poor color vision?	YES <input checked="" type="radio"/> NO
7. Double vision?	YES <input checked="" type="radio"/> NO
Driving	
1. Do you currently drive?	YES NO
<i>(If you answered yes, continue on to parts a & b. If you answered no, stop here.)</i>	
a. How much difficulty do you have <u>driving during the day</u> because of your vision?	
<i>circle one:</i> <input checked="" type="radio"/> None <input type="radio"/> A little <input type="radio"/> Some <input type="radio"/> A lot	
b. How much difficulty do you have <u>driving at night</u> because of your vision?	
<i>circle one:</i> None <input checked="" type="radio"/> A little <input type="radio"/> Some <input type="radio"/> A lot	
<p>Cataract surgery is an option if you want to improve your vision. If stronger glasses won't improve your vision anymore and the only way to help you see better is cataract surgery, do you feel your vision problem is bad enough to consider cataract surgery now?</p> <p style="text-align: center;"><input checked="" type="radio"/> YES <input type="radio"/> NO</p>	

Patient signature: *Dough West* Date: 9-15-21

Physician signature: *[Signature]* Date: 9-15-21



Ophthalmologists:
Gerald N. Gaul, M.D.
Mark L. Szczepanski, M.D.
Optometrist:
Thomas S. Dunham, O.D.
Kristina L. Aikens, O.D.

Authorization to Release Protected Health Information

Douglas West	
<small>Patient Name</small>	<small>Date of Birth</small>

Release Information FROM:

Facility:
Phone #:

Release Information TO:

North Dakota Surgery Center
2600 47th Ave South
Grand Forks, ND 58201

Phone: 701-734-4240
Fax: 701-757-1420

Information to be released:

Pre-operative physical / exam notes from the following appointment:

10/19/2021 2:15pm Dr. Lommen

Epic EMR Access

Date of upcoming surgery:

10/26/2021

Patient Signature (or signature of authorized representative)

9-15-21

Date

Clear Forms



West, Douglas

PMS ID: Sex: DOB: MRN:
Male

September 7, 2021

Mark Sczepanski, MD
North Dakota Eye Clinic
Grand Forks, ND 58201
Fax: (701) 775-3153

Apppt.
9-15-21 @ 8:30

Apppt. 9/15/21

Dear Mark Sczepanski,

I saw Douglas West on September 7, 2021 for his annual eye health exam.

My impression and plan were the following:

- 1. Posterior Subcapsular Cataract OU.

Start the following treatment(s): See Ophthalmology for cataract surgery OD.

- 2. Cataract, Nuclear OU.

- 3. Hyperopia OU.

Thank you for your care and expertise.

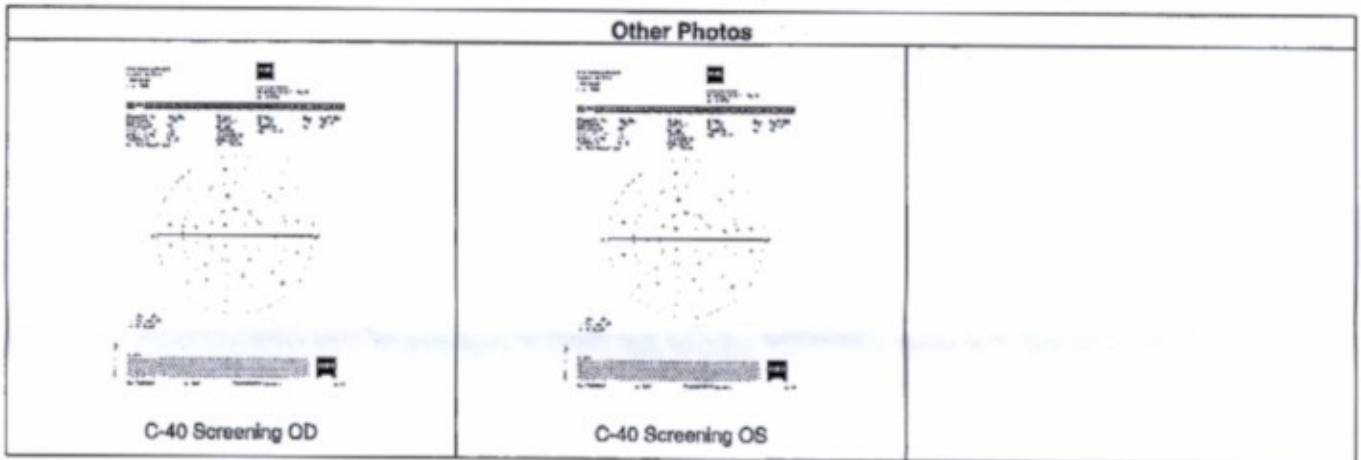
Regards,

Destin Coles, OD

Destin Coles, OD
(218) 773-1645 Fax
(218) 773-9438 Work

Opticare-Forks Vision Clinic
421 DeMott Ave NW
East Grand Forks, MN 56721-1835

Fax cover page



Electronically Signed By: Steven Gander, OD, 09/07/2021 11:52 AM CDT

West Douglas, [REDACTED]
ID [REDACTED]

Calculation ID (CID): 4200
1/3/22 - 12:49 PM
Page 1 of 1

OD

Right eye
Phakic

LS900 Sep 15, 2021 - 1

AL [mm]	22.89	R1 [mm/D ²]	7.70 / 43.81 @ 178
CCT [μm]	583	R2 [mm/D ²]	7.61 / 44.36 @ 88
AD [mm]	2.88	R [mm/D]	7.66 / 44.09
ACD [mm]	3.47	+AST [D ²]	0.55 @ 88
LT [mm]	3.67	n	1.3375
		WTW [mm]	12.15

Target Refraction: 0.00

Template: Standard

Clareon CNA0T0

IOL [D]	Eye [D]
22.00	0.65
22.50	0.30
23.00	-0.05
23.50	-0.41
24.00	-0.77

Barrett
LF=1.94

Clareon CNA0T0

IOL [D]	Eye [D]
22.50	0.37
23.00	0.04
23.50	-0.30
24.00	-0.63
24.50	-0.98

Hill RBF
A=119.10
Eye parameters in bounds

MTA4UO AC IOL

IOL [D]	Eye [D]
18.50	0.73
19.00	0.33
19.50	-0.08
20.00	-0.49
20.50	-0.90

Barrett
LF=0.07

AcrySof MA60AC

IOL [D]	Eye [D]
22.00	0.73
22.50	0.38
23.00	0.03
23.50	-0.32
24.00	-0.68

Barrett
LF=1.99

OS

Left eye
Phakic

LS900 Sep 15, 2021 - 1

AL [mm]	22.76	R1 [mm/D ²]	7.67 / 44.03 @ 23
CCT [μm]	592	R2 [mm/D ²]	7.58 / 44.54 @ 113
AD [mm]	2.52	R [mm/D]	7.62 / 44.28
ACD [mm]	3.11	+AST [D ²]	0.51 @ 113
LT [mm]	4.38	n	1.3375
		WTW [mm]	11.78

Target Refraction: 0.00

Template: Standard

Clareon CNA0T0

IOL [D]	Eye [D]
22.00	0.71
22.50	0.36
23.00	0.01
23.50	-0.35
24.00	-0.71

Barrett
LF=1.94

Clareon CNA0T0

IOL [D]	Eye [D]
22.50	0.42
23.00	0.09
23.50	-0.24
24.00	-0.58
24.50	-0.92

Hill RBF
A=119.10
Eye parameters in bounds

MTA4UO AC IOL

IOL [D]	Eye [D]
18.50	0.78
19.00	0.38
19.50	-0.03
20.00	-0.44
20.50	-0.85

Barrett
LF=0.07

AcrySof MA60AC

IOL [D]	Eye [D]
22.00	0.79
22.50	0.44
23.00	0.09
23.50	-0.27
24.00	-0.63

Barrett
LF=1.99

EyeSuite
IOL

EyeSuite™ IOL, V4.2.1
SID: 20875

HAAG-STREIT
DIAGNOSTICS

Order Date: 9/15/21
Patient: West Douglas, J DOB: [REDACTED] Age: 58
Interpretation:

Date 9/22/21 8:14 am

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment


Types

Misc. Notes

Progress

Notes

9/15/21 Chart note faxed to Dr. Coles. kmt



X

Mark Sczepanski, MD

Date 10/22/21 2:57 pm

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment


Types

Misc. Notes

Progress

Notes

Patient called here and the NDSC with concerns regarding his pre op physical with Dr. Lommen and his upcoming surgery. He states that he has chronic fatigue syndrome and asthma and can not wear a mask or have a drape covering his face at any time. NDSC informed him that he would need to wear a mask there and I told him that he would have to have a surgical drape over his face during surgery. He did not want to cancel or reschedule his surgery at this time. Dr. Sczepanski informed.
kmt



X _____
Mark Sczepanski, MD

Date 10/25/21 12:53 pm

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment

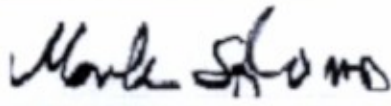
Types

Misc. Notes

Progress

Notes

We have removed patient from tomorrow's surgery schedule. NDSC has made several attempts to reach him to provide him a check in time and further instructions. All calls to patient have gone unanswered and they are not able to leave a voice-mail. He has been cleared for surgery by Dr. Lommen on 10/19/2021, so the pre-op is valid for 60 days. jo

X 

Mark Szczepanski, MD

After requesting all records I received in the first envelope on the left, the eye exam only consisting of three pages. Roughly two days later in the envelope on the right with a torn edge, I received the eye exam again and nine additional pages, twelve pages in total. As previously mentioned, the last two notes are a complete and total fraud as I did not call anyone and mention a drape covering. I had never heard of a drape covering, the woman called me and I did not call her. This is also a rather short note for a phone conversation of a little more than one hour. She also said I did not want to cancel or reschedule surgery when I told her no surgery with a drape covering over my face and airway. All questions I had including an eye plan were not answered.

The last note claims there were several attempts to reach me to provide a check in time and further instructions when I had already canceled the previous Friday. I only received one call from the North Dakota Surgery Center, Monday, October 25th, 2021, not several and the note claims all calls have gone unanswered and they were not able to leave a voice mail. This facility for whatever reason after I had already canceled, called one time only and reached my voice mail which is clearly displayed in call duration, so this note is a total fraud. These were generated to harass me and cause law enforcement problems for me, likely because they knew I would go elsewhere and learn my eyes could be covered by insurance and that I would receive quality care, which I did. The next day, Tuesday, October 26th, 2021, this facility made a false police report and when the police officer called me, stated he left a message on my voice mail, which the note claims I did not have. My voice mail, call screening, and call logs are all kept via the provider and not at home. All of these features are left on continually and the only time I turn off the call screening is when I need a code from a bank or something like that and they cannot get through with the call screening turned on, otherwise it is always on. I will address this later in this document, with a repeat of these two fraudulent notes after I add the false police report, run sheet from the dispatch center, and call transcript.

North Dakota Eye Clinic exam records include things that are not true, do not make sense, and are not at all accurate. It seems Dr. Sczepanski and staff tend to write down whatever they want regardless of what was actually discussed or what was stated by a patient. The first page says I deny using lubricating drops, but I was never asked any such question. I do have chronic dry eye and before surgery elsewhere was a frequent eye rubber. Prior to this Dr. Coles, OD, or any other eye provider has never discussed lubricating drops with me of any kind, and I just suffered through the condition. Prior to my surgery elsewhere I was provided with Refresh Relieva drops and told to never rub my eyes, which is exactly what I do today and the drops are very helpful.

At the time of my eye exams with Opticare and the North Dakota Eye Clinic, I could still drive without difficulty during the day. My right eye had a subcapsular cataract which are often fast moving. At this time night driving was difficult as I told Dr. Sczepanski, that if I leave a friend's place after dark I take the "old man" way home down residential streets and that was all I said. No one ever advised me not to drive day or night and I did not say I would try not to drive at night as this was not discussed by Dr. Sczepanski at all.

Another thing on the first page of the eye exam is a section regarding immunizations, which seemed odd to me as I've never been asked anything like this at any eye clinic before, ever. I was asked by a young woman if my vaccinations were "up to date" which in my opinion was rather inappropriate as I was there for my eyes. Above that section it does say I have Chronic Fatigue Syndrome, but Dr. Sczepanski's staff seems to be very unaware of this condition. When I had surgery later in Fargo, ND, staff was very aware of this and even asked specific questions about this prior to surgery. I explained to this young woman that I have Chronic Fatigue Syndrome and was diagnosed with Asthma at the Mayo Clinic in 2001. This is the exact same thing I tell anyone regarding this for accuracy of health information and my own safety. Adverse reactions to shots and many breathing medications are prevalent and I am ineligible for things like this. This was relayed to the young woman while my two letters from the Mayo Clinic and Allergy Associates were being copied and handed back to me.

I informed the young woman of this and said that when diagnosed with Asthma at the Mayo Clinic in 2001, I received a pneumonia shot and was told to always get a flu shot, which I did through late 2004. Due to my illness I become dangerously ill from such shots and can no longer receive them, as adverse reactions can be serious and are in fact dangerous. I told her that was the last flu shot I was able to receive and I can no longer take the adverse reactions. This goes for medications, even antibiotics, so I stay with the basic and proven things as to avoid adverse reactions. Rather than say what is accurate and with Chronic Fatigue Syndrome just above this in the record, she said No and went on typing, saying nothing more to me than that. The record does not say the accurate information which is ineligible, but instead says No, patient has not had their yearly immunizations, advised to follow up with their primary care provider. No one advised me of any follow up with any primary care provider, nothing like this was ever said to me. Ineligible is the accurate information and this has already been worked out with through the Mayo Clinic and other providers as I cannot receive such injections.

On the second page of the eye exam under Fundus it says patient was advised against driving, but as stated earlier, no one anywhere ever, has ever told me not to drive other than after my two eye surgeries which were completed in Fargo, ND. These records tend to be filled with things such as "patient advised" and "counseled", when none of these things even occurred. As a patient I was rushed without any such advice given.

On the third page of the eye exam under Plan it says the patient was describe the risks, benefits, and options of treatment including cataract surgery or observation. The patient is significantly bothered by decreased vision and glare from the cataract and would like to proceed with basic cataract surgery to the right eye and that this will be performed soon. Not much about what is written here makes sense as I was told my right eye was legally blind, but when you cannot see from it you don't even need to be told that. The only risks mentioned to me by Dr. Sczepanski was that there are risks and the success rate is about 97%, nothing more regarding risks was relayed to me. I jokingly said the risk rate really isn't that high, when you have no vision anything is an improvement.

The so called benefits were not relayed to me whatsoever, as with an eye capsule entirely clouded over the benefit would obviously be that one could see again from the blinded eye. There were no options of treatment relayed to me either as the only option is to remove the lens and replace it with an IOL, which is a known fact. These types of cataracts are fast moving so any observation is not applicable. This is not a situation where the cataract can be observed for any period of time due to the fact a person would go blind during the observation period, so none of that makes sense. I obviously was bothered by decreased vision and glare and wanted to proceed with surgery, as that is the only solution other than going blind permanently. Dr. Szczepanski stated that surgery will be performed soon, but I was scheduled for six weeks from this time.

Dr. Szczepanski also referred to this as “basic cataract surgery” which also does not make sense as my right eye had become so severe it needed extra care. I am right now while working on this document developing a slight blur to my left eye so I may have to have it checked and see if I need a laser procedure on that eye as I did my right eye shortly after surgery. I’m not certain of what he means by basic cataract surgery but I do tend to think he meant simply performing surgery on only one eye using a standard and old IOL, rather than look at the options available today which is what I received, the latest and best monofocal IOL’s with the results being 20/20 vision, with only the need for glasses at very close up range. I now have eyes much like I did at 30 years of age.

As mentioned earlier in this document, it was Dr. Szczepanski who informed me of not needing glasses after surgery, referring to this as “there is this thing where you don’t need glasses”, and I believe he meant newer multifocal IOL’s. He then said it wasn’t covered by insurance which turned out to be fraud, and I offered to pay for it myself when his assistant gave him a quick no nod. He did not discuss this further and just said we better not. When I asked why and is it because you don’t want to perform surgery on my left eye without a need, he just replied again, we better not, we better not. My left eye also had significant glare but the capsule was not entirely clouded over. I always wondered why getting a new pair of eyes was something we better not do, and that concerned me for a matching pair of eyes. As it turned out I was in no condition to have surgery on only my right eye since it would have left me too far out of balance, so this was covered by insurance. I also did not want multifocal IOL’s and with the newer enhanced and monofocal IOL’s, my eyes came out fantastic on the latest monofocal.

Dr. Coles, OD, with Opticare, provided me with a mid range pair of glasses for things like sitting at a computer. This was to avoid a trifocal lens in my glasses and while they worked, I didn’t use them often. I had to change glasses just for the mid range glasses and every time I did anything else, I couldn’t see properly so I ended up looking close or far and up and down. With this worsening had I not ended up with cataracts, I was well overdue for a trifocal pair of glasses. After surgery on my right eye I realized how bad my left eye was, and I was very out of balance for one week. Colors looked different from each eye and to only perform surgery on one eye would have left me crippled in many ways. I was very concerned about one good eye and one trifocal eye.

Dr. Sczepanski stated surgery would be performed soon and I was scheduled for six weeks later. As also stated earlier I was never told anything about anesthesia and any questions I had shortly before surgery went unanswered. When I asked to meet with the anesthesiologist, Dr. Sczepanski, and Dr. Coles, I was told I doubt that's going to happen. With the oxygen apparatus for "everybody", as though no one is an individual, there was nothing left to do but cancel. To say soon does not even make sense.

July 9th, 2021, with increasing glare while driving at night, I drove to Fargo, ND, and picked up my new puppy as they are not easy to find in this area. I drove down the interstate and through construction zones, so that was my condition at that time when only the very end of August my right eye was clouded over. All my trips to Fargo for my eye care were traveled on Highway 81 as I could no longer withstand interstate speeds and cars passing me. In September of 2021 my day driving to appointments was still okay and night driving was becoming quite difficult already. While my eye was clouded over I could still see light through it and objects were blurred, but their location was still attainable. With that and my left eye I could drive during the day in town rather well.

By late in September of 2021 I purchased the patch to wear over my right eye, as glare was becoming worse and increasing rapidly, as these are fast moving cataracts. By mid October driving during the day was rather difficult and night driving barely possible, only driving down residential streets. I could no longer drive down a busy two or four lane street with traffic and headlights. By late October objects were very blurred and the definition of distance and their location was gone, as I had no depth perception left whatsoever. This proved to be true in my mid November eye exam in Fargo. It was now hard to tell a center line from a curb so I simply had to look forward and maintain a steadiness from side to side. Driving around a curved street with parked cars was very difficult so I just drove slowly in moments like that. I tended to only drive where I knew the course, or plotted my course ahead of time to make things easier for myself.

There was no soon in this as the fast moving subcapsular cataract was moving much sooner than the North Dakota Eye Clinic. I then purchase Can-c drops to help with blur and glare, which I did receive some benefit from and this helped me make it to Fargo in mid November for my first eye exam. This is how quickly my right eye had deteriorated from early and mid September. I plotted my course and used Highway 81 driving slowly until I arrived at the 42nd interstate ramp in north Fargo. I then turned right and went on the ramp so I could get on the interstate briefly. My depth perception at this time was non-existent. When I went up that ramp I was terrified like a circus ride. I was in the air and traffic was below me, as I had not been on a ramp like this since July 9th, 2021.

I could barely tell where my left turn was as there was another road coming onto the ramp just before my left turn and a truck was behind me. I made it and after my eye exam I went through Fargo on low traffic streets to visit my uncle in north Fargo. I am not one who loses direction and there is a compass on my dash, but when trying to get to Highway 81, I ended up in Minnesota and had to turn around, then made it home.

The North Dakota Eye Clinic sent me twelve pages of records with some documents sent to that facility by Opticare. While the North Dakota Eye Clinic denies having my two letters from the Mayo Clinic and Allergy Associates, Opticare did have them and mailed them to me upon request. This was critical information prior to surgery and anesthesia, which was provided to every facility involved in this process.

As also mentioned I was never informed of the intended IOL or IOL's for surgery and nothing about the lens was ever discussed with me. This is typically worked out with the patient and surgeon, as it is a very important part of the process. The eye exam with the North Dakota Eye Clinic and all records there show nothing of a selected IOL, nor was there any discussion of the numerous IOL options. When I did have surgery on both eyes covered by insurance, I selected the TECNIS Eyhance and my surgeon had the exact same pick, and the results have been fantastic in every way possible. The refusal to answer any questions, with statements made about the use of an oxygen apparatus on everybody, and no discussion of the IOL's or a plan for a functioning pair of eyes suggested to me this process was elitist, rather fascist, and extremely negligent.

It does appear three documents were sent from Opticare to the North Dakota Eye Clinic with the first being a letter, the second is a record for a Shirley Hamrick included into my records, and the third being an EyeSuite IOL calculation. Opticare appears to have sent Shirley Hamrick's record as my record to the North Dakota Eye Clinic, and that clinic mailed it to me upon my request for records. I am not Shirley Hamrick, not female, and I was not born on April 1st of 1938. I have also never seen Steven Gander, OD, nor ever spoke with him, as the only person I've seen at Opticare is Destin Coles, OD. I can only imagine the fears of stories a person learns of where the wrong size of IOL's were placed into an individual's eyes and they now need glasses. When another individual's records are sent from one facility to another as my records, I feel not only blessed, but very fortunate to have canceled surgery and went to a facility not calling me Shirley.

One thing I did observe in the EyeSuite IOL calculation by Dr. Coles is the mention of an AcrySof IOL, which I was never informed of by anyone. In all my reading on IOL's, the AcrySof monofocal IOL was the one I did not want at all. They are of an older design with blue light filtering, which I not only didn't want either, but does nothing to provide the best outcome of vision and the way in which I use my eyes. TECNIS IOL's have better night vision and the latest Eyhance, designed much like an enhanced, has much more in its design for anti glare, improved depth of focus, with fantastic vision at night and in dim lighting conditions. I could not imagine having an AcrySof lens on my right eye and a trifocal left eye with out of balance glasses, I would have been a cripple.

I also requested records from Opticare which were sent to me in a large envelope consisting of five pages. There was no EyeSuite IOL calculation included in this and Shirley Hamrick's information was absent. After that I requested information sent to Opticare from the North Dakota Eye Clinic. I made another request for medical related information. I had the year wrong as 2020 in that request when it was 2021.

Additional Records Request

From: Doug West [REDACTED]

To: OPTICARE [REDACTED]

Date: Mon, 10 Jan 2022 14:19:06 -0600

By records I received from the North Dakota Eye Clinc, it is indicated your clinic received records from the North Dakota Eye Clinic but you did not send those to me.

Please mail me via USPS all documents sent to you from the North Dakota Eye Clinic.

Doug West
908 Sunset Drive
Grand Forks, ND 58201

Thank You, Doug West

Medical Related Information Request

From: Doug West [REDACTED]

To: OPTICARE [REDACTED]

Date: Mon, 17 Jan 2022 13:30:54 -0600

Thank you for sending me the records last week, sent to you by the North Dakota Eye Clinic. After my last eye exam in September of 2020, there was vital medical information provided to you by me personally along with similar medical history listed in my chart.

Please send me all documents in my chart related to medical conditions provided to you by me orally, in writing, or from any other medical provider. Much of this should include history related to asthma and other severe allergies.

You can mail these documents to me at my home address:

Doug West
908 Sunset Drive
Grand Forks, ND 58201

Thank you and have a Happy Martin Luther King Day!

OPTICARE

o.f. FORKS VISION CLINIC

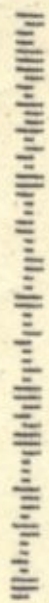
421 DEMERS AVENUE NW
EAST GRAND FORKS, MN 56721



UNITED STATES POSTAGE
02 1P
\$000.530
0000544350 JAN 18 2022
MAILED FROM ZIP CODE 56721

Douglas West
908 Sunset Dr.
Grand Forks, ND
58201

58201\$6854 C076



OPTICARE

o.f. FORKS VISION CLINIC

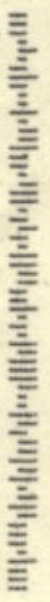
421 DEMERS AVENUE NW
EAST GRAND FORKS, MN 56721



UNITED STATES POSTAGE
02 1P
\$000.530
0000544350 JAN 12 2022
MAILED FROM ZIP CODE 56721

Doug West
908 Sunset Drive
Grand Forks, ND
58201

58201\$6854 C076



Medications

OPHTHALMIC MEDICATIONS
NONE

NON OPHTHALMIC MEDICATIONS
[REDACTED]

Ocular History

Wears glasses. First Rx as a child

Ocular Surgery

None

Social History

Occupation: Disabled
Smoking status - Never smoker

Allergies

mold
Other: dust
fragrances/smells

ROS

Provider reviewed on Sep 07, 2021.

A focused review of systems was performed including Allergic / Immunologic, Cardiovascular, Endocrine, Eyes, Musculoskeletal, Neurological, and Psychiatric.

No Flashes Of Light, No Eye Pain, No Tearing, No Redness, No Jaw Pain, No Scalp Tenderness, No Loss Of Vision, No High Blood Pressure, No Headache, No Stroke, No Anxiety, No Depression, No Diabetes, No Thyroid Abnormalities, And No Allergies.

Family History

Other: Adopted: FHx unknown

Medical History

Asthma

Surgical History

None

Chief Complaint: Annual Eye Health Exam

HPI: This is a 58 year old male who is being seen for a chief complaint of annual eye health exam. Specifically, the patient presents for an exam for glasses and to monitor cataracts. The patient denies flashes of light, floaters, headaches, double vision, or dryness.

Eye Exam

Wearing

Glasses

Eyeglass

Usage: Bifocal

Eye	Measurement	DCC	NCC
OD	+1.75 -0.75 x 152 Add: +2.25	N/A	None
OS	+2.25 -0.75 x 080 Add: +2.25	20/30 -2	J1+ -1
OU		20/30 -1	J1+ -1

Auto Refraction

Auto Refraction Type: Non-Dilated AR, Binocular PD: 67.0 (Dist)

Eye	Measurement	DCC	NCC
OS	+2.25 -1.25 x 068		

Notes: Issues getting Auto-Refrac OU

Keratometry

	Flat	Axis	Steep	Axis	Mires Quality	Method
OD	43.75	179	44.25	089		Auto
OS	44.00	009	44.25	099		Auto

Manifest Refraction

Usage: Bifocal

Eye	Measurement	DCC	NCC
OD	+1.00 -0.75 x 152 Add: +2.25	20/400	J13
OS	+1.75 -0.50 x 082 Add: +2.25	20/25	J1+
OU		20/25	J1+

Phorias - Distance

Test Method	Measured with	Horiz	Deviation
Von Graefe		2.00	Exo
Vertical OD	OD Base	Vertical OS	OS Base
		0.00	

Phorias - Near

Test Method	Measured with	Horiz	Deviation
Von Graefe		7.00	Exo
Vertical OD	OD Base	Vertical OS	OS Base
		0.00	

Relative Accommodation

	Blur	Recover
NRA	+2.50	
PRA		
Visual Acuity	Add	

Fusion/Stereopsis

Test	Reliability	Distance	Near

Stereo Fly	Good	800
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Pupils: Normal

	Light (mm)	Dark (mm)	Near (mm)	Size	Round	Regular	Reacts	APD	RAPD	Other
OD		4.00		Normal	Round	Regular	Reacts Well	No APD		
OS		4.00		Normal	Round	Regular	Reacts Well	No APD		

IOP

OD 13	Franchino, Ashton	09/07/2021 10:31 AM	Icare tonometer
		CDT	Reliable
OD 13	Franchino, Ashton	09/07/2021 10:31 AM	Icare tonometer
		CDT	Reliable
OS 17	Franchino, Ashton	09/07/2021 10:31 AM	Icare tonometer
		CDT	Reliable
OS 17	Franchino, Ashton	09/07/2021 10:31 AM	Icare tonometer
		CDT	Reliable

Motility: Full OU

Visual Field Test Type: Auto-Perimetry

Visual Field Test Result: **Visual Field Normal**

Exam:

An examination was performed

OD External: normal lid position, nasolacrimal and orbital exam

OD Lid Margin: quiet and normal

OD Conjunctiva: white and quiet

Slit lamp examination OD:

OD Cornea: clear cornea

OD Anterior Chamber: deep and quiet anterior chamber

OD Iris: normal iris without rubeosis

OD Lens: **3+ PSC cataract and 2+ nuclear sclerosis**

Ophthalmoscopic examination of optic disc OD:

OD: **CD ratio 0.3**

OD Optic Disc: flat and normal disc

Ophthalmoscopic examination of retina and vessels

OD:

OD Vitreous: vitreous clear without hemorrhage, cells or pigment

OS External: normal lid position, nasolacrimal and orbital exam

OS Lid Margin: quiet and normal

OS Conjunctiva: white and quiet

Slit lamp examination OS:

OS Cornea: clear cornea

OS Anterior Chamber: deep and quiet anterior chamber

OS Iris: normal iris without rubeosis

OS Lens: **1+ PSC cataract and 2+ nuclear sclerosis**

Ophthalmoscopic examination of optic disc OS:

OS: **CD ratio 0.3**

OS Optic Disc: flat and normal disc

Ophthalmoscopic examination of retina and

vessels OS:

OS Vitreous: vitreous clear without hemorrhage, cells or pigment

OD Vessels: vessels with normal contour, caliber without neovascularization
OD Macula: macula normal contour without heme, edema, drusen or exudate
OD Periphery: periphery normal appearance without retinal tears, breaks, holes or mass
General Appearance of the patient is well nourished.

OS Vessels: vessels with normal contour, caliber without neovascularization
OS Macula: macula normal contour without heme, edema, drusen or exudate
OS Periphery: periphery normal appearance without retinal tears, breaks, holes or mass

Orientation: alert and oriented x 3.

Mood and affect: no acute distress.

Impression/Plan:**1. Posterior Subcapsular Cataract OU**
(H25.043)**Plan: Counseling - Posterior subcapsular cataract.**

I counseled the patient regarding the following:

Eye Care: Posterior subcapsular cataracts do not require treatment unless they interfere with vision and impact one's activities of daily living, in which case cataract extraction with lens implant insertion should be performed.

Expectations: Posterior subcapsular cataracts are one type of cataract commonly found in patients with diabetes, chronic corticosteroid treatment, and previous ocular trauma. They typically cause problems with daytime and nighttime glare, along with reduced vision. These type cataracts can progress rapidly, over weeks to months, contrary to the other slower growing varieties of cataract.

Contact the office if: Progressive loss of vision, increasing glare, and problems with activities of daily living such as driving, reading, watching TV, seeing street signs, and following the golf ball occur.

Plan: Treatment Regimen.

Start the following treatment(s): See Ophthalmology for cataract surgery OD.

2. Cataract, Nuclear OU
(H25.13)**Plan: Counseling - Cataracts.**

I counseled the patient regarding the following:

Eye Care: Cataracts do not require treatment unless they interfere with vision and impact one's activities of daily living, in which case cataract extraction with lens implant insertion should be performed.

Expectations: Cataracts occur in everyone as they age. Some specific cataracts like posterior subcapsular cataracts occur more commonly in diabetics, patients taking longterm steroid medications, and following trauma. The appropriate time to perform cataract surgery is when the loss of vision is interfering with your activities of daily living and a change in eyeglass prescription won't help.

