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American College of Veterinary Surgeons
Attn: Dr. Earl M. Gaughan, DVM
ACVS Diplomate and Chair of the Board of Regents
19785 Crystal Rock Drive, Suite 305
Germantown, Maryland 20874

Dear Dr. Gaughan,

I write in response to your letter dated March 15, 2013. In your letter, with respect to Complaint 1, I have been asked to respond to various date discrepancies between the ACVS Residency Case Log and the Long Island Veterinary Specialties ("LIVS") medical records. You also ask me to respond to allegations that I was not present for the surgeries with alleged date discrepancies. For your reference, the five surgeries included in the complaint were:

- (1) Case 86085 ["Mickey" Ruda];
- (2) Case 86245 ["Payton" Houston];
- (3) Case 85852 ["Sundae" Menechino];
- (4) Case 83342 ["Babe" Pellegrino]; and
- (5) Case 60647 ["Barney" Salz].

Finally, you ask me to verify that I presented a seminar entitled "AO Principle of Orthopedic Surgery."

I. Background

In order to be able to provide you with a complete and accurate response regarding the allegations made against me in the complaint, it is absolutely vital that you understand the background, culture, customs and practices espoused by Dr. Dominic Marino and his closest employees at LIVS. As you already know, I am absolutely certain that the complainants in this case are Dr. Marino, Dr. Jacqueline Carver, and Dr. Catherine Loughin. I am certain that the complainants are those three individuals because they have ruthlessly tried to derail the careers of many other veterinarians who have left LIVS and attempted to obtain Board Certification in order to pursue careers of their own. Those three individuals share a community of purpose to destroy competitors, spearheaded by Dr. Marino. I am certain that those three individuals have made those allegations about me because their hospital has demonstrated a culture of inaccurate record keeping, affirmative misrepresentations, threats, and intimidation of potential competitors. I will demonstrate this to you not only through my own words, but

primarily through the words of countless former employees at LIVS, clients of LIVS, as well as individuals in the community who I have reached out to, that have been gracious enough to provide letters to assist me as I endeavor to obtain the Board Certification I have worked so hard to achieve. It is important that you have this background in order to understand the motive for the complaint by Dr. Marino and his cohorts.

a. The Relationship Between Dr. Marino, Dr. Carver, and Dr. Loughin

As detailed in my previous letter, Dr. Marino is married to Dr. Carver. As a result, it is clear that what is in Dr. Marino's financial interest is also Dr. Carver's financial interest. Dr. Loughin is a long time employee of LIVS who shares a close relationship with Dr. Marino. I refer you to a letter from Dr. Mark House, DVM, Diplomate ACVS-SA, dated March 30, 2013 – a former employee of LIVS. “[I]t was evident that Dr. Loughin and Dr. Marino had a very close relationship.” Dr. Loughin and Dr. Marino attended conferences together on a regular basis, participated in leisurely activities together, and, significantly, “every evening, following a long busy day typical of LIVS, Dr. Marino and Dr. Loughin would retire to his office and would remain after all the residents and interns were released from their duties,” notwithstanding the fact that “Dr. Marino had a wife, Dr. Carver, and children.” I have attached Dr. House's complete letter as **Attachment 1**.

The implication of Dr. House's letter regarding the relationship between Dr. Marino and Dr. Loughin is crystal clear. Even clearer, is the interests shared as a result of the marital relationship between Dr. Marino and Dr. Carver. Thus, the three share various relationships: marital, intimate, leisurely, financial, or otherwise. This would explain why those doctors are the complainants. With a unified front of three individuals with a community of purpose, Dr. Marino can insulate himself from scrutiny. It is no surprise that all three rescinded their letters of recommendation for me to ACVS simultaneously. It is no surprise that they did at a time when I would be most vulnerable – right before my Board Certification Exam. It is no surprise that they waited two and a half years until merely two weeks before the exam. It is no surprise that they have done this before to doctors who have left the hospital, and if left unchecked, will do it again.

It must be noted that Dr. Marino and Dr. Carver **verified and attested** to the accuracy of my Surgery Case Log, Resident Activity Log, and Resident Oral Presentation Log through my Semi-Annual Reviews for ACVS. Furthermore, they **verified and attested** that my “performance was satisfactory” and that I was proceeding with “satisfying the requirements of the ACVS Veterinary Surgery Residency Program.” For your convenience, I have attached all six semi-annual review reports that were submitted by Dr. Marino and Dr. Carver on my behalf as **Attachment 2**.

Clearly, if Dr. Marino and Dr. Carver are rescinding their letters of recommendation to ACVS based on my alleged non-performance of surgeries and alleged date indiscrepancies, why did they **verify and attest** that my Logs were accurate and complete? Why would they attest to telling the truth and then change their story entirely and simultaneously? Why would they do this more than 2.5 years after it

occurred? Do they expect ACVS to believe that they were randomly cross-referencing my Surgery Log dates with Medical Records while maintaining an extremely busy veterinary practice? Or perhaps they hired someone just to audit the resident's surgery logs 2.5 years after the fact? I submit to you that they did not. When individuals change their story entirely, at least one version of their events must be a lie. I submit to you that their complaint is based on lies. As you will see below, not only do these three individuals share a community of purpose, but they have engaged in widespread subterfuge spearheaded by the malicious and vile intentions of Dr. Marino.

b. Alteration of Medical Records

It was the custom and practice at LIVS for Dr. Marino to direct hospital staff to routinely alter medical records. The alteration of medical records was common and persistent. Throughout my time at LIVS, the hospital kept handwritten records and letters signed by Dr. Marino implying to owners and referring Doctors that he personally performed the surgery. A demonstrative example of such a hand written surgical record and referral letter is included here as **Attachment 3**. Obviously, handwritten records lend themselves to be easily altered. The letters further demonstrate firsthand Dr. Marino's disingenuous practices. Clearly, Dr. Marino neglects to include in his October 22, 2010 and November 22, 2010 letters that, in fact, I performed the surgery on "Daisy" O'Sullivan. Instead, Dr. Marino implies that he is the surgeon of record while maintaining the records in a way where one cannot discern who actually performed the surgery.

Dr. Marino routinely ordered staff to alter records, medical and otherwise, to benefit himself financially and insulate himself from investigation. Dr. Richard W. Reid, DVM, Diplomate ACVIM (SAIM), writes "I am able to evaluate Dr. Marino's conduct and performance during the three years I had the misfortune of working with him and his surgical department." In addition to Dr. Marino being "the single most unethical, dishonest and contemptible individual [he] has ever worked with," Dr. Reid says Dr. Marino "routinely bullied employees, including other doctors, into doing his bidding, and if they refused, they were tossed to the curb." Such activities included "padding invoices with services, often OR monitoring services, that were never performed." He "frequently overheard conversations with Dr. Marino instructing his technician to add these services to get an invoice up to a desired level of income." Dr. Reid further states "Dr. Marino signed every surgical referral letter that went to the referring veterinarian, falsely implying that he was the attending surgeon." The most outstanding and egregious incident Dr. Reid mentions is Dr. Marino instructing his staff to alter Controlled Substance Logs "from the very first page" in anticipation of a Federal DEA inspection. This establishes Dr. Marino's blatant disregard for authority, codes of conduct, well being of his clients, and the well being of his staff. He has, and will continue, to put his own interests ahead of those in our profession. Dr. Reid's complete letter is included here as **Attachment 4**.

Dr. Reid is not the only veterinarian at the hospital who witnessed Dr. Marino's systemic and unabated immoral acts to protect his own interests. Dr. Robert Fernand,

DVM, a former Surgical Intern at LIVS, states "I felt there was dishonest activities being performed, or should I say not performed, by Dr. Marino." Further, "Multiple clients would specifically request that Dr. Marino perform a surgery . . . multiple times, he would not be performing the surgery, or even be the surgeon to supervise the surgery." Notwithstanding the fact that Dr. Marino did nothing with a particular patient, "he would call the owner at the end of the evening, and portray to them that he was involved, and the surgery went well." Most importantly, "**he would even initial the medical record as being part of the surgery**" (emphasis added). Finally, Dr. Fernand writes that Dr. Marino's acts were a part of a systemic fraud that pervaded his dealings with clients as well as his employees. Dr. Fernand's letter is included here as **Attachment 5**.

Dr. Justin Guinan, DVM, Diplomate ACSV (IM), a former general intern, describes Dr. Marino's action as "borderline immoral," further illustrating that "we were commonly instructed not to describe ourselves as such [general interns] to avoid complaints from clients." Dr. Guinan also believes there were "misleading practices done in regard to surgical cases in terms of **whether or not a staff doctor was involved with cases**" (emphasis added). Dr. Guinan reported that there were times where he received little to no supervision by a senior doctor where advanced imaging, such as MRI, was involved. Finally, Dr. Guinan expounds on Dr. Marino's practice of consistently putting his own financial interests ahead of the best interests of his clients. He states "Dr. Marino was constantly taking action to avoid potential complaints or legal issues as far as documentation and communications go." I have enclosed Dr. Guinan's letter as **Attachment 6**.

