

# Attachment 9

Emails from OPMC Prosecutor Conklin from October 2019

**From:** Conklin, Jeffrey J (HEALTH) <[jeffrey.conklin@health.ny.gov](mailto:jeffrey.conklin@health.ny.gov)>

**Sent:** Thursday, October 10, 2019 3:03 PM

**To:** Michael Kelton <[MKelton@Abramslaw.com](mailto:MKelton@Abramslaw.com)>

**Subject:** Matter of Roberts

Michael: This e-mail is to follow-up on our recent communications regarding the Roberts matter. If at any time in the future your firm is no longer representing Dr. Roberts, please advise. As you know, Dr. Roberts sent a letter which indicated that she would be unable to afford the services of an attorney.

The investigation by OPMC continues. At the time this case is submitted to an Investigation Committee, and if it is voted to hearing, I will advise you immediately. If that occurs, of course, Dr. Roberts will be offered an opportunity to be interviewed.

I would ask that you bring to the attention of Dr. Roberts Public Health Law Section 230 (9-a). Pursuant to this provision, "At any time, if the board or professional medical conduct or the office of professional medical conduct determines that there is a reasonable belief that an act or omission that constitutes a crime under the law of the state of New York, or any other state, or the United States has been committed by the licensee, the board for professional medical conduct shall notify the appropriate law enforcement official or authority."

Thank you.

Jeffrey J. Conklin

Associate Counsel

Bureau of Professional Medical Conduct

Division of Legal Affairs

On Oct 24, 2019, at 12:18 PM, Conklin, Jeffrey J (HEALTH) <[jeffrey.conklin@health.ny.gov](mailto:jeffrey.conklin@health.ny.gov)> wrote:

Michael: Over the course of time, I have advised you of the offer of a license surrender, with a modest Statement of Charges (alleging negligence on more than one occasion regarding the use of a medical device - cautery pen).

I have met with 2 expert witnesses, who are expected to be called as witnesses at the professional misconduct hearing. Additionally, I am in receipt of devastating evidence against Dr. Roberts (through investigation, interviews of witnesses, and evidence from the AUSA involved in the criminal prosecution of Keith Ranieri and other NXIVM members).

Based upon the foregoing, the Statement of Charges will include many more Specifications than the draft previously forwarded to you.

If Dr. Roberts had accepted the settlement offer from October of 2017, she would be able to practice medicine at this time. Again, I am reiterating the opportunity for Dr. Roberts to surrender her license, with the less serious allegations. In 3 years, Dr. Roberts can reapply for restoration of her medical license. If this case is voted to hearing, and the testimony and other evidence goes as expected, the Department will seek revocation of Dr. Roberts' license. Additionally, by reason of the egregious nature of her professional misconduct, we will request the imposition of the maximum monetary fines. In the event a Hearing Committee sustains the charges of professional misconduct and revokes Dr. Roberts' medical license, the chances of restoration in the future would be greatly diminished.

I urge Dr. Roberts in the strongest possible terms to accept the offer to resolve this matter.

Please forward this e-mail to Dr. Roberts. Thank you.

Sent from my iPhone