Contact the office if: You experience progressive loss of vision, increasing glare, and problems with activities of daily living such as driving, reading, watching TV, seeing street signs, and following the golf ball.

Monitor cataract for now until we know how much is related to possible macular edema and also to the SPK on the central cornea secondary to dry eye.

Plan: F/U for Next Visit Cataract.

The patient should be scheduled for the following in 12 Months:

Exam: General Ophthalmic Exam.

3. Hyperopia OU
(H52.03)**Plan: Counseling - Hyperopia.**

I counseled the patient regarding the following:

Eye care: Hyperopia can be treated with corrective eye wear, such as contacts or eyeglasses. Refractive laser surgery approaches include PRK (photorefractive keratectomy), and LASIK (laser in situ keratomileusis) and LASEK. Expectations: Hyperopia or farsightedness is when distant objects can be seen clearly, but close objects do not come into focus. Hyperopia results if the eyeball is too short, or if there is too little curvature of the cornea. Contact Office if: Despite corrective therapy, you still have difficult viewing near objects, or develop headache or eye strain.

After counseling the patient, we decided on the following plan for the right eye: Glasses

After counseling the patient, we decided on the following plan for the left eye: Glasses

Plan: F/U for Next Visit Refractive.

The patient should be scheduled for the following in 12 Months:
 - annual exam

Plan: Refraction.

Manifest Refraction was performed OU.
 Indication: Hyperopia OU

GLASSES RX DETAILS						
	SPHERE	CYLINDER	AXIS	ADD	START	EXP. DATE
OD	+1.00	-0.75	152	+2.25	08/07/21	09/07/23
OS	+1.75	-0.50	082	+2.25	09/07/21	09/07/23

VISUAL ACUITY				
	Dist VA	Near VA	Dist PH	Underlying condition
OD	20/400	20/200		
OS	20/25	20/20		
OU	20/25	20/20		

ADDITIONAL INFORMATION	
OD	
OS	
OU	

Active Yes
 Usage Bifocal

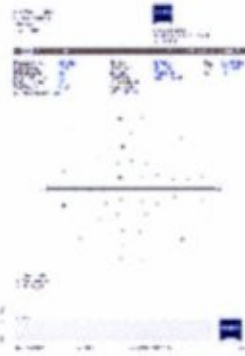
Staff:

Destin Coles, OD (Primary Provider) (Bill Under)
 Ashton Franchino

Other Photos



C-40 Screening OD



C-40 Screening OS

Electronically Signed By: Destin Coles, OD, 09/21/2021 04:59 PM CDT

Patient: WEST, Douglas	North Dakota Eye Clinic	Provider: Mark Szczepanski, MD
Account: [REDACTED]	1820 42nd Street South	Phone: 701-775-3151
Birthdate: [REDACTED]	Grand Forks, ND 58201	Fax: 701-775-3153
Age: 58M		Service Date: 09/15/21
Referring Doctor:		Page: 1

Problem List

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: SNOMED CT: 137982008 Non-smoker (& [never smoked tobacco]) (finding) Location: Status: Active Health Status: Comments: Tobacco Use

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: H25.11 Age-related nuclear cataract, right eye SNOMED CT: 359765000 Nuclear sclerotic cataract (disorder) Location: OD Status: Active Health Status: Comments: Unilateral

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: H25.041 Posterior subcapsular polar age-related cataract, right eye SNOMED CT: 5318001 Posterior subcapsular polar senile cataract (disorder) Location: OD Status: Active Health Status: Comments: Unilateral

Date: 09/15/21 Age Of Onset: Provider: MS ICD9: ICD10: H25.12 Age-related nuclear cataract, left eye SNOMED CT: 373414000 Nuclear sclerosis Location: OS Status: Active Health Status: Comments: NSC observe

Chief Complaint

Douglas West 58 year old male presents for evaluation for decreased vision to Right eye Referred by Dr. Coles.

HPI

Documented by Dr. Szczepanski 09/15/2021

Location: Right eye
 Quality: No Pain vision decrease both distance and near
 Timing: The symptoms began gradually
 Context: Occur When on the computer
 Modifying Factors: Exacerbated by: glare at night off headlights. Will try not to drive at night
 Associated Signs: The symptoms are associated with blurred vision
 Other HPI: Denies using lubricating eye drops.

Ocular History

Timeline	Type	Location	History	Medical	Family	Status	Entered
	Illness		Cataract			Active	KT 09/15/21
2021/09/15	Trauma		no known ocular trauma			Active	KT 09/15/21
2021/09/15	Procedure		No known ocular procedures			Active	KT 09/15/21
2021/09/15	Family		160266009 -- No family history of clinical finding / No ocular family history noted.			Active	KT 09/15/21

Medical History

Timeline	Type	Location	History	Medical	Family	Status	Entered
2021/09/15	Trauma		No known traumas noted			Active	KT 09/15/21
2021/09/15	Procedure		No known procedures noted			Active	KT 09/15/21
2021/09/15	Family		160496001 -- Adopted / Adopted			Active	KT 09/15/21
	Illness		Chronic Fatigue Syndrome			Active	KT 09/15/21

Social History

Timeline	Type	Location	History	Medical	Family	Status	Entered
	Smoking		Former smoker. / 8517006			Active	KT 09/15/21

Immunizations

Immunizations: NO, patient has not had their yearly immunizations, advised to follow-up with their primary care provider.

Current Ocular Meds

No Meds Reviewed by KT 09/15/2021

Current Systemic Meds

No Meds Reviewed by KT 09/15/2021

Medication History

No Meds Reviewed by KT 09/15/2021

Allergies

No Known Drug Allergy

Visual Acuity

Dominant Eye: _____ Hand: _____

Patient WEST, Douglas DOB [REDACTED] Age 88H Provider Mark Szegemehl, MD Service Date 09/18/21 Printed Date 09-17-21 Page 1

Type Visual Acuity Method Snellen

OD ccDva 20/400 ccNva 20/800 +1

OS ccDva 20/20 -2 ccNva 20/20

OU

Refractions

Final Rx OD Rx +1.00 +0.75 x 060 Add +2.00 Dva 20/400
OS Rx +1.25 +1.25 x 180 Add +2.00 Dva 20/20

Manifest OD Rx +1.00 +0.75 x 060 Dva 20/400
OS Rx +1.25 +1.25 x 180 Dva 20/20

Wearing OD Rx +1.00 +0.75 x 060 Add +2.50
OS Rx +1.50 +0.75 x 165 Add +2.50

IOP Target OD [REDACTED] OS [REDACTED] T-Max OD 1.9 OS 1.4 Pach OD [REDACTED] OS [REDACTED]
Date Time Staff OD OS Method Timing Adj OD Adj OS Gonlo VF OCT Comments
9/15/21 8:59a KT 13 14 TonoPen

Review of Systems

Constitutional fatigue
Eyes please see ocular exam
Other ROS Reviewed with patient

Mood/Orientation

Mood/Oriented Mood Normal

External Exam

	OD	OS
Pupils	Equal Round & Reactive	Equal Round & Reactive
Motility	Full	Full
Muscle Balance	Orthophoric	Orthophoric
Confrontational Field	Full	Full

Dilation

	OD	OS
Tropicamide 1%	Dilated at : 8:59a	Dilated at : 8:59a
Phenylephrine 2.5%	Dilated at : 8:59a	Dilated at : 8:59a

Slit Lamp Exam

	OD	OS
Lids and Lashes	Dermatochalasis	Dermatochalasis
Tearfilm	normal tearfilm	normal tearfilm
Conjunctiva	Normal Bulbar and Palpebral.	Normal Bulbar and Palpebral.
Cornea	Clear	Clear
Anterior Chamber	Deep and quiet	Deep and quiet
Iris	Normal appearing iris with no signs of neovascularization, atrophy or synechia.	Normal appearing iris with no signs of neovascularization, atrophy or synechia.
Lens	3+ NSC. 3+ PSC. 1+ASC central white	2+ NSC. Trace PSC. central white
Angles	angles appear open	angles appear open

Fundus

	OD	OS
Dilation	Dilated retinal examination was performed. The patient was warned against driving.	Dilated retinal examination was performed. The patient was warned against driving.
Optic Discs	Normal appearing optic nerve with healthy pink rim and normal appearing nerve fiber layer.	Normal appearing optic nerve with healthy pink rim and normal appearing nerve fiber layer.
Cup to Discs	0.1	0.1
Macula	poor detail seen	Normal Color and Contour for Age

Patient WEST, Douglas DOB [REDACTED] Age 68H Provider Mark Sczepanski, MD Service Date 09/15/21 Printed Date 09-17-21 Page 3

Vessels vessels are of normal caliber without arterio-venous nicking or significant tortuosity
Periphery Attached 360 Degrees, No Holes or Tears.
Vitreous Vitreous Normal and Clear for Age, No PVD

Impression

Seq	ICD9	Diagnosis	SNOMEDCT	ICD10	Location	Provider	Status	Comments
			137982008 -- Non-smoker (& [never smoked tobacco]) (finding)			MS	Active	Tobacco Use
			359766000 -- Nuclear sclerotic cataract (disorder)	H25.11 -- Age-related nuclear cataract, right eye	OD	MS	Active	Unilateral
			5318001 -- Posterior subcapsular polar senile cataract (disorder)	H25.041 -- Posterior subcapsular polar age-related cataract, right eye	OD	MS	Active	Unilateral
			373414000 -- Nuclear sclerosis	H25.12 -- Age-related nuclear cataract, left eye	OS	MS	Active	NSC observe

Plan

09/15/21 Nuclear sclerotic and Posterior cataract, right eye>left eye. The patient was described the risks, benefits, and options of treatment including cataract surgery or observation. The patient is significantly bothered by decreased vision and glare from the cataract and would like to proceed with basic cataract surgery to the right eye. This will be performed soon under topical anesthesia. Intraocular lens calculations will be performed with an aim of plano refraction.

Coming Dr Coles
Will follow cataract OS for now

Ocular Medications

No Meds

Order Quicklist

IOL Master OD.

Orders

09/15/21 Order# 66296 IOL MS

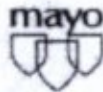
Handouts

Date	Handout	Staff	Provider	Education	Comments
9/15/21	Cataract	MS	MS		
9/15/21	Cataract	MS	MS		
9/15/21	Cataract	MS	MS		

Mark Sczepanski, MD
09-15-2021 09:26 AM

Scribed by Nicole Hinze

DOCUMENT SIGNED ELECTRONICALLY BY: Mark Sczepanski, MD 09-15-2021 09:26 AM



Mayo Clinic
200 First Street SW
Rochester, Minnesota 55905
507-284-2511

Pulmonary and Critical
Care Medicine

August 27, 2001

Mr. Douglas J. West
Apartment 41
615 First Avenue South
Grand Forks, ND 58201-4582

RE: Mr. Douglas J. [REDACTED] West
MC#: [REDACTED]
DOB: [REDACTED]

Dear Mr. West:

It was a pleasure to have participated in your recent evaluation in the Division of Pulmonary and Critical Care Medicine.

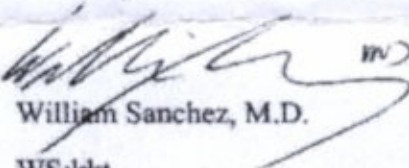
Our final diagnoses were:

- Asthma
- Pulmonary nodule
- Marginally abnormal stress test performed elsewhere

Attached is the clinical documentation which summarizes our impressions and recommendations (William Sanchez, M.D.: Aug-24-2001, Aug-23-2001; Udaya B. Prakash, M.D.: Aug-23-2001). I have also included the most recent laboratory results and pulmonary function test reports.

Once again, it was a pleasure to participate in your care. Please feel free to contact me if you have any questions regarding the enclosed report.

Sincerely,



William Sanchez, M.D.

WS:kkt
Enclosures



ALLERGY ASSOCIATES
of
LA CROSSE, Ltd.

Offering comprehensive diagnostic and treatment options for the allergic patient...

David L. Morris, M.D., FACA, ABAI
George F. Kroker, M.D., FACA
Vijay K. Sabnis, M.D., ABP
Mary S. Morris, M.D., ABIM

May 17, 2001

To Whom It May Concern:

RE: Douglas West
819 Lewis Blvd #4
Grand Forks, ND 58203

This is to state that Mr. Douglas West has consulted us for allergy evaluation. He has chronic nasal congestion, facial and eye pain, headaches, throat tightening spells, and choking attacks. Intradermal testing showed positive to several airborne inhalants such as dust, mite, pollen, mold spores, and dog dander. He also reacts to a variety of chemicals such as perfumes, scents, air fresheners, and disinfectants (Lysol and Pinesol etc). We have placed him on our immunotherapy program, but we also recommend that he have housing conditions that are free of dust, mold spores, volatile chemicals, and pollens. This will improve his medical condition.

Sincerely,

Vijay K. Sabnis, MD

VKS:rlc

After receiving my eye exam records from Opticare in East Grand Forks, MN, it was obvious why they did not forward my eye exam to the facility I went to in Fargo, ND, and I did sign a release for this to be done. I then requested information Opticare received from the North Dakota Eye Clinic and they sent me the three pages from the eye exam at that facility. When I requested medical information regarding my health condition and breathing difficulties, Opticare did send the two letters from the Mayo Clinic and Allergy Associates, which I provided to the North Dakota Eye Clinic upon my one and only appointment there. As previously mentioned, I always have those documents with me where a mask requirement is in place. The North Dakota Eye Clinic later claimed to not have these two documents when they copied them and handed them back to me.

There are five pages from the eye exam performed at Opticare sent to me but they did not send the EyeSuite IOL calculation, which I did receive from the North Dakota Eye Clinic. On the first page of the eye exam documents it says things like no flashes of light and that I denied dryness. I was never asked anything like this and I have chronic dry eye, with my eyes often red and was never provided with a solution until I went to Fargo prior to my eye surgeries. Also, with Chronic Fatigue Syndrome light spots bother my eyes and over the summer I thought that was my night glare problem with headlights and things of that nature. It also says this was an exam for glasses and to monitor cataracts. As previously stated, one week prior to my appointment with Dr. Coles after it was already scheduled, I realized my right eye was entirely clouded over. At that point there really isn't anything to monitor and the only solution is lens removal surgery.

On the third and fourth pages of the eye exam there is mention of types of counseling that I've never heard of before nor seen until receiving the eye exam records, as there was no such counseling to the things Dr. Coles states in any way whatsoever. I was never told the type of cataract in my right eye being subcapsular or anything. Dr. Coles showed me a computer screen of my left eye, then my right eye which was clouded over, and that was all. He then said I will need surgery for this and said it was safe, and I asked him about other eye surgeries and he said lasik was also safe. From there we went out to the front desk where he told staff to schedule me and he left, and it was arranged as I previously described by staff without Dr. Coles being present. Anything learned about cataracts, surgery, and IOL's, I learned on my own before going to Fargo where my surgeries were performed, resulting in 20/20 vision, barely needing glasses.

I was never told to contact the office if certain things listed become worse as falsely stated in the eye exam. I was awaiting surgery and could not see from my right eye so things were already beyond what is stated there, so none of that makes sense. It says contact the office if you experience progressive loss of vision, increasing glare, and problems with activities of daily living such as driving, reading, watching TV, seeing street signs, and following the golf ball occur. Well, I don't go golfing and do not own golf clubs, so that does not really make any sense as this is something falsely stated in the records that I had never heard of nor was told by Dr. Coles. Even if I were a golfer, at this time my right eye was entirely clouded over, so again, that makes no sense.

Dr. Coles also never informed me of a cataract on my left eye. As previously stated, it was at my eye exam with Dr. Sczepanski with the North Dakota Eye Clinic that he asked me if Dr. Coles told me about my left eye cataract and I was not aware of this, during the time he also told me about this thing where I did not need glasses. He then said we better not and was only intending on surgery for my right eye. There was never any so called counseling by Dr. Coles about when cataract surgery is performed nor did we ever discuss glasses for both my right and left eye. When reading the records this was new information to me I had never heard of before.

What is odd about this as well as Dr. Coles referred me to Dr. Sczepanski who tends to advertise lasik for people who no longer need glasses to fly an airplane. He also has similar advertising about cataract surgery and how people get to follow up with him right here at home. The only follow up I was scheduled for was a next day visit with Dr. Coles and that was all. It also makes no sense to claim there was a plan for glasses at all due to the fact I barely use glasses today. I can sit at a computer with or without glasses as my lenses are now free of prescription with only a small magnification in the bifocal area for small print that is in the close range.

Also mentioned earlier was my overdue need for trifocal glasses rather than bifocals, as in 2015 it was Dr. Coles who provided me with a mid range pair of glasses. These were for things like sitting at a computer only and for avoiding trifocal lenses in everyday use and activity. This was not all too effective since everything outside of a computer screen area was blurred and the glasses were hard to wear if I left a computer. Over time I was looking far or close for everything as I had no mid point in my glasses. After a number of years I just tuned things out in the mid range and basically had no mid point vision.

Two things about my adjustment difficulties to my new IOL's are that I was very out of balance due to my right eye being entirely clouded over, so that was hard to get used to and I needed a laser procedure for immediate regrowth around my IOL lens capsule, which required another adjustment period. The other factor was that for years I had no mid range in my vision and after new IOL's I could see everything far, mid, and close up, so the amount of vision was overwhelming as I could now see everything on a counter including type on envelopes and anything else without glasses.

My condition was clearly not one where it was probable nor possible to only perform surgery on my right eye, as it would have left me too far out of balance. For one week until my left eye surgery, colors were bright and clear through my right eye and very yellow and brown, dull actually, through my left eye. I had two eyes with very different vision until surgery on my left eye was completed. This was also covered by insurance when Dr. Sczepanski told me it was not covered. I only paid the out of pocket expense for my IOL's and ended up with fantastic focus with a synchronized pair of eyes, as eyes work in a pair and if not, it should be the goal of any O.D. and Ophthalmologist to make that happen in any way possible. I now have excellent binocular vision and read charts at 20/20, so nothing about Dr. Coles counseling makes sense, nor did it even occur.

Dr. Coles claimed after counseling me as his patient, that we decided on the plan being glasses for both my right eye and my left eye. There was no such discussion on this whatsoever and that false claim also does not make any sense. We left an exam room and went to the front counter where he had staff schedule me with Dr. Sczepanski with the North Dakota Eye Clinic for surgery, as glasses were never discussed. This is fraud and nothing else would make sense otherwise, as today I barely need glasses.

To perform surgery on only my right eye using an outdated AcrySof monofocal lens is not even a functional approach. The out of pocket cost of this lens is \$200 and compared to the new Eyhance monofocal lens I would not have ended up with 20/20 vision in my right eye. At that point I would have needed a trifocal lens on my glasses for my left eye and this would have left me unable to function properly in most daily activities. I would have still needed a prescription with glasses for my right eye using that outdated IOL, but it would still have been far different from my left eye prescription. I would have been seeing colors differently from each eye as well. This would have left me more or less crippled and very dependent on constant updated glasses with many appointments for not only glasses, but the monitoring of my left eye cataract, all while suffering bad vision.

The cost of this plan Dr. Coles and Dr. Sczepanski had rather than the appropriate plan for my condition would have cost far more than my eye surgeries I did have, all while suffering along the way and never attaining 20/20 vision as well. This would have been to their benefit in that I would need more monitoring of cataracts, more frequent eye exams, and new prescription glasses that would have been out of balance for a pair of functioning eyes with binocular vision. This would not have been to my benefit in any manner whatsoever, but only to my detriment at a very high cost financially.

General claims for the new Eyhance IOL is clear distance vision, likely binocular 20/20 vision, pulling a close up range to see a person's face clearly when sitting across a dinner table from them. To not over promise the results this is the general claim and you may obviously need glasses for the slight close up range. A person may end up a little worse or better off than that, and I came out like a miracle with almost no need for glasses at all and seeing rather small type in the close range. My glasses only help that when I either need help or enjoy making little things easier, but glasses are not required for me now. I ended up with results of a fully enhanced IOL costing much more. The cost was never an issue either as I was prepared to spend any amount for the right pair of eyes, the best thing for me and the Eyhance was just that, but for both eyes as well.

Out of pocket cost for the Eyhance IOL is \$499, so for \$998 I obtained binocular vision with 20/20 chart reads, only needing glasses for very small type. Not only to my quality of life benefit, but also financial benefit, this plan in every way makes nothing but sense rather than to pay \$200 for an older IOL only for one eye, then carry on suffering and constantly needing glasses with appointments for eye exams and cataract monitoring as Dr. Coles described in the plan I never heard of until reading his records. It is far less expensive to replace my lenses with Eyhance IOL's once with fantastic results.

This was clearly attempted fraud for financial gain while leaving a patient out of balance and basically crippled, suffering the horrible outcome of a financial scam to keep me in glasses. Surgery was necessary and required for both eyes, not one eye, and was an opportunity to no longer require glasses. While I purchased a pair of glasses from Eyemart Express, updated after surgery for free as their service was excellent, I keep those glasses downstairs in my computer room which I call my command center.

I purchased a pair of Oakley glasses after surgery as well with anti glare for any other outdoor or every day use. My computer screens downstairs are all LG Flatron's which are a matte finish so glasses without anti glare do just fine. Near common daylight or the sun, my glasses with anti glare are better. I have not used them too much yet as I really don't need glasses, but when I do they help and were recommended for my eye care as well. I am most often in my Oakley polarized sunglasses during my adjustment period almost anytime I am outside and driving. I wear them in stores as well with bright lights and white ceilings, which I hope over time I will not need in places like that but for now it is a requirement. I never though I would be one to use expensive shades but they are not like any normal or average darkening glasses, they are extremely effective.

In time I am hoping my anti glare glasses will be all I need at a store if that, or even while driving but I love my polarized sunglasses. They do make things very easy for me and the only time I wear inexpensive darkening glasses is during snow removal or wet times where I can get by, because they are easy to just wipe water spots off from. With my Oakley sunglasses I only use the required cloth and spray to clean them and I did purchase a backup pair in case anything happens to them, even though I am a very careful person. My eye protection is an important part of the professional eye plan I received from facilities that were not intended on scamming me for financial gain, but intended on fitting me with what was best for me. I will purchase some safety goggles soon as well for anything like changing oil, or such things like sharpening a lawn mower blade. These are things I cannot do now without eye protection. While everyone should have eye protection for such things, I am not one who can take a chance at all. When under a vehicle there are times when wiping off oil or grease, even with glasses on, where a dirty chunk of grease falls off and ends up in my eye. While not pleasant, that was something I could blink or rub out in the past. Today that is not something I can risk in any manner whatsoever as I cannot afford to have an IOL tear off or suffer any other difficulty. These are all things I discussed with staff at the facilities that took care of me and is all part of a very professional plan. As stated earlier, I was given lubricating drops and told not to rub my eyes prior to surgery as it wears away zonules, which are needed for IOL's to heal in well. I also cannot and do not rub my eyes anymore at all.

Dr. Sczepanski never informed me of anything like this and was very short with me as though such things did not matter or were not important. Dr. Coles never informed me of anything like this as well and his claimed counseling and plan in records were not things ever discussed with me. I believe when canceling surgery, Dr. Sczepanski knew I would have to go elsewhere and would then learn of all these things, which he did not want.

From the point of my canceling surgery, a fraudulent medical note was generated from the North Dakota Eye Clinic by a KMT, the woman who called me and talked for more than one hour. This is also the woman on my eye exam with Dr. Sczepanski initialed as KT, and this note was digitally signed by Dr. Sczepanski. This was done on Friday, October 22nd, 2021, before the weekend. Monday, October 25th, 2021, a fraudulent note was generated from the North Dakota Surgery Center where Dr. Sczepanski performs surgeries with a JO initialed on the note, digitally signed by Dr. Sczepanski. The day after that, Tuesday, October 26th, 2021, while on the telephone with a friend, I received a call from a police officer with a last name of Fuka, who mispronounced his name as Fooko when leaving a voice mail. His name is not pronounced as Fooka or Fooko, but Fuka, which seemed odd and at the time I was in no condition to look into this, as my priorities were getting to a facility soon before I lost vision in my right eye permanently, not to mention at this time I was blind in my right eye, far worse than six weeks earlier.

After my surgeries I did obtain a police report which was shocking and entirely false, so after that I requested information from the dispatch center. I then received a run sheet while waiting for the transcript of the call made from the North Dakota Surgery Center, which I also, on Monday, March 14th, 2022, went downtown and listened to the actual audio of the call. The call and police report were made by Kristen Vik, Administrator of the North Dakota Surgery Center and are entirely false in every way. On the police report Ms. Vik's first name was spelled Kristn, and not Kristen. This information will be displayed later in this document, not in the order in which I obtained them, but in the order of which they took place. I will then again display the two fraudulent notes along with call logs of my two telephones which are kept and recorded by the provider.

I had one other records request for what was sent from Dr. Lommen to the North Dakota Surgery Center. I was told they did not use oxygen like a respirator nor place a tube down your throat, which turned out not to be true as I was told at the last minute the surgery center uses an oxygen apparatus on everybody, which has nothing to do with a cataract surgery, as many of these are done while people are awake. Another concern I had was if prescription drug information for a different Doug West had been sent there, as this has been a past problem. When sending a message via contact form to the North Dakota Surgery Center, you have no idea who receives them. My requests for the information were denied and the individual who responded was Kristen Vik, the woman who made the false police report. At the time of these requests I had already obtained the police report, but not the dispatch information, which was far more shocking than the false police report itself. I could not believe I had to deal with a person who had made a false report against me, but it was a request I needed to make and was denied.

During the time of my recovery I did some looking into Dr. Sczepanski and when I obtained the name of Kristen Vik, I did much of the same thing. As elitist, fascist, and secretive these facilities were along with the fact I received two fraudulent and false medical notes, I was not all that surprised. Both Sczepanski and Vik received DUI convictions while in medical and nursing school less than two months apart.

REGISTER OF ACTIONS

CASE NO. 81-92-K-02961

STATE OF NORTH DAKOTA VS. MARK LEE SCZEPANSKI

§
§
§
§
§

Case Type: **Misdemeanor**
 Date Filed: **09/21/1992**
 Location: **-- Grand Forks County**

PARTY INFORMATION

		Attorneys
Defendant	Sczepanski, Mark Lee GRAND FORKS, ND 58201 DOB: 1968 SSN: XXX-XX-1188	
Plaintiff	State of North Dakota	Albert Frederick Amason 701-775-0654 x0000(W)

CHARGE INFORMATION

Charges: Sczepanski, Mark Lee	Citation	Statute	Level	Date
1. D/U INFLUENCE OF ALCOHOL	0001035966	39-08-01	Converted Degree	09/20/1992

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

10/22/1992	Disposition 1. D/U INFLUENCE OF ALCOHOL Pled Guilty
10/22/1992	Plea (Judicial Officer: Judge, Conversion) 1. D/U INFLUENCE OF ALCOHOL Guilty
10/22/1992	Criminal Judgment (Judicial Officer: Metelmann, Thomas K) 1. D/U INFLUENCE OF ALCOHOL 09/20/1992 (CONV) 39-08-01 (390801)
Converted Disposition: Confinement: Agency: Grand Forks County Correctional Center, Term: 0 Year, 0 Month, 10 Days Report on: October 22, 1992 Suspended: 0 Year, 0 Month, 10 Days 0 Year, 0 Month, 0 Day Condition - Adult: 1. Obtain an Evaluation, 735 OBTAIN AN EVALUATION 10/22/1992 - 11/22/1992, Satisfied 11/16/1992 Condition - Adult: 1. Violate No Criminal Laws, 765 VIOLATE NO CRIMINAL LAWS 10/22/1992, Satisfied 10/22/1992 Condition - Adult: 1. Set up Payment Schedule, SET UP PAYMENT SCHEDULE PayPeriod - M PayAmount - 375.00 Start Date - 10/22/1992 Enter Date - 10/22/1992 10/22/1992, Active 10/22/1992 Fee Totals: Fine/State \$300.00 Court Administration \$75.00 Fee Fee Totals \$ \$375.00	

OTHER EVENTS AND HEARINGS

09/21/1992	Converted Event Codes Index # 1 () 01 CITATION
09/21/1992	Converted Event Codes Index # 2 () 02 \$300 SB
10/22/1992	Converted Event Codes Index # 3 () 03 JUDGMENT OF CONVICTION
10/22/1992	Initial Appearance (9:00 AM) (Judicial Officer Kleven, Debbie) UCIS Hrg Desc: FIRST APPEARANCE
12/21/2006	Pursuant to Administrative Rule 19 Documents Destroyed Index # 4 PURSUANT TO RULE 19 OF ADMIN RULES THIS RECORD WAS DESTROYED

FINANCIAL INFORMATION

		Defendant Szczepanski, Mark Lee	
		Total Financial Assessment	375.00
		Total Payments and Credits	375.00
		Balance Due as of 12/31/2021	0.00
10/22/1992		Transaction Assessment	375.00
10/22/1992	Counter Payment	Receipt # 81-18149	(375.00)
		SCZEPANSKI, MARK LEE	

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[Back](#)

Location : State of North Dakota [Help](#)

REGISTER OF ACTIONS

CASE NO. 81-92-K-03791

STATE OF NORTH DAKOTA VS. KRISTEN LEA ERICKSON

§
§
§
§
§

Case Type: **Misdemeanor**
 Date Filed: **12/07/1992**
 Location: -- **Grand Forks County**

PARTY INFORMATION

		Attorneys
Defendant	Erickson, Kristen Lea GRAND FORKS, ND 58201	
	DOB: 1970 SSN: XXX-XX-1173	
Plaintiff	State of North Dakota	A. Frederick Arnason 701-775-0654 x0000(W)

CHARGE INFORMATION

Charges : Erickson, Kristen Lea	Citation	Statute	Level	Date
1. D/U INFLUENCE OF ALCOHOL	0001046856	39-08-01	Converted Degree	12/05/1992

EVENTS & ORDERS OF THE COURT

	DISPOSITIONS
12/23/1992	Disposition 1. D/U INFLUENCE OF ALCOHOL Pled Guilty
12/23/1992	Plea (Judicial Officer: Judge, Conversion) 1. D/U INFLUENCE OF ALCOHOL Guilty
12/23/1992	Criminal Judgment (Judicial Officer: Kleven, Debbie) 1. D/U INFLUENCE OF ALCOHOL 12/05/1992 (CONV) 39-08-01 (390801)
	Converted Disposition: Confinement: Agency: Grand Forks County Correctional Center, Term: 0 Year, 0 Month, 10 Days Report on: December 23, 1992 Suspended: 0 Year, 0 Month, 10 Days 0 Year, 0 Month, 0 Day Condition - Adult: 1. Obtain an Evaluation, 735 OBTAIN AN EVALUATION 12/23/1992 - 01/23/1993, Satisfied 01/05/1993 Condition - Adult: 1. Violate No Criminal Laws, 765 VIOLATE NO CRIMINAL LAWS 12/23/1992 - 12/23/1993, Satisfied 12/23/1992 Condition - Adult: 1. Set up Payment Schedule, SET UP PAYMENT SCHEDULE PayPeriod - M PayAmount - 375.00 Start Date - 12/23/1992 12/23/1992 12/23/1992, Active 12/23/1992 Fee Totals: Fine/State \$250.00 Court Administration \$125.00 Fee Fee Totals \$ \$375.00 Comment (BOND IS HEREBY DISCHARGED.)