The misrepresentations at LIVS were so widespread, that they were felt not only by doctors, but employees of all levels. During her five years of employment at LIVS, Ms. Erin Haug worked as a surgery client liaison, surgery prep assistant, and operating room technician. She reports that Dr. Marino instructed her to follow his orders, even if it would perpetrate a fraud. She writes that this occurred on a "day to day basis" and that she was "personally asked to give out false information such as patient status, patient recovery, cost of care and, on numerous occasions, was told to **always state that Dr. Marino performed surgery** on the clients pet, when **in fact it was one of his subordinates. This, in turn, resulted in falsifying paperwork.**" Therefore, Ms. Haug corroborates the tales of deceit and alteration of medical records inherent throughout LIVS. She corroborates that Dr. Marino would routinely take credit for performing surgery on animals which he was not at all involved with. Ms. Erin Haug's complete letter is enclosed as **Attachment 7**.

A former employee, Leigh Santiago, a ten year veteran at LIVS, wrote a handwritten letter detailing Dr. Marino's despicable practices. She states that Dr. Marino's "larger than life ego" pushes him to use the resources of the hospital for his own financial gain. Ms. Santiago states "Many vulnerable people come to that hospital on the advise [sic] and trust of their RDVM, believing they will be given the most truthful and ethical advise [sic]. The common practice was to get them in and as long as there is a surgical procedure that can be performed they were usuall[y] advised [sic] t proceed regardless of the outcome." Ms. Santiago has "personally been witness to Dr.

Marino speaking with clients about a surgery in which he did not perform or had even been present. Another common practice is that he would sign off on the referral letters and records of patients that he did not see or perform services to, having the RDVMs believe he did." Ms. Santiago's letter is dated April 8, 2013, and is attached to this letter as **Attachment 8**.

Dr. Jeffrey Krasnoff, DVM MS, was a referring physician who consistently enjoyed working with me. He states that he was "hesitant when sending cases because I felt the veterinarian in charge [Dr. Marino] **was not always forthcoming with information and not always truthful.**" As a result of my departure from LIVS, Dr. Krasnoff "no longer recommend[s] their services as he [indicating myself] was the only surgeon I trusted with my clients." His complete letter is included here for your review as **Attachment 9**.

April Cook, a ten year veteran at LIVS, corroborates the fact that Dr. Marino:

"adds his name to the records pretending he did the surgery which he never did.(it is easy to do so because of the handwritten records)this practice of alteration of medical records is dishonest and should never be tolerated." Ms. Cook further states that "Dr. Marino goes after good doctors saying lies to ruin their careers, for the fear of competition. in the past he has done that to Dr. Ringwood and Dr. Hillock..." [sic]

April Cook's letter is available in its entirety as **Attachment 10**.

Doctors, technicians, and former employees, are not the only individuals who were aware of Dr. Marino's questionable reputation. Former clients of LIVS, Nicole Benincasa and James Ragonese, wrote a complaint about LIVS dated February 26, 2009, stating that their "treatment and care was less than professional on the part of [LIV's] office and staff..." In her complaint, Ms. Benincasa and Mr. Ragonese detail an abominable and unethical practice of performing unnecessary surgeries, not keeping clients informed regarding their beloved animals, and charging well above estimated prices for what they discovered to be unnecessary and superfluous medical services. Their complaint and timeline of events are available for your review as **Attachment 11**.

Dr. Marino's less than professional behavior is not limited to accounts of his employees nor is it limited to direct complaints from clients. Indeed, it is available to anyone through a simple Google search. I have attached some reviews that further corroborate the aforementioned stories as **Attachment 12**. I will highlight some of them, in bulletpoint form, below.

- J.N. states as her headline "*Stay away from Dr. Marino, if you love your pet.*" She reports that "Dr. Marino is nothing more than a salesman and a charlatan" and performed a TPO hip surgery that was "botched and covered up by Dr. Marino." After asking that X-Rays be sent to J.N. following the surgery, "Only select views were sent." After J.N. asked Dr. Carver (Dr. Marino's

wife) who is more than competent to read X-Rays, to explain the X-Rays to her, Dr. Carver refused any explanation. Similar to other cases Dr. Marino called many days afterward, after J.N. had already taken her dog for a second opinion. The other veterinarian revealed that Dr. Marino's surgery was a complete failure, as if the "surgery was done by someone without skill or sobriety." Finally J.N. warns others that "his [Dr. Marino's] employees also lie and cover-up for him. I think it is a condition of employment" and that "profit comes before treatment."

- Aaron G. says "This place is the biggest ripoff on Long Island." After Dr. Marino performed various diagnostic tests, he informed Aaron G. that his dog needed to be put down. After charging Aaron over \$5,000, Aaron took his dog for a second opinion where, thankfully, a proper surgery was performed resulting in his dog's complete recovery for a mere \$4,500. The common theme, as expressed throughout this letter, is "The only thing this place cares about is making money!!!!!"

Please find the internet reviews for your perusal as **Attachment 12**.

As is abundantly clear from the above referenced statements from individuals with absolutely no interest in this matter, Dr. Marino has less than professional conduct that have extended to his dealings with staff, his dealings with clients, and even his dealings with Federal Investigatory Agencies. It appears that he will do almost anything in order to protect his business and his financial well being. His conduct, in particular, extends to forging medical records and billing for unnecessary and unperformed medical procedures. Most importantly, he routinely makes alterations to medical records that indicate that he was attending the surgery being performed when he did not actually attend the surgery.

What I have omitted from this entire discussion regarding the past thirteen attachments is the fact that all of the individuals stand behind my moral character while describing, at length, the unprofessionalism of Dr. Marino. It is not a coincidence that Dr. Marino's questionable character is widely corroborated by current staff, former staff, other veterinarians, clients, and individuals in the community. It is not a coincidence that Dr. Marino's stories are internally inconsistent. And it is not a coincidence that Dr. Marino vindictively pursues veterinarians who choose to leave his hospital as he is doing with me here and has done to others in the past.

c. Dr. Marino's Vindictive Nature

As was briefly detailed in my letter of January 18, 2013, Dr. Marino engages in unprofessional conduct to further his own interests. He also attacks other veterinarians who he views as competition. Attached as **Attachment 13** is a letter from Timothy B. Glynn, Esq., describing Dr. Marino's methods in this regard.

Timothy B. Glynn, Esq., an attorney with over three decades of experience, has written to you on my behalf. He states that “the claims against Dr. Infernuso...are an extension of a long line of similar anticompetitive and retaliatory acts against former Veterinary employees at LIVS in which LIVS signed off on and endorsed their training while at LIVS, but then tried to prevent them from being credentialed when they began to practice in areas that were potentially competitive with LIVS.” While Mr. Glynn admits that he has previously been paid by me to do work on this matter, he does not currently represent me nor was he paid or requested to write this letter. Rather, he is “writing this letter in the hope of preventing an unjust result perpetrated by LIVS and Dr. Marino for the sole purpose of the competitive advantage of LIVS.”

Mr. Glynn provides numerous examples of veterinarians Dr. Marino has tried to sabotage following their departure from LIVS. First, he mentions Dr. John Fondecaro, who withdrew from LIVS in 2004 and established a neighboring competitive practice. Dr. Fondecaro oversaw the residency of Dr. Sean Hillock while at LIVS. Subsequently, when Dr. Hillock informed Dr. Marino that he would not be staying at LIVS past his residency, “Dr. Marino attempted to prevent [ACVIM] from credentialing Dr. Hillock.” But Dr. Hillock was not Dr. Marino’s only target. Likely because Dr. Fondecaro previously withdrew from Dr. Marino’s employ, he filed complaints with ACVIM and the New York State Office of Professional Discipline alleging that “Dr. Fondecaro had improperly signed off on Dr. Hillock’s residency.” Both complaints were found to be without merit, as should the complaints against me, and Doctors Hillock and Fondecaro work together to this day. It is clear that “The intent to keep Dr. Hillock as an indentured servant, forcing him to work another year, and to damage Dr. Fondecaro, his competitor were manifest.”

In another case, Mr. Glynn represented Thomas Evans, an ophthalmology resident, who, like myself, attempted to leave LIVS after his residency. “Many of the allegations were patently false.” Unfortunately, Dr. Evans became very ill, necessitating his return home to Scotland before ACVO could resolve the complaint against him. Thus, in a sense, “LIVS tactics bore fruit and they were successful in blocking his ACVO diplomate status.”

In addition the previous three vindictive attacks by Dr. Marino and LIVS on potential competitors, Mr. Glynn recalls “at least two other consultations with LIVS residents...both with strikingly similar complaints.”

Finally, Mr. Glynn succinctly sums up the tactics of LIVS with respect to residents who Dr. Marino may view as competition. “Reading Tomas Infernuso’s account in his . . . reply to you was a walk down memory lane. The pattern is exact. First LIVS loves him and tries to keep him. Then when he leaves and begins to be successful elsewhere, they try to block his credential with his specialty board. **It is consistent with past behavior that LIVS in effect contradicts its own previous endorsements and manipulates records to undermine its former residents**” (emphasis added).

Dr. Marino's vindictive nature is further detailed by Dr. John J. Charos, CVA, PC, CEO and founder of New York City Veterinary Emergency Response Team (NYCVERT), a volunteer group of veterinarians and animal health professionals dedicated to the support of New York City's working and companion animals in times of disaster. Dr. Charos's letter detailing Dr. Marino's threats and unprofessionalism is attached as **Attachment 14**.

In his letter, Dr. Charos described that his first encounter with Dr. Marino was after his release/discharge from the Animal Medical Center. Dr. Marino worked with Dr. Charos's group for over two years. Dr. Charos states candidly that while he was a skilled surgeon, Dr. Marino's "obsession with hurting those who 'wronged' him was all consuming at times." During the two years Dr. Marino worked with Dr. Charos, Dr. Charos's group discussed opening a specialty hospital in partnership with Dr. Marino, and Dr. Charos opened the financials and the company's books in order to further what Dr. Charos thought was their shared dream. Unfortunately, it turned out that Dr. Marino actually worked behind the backs of Dr. Charos's group and acquired a location for himself and abruptly left, excluding the others involved. Dr. Charos reports that while he and his group kept everything civil and cordial, Dr. Marino actually "cherry picked some of our best staff by utilizing our payroll data and offering them more pay. When we discussed that with him he threatened to tie us up with litigation." Clearly, as Dr. Charos states, Dr. Marino's "ethics and morals often take a back seat when a situation arises that gets in the way of what he wants."

d. Dr. Marino's Culture of Control

After every surgery at LIVS, a handwritten surgical report, referred to at LIVS as a "blue-sheet," would be placed in a bin. See **Attachment 3** for an example of such a form. After the reports were placed in the bin, Dr. Marino would proceed to call the clients or referrals, represent to them that he performed the surgery when he did not, and alter the documents as he felt necessary. Clearly, as we have seen with the letters in **Attachment 3**, Dr. Marino's record-keeping practices at LIVS make it virtually impossible to decipher who actually performed the surgery. See Erin Haug's letter for a more detailed description of this procedure in **Attachment 7**. Thus, after the reports were filled out by the attending surgeon, Dr. Marino assumed control over the medical records and was free to modify them at his will. See the letters in **Attachment 3**, showing that Dr. Marino took full control and credit for everything from pre-op, the surgery itself, and post-op.

The medical records remained in Dr. Marino's strict control from the point they were put in the bin. Certainly, an individual such as myself could not access the medical records after I left LIVS. That much is clear from Dr. Marino's employment agreement. It states at page 8, under subsections (c) and (d) that I am forbidden from obtaining:

(c) any medical records or treatment information relating to the patients of any Covered Entity, including, without limitation, medical imaging scans, laboratory reports, data pertaining to treatment and outcomes and notes

contained in medical records, except to the extent that such information has been delivered by Employer to Employee pursuant to a valid and proper request of the owner of a patient under applicable law;

(d) any other proprietary patient or patient owner information maintained in the records from any Covered Entity;

The Employment Agreement I had with LIVS is included as **Attachment 15**.

Dr. Julie Anne Gervais, DVM, emphasized the culture of control Dr. Marino exercised over employees, referrals, and clients of LIVS while referencing his unethical acts as described above. Dr. Gervais was a surgical intern at LIVS and states "Everything appeared to be done mainly to please the clients, show them how great he [Dr. Marino] was and misrepresent the reality while patient [sic] were too often the second priority. Dr. Marino was also dictating the surgical and postoperative plan without regards to whom the surgeon was on the case was [sic] or if he had even performed an exam on the patient." Dr. Gervais emphasizes the level of control Dr. Marino exercised over his employees where she states "I was also confronted to many situations where the client was misled about who had performed surgery on their pet, Dr. Marino making it look like he did. Often, for usually undisclosed reasons, only Dr. Marino was authorized to communicate information to the client and the name recorded in the file was not the surgeon who had performed the surgery, but Dr. Marino's."

Importantly, Dr. Gervais comments on the poor record keeping and unethical record alterations that were completed on an ongoing basis at LIVS, as seen in **Attachment 3**. "All surgical records were handwritten at that time and **I can testify that some were falsified and did not represent what was done or by whom**" (Emphasis added). Dr. Gervais adds that Dr. Marino made threats to current employees, including Dr. Gervais, indicating that they had "**better not keep any contacts with Dr. Infernuso if they didn't want their careers to suffer from it.**"¹ Finally, she concludes that "It became clear, after a few weeks at LIVS that Dr. Marino's policies were neither ethical nor honest." Dr. Gervais's complete letter is enclosed as **Attachment 16**.

Dr. Marino even had control over my ACVS Surgical Log login information. I was required to provide it to Dr. Marino's Hospital Administrator, Brian McKenna. I have attached the email which I provided to Dr. Marino's staff per his instructions as **Attachment 17**.

Dr. Marino's strict control and alteration of medical records is evidenced by the many letters written to this Board on my behalf. He has even gone so far as to threaten

¹ I respectfully request that the ACVS keep Dr. Gervais' name and account of her time at LIVS strictly confidential. As you can see, she was already threatened by Dr. Marino that he would derail her career as he is now attempting to do to me. I would never want Dr. Gervais, or anyone for that matter, to experience what I am currently going through to defend my reputation after many years of hard work tending after the animals that I love.

an intern's blossoming career if she maintained any contact with me, let alone tried to attest to my good character in the face of Dr. Marino's assault on my career. He has stopped at nothing to protect his business, defying laws of ethics and the land. Moreover, I refer you to his employment agreement that he attempted to make me sign in 2011, effectively making me his slave. That agreement would have restricted me from working anywhere on Long Island or in New York City for many years should I have signed it. That alone substantiates the maniacal level of control and manipulation he maintains over his employees, and his fear that they may draw business away from him. I refer you to a letter written by Dr. Dexter Archer, VMD, a referring veterinarian, where he writes "I'm certainly not involved in this dispute between Dr. Infernuso and his previous employer but prior to Dr. Infernuso [sic] arrival I would typically refer most of my advanced surgical cases to LIVS (attn. Dr. Marino) so I can understand the concerns [Dr. Marino has] about competition and loss of business. I have no ties to any of these gentlemen so therefore I can give a non-biased opinion...I've found Dr. Infernuso to be a highly skilled, compassionate, and knowledgeable veterinarian. If I ever needed a surgical consultation I wouldn't hesitate for a second to call him because I trust his judgment." Dr. Archer's letter is provided to you here as **Attachment 18**.

II- Complaint I

I apologize for providing you such a detailed account of Dr. Marino and his practices at LIVS, but I believe it is essential to understand his method of practice, his record keeping inequalities and his motive in attacking me. Now, with a full understanding of the environment and pressures I was facing at LIVS with Dr. Marino at the helm, I am prepared to address your complaint.

a. Point 1

As to the first allegation that the dates in my Case Log do not coincide with the LIVS medical records, you have seen the culture of forgery, fraud, and alteration of medical records rampant throughout LIVS. You have seen that the medical records, at the time of my employment, were all hand written. You have seen the degree of control Dr. Marino exercises over his employees. You have seen Dr. Marino's financial motivation to levy this complaint against me. And finally, you have seen the degree of vindictiveness and the personal vendetta that Dr. Marino clearly has against me.

On the date that I logged the five thoracic surgery cases in question, I was under severe pressure as a result of being informed by the ACVS that my Board Certification Application was incomplete. I recall being informed of this fact at 1pm on the day in question and being told that I would have until 5pm to get the requisite amount of thoracic surgery cases logged. Under this backdrop of extreme anxiety and panic to find the cases which I know I performed, I met with Dr. Marino who personally instructed me to put the dates into my surgery log shortly after he signed off on them. I entered the dates of the surgeries that I was given.

Given Dr. Marino's demonstrated propensity to alter medical records that I have highlighted by reference to attachments throughout this letter, it should be clear that he would have no hesitation to make affirmative representations, including those he makes in this complaint against me, if he knew it would hurt me.