OTHER EVENTS AND HEARINGS

12/09/1992 **Initial Appearance** (9:30 AM) (Judicial Officer Kleven, Debbie)
UCIS Hrg Desc: FIRST APPEARANCE

12/18/1992 **Sentencing** (9:00 AM) (Judicial Officer Kleven, Debbie)

12/23/1992 **Converted Event Codes Index # 1**
() 01 CITATION

12/23/1992 **Converted Event Codes Index # 2**
() 02 JUDGMENT OF CONVICTION

12/23/1992 **Sentencing** (9:00 AM) (Judicial Officer Kleven, Debbie)

12/28/2006 **Pursuant to Administrative Rule 19 Documents Destroyed Index # 3**
PURSUANT TO RULE 19 OF ADMIN RULES THIS RECORD WAS DESTROYED

FINANCIAL INFORMATION

	Defendant Erickson, Kristen Lea	
	Total Financial Assessment	375.00
	Total Payments and Credits	375.00
	Balance Due as of 01/11/2022	0.00
12/23/1992	Transaction Assessment	375.00
12/23/1992	Counter Payment Receipt # 81-20999	ERICKSON, KRISTEN LEA (375.00)

Kristen Vik's name prior to marriage was Kristen Erickson, so even with her name on the false police report she made as Kristn Vik, even while recovering from eye surgery, it did not take me long to learn a significant amount of information about her. At the time I could not be on a computer for very long either, but this was rather easy. As for the conviction of Dr. Szczepanski, that was also not too difficult. These were both obtained from the North Dakota Supreme Court website. One impression I had was perhaps he had lost his driver's license so she had to drive, but in my opinion with her position as Administrator of the North Dakota Surgery Center, these two know one another well.

I graduated from the University of North Dakota in May of 1992, but even in that year a DUI limit of intoxication had been significantly lowered and the fine was typically much higher than \$375. I have no criminal convictions but I do know a person at that time had to normally retain an Attorney and face a much more hefty fine and penalties. These two had the same prosecutor, Albert Frederick Arnason, no retained Attorney's, yet seemed to be swept through the system with a fine or merely \$375. The Supreme Court was not online back then so I have wondered if Szczepanski and Vik have ever disclose this in their licensing process. After a few years things like this tended to be overlooked in a background check, so it was rather easy to omit such a thing prior to a residency or licensing process. Much later the North Dakota Supreme Court went online and all remaining case files became available electronically, especially those resulting in convictions. While the case files are no longer available, the case itself, conviction, and court dockets are online and of public record so anyone can access this information.

In my requests for records from the North Dakota Surgery Center, they were made via a contact form, so I only have the replies and correspondence from Kristen Vik. After she denied my request I did not make additional contact, as Vik had already falsely reported me to police. After these requests I learned as well that she made much more than just a false report. Kristen Vik twisted words from one of two messages I left, which I stated earlier in this document, and made rather wild allegations fitting to a swatting call made to the dispatch center. I sent two messages to this facility over the weekend, after a six week waiting period in which my suffering had increased tremendously. The facility had these messages from the weekend, called me once the very next Monday, October 25th, 2021, while the note stated several attempts were made to reach me, etc., and that I had no voice mail which I do and it was reached in the one call but no message left. The next day, Tuesday, October 26th, 2021, in the morning while I was at home nearly blind talking with a friend, Vik then called police regarding these messages, making wild allegations fitting to a swatting call, followed by making a false police report. She had the messages since the weekend but waited until after a fraudulent note was generated from her facility Monday, then she made this call Tuesday. If Vik genuinely desired to report these messages, she could have done so online with the Grand Forks Police Department, without all the hoopla she added into the call. Swatting is a call intended to initiate a S.W.A.T. response, often with intent to get an individual killed. My requests for information are next and do show Vik has a much faster response to messages sent via their contact form, the very next morning, not two days or more, among other things.

RE: Contact Form Submission (North Dakota Surgery Center)

From: "Vik, Kristen" [REDACTED]

To: [REDACTED]

Date: Tue, 18 Jan 2022 15:30:22 +0000 (01/18/2022 09:30:22 AM)

Doug, you will need to reach out to the facility that you had seen Dr. Lommen at. They would be the entity to release that information to you since that is where it originated from.

-----Original Message-----

From: [REDACTED]

Sent: Monday, January 17, 2022 1:48 PM

To: Vik, Kristen [REDACTED]

Subject: Contact Form Submission (North Dakota Surgery Center)

Submitted: Jan-17-2022 13:47 CST

Submitted By: Doug West

Phone Number: (701) 772-4935

Email Address: [REDACTED]

Preferred Method of Contact: Email

Best Time to Call:

For Entity: North Dakota Surgery Center (8101)

Message:

Records Request,

Notes from the North Dakota Eye Clinic state a surgical clearance by Dr. Lommen. The note is regarding myself, Doug West, and is dated 10-25-21, stating I was cleared for surgery by Dr. Lommen on October 10-19-21, with pre-op is valid 60 days. Please mail me all documents the North Dakota Surgery Center received related to and/or regarding, the surgical clearance sent to NDSC by Dr. Lommen. Doug West, 908 Sunset Drive, Grand Forks, ND 58201 Thank you and have a Happy MLK Day

Disclaimer: The email and files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are

addressed. If you are not the original recipient or the person responsible for the delivering the email to the intended recipient, be advised that you have received this email in error, and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you received this email in error, please delete it from your system without copying it, and notify the sender by reply email so that our address record can be corrected. Thank you. Surgery Partners, Inc.

Re: Contact Form Submission (North Dakota Surgery Center)

From: [REDACTED]
To: "Vik, Kristen" [REDACTED]
Date: Tue, 18 Jan 2022 09:37:13 -0600

This is not what I requested as I already have my records from that facility. What I requested is what you received from Dr. Lommen, since that became a part of my record with the NDSC.

Please mail to me via USPS, any and all records received by the NDSC from Dr. Lommen regarding surgical clearance.

Thank You, Doug West

-----Original Message-----

From: "Vik, Kristen" [REDACTED]
To: [REDACTED]
Subject: RE: Contact Form Submission (North Dakota Surgery Center)
Date: Tue, 18 Jan 2022 15:30:22 +0000

Doug, you will need to reach out to the facility that you had seen Dr. Lommen at. They would be the entity to release that information to you since that is where it originated from.

-----Original Message-----

From: [REDACTED]
Sent: Monday, January 17, 2022 1:48 PM
To: Vik, Kristen [REDACTED]
Subject: Contact Form Submission (North Dakota Surgery Center)

Submitted: Jan-17-2022 13:47 CST

Submitted By: Doug West

Phone Number: (701) 772-4935

Email Address: [REDACTED]

Preferred Method of Contact: Email

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For Entity: North Dakota Surgery Center (8101)

Message:
Records Request,

Notes from the North Dakota Eye Clinic state a surgical clearance by Dr. Lommen. The note is regarding myself, Doug West, and is dated 10-25-21, stating I was cleared for surgery by Dr. Lommen on October 10-19-21, with pre-op is valid 60 days. Please mail me all documents the North Dakota Surgery Center received related to and/or regarding, the surgical clearance sent to NDSC by Dr. Lommen. Doug West, 908 Sunset Drive, Grand Forks, ND 58201 Thank you and have a Happy MLK Day

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RE: Re: Contact Form Submission (North Dakota Surgery Center)

From: "Vik, Kristen" [REDACTED]
To: [REDACTED]
Date: Tue, 18 Jan 2022 20:25:47 +0000 (01/18/2022 02:25:47 PM)

I am sorry, the facility records you already have from your history and physical are the same as what we have. We have nothing beyond that. In fact, you were not a patient seen for surgery here so we literally have no other information. We can release an operative record created at our facility, had there been a procedure involved.

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, January 18, 2022 9:37 AM
To: Vik, Kristen [REDACTED]
Subject: [EXTERNAL SOURCE] Re: Contact Form Submission (North Dakota Surgery Center)

*****CAUTION: EMAIL IS FROM AN EXTERNAL SOURCE.*****

This is not what I requested as I already have my records from that facility. What I requested is what you received from Dr. Lommen, since that became a part of my record with the NDSC.

Please mail to me via USPS, any and all records received by the NDSC from Dr. Lommen regarding surgical clearance.

Thank You, Doug West

-----Original Message-----

From: "Vik, Kristen" [REDACTED]
To: [REDACTED]
Subject: RE: Contact Form Submission (North Dakota Surgery Center)
Date: Tue, 18 Jan 2022 15:30:22 +0000

Doug, you will need to reach out to the facility that you had seen Dr. Lommen at. They would be the entity to release that information to you since that is where it originated from.

-----Original Message-----

From: [REDACTED]
Sent: Monday, January 17, 2022 1:48 PM
To: Vik, Kristen [REDACTED]
Subject: Contact Form Submission (North Dakota Surgery Center)

Submitted: Jan-17-2022 13:47 CST

Submitted By: Doug West

Phone Number: (701) 772-4935

Email Address: [REDACTED]

Preferred Method of Contact: Email

Best Time to Call:

For Entity: North Dakota Surgery Center (8101)

Message:
Records Request,

Notes from the North Dakota Eye Clinic state a surgical clearance by Dr. Lommen. The note is regarding myself, Doug West, and is dated 10- 25-21, stating I was cleared for surgery by Dr. Lommen on October 10- 19-21, with pre-op is valid 60 days. Please mail me all documents the North Dakota Surgery Center received related to and/or regarding, the surgical clearance sent to NDSC by Dr. Lommen. Doug West, 908 Sunset Drive, Grand Forks, ND 58201 Thank you and have a Happy MLK Day

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The correspondence above is from my submitting a request for medical information via the contact form on the North Dakota Surgery Center website. I had no idea it would be Kristen Vik, who made a false police report against me, to also be the one responding, as I had no intention of contacting her. My request was Monday, January 17th, 2022, which was the Martin Luther King holiday, or MLK Day. At this time I had obtained the false report made by Kristen Vik to law enforcement, but had no idea what she said in her call to the dispatch center, as it had inconsistencies with the police report. The call she made to dispatch was a call of terrorizing in that she shared to another person the possibility of an individual being out in the parking lot pointing an AK47 out a window, knowing this to be false as she requested a police officer come to the back door. Vik also omitted the fact I was nearly blind and could barely drive. Never was I instructed not to drive, but records from the North Dakota Eye Clinic made such false reference, so if I were in fact not to drive, it would make no sense for me to be in the front lot.

Both the North Dakota Eye Clinic and North Dakota Surgery Center operated in entire shrouded secrecy until I learned shortly before surgery enough information to cancel surgery and look elsewhere. The facilities and staff were elitist in every manner of conduct and behavior, actually quite fascist to say the least. If a patient had questions, they would not answer, as though a patient is nothing more than a lowly irrelevant number not deserving of answers. It felt very much to me I was not entitled to even ask questions because they were going to do whatever they desired regardless. When I wanted to learn of the eye plan for both eyes and lenses used, I requested a meeting with Dr. Sczepanski, Dr. Coles, and the anesthesiologist. I was told by KMT I doubt that's going to happen, but I had not been informed of anything I had questions about.

I was also told by Dr. Lommen there was no tube down one's throat or respirator, yet I learned at the last minute there was intent to use an oxygen apparatus which has no consistency with a cataract surgery. I had to learn these things on my own from those who did not even like the notion of a patient asking questions. I did not learn of the intended IOL's or IOL in this case, when I needed surgery on both eyes, until after I had surgery elsewhere and obtained records. I learned the intent was an outdated IOL.

When Kristen Vik made the false police report Tuesday morning, October 26th, 2021, she twisted words from one of two messages I sent the facility over the weekend. But when I requested records on MLK Day, Vik responded the very next day, not two or three days later. Had my messages been of concern, they could have been reported over the weekend or Monday morning, October 25th, 2021. This happened the next day because the fraudulent medical notes, call to dispatch, and police report were staged.

In my request I referenced a surgical clearance note from the North Dakota Eye Clinic because I had recently received that via USPS from that clinic, but it was a note from the North Dakota Surgery Center. Vik has timely response to messages, the next day, but waited two days to make a false police report. She also displays knowledge of both records and releases. The next documents are dispatch transcripts called in by Vik.

9-1-1
PSAP

Grand Forks County
PUBLIC SAFETY
ANSWERING POINT
122 South 5th Street
Grand Forks, ND 58201

Doug West.

RECEIPT

For Rent
 For _____

Doug West

Date 1/21/22 No. **425301**

Received From Doug West \$ 51.00 DOLLARS

*for my one and only
- transcript of call*

ACCOUNT 51.00

PAYMENT

BALANCE DUE

Cash
 Check
 Money Order

From _____ To _____

By Debrae - PSAP

SC1188



Grand Forks County PSAP

122 South 5th Street, Room 228
Grand Forks, North Dakota 58201
(701) 787-2599 Fax Number
(701) 787-8039 Phone Number

Invoice No.

12122

INVOICE

Customer

Name Doug West
Address 908 Sunset Dr
City Grand Forks State ND 58201
Phone _____

Date 1/21/2022
Order No. _____
Rep _____
FOB _____

Qty	Description	Unit Price	TOTAL
	Transcription of ND Surgery Center call-10/26/21. IR# 21-108454		
2	3 hrs x \$25.00 per hr. (No charge for 1st hour)	\$25.00	\$50.00
4	4 pages (transcript) x \$ 00.25	\$0.25	\$1.00

Payment Details

- Cash
- Check
- Credit Card

Name _____
CC # _____
Expires _____

SubTotal	_____
Shipping & Handling	_____
Taxes	_____
State	_____
TOTAL	\$51.00

Office Use Only



Grand Forks **PUBLIC SAFETY ANSWERING POINT**

Becky Ault, Director
122 South 5th Street
Grand Forks, ND 58201

(701) 787-8042
Fax (701) 746-2599
Email: bault@grandforksgov.com

Doug West
908 Sunset Drive
Grand Forks, ND 58201

January 21, 2022

Mr. West,

Per your request, here is the transcript of the call made from the North Dakota Surgery Center on October 26th, 2021, at 9:26 a.m.

Dispatcher: Grand Forks Dispatch

Caller: Hey, um this is _____ at the ND Surgery Center and this is non-emergency but I do have something I'd like to go over with a police officer maybe, I have a couple emails from what was going to be a potential patient here, that I just feel that I would like to have on record as showing you guys.

Dispatcher: OK, was it like suicidal of nature?

Caller: No, not suicidal, no.

Dispatcher: And was it like.....

Caller: So, I was going to say the reason that I feel that I should report this is because apparently this person has a bit of a history as far as, ahh, having things against health care providers, um, etcetera, and he was apparently mad that he was asked to wear a mask in here, he called Friday, he was supposed to have surgery today. He called Friday and he was told he'd have to wear a mask in the facility and he absolutely freaked out. Well, apparently then over the weekend he looked up you know, our website which that email comes to me, I'm the _____, and so I just noticed this morning, and I'm like oh my gosh, I have an

email in here on Saturday and Sunday from him and its, its, not that he says anything like I'm going to hurt you guys, I'm going to threaten you, or you know, but in reading through it he quotes something like nearly identical to the Jews 57293, get on the car, everybody goes to camp, you're not following CDC guidelines, and then he says, you're na, you're using Nazi language, it's like all over the board so it makes me think he's an actual legit schizophrenic and that makes me scared that OK, is he sitting in our parking lot waiting for somebody with a gun or an AK-47 out of his window? So that's why I'm just like, I want somebody to have this reported to them because I don't know what he's capable of.

Dispatcher: OK, what was your last name _____?

Caller: It's _____.

Dispatcher: OK.

Caller: And he does not come out and say he's going to do anything but in reading it, I'm just, you can tell the mental state, and it scares me.

Dispatcher: OK. Yeah, we can have an officer, do you want an officer to give you a call or stop over there?

Caller: Well, you know what if you he wants to stop over I'll show him the emails.

Dispatcher: How do you spell your name?

Caller: It's _____.

Dispatcher: OK, and what's your phone number?

Caller: Umm, my office number here is _____.

Dispatcher: OK and its at the ND Surgery Center?

Caller: Yes.

Dispatcher: OK, and is that the one on Demers or 47th?

Caller: No, were on 47th.

Dispatcher: OK. And is there a specific area where you're at that they officer should go to?

Caller: Umm, you know what I, I think actually that rather than having him come through the front lobby door, and getting everybody al excited, maybe I'll have him to come, if you can ask him to come on the North, back side receiving door.

Dispatcher: OK, and can he open that door or....

Caller: That door will open and then um, have him give me a call and I will, it is keypad locked from there so I'll come and get him. I just feel like I don't want him to come in through the lobby because people are going to wonder, like our patients, and I don't want them to think, what is going on here.

Dispatcher: OK

Caller: Thank you.

Dispatcher: Yeah, ahh, the area officer, he's available now so it shouldn't be too long, I'll let him know.

Caller: OK, thank you.

Dispatcher: Yep. Bye-bye.

Caller: Bye.

End of Call.

The following is the dispatch radio traffic:

Dispatcher: 623 Central

Officer: Go ahead.

Dispatcher: North Dakota Surgery Center 2600 47th Avenue South, 2600 47th Avenue South, for harassment occurred prior. If you go to the back receiving door and call the reporting party _____ will come and get you.

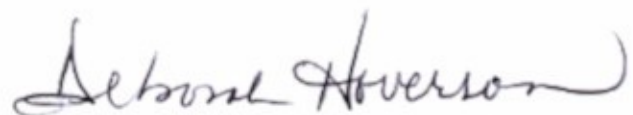
Officer: 10-4

Officer: Can you give me a time and number please?

Dispatcher: 623 your time and number is 8454, 8-4-5-4 at 09:26.

Officer: 10-4

If you have any questions regarding this transcript, you may contact me at the email or telephone number listed below.

A handwritten signature in cursive script that reads "Deborah Hoverson".

Deborah Hoverson

Grand Forks 9-1-1 Center

dhoverson@grandforksgov.com

701 787-8039

RECEIPT

Date 11/3/22 No. **425300**

Received From Yous West Twenty five / 100 **\$ 25** DOLLARS

For Rent
 For Student Run Shoot

ACCOUNT	
PAYMENT	<u>25</u>
BALANCE DUE	

Cash
 Check
 Money Order

From _____ To _____
By Abbie - P SNP

9C1189

GRAND FORKS PUBLIC SAFETY ANSWERING POINT



Incident Run Sheet

1-21-081635

Printed On: 01/13/2022 4:42 PM

Incident Information

Bus./Common: ND SURGERY CENTER	Date: 10/26/2021
Address: 2600 47TH S AVE	Time: 09:26:39
Suite:	How Received: Phone
City/State/Zip: GRAND FORKS, ND 58201	Call Taker: 35656
Cross Streets: S 25TH ST	Subdivision:
S COLUMBIA RD	
Nature: HARASSMENT OCCURRED PRIOR	Nature Code: HAROP Priority: 2

Caller Information

Address: 0
Suite:
City/State/Zip: , ND
Latitude: 47.87541985
Longitude: -97.06493971
Phone:
Contact:
Phone:

Comments

Responder	Date	Time	Comment
35656	10/26/2021	09:26:51	HAS COUPLE EMAILS FROM POTENTIAL CLIENT
35656	10/26/2021	09:27:06	WOULD LIKE TO REPORT THEM
35656	10/26/2021	09:27:26	PERSON HAS A HISTORY OF HAVING ISSUES WITH HEALTHCARE PROVIDERS
35656	10/26/2021	09:27:32	WAS SUPPOSED TO HAVE SURGERY TODAY
35656	10/26/2021	09:27:46	FREAKED OUT BECAUSE HE WAS ASKED TO WEAR A MASK IN THEIR FACILITY
35656	10/26/2021	09:28:22	EMAILS SENT SATURDAY AND SUNDAY THAT SEEMED SCHIZOPHRENIC
35656	10/26/2021	09:30:05	WOULD LIKE OFFICER TO RESPOND TO BACK RECEIVING DOOR
35656	10/26/2021	09:30:14	CALL RP ANC WILL COME GET OFFICER

Disposition

1. REPORT TAKEN 10/26/2021 1002 3.
2. 4.

Response

Law Grid: Grand Forks Police 6B	Fire Grid:
EMS Grid	District: JE

Responders

Responder	Dispatched	Enroute	On Scene	To Hospital	At Hospital	Cleared	In Service	In Quarters
623	09:30:59					10:02:39		

RMS Report Numbers

Agency	T	Fire	T	EMS	T	Law
GRAND FORKS POLICE DEPARTMENT					No	21-108454

City of Grand Forks, North Dakota
Grand Forks Police Department
122 South 5th Street
PO BOX 5548 787-8000

Received At: POLRABFDS1
Received by: JKARAS

Date: 2022/01/10
Receipt Number: 137397

Received of: DOUG WEST

Receipt Detail
Photocopy/copies

2.00

Type of Payment: Cash

Item Total: 2.00
Chg/Fee : .00
Total : 2.00

Case Report

Grand Forks PD

Case Report Number: 21108454-001
Case Number: 21108454
CFS Number: GFPD21-9667



Subject	Suspicious Activity	Location Name	ND SURGERY CENTER
Entered On	10/26/2021 10:04:56 AM	Address	2600 47TH S AVE
Entered By	623 - Fuka, Richard J	CSZ	GRAND FORKS, North Dakota 58201
Reported On	10/26/2021	Jurisdiction	
Reporting Officer	623 - Fuka, Richard J	Call Source	P - Phone
Report Type	I - Information	Related Cases	
Disposition	5 - Inactive	Exceptional Clearances Basis	
Assisted By		Exceptional Clearance Date	
Assisted By Other Agency			
Occurred On (Date and Time)	Tuesday 10/26/2021 9:26:00 AM		
Or Between (Date and Time)			
Attachments	None	Attached Forms	
Attachment Other		Attached Forms Other	two photocopies of emails sent by West

Offense

Offense	87G - Suspicious Person/Vehicle/Activity	Premises Entered	
Code Section		Entry	
IBR Code		Suspected of Using	None/Unknown
Statute		Weapons	
Location Type	09 - Drug Store/Doctors Office/Hospital	Criminal Activity	
Completed	Y - Yes	Type Security	
Hate/Bias	88 - None (No Bias)	Tools	

Offenders

Suspect Name **West, Doug Joseph** Alias

Address	CSZ	Address Type	County	Country
908 Sunset Dr	Grand Forks, ND 58201	H - Home	Grand Forks	USA - United States Of

Case Report

Grand Forks PD

Case Report Number: 21108454-001

America

Phone Number	Phone Type
(701) 775-8385	H - Home
(701) 772-4935	O - Other

Email Address

[REDACTED]

Sex	M - Male	Eye Color	Build
Race	W - White	Hair Color	Height
Ethnicity	N - Not of Hispanic/Latino Origin	Hair Style	Weight
DOB	[REDACTED]	Hair Length	Resident R - Resident
Age	58	Facial Hair	POB
Juvenile	N - No	Complexion	DL Country
		Teeth	

Scars, Marks, Tattoos	SMT Location	Description
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Attire	MO
Employer/School	
Employer Address	Habitual Offender Status
Employer CSZ	Notes
Occupation/Grade	

Victims

Witnesses

Other Entities

Name	Vik, Kristn	Type	C - Complainant
Aliases			

Address	CSZ	Address Type	County	Country
2600 47th Ave S	Grand Forks, ND	W - Work		

Phone Number	Phone Type
(701) 885-4140	C - Cell
(701) 738-4256	W - Work

Email Address

Sex	F - Female	Race	W - White	Ethnicity	N - Not of
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Case Report

Grand Forks PD

Case Report Number: 21108454-001

DOB	Hispanic/Latino Origin	Eye Color	Weight
Age	1970	Hair Color	Resident
Juvenile	50	Facial Hair	POB
	N - No	Complexion	DL Country
		Height	
Attire		Employer CSZ	
Employer/School		Occupation/Grade	
Employer Address		Notes	

Properties

Narrative

10/26/2021 10:09:54 AM	623 - Fuka, Richard J	suspicious activity
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SUMMARY

Kristen Vik, Office Administrator, for the ND Surgery Center reported two suspicious emails that came from a potential client, Doug West. West was apparently upset that he was told that he had to wear a face mask while at the surgery center and he was not happy about it. He sent two emails complaining about this and referencing the staff there to be like Nazi soldiers at WWII concentration camps. I attempted to contact West but no response. I left a voice message for him. The messages were not threatening but concerning to the staff and they will call if West either continues the emails or shows up in person.

INCIDENT DETAILS

On 10-26-21 at 0926 hours I was sent to the ND Surgery Center at 2600 47th Ave S. in regards to suspicious emails. I met the caller, Kristen Vik upon arrival. Vik is the Office administrator for the center. She told me that a potential client, Doug West had an appointment for today, 10-26-21. He called the business on Friday, 10-22-21 with questions. He was told then by staff that he had to wear a face mask while in the building. West got very upset and was verbally abusive to the staff over the phone.

On Saturday West sent an email to Kristen Vik. This message calls the surgery center's staff as 'elitist' and "nearly identical to Jew#57293, get on the box car, everyone goes t the camp". and also telling Vik that the business is using "Nazi language". West sent another email on Sunday. This email is not suspicious sounding. See attached photocopies of both emails for more details on the messages.

The messages were sent to Vik but appears to be directed at the business in general. West did not make any threats. His wording did however concern Vik and she does not want him as a client at all. I attempted to call West. He has two phone numbers that are 'magic Jack' numbers. He did not answer and I left him a message.

I advised Vik to call police if West harasses the business or shows up in person. I also told her to respond back to him that she feels the email is harassing if he emails her again.

Vik wanted a report on file. Nothing further.

CASE STATUS

File as inactive. End of report.

21108454

Vik, Kristen

From: [REDACTED]
Sent: Saturday, October 23, 2021 11:20 PM
To: Vik, Kristen
Subject: Contact Form Submission (North Dakota Surgery Center)

Submitted: Oct-23-2021 23:19 CST

Submitted By: Doug West

Phone Number: (701) 772-4935

Email Address: [REDACTED]

Preferred Method of Contact: Email

Best Time to Call:

For Entity: North Dakota Surgery Center (8101)

Message:

Your website and phone call with staff indicate an extreme elitist attitude, nearly identical to Jew#57293, get on the box car, everyone goes to the camp. You are not following CDC guidelines in any capacity whatsoever, which is clear in the Nazi language used on this website. You are also in violation of the ADA. I've had six surgeries and never have i experienced anything like this rude and elitist attitude, shrouded in secrecy until the last minute before a surgery.

Vik, Kristen

2110 8454

From: [REDACTED]
Sent: Sunday, October 24, 2021 11:09 AM
To: Vik, Kristen
Subject: Contact Form Submission (North Dakota Surgery Center)

Submitted: Oct-24-2021 11:08 CST

Submitted By: Doug West

Phone Number: (701) 772-4935

Email Address: [REDACTED]

Preferred Method of Contact: Email

Best Time to Call:

For Entity: North Dakota Surgery Center (8101)

Message:

Upon my first appointment, Sept 15th, 2021, I relayed I was disabled with CFS and provided critical medical information from specialized physicians. I was very clear on this and disabled alone means a likelihood of certain accommodations. Regardless of any local physician, the medical information provided shows I obviously will need some special circumstances regarding anesthesia and surgery, yet six weeks have went by and I've not been contacted. I found out myself there is no plan yet.

The call to dispatch made by North Dakota Surgery Center Administrator, Kristen Vik, is a call known as swatting which is often intended to get a person killed. These types of calls falsely using terms like “schizophrenic” with “issues” combined with “AK47” are common ways to get a person shot to death via S.W.A.T. initiated language. This call was also intended to cause significant fear through harassment of false reporting, is an extreme form of character defamation, terrorizing, and is clearly directed to be an intentional infliction of emotional harm and distress. After receiving this transcript I locked my doors and stopped walking my dogs for weeks. Having Chronic Fatigue Syndrome, I also developed the worst sore left neck gland ever for roughly six weeks.

It was known I canceled surgery the prior Friday, as I clearly stated I would not be in surgery with the use of an oxygen apparatus and said no to a drape covering. It was also known I would need to go elsewhere which often means I would show up to sign release forms, which I did at other facilities. Upon leaving with paperwork rolled up in one hand I could have easily then been met by a S.W.A.T. team saying, “don’t move”, and then waving my left hand up over my face to block the glare so I could see, with significant glare in my left eye, I could have been shot and killed. My right eye was nothing but blur and glare. Kristen Vik knew this as well so the nature of the call is absolutely inconsistent with my condition. I’ve also never served in the military nor have I ever been hunting, and the nature of this call is totally inconsistent with my character.



In my home you see puppies and kitties, computer gear, Bose and Yamaha music gear, and a hand selected vintage collection of Slingerland drums. In the back of the above photo behind the heater are vintage Slingerland bass drum pedals and these are the types of hobbies I engage in. I plan on breeding my dogs as Bichon and Shih Tzu are very popular designer breeds. I have Teddy, Freddie, and cats Betty and Jetty. On my couch is Freddie, the female Shih Tzu, and Jetty. You rarely see the face on Freddie as she is all black and I drove to Fargo July 9th, of 2021 where I paid more for her than I did my new Eyhance IOL's which resulted in 20/20 vision. What you don't see in my home is a gun collection, bear rug, nor a deer head mounted on the wall. I am very much a highly skilled computer geek, artist, and professional musician who enjoys friendly pets.

As stated previously, if it were not for the Can-c eye drops clearing up my right eye for a temporary time period, I would not have made it to Fargo for my first eye appointment where I drove slowly down old Highway 81. After visiting my uncle in north Fargo and trying to find the highway, I stopped at a convenience store to use the restroom and buy some pop and candy. I asked about Highway 81 and learned I was in Minnesota, then realizing the bridge I went over was not a creek I didn't know of, but the Red River.

At almost exactly the time Kristen Vik made this swatting call to dispatch, I was at home talking with a drummer friend about my eyes and me being a better drummer than he is, and I received a call on one phone then the next from a police officer. His name is pronounced "Few Ka" and not "Fooko as he said on the message he left. Kristen Vik knew when making this call I had canceled surgery and was completely blind in my right eye. I had no peripheral view of anything and no binocular vision. I also did not have any depth perception and could not swat a fly, so to say anything such as pointing an AK47 out a window is ridiculous and inconsistent with both my condition and character.

Kristen Vik wanted an officer to come to the back door which is inconsistent with any fear of a "schizophrenic" individual being in the front parking lot with an "AK47", and of course Dr. Sczepanski was present at the North Dakota Surgery Center during this time, who appears to know Vik from college. Dr. Sczepanski signed two fraudulent medical notes designed to create an appearance of me not having canceled surgery the prior Friday, and that his surgery center made several attempts to call me Monday without an answer and without voice mail. There was only one call Monday which didn't make sense since I had canceled Friday, and the surgery center reached my voice mail and did not leave a message. Officer Fuka also reached my voice mail and left a message.

Dr. Sczepanski is in an executive position over Kristen Vik, who is in an administrative position over staff at the North Dakota Surgery Center. These facilities along with Opticare knew I had canceled and treated me horribly while I was suffering from being very dizzy and out of balance while blind in my right eye and a glaring left eye. I was told I would not have to wear a mask and was not upset, mad, nor "freaked out" as Vik falsely claims, whatever that means. Since I have asthma I was told I would not have to wear a mask but then learned the facility uses oxygen on "everybody" during surgery.