Though I cannot say for certain, I strongly believe that is what occurred here. Given his pattern of extraordinary and unethical behavior to preserve his stream of income at all cost as demonstrated above, this Board should find that such a scenario is very clearly not out of the question. Further, there is no way to confirm the exact dates as those cases have not been entered into the paperless system, or exposed to the current staff at LIVS that I have reached out to. I have attached as **Attachment 19**, an email from Dr. Jessica DeAcetis who confirms that after looking through the system, none of the cases in question have been entered into the LIVS system. Surely, this is not a coincidence.

Insofar as the ACVS Board requiring that I perform the requisite amount of thoracic surgeries, there is no question that I have done that. Though I only logged about 1,000 cases in my ACVS Residency Case Log, I had performed hundreds more surgeries throughout my residency, often surpassing minimum requirements in every category, including thoracic cases. There is absolutely no question that I have performed the requisite amount of surgeries. To the extent there are date discrepancies, I have offered my explanation in the paragraph above. Surely, should the Board find it acceptable, I am more than willing to repeat the five cases to rectify any outstanding issues surrounding the thoracic surgeries.

To the extent the board is asking me to provide relevant documentation, now, years later, I have no independent recollection or documentation in my possession with regard to dates that I performed any of the surgeries. Unfortunately, I do not have access to the medical records of the five cases the Board asks me to respond to. It is absolutely impossible for me to access any medical records from LIVS at this point. Surely, if true and accurate records were kept at LIVS and I had access to them it would refresh my recollection as to those specific cases.

b. Point 2

The Board has asked me to explain my level of participation in the five surgeries listed in the complaint. The only surgery I have a specific recollection of is Case 86085 ("Mickey" Ruda). Though the medical records have likely been altered, I have a distinct recollection of Mickey via my conversations with Mickey's owner. In my previous letter to your office, Mr. Ruda established that I was the attending surgeon for the case in question. I have enclosed, for your ready reference, Mr. Ruda's email confirming that I was the attending surgeon. It is attached as **Attachment 20**.

With respect to Case 83342 ("Babe" Pellegrino), I previously wrote that I had no specific recollection of that case without referring to the medical records. However, Ms. Erin Haug wrote me a letter that may shed some light on my involvement with Babe

Pellegrino, or rather, the lack of involvement of the surgeons listed on LIVS medical records to have performed that surgery. Ms. Haug, as I have stated previously, was a five year veteran of LIVS. She has worked as a surgery client liaison, surgery prep assistant, and operating room technician, with extensive involvement in the care of our patients. Though Babe's medical records list Dr. Carver as having performed the surgery on Monday, August 31, 2010, Ms. Haug knows that on every Monday, including that Monday, Dr. Carver was performing a clinical rotation and not performing surgery. She states "Dr. Carver I know for a fact is in clinics on Mondays. Monday & Wednesdays to be exact. She performs surgeries on Tuesdays and Thursdays only. One simple phone call to the facility will verify this..." Please see **Attachment 7**. This is yet another example of the rampant level of manipulation with respect to LIVS' maintenance of medical records and their vindictive attempt to restrain me from achieving ACVS Board Certification.

With regard to all other surgeries, I have no independent recollection. That is, without reference to the medical records or other documentation that I have no access to, I cannot accurately comment on my specific involvement with specific cases. All I can say is I worked diligently and very hard. I tried to be as involved as I could with respect to the care of our patients.

c. Point 3

I will now address the allegations in the complaint that I did not give a seminar on May 18, 2008. On May 18, 2008, I was indeed at an ASIF course in Columbus, Ohio. That is the very same ASIF course from which I drew my presentation. However, I most certainly gave an AO Principles of Orthopedic Surgery presentation at LIVS. I believe the documentation that I have previously supplied conclusively shows that the presentation did occur. I have already supplied the ACVS Board with the slides from that presentation, in addition to letters from people, specifically Dr. House and Dr. Panarello, who were in attendance at that presentation. In any event, Dr. Marino and Dr. Carver verified and attested that I, in fact, gave the oral presentation. Please see **Attachment 2**.

The reason why I logged the wrong date for the presentation of my seminar was I had logged that date days or months after the presentation occurred. When I referred to my date book, I had mistakenly confused my attendance at the seminar in Ohio as the date that I gave the seminar at LIVS. To the extent that my clerical error resulted in this confusion, I profusely apologize. However, I emphasize the fact that I fulfilled the Board's requirements in giving that seminar.

I have obtained a letter from Dr. John S. Sapienza, DVM, Diplomate ACVO, who was responsible for coordinating and assigning all in house lectures at LIVS since the hospital's inception. Dr. Sapienza affirms that I gave at least six lectures at LIVS. Dr. Sapienza, who is still an employee of LIVS, states "As a three-year resident in surgery, Dr. Tomas Infernuso gave at least 6 lectures over his 3 year surgical residency at LIVS, and as a staff doctor in surgery, he would have given at least 2 more lectures per year. **I do not have the exact dates nor the lecture content, as these documents were not kept over time.**" I have attached Dr. Sapienza's letter as **Attachment 21**.

III- Complaint 2

With regard to Complaint 2, I understood your March 15, 2013, letter to indicate that the ACVS Board is awaiting the determination of the New York State Office of Professional Discipline to take action on my application. I have been fully cooperating in that office's investigation and am very confident that I will be absolved of any and all wrong doing. I have submitted extensive materials to the Board that I believe establish that there was no misconduct. To that extent, I look forward to receiving the OPD's decision and hope that this issue will be cleared with ACVS as a result.

IV- Conclusion

You have before you the numerous attachments I have supplied with this letter as well as my previous letter. You have seen, through the words of others, the lengths Dr. Marino and his employees will go to in order to achieve their despicable objectives. You have seen the extreme measures Dr. Marino will go to in order to ensure that he has money at the end of the day. As previously brought to your attention, he has even altered documents pending a federal inspection of his controlled substance logs. He has made it a routine practice to alter medical records, including the individual who is the surgeon of record. Why? Control. To take credit for the hard work of others in his employ. To ensure that referrals and patients will believe it is him, and not his attending surgeons, that have performed surgeries on their pets.

You have seen the lengths to which Dr. Marino will go in the past, present, and if unabated, the future, to derail the careers of surgeons who attempt to leave his employ. Why you may ask? Money. You have likely noticed by now what this man does to ensure he has a steady stream of ever increasing income. This is done so at the cost of his clients and at the peril of their beloved pets. And, unfortunately, it affects people like myself who have desired to leave LIVS.

Though I have not mentioned much about my own reputation throughout the veterinary community, I implore you to read through each attachment I have supplied to you. Almost each and every exhibit contains some reference or evaluation of my dedication and skill that Dr. Marino has attempted to strip from me, directly or indirectly. All I desire is to continue my work, serving the beloved animals and their owners, throughout my community.

I have worked extremely hard to attempt to obtain ACVS Board Certification. It is my opinion that I have complied with and exceeded each and every requirement that the Board has for individuals to obtain certification. This certification is something that I worked hard to earn, and have completed at great personal sacrifice. I implore this Board to not let Dr. Marino's despicable intentions strip this from me. I implore you to look at all the evidence that I have supplied to you, look at Dr. Marino's actions and reputation as demonstrated by the outpouring of support for my certification, and consider his accusation in light of what I believe I have shown you is clearly the truth.

I humbly submit this letter in support of attaining something which I have worked so hard for – Board Certification. I now let this matter rest in your hands. I absolutely trust that this Board will find that every accusation Dr. Marino, his wife, and his close companion, have thrust against me is absolutely without merit.

If I may be of any further help or assistance to you in your determination, I am always available to provide you with any response as the Board may deem necessary.

Yours,

Dr. Tomas Infermuso, DVM

Description of Professional Discipline Complaint

With one color photograph attached

Dorota Latuszynski
8-10-2019

me in the exam room. Dr. Waddell and the nurse. Dr. Waddell's response was that it was minor, likely secondary to adhesive tape being too tight, and that they will take care of it once I leave.

I visited the next day- Sunday (07/01/ 2018). The edema was much more severe and involved the entire limb up to the axilla which was warm and tense. The staff was completely oblivious to the fact, even though pads of Stella's left front paw were now spread out due to swelling. I demanded from the nurse to find out and inform me what is being done to address this problem. Instead she kept telling me that this was "from I.V." Yes, it was from IV: in a dog known to be on corticosteroid therapy, immobile, often not rotated as frequently as ordered (every 4 hours) and often in urine soaked and sometime feces soiled bedding, so that she had to be given a bath before being brought to me whenever I visited.

I insisted to be informed about the treatment plan for the extremity infection. The nurse returned after supposedly checking with the doctor telling me that "they will start massages". The doctor never come out.