As previously explained and I will again display the two fraudulent notes later in this document along with phone logs, I was on the telephone with the North Dakota Surgery Center when I received a call from the North Dakota Eye Clinic. Out of concern for my health conditions which were neglected altogether, I asked about a mask and was told I would not have to wear one due to the fact I have asthma. I then said good because I did not want to wake up from surgery with someone putting a mask on me. At that point I was told about the oxygen apparatus and had a polite discussion with the call ending to take the incoming call from the North Dakota Eye Clinic.

These facilities had six weeks to inform me of their manner of conducting surgery and refused to inform me of anything, as though I had no individual rights to knowledge of surgical procedures, the intended IOL's, an eye plan, anesthesia, or basically anything I asked of the facilities, so I canceled. An oxygen apparatus for a cataract surgery is an over use and I did not want to go to oxygen and then off from oxygen, as it can become problematic for me, especially with anesthesia. Had I been informed of this six weeks earlier I would have found a different facility, which I did and was treated quite well, without any form of fascist style of conduct. I also wore no mask during my appointment at the North Dakota Eye Clinic so the facilities were aware of my condition six weeks prior and were not at all prepared, nor did they seem to care. When I hear that they use oxygen for "everybody", people with asthma, "everybody", I feel like an irrelevant number and not an individual. These types of misdirected CDC guidelines and violations of the Americans with Disabilities Act, are not something one would expect from any medical provider, as they of all should know better. To use an oxygen apparatus for a short cataract surgery is a violation of the most basic of Nuremberg codes, in that the device should not exceed the experiment. After becoming worse and suffering for six weeks, I learned this at the last minute when I could and should have been informed during my eye appointment with Dr. Sczepanski and would have then opted out.

Kristen Vik has a faster response time to messages but waited until Tuesday morning to make a swatting call to dispatch followed by an entirely false police report. Vik also stated I was a potential client when I had canceled, and also stated I was to have surgery that Tuesday, October 26th, 2021, when I had canceled Friday, October 22nd, of 2021 when KMT called me and talked for more than one hour. The North Dakota Surgery Center also removed me from their schedule Monday, October 25th, 2021, when falsely claiming to make several attempts to reach me. Vik also said she did not want me as a client at all which makes no sense. Her facility removed me from their schedule the day before her false report to law enforcement, so I was not a client at all. But if Vik did not want me as a client due to messages received over the weekend, it makes no sense for the North Dakota Surgery Center to have called me Monday, October 25th, of 2021, at all. I canceled on Friday, October 22nd, 2021, and the following Monday while already having my messages telling the facility how horribly they treated me, the facility called me, then generated a fraudulent medical note, as did the North Dakota Eye Clinic on Friday, October 22nd, 2021. I was not a potential client at all and never would have been, were I informed of their manner of conducting surgery, suffering for six weeks.

There was no prior harassment nor verbal abuse as Kristen Vik claimed falsely, as my telephones keep detailed logs through the provider. The only call where I connected to anyone with the North Dakota Surgery Center was Friday, October 22nd, 2021, which ended politely to take the call from the North Dakota Eye Clinic. The note states I called and mentioned a drape covering, which I had never heard of until I received this call, which was more than one hour long. This was a detailed discussion which resulted in nothing to accommodate my health conditions nor establish an eye plan for both eyes, as they need to work as a pair. Had there been harassment and verbal abuse, KMT could have simply canceled my surgery and hanged up the telephone, but did not.

Dr. Szczepanski and his friend Kristen Vik in my opinion, did this knowing upon my canceling surgery, that I would have to go elsewhere soon before losing vision in my right eye permanently. Upon going elsewhere I would likely not be treated like a number but an individual, and that I would get what I needed which was surgery on both eyes, covered by insurance, resulting in 20/20 vision. The plan with Dr. Coles to keep me coming in for cataract monitoring and updating glasses which would be out of balance, would have left me crippled and dependent upon constant updates for glasses. This attempted fraud would of course be learned of later, which it was after gaining my vision back, so they decided to generate fraudulent notes. These notes appeared I did not cancel surgery and was some type of questionable "no show" who did not answer his phone and had no voice mail, falsely claiming several attempts were made to reach me when that is not true. The surgery center is a small building and with Dr. Szczepanski being there Tuesday, October 26th, 2021, along with Kristen Vik, he obviously had to know she made this call and met with a police officer at the back door. After all, it was Dr. Szczepanski who digitally signed both fraudulent notes which I will detail later.

This police officer, Richard Fuka, was over zealous in taking the false information from Kristen Vik. He called me without any verification toward truth of the falsely reported information, misrepresenting his name which is an entrapment scenario. Fuka never questioned why Vik would be reporting messages she had for two days when she could have reported them online Monday without the swatting call and false information, and he never showed any concern for my well being. If I were to have surgery but canceled, he could have at least asked what type of surgery as I may have needed help. Had he asked he would have learned I was nearly blind. He also listed me on the report as Habitual Offender Status when I have no criminal convictions. Szczepanski and Vik both have criminal convictions on their record when I have none of any kind whatsoever.

Dr. Szczepanski is friends with a Deputy Chief, Jim Remer, who is in an administrative position over Officer Richard Fuka with the Grand Forks Police Department. Remer has a factually documented history of corruption going back to the mid 1990's, which I have strong evidence to this being true. In 2008, police followed me around and tried to stop me when I have a clear traffic record. They later mailed me a traffic ticket in attempt to establish probable cause. During this time to make me look like a criminal, they ran me through the FBI for a background check which came back clean, without convictions.

Date 10/22/21 2:57 pm

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment


Types

Misc. Notes

Progress

Notes

Patient called here and the NDSC with concerns regarding his pre op physical with Dr. Lommen and his upcoming surgery. He states that he has chronic fatigue syndrome and asthma and can not wear a mask or have a drape covering his face at any time. NDSC informed him that he would need to wear a mask there and I told him that he would have to have a surgical drape over his face during surgery. He did not want to cancel or reschedule his surgery at this time. Dr. Sczepanski informed.
kmt

X 

Mark Sczepanski, MD

Date 10/25/21 12:53 pm

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment

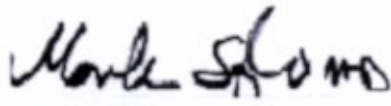
Types

Misc. Notes

Progress

Notes

We have removed patient from tomorrow's surgery schedule. NDSC has made several attempts to reach him to provide him a check in time and further instructions. All calls to patient have gone unanswered and they are not able to leave a voice-mail. He has been cleared for surgery by Dr. Lommen on 10/19/2021, so the pre-op is valid for 60 days. jo

X 

Mark Szczepanski, MD

New VM (1) - 0:02 minutes in your magicJack mailbox from 7012159794

Date: Tue, 26 Oct 2021 10:59:15 -0400 (10/26/2021 09:59:15 AM)

From: magicJack <voicemail@magicjack.com>

To: DOUG WEST [REDACTED]

Attachments: 1

Dear magicJack User:

You received a new 0:02 minutes voicemail message, on Tuesday, October 26, 2021 at 10:59:15 AM in mailbox 7017724935 from 7012159794.

To access your voicemail:

Double click the attached ".WAV" audio file to play the message, or dial your magicJack telephone number from any telephone and press the "*" key at the welcome prompt. You will be asked to enter your voicemail password.

You may also click on the "VMAIL" button on your computer's magicJack display.

Note: To play the attached voicemail file on your Android device, you will need to download and install the free app Remote Wave.

You can download Remote Wave by either visiting play.google.com and searching for Remote Wave or by clicking [here](#).

Attachments

Name	Size
Voicemail sound attachment. (msg0001.WAV)	4.3 kB

New VM (1) - 0:39 minutes in your magicJack mailbox from 7012159794

Date: Tue, 26 Oct 2021 11:01:48 -0400 (10/26/2021 10:01:48 AM)

From: magicJack <voicemail@magicjack.com>

To: DOUG WEST [REDACTED]

Attachments: 1

Dear magicJack User:

You received a new 0:39 minutes voicemail message, on Tuesday, October 26, 2021 at 11:01:48 AM in mailbox 7017758385 from 7012159794.

To access your voicemail:

Double click the attached ".WAV" audio file to play the message, or dial your magicJack telephone number from any telephone and press the "*" key at the welcome prompt. You will be asked to enter your voicemail password.

You may also click on the "VMAIL" button on your computer's magicJack display.

Note: To play the attached voicemail file on your Android device, you will need to download and install the free app Remote Wave.

You can download Remote Wave by either visiting play.google.com and searching for Remote Wave or by clicking [here](#).

Attachments

Name	Size
Voicemail sound attachment. (msg0001.WAV)	64.7 kB

The two medical notes from the North Dakota Eye Clinic, Friday, October 22nd, 2021, and the North Dakota Surgery Center, Monday, October 25th, 2021, are both fraudulent, which I believe was done after I had said no to surgery with an oxygen apparatus or a drape covering my airway. Both are of risks in my condition and were not necessary for a cataract surgery. No one would explain the reasoning for this as well, nor would they explain anything at all. When I spoke with someone at the surgery center I was told due to my having asthma I would not have to wear a mask. Then I learned of this surgical mask with oxygen and the discussion went on politely until I had to end the call to take the call from the North Dakota Eye Clinic with the initialed individual, KMT.

The North Dakota Eye Clinic note from Friday, October 22nd, 2021, states I called and is very short for a conversation lasting more than one hour. She called me while I was on the phone with the North Dakota Surgery Center so it seems odd she would say I called and also called the NDSC. What is very odd is KMT says what the NDSC informed me of when KMT was not a part of the conversation. I also was told I would not have to wear a mask at the NDSC but an oxygen apparatus during surgery. The surgery center never informed me of any surgical drape over my face during surgery, it was KMT who proposed that in alternative to an oxygen apparatus and I said no, and that I would not go forward in surgery with anything like that. It was known six weeks earlier that I have Chronic Fatigue Syndrome and asthma, but it is very odd for her to have called me then said I called and stated I cannot wear a mask or have a drape covering my face at any time, as I had never heard of such a drape covering until KMT proposed this. I also provided these details upon my first eye appointment with Dr. Sczepanski so of course it was known nothing like this could be used with a person in my condition. It is rather peculiar as well to put in a line claiming I did not want to cancel or reschedule surgery at that time when I told her no to surgery in this manner as that can become dangerous.

The other note from the North Dakota Surgery Center on Monday, October 25th, 2021, claims I was removed from tomorrow's surgery schedule when I canceled the previous Friday. On that Monday I was already obtaining records to go elsewhere and purchased new glasses so I could at least see slightly better from my left eye until finding adequate facilities. This note is fraudulent and designed to create an appearance of me being some type of questionable no show who does not answer his telephone nor has any type of voice mail. They already had the two messages I sent via contact form and knew I had canceled surgery, but instead created that note. The next day is when Kristen Vik made the swatting call to dispatch followed by a false police report which is all on the public record. I received one call while in the bathroom from the surgery center and they did reach my voice mail but did not leave a message. I had no idea why they called since I obviously canceled. But the note claims the NDSC made several attempts to reach me to provide a check in time and further instructions. They made one call but the note states all "calls" have gone unanswered and they were not able to leave a voice mail when they did reach voice mail but did not leave a message. The next morning, Officer Fuka clearly reached my main phone's voice mail through its end, leaving no message, then called my second phone and left a voice mail, which is always on.

Other than my two phone numbers, all information in this document for privacy reasons are blacked out. These are things like names of facilities or names of medical providers not needing to be disclosed, and also other information such as date of birth or clinical numbers, as well as electronic communication like email addresses. To display facts my telephone numbers need to be disclosed but for years, both numbers have been in directory assistance anyway and now being magicJack phones, they also both have a call screening enabled. Callers are required to enter a random number for each call in order to get through. The voice mail is reached after four rings by magicJack default.

My main number is 701-772-4935 and second is 701-775-8385. On surgery center note from Monday, October 25th, 2021, only two calls were made on my main number all day and into the evening, as I only use that number for most formal matters and relatives who know that number to this house for years. One was from the North Dakota Surgery Center and is incoming, and the other is me calling my cousin that evening. I exported my logs from magicJack, Wednesday, January 5th, 2022, after receiving the fraudulent notes via USPS, and the logs go back 90 days. They are available in XLS and PDF formats and XLS can be opened in a spreadsheet, while the PDF cannot be edited.

magicJack phones are a VOIP with call screening, voice mail, call logs, and additional features all provided through magicJack. If a call comes in after four rings it goes to voice mail and if the caller disconnects before its end, I don't receive a message which is obvious in the calls made by Officer Fuka. If the caller stays on through the end but says nothing, I receive an email with an empty audio file and if they leave a message I receive an email with a detailed message attached as an audio file. Those features, including the call logs are through magicJack and not by any device at home. Ten digit dialing is required for all numbers and every call hits the magicJack servers. If you dial a 701 area code and wait too long to dial the complete number, it times out and says in order to complete this call you have to dial the area code and number. Even that hits the server and creates a log showing only the area code was dialed. Any miscalled number and any call incoming or outgoing hits the magicJack server and appears in call logs.

magicJack servers are also in Eastern Daylight Time and never changes, so when in Central Daylight Time a call at 9:00 a.m. shows up in logs as 10:00 a.m., which is why Officer Fuka's calls have the correct email time received but the call times are one hour later. This is also how caller ID is at home, one hour later and when falling back to standard time the ID and logs show to be two hours later. This cannot be changed by the user and is all through the provider so even if my house burned down today, the phones would still ring tomorrow with messages coming into email and logs active, which I can obtain through another location. Call logs are also not perfectly sorted by the times of the calls, which is also out of user control. My logs for both phones are added next for the relevant time periods, as I had no contact with these facilities nor received calls from them after Monday, October 25th, 2021. The spreadsheet format is easier to work with and the PDF format renders with cluttered magicJack banners, so I export both formats for comparison to clearly show the logs are not edited in any way.

Number	Direction	Time	Duration
(701) 772-7775	Outgoing	10/27/2021 12:02 pm	00:1:03
(701) 772-7775	Outgoing	10/26/2021 01:17 pm	00:1:07
(701) 746-1960	Outgoing	10/26/2021 01:16 pm	00:0:53
(605) 777-9522	Outgoing	10/26/2021 09:34 pm	00:0:46
(701) 215-9794	Incoming	10/26/2021 10:58 am	00:0:50
(605) 777-9522	Outgoing	10/25/2021 08:27 pm	00:0:22
(701) 738-4240	Incoming	10/25/2021 11:59 am	00:0:53
(605) 777-9522	Outgoing	10/24/2021 05:25 pm	00:0:21
(605) 777-9522	Outgoing	10/24/2021 08:37 pm	00:0:44
(218) 773-3438	Outgoing	10/23/2021 12:19 pm	00:0:55
(218) 773-3438	Outgoing	10/23/2021 12:18 pm	00:1:01
(218) 791-0241	Outgoing	10/23/2021 12:20 pm	00:16:06
(701) 775-3151	Incoming	10/22/2021 02:30 pm	00:64:48
(701) 738-4240	Outgoing	10/22/2021 02:22 pm	00:9:02
(701) 746-6336	Outgoing	10/22/2021 12:03 pm	00:1:31
(701) 234-5876	Outgoing	10/22/2021 10:33 am	00:1:48
(218) 773-3438	Outgoing	10/22/2021 10:05 am	00:0:46
(701) 775-3151	Outgoing	10/22/2021 10:24 am	00:1:57
(218) 773-5801	Incoming	10/22/2021 11:27 am	00:4:57
(701) 234-5876	Outgoing	10/22/2021 10:32 am	00:0:40
(218) 773-3438	Outgoing	10/22/2021 10:14 am	00:6:16
(218) 773-5801	Incoming	10/21/2021 09:58 am	00:0:53
(701) 234-5876	Outgoing	10/21/2021 09:38 am	00:0:20
(218) 773-5801	Incoming	10/21/2021 09:46 am	00:5:49
(701) 234-5876	Outgoing	10/21/2021 03:30 pm	00:5:50
(701) 234-5876	Outgoing	10/21/2021 05:22 pm	00:8:25
(218) 773-5858	Outgoing	10/21/2021 11:38 am	00:1:59
(701) 738-4240	Outgoing	10/20/2021 05:08 pm	00:0:27
(701) 775-2500	Outgoing	10/20/2021 04:34 pm	00:0:10
(701) 237-5211	Outgoing	10/20/2021 05:23 pm	00:6:34
(701) 237-6500	Outgoing	10/20/2021 04:36 pm	00:23:33
(701) 234-5876	Outgoing	10/20/2021 09:03 am	00:0:38
(701) 234-5876	Outgoing	10/20/2021 09:05 am	00:1:50
(701) 780-5000	Outgoing	10/20/2021 05:10 pm	00:6:56
(701) 772-2500	Outgoing	10/20/2021 04:34 pm	00:0:06
605	Outgoing	10/20/2021 09:05 am	00:0:04
(701) 738-4240	Outgoing	10/20/2021 05:17 pm	00:0:54
(701) 234-5876	Outgoing	10/20/2021 05:35 pm	00:2:00
(701) 738-4240	Outgoing	10/20/2021 05:04 pm	00:0:11
(701) 234-5876	Outgoing	10/20/2021 04:18 pm	00:15:18
(701) 328-4240	Outgoing	10/20/2021 05:02 pm	00:1:52
(605) 333-6546	Outgoing	10/20/2021 09:05 am	00:0:13
(701) 738-4240	Outgoing	10/20/2021 05:34 pm	00:0:07
70	Outgoing	10/11/2021 10:34 am	00:0:09
(701) 775-3151	Outgoing	10/11/2021 10:34 am	00:2:03

Device Name	Outgoing	Duration
(701) 772-7775	Outgoing	10/27/2021 12:02 pm 00:1:03
(701) 772-7775	Outgoing	10/26/2021 01:17 pm 00:1:07
OVERVIEW (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=HOW-IT-WORKS)		
(701) 746-1960	Outgoing	10/26/2021 01:16 pm 00:0:53
(605) 777-9522	Outgoing	10/26/2021 09:34 pm 00:0:46
PRODUCTS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PRODUCTS)		
(701) 215-9794	Incoming	CART 0 Your Account - 1 Account acmg/mj/ps/MjAccountInfo.do
(605) 777-9522	Outgoing	10/25/2021 08:27 pm 00:0:22
PLANS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PLANS)		
(701) 738-4240	Incoming	10/25/2021 11:59 am 00:0:53
(605) 777-9522	Outgoing	10/24/2021 05:25 pm 00:0:21
INT'L (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=IPP)		
(605) 777-9522	Outgoing	10/24/2021 08:37 pm 00:0:44
(218) 773-3438	Outgoing	10/23/2021 12:19 pm 00:0:55
HELP (HTTPS://HELP.MAGICJACK.COM)		
(218) 773-3438	Outgoing	10/23/2021 12:18 pm 00:1:01
(218) 791-0241	Outgoing	10/23/2021 12:20 pm 00:16:06
ACTIVATE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/MJDETECTDEVICE.DO?LANGUAGE=)		
(701) 738-4240	Outgoing	10/22/2021 02:22 pm 00:9:02
RENEW SERVICE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/ACMG/MJ/ADDITIONALYEARS.DO)		
(701) 234-5876	Outgoing	10/22/2021 10:33 am 00:1:48
(218) 773-3438	Outgoing	10/22/2021 10:05 am 00:0:46
(701) 775-3151	Outgoing	10/22/2021 10:24 am 00:1:57
(218) 773-5801	Incoming	10/22/2021 11:27 am 00:4:57
(701) 234-5876	Outgoing	10/22/2021 10:32 am 00:0:40
(218) 773-3438	Outgoing	10/22/2021 10:14 am 00:6:16
(218) 773-5801	Incoming	10/21/2021 09:58 am 00:0:53
(701) 234-5876	Outgoing	10/21/2021 09:38 am 00:0:20
(218) 773-5801	Incoming	10/21/2021 09:46 am 00:5:49
(701) 234-5876	Outgoing	10/21/2021 03:30 pm 00:5:50
(701) 234-5876	Outgoing	10/21/2021 05:22 pm 00:8:25

Device Name	Outgoing	Duration
(218) 773-5858	Outgoing	10/21/2021 11:38 am 00:1:59
(701) 738-4240	Outgoing	10/20/2021 05:08 pm 00:0:27
OVERVIEW (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=HOW-IT-WORKS)		
(701) 775-2500	Outgoing	10/20/2021 04:34 pm 00:0:10
(701) 237-5211	Outgoing	10/20/2021 05:23 pm 00:6:34
PRODUCTS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PRODUCTS)		
(701) 237-6500	Outgoing	10/20/2021 04:34 pm 00:0:34
PLANS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PLANS)		
(701) 234-5876	Outgoing	10/20/2021 09:03 am 00:0:38
(701) 780-5000	Outgoing	10/20/2021 05:10 pm 00:6:56
INT'L (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=IPP)		
(701) 772-2500	Outgoing	10/20/2021 04:34 pm 00:0:06
605	Outgoing	10/20/2021 09:05 am 00:0:04
HELP (HTTPS://HELP.MAGICJACK.COM)		
(701) 738-4240	Outgoing	10/20/2021 05:17 pm 00:0:54
(701) 234-5876	Outgoing	10/20/2021 05:35 pm 00:2:00
ACTIVATE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/MJDETECTDEVICE.DO?LANGUAGE=)		
(701) 234-5876	Outgoing	10/20/2021 04:18 pm 00:15:18
RENEW SERVICE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/ACMG/MJ/ADDITIONALYEARS.DO)		
(605) 333-6546	Outgoing	10/20/2021 09:05 am 00:0:13
(701) 738-4240	Outgoing	10/20/2021 05:34 pm 00:0:07
70	Outgoing	10/11/2021 10:34 am 00:0:09
(701) 775-3151	Outgoing	10/11/2021 10:34 am 00:2:03

magicJack APP Mobile Devices

Device Name

Number	Direction	Time	Duration
(701) 739-7920	Outgoing	10/30/2021 10:13 am	00:57:03
(701) 739-7920	Incoming	10/30/2021 10:11 am	00:1:00
(701) 739-7920	Incoming	10/29/2021 10:31 am	00:54:18
(701) 885-9012	Outgoing	10/29/2021 01:09 pm	00:16:14
(218) 230-3657	Incoming	10/29/2021 11:22 am	00:62:39
(701) 739-7920	Outgoing	10/28/2021 01:25 pm	00:0:28
(701) 739-7920	Outgoing	10/28/2021 11:54 am	00:1:20
(701) 885-9012	Outgoing	10/28/2021 07:49 pm	00:6:34
(701) 739-7920	Incoming	10/27/2021 10:04 am	00:65:56
(701) 885-9012	Outgoing	10/27/2021 07:50 pm	00:11:44
(701) 215-9794	Incoming	10/26/2021 11:00 am	00:1:26
(701) 739-7920	Incoming	10/26/2021 10:27 am	00:68:56
(701) 739-7920	Outgoing	10/25/2021 05:45 pm	00:0:22
(701) 739-7920	Outgoing	10/25/2021 08:11 pm	00:1:31
(218) 230-3657	Incoming	10/25/2021 10:36 am	00:100:49
(218) 230-3657	Outgoing	10/24/2021 12:25 pm	00:0:31
(701) 739-7920	Incoming	10/24/2021 12:50 pm	00:90:04
(701) 739-7920	Outgoing	10/24/2021 12:17 pm	00:0:29
(218) 230-3657	Outgoing	10/24/2021 10:34 am	00:0:27
(701) 739-7920	Outgoing	10/24/2021 10:44 am	00:0:24
(701) 885-9012	Outgoing	10/23/2021 02:34 pm	00:1:11
(701) 739-7920	Outgoing	10/23/2021 09:56 am	00:60:39
(218) 230-3657	Outgoing	10/23/2021 08:41 pm	00:0:14
(701) 620-6008	Outgoing	10/23/2021 12:13 pm	00:0:36
(701) 792-2607	Outgoing	10/23/2021 12:14 pm	00:3:35
(701) 739-7920	Outgoing	10/22/2021 07:32 pm	00:0:24
(701) 739-7920	Outgoing	10/22/2021 01:24 pm	00:0:26
(701) 739-7920	Incoming	10/22/2021 01:29 pm	00:38:32
(701) 739-7920	Outgoing	10/22/2021 11:26 am	00:0:24
(701) 739-7920	Outgoing	10/22/2021 08:09 pm	00:0:28
(701) 739-7920	Outgoing	10/22/2021 12:17 pm	00:1:32
(701) 739-7920	Incoming	10/21/2021 10:36 am	00:43:14
(701) 885-9012	Outgoing	10/20/2021 06:37 pm	00:0:29
(701) 739-7920	Outgoing	10/20/2021 10:20 am	00:12:54
(701) 885-9012	Incoming	10/20/2021 07:02 pm	00:22:03
(701) 739-7920	Outgoing	10/20/2021 10:33 am	00:32:44
(701) 739-7920	Incoming	10/19/2021 05:18 pm	00:12:21
(701) 739-7920	Outgoing	10/19/2021 04:44 pm	00:1:32
(701) 739-7920	Outgoing	10/19/2021 07:59 pm	00:0:51
(701) 739-7920	Outgoing	10/19/2021 11:17 am	00:1:14
(701) 739-7920	Outgoing	10/18/2021 12:25 pm	00:1:03
(701) 739-7920	Incoming	10/18/2021 09:05 pm	00:32:18
(701) 739-7920	Outgoing	10/18/2021 01:52 pm	00:1:20
(218) 230-3657	Outgoing	10/16/2021 11:27 am	00:0:30
(218) 230-3657	Incoming	10/16/2021 11:28 am	00:70:52
(701) 739-7920	Incoming	10/15/2021 11:29 am	00:18:38
(701) 885-9012	Outgoing	10/14/2021 07:01 pm	00:2:35
(218) 230-3657	Outgoing	10/13/2021 06:28 pm	00:0:05
(701) 885-9012	Outgoing	10/13/2021 06:42 pm	00:15:46
(701) 885-9012	Outgoing	10/13/2021 07:57 pm	00:0:37
(218) 230-3657	Outgoing	10/12/2021 07:19 pm	00:0:10
(218) 230-3657	Outgoing	10/12/2021 05:31 pm	00:0:29
(701) 885-9012	Outgoing	10/07/2021 06:03 pm	00:1:41
(701) 739-7920	Outgoing	10/07/2021 11:56 am	00:0:29
(701) 739-7920	Incoming	10/07/2021 11:59 am	00:7:17
(701) 739-7920	Outgoing	10/06/2021 12:02 pm	00:1:01

Device Name	Outgoing	Incoming	Duration
(701) 739-7920	Outgoing	10/30/2021 10:13 am	00:57:03
(701) 739-7920	Incoming	10/30/2021 10:11 am	00:1:00
OVERVIEW (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=HOW-IT-WORKS)			
(701) 739-7920	Incoming	10/29/2021 10:31 am	00:54:18
(701) 885-9012	Outgoing	10/29/2021 01:09 pm	00:16:14
PRODUCTS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PRODUCTS)			
(218) 230-3657	Incoming	CART 0 Your Account (/Account/acmg/mj/getAccountInfo.do)	
(701) 739-7920	Outgoing	10/28/2021 01:25 pm	00:0:28
PLANS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PLANS)			
(701) 739-7920	Outgoing	10/28/2021 11:54 am	00:1:20
(701) 885-9012	Outgoing	10/28/2021 07:49 pm	00:6:34
INT'L (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=IPP)			
(701) 739-7920	Incoming	10/27/2021 10:04 am	00:65:56
(701) 885-9012	Outgoing	10/27/2021 07:50 pm	00:11:44
HELP (HTTPS://HELP.MAGICJACK.COM)			
(701) 245-9794	Incoming	10/26/2021 11:00 am	00:1:26
(701) 739-7920	Incoming	10/26/2021 10:27 am	00:68:56
ACTIVATE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/MJ/DTECTDEVICE.DO?LANGUAGE=)			
(701) 739-7920	Outgoing	10/25/2021 08:11 pm	00:1:31
RENEW SERVICE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/ACMG/MJ/ADDITIONALYEARS.DO)			
(218) 230-3657	Outgoing	10/24/2021 12:25 pm	00:0:31
(701) 739-7920	Incoming	10/24/2021 12:50 pm	00:90:04
(701) 739-7920	Outgoing	10/24/2021 12:17 pm	00:0:29
(218) 230-3657	Outgoing	10/24/2021 10:34 am	00:0:27
(701) 739-7920	Outgoing	10/24/2021 10:44 am	00:0:24
(701) 885-9012	Outgoing	10/23/2021 02:34 pm	00:1:11
(701) 739-7920	Outgoing	10/23/2021 09:56 am	00:60:39
(218) 230-3657	Outgoing	10/23/2021 08:41 pm	00:0:14
(701) 620-6008	Outgoing	10/23/2021 12:13 pm	00:0:36
(701) 792-2607	Outgoing	10/23/2021 12:14 pm	00:3:35
(701) 739-7920	Outgoing	10/22/2021 07:32 pm	00:0:24



Device Name	Direction	Date/Time	Duration
(701) 739-7920	Outgoing	10/22/2021 01:24 pm	00:0:26
(701) 739-7920	Incoming	10/22/2021 01:29 pm	00:38:32
OVERVIEW (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=HOW-IT-WORKS)			
(701) 739-7920	Outgoing	10/22/2021 11:26 am	00:0:24
(701) 739-7920	Outgoing	10/22/2021 08:09 pm	00:0:28
PRODUCTS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PRODUCTS)			
(701) 739-7920	Outgoing	CART 0 Your Account - Account/acmg/mj/getMjAccountInfo.do	
(701) 739-7920	Incoming	10/21/2021 10:36 am	00:43:14
PLANS (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PLANS)			
(701) 885-9012	Outgoing	10/20/2021 06:37 pm	00:0:29
(701) 739-7920	Outgoing	10/20/2021 10:20 am	00:12:54
INT'L (HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=IPP)			
(701) 885-9012	Incoming	10/20/2021 07:02 pm	00:22:03
(701) 739-7920	Outgoing	10/20/2021 10:33 am	00:32:44
HELP (HTTPS://HELP.MAGICJACK.COM)			
(701) 739-7920	Incoming	10/19/2021 05:18 pm	00:12:21
(701) 739-7920	Outgoing	10/19/2021 04:44 pm	00:1:32
ACTIVATE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/MJDETECTDEVICE.DO?LANGUAGE=)			
(701) 739-7920	Outgoing	10/19/2021 11:17 am	00:1:14
RENEW SERVICE (HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/ACMG/MJ/ADDITIONALYEARS.DO)			
(701) 739-7920	Incoming	10/18/2021 09:05 pm	00:32:18
(701) 739-7920	Outgoing	10/18/2021 01:52 pm	00:1:20
(218) 230-3657	Outgoing	10/16/2021 11:27 am	00:0:30
(218) 230-3657	Incoming	10/16/2021 11:28 am	00:70:52
(701) 739-7920	Incoming	10/15/2021 11:29 am	00:18:38
(701) 885-9012	Outgoing	10/14/2021 07:01 pm	00:2:35
(218) 230-3657	Outgoing	10/13/2021 06:28 pm	00:0:05
(701) 885-9012	Outgoing	10/13/2021 06:42 pm	00:15:46
(701) 885-9012	Outgoing	10/13/2021 07:57 pm	00:0:37
(218) 230-3657	Outgoing	10/12/2021 07:19 pm	00:0:10
(218) 230-3657	Outgoing	10/12/2021 05:31 pm	00:0:29



Device Name	Outgoing	Incoming	Duration
(701) 885-9012	Outgoing		10/07/2021 06:03 pm 00:1:41
(701) 739-7920	Outgoing		10/07/2021 11:56 am 00:0:29
(701) 739-7920	Incoming		10/07/2021 11:59 am 00:7:17
(701) 739-7920	Outgoing		10/06/2021 12:02 pm 00:1:01

[OVERVIEW \(HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=HOW-IT-WORKS\)](https://store.magicjack.com/account/mjlandingpages.do?page=index)
[PRODUCTS \(HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PRODUCTS\)](https://store.magicjack.com/account/mjlandingpages.do?page=products)
[PLANS \(HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PLANS\)](https://store.magicjack.com/account/mjlandingpages.do?page=plans)
[INT'L \(HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=IPP\)](https://store.magicjack.com/account/mjlandingpages.do?page=intl)

[DOUG WEST 1 \(/account/acmg/mj/renameDevice.do\)](https://store.magicjack.com/account/mjlandingpages.do?page=plans)
[PLANS \(HTTPS://STORE.MAGICJACK.COM/ACCOUNT/MJLANDINGPAGES.DO?PAGE=PLANS\)](https://store.magicjack.com/account/mjlandingpages.do?page=plans)
 (701) 772-4935

[Show Contacts](#) | [Export Contacts](#) | [Show Call Logs](#) | [Export Call Logs](#)

magicJack APP Mobile Devices

[HELP \(HTTPS://HELP.MAGICJACK.COM\)](https://help.magicjack.com)

Device Name	Outgoing	Incoming	Duration
DOUG WEST MOBILE (/account/activeWeb.html?device=DOUGWESTMOBILE)			

[magicApp for Android™](https://account.magicjack.com/account/mj/detectDevice.do?language=en)
 (701) 775-8385

[RENEW SERVICE \(HTTPS://ACCOUNT.MAGICJACK.COM/ACCOUNT/ACMG/MJ/ADDITIONALYEARS.DO\)](https://account.magicjack.com/account/mj/detectDevice.do?language=en)

[Site Map \(/account/acmg/mj/sitemap.do\)](https://account/acmg/mj/sitemap.do)

PRODUCTS

- magicJack
(https://store.magicjack.com/account/mjLandingpages.do?page=magicJackHOME)
- magicApp
(https://store.magicjack.com/account/mjLandingpages.do?page=magicApp)

HELP

- Customer Care
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The prior seven pages of telephone logs are from my two home phones and consist of both formats available from magicJack. The first three pages are from 701-772-4935 and the last four pages from 701-775-8385. I tend to use the first mostly as my main home phone and the second for friends. I did use my second phone for one call to Eyemart Express on Saturday, October 23rd, 2021, as I previously mentioned and all other calls mentioned in this document were made or received from my main phone number. The logs are all in the time period of Central Daylight Time so all calls appear to be one hour later than actually made. The first page for logs of each number is from the XLS format which opens with a spreadsheet, while the following pages are from the PDF format which cannot be edited. These are kept by the provider with the user being able to export them from the provider.