On Monday morning (07/02/18) the vet's phone call update on Stella's condition did not even address the issue until just when dr. Loughin was ready to conclude her phone call, when I specifically asked her about it. It was only then that she told me Stella now had cellulitis of her left thoracic limb and that it was also beginning in her right thoracic limb. When I brought up the need for the antibiotic treatment, she said that they could not give her antibiotics because of elevated liver function tests. At this point I demanded the liver function tests be repeated to at least see if they are trending down in response to discontinuation of corticosteroids, which would suggest post-steroidal

When dr. Loughin entered the exam room I showed her Stella's mouth. Dr. Loughin was stunned, unable to hide her surprise and when pressed by me as to why there was a discrepancy between my findings and the information she gave me over the phone earlier that morning, **she admitted never examining Stella's dental injury.** So, the vet was told by her staff, relayed it to me over the phone (albeit incorrectly, as my inspection of Stella's teeth and enclosed photograph taken by me at that time shows), but did not examine the extent of the dog's injury herself. I was very upset and made it known to her. She immediately offered an appeasement: once Stella gets well enough to undergo surgery, the root extraction will be on LIVS and free of charge. For this incredibly profit driven facility to offer free service bears great significance.

At the same time, I asked to see Stella's cage. I was interested to find out it's size and any evidence of its structure damage, as a result of chewing. My demand to see the actual cage Stella was in was denied. I was given some ridiculous insurance-related excuse. A photo of the cage was offered but never presented. I later - at the time of discharge - asked for it again and was told it had been sent to me via e-mail. It was never received. The way LIVS protects "the back of their shop" is very concerning and notorious. The dogs are always brought to the front exam rooms for the visit even if not able to walk. My early post-op request to be able to observe physical therapy session(s) in order to be able to better administer therapy once Stella returns home, were also denied.

Given all the above it was hazardous to leave Stella in this unsafe environment which did not provide the necessary treatment (per records - the antibiotic ordered was not administered because there was no IV access?!?!?) and already very poor supportive care would only get worse with a July 4th Holiday just around the corner.

I had to use a threat of subpoena to have them finally mailed to me.

Once home, we attended to Stella as directed – medication (including finally antibiotic), feedings, water, massages, compresses, passive range of motion, prompt change of incontinence pads and bedding, bladder expression, rotation every 4 hours around the clock...and tender comfort. She was peaceful.

Despite all our efforts the cellulitis worsened rapidly, and we rushed to another 24hrs veterinary hospital - Veterinary Referral & Emergency Center of Westbury - concerned that surgical intervention may be imminent. We were offered to leave Stella there until morning, when other specialists will be in. To save Stella stress, by mutual agreement with the vet on duty, we decided to return in a few hours in the morning, which we did. At that time the skin of her front left leg begun to slough off and the pus emerged. Despite debridement and multiple irrigations, the pus continued to re-emerge from deep tissues of her extremity. After few hours in the ER and laboratory tests, it became clear that the sepsis was overwhelming and we were told that even if Stella would survive, which was unlikely, they would not be able to save her left front limb.

Throughout that ordeal, starting with our late night visit the staff at Westbury center remarked having great difficulty and very little success obtaining any of emergently needed Stella's veterinary records from LONG ISLAND VETERINARY SPECIALISTS.

The decision we had to make under these circumstances was so incredibly painful, sudden and not expected, but supported by the ER doctor, as the best for Stella, given her grave condition, quality of life and very poor prospects for her improvement in the very unlikely event she would recover from sepsis. Stella was euthanized.

My husband and I took our 12 month old dog, Aster for a consultation with Dr. Dominic Marino of Long Island Veterinary Specialists (LIVS) on August 18, 2011. We went to him for a second opinion. We were told by another vet that our dog, Aster would need a total hip replacement on the left side and TPO surgery on the right. It was our understanding that Dr. Marino was the only other vet on Long Island to perform hip replacement surgery. After evaluating Aster and his x-rays, Dr Marino concluded that Aster should have bilateral TPO surgeries. He presented this as good news, saying that he did not need hip replacement. The TPO surgery would realign the ball and socket so Aster could live an active life without pain. He told us how wonderful this surgery is, how many dogs he has gotten back into action; how he's done this surgery on police dogs and how well they do, etcetera. We agreed. **He then said, "I'll set him up for surgery with Dr. Lewin."** I was taken aback and told him that we scheduled a consultation with him and wanted him to perform the surgery. He said, **"But, I'm going away for two weeks". I asked if we could wait until he got back and he said yes. Surgery on the left hip was scheduled and performed on August 31, 2011. We were assured and assumed Dr. Marino performed the surgery. At least, he is the one who called us to tell us how it all went.** Aster held this leg up for three weeks and the muscle atrophied very badly. Dr Marino said it was probably an inflamed sciatic nerve.

The second TPO surgery was performed on October 5, 2011. Again, I repeatedly asked and was assured that Dr. Marino was performing the surgery. Even the day we dropped Aster off for his surgery, I confirmed it with whomever took him from me. **Aster was sent home on October 10th. He was bleeding and oozing from at least one of his incisions and it did not stop. We had to bring him back as an emergency late at night on Oct. 12th. A surgeon, not Dr. Marino, reopened the surgical sites and then re-sutured them. His surgical sites seemed to be closed properly this time. I was surprised that Dr. Marino had not done a better job and that Aster was sent home in that condition.** I also thought there was a good possibility that Dr. Marino was not the person who closed Aster's wounds.

After Aster was x-rayed on December 5, 2011, Dr. Marino said everything looked great and Aster could be off leash and resuming normal activity. As the weeks progressed, I was concerned about what I was seeing with Aster. I asked for a consultation with the physical therapist to find out how we could help Aster in his recovery. This took place on February 1, 2012. Our pet insurance did not cover physical therapy at that time. We received and implemented a home exercise program, but also brought Aster back to LIVS regularly for hydrotherapy to help build up his atrophied left leg, and for acupuncture treatments with Dr. Carver. At each visit, I was told Aster was on the underwater treadmill for 5 minutes at a time. The longest he was on it was 7 minutes. As the weeks went by, we had a few follow-up visits with Dr. Marino. At the beginning of one of our visits, **Dr. Marino walked in the room while reading Aster's chart. He said, "I see Dr. ___ performed the surgery." I said, "What do you mean? I thought you performed the surgery." He hesitated and then stammered, "Oh. I did. Dr. ___ was just there too."** I don't remember the name he threw out that day. I had never heard it before.. I was meeting with Dr. Marino to let him know I was concerned about Aster's progress. I got to know Aster's walk and could tell he was having difficulty and probably having pain. I showed Dr. Marino a video of Aster walking and running. Dr. Marino told me he thought Aster was doing great, had great range of motion and that it was just an abnormal gait I was witnessing. **He did, however offer to put Aster on Gabapentin for a month, saying "sometimes it can break the**

cycle of pain." The reason he was recommending it was not explained, so it seemed **insensible to put him on such a strong medication for so long, especially after he told me there was nothing wrong.** I told him I preferred not to do that. So, we agreed to keep doing acupuncture and hydrotherapy for another month. I do not remember the date of that visit. This may have been the outcome of our April 4, 2012 visit. On that date, Aster had x-rays again because I thought he wasn't doing well. **Dr. Marino said everything looked great and sent him home unable to walk. We had to assist him with a sling.** I videotaped. I called LIVS, and was told he was probably a little sore. I sent the the video. Aster needed pain killers. Two days later, I took Aster to my regular vet and asked that he be tested for Lymes. To complicate matters, he tested positive for anaplasmosis. The vet said it wasn't meaningful unless Aster was symptomatic. We played it safe and put him on antibiotics for 4 weeks. He still wasn't great and stayed on antibiotic for 4 more weeks. So, we don't know 100% why Aster couldn't walk after being x-rayed at LIVS, or if the anaplasmosis played a role. However, his compromised gait continued, and continued to worsen with activity.

Our insurance company added coverage for rehabilitation, hydrotherapy and acupuncture beginning on June 24th, 2012. We would be reimbursed 90%. We wanted Aster to get all the help he needed and asked for a recheck and new physical therapy evaluation. During that visit, Dr. Marino agreed that we should continue the acupuncture and hydrotherapy. After meeting with Dr. Marino, we met with the physical therapist for a new evaluation of Aster. We asked for her to evaluate Aster and tell us everything they could do in rehab. to build up his muscles and recover. She told us that Dr. Marino wrote hydrotherapy and acupuncture in his report. **She would not recommend anything else because that's what Dr. Marino wrote down.** She told me that directly. We were surprised, considering they supposedly had so much to offer in the way of rehab and pain management. We felt that he needed more help than was offered and decided to take Aster somewhere else for a second opinion about his rehabilitation.

I wanted to see Aster' x-rays and asked LIVS for a copy of them. I was told I wouldn't be able to open a cd, but they could email them to me. I asked that they be emailed to me, so I could see them. It took a few phone calls before some views were sent to me via email. **A vet at LIVS decided which views I should see and sent only those. I don't know who decided that, but when I called to find out why they hadn't been sent yet, I was told Dr. ____ was picking out which views to send. On July 10th, four views were emailed to me.** I wanted someone to explain what I was looking at because the screws looked so close to Aster's spine. I called LIVS and asked if Dr. Carver would answer some questions about the x-rays when I brought Aster in for acupuncture. Whomever I spoke with said yes, and they'd tell her. I also requested a cd of all of Aster's radiology and agreed to pay the \$40 or \$45 fee to get them. I brought Aster in for his acupuncture on July 11th and again, told the people who work at the desk that I wanted to talk to Dr. Carver about Aster's x-rays. They said they'd tell her.

I was called into a room with Aster. When Dr. Carver entered, she had the cd of Aster's x-rays in her hand, the copy I had just paid for, but not yet received. **I told her I had some questions about the x-rays and Dr. Carver told me she could not go over them with me. I asked why not. She said she had no way of doing that. I said, "You don't have a laptop you can view them on and show me?" She said, "No. Besides, Dr. Marino did the surgery. He's the one who should be going over these with you. He can go over them on the phone."** I thought it very odd that she had no way of showing me the x-rays and I didn't know how to point to things

over the phone. I was not happy about this and found it absurd that they had no way of going over x-rays with clients. We set a day and time of day for Dr. Marino to call me. He did not call until days after that. He left a message on my answering machine on a Friday and said he'd "reach out" to me again on Monday. By that time, however, **I had just found out that the surgery on Aster's right side had been done incorrectly and had been covered up by Dr. Marino. I did not call him back.** I needed to know how this was going to affect Aster.

We brought Aster to East End Veterinary Emergency and Specialty Center for an evaluation on July 12, 2012. It was required that we meet with the surgeon too, so we did. Dr. Lombardi viewed the cd of Aster's radiographs and showed us a view that we had not seen before, one that had not been sent to me by LIVS. The crooked screws were frightening to see. She pointed out that surgery on the left side was done well, as it should have been. **But, the surgery on the right side was completely wrong. The bone was cut where it should not have been. The cut was too high, at the level of the sacrum and the sacral bone had been cut. The cut was also crooked and the screws put in on an incorrect angle. Dr. Lombardi found pain in Aster's lower back and questioned the involvement of nerve pain as a result of the improper implant and screw placements, or nerve compression.** She recommended Gabapentin to see how he would respond and to help diagnose the origin of the pain. It was Dr. Lombardi who explained that Gabapentin is used for nerve pain. Dr. Marino had recommended Gabapentin too, after telling me that Aster was fine and I was just seeing an abnormal gait. I told him that Aster's "abnormal gait would change and get worse with activity". **I have to assume now that Dr. Marino suspected Aster was experiencing nerve pain from the hotched surgery and didn't tell me that because he was covering it up.**

We then met with the physical therapist at East End Vet. She performed a thorough evaluation on Aster. She found his range of motion not as good as it should be after this type of surgery. **His left leg was severely atrophied and she expressed her dismay when she heard that Aster had only been on the hydro treadmill for five minutes at a time. She questioned whether the physical therapist who was treating him was certified. Sandra said that Aster needed 20-30 minutes walking in order to build his muscle. She recommended full sessions of rehabilitation including hydrotherapy, land treadmill, exercises, and ultrasound and laser treatments for his pain. Acupuncture was also recommended to be continued.** Aster has been receiving rehab. at East End Vet ever since this visit. His left leg muscle has been rebuilt as much as it can be and strengthened greatly. I don't exactly know why the physical therapist at LIVS did not recommend appropriate treatment for Aster. She did, however make it known to me that she was going to do whatever Dr. Marino recommended. I told Heather that Dr. Marino had written those things down because I asked that they continue. I wanted her to do a full physical therapy evaluation and tell me what he needed. She told me she didn't think Aster needed anything else. Thankfully, I suspected this wasn't true and he is now receiving competent care elsewhere.

Sandra, Aster's present physical therapist was trying to wean him down on his visits. We went from once a week to once every two weeks, a couple times and she was trying to get him to once a month. I continued to see Aster's trouble at home after activity. His left leg has bulked up, but

I continue to see a painful right side. His "abnormal gait" gets very abnormal. There are times when he will simply refuse to walk. Aster was looking compromised to me and when he went for physical therapy on February 14, 2013, Sandra saw immediately that he was lame on the right side. I asked that he be x-rayed again to see if anything has changed with the screws, plates, etcetera. Aster was x-rayed at East End. Vet. Emergency & Specialty Center on February 19th, 2013. Besides the screws shifting, to our horror and Dr. Lombardi's dismay, it was found that there is a proliferation of bone growth that has fused together his SI joint. Because of the botched surgery, the wing of the ileum, L7 and sacrum are fused together. And we are told there may be a nerve impingement somewhere in that mess. If that were't bad enough, the radiologist found "significant subluxation of the right hip which may also be clinically problematic". It was also found that a piece of bone had been broken off during surgery and mineralized in his right leg muscle.

Our dog is still only in his second year of life. Because of this botched surgery, his future is now uncertain. In order to diagnose any further, all of his hardware would have to be removed so an MRI could be performed. This is no small surgery. And if the nerve is trapped within that bone growth, there is nothing that can be done to rectify that and to help Aster. He has also lost range of motion due to the fused SI joint, due to the botched surgery, and we don't know if the abnormal bone growth has stopped growing yet. Time will tell if his condition will worsen. We are watching him and treating him with physical therapy and drugs when needed. That is where we are at now.

To my complete dismay, since I've left LIVS, I've bumped into more and more people who have had very bad experiences there. Upon hearing that I took Aster to Dr. Marino, a dog trainer told me I was lucky he was walking. I know a dog now that has been paralyzed from spinal surgery gone wrong at LIVS; have met people who were unhappy with their dogs' treatment and taken them elsewhere; and had people tell me that Dr. Marino does not perform TPO surgeries, only hip replacements and brain surgery. We have insurance and wanted nothing less than a top notch surgeon for our dog. We've learned, to Aster's detriment that Dr. Marino's seemingly great reputation is not earned, but comes from his own imagination and touting of his own achievements. He is a verbose and convincing charlatan. We were led to believe that this specialty center had skilled doctors in various specialty areas. We did not even know there were surgeons in training there and would never allow an inexperienced surgeon to operate on our dog. On the website, it is stated that residents and interns "assist in daily care and management of our patients." If they are performing surgery without the owner's knowledge or consent and Dr. Marino is saying he is the one operating, this must be a criminal act.

To list the main issues of complaint:

1. If Dr. Marino performed our dog's TPO surgery, as he said he did, he botched it totally, proving his incompetence and should not be allowed to continue performing these surgeries.
2. If Dr. Marino did not perform our dog's TPO surgeries, he repeatedly lied and said he did. So did Dr. Carver, who is his wife, and others on his staff. Now, I think it's safe to assume that

before coming in the room, Dr. Carver looked at the cd the day I asked for her to go over it with me, and knew the surgery was botched, or knew it even before that day. When Dr. Carver said that Dr. Marino did the surgery and should go over the x-rays with me, she was either confirming that he really did perform the surgery and was incompetent; was covering up the fact that he really did not perform the surgery; or meant it contemptuously, knowing he did not perform the surgery, but told us he did.

3. We have the right to know exactly who will be operating on our pet; the right to expect that the person we hired and paid to do it, really did it; and the right to know who botched this surgery.
4. If Dr. Marino did not perform this surgery on my dog, he must not have been overseeing the intern or resident who did, or this wouldn't have happened.
5. We should have been told that something went wrong with the surgery.
6. Dr. Marino covered up the fact that the surgery on Aster's right side was done incorrectly. This was also covered up, or not revealed by other doctors on his staff who were communicating with us regularly regarding Aster, and would see us each visit first before Dr. Marino entered the room.
7. Our dog was sent home bleeding from poorly closed incision wounds. Revision surgery had to be performed after we brought him back, unable to stop the bleeding.
8. It was difficult getting x-rays emailed to us and took several phone calls. Individual views were hand picked by someone and emailed, instead of emailing all that were requested.
9. The physical therapy evaluation and care was inadequate.