Only PDF and XLS formats are available and the XLS format has flexibility in layout, viewing, and printing. I've printed them from a spreadsheet into a PDF file, then added them to this document. As previously stated, the times of calls come sorted as is and the user has no control of that as well. The available PDF format that can be exported from magicJack, for whatever reason, renders with banners and other information scattered over and across the logs, with some device, phone number, and account information showing up as well. This is something the user cannot do anything about so in some ways that format is not all too useful. However, with the errors in rendering and without the ability to edit the PDF format, it is an excellent example to show the logs are not altered in any manner whatsoever, and cannot be, which is why I save each format at the same time. Some of the call information ends up being covered over in the PDF format, but the XLS format is just data that can be opened in a spreadsheet, providing clear phone log information. When going through both formats call by call, counting them, or anything else, it is clear the spreadsheet format is the same as the PDF format without any editing. That is why I do save both formats, even with the scattered banners and errors in rendering from the PDF format, it establishes no editing of the phone logs.

It is a bit troublesome with the times of calls being one hour later than actually made, but magicJack servers are in Eastern Daylight Time and this cannot be changed by the user. When a call was made at 12:15 p.m., it was actually made at 11:15 a.m. so that at times is a little more confusing when going through the logs. A person viewing them is looking for a call during the morning that is displayed as afternoon. Also, the times not being sorted make for a little more work as well, but is out of magicJack user control.

These logs do show every call I mentioned earlier in this document is both accurate and true, as are the contents of this document. I've done my very best to be diligent in this process of writing this document and was not what I expected for a comfortable eye recovery after surgery, as all of this has been extremely stressful. I was not able to type at this length until about mid March of 2022 after surgery followed by a laser procedure on my right eye. I would have been finished near the end of April of 2022 but Saturday, April 23rd, 2022, I had water in my basement which was a significant setback. Also, a large portion of this document was prepared and typed without wearing any glasses.

Opticare in East Grand Forks, MN, treating me as they did wasn't the usual experience I've had in the past, as I've been going there since 2004, as did my parents who both passed away not long ago. While Dr. Destin Coles, O.D., was good to me during my eye exam, he did not have my best interests or quality of life as a priority. I could and should have had new glasses after my exam since the lenses could have been updated later, which Eyemart Express did for free. If this was not something he was willing to do for new glasses, he could have referred me to Eyemart Express where the service was excellent. His stated counseling in records never took place and I was left on my own, even after I canceled surgery with Dr. Sczepanski, M.D., with the North Dakota Eye Clinic in Grand Forks, ND. I went to Opticare for a scheduled appointment to use the time for referring me to a different facility and was asked to leave.

Dr. Coles knew I had canceled surgery since I called him on his cell phone while he was butchering chickens, and he told me then to come in Monday and pick up my hard copy prescription, which I did, so I could get new glasses that day. I did that on the previous Friday but Opticare denied me what I needed, denying me the opportunity to at least see better from my left eye and without broken glasses. I was continually asked if I were going to my surgery when I repeatedly said I had canceled. When I did go for my scheduled appointment in hope of getting a different referral, I was told that was for after surgery and I did not go to my surgery. This was on a Wednesday and I again had to reply that no, I had canceled last Friday. Both Opticare staff and Dr. Coles were aware of this but continued to act as if I was uncertain and did not show up for surgery.

There is also mention of me being adopted in records from Opticare by Dr. Coles and that my family history is unknown, which is not true and Dr. Coles is aware of this. When I was asked if cataracts run in my family I informed him my mother had a lens flattening procedure and I informed Dr. Sczepanski of this as well during my eye exam with him, while both Coles and Sczepanski did not seem to be aware of such a procedure which is a refraction procedure. If my family history were unknown it would make no sense for me to inform them of my mother's procedure. Also, Dr. Coles appears to have sent to Dr. Sczepanski a record of a different person, Shirley Hamrick, which was mailed to me via USPS by the North Dakota Eye Clinic. While surgical concerns were presented to me shortly prior to a scheduled surgery, there simply was not an eye plan and I had not been informed of anything such as IOL's or when my left eye would be corrected. The email I sent to my brother and sister clearly display this was very much a major concern for me as I had just finished both surgeries when I wrote them. At that time I had not even requested any records yet, nor obtained the police report or any other information, but had just finished my one week follow up appointment after my left eye surgery.

My surgeon said I would be too far out of balance to only perform surgery on one eye, which was true as the week between surgeries was very difficult and I couldn't imagine what life would have been like being left in a one eye only surgical condition. Colors looked different from each eye which alone was difficult to cope with, but that along with the difference in focus between my two eyes was extremely difficult altogether.

Planning to perform surgery on only my right eye was not to my benefit or quality of life in any way whatsoever, as it would have left me crippled for binocular vision among other things, as eyes tend to function best as a pair. This plan was never revealed to me and I was never told the intent was to keep me wearing bifocals, as I was somewhat in need of trifocals in 2015. It was Dr. Coles who provided me with a mid range pair of glasses at that time, as I had no midpoint in my glasses. Had I not developed a severe cataract problem, my intent was to use trifocals so I did have a midpoint. It was tiring to constantly look far or close, leaning forward very close up at stores to see things a few feet away. Dr. Coles stated the plan was surgery on only one eye and for me to wear bifocals after that. The intended IOL would have provided me with distance vision and perhaps some midpoint, but I would have constantly needed bifocals. My left eye with no midpoint would have needed a trifocal lens, and if that were not possible, then I would have had some midpoint in my right eye and none in my left eye.

To keep me in out of balanced glasses like would not be to my benefit, but would benefit Dr. Coles and Opticare. The plan was to monitor cataracts and wear out of balanced bifocal glasses, which in a few years would have cost much more than performing surgery on both eyes while I suffered tremendously being out of balance and without good binocular vision, and without good vision at all. The Eyhance monofocal IOL was released in early 2021 after two years of testing results, which is designed very much like an EDOF, or enhanced IOL without the clinical technology and with less residual problems of halos and glare. There is a RayOne IOL with a similar concept by another company and these new IOL's produce superior results with one focal point. Enhanced IOL's and multifocal IOL's are also not used by pilots nor approved of by the FAA, as they prefer a single focal point in an IOL set for distance. The TECNIS Eyhance IOL has left me with almost no need for glasses, 20/20 chart reads, good night vision, all with very little halos or other residual problems. Surgery on both eyes was covered by insurance so my IOL cost was only \$998. It makes no sense to enslave me to constant bifocals while being out of balance, suffering with more appointments, as anyone with a serious vision problem would gladly obtain 20/20 vision for \$998. Cost was never an issue to me and Dr. Coles was aware of this as well, knowing I own a home and just bought a Shih Tzu puppy. I was willing to pay and do whatever necessary to get my vision back and it is amazing to have a pair of eyes as I do now for only \$998.

Opticare had an opportunity to help me when I went there for my appointment, but instead wanted me to leave, claiming it was for after surgery and I didn't go to my surgery. When I found a facility myself I went to Opticare and filled out a release of records for my last eye exam to be sent to Fargo, and Opticare did not send my eye exam to that facility which I learned at my first appointment there. Since I had almost immediate regrowth around the lens capsule in my right eye on my new IOL, since it was a subcapsular cataract that was very severe, I had more trips to Fargo but in the end I did everything necessary. Opticare could have been involved in referring me to this facility but instead did not even forward my eye exam there. This is troubling as one would think Dr. Coles and Opticare would enjoy being part of this miraculous success.

My eye exam with Dr. Sczepanski with the North Dakota Eye Clinic was short, hurried, and rather rushed as though moving things along quickly was a priority with staff being both unfriendly and seeming nervous to me. This was not at all like my experience at the facility I went to in Fargo, ND. The exam took much longer and was more thorough while staff was relaxed while being very warm and friendly. While a schedule needs to be maintained, there was no tendency to rush and my right eye had to be numbed in addition to the earlier part of the eye exam due to the cataract being very severe, so it was necessary to see much deeper to the back of my eye. As stated earlier, after my eye exam I met with the surgeon and IOL's were discussed. It was decided I was not one who would cope well with poor night vision or significant halos and glare. I had researched IOL's and desired the Eyhance, and the surgeon said to me, we have these Eyhance, and I pulled out a printed copy of the PDF file on the Eyhance IOL, and the discussion was over. The questionnaire is much more sophisticated with that facility as well, with intent to learn one's personality and the way in which they use their eyes.

After my eye exam at the North Dakota Eye Clinic I met with Dr. Sczepanski briefly and that is when he said there is "this thing" you can get so you don't need glasses after surgery. I asked about it and he said it was not covered by insurance, but would not say what was not covered so I assumed my left eye would not be covered when it was in fact covered by insurance. The only thing not covered was the out of pocket cost of the IOL's, but Dr. Sczepanski would not provide me with any information. I did offer to write him a check and was interested, but his assistant gave him a quick no nod and he then said we better not, we better not, and would not explain why. I assume this was due to the eye plan Dr. Coles had to keep me coming in to monitor cataracts and buying new bifocal glasses. With my left eye only, I later researched IOL's and learned what was meant by "this thing" was multifocal IOL's because they do tend to result in no longer needing glasses at all. TECNIS released the Eyhance and the Synergy, with the latter being their newest multifocal IOL. In testing people reported excellent results for both IOL's with the Synergy leaving people free from glasses and the Eyhance resulting in people at least needing glasses at times. Multifocal IOL's can be more complicated with three focal points, leading to possible increase halos and glare, which I simply did not want to take a chance with and my surgeon agreed. They also require exact placement over the eye pupil while monofocal IOL's do not, and I barely need glasses at all.

While waiting six weeks for surgery and researching IOL's I had hoped there would be a point of discussion on the intended IOL's, and when I asked I was denied any meeting, discussion, or information. While concerns of my health condition did arise and I learned of the intended use of an oxygen apparatus during surgery, I had in fact requested to meet with Dr. Sczepanski, Dr. Coles, and the anesthesiologist, but was told by staff with the North Dakota Eye Clinic, I doubt that's going to happen. The lack of an eye plan and complete denial of information along with either an oxygen apparatus during surgery or drape covering is why I canceled surgery. I was provided with no information other than the use of the oxygen apparatus and completely denied any information or meeting to discuss any concerns. It appeared I was not entitled to plans or any information.

Kristen Vik, R.N., Administrator with the North Dakota Surgery Center, along with the North Dakota Eye Clinic and Dr. Sczepanski, had no reason to generate fraudulent medical notes nor make an entirely false police report. These two facilities appear to be very coordinated and knew I had canceled surgery on Friday, October 22nd, 2021, yet falsely reported to law enforcement I was supposed to have surgery on Tuesday, October 26th, 2021. Not only had I canceled the previous Friday, but the surgery center in fact removed my from their surgical schedule Monday, October 25th, 2021. These facilities treated me in a fascist manner, as I seemed to have no rights as an individual and no individual rights. I was told I would not have to wear a mask but other concerns then arose about an oxygen apparatus and I was never informed of any such thing.

My experience in Fargo, ND, was fantastic and treated me well, nothing like the facilities with Dr. Sczepanski and Kristen Vik. All health concerns were discussed over the phone and I received a call back days later with answers to every question, then made an appointment where I was treated like an individual. My surgeon discussed IOL's with me and informed me this was covered by insurance outside of my out of pocket expense, which I was aware of prior to this. With Sczepanski and Vik I was entitled to no answers even when questions were asked. I was told they use the oxygen apparatus with everybody, people with asthma, everybody, and that was very shocking to me as we are all individuals with different health conditions and different surgeries, yet this was done with everybody. It felt very much like I was to receive my number, ask not questions as they would not be answered anyway, and put this oxygen apparatus on like we do to everybody. When I requested a meeting to discuss all of this and an eye plan for both eyes, I was told I doubt that's going to happen. It seemed whatever IOL would be used was not for me to know and it will be whatever IOL selected without me needing to know as my individual needs appeared for the most part to be entirely irrelevant.

As mentioned previously, not at the last minute but days before my first eye surgery, the facility called me to discuss all medical information in my detailed questionnaire I filled out roughly one week earlier. I was even asked since I cannot wear a mask would I be willing to wear a face shield and I said yes, that it should likely not be a problem. I was provided with a face shield and wore it at all times at the surgery center. They used an eye tent during surgery that did not obstruct my airway and did not provide oxygen, as that is not at all necessary for a cataract surgery. I received two thank you cards one day apart. The first was from all staff and signed by all staff, including the surgeon who gave me a 20/20 pair of eyes. The second was from the nurse I had during my first surgery, as she could not be there for my second surgery but learned it went well as my first surgery did. This was again signed by all staff including my surgeon.

On my last of eight trips to Fargo when picking up my Oakley glasses and backup pair of Oakley sunglasses, I left a thank you letter for all staff including the eye clinic, surgery center, and optical store, as they provided me with the best care and most perfect of all eyewear possible. In that letter I complimented every surgery I've ever had which was six, now eight, with five of these in Grand Forks, ND, and three in Fargo, ND.

Dr. Sczepanski was at the North Dakota Surgery Center when Kristen Vik made the false phone call to dispatch followed by the false police report at the back door of that facility, and is in an executive position over Kristen Vik, so of course he was complicit in this staged event as well as the two fraudulent medical notes he signed. It was also rather silly to call and make this entirely about a mask issue when the surgery center told me since I have asthma that I would not have to wear a mask. This makes no sense as I was suffering and needed surgery badly, so for anyone to say I would not wear a mask if I could, for a short while to get my vision back is ridiculous. There were multiple problems beyond any mask issue with one being the lack of an eye plan for both eyes so they would function as a pair of eyes. I've even read on the North Dakota Eye Clinic website about the monofocal AcrySof IOL and that using these the patient will still need to wear bifocals. While my glasses are of a bifocal nature, there is now no prescription in the top portion and I rarely wear them. I purchased Oakley glasses to have anti glare and I already had my new glasses from Eyemart Express, updated for free after surgery. While anti glare is important for me in protecting my eyes now and I am in my Oakley sunglasses when outside, the fact is my need for prescription glasses today can be met with plastic cheaters one can purchase at a store.

I made eight trips to Fargo, followed all instructions, used all prescription eye drops, taped an eye shield on each eye at night for one week after each surgery, and needed a laser procedure for regrowth on my right eye. On February 14th, 2022, for my follow up appointment after the laser procedure, I still drove to Fargo on old Highway 81 and took a rock to my car's windshield from a truck near Hillsboro, so I will have that replaced soon as well. This was a lot to go through and I did it all, treating staff well and was treated very well, and it was a delightful experience. I spent money on eyewear that I found desirable and made all of eight appointments. It is silly for anyone to say that I absolutely "freaked out" over a mask, or make other defamatory and derogatory comments like that, as it was known from the start I cannot wear a mask.

Kristen Vik in the swatting call to dispatch made statements about how I could be out in the parking lot pointing an AK47 out a window, knowing I had no vision in my right eye so I was without binocular vision and had no depth perception, which was also omitted in the dispatch call and police report. She referred to me as a "legit schizophrenic" over messages she had for two days. If these messages were so frightening she should have reported them Monday and not have waited until Tuesday. The surgery center even called me on Monday while already having my two messages, which if were so terrible, law enforcement should have been called Monday and not me, as I had canceled surgery the previous Friday. After canceling surgery I called and went to Opticare to get whatever I needed for new glasses that day, as I needed to see better right away and find a different facility, but was denied my hard copy prescription. I then called Eyemart Express Saturday, called Opticare, then called Dr. Coles on his cell phone in attempt to get new glasses. Monday I did get my prescription, purchased new glasses, and filled out a release of records pertaining to my surgical physical exam to bring with me to a different facility, all of which indicates I had canceled on Friday.

There was no such verbal abuse to any staff as Kristen Vik falsely claimed, as the last communication I had with either the North Dakota Surgery Center and North Dakota Eye Clinic was a phone call I had received, not made, from KMT with Dr. Szczepanski's staff at the eye clinic. This conversation was slightly more than one hour in length about medical concerns and the lack of an eye plan. This woman called me and remained on the phone for more than one hour so if there were verbal abuse, she would have simply hanged up the telephone as I did not call her. Nothing in the fraudulent medical notes is true nor makes any sense, and the defamatory comments Kristen Vik made about me are ridiculous and out of character. When I had no choice but to cancel surgery after suffering for six weeks, it was getting dark outside earlier and I sat up at night in tears thinking what in the world am I going to do. I held my head up and was in good spirits for all of my appointments in Fargo, with often jokingly good humor.

At my last eye appointment after my laser procedure in February, I sat in the chair and the woman told me she needed to look at the back of my eye, so I turned around in the chair, sitting backwards and she chuckled. When I arrived for my laser procedure on the regrowth in my right eye I first saw my O.D. before the procedure with the surgeon and informed the O.D. I developed a new method to eliminate regrowth procedures. I said to tell the surgeon from now on, when removing the lens from a person's eye, spray some of that good weed killer in there before placing the IOL on the eye and the cataract won't regrow around the edges of the new IOL lens capsule. I went through a lot to get my vision back and I got it, so keeping up a good attitude with humor was important to me.

For Kristen Vik to refer to anyone as a "legit schizophrenic" is not something she is even qualified to do, and is both derogatory and extremely defamatory on the public record by calling dispatch and making a false police report. I was adopted at four weeks old by Dale and Henrietta West, the best parents one could have. Mom died after ten years of severe Alzheimer's disease and several other conditions, September 12th, 2019, warm in her bed at her home of 60 years with Dad and I present. Mom was nearly 89 ½ years old at the time and the following year Dad died November 23rd, 2020, at home as well and just over 89 ½ years old. Dad selected me for his Power of Attorney for all affairs, including Durable Power of Attorney for Health Care. If I were schizophrenic I doubt he would have asked me to be his Power of Attorney at all, as it would not make sense.

My birth parents are Linda Roessler, Aurora, CO, and Alan Woodbury, Dickinson, ND, and Linda died in 2012 at the age of 67 from respiratory failure. Alan has retired from his business and is now breeding horses at his ranch. My younger brother was with Linda when she died and he informed me via email. He has a Bachelor's Degree in Computer Science and is a bright individual. I have three sisters from Alan's family who are all educated as well and are living functional lives. I've met two of the girls and prior to that was in Colorado where I not only met Linda, my brother, but Aunt Leslie who was in an assisted living facility with multiple sclerosis and she was a very positive woman with a warm heart. I have significant knowledge of my family history and it is entirely without any major mental illness of any kind, nor is there any such illness in my adopted family.

Neither Kristen Vik as an R.N. or Mark Sczepanski as an M.D., are qualified in any way to determine someone as schizophrenic, as that requires rigorous evaluation along with sophisticated testing by qualified medical professionals within that field. Vik's use of the phrase "legit schizophrenic" is highly defamatory of me on the public record, but also rather derogatory to say the least, toward those who do suffer from schizophrenia, who would also not be deserving of intent to S.W.A.T. them with a swatting phone call.

The actions of both Vik and Sczepanski were criminal in nature and I believe this was done knowing I would have to go elsewhere and would learn just how smoothly one can get a new pair of 20/20 eyes, covered by insurance. That is exactly what I did and also found out the eye plan was to perform surgery on only my right eye using an older IOL that would keep me wearing bifocals at all times and needing more appointments to monitor my left eye cataract. This would have left me horribly out of balance, more or less crippled from synchronized binocular vision and suffering.

Waiting six weeks as my right eye was swiftly worsening was not soon as described in Dr. Sczepanski's records. I was dizzy and out of balance which caused me to struggle in the most basic of tasks. After finishing a few outside projects I did not even dust or clean a floor in my house, as it was too difficult and I needed to rest before surgery. But after waiting six weeks in my condition, at the last minute I learned there was absolutely no accommodated preparedness for my health conditions. It seemed this was ignored in every way and yet, the North Dakota Eye Clinic and North Dakota Surgery Center did not seem to care, nor were the facilities willing to accommodate me as an individual but instead treat me more like a number. When I was told they use an oxygen apparatus on everybody I felt even more like a number. If I were to come in contact with someone using a scented laundry product or other scented chemicals shortly before surgery with anesthesia, I could become very nauseated quickly and develop a throat tightening or choking type reaction. A change to oxygen and off from it does not make all of this better but can contribute to such problems, while an airway covering could be deadly.

This process was also very abusive and I tend to not tolerate such abuse as I was badly in need of help rather than told I cannot meet with anyone nor even find out what the plan is going to be for me and my pair of eyes. When I am told everybody gets some type of oxygen apparatus over their face during surgery which quite is an over use for cataract surgery, I get the feeling of an abusive process and that I am not of a priority in the process whatsoever. The device is not to exceed the experiment and where I had surgery performed on both eyes, nothing like this was a problem. I also never had any feelings of abuse in Fargo nor the feeling of being treated like an irrelevant number.

When anyone has experienced an abuse such as that, they tend remain more cautious in the future. Today in Israel as part of their defense they have what is referred to as the Samson Option. If Israel is attacked and faces annihilation, they can and may take the world down with them, but never again will they allow themselves to be herded one by one, numbered, and exterminated. I find that very admirable in logic of well being.

Several crimes were committed in this swatting phone call and police report, such as terrorizing in that if someone shares information with any other person about a danger such as a man who could be out front pointing an AK47 out a window, knowing this not to be true, is in fact terrorizing. This was known not to be true and could not have been true as I was nearly blind and had no depth perception. This seemed rather coordinated in that the first dispatcher took this information but did not initiate S.W.A.T. nor share it with the second dispatcher, more or less keeping it shelved for a later time. In needing my last eye exam sent elsewhere, if I had went to the North Dakota Eye Clinic later that day to sign a release of records, that information could have been used then for actual S.W.A.T. protocols and I could have been killed. I did this later but at Opticare, and my eye exam was not sent to the facility in Fargo anyway. Since I was not endangered but could have been, a lower form of reckless endangerment was also committed.

There were also crimes committed of false reporting and criminal character defamation, as well as harassment, not only by Vik and Sczepanski but by Officer Fuka and dispatch staff. The second dispatcher falsely relayed to Officer Fuka prior harassment occurred when they are supposed to dispatch. Rather than dispatch I was already defamed with false information and found basically guilty of a crime when I was at home talking with a friend on the telephone, doing nothing wrong nor had I done nothing wrong.

Officer Richard Fuka called me misrepresenting himself as Officer Fooko, before even entering the false report into the record. He should not have called me at all and likely never made a record of this false report without verification of truth to the information reported. When he saw two messages now more than two days old, he could have and likely should have questioned that, but did not. He was told I was to have surgery that Tuesday, October 26th, 2021, but had he asked to see a schedule he would not see my name on any surgical schedule as I was removed from that schedule the day before, not to mention I had canceled the previous Friday. If this information couldn't be shared with him, he should not have taken the report as a matter of privacy. He was rather over zealous in taking this false report and contributing to it as well, showing no concern for a person if, supposing to need surgery, perhaps that person needs help. Had he learned I was nearly blind at the time then he could have asked Kristen Vik just what was actually going on, as a man in my condition had difficulty swatting flies. Officer Fuka then wrote defamatory and false information on the report, making reference to me as one with a Habitual Offender Status when I have no criminal convictions on my records anywhere.

Fuka also ran my information through the Department of Motor Vehicles which is only to take place during a traffic stop. This is much like putting a S.W.A.T. style BOLO on me if I had been driving in that area I could have been killed. Where I had my hair trimmed the next day is only blocks from the North Dakota Surgery Center and I did call trying to get in that Tuesday, October 26th, 2021, since I had canceled surgery the previous Friday and bought new glasses on Monday, along with getting releases ready so I could go elsewhere to regain my vision. I was at home during this time on the phone, taking a call from a friend just seconds after Kristen Vik called the dispatch center.

This document is in the form of both a story and complaint. I apologize for any errors typographical in nature or grammatical problems of not grammatical perfection, but simply of errors. I was as diligent as possible in gathering all of the information in this document and in its creation. I was not able to be at a computer for something like this in length of typing and screen time until roughly the middle of March of 2022 due to recovering from surgery on both eyes and the laser procedure in February of 2022.

I would likely have finished by the end of April, 2022, but as I stated earlier with the heavy rain Saturday, April 23rd, 2022, like many neighbors, my basement had water which needed immediate action and was exhausting. I only have things to move from my garage back downstairs at a later time and all is well and dry now.

This document will also be published, as my life was endangered and I do get the feeling I could very well have been killed, as swatting phone calls to dispatch are often intended to get a person killed. I will be sending this document to several agencies and authorities in more than one state for various purposes.

In this process the last communication initiated was the North Dakota Surgery Center having called me on Monday, October 25th, 2021, reaching my voice mail without leaving a message. During this time they already had my two messages sent over the weekend, but chose to call me anyway. After their call there was a fraudulent medical note generated and signed by Dr. Szczepanski, claiming several attempts were made to reach me and all calls have gone unanswered without voice mail. This was created in attempt to make me appear as a questionable no show who does not answer his phone and does not have voice mail, all of which is false.

The next morning after their initiated contact with me, the swatting call was made to dispatch followed by a false police report. There was a cleverness in the call as well by not using my name while on the phone with dispatch, as though not using my name may tend to limit character defamation on the public record. However, all of this is tied together and on the public record anyway.

All anyone has to do is request reports using my name to obtain this false police report which is available to anyone and on the public record. When reading the report with things like time and date, then one can request the run sheet and transcript of the call from the dispatch center. That is exactly what I did and anyone else can do the same as it is all tied together as one incident on the public record and is extremely defamatory.

One who reads this can see Habitual Offender Status, then "Legit Schizophrenic" who may be pointing an AK47 out a window, omitting I was nearly blind at the time.

Sincerely,

Douglas J. West

The Next Seven Pages are Additional Documents to the Story

The previous pages 15 through 143 are those that make up the original complaint sent to police and State's Attorney, Haley Wamstad. That story is what happened and was sent to several medical boards in two states as a complaint against three individuals.

I made additional discoveries after submitting the complaint and sent them to medical boards, police, and State's Attorney, Haley Wamstad. Out of two fraudulent note makers I learned from nothing more than initials "KMT" who that individual was. It took both time and effort so it was not my main focus while preparing the original complaint, but I did learn who she was and that she also had criminal convictions that were drug related.

Kristy Marie Taylor was Kristy Marie Murray and received a deferred sentence on her first charge. Within the following year she was charged and convicted for another identical offense. Her falsified medical note, my phone logs, another falsified medical note, along with two dockets from her drug related convictions make up the next seven pages, which are pages 145 through 151.