I understand that you want to get reports and x-rays directly from LIVS and East End Veterinary Emergency & Specialty Center. I have requested that everything be sent to your office directly from East End Vet. I have, however provided you with a copy of the radiology cd we received from LIVS so you can **compare it with what you receive from them.** When I found out that Aster's joint was now fused together, and nerve entrapment may be occurring and irreversible, I was very upset, angry and couldn't sleep. I sent an email to LIVS, to Dr. Marino and told him that he created a nightmare for us and that I was reporting him. My fear now is that he may have deleted certain radiology views from Aster's records. The most recent X-Rays taken at East End Vet also shows the results of the incorrect procedure with the addition of the bone growth that has fused Aster's SI joint. Please note that the first radiologist from PetRays who read and reported on Aster's most recent X-rays, missed important facts and was incomplete in his assessment of the right side osteotomy. The x-rays were read by a second radiologist and are reported under "Report Addendum". This radiologist described the issue fully and in detail.

There is very bad practice going on at LIVS. Many issues need to be evaluated there including Dr. Marino's surgical practices and skill; whether or not Dr. Marino is actually guiding his

inexperienced surgeons; how much deception is actually going on; how much pressure is put on Dr. Marino's employees to lie to pet owners; the extent of the malpractice that exists there, is actually being covered-up, and knowledge held back from pet owners; and how much Dr. Marino's influence and interest in profit making takes precedence over and overrides best care practices and protocol.

I certify that the information in this complaint is true.

Name: Julie Nittoli

Date: 3/13/2013

August 6, 2013

Julie Amoroso
16 Pembroke Drive
Massapequa, New York 11758

Office of Professional Discipline
250 Veterans Memorial Highway
Room 3A-15
Hauppauge, New York 11788

To Whom It May Concern:

This letter is a formal complaint against Dr. Dominic J. Marino, DVM, DACVS, DACCT, CCRP, Chief of Staff of Long Island Veterinary Specialists (LIVS) located at 163 South Service Road, Plainview, New York 11803.

I first met Dr. Marino in approximately 2005 when he performed a cruciate ligament repair on my Golden Retriever Maximus (DOB: 3/5/02). At that time Dr. Marino informed me that Maximus would need a double hip replacement in the near future.

I brought Maximus in to Dr. Marino for a consultation on the hip replacement approximately October/November 2007. Dr. Marino's plan was to perform the replacement on one hip at that time and then perform the replacement on the other hip about one year later. I scheduled the hip replacement for December 21, 2007.

Maximus stayed at LIVS until December 24, 2007. On December 26, 2007, I noticed Maximus' pain had increased and he couldn't stand up. I took him back to Dr. Marino on either 12/26/2007 or 12/27/2007. At that time, Dr. Marino informed me that Maximus' leg was broken (the same leg the hip surgery was done on). Maximus was back in surgery on 12/27/2007 to repair the broken leg. Maximus came home from that surgery on 12/30/2007 or 12/31/2007. On January 2, 2008, the same leg broke again. I took Maximus back to Dr. Marino. He was in excruciating pain. I asked Dr. Mario many, many questions and asked to see the films. He was unhappy with my questioning and wouldn't show me the films. On that day Dr. Marino gave me two options: "put Maximus to sleep or get him out of my hospital". He said there wasn't anything else he could do for Maximus. I was floored. I remember replying: "There isn't anything else you can do for a broken leg? Really? Aren't you a board certified orthopedic surgeon?"

Euthanizing Maximus at that time was not an option. He was a perfectly healthy 5 year old. I knew that I was going to take him to another hospital. I asked Dr. Marino for a copy of Maximus' medical records and films and he said that it would take some time to get them together. There was no time to wait for the records, for Maximus was suffering greatly. I took him out of LIVS and drove him to the Animal Medical Center (AMC) in Manhattan.

The doctors at Animal Medical Center were initially baffled. They were unsure if Maximus stroked because he had no use of his lower back or extremities. The doctors at AMC urged me to get his records from LIVS while they worked on obtaining them simultaneously, for there was no time to waste. From AMC, I called LIVS countless times. I was explaining to them the urgency of receiving the records, for Maximus' life depended on it. I begged and pleaded with them. Each person I spoke to told me they would fax them to AMC, but they never came. Finally, many hours later, a fax arrived at AMC. It was blood work from 2005 taken to clear Maximus for surgery for the cruciate ligament repair. Dr. Marino (or his staff) never did send any current records over relating to the hip replacement surgery or the surgery to repair the broken leg.

Hip replacement surgery requires a portion of the lower leg bone to get hollowed out to insert a rod which would hold the hip replacement hardware. AMC discovered the lower leg bone was hollowed out way too much, therefore, causing the leg to repeatedly break. Doctors at AMC believed that Dr. Marino would not send them (or me) the medical records to cover up this fact.

AMC urged us to not euthanize Maximus because he was a perfectly healthy dog. They wanted to try to surgically repair the broken leg. They ordered some type of bracket from Texas and surgically inserted the bracket to hold the broken bones together. This surgery was unsuccessful. The leg broke again. Next, they ordered a bigger bracket and did another surgery to repair the break. At this time, they taped his leg to his body in a bent position to prevent movement of the leg for several weeks in hopes of the bone fusing back together. This was excruciatingly uncomfortable for Maximus. He was unable to move or straighten his leg for weeks. It was very painful.

All the while Maximus was fighting three antibiotic resistant infections that he got from LIVS: MRSA, E-Coli (not the food born E-Coli) and Klebsiella. I am sure that Dr. Marino was aware that Maximus contracted these infections from his practice and never informed me. At some point before going to AMC, I brought Maximus to another hospital on Long Island for a quick opinion. The doctor (I believe it was Dr. Arnold Lesser of New York Veterinary Specialty & Emergency Center in Farmingdale) took Maximus in for an exam. He came out visibly upset and asked us why we didn't inform him of all of the infections. Apparently, the doctor called LIVS while examining Maximus to find out what was going on. Someone at LIVS told the doctor that Maximus had these infections. He "scolded" me for putting him and his staff and the animals at his hospital at risk. He said that Maximus would have been handled very differently had they had known to take precautionary measures. He turned us away at that point and made it very clear that he would not treat Maximus while he had those infections. I left with Maximus and went to the AMC. Dr. Marino never told me that Maximus tested positive for these infections. Obviously, I should have been informed. Not to mention, I was just one month pregnant at the time.

On top of the major issues with Maximus' leg, he laid in the hospital for weeks having vacuum type procedures to suction out the infectious fluid. He had gaping sores on his body oozing infectious material and blood. He was running fevers of 107 – 108 degrees. This was not the end of it. According to doctors at AMC, Maximus' body was forming "tumors" in an attempt to "wall off" the infection. He had to have two additional surgeries to remove one tumor from his lip and another tumor from his side. The huge hole left from removing the tumor on his side wouldn't heal due to the infections. It stayed open and infectious and bleeding for months.

Almost as soon as the doctors removed the tape binding Maximus' leg to his body to immobilize it, the leg broke again, for the fourth time.

At this point the leg was so traumatized, so blown up with infection, had so much foreign material and hardware in it, that it was literally killing him.

On February 3, 2008, I got a call from Dr. Havig, Maximus' surgeon at AMC. It was a Sunday morning and he was calling me from his home in Connecticut. He said Maximus was dying and wouldn't survive the day if he didn't immediately go into the hospital and amputate the leg. He explained it was an emergency, life-or-death situation. I gave him my permission to amputate and met him at the hospital. Maximus' life was irrevocably changed that day. And so was ours.

All in all, Maximus endured 8 surgeries in 8 weeks.

He never again went for another walk.

He never again ran by my side.

He never again jumped on the bed to sleep with me.

He never again jumped on the couch to snuggle with me.

He never again jumped up on me to greet me.

He never again played with other dogs.

He never again swam in the pool.

He never again went to the beach.

He never again volunteered at a nursing home.

HE NEVER AGAIN WALKED ON HIS OWN FREE WILL.

I and my family carried him on a harness for the rest of his life. My husband carried him up the stairs to our bedroom every night and carried him back down every morning. Every day for 5 years and 4 months, Maximus had to be carried everywhere. This was not the easiest thing to do. He was 100 lbs. In the last few months of his life, we even had to hold him up to urinate and defecate. Furthermore, I never again was able to take him to the vet without several people physically pulling him out of the car and carrying him into the office. He was permanently traumatized.

But Maximus wasn't the only one to suffer the results of Dr. Marino botching the surgery.

I was unable to financially handle the cost of Maximus' eight surgeries in eight weeks. My parents assumed the tremendous financial burden of approximately \$41,000. My father is a retired police officer and my mother never worked. Needless to say, paying this debt off was a tremendous hardship. Furthermore, the pain and inflammation medication and supplements he was on for the rest of his life cost approximately \$300 per month; another financial burden.