Date 10/22/21 2:57 pm

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment

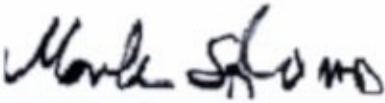
Types

Misc. Notes

Progress

Notes

Patient called here and the NDSC with concerns regarding his pre op physical with Dr. Lommen and his upcoming surgery. He states that he has chronic fatigue syndrome and asthma and can not wear a mask or have a drape covering his face at any time. NDSC informed him that he would need to wear a mask there and I told him that he would have to have a surgical drape over his face during surgery. He did not want to cancel or reschedule his surgery at this time. Dr. Szczepanski informed. kmt



x

Mark Szczepanski, MD

	A	B	C	D	E	F
126	(605) 777-9522	Outgoing	10/29/2021 10:18 pm	00:0:27		
127	(701) 772-7775	Outgoing	10/27/2021 12:02 pm	00:1:03		
128	(701) 772-7775	Outgoing	10/26/2021 01:17 pm	00:1:07		
129	(701) 746-1960	Outgoing	10/26/2021 01:16 pm	00:0:53		
130	(605) 777-9522	Outgoing	10/26/2021 09:34 pm	00:0:46		
131	(701) 215-9794	Incoming	10/26/2021 10:58 am	00:0:50		
132	(605) 777-9522	Outgoing	10/25/2021 08:27 pm	00:0:22		
133	(701) 738-4240	Incoming	10/25/2021 11:59 am	00:0:53		
134	(605) 777-9522	Outgoing	10/24/2021 05:25 pm	00:0:21		
135	(605) 777-9522	Outgoing	10/24/2021 08:37 pm	00:0:44		
136	(218) 773-3438	Outgoing	10/23/2021 12:19 pm	00:0:55		
137	(218) 773-3438	Outgoing	10/23/2021 12:18 pm	00:1:01		
138	(218) 791-0241	Outgoing	10/23/2021 12:20 pm	00:16:06		
139	(701) 775-3151	Incoming	10/22/2021 02:30 pm	00:64:48		
140	(701) 738-4240	Outgoing	10/22/2021 02:22 pm	00:9:02		
141	(701) 746-6336	Outgoing	10/22/2021 12:03 pm	00:1:31		
142	(701) 234-5876	Outgoing	10/22/2021 10:33 am	00:1:48		
143	(218) 773-3438	Outgoing	10/22/2021 10:05 am	00:0:46		
144	(701) 775-3151	Outgoing	10/22/2021 10:24 am	00:1:57		
145	(218) 773-5801	Incoming	10/22/2021 11:27 am	00:4:57		
146	(701) 234-5876	Outgoing	10/22/2021 10:32 am	00:0:40		
147	(218) 773-3438	Outgoing	10/22/2021 10:14 am	00:6:16		
148	(218) 773-5801	Incoming	10/21/2021 09:58 am	00:0:53		
149	(701) 234-5876	Outgoing	10/21/2021 09:38 am	00:0:20		
150	(218) 773-5801	Incoming	10/21/2021 09:46 am	00:5:49		
151	(701) 234-5876	Outgoing	10/21/2021 03:30 pm	00:5:50		
152	(701) 234-5876	Outgoing	10/21/2021 05:22 pm	00:8:25		
153	(218) 773-5858	Outgoing	10/21/2021 11:38 am	00:1:59		
154	(701) 738-4240	Outgoing	10/20/2021 05:08 pm	00:0:27		
155	(701) 775-2500	Outgoing	10/20/2021 04:34 pm	00:0:10		
156	(701) 237-5211	Outgoing	10/20/2021 05:23 pm	00:6:34		
157	(701) 237-6500	Outgoing	10/20/2021 04:36 pm	00:23:33		
158	(701) 234-5876	Outgoing	10/20/2021 09:03 am	00:0:38		
159	(701) 234-5876	Outgoing	10/20/2021 09:05 am	00:1:50		
160	(701) 780-5000	Outgoing	10/20/2021 05:10 pm	00:6:56		
161	(701) 772-2500	Outgoing	10/20/2021 04:34 pm	00:0:06		
162	605	Outgoing	10/20/2021 09:05 am	00:0:04		
163	(701) 738-4240	Outgoing	10/20/2021 05:17 pm	00:0:54		
164	(701) 234-5876	Outgoing	10/20/2021 05:35 pm	00:2:00		
165	(701) 738-4240	Outgoing	10/20/2021 05:04 pm	00:0:11		
166	(701) 234-5876	Outgoing	10/20/2021 04:18 pm	00:15:18		
167	(701) 328-4240	Outgoing	10/20/2021 05:02 pm	00:1:52		
168	(605) 333-6546	Outgoing	10/20/2021 09:05 am	00:0:13		
169	(701) 738-4240	Outgoing	10/20/2021 05:34 pm	00:0:07		
170	70	Outgoing	10/11/2021 10:34 am	00:0:09		
171	(701) 775-3151	Outgoing	10/11/2021 10:34 am	00:2:03		
172						

Date 10/25/21 12:53 pm

Patient: **Douglas J. West**

DOB: [REDACTED] Age 58 M

908 Sunset Dr
Grand Forks, ND 58201

Assessment

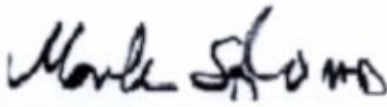
Types

Misc. Notes

Progress

Notes

We have removed patient from tomorrow's surgery schedule. NDSC has made several attempts to reach him to provide him a check in time and further instructions. All calls to patient have gone unanswered and they are not able to leave a voice-mail. He has been cleared for surgery by Dr. Lommen on 10/19/2021, so the pre-op is valid for 60 days. jo



x

Mark Szczepanski, MD

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Location : State of North Dakota [Help](#)

REGISTER OF ACTIONS

CASE No. 18-00-K-00977

STATE OF NORTH DAKOTA VS. KRISTY MARIE MURRAY

§
§
§
§
§
§

Case Type: **Misdemeanor**
Date Filed: **03/23/2000**
Location: **-- Grand Forks County**
State's Attorney Case Number: **000000066246**

PARTY INFORMATION

		Attorneys
Defendant	Murray, Kristy Marie EAST GRAND FORKS, MN 56721 DOB: 1981	
Plaintiff	State of North Dakota	J. E. Rick Brown 701-599-2260 x0000(W)

CHARGE INFORMATION

Charges : Murray, Kristy Marie	Citation	Statute	Level	Date
1. POSSESSION OF DRUG PARAPHERNALIA	0003984131	12.1-31.1-03	Misdemeanor A	03/22/2000

EVENTS & ORDERS OF THE COURT

	DISPOSITIONS
04/05/2000	Disposition 1. POSSESSION OF DRUG PARAPHERNALIA Pled Guilty
04/05/2000	Disposition (Judicial Officer: Judge, Conversion) Judgment/Order Entered
04/05/2000	Plea (Judicial Officer: Judge, Conversion) 1. POSSESSION OF DRUG PARAPHERNALIA Guilty
04/05/2000	Order Deferring Imposition of Sentence (Judicial Officer: Jahnke, Lawrence E) 1. POSSESSION OF DRUG PARAPHERNALIA 03/22/2000 (MA) 12.1-31.1-03 (12131103)
	<hr/> Converted Disposition: Condition - Adult: 1. Unsupervised Probation, 703 UNSUPERVISED PROBATION 04/05/2000, Active 04/05/2000 Condition - Adult: 1. Deferred Imposition of Sentence, 905 DEFERRED IMPOSITION 04/05/2000, Active 04/05/2000 Condition - Adult: 1. Set up Payment Schedule, SET UP PAYMENT SCHEDULE PayPeriod - O PayAmount - 125.00 Start Date - 04/05/2000 04/05/1900 04/05/2000, Active 04/05/2000 Fee Totals: Court Administration \$125.00 Fee Fee Totals \$ \$125.00

OTHER EVENTS AND HEARINGS

03/23/2000 **Converted Event Codes Index # 1**
 () 01 AFFIDAVIT OF PROBABLE CAUSE
 03/23/2000 **Converted Event Codes Index # 2**
 () 02 COMPLAINT
 03/23/2000 **Initial Appearance** (4:00 PM) (Judicial Officer Vigeland, David)
 UCIS Hrg Desc: COURT APPEARANCE
 03/27/2000 **Converted Event Codes Index # 3**
 () 03 WARRANT
 04/05/2000 **Converted Event Codes Index # 4**
 () 04 ORDER DEFERRING IMPOSITION OF SENTENCE
 04/25/2001 **Converted Event Codes Index # 5**
 () 05 ORDER TO DENY PETITION TO DISMISS ACTION
 05/06/2014 **Pursuant to Administrative Rule 19 Documents Destroyed**

FINANCIAL INFORMATION

<p>Defendant Murray, Kristy Marie Total Financial Assessment Total Payments and Credits Balance Due as of 05/20/2022</p>	<p>125.00 125.00 0.00</p>
<p>04/05/2000 Transaction Assessment</p>	<p>125.00</p>
<p>04/05/2000 Counter Payment Receipt # 18-166507</p>	<p>MURRAY, KRISTY MARIE (125.00)</p>

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Location : State of North Dakota [Help](#)

REGISTER OF ACTIONS

CASE No. 18-01-K-00572

STATE OF NORTH DAKOTA VS. KRISTY MARIE MURRAY

§
§
§
§
§
§
§
§
§
§

Case Type: **Misdemeanor**
Date Filed: **02/27/2001**
Location: **-- Grand Forks County**
Judicial Officer: **Medd, Joel D**
State's Attorney Case Number: **000000070687**

PARTY INFORMATION

Defendant	Murray, Kristy Marie EAST GRAND FORKS, MN 56721 DOB: 1981	Attorneys Kevin B Spaeth <i>Retained</i> 701-775-2508 x0000(W)
Plaintiff	State of North Dakota	Thomas H Falck -- x0000(W)

CHARGE INFORMATION

Charges: Murray, Kristy Marie	Citation	Statute	Level	Date
1. POSSESSION OF DRUG PARAPHERNALIA	0003984318	12.1-31.1-03	Misdemeanor A	02/26/2001

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

03/30/2001	Disposition 1. POSSESSION OF DRUG PARAPHERNALIA Pled Guilty
03/30/2001	Plea (Judicial Officer: Judge, Conversion) 1. POSSESSION OF DRUG PARAPHERNALIA Guilty
03/30/2001	Criminal Judgment (Judicial Officer: Medd, Joel D) 1. POSSESSION OF DRUG PARAPHERNALIA 02/26/2001 (MA) 12.1-31.1-03 (12131103)

Converted Disposition:
 Confinement:
 Agency: Grand Forks County Correctional Center, Term: 0 Year, 0 Month, 30 Days
 Suspended: 0 Year, 0 Month, 30 Days 0 Year, 0 Month, 0 Day
 Condition - Adult:
 1. Obtain an Evaluation, 735 OBTAIN AN EVALUATION 03/30/2001 - 05/30/2001, Satisfied 06/07/2001
 Condition - Adult:
 1. Set up Payment Schedule, SET UP PAYMENT SCHEDULE PayPeriod - M PayAmount - 25.00 Start Date - 05/01/2001 E
 03/30/1901 05/01/2001, Active 05/01/2001

Fee Totals:
 Fine/State \$100.00
 Indigent Recoupment \$100.00
 Fee Totals \$ \$200.00

Comment (BOND IS HEREBY DISCHARGED. FOLLOW THROUGH WITH RECOMMENDATIONS MADE BY EVALUATOR. FI OF COMMUNITY SERVICE WITH CSRO, HOURS ARE TO BE COMPLETED WITHIN THIRTY (30) DAYS.)

OTHER EVENTS AND HEARINGS

02/27/2001 **Warrant of Arrest Served**
 (ARR) warrant Status

02/27/2001 **Warrant of Arrest Issued**
 (ARI) warrant Status

02/27/2001 **Converted Event Codes Index # 1**
 () 01 AFFIDAVIT OF PROBABLE CAUSE

02/27/2001 **Converted Event Codes Index # 2**
 () 02 COMPLAINT \$500 SB

02/27/2001 **Converted Event Codes Index # 3**
 () 03 NOTIFICATION OF ASSIGNMENT AND CASE NUMBER

03/01/2001 **Converted Event Codes Index # 4**
 () 04 WARRANT

03/22/2001 **Converted Event Codes Index # 5**
 () 05 APPLICATION FOR ATTORNEY

03/22/2001 **Initial Appearance** (9:15 AM) (Judicial Officer Medd, Joel D)
 UCIS Hrg Desc: COURT APPEARANCE

03/23/2001 **Converted Event Codes Index # 6**
 () 06 APPOINTMENT OF COUNSEL AND NOTICE OF NEXT APPEARANCE

03/30/2001 **Converted Event Codes Index # 7**
 () 07 STATEMENT OF REASONS FOR SENTENCE

03/30/2001 **Converted Event Codes Index # 8**
 () 08 CRIMINAL JUDGMENT

03/30/2001 **Initial Appearance** (9:00 AM) (Judicial Officer Medd, Joel D)
 UCIS Hrg Desc: COURT APPEARANCE

04/25/2001 **Converted Event Codes Index # 9**
 () 09 OFFENDER REPORT CS COMPLETION

06/07/2001 **Converted Event Codes Index # 10**
 () 10 ALCOHOL & DRUG EVALUATION SUMMARY - NEHSC

08/27/2001 **Converted Event Codes Index # 11**
 () 11 CSR MEMO OF COMPLETION

04/08/2008 **Pursuant to Administrative Rule 19 Documents Destroyed Index # 12**
 PURSUANT TO RULE 19 OF ADMIN RULES THIS RECORD WAS DESTROYED

FINANCIAL INFORMATION

Defendant Murray, Kristy Marie			
	Total Financial Assessment		200.00
	Total Payments and Credits		200.00
	Balance Due as of 05/20/2022		0.00
03/30/2001	Transaction		
	Assessment		200.00
04/24/2001	Counter Payment	Receipt # 18-191232	(25.00)
05/21/2001	Counter Payment	Receipt # 18-192996	(25.00)
06/01/2001	Counter Payment	Receipt # 18-193815	(25.00)
07/10/2001	Counter Payment	Receipt # 18-196123	(25.00)
08/01/2001	Counter Payment	Receipt # 18-197562	(25.00)
09/04/2001	Counter Payment	Receipt # 18-199315	(25.00)
10/01/2001	Counter Payment	Receipt # 18-201162	(25.00)
10/30/2001	Counter Payment	Receipt # 18-203053	(25.00)

The Next Story is About Felony Theft Case

My story was in detail covering the crimes committed against me while I was nearly blind and had merely some vision with significant glare in my left eye only. It is hard to comprehend how any State's Attorney could allow anything like that to occur and refuse to even provide an explanation, but Haley Wamstad did just that.

The Felony Theft case I am presenting next was mishandled by Haley Wamstad when she was an Assistant State's Attorney. The woman who committed the theft was allowed to turn herself in and immediately make bail, then never served on day of jail time. This is unusual as a neighbor of mine, Heath Volk, committed a very similar crime in a rather similar scenario, Case Number 18-08-K-00270, and he was required to serve jail time.

Selective enforcement is Grand Forks County State's Attorney, Haley Wamstad's style which includes lies to Judges in court when convenient. This will be displayed in the remainder of this complaint, as this theft case will be explained in detail with documents and court transcripts provided, even relevant news articles. I have significant detailed knowledge of this case as the person who committed the theft is my sister, Lori Pesch, and this was not her first theft offense.

The following eight pages are news articles in the Grand Forks Herald, the first six pages on the theft, and the last two of eight pages are more recent poser articles where Ms. Wamstad appears. One story is supposed to be more of a Judges story, and others, yet Ms. Wamstad appears on the first page of the story in a poser photo op. I've added those two pages to show Ms. Wamstad is not at all "unaware" of the contents and news in the Grand Forks Herald. She allowed Lori Pesch's Attorney, Alex Reichert, to falsify facts and lie to the media. Lori Pesch was also heavily coerced to retain Mr. Reichert for this matter rather than apply for any court appointed attorney. Ms. Wamstad could have went to the courts seeking to have these falsified news stories stopped, but did nothing and also allowed the same false circumstances to be used in court by Reichert during sentencing. The hardships about Pesch's daughter with cancer and husband dying were actually distorted into complete and total lies, which Ms. Wamstad fully aware of during the entire case from beginning to end. Sentencing transcripts show these lies again spewed to the court by Reichert, which contributed to Lori Pesch receiving merely two years probation while others receive jail time for such crimes, such as Heath Volk.

Some jail time served should have been sought in this matter aggressively but was not, as Ms. Wamstad is selective for various reasons. In this matter she basically helped the University of North Dakota conceal the fact that Pesch had been stealing money for roughly seven years which totaled \$127,617.04, and there was no "Tragic Story".

Theft by Lori Pesch goes back to 2007, and while there is only a three year statute of limitations, this matter was not prosecuted nor sentenced with the seriousness of what actually took place. Pesch was basically caught and put on leave in September of 2014 so for six months she could not continue to embezzle funds. She was charged six months later in March of 2015, so the amount of stolen money she could be charged for stealing had shrunk to an amount of several thousand dollars less. In the news this was convenient for the University of North Dakota because it created a public scenario this had taken place for roughly 2 ½ years rather than 7 years, and an amount of money of approximately \$57,000 rather than \$127,000. Pesch also received roughly \$10,000 less in restitution in the end, so the amount she had to pay back on record was less than \$50,000, all while her Attorney, Alex Reichert, proposed making the victim of Pesch's theft whole again. The entire time Assistant State's Attorney, Haley Wamstad, was fully aware of these circumstances and lied to a Judge while looking the other way. It simply did not look all too good for the University of North Dakota to allow a secretary to steal roughly \$1,500 every month for seven years before finally realizing this.

The so called tragic story cited by Pesch's Attorney, Alex Reichert, simply did not exist and had there been a more lengthy statute of limitations, this would have been a Felony of Class A rather than B. It was very calculated and was not a first offense. When a number of faculty in Lori Pesch's department she was employed in at the University of North Dakota went on a trip to Hawaii, which was covered in files that were never entered into court record, Pesch then submitted this trip as well as falsified trips and this was the only authorized travel. The trip to Hawaii was in early 2009 and her husband died later that year in December of 2009, but Pesch had been submitting false travel and overtime vouchers since 2007. She had a daughter with cancer many years before she was ever employed at the University of North Dakota, and her husband died suddenly in December of 2009. The circumstances to both her daughter and husband were fit into a falsified story made to sound tragic.

Lori Pesch's youngest daughter developed cancer in the late 1990's which was not properly diagnosed locally but was at the Mayo Clinic after 18 months of symptoms. This was cleared up with treatments over time and was in remission long before Pesch was ever employed at UND. Her daughter was not even 2 years of age when symptoms first appeared in 1997 and full remission was attained before her daughter started grade school. Her daughter was much older and attending school for years prior to Lori Pesch being employed at the University of North Dakota, so that was a non issue altogether.

Her husband's death was sudden and tragic, not at all foreseen in December of 2009, when he had a heart attack and died. However, Lori Pesch was already stealing money from UND for more than two years prior to her husband's death. Prior to his death she had likely already stolen roughly \$30,000. Staff from her employer came by her home later that day as our family was leaving, and donated large amounts of money to cover funeral expenses, all while being unaware of the ongoing theft. Her husband also never held a job so his death did not result in any loss of monthly income whatsoever.

Through some type of grapevine it was in fact the victim in this matter, which was the University of North Dakota and staff Lori Pesch worked with, being the ones who heavily coerced her into retaining Alex Reichert to represent her. Reichert also mentioned in the news stories about more than 30 letter of support from friends and family being sent to the court. Those letters were allowed into the Clerk of Court file at the courthouse while any documents substantiating a factual basis Haley Wamstad was aware of were never entered into the case file. These was the larger true story file which I will point out later and then there was Clerk of Court case file, along with transcripts where the Judge was lied to and the so called "Tragic Story" was used to keep the truth in this matter quiet and to get Lori Pesch a light sentence, which of course kept her quiet as well. She was prosecuted more for a story than what actually occurred.

Haley Wamstad was fully aware of these falsified stories and this similar and so called "Tragic Story" was also used in Lori Pesch's sentencing hearing by her own Attorney, Alex Reichert. Wamstad never attempted to contact a Judge to stop the false claims using the media as Reichert did, so he continued to engage in this during sentencing and in the media again after Pesch's sentence. It would seem Wamstad should have sought to "gag" these media occurrences immediately, but she did nothing. Our family was also rather aware of particular circumstances as well so while Lori Pesch did receive numerous letter of support from friends and family, none of these letters were from her immediate family such as parents and siblings. We were rather aware but not as aware as Haley Wamstad was. I obtained documents and transcripts pertaining to this case after Lori Pesch was sentenced. All our family was aware of were Lori's stories and the falsified news articles about her daughter and husband.

One of the main reasons why I obtained the documents was to know factually, as Haley Wamstad knew, what had actually occurred. Our family was provided with changing stories and things that did not quite make sense nor add up. My mother was very ill during this time and my father and I were busy tending to her. During this time the lifestyle of my sister, Lori Pesch, was not making sense. She ended up with a new computer and gave her youngest son an iPad 2, not in a box, for Christmas. It was later learned where Pesch worked at UND that both a computer and iPad went missing. She also was driving a newer Dodge SUV maroon in color, but often claimed to be so very poor. One day she drove on a flat tire ruining it, then conned our father into a brand new set of tires she so desperately needed as it was AWD. After she had new tires put on her SUV she traded it in for a brand new GMC SUV, similar looking, maroon in color.

After coming to our family for lawyer fees, restitution, and ankle bracelet costs I felt it was important to know the truth so I requested documents and transcripts. Lori had been traveling and staying in motels frequently over these years after her husband died but often claimed to be a struggling widow. Her husband died on a Saturday and people she worked with stopped by her home as I mentioned previously. They later noticed Pesch had submitted overtime for the day her husband died and the day of his funeral. People from work knew she was not working on those days at all.

Former UND employee facing felony theft charges

By [Brandi Jewett](#) on May 6, 2015 at 8:00 p.m.

A former UND secretary is accused of falsifying documents resulting in the theft of at least \$57,000 from the university over the course of nearly three years.

Lori Ann Pesch, 53, of East Grand Forks is facing felony theft charges stemming from incidents spanning from March 1, 2012, to Sept. 15, 2014.

Her attorney Alex Reichert told the Herald his client made a bad decision during a hard time in her life following the 2009 death of her husband Timothy.

"She is a wonderful, hard working person that made a mistake, that's really it," Reichert said Wednesday. "It's a tragic story."

Pesch allegedly falsified approximately 31 travel vouchers submitted for 152 trips for which she was reimbursed about \$47,500, according to a report filed by the University Police Department.

Pesch also submitted 13 falsified overtime vouchers for 397 hours totaling nearly \$10,210 in wages in 2012.

An audit revealed Pesch received payment for fictitious trips and overtime by forging her supervisor's signature.

Pesch has been charged with a class B felony, which a maximum of 10 years in prison, a \$20,000 fine or both may be imposed.

Reichert said he believes Pesch will plead guilty to the charge.

"That's been our intent all along is for her to take responsibility," he said, adding he hopes to work out a plea agreement.

Pesch's preliminary hearing and arraignment set for last Friday in Grand Forks were canceled. Another hearing has been scheduled for 1:30 p.m. June 5.

Job reviews

During the time of the thefts, Pesch worked as a secretary for the university's teaching and learning department's special education program.

The department is part of UND's College of Education & Human Development. UND spokesman Peter Johnson said the university typically doesn't comment on matters moving through litigation.

According to documents obtained by the Herald through an open records request, Pesch was hired as an administrative secretary in 2001.

She was placed on paid administrative leave on Sept. 22, 2014, and charges were filed against her March 9, 2015.

Pesch's most recent job performance evaluation shows high marks, with the review noting she exceeded standards for job responsibilities and tasks.

"It would be difficult to run this program without her," read one comment. "We're not going to try!"

Her review for 2012 was equally as positive, a trend that continues back to her first annual review in 2002.

Reichert said his client and her supervisors tried numerous times to get her a raise or new job title that would result in an increase in pay, but they weren't approved.

UND records obtained by the Herald show eight salary adjustment requests were filed on behalf of Pesch from 2002 to 2012.

All requests were recommended for approval by university human resources, but notes on the forms indicate they needed approval from various administrators including the university's president or provost depending on the increase amount.

Recommended for you



[Sawyer superintendent accused of having sex with 15-year-old boy](#)



Brandi Jewett

Brandi Jewett is an enterprise reporter for the Grand Forks Herald with beats focusing on northwest Minnesota, unmanned aircraft systems and East Grand Forks city government. Other positions she has held at the Herald include Grand Forks city government reporter, general assignment reporter and news intern. A native of Valley City, N.D., 24 years worth of winters haven't scared her out of the state yet. Follow her work at www.grandforksherald.com and on Twitter and Instagram: @brandijewett. Send tips and story ideas to bjewett@gfherald.com.

Grand Forks
Herald



Former UND secretary sentenced for monetary theft

By [Anna Burleson](#) on Oct 5, 2015 at 7:49 p.m.

A former UND secretary accused of stealing thousands of dollars from the school was sentenced Monday in Grand Forks after reaching a plea deal.

Lori Ann Pesch pleaded guilty on Aug. 5 to a Class B felony theft charge for falsifying overtime vouchers totaling about \$10,210 in wages in 2012 and falsifying travel vouchers from which she collected about \$47,514 from 2010 to 2014.

Pesch will serve a 60-day sentence on electronic home monitoring, be under two years of supervised probation and pay \$47,514 in restitution and \$750 in fees.

At the sentencing Monday, Pesch's attorney Alex Reichert said his client had cooperated throughout the investigation and was sorry for her actions. He said Pesch's supervisors had unsuccessfully tried to get her more pay after her child was diagnosed with cancer and her husband died in 2009.

"Not to make excuses or say she was owed this money, but to put this in context, she tried to do things the right way and unfortunately the opportunity presented itself for her to do it the wrong way," Reichert said. "She had been doing some travel that was legitimate, saw how that process worked and took advantage of that, and she feels terrible about that."

More than 30 letters of support were also sent into the court from Pesch's friends and family. Anna McIntyre Simmers, a UND alumna who met Pesch as a graduate student, said Pesch had always worked hard to help students. Kay Mendick, UND Women's Center program director, described her as "a good person who made a terrible choice."

TRENDING

1. **THE TREND:** UND nickname choice questioned; UND hockey updates; truck accidents prompt regulation questions; no suspect in bank robbery
2. **WATCH NOW:** An inside look at Hornbacher's in Grand Forks
3. **Lawmaker:** Why didn't chancellor try to keep UND/North Dakota on the ballot?
4. **PRO HOCKEY:** Hakstol begins NHL career Thursday
5. **Amid sugar beet truck accidents, some question Minnesota, North Dakota regulations for ag drivers**

[more >](#)

LATEST

63-year-old Enderlin man burned by boiler at Hankinson school
20 min ago

UND HOCKEY: UND's Tucker Poolman could emerge as a top blue liner
43 min ago

THEIR VIEW: Bus driver made noble sacrifice
1 hour ago

Doctor who stalked Detroit Lakes ex put on probation
1 hour ago

Ghost hunters sentenced for damaging historic Minnesota church
1 hour ago

[more >](#)

Pesch lives in East Grand Forks and was hired in 2001 as a secretary in UND's Department of Teaching and Learning, part of the College of Education and Human Development. She was placed on paid administrative leave in September 2014 and charges were filed against her the following March.

Documents obtained by the Herald show Pesch had positive performance reviews while working at UND.

"This is somebody who is not going to repeat what happened here," Reichert said at the sentencing.

Pesch must pay at least \$4,000 of the restitution by 5 p.m. Tuesday and set up the electronic monitoring system by Oct. 31.

This Week's Circulars



Anna Burlison

Anna Burlison is the higher education reporter for The Grand Forks Herald. She is a 2013 graduate of the University of South Dakota's Mass Communication program and is originally from Watertown, S.D. Contact Burlison with story ideas or tips by either phone, email or Twitter, all of which are listed below. More examples of her work can be found at grandforks Herald.com.

aburlison@gherald.com

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NEWS NORTH DAKOTA

North Dakota judge, others call for stronger efforts to prevent drug overdose

Expanding treatment options, educating vulnerable groups on Narcan use, and proposing mandatory minimum sentences for fentanyl dealers are some prevention efforts public officials recommend.



Grand Forks County District Attorney Haley Wamstad is photographed in her office Tuesday, Jan. 10, 2023. Eric Hylden/Grand Forks Herald



By **Sav Kelly**

January 14, 2023 at 7:00 AM

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News reporting

GRAND FORKS — A judge with more than three decades of legal experience in the state says North Dakota should establish a mandatory minimum sentence for fentanyl dealers and fund inpatient treatment to address the issue of drug overdoses.

SUBSCRIBERS ONLY NEWS LOCAL

Cell phones hold a wide variety of information that leads to arrests, Grand Forks state's attorney says

Call logs, messages, money transactions, location and distance trackers all help law enforcement build probable cause for arrests.



Grand Forks County District Attorney Haley Wamstad is photographed in her office Tuesday, January 10, 2023. Eric Hylden / Grand Forks Herald



By **Sav Kelly**

October 22, 2023 at 6:42 AM

Share

News reporting

GRAND FORKS — Cell phones hold a wide variety of information that law enforcement can use when establishing probable cause to arrest a suspect, according to the county state's attorney.

"I think oftentimes people are surprised at all the volume of data that is held on a person's cell phone," Haley Wamstad said.

When law enforcement investigates a crime with a suspect in mind, a warrant for that person's cell phone — and other technology — may be requested. Requests are either for limited or full searches, depending on the type of information law enforcement is looking for. A judge determines whether the search is appropriate and

The Next Thirteen Pages Contain Officer Supplements & Additional Facts

With Lori Pesch being my sister I had known about her being coerced into retaining Attorney, Alex Reichert to represent her. With the University of North Dakota having its own police department, among other things, there was an investigation and hearings held at the university where Mr. Reichert was present to represent Ms. Pesch.

After her sentencing I called the Grand Forks County State's Attorney's Office and spoke with then State's Attorney, David Jones, and informed him I was aware of an entire audit, hearings, and an investigation that took place at the university. I then requested a copy of the entire file and he provided me with a 30 day excuse. I told him to call me in 30 days when it is ready and I will pick it up.

The next day State's Attorney David Jones called me and informed me his office, as he used the term "we", likely meaning he and Haley Wamstad, were treating this as an open record and that I could pick it up, so I did. The file was very large and included optical disks and a variety of different factual documents.

In this file were several Officer Supplement pages from the University of North Dakota Police Department. These pages alone validate what I stated previously before the news articles I included with this complaint. The one legitimate trip my sister took to Hawaii was in there and included below, and there are a number of transcripts from hearings held at the university.

Police and others knew what Pesch's Attorney, Alex Reichert said about her stealing after her husband's death was not at all true, and so did Haley Wamstad, as it was her case with her signature on many documents.

Haley Wamstad signed the letter to me dated October 8th of 2015, included with this file and was the next page after the detailed receipt, as this was her case. Ms. Wamstad did get my address wrong as I have lived at 908 Sunset Drive since early 2013, but one thing she did say I found interesting.

Ms. Wamstad said enclosed was a Statement from the Grand Forks County State's Attorney's Office relating to the materials provided to me. I've been through this file from front to back and there is no such statement anywhere in the file.

I know what the file is and what the materials are, so I didn't need a "Statement" anyway but I found it interesting she said there was a such a "Statement" included when there was no such statement of any kind anywhere in the file.

STATES ATTORNEYS OFFICE
 Grand Forks County Courthouse
 124 S 4th Street - - PO Box 5607, Grand Forks, ND 58206-5607
 (701) 780-8281

Invoice No. 10082015-01

INVOICE

Customer

Name Doug West
 Address _____
 City Grand Forks State ND ZIP 58201
 Phone _____

Misc

Date 10/8/2015
 Order No. _____
 Rep _____
 FOB _____

Qty	Description	Unit Price	TOTAL
0.5	Legal Secretary II Time (approximately regular hourly rate)	\$18.00	\$ 9.00
1	File Clerk Time (approximately regular hourly rate) - 1st hour free	\$0.00	\$ -
516	Photocopies of File	\$ 0.25	\$ 129.00
5	CD/DVDs	\$ 3.00	\$ 15.00

SubTotal	\$ 153.00
Shipping	
TOTAL	\$ 153.00

Payment Select One...

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State v Pesch SA#132941

Thank You!

**GRAND FORKS COUNTY
STATES ATTORNEY
DAVID T. JONES
GRAND FORKS COUNTY COURTHOUSE**

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Nancy D. Yon

October 08, 2015

Douglas Joseph West
1107 14th Avenue South #1
Grand Forks, ND 58201

RE: State v. Lori Ann Pesch
Court No. 18-2015-CR-00509/001
SA#132941
IR#201431479

Dear Mr. West:

Pursuant to your open records request, enclosed please find a copy of our file in the above-referenced matter.

Also enclosed is a Statement from the Grand Forks County State's Attorney's Office relating to the materials provided to you.

Sincerely,



Haley Wamstad
Assistant State's Attorney

HW/sh
Enclosures

University of North Dakota Police Department

Officer Supplement

IR#: 201431479
Date: 11/24/14
RE: Tim Rerick
Officer: Captain Onger

I spoke with Tim Rerick on November 19, 20, and 24th. Rerick is the North Dakota University System (NDUS) Auditor who filed this complaint on behalf of the University of North Dakota stating that Lori Pesch, a Administrative Secretary in the Teaching and learning department at UND, misappropriated a total of \$ 127,617.19 from August 16, 2007 through September 15, 2014. Rerick states this includes 77 forged overtime forms and 83 forged travel and reimbursement vouchers. Rerick submitted the Auditor report and I obtained supporting documentation from him concerning these findings.