Plus, we lost our freedom. Maximus was never left home alone again. He was so uneasy on three legs that I was always too afraid that he would injure himself while alone. So, for 5 years and 4 months, either I or my mother had to be home at all times and transporting him back and forth to my parent's home every day was very difficult because he had to be carried.

Before all of this, Maximus did everything with me. He led a very active life. He came to the beach or pool with me every weekend in the summer. We would go for long walks. We went to the park every day. We would spend hours playing in the snow. He traveled with me. I always chose dog-friendly hotels so he could join us as the family member that he was. Briefly, I wrote an article for New York Dog Magazine entitled "Travels with Maximus" which chronicled our adventures. Dr. Marino took this all away from us.

I highly doubt that Dr. Marino even performed the botched hip replacement surgery. I have heard from many people that Dr. Marino has his residents perform unsupervised surgeries. I am very suspicious that my dog was a victim of this for two reasons: firstly, I doubt a highly experienced, board certified surgeon would make such a mistake as hollowing out the bone too much and secondly, if it was a genuine mistake that Dr. Marino made, why would he not give me the medical records and never get on the phone with me? Dr. Marino's behavior is completely unethical. Perhaps an investigation is necessary as to how many surgeries Dr. Marino signs off on. It would be important to see if it is even possible for one person to perform that many surgeries.

Sometime after this ordeal, I switched general veterinarians. On Maximus' first visit with this doctor, he told me that he knew Maximus' entire story from word- of- mouth (I believe by other veterinarians). He told me that was the last time he ever referred patients to LIVS, especially because it had become known in the industry that LIVS has a problem with antibiotic resistant infections, in which the patients of LIVS are never informed.

Not so incidentally, I never was able to get Dr. Marino to talk to me on the phone and I never did receive the medical records, despite numerous phone and mail requests (see enclosure).

You must be wondering why it took me so long to file a formal complaint. LIVS is the closest emergency hospital to my house. Although I would never hook Dr. Marino for surgery, I feared I would need the hospital in an emergency and I was scared of being banned from LIVS if I filed a complaint. I always knew that I would file a complaint when that fear was gone. Maximus died June 6, 2013.

8/10/19

State Office Building
Office of Professional Development
250 Veterans Memorial Highway
Room 3A-15
Hauppauge, New York 11788
Tel: 631-952-7422
Fax: 631-952-1029

Dear Attorney General:

I am writing to you because I and my pet were victims of Long Island Veterinary Specialists (LIVS) at 163 South Service Road, Plainview NY 11803. I am writing to you as a WHISTLE-BLOWER. I am not seeking mediation. I believe a corrupt veterinarian, is intentionally crippling dogs in order to sell more services to treat the crippling, taking people's money fraudulently, deceiving consumers by delivering different services than promised, falsely representing who will perform the services, lying in order to sell, fraudulently pushing unneeded services to people traumatized by the damage caused as part of their fraud, falsifying and withholding medical records and abusing animals. I personally experienced the following: In August 2013, we brought our dog Marty to Long Island Veterinary Specialist. It was recommended that we bring him there for a possible ACL tear. We met with one doctor who suggested that we do xrays to see exactly why Marty was limping. The doctor stated that the xrays did not show a tear but bc Marty was still limping, he suggested we meet with Dr. Marino. We had heard such "wonderful" things about him. We met with him a few days after meeting with the first doctor. Dr. Marino felt around Martys leg, his knee, and diagnosed Marty with a torn ACL. The appointment took no more than 10 min. He said it was a very simple tear and it would be a very simple procedure. The appointment for the procedure was scheduled and we brought Marty in the next morning. We were told that the procedure would not take long, that by the end of the day the anesthesia would have already worn off, and by the next day, he would be walking. I called at the end of the day for an update. I was told that procedure "went very well" but that Marty was still in recovery. We went to visit him around 6:00 pm and Marty was still very "groggy". He did not recognize us and did not react when we went to see him. We didn't expect him to get up and walk over to us, but we did expect him to wag his tail or perk up. The following day, approximately 24 hours after the procedure and Marty was still not walking, did not lift his head, and did not react when we arrived or drink/eat since before the procedure. We stayed with him for a few hours, petting him, talking to him and trying to feed him. He finally lifted his head to drink water. We left very upset at the fact that with more than 24 hours after the procedure Marty was still not well.

I called the next day to see how he was doing and no one would tell me. I had to wait a few hours to hear from Dr. Marino who finally called us back. He said that there "may have been an issue during the procedure" bc Marty did not react well to the anesthesia bc he is not responding

to anyone. He stated that Marty "may have had" and under lying medical condition that no one was aware of. Dr. Marino stated that Marty could stay for a few days to recuperate under their care. We visited Marty every day for at least 3 more consecutive days. It was recommended that Marty may respond better at home he he was not improving with them and "maybe he needed to be home". They sent us home with his leg wrapped and a harness. When we got home, we changed his dressing and noticed an open bed sore the size of a quarter. The skin was raw, looked infected, and oozing puss. For two days Marty didn't get up to eat, drink or go to the bathroom. It took two people to lift him, so that he could use the bathroom. We had to cover our living room floor with padding, in order for him to use the bathroom. We had to take off from work to take care of him, buy padding, gauze, soft dog food, and a new bed for him. On one occasion, Marty had attempted to get up but fell. He fell on his bed sore which was now the size of a small lemon. We immediately called our Vet who knew Marty and he made a home visit. She informed us that Marty was suffering and there wasn't much that could be done for him.

Thousands of dollars later, our Marty was never the same. He never regained his strength, his ability to walk, his memory, or his life. On September 9, 2013, we said goodbye to Marty. Marty was only 4 years old. He was our first dog. He was our child. WE never gave up on him. We did what we could for him and thought we were getting him the best medical care possible. We did not fail Marty. Long Island Veterinary Specialist (LIVS) failed Marty. 6 years later and I remember that week like it was yesterday. I am sadden to read how many other people have lost their Furhabies at the hands of the staff at LIVS. No person should have to suffer the way we did and the way others have. I know I am one of many. I ask that a stop be put to all these unnecessary deaths. Just like every human being, we are all different with different needs. All animals are different. Their needs are different. Medical procedures are not universal for every dog.

Furthermore, I have found hundreds of negative reviews on the Yelp and Google Reviews from victims of Dr. Marino and/or LIVS. People have left these reviews to forewarn the public. Most of the reviews show a clear and persistent pattern of abuse, deception, consumer fraud, up charging for damage caused by them, crippling of dogs, refusal to supply medical records upon request, deceptive business practices, negligence, malpractice and death. I request that you investigate their practices. I feel they are doing things that are criminal and I leave it to your office to determine.

Sincerely,

Jazmin and Patrick Novoa

To Whom It May Concern,

My name is Nancy Bergold. My parents are Carolyn and Larry Tindell. I am writing a formal complaint on their behalf, regarding our family dog Danny. Complaint is against Long Island Veterinary Specialists located at 163 S. Service Rd in Plainview, NY. Our precious 12 year old dog Danny, a cockapoo, was a happy and healthy adored family member. On July 23, 2019, Danny had vomited and was uninterested in eating. Over the next few days he would drink water and eat small pieces of cheese and little kibble. He was alert but quiet and just seemed off. On Friday, July 26, Danny vomited and was eating nothing, yet continued to drink water. We took him to our vet at My Pet's Vet in Huntington and were seen by Dr. Gagliano, who examined Danny and took blood and got an abdominal and chest xray. A mass was noted on left liver lobe. No signs of any spread of this mass were seen (chest cavity and remaining liver appeared clear and normal). Blood work showed elevated liver enzymes and elevated white blood cell count. Dr. Gagliano suggested an ultrasound be done which was done 2 hours later at our vet's office which confirmed an 8cm by 8cm mass in left liver lobe. After discussion of Danny's condition, surgery was recommended and given Danny's good general physical health outside of his tumor, an excellent recovery was anticipated. We (my parents and self), got an appointment with Dr Matthew Morgan at Long Island Veterinary Specialists in Plainview on Tuesday, July 30, 2019. Because Danny was only drinking water but not eating, Dr Morgan told us that Danny should be admitted to hospital right away so that he could receive his antibiotics and be monitored. Dr Morgan also told us that Danny is an excellent candidate for tumor removal surgery, as he is very alert and lively and in good condition minus the tumor. Dr Morgan said he reviewed Danny's ultrasound and anticipated an uncomplicated surgery and good prognosis. Dr Morgan told us that he would not be performing the surgery, but another experienced colleague on the team and that Danny was in excellent hands. As scared as we were over Danny having surgery, we felt confident in what Dr Morgan had discussed with us and trusted Danny into LIVS hospital for surgery the next morning. He was lively and alert as we handed him over to staff. The consult with Dr Morgan was very positive with full recovery