In a meeting on October 6th, 2014 Pesch admitted to Rerick, Beiswenger, and Julie Evans that she had falsified travel vouchers. Pesch's attorney, Alex Reichert stated this started with the death of Pesch's husband in November of 2009.

On October 7th and again on October 10th, Rerick and Beiswenger met with Lynn Chalmers. Chalmers reviewed documents and stated that her name had been forged on all the travel vouchers in question and had not approved any of the travel or reimbursements in question.

Rerick, and Cynithia Beiswenger had met with Lori Pesch on October 6th, and October 20th in regards to falsified travel vouchers, falsified overtime, and forging her supervisors name (Lynn Chalmers) on these documents.

Rerick states that Pesch admitted she had falsified all the travel and signatures for overtime only from November 25th 2009 to September 15th, 2014. Pesch admitted submitting false overtime claims on the day her husband died and the day of his funeral. Pesch stated these reimbursement vouchers were listed as being ASD and GRAAIN meetings. Pesch admitted to obtaining \$ 79,131.19 from falsified overtime and travel reimbursements.

Rerick states that Pesch received another \$ 48, 485.85 (total- \$ 127,617.04) going back to 2007 regarding travel and overtime identified thru this audit.*R/O*

IR#: 201431479
Date: 11/24/14
RE: Tim Rerick
Officer: Captain Onger

Rerick states there is a pattern of travel regarding time, duration, dates, personal vehicle use only, and predominately same day travel. Rerick states overnight travel only listed Pesch staying at "Relatives". Rerick states this pattern allowed for maximum reimbursement and no records, receipts, or documents to show for the travel. There were no rental vehicles. Rerick stated there was one hotel voucher that also coincided with her sons hockey tournament in Fargo, ND.

Rerick states that he interviewed other staff in the Teaching and Learning department regarding travel and all stated that there was no travel for Pesch's position other than one authorized trip (with others) to Hawaii several years ago. Rerick states the Auditing office spoke with the following people regarding travel;

Mary Baker – Chair of Special Education department of Teaching and Learning
Lynn Chalmers – Coordinator for Special Education and Pesch's Supervisor
Kari Chiasson – Associate Professor – Teaching and Learning, Special Education
Katherine Terras – Associate Professor – Teaching and Learning
Patricia Mahar – coordinator Special Education programs

Rerick obtained emails from the above individuals regarding those questions. In Mahar's email, she reports that Lori Pesch verbally admitted to her that she embezzled funds to approximately \$ 20,000.00.

Rerick also turned over a email from Pesch to Mary Baker that he stated arrived about the same date as the personal check Pesch wrote back to UND for her last travel reimbursement. -END

Signature W. Onger 257
Page 2 of 2

University of North Dakota Police Department

Officer Supplement

IR#: 201431479
Date: 12/04/14
RE: Tim Rerick
Officer: Captain Onger

On December 4th, 2014 I again met with Auditor, Tim Rerick. We went over the UND audit report and documents. Rerick provided me with a document that listed the number of trips a month each year from 2007 to 2014 that Lori Pesch made that were considered fraudulent with exception to the Hawaii trip that was authorized. There were a total of 342 fictitious trips.

There were 7 trips starting in August for the 2007 year.
2008 - 20 trips with July and August as the only months where there was no travel.
2009 - 37 trips with only January with no travel.
2010 - 51 trips with travel each month.
2011 - 65 trips with travel each month.
2012 - 59 trips with travel each month.
2013 - 59 trips with travel each month
2013 - 44 trips thru September.

Rerick also provided a second list of the travel above via fiscal year, fund numbers, travel location, purpose, and reimbursement claim. The total of these fictitious travel claims total \$ 93,166.82 dollars. Rerick states that additional fraudulent overtime claims total \$ 34,450.22 for a total of \$ 127,617.04.

Rerick states that Pesch admits to 79,131.19 which she admitted to everything being false since November 25th, 2019 after her husband died and she had a financial need. Pesch also admits to sending a personal check to UND for \$ 1,680.42 to pay back UND for a falsified travel voucher. (When this was discovered) Rerick states these explanations do not explain the reasons for the thefts prior to that.

Rerick also provided notes from a meeting with Lori Pesch on October 6th where Pesch admitted falsifying travel vouchers, using Lynn Chalmers signature stamp, and obtaining approximately \$ 20,000 dollars in 2014 alone. (Fraudulently)

Rerick also provided meeting notes from a meeting with Lynn Chalmers from October 7th, 2014. Chalmers stated that she did not approve or was aware, of most of the overtime identified in the audit. Chalmers also stated that none of the travel, except the Hawaii trip was authorized and that her signatures were forged.ω◊

IR#: 201431479
Date: 12/04/14
RE: Tim Rerick

Tim Rerick also provided meeting notes from November 5th regarding Lynne Chalmers answers to questions regarding her knowledge of knowingly providing unauthorized travel and overtime to Lori Pesch. Chalmers denied doing so.-END.

Signature W. Ayer 257
Page 2 of 2

University of North Dakota Police Department

Officer Supplement

IR#: 201431479
Date: 11/24/14
RE: Cynthia Beiswenger
Officer: Captain Onger

On November 24th, 2014 I meet with Cynthia Bieswenger, a Assistant internal Auditor, and interviewed and obtained a statement from Beisweger regarding UND internal auditing meetings with Lori Pesch. Beiswenger was present and heard statements made by Pesch admitting the following to Auditor Tim Rerick and UND Legal Counsel, Julie Evans.

October 6th, 2014. Pesch admitted submitting and falsifying travel vouchers for herself. Her attorney (Alex Reichert) stated this occurred after the death of Lori's husband. (12/19/2009)

October 7th, 2014. Pesch admitted that she forged her Supervisors signature (Lynn Chalmers) on all of the travel vouchers (identified in the auditing report)

October 10th, 2014 Pesch admitted she did not work overtime on 12/19/09 (husband's death) and 12/20/09 as she submitted.

October 20th, 2014. Pesch admitted all the travel and re-imbursement after November 25th, 2009 was not legitimate and was false.

Pesch also stated that some of the other overtime she was paid for and had submitted, she did not actually work and it was false.

Pesch admitted the overtime she submitted and was paid the day of, and next day, of her husband's death.

Beiswenger provided a statement.

Signature W. Onger 257
Page 1 of 1

University of North Dakota Police Department

Officer Supplement

IR#: 201431479
Date: 11/25/14
RE: Alana Fosse
Officer: Captain Onger

On Tuesday November 25th, 2004 I interviewed Alana Fosse, The Administrative Assistant in the Learning and Teaching department. Fosse is the employee that first reported accounting concerns to Mary Baker, the Chair for this department.

On September 18th 2014 Fosse was doing an end of fiscal year report (July 1st to June 30th) when she came across a fund handled by Lori Pesch. Fosse saw a run report for fund number 20414-2635 and the account code 52100 (travel) and it listed a large number of travel expenses and re-imbusement totaling approximately \$19,726.09 dollars just for Lori Pesch. Fosse thought this was odd as Clerical do not generally travel and this was an excessively large amount. Fosse thought this was a suspicious as Fosse herself handles travel arrangements and funding receipts for the faculty, which are budgeted around \$ 2,000.00. Furthermore, Fosse was suspicious as she found that many vouchers listed mileage for her personal vehicle but no State fleet vehicles. It was also documented that Pesch stayed at relative's vs Hotels, thus no hotel receipt.


Fosse brought this information to her Department Chair, Mary Baker.

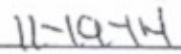
Fosse provided a written statement and attached copies of the documents that caused her concern. They are attached to this report.-END.

Signature W. Onger 257
Page 1 of 1

Cynthia Beiswenger's Statement

1. On October 6, 2014, I was present when Lori Pesch admitted that she falsified travel vouchers. Also present were Tim Rerick, Julie Evans, and Alex Reichert. That same day, Alex Reichert told Tim Rerick, Julie Evans, and me that the falsified travel vouchers started with the death of Lori's husband.
2. On October 7, 2014, Lynne Chalmers informed Tim Rerick and me that her signature was forged on all of the travel vouchers in question.
3. On October 20, 2014, I was present when Lori Pesch admitted that all the travel she was paid for after the UND general ledger date of November 25, 2009, was not legitimate. Also present were Tim Rerick, Julie Evans, and Alex Reichert.
4. On October 10, 2014, Lynne Chalmers informed Tim Rerick and me that Lori Pesch's overtime for the day her husband died (12/19/2009) and the day after her husband died (12/20/2009) was not legitimate.
5. On October 20, 2014, I was present when Lori Pesch admitted that she did not work overtime on the Saturday afternoon that her husband died or the Sunday after he died. She also acknowledged that some of the other overtime hours she was paid for she did not actually work. Also present were Tim Rerick, Julie Evans, and Alex Reichert.


Cynthia Beiswenger


Date

- Julie Evans, General Counsel, called Internal Auditing on September 22, 2014. She said she had an embezzlement audit for us to perform. The embezzlement was at the Teaching & Learning Department – Special Education Program. It involves travel vouchers for an employee, Lori Pesch.
- We met with Lori Pesch on October 6th and October 20, 2014.
- We talked (phone call) with Lynne Chalmers (Lori's supervisor, Special Education Program director) on October 2, 2014, and met with Lynne on October 7, 9, and 10, 2014, and November 5, 2014. We also communicated with her via emails. During our first meeting with Lynne we asked her about travel, overtime, purchasing cards, and vacation & sick leave as it related to Lori Pesch. These were the areas that we could think of that Lori could misappropriate money.
- We reviewed all the travel reimbursements made to Lori Pesch. They totaled \$95,082.32. Only Lori's trip to Hawaii was legitimate (\$1,915.50). Therefore, \$93,166.82 was not legitimate.
- We reviewed all the overtime payments made to Lori Pesch. They totaled \$54,276.13. Lynne Chalmers identified the overtime forms that had her signature forged. They totaled \$31,699.15. Lynne identified another overtime form that covered the weekend that Lori's husband died and stated that she incorrectly signed the form thinking it was for vacation & sick leave and that the overtime was not legitimate. That form totaled \$302.91.
- Per Lori's travel vouchers, the purpose of the trips were for GRAAIN conference planning in Bismarck, ND and ASD meetings. Lynne informed us that Lori's travel to Bismarck for the GRAAIN conference planning does not make sense as none of the planning occurred in Bismarck. Also, Lynne said that the ASD meetings are something that Lori made up. ASD stands for autism spectrum disorders.

TIM RERICK *Tim Rerick* 11/26/14

CYNTHIA BEISWENGER *Cynthia Beiswenger* 11/26/14

Statement by Alana Fosse, Administrative Assistant for the
Department of Teaching & Learning
November 25, 2014

On September 18, 2014 I was running reports in PeopleSoft to file with my 2014 fiscal year financial documentation. I was running a Budget Transaction Detail Report, to capture expenses for the entire fiscal year (July 1, 2013 to June 30, 2014), for each of the fund numbers in the Teaching & Learning Department. When I ran the detail report for fund number 20414-2635, I noticed Lori's name (Pesch, Lori Ann) was listed many times under the account code 521000 (Travel). The total dollar amount she was reimbursed for travel for the 2014 fiscal year was almost \$20,000. I process travel for the faculty in my department, and they are allotted \$2,000 each for travel expenses per year. So knowing this, I thought it was strange that a secretary was being allowed almost \$20,000 for travel in one year's time. To my knowledge, secretaries don't typically travel to conferences, meetings, etc. Next, I pulled up a few of the travel vouchers in ImageNow so I could see what type of traveling she was doing. The travel vouchers indicated she was attending ASD (Autism Spectrum Disorder) Meetings, in a variety of cities in North Dakota, several times a month. Most of the money reimbursed was for mileage. I noticed she didn't have expenses for lodging because she stated on the vouchers she stayed with a relative. I thought these travel vouchers were unusual because the frequency of the travel, the dollar amount, no lodging expenses, and that it was a clerical person traveling. I asked my co-worker, Deby Pankonin, if she knew of any traveling that Lori might be doing. She did not. Deby has been in this department much longer than I have so I thought she might have some insight as to why a secretary would be traveling so much (I have been with T&L since October 2007 but in my current position since April 22, 2013).

I was concerned as to whether these travel expenses were legitimate. I met with Dr. Mary Baker, the chair of my department that same day, not long after I printed the reports and travel vouchers. I showed her the Budget Transaction Detail report for fund number 20414-2635 and the travel vouchers. I expressed my concerns and pointed out the items that were "red flags" to me. I asked her to look into the matter.

Alana Fosse 11/25/2014

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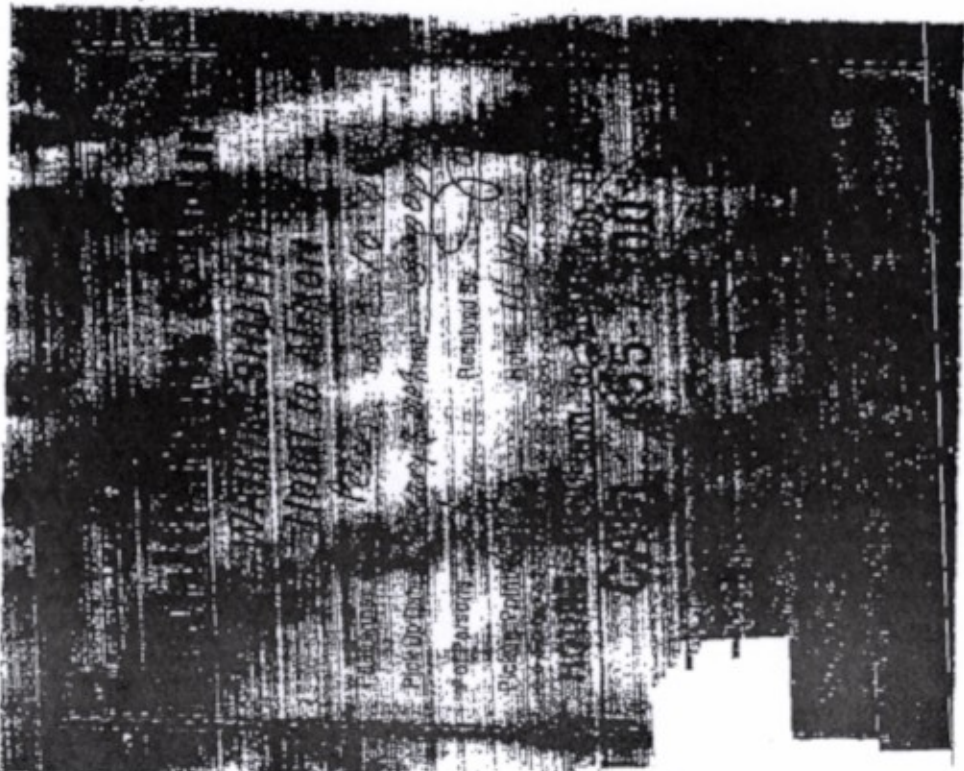
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Name & Address

PESCH, LORI
614 10TH ST NW

E GRAND FORKS, MN 56721
US

Room T2643/K1LV
Arrival Date 1/3/2009
Departure Date 1/8/2009

Adult/Child 2/0
Room Rate 245.00

5:54:00PM

RATE PLAN C-AGD

HH#

AL:

BONUS AL:

CAR:

CONFIRMATION NUMBER : 3320085756

1/8/2009 PAGE 1

DATE	DESCRIPTION	ID	REF. NO.	CHARGES	CREDITS	BALANCE
1/3/2009	GUEST ROOM	KMURA2	18203041	\$245.00		
1/3/2009	ROOM TAX	KMURA2	18203041	\$17.78		
1/3/2009	GENERAL EXCISE TAX	KMURA2	18203041	\$11.54		
1/4/2009	GUEST ROOM	KMURA2	18209417	\$245.00		
1/4/2009	ROOM TAX	KMURA2	18209417	\$17.78		
1/4/2009	GENERAL EXCISE TAX	KMURA2	18209417	\$11.54		
1/5/2009	GUEST ROOM	DHUR	18216900	\$245.00		
1/5/2009	ROOM TAX	DHUR	18216900	\$17.78		
1/5/2009	GENERAL EXCISE TAX	DHUR	18216900	\$11.54		
1/6/2009	GUEST ROOM	CKUDO	18223459	\$245.00		
1/6/2009	ROOM TAX	CKUDO	18223459	\$17.78		
1/6/2009	GENERAL EXCISE TAX	CKUDO	18223459	\$11.54		
1/7/2009	GUEST ROOM	CKUDO	18230736	\$245.00		
1/7/2009	ROOM TAX	CKUDO	18230736	\$17.78		
1/7/2009	GENERAL EXCISE TAX	CKUDO	18230736	\$11.54		
1/8/2009	VS *7994	CMAK	18233546		\$1,371.50	
	BALANCE					\$0.00



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ACCOUNT NO.
VS *7994

CARD MEMBER NAME
PESCH, LORI

ESTABLISHMENT NO. & LOCATION ESTABLISHMENT NUMBER TO TRANSMIT TO CARD HOLDER FOR PAYMENT

MAHALO FOR CHOOSING THE HILTON HAWAIIAN VILLAGE BEACH RESORT & SPA. WE LOOK FORWARD TO YOUR RETURN! VISIT US AT HILTONHAWAIIANVILLAGE.COM FOR INFORMATION AND RESERVATIONS. ALOHA, AND MAHALO!

DATE OF CHARGE 1/3/2009 FOLIO NO./CHECK NO. 2000995 A

AUTHORIZATION 020987 INITIAL

PURCHASES & SERVICES

TAXES

TIPS & MISC.

TOTAL AMOUNT

IF PURCHASE AND/OR SERVICES PURCHASED ON THIS CARD SHALL NOT BE CASHED OR RETURNED FOR A CASH REFUND.

PAYMENT DUE UPON RECEIPT

T 281702

The Next Seven Pages are the Case Docket and First Three Pages

I've included a copy of the case docket and first three pages from the case file. The documents of course are not similar to the previous Officer Supplements from the University of North Dakota Police Department, but are designed to fit the statute after Lori Pesch had been put on leave for six months and was no longer stealing.

Nothing from all the hearings and meetings at the University of North Dakota with a factual basis were ever entered into the case file with the Clerk of Court, such as the Officer Supplements and any other documents that displayed truth of the so called "Tragic Story" fabricated by Pesch's Attorney, Alex Reichert.

Haley Wamstad looked the other way and allowed Reichert to lie not only to the news, but to the Judge in court. Wamstad herself lied to the Judge as well when the Judge requested a factual basis from Ms. Wamstad.

The case file was actually quite small in comparison to the large factual file from the University of North Dakota. In the case file were the more than 30 support letters previously mentioned by Pesch's Attorney, Alex Reichert.

Haley Wamstad was aware of all these details the entire time and it was her case. She conveniently let Alex Reichert tell the "Tragic Story" that didn't exist and allowed him to lie to the Judge while she basically went along with it, knowing this left case had nothing to do with a cancerous child or the death of a husband. Lori Pesch did not have a child with cancer while employed at the University of North Dakota. She stole money for more than two years before her husband died and five years after his death. Wamstad never once pointed out to the courts Reichert had lied to the media and the Judge.

The case docket also shows a probation violation.

REGISTER OF ACTIONS

CASE NO. 18-2015-CR-00509

State of North Dakota vs. Lori Ann Pesch

18-2015-CR-00509

Case Type: **Felony**
 Date Filed: **03/09/2015**
 Location: **-- Grand Forks County**
 Judicial Officer: **Thelen, John**
 State's Attorney Case Number: **132941**

RELATED CASE INFORMATION

Related Cases

18-2017-CV-03192 (Related Case)
 18-2017-CV-03193 (Related Case)

PARTY INFORMATION

Defendant	Pesch, Lori Ann East Grand Forks, MN 56721	DOB: 1961	Attorneys Pro Se
Plaintiff	State of North Dakota		Haley Lorelle Wamstad 701-780-8281 x0000(W)

CHARGE INFORMATION

Charges: Pesch, Lori Ann	Statute	Level	Date
1. Theft Of Property	12.1-23-02	Felony B	03/01/2015

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

10/05/2015 **Plea** (Judicial Officer: Jensen, Jon J.)
 1. Theft Of Property
 Guilty

10/05/2015 **Disposition** (Judicial Officer: Jensen, Jon J.)
 1. Theft Of Property
 Pled Guilty

10/05/2015 **Criminal Judgment** (Judicial Officer: Jensen, Jon J.)
 1. Theft Of Property
 03/01/2015 (FB) 12.1-23-02 (1212302)

Comment ()
 Condition - Adult:
 1. Notify Court of Address Change, 10/05/2015, Active 10/05/2015
 2. Pay Fine From Bond Posted, 10/05/2015, Active 10/05/2015
 3. Restitution, Restitution in the amount of \$47,513.62 . 10/05/2015, Active 10/05/2015
 4. Supervised Probation, 2 years 10/05/2015, Active 10/05/2015
 5. Violate No Criminal Laws, 10/05/2015, Active 10/05/2015

Fee Totals:
 Criminal Administration Fee \$650.00
 Defense/Facility Admin Fee \$100.00
 Fee Totals \$ \$750.00

Confinement:
 Agency: Grand Forks County Correctional Center, Term: 1 Year
 Report on: October 30, 2015 at 7:00 PM
 Suspended:
 Probation: 2 Years
 Comment: The court will grant Electronic Home Monitoring at the discretion of the correctional center. The Court authorizes Electronic Home Monitoring through a private entity at the Defendant expense.

11/20/2017 **Amended Order Revoking Probation and Sentence** (Judicial Officer: Jensen, Jon J.) Reason: Probation Violation
 1. Theft Of Property
 03/01/2015 (FB) 12.1-23-02 (1212302)

Comment (The court hereby orders that any probation in this case is hereby terminated. Any restitution still owing in this case is hereby reduced to civil judgment. This case is hereby closed.)

OTHER EVENTS AND HEARINGS

03/09/2015 **Affidavit of Probable Cause** Index # 1
 03/09/2015 **Information** Index # 2
 03/09/2015 **Warrant of Arrest Issued** Index # 3
 03/11/2015 **Certificate** Index # 4
Certificate of Representation
 03/11/2015 **Rule 16 Discovery Request** Index # 5
Rule 16 Request for Disclosure
 03/11/2015 **Service Document** Index # 6
Affidavit of Service re Rule 16
 03/13/2015 **Warrant of Arrest Served** Index # 7

03/13/2015 **Initial Appearance** (1:30 PM) (Judicial Officer Jensen, Jon J.)
IN CUSTODY MAA-Digital 3/13/2015
 Result: Hearing Ended

03/13/2015 **Service Document** **Index # 8**
Affidavit of Service By Electronic Filing

03/13/2015 **Rule 16 Discovery Request** **Index # 9**
State's Reciprocal Discovery Request

03/13/2015 **Notice to Defendant and Consent to ITV** **Index # 10**

03/13/2015 **Sheriff's Return Served** **Index # 11**
Return of Service Arrest Warrant on Lori Ann Pesch

03/13/2015 **Notice of Assignment and Case Number** **Index # 12**

03/13/2015 **Service Document** **Index # 13**
Certificate of Service

03/13/2015 **Order** **Index # 14**
Appearance Bond Ordered

03/13/2015 **Scheduling Order** **Index # 15**

03/16/2015 **Bond** **Index # 16**
Appearance Bond Posted

03/17/2015 **Service of Motion** **Index # 17**
Affidavit of Service re Motion for Continuance

03/17/2015 **Motion** **Index # 18**
Notice of Motion and Motion for Continuance

03/17/2015 **Proposed Order** **Index # 19**
Order Granting Motion to Continue Hearing

03/18/2015 **Brief** **Index # 20**
State's Brief in Response to Motion for Continuance

03/18/2015 **Service Document** **Index # 21**
Affidavit of Service by Electronic Filing

03/18/2015 **Order Disposing of Motion** **Index # 22**
Order Granting Motion to Continue

03/18/2015 **Notice of Hearing** **Index # 23**
Continued Preliminary Hearing

03/18/2015 **Service Document** **Index # 24**
Certificate of Service

03/19/2015 **Sheriff's Return Served** **Index # 25**
Sheriff's Return of Service-subpoena

04/02/2015 **Sheriff's Return Served** **Index # 26**
Sheriff's Return of Service - Subpoena

04/30/2015 **Waiver** **Index # 27**
N.D.R.CRIM.P. 43(b) WAIVER OF PRELIMINARY HEARING AND ENTRY OF NOT GUILTY PLEA(S)

04/30/2015 **Service Document** **Index # 28**
Affidavit of Service re N.D.R.CRIM.P. 43(b) WAIVER OF PRELIMINARY HEARING AND ENTRY OF NOT GUILTY PLEA(S)

05/01/2015 **CANCELED Preliminary Hearing and/or Arraignment** (9:00 AM) (Judicial Officer Hager, Donald)
 Other
04/15/2015 Continued to 05/01/2015 - Continuance - Attorney Not Available - Pesch, Lori Ann

05/21/2015 **Service Document** **Index # 29**
AOS Motion for Continuance

05/21/2015 **Notice** **Index # 30**
Notice and Motion for Continuance

05/21/2015 **Proposed Order** **Index # 31**
Proposed Order Granting Motion for Continuance

05/22/2015 **Brief** **Index # 32**
State's Brief in Response to Defendant's Motion for Continuance

05/22/2015 **Service Document** **Index # 33**
Affidavit of Service by Electronic Filing

05/27/2015 **Order Disposing of Motion** **Index # 34**
Order granting cont. of Final Dispo Conference

05/27/2015 **Review Hearing** (4:00 PM) (Judicial Officer Jensen, Jon J.)
 Clerk action
 Result: Hearing Ended

05/27/2015 **Service Document** **Index # 35**

05/27/2015 **Scheduling Order** **Index # 36**
Continued

07/10/2015 **CANCELED Motion/Hearing** (9:00 AM) (Judicial Officer Knudson, Jay)
 Other
06/05/2015 Continued to 07/10/2015 - Continuance - Other - Pesch, Lori Ann

07/27/2015 **Motion** **Index # 37**
Expedited Notice of Motion and Motion for Continuance

07/27/2015 **Exhibit** **Index # 38**
Exhibit A

07/27/2015 **Proposed Order** **Index # 39**
Proposed Order Granting Expedited Motion for Continuance

07/27/2015 **Service of Motion** **Index # 40**
Affidavit of Service

07/28/2015 **Review Hearing** (4:00 PM) (Judicial Officer Jensen, Jon J.)
 Clerk activity
 Result: Hearing Ended

07/29/2015 **Service Document** **Index # 41**
Certificate of Service

07/29/2015 **Scheduling Order** **Index # 42**
Continued

09/03/2015 **Final Dispositional Conference** (1:30 PM) (Judicial Officer Jensen, Jon J.)
MAA-digital 9/3/15
06/25/2015 Continued to 07/30/2015 - Continuance - Other - Pesch, Lori Ann
07/30/2015 Continued to 09/03/2015 - Continuance - Other - Pesch, Lori Ann
 Result: Hearing Ended

09/03/2015 **Notice of Hearing** **Index # 43**
Sentencing

09/03/2015 **Service Document** **Index # 44**
Certificate of Service

09/04/2015 **Stipulation / Agreement Index # 45**
Plea agreement

09/14/2015 **CANCELED Court Trial (1:30 PM)** (Judicial Officer Knudson, Jay)
Change of Plea
07/06/2015 Continued to 08/10/2015 - Continuance - Other - Pesch, Lori Ann
08/10/2015 Continued to 09/14/2015 - Continuance - Other - Pesch, Lori Ann

09/14/2015 **CANCELED Change of Plea (9:00 AM)** (Judicial Officer Knudson, Jay)
Change of Plea
07/06/2015 Continued to 08/10/2015 - Continuance - Other - Pesch, Lori Ann
08/10/2015 Continued to 09/14/2015 - Continuance - Other - Pesch, Lori Ann

09/15/2015 **CANCELED Jury Trial (9:00 AM)** (Judicial Officer Knudson, Jay)
Change of Plea
07/07/2015 Continued to 08/11/2015 - Continuance - Other - Pesch, Lori Ann
08/11/2015 Continued to 09/15/2015 - Continuance - Other - Pesch, Lori Ann

10/01/2015 **Service Document Index # 47**
Affidavit of service

10/01/2015 **Letter Index # 48**
Character reference letters

10/01/2015 **Letter Index # 49**
additional reference letter

10/05/2015 **Sentencing (10:30 AM)** (Judicial Officer Jensen, Jon J.)
MAA-digital 10/5/15
Result: Hearing Ended

10/05/2015 **Criminal Judgment Index # 50**
with Appendix "A"

10/05/2015 **Service Document Index # 51**
Certificate of Service

10/05/2015 **Proposed Judgment Index # 52**

11/03/2015 **Report Index # 53**
Failure to Appear For Sentence

11/04/2015 **Letter Index # 54**
Letter from Top Justice Services

11/04/2015 **Service Document Index # 55**
Affidavit of Service

08/24/2017 **Transcript Index # 56**
Transcript of Initial Hearing held March 13, 2015

08/24/2017 **Transcript Index # 57**
Transcript of Final Dispositional Conference held September 3, 2015

08/24/2017 **Transcript Index # 58**
Transcript of Sentencing Hearing held October 5, 2015

09/26/2017 **Petition for Revocation Index # 59**
Petition for Revocation of Probation

09/26/2017 **Proposed Order Index # 60**
Order to Show Cause (Haley Wamstad)

10/03/2017 **Criminal Order to Show Cause Index # 61**
Petition for Revocation

10/17/2017 **Initial Appearance (9:00 AM)** (Judicial Officer Thelen, John)
Order to Show Cause on Petition for Revocation DM-digital 10/17/17
Result: Hearing Ended

10/17/2017 **Notice of Hearing Index # 62**
Revocation of Probation

10/17/2017 **Bond Index # 63**
appearance bond posted

10/17/2017 **Judge Rotation Recusal Index # 64**

10/17/2017 **Service Document Index # 65**
Certificate of Service on Lori Pesch; State's Attorneys Office; Parole and Probation

11/14/2017 **Revocation of Probation Hearing (1:30 PM)** (Judicial Officer Thelen, John)
TJ - Steno & Digital 11/14/17
Result: Hearing Ended

11/15/2017 **Proposed Order Index # 66**
Order for Revocation of Probation

11/15/2017 **Service Document Index # 67**
Affidavit of Service by Mail (Lori Pesch) and by Electronic Filing (John Knutson, NDPP)

11/15/2017 **Notice of Assignment and Case Number Index # 68**

11/20/2017 **Order Index # 69**
Order for Revocation of Probation

11/20/2017 **Service Document Index # 70**
Certificate of Service on Lori Pesch; Parole and Probation

11/21/2017 **Notice Index # 71**
Notice of Judgment Creditor

11/21/2017 **Affidavit Index # 72**
Affidavit of Identification

11/21/2017 **Proposed Order Index # 73**
Order For Judgment-State Bonding Fund

11/21/2017 **Proposed Order Index # 74**
Judgment-State Bonding Fund

11/21/2017 **Proposed Order Index # 75**
Order For Judgment-UND Business Service Center

11/21/2017 **Proposed Order Index # 76**
Judgment-UND Business Service Center

12/06/2017 **Judgment Index # 77**
State bond fund-Dept. of insurance

12/06/2017 **Judgment Index # 78**
UND Business Center

FINANCIAL INFORMATION

Defendant Pesch, Lori Ann

	Total Financial Assessment			750.00
	Total Payments and Credits			750.00
	Balance Due as of 01/26/2024			0.00
10/05/2015	Transaction Assessment			750.00
10/05/2015	Counter Payment	Receipt # 18-2015-13735	Pesch, Lori Ann	(750.00)

1 IN DISTRICT COURT, GRAND FORKS COUNTY, NORTH DAKOTA

2 State of North Dakota,)
3 Plaintiff,)

Case #: 201431479

18 2015 CR 509

4 vs.)

5 AFFIDAVIT OF PROBABLE CAUSE

6 Lori Ann Pesch)

7 DOB: 09/24/61

FILED IN THE OFFICE OF
CLERK OF DISTRICT COURT
GRAND FORKS COUNTY, N. DAK.

8 SSN: _____

MAR - 9 2015

9 OLN(MN) Y255290069212

10 Defendant.)

REBECCA ABSEY, CLERK

11 State of North Dakota)

BY NK Deputy

12 County of Grand Forks)



13 Comes now, Wayne Onger, being duly sworn, deposes and states to the
14 Court as follows:

- 15 1.) That your Affiant is a Police Officer with the University of North Dakota Police
- 16 Department.
- 17 2.) That your Affiant has reviewed the attached investigation reports which are expressly
- 18 incorporated herein by reference, and states upon information and belief that there is
- 19 probable cause to believe that a criminal offense has been committed by the Defendant,
- 20 and for the issuance of a warrant for the arrest of the Defendant.

21 FURTHER YOUR AFFIANT SAYETH NOT.

22 Dated this 5 day of March, 2015.

23 Wayne Onger
Investigating / Reviewing Officer

24 Subscribed and sworn before me this 5th day of March, 2015.

25 **DIANE FORE**
Notary Public
State of North Dakota
My Commission Expires July 16, 2020

26 Diane Fore
Notary Public
State of North Dakota



University of North Dakota Police Department



PROBABLE CAUSE SUMMARY

Case IR Number: 201431479
 Offense: Theft /embezzlement, Forgery
 Incident location: University of North Dakota
 Date of offense: March 1, 2012 to September 15, 2014
 Suspect Name: Lori Ann Pesch
 Investigating Officer: Captain Wayne Onger

Based upon case information including evidence, information, official documents, and witness statements, this Investigating Officer believes that probable cause exists that a criminal offense was committed by the defendant under North Dakota Century code 12.1-23-02, theft by embezzlement.



Summary

From the Investigative period of March 1, 2012 through September 15, 2014 Lori Ann Pesch, an Administrative Secretary at UND, did falsify approximately 31 travel vouchers submitting 152 trips for reimbursement totaling \$ 47,513.62 dollars. Pesch also received 397 hours of unauthorized and fictitious overtime totaling \$ 10,209.73 dollars during 2012, submitting 13 falsified overtime vouchers.

A UND Audit report determined that Pesch received payment for travel that did not occur and overtime monies received that she did not work by forging her supervisors name and submitting the travel and overtime vouchers to obtain unauthorized payment. Pesch's work position was, in part, to submit travel and payment forms to payroll for payment. Pesch's position and duties does generally not include travel or representing the department or programs.

Auditors and Pesch's Supervisors reviewed all documents relevant to these dates and the documents included in this final audit report and investigation are determined to be fictitious and forged. -END.

ORIGINAL

DISTRICT COURT, GRAND FORKS COUNTY, NORTH DAKOTA

State of North Dakota,

Plaintiff,

v

Lori Ann Pesch,

Defendant.

FILED IN THE OFFICE OF
CLERK OF DISTRICT COURT
GRAND FORKS COUNTY, N. DAK. C

MAR - 9 2015

REBECCA ABSEY, CLERK

BY NA

INFORMATION

Court No. 18-2015-CR- 509
SA#132941

Haley Wamstad, ND Bar ID #06171 in and for the County of Grand Forks, in the State of North Dakota, gives this Court to understand and be informed:

COUNT I:

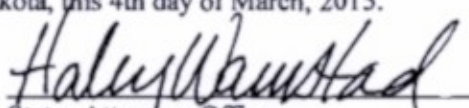
That on or about the **1st day of March, 2012**, at approximately , within the County of Grand Forks in the State of North Dakota, one **Lori Ann Pesch** did commit the crime of **THEFT OF PROPERTY**, in violation of Sections 12.1-23-02(1), 12.1-23-05(2) and 12.1-32-01(3) of the North Dakota Century Code, a **Class B Felony**, by then and there knowingly taking or exercising unauthorized control over, or making an unauthorized transfer of an interest in, the property of another with the intent to deprive the owner thereof, that property exceeding \$10,000.00 in value; to-wit: That **Lori Ann Pesch** did knowingly take or exercise unauthorized control over, or make an unauthorized transfer of an interest in, money belonging to the University of North Dakota, with the intent to deprive the University of North Dakota thereof, this amount exceeding \$10,000.00. This taking place on or near the campus of the University of North Dakota, Grand Forks, North Dakota.

Names of all witnesses for the prosecution known to State's Attorney at this date:

- Wayne Onger, UND Police Department
- Julie Evans
- Timothy Rerick
- Cynthia Beiswenger
- Lynne Chalmers
- Mary Baker
- Alana Fosse
- Carol Johnson
- Patricia Mahar
- Brad Miller

This contrary to the statute and against the peace and dignity of the State of North Dakota.

Dated at Grand Forks, North Dakota, this 4th day of March, 2015.


 States Attorneys Office
 Grand Forks County, North Dakota

The Next Eight Pages are the Transcript of the Final Conference

There were only three hearings and the initial appearance did not appear to include anything significant. The Transcript of the Final Dispositional Conference is the only hearing Assistant State's Attorney, Haley Wamstad, was present for, even though this was her case. Attorney, Alex Reichert didn't tell his fabricated "Tragic Story" to the Judge at this hearing while Ms. Wamstad was present, but he did so during the sentencing hearing. Ms. Wamstad was not present so the person standing in that day would not have any idea Mr. Reichert was lying to the Judge. However, Ms. Wamstad knew this the entire time and did not say or do anything to stop it. It is her duty to know this was occurring so she cannot simply be away during one hearing and claim she was not aware of Mr. Reichert's falsified "Tragic Story" he told on numerous occasions.

It is present in University of North Dakota Police Department Officer Supplements that Alex Reichert was telling police that Lori Pesch did not submit false travel vouchers until after her husband died, which was not true, nor did she have a child with cancer while employed at the University of North Dakota. Assistant State's Attorney, Haley Wamstad, had this file so she had to know Mr. Reichert was falsifying a so called "Tragic Story" which he repeated at least twice to news media and once to the Judge during the sentencing hearing, when Ms. Wamstad was not present. This was also on local talk radio and many people in Grand Forks, ND, had heard the so called "Tragic Story" about the UND Secretary whose husband died and had a daughter with cancer. Ms. Wamstad herself appears at will in the Grand Forks Herald where this false "Tragic Story" was told in print, so she can hardly say she was not aware of Mr. Reichert engaging in this conduct. The only difference between Wamstad and Reichert lying to the Judge is that Wamstad allowed these lies to come out of Reichert's mouth.

Documents in the case file show theft under the statute of limitations for both travel and overtime vouchers that were not authorized. On pages 4 and 5 of the following transcript Ms. Wamstad was asked for a factual basis and told a slightly different story to the Judge than what was in the case file. Perhaps a plea agreement made for changes but Ms. Wamstad was not too straight forward in her response, basically telling the Judge a half truth or in other words, a lie. The case file never included Officer Supplements from the University Police Department, so during the sentencing hearing the Assistant State's Attorney present that day would only have the case file with the clerk of court, limited in factual information. When Alex Reichert lied to the Judge she would not have known and Haley Wamstad was not present that day. But it was her case and her duty to know. This so called "Tragic Story" was not even necessary to inject into the process, but it fit the plea agreement, was used to sway an easy sentence for the defendant, and fit Wamstad's selective style in keeping the truth from the public.

STATE OF NORTH DAKOTA **COPY** IN DISTRICT COURT
COUNTY OF GRAND FORKS NORTHEAST CENTRAL JUDICIAL DISTRICT

State of North Dakota,)	Criminal No.
)	18-2015-CR-00509
Plaintiff,)	
)	
vs.)	<u>TRANSCRIPT OF</u>
)	<u>FINAL DISPOSITIONAL</u>
Lori Pesch,)	<u>CONFERENCE</u>
)	
Defendant,)	

Before the Honorable Jon J. Jensen
-- District Judge --

September 3, 2015
District Courtroom
Grand Forks County Courthouse
Grand Forks, ND 58201

APPEARANCES:

FOR THE PLAINTIFF: MS. HALEY WAMSTAD
 Assistant State's Attorney
 P.O. Box 5607
 Grand Forks, ND 58206-5607

FOR THE DEFENDANT: MR. ALEX F. REICHERT
 Attorney at Law
 118 Belmont Road
 Grand Forks, ND 58201

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(The following is a transcript of the proceedings had and made of record on September 3, 2015, commencing at approximately 1:56 p.m.)

THE COURT: Good afternoon, Ms. Pesch, how are you today?

THE DEFENDANT: I'm fine, thank you.

MR. REICHERT: May I approach, Your Honor?

THE COURT: You can. Particularly if you have an agreement. Thank you.

MR. REICHERT: And, Your Honor, we're going to be asking for a sentencing date, please.

THE COURT: Okay. Ms. Pesch, I've been handed what's a plea agreement that's two pages in length. Is that your signature that appears on the second page?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. And Ms. Pesch, your attorney informs me that you'll be entering a change of plea today of guilty to the Count 1 Theft of Property charge. Is that your understanding?

THE DEFENDANT: Yes, it is.

THE COURT: Have you had sufficient time to speak with Mr. Reichert regarding these charges?

THE DEFENDANT: Yes, we did.

THE COURT: And are you satisfied that he understands the facts and circumstances of these charges?

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THE DEFENDANT: Yes, I am.

THE COURT: And you've been charged with Theft of Property under Count 1, that's a class B felony. Do you understand what you've been charged with in this case?

THE DEFENDANT: I do, Your Honor.

THE COURT: Any questions about it?

THE DEFENDANT: No.

THE COURT: And that's been charged as a, as I indicated a class B felony. That carries with it a maximum term of imprisonment of 10 years, a maximum fine of \$20,000 and if you were to plead guilty or be found guilty, there are also mandatory fees in the amount of \$750. Do you understand the maximum penalty for that charge?

THE DEFENDANT: I do, Your Honor.

THE COURT: Okay. Other than this plea agreement, is anybody threatening you or coercing you into entering a plea of guilty?

THE DEFENDANT: No.

THE COURT: Excuse me. Other than this plea agreement, has anybody promised you anything?

THE DEFENDANT: No.

THE COURT: Okay. And has anybody threatened or coerced you into pleading guilty?

1 **THE DEFENDANT:** No.

2 **THE COURT:** You understand that if you were
3 to plead guilty today that you'll be waiving your right to
4 a trial by jury, waiving your right to remain silent and
5 waiving your right to confront witnesses?

6 **THE DEFENDANT:** I do, Your Honor.

7 **THE COURT:** You understand that by pleading
8 guilty today the only further thing that's going to happen
9 in this matter is sentencing?

10 **THE DEFENDANT:** Yes, I do.

11 **THE COURT:** And are you under the influence
12 of any alcohol or drugs which would prohibit you from
13 understanding what's happening today?

14 **THE DEFENDANT:** No, I'm not.

15 **THE COURT:** Okay. Then, Ms. Pesch, I'm going
16 to ask you how you plead to the charge of Theft of
17 Property.

18 **THE DEFENDANT:** Guilty.

19 **THE COURT:** And Ms. Wamstad, do you have a
20 factual basis?

21 **MS. WAMSTAD:** Yes, Your Honor.

22 That between the dates of March 1st, 2012
23 through September 15th, 2014, Ms. Pesch was an
24 administrative secretary at the University of North
25 Dakota. When she was employed at UND, she falsified

1 approximately 31 travel vouchers submitting 152 trips for
2 reimbursement totaling \$47,513.62. These were for trips
3 that she did not in fact take.

4 THE COURT: Ms. Pesch, do you agree the State
5 could prove those facts if you were to go to trial?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Mr. Reichert, if those were
8 proven, do you agree that they could support a conviction
9 for theft of property?

10 MR. REICHERT: Yes, Your Honor.

11 THE COURT: Then I'm going to find that the
12 plea has been freely and voluntarily provided and there's
13 a sufficient factual basis for that plea. We'll set this
14 matter for a sentencing.

15 THE CLERK: That would be October 7th, 10:30
16 a.m.

17 THE COURT: October 7th at 10:30 a.m. Does
18 that work for you, Mr. Reichert?

19 MR. REICHERT: Just trying to figure out how
20 far away Ransom County is, Your Honor. I'm sorry.

21 THE CLERK: Or we could do it in the
22 afternoon at three o'clock.

23 MR. REICHERT: The afternoon wouldn't work,
24 but -- I think that'd be cutting it too close, Your Honor.

25 THE COURT: Okay. Do we have another date

1 that week?

2 **THE CLERK:** How about the 5th?

3 **THE COURT:** Mr. Reichert, would the 5th work?

4 **THE CLERK:** At 10:30.

5 **THE COURT:** At 10:30?

6 **MR. REICHERT:** Yes.

7 **THE COURT:** Ms. Wamstad, does that work for
8 you?

9 **MR. WAMSTAD:** Yes, Your Honor.

10 **THE COURT:** And Ms. Pesch, October 5th at
11 10:30 a.m., does that work for you?

12 **THE DEFENDANT:** Yes.

13 **MR. REICHERT:** Can we do it any earlier on
14 that day, Wanda?

15 **THE CLERK:** Pardon me?

16 **MR. REICHERT:** Can we do it any earlier on
17 that day?

18 **THE CLERK:** No.

19 **THE COURT:** I can put it at 9 o'clock a.m. on
20 that Friday in a different session, it's not a sentencing
21 session.

22 **MR. REICHERT:** Friday won't work, sorry.

23 **THE COURT:** Okay.

24 **MR. REICHERT:** That's the 5th, I'll figure it
25 out.

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THE COURT: All right. October 5th, 10:30
a.m. is your sentencing, Ms. Pesch.

THE DEFENDANT: Thank you.

THE COURT: Anything further, Mr. Reichert,
we need to address on this file?

MR. REICHERT: No, Your Honor, thank you.

THE COURT: Okay. Ms. Wamstad?

MS. WAMSTAD: No, Your Honor.

THE COURT: Thank you, folks.

(Court adjourned.)

The Next Fourteen Pages are the Transcript of the Sentencing Hearing

Assistant State's Attorney, Haley Wamstad, was not present for this hearing knowing Attorney, Alex Reichert, was going to use his falsified "Tragic Story" to attain an easy sentence for his client, Defendant, Lori Pesch. Ms. Wamstad was in possession of the large factual file from the University of North Dakota with all the details of facts, truth, and what actually took place. The prosecuting attorney present that day most likely only saw the case file from the Clerk of Court and was aware of a plea agreement.

It was Haley Wamstad's duty to ensure there was no lying to the media and the Judge as Alex Reichert did, but she never did anything to stop nor prevent this. All of this was done to keep the truth about the University of North Dakota not noticing a secretary had been stealing roughly \$1,500 per month for a period of seven years. Ms. Wamstad is rather selective in enforcement of such matters, working more toward special interests than prosecuting crimes. When a man was found guilty of a very similar crime against a seemingly less important facility, he was required to serve jail time. In this case it was more important to tell both the Judge and the public a lie so it didn't look so incompetent for the University. But all along lies to the Judge and media weren't actually necessary, it just sounded good to falsely inject a "Tragic Story" and Haley Wamstad allowed this.

Alex Reichert used this false "Tragic Story" in sentencing with hopes of a lenient sentence for his client, even seeking a deferred sentence. It really didn't matter whose mouth the lies spewed from as long as it sounded good on the court record and in the news, making Haley Wamstad as guilty as Alex Reichert. They are also friends but he has recently removed anything online regarding his friendship with Wamstad. Staff with the University of North Dakota wanted Lori Pesch prosecuted, as long as it never became known they allowed her to steal money for seven years. This is why they coerced Lori Pesch into retaining Alex Reichert to represent her. She said in court she was not coerced in any manner, but she is my sister so I know a little more about the entire situation. Along with Alex Reichert's friend, Haley Wamstad, Lori Pesch was sort of prosecuted for some of what she did, but a false and so called "Tragic Story" was prosecuted more so than Ms. Pesch was. Haley Wamstad made sure this happened.

This theft case in combination with the several crimes committed against me while I was nearly completely blind are a clear display of selective enforcement. State's Attorney, Haley Wamstad engages in such selective enforcement by minimizing problems for certain organizations and individuals. There were several crimes committed against me and to avoid prosecuting certain individuals from a sub standard eye clinic and surgery center, she entirely ignored anything and everything that happened to me even though it was extremely cruel and victimizing to a person nearly blind.

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(The following is a transcript of the proceedings had and made of record on October 5, 2016, commencing at approximately 10:31 a.m.)

THE COURT: Good morning, my name is Jon Jensen, I'm Judge of the District Court for Grand Forks County. We'll call Case Number 18-2015-CR-509. This is State of North Dakota vs. Lori Ann Pesch.

Mr. Reichert, if you could note your appearance for the record.

MR. REICHERT: Alex Reichert, Your Honor, attorney for Ms. Pesch, the Defendant, who's sitting to my left.

THE COURT: Morning, Ms. Pesch, how are you today?

THE DEFENDANT: Good morning, I'm good.

THE COURT: And Ms. Blake, if you could just note your appearance for the record.

MS. BLAKE: Yes, Your Honor. Assistant State's Attorney Brittney Blake on behalf of Haley Wamstad.

THE COURT: And my notes, folks, reflect that we have taken a plea in this case and that a plea agreement was filed with the Court and that we're here for purposes of sentencing, is that correct, Ms. Blake?

MS. BLAKE: Yes, Your Honor.

1 **THE COURT:** And Mr. Reichert, is that your
2 understanding of where we're at?

3 **MR. REICHERT:** It is, Your Honor.

4 **THE COURT:** I did look at the plea agreement.
5 In addition before coming into court today, I did review a
6 number of letters. And I'm just going to go through the
7 names quickly to the extent that I could read the
8 signatures. Not all of the signatures were legible. But
9 I have a letter from Ben Corbid, a letter from Christi
10 Corbid, a letter from Anna Marie Kern, Bobbie Egeland,
11 Lori Beck, Dean Pesch, Dawn Parr-Bowen, Angela Pesch,
12 Andrea Riendeau, Michele Aubol, Shawn Egeland, Jack Knopp,
13 Lisa Spencer, Sandra Stergl, Karen Watt, Sharon and Dale
14 Pesch, Jodi Boushee, Tammy Shereck, Maria Saucedo, Roberta
15 Messelt, Kay Mendick, Ann McIntyre Simmers, Lars Helgeson,
16 Jamie Nelson, Lisa Brown, Chris Langei, Jill Greenwood,
17 Jim Corbid, Michelle Trebil, Melodie Osowski. And then
18 Jacqueline and I could not make out the last name at all,
19 and Diana Deziel.

20 Are there any additional letters,
21 Mr. Reichert, that you'd like me to consider?

22 **MR. REICHERT:** I don't believe so, Your
23 Honor.

24 **THE COURT:** Ms. Blake, have you had a chance
25 to look through those letters?

1 **MS. BLAKE:** Briefly the first few, Your
2 Honor. I'm still making my way through them.

3 **THE COURT:** Okay. Do you need additional
4 time to look through those letters?

5 **MS. BLAKE:** No, Your Honor.

6 **THE COURT:** Okay. Then pursuant to the plea
7 agreement, folks, the Defendant is permitted to argue for
8 a downward departure.

9 Mr. Reichert?

10 **MR. REICHERT:** Thank you, Your Honor.

11 Your Honor, what we're asking for in this
12 case, as far as a downward departure, is that Ms. Pesch
13 receive a deferred imposition of sentence on this. Same
14 two years of supervised probation, same restitution
15 amount, same fines and fees, and same electronic home
16 monitoring.

17 Your Honor, this is a case where Ms. Pesch
18 has cooperated from the beginning including an
19 investigation at UND which was the first matter and how
20 this came about. She immediately went in and met with
21 officials at the University of North Dakota greatly
22 reducing the need for further investigation or the
23 consumption of time and resources at the University of
24 North Dakota. She made herself available on a number of
25 occasions for interviews, gave over information. Then

1 subsequent to that she met with University Police and gave
2 a full and complete recitation of what had happened to
3 Captain Onger at the University Police Department. Since
4 then she has been completely cooperative with everything
5 in this case and, Your Honor, I think that that's
6 important because at the end of the day what Ms. Pesch
7 needs to do in her mind and I think in the Court's mind as
8 well is make the victim as whole as possible and that's
9 what she has been trying to do since the get-go.

10 And, Your Honor, how we got here, how
11 Ms. Pesch got to this place, it was the sort of perfect
12 storm, I mean it was a terrible situation. And she
13 doesn't say this in order to make excuse for what she did,
14 but rather to put it in context. She had a child who was
15 stricken with cancer which was very difficult. From that
16 she moved into a husband who had a disabling back injury
17 requiring a number of surgeries and really took from his
18 earning ability. Then he suddenly died and she was left
19 to raise her children by herself.

20 The University, to their credit, and the
21 supervisors and the people in her department to their
22 credit worked very hard in order to get her additional
23 money. Everyone knew that money was tight and they worked
24 very hard to get her a raise in salary, to get her a new
25 position which everybody agreed she was already doing was

1 this new position. It was approved by her department, by
2 her department chair, by the HR department and ultimately
3 stopped by the Dean's Office and that happened on two
4 different occasions. Again, Your Honor, not to make
5 excuses, not to say that she was owed this money, but
6 again to put things in context.

7 She tried to do things the right way and
8 then, unfortunately, the opportunity presented itself for
9 her to do it the wrong way. She had been doing some
10 traveling that was legitimate, she saw how that process
11 worked and she took advantage of that situation, Your
12 Honor, and she feels terrible about that.

13 And what is also important, Your Honor, is
14 what sort of deterrence are we looking for? General
15 deterrence, absolutely. This Court, I think what we have
16 laid out in the plea agreement here and even with a
17 deferred imposition of sentence gives us the general
18 deterrence we need. Specific deterrence, you don't need
19 that with this person, Your Honor. This is somebody who
20 is not going to repeat what has happened here.

21 As you can see from the letters, this was a
22 case -- as the Court's aware, I often present letters from
23 other people. In this case, this was extreme and I knew
24 that it was going to be this good because I was getting
25 the phone calls. I was getting phone calls daily when

1 this happened from supporters of Ms. Pesch talking about
2 what a wonderful person she is, How she has helped this
3 community and every part of this community which she
4 touches on a daily basis. And everyone that I talked to
5 just couldn't say enough things about Ms. Pesch. And as
6 you read through these character letters I think that that
7 comes through loud and clear. The letters are varied in
8 the types of support that she gives to people. She is not
9 a one trick pony, she is not somebody who just focused in
10 one area. You can see that she touched many lives in many
11 different areas of this community. And, Your Honor, that
12 speaks for something. That speaks for somebody who is
13 sorry for what happened, who is repentant for what
14 happened and wants to make things right.

15 And, Your Honor, with this plea agreement, if
16 you follow it and allow her to have this deferred
17 imposition of sentence, it will allow her to then get on
18 with her life after once again paying her debt, paying a
19 debt to society to be able to move on and really work
20 towards a better life for her and for her family. She's
21 struggling now trying to find a job because of these
22 charges. And what this will do, Your Honor, is it will --
23 allowing the deferred imposition of sentence will really
24 allow her to get her life back on track plus it gives her
25 a goal. I don't think she's the type of person that

1 really needs that goal, that needs that carrot out in
2 front of her, Your Honor, but it is, I believe, the right
3 thing to do in this case.

4 Thank you.

5 **THE COURT:** Ms. Blake.

6 **MS. BLAKE:** Your Honor, as the plea agreement
7 mentions, the defense is permitted to argue for a downward
8 departure in this case. The plea agreement also indicates
9 that \$4,000 is to be paid in advance of sentencing.
10 According to the restitution office this morning, we do
11 not have any money from the Defendant. I mentioned this
12 prior to sentencing this morning to Mr. Reichert, where it
13 sounds like he'll have his client pay this afternoon, but
14 that is a concern for the State. As Mr. Reichert said
15 that his client's wishes would be to make the victim as
16 whole as possible in this case, well, financially that's
17 where we're looking. I don't have the \$4,000 as indicated
18 in the plea agreement, all parties have signed and it's
19 been filed with the Court.

20 With regard to a deferred imposition of
21 sentence, Your Honor, this is a B felony because of the
22 amount of restitution. According to my knowledge from
23 Ms. Wamstad, the restitution could be higher but the
24 statute of limitation has limited it to what the Court
25 sees in the plea agreement.

1 I guess the positive for a deferred, which
2 the State would never even offer on a B felony, the
3 positive would be that there's more incentive maybe,
4 arguably, to get that money back. But that is the State's
5 ultimate concern here is making -- this is a significant
6 amount of money, so making the victim whole. We don't
7 have money as it stands this morning prior to sentencing,
8 and we believe, at least I believe, Ms. Wamstad's
9 recommendation in this case, EHM for 60 days for two years
10 and two years of supervised probation plus the restitution
11 and court fees is incredibly reasonable.

12 Thank you.

13 **THE COURT:** Mr. Reichert, anything further?

14 **MR. REICHERT:** Your Honor, as to the 4,000, I
15 take full responsibility for that. My client didn't
16 realize that she had to bring it today. She's got it,
17 she's going to get it here as soon as court is over. If
18 the Court would like to hold sentence open or anything
19 like that, that's no problem. But that's my fault, not my
20 client's.

21 **THE COURT:** Mr. Reichert, anything that
22 Ms. Pesch would like to add today?

23 **THE DEFENDANT:** Good morning, Your Honor.

24 **THE COURT:** Good morning.

25 **THE DEFENDANT:** I just want to say I'm very

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sorry for my involvement in the situation.

THE COURT: All right. Let me say that I have reviewed the plea agreement and I have accepted the plea agreement based on Mrs. Pesch's considerable cooperation in this case. I also read at least some of the materials that were filed.

I do not believe that Ms. Pesch is likely to commit another crime. I also think that Ms. Pesch is going to respond affirmatively to the extent even necessary to the probation, and I think that there were some circumstances in this case that although not excusing or justifying the conduct certainly make the proposed sentence appropriate.

I do not agree, however, though, that there will be significantly more incentive to get the restitution paid by having a deferred imposition of sentence simply because the, one of the repercussions for not getting that restitution paid could certainly be revocation of that suspended sentence in this case.

So, Ms. Pesch, I'm going to have you stand while I impose the sentence.

(Defendant stands.)

THE COURT: I'm going to impose a sentence of one year incarceration with all but 60 days suspended for a period of two years, two years of supervised probation,

1 and order you to pay restitution in the amount of
2 \$47,513.62, 4,000 of which must be paid by 5 p.m. on the
3 6th of October. That's by 5 p.m. tomorrow afternoon.

4 There are also administrative fees in the
5 amount of \$650 as well as a \$100 facility fee. And you
6 can certainly, I'm going to order that you be able to
7 participate in electronic home monitoring and I'm going to
8 order that that be set up no later than October 30th of
9 2015. That should give you plenty of time to contact the
10 correctional center to get that set up.

11 Please have a seat.

12 (Defendant is seated.)

13 **THE COURT:** Ms. Pesch, do you have any
14 questions about your sentence in this case?

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** And as you're well aware, I
17 followed the plea agreement, I have not departed from the
18 plea agreement. Again, I agree with Ms. Blake in this
19 case. We're talking about a class B felony and although
20 there is a significant amount of suspended jail time, the
21 full amount of the jail time is 60 days and you're going
22 to be allowed to serve that on electronic home monitoring
23 so I believe that this is a fair resolution for you in
24 this case.

25 Mr. Reichert, is there anything -- as far as

1 payment of the \$750 in court fees, do we need to set up a
2 payment schedule?

3 MR. REICHERT: I think she can just work that
4 out with her probation officer, but if Your Honor would
5 like, then I think we can.

6 One thing, Your Honor, is I would ask that
7 the EHM be authorized through a private entity because she
8 lives in Minnesota so we're going to have to set it up
9 through a private entity.

10 THE COURT: I will certainly authorize it to
11 be set up through a private entity. And can we get that
12 set up by October 30th or do you need additional time?

13 MR. REICHERT: I think that'll work, Your
14 Honor.

15 THE COURT: Okay. Anything further?

16 (No response.)

17 THE COURT: I'll leave the, I won't put a
18 payment schedule on the \$750. It needs to be paid by the
19 end of the two year supervised probationary period.

20 Ms. Blake, anything further?

21 MS. BLAKE: No, Your Honor.

22 THE COURT: Ms. Rose, anything further?

23 THE CLERK: I don't believe so.

24 THE COURT: Okay. Thank you for your
25 cooperation in this case, Ms. Pesch. I am certain that

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the State of North Dakota appreciated your cooperation as well as the University of North Dakota.

THE DEFENDANT: Thank you.

THE COURT: Thank you, folks.

MR. REICHERT: Thank you, Your Honor.

(Court adjourned.)

Final Summary

I do apologize for the delay in submitting this complaint. My plans were to restore my shop during the summer after filing complaints to medical boards, then get to this complaint as soon as my work outside was completed. The good part is I did complete my work and have very little to do outside at this point, but I am behind on many things inside. Going blind cost an entire fall and winter from doing anything inside, but last year falling ill has been debilitating. Chronic Fatigue Syndrome is similar in spinal fluids to MS and is difficult to manage, but I do well. I had no idea after restoring my shop I would become fully exhausted. This caused severe fluid build up leading to recurring ear and sinus infections. I am developing another infection in my left ear upon the summary of this complaint but I am treating it at home. If I am not successful I will be back at the Doctor for the seventh time in fifteen months. I had also developed an infectious illness that was discovered in August of 2023. This was present for likely one year and was unknown, but after several procedures I am in the clear and narrowly escaped the need for numerous bone grafts.

However, I was still discovering and gathering evidence and information in the swatting stunt committed against me in March of 2022, so this is being completed within two years of that discovery process, which is not bad considering what I've been through. I do have my second annual eye exam in a few weeks in Fargo, ND, at a professional facility where the patient is treated well and selects their eye lenses along with their qualified eye surgeon. I have glare difficulties yet but I do enjoy sitting at a computer and most every other activity without wearing glasses. A pair of eyes with 20/20 vision is a blessing, especially when I was facing trifocal glasses before losing my vision.

Haley Wamstad could have prosecuted those involved with the false reporting, defamation, harassment and more that I described previously in this complaint. After all, people with medical backgrounds should know better in the first place. Placing a call to dispatch falsely referring to someone as mentally ill and potentially having an AK-47 is ridiculous, especially when you know the individual is nearly completely blind.

Ms. Wamstad allowed a swatting style call with a false report to occur against a disabled person nearly completely blind at the time, without prosecuting anyone involved. This has to be one of the most obvious and serious forms of selective enforcement one could imagine and it seems to be in Ms. Wamstad's style altogether. I feel Haley Wamstad should not be allowed to practice law any longer, as she engages in unethical conduct.

Sincerely,

Douglas J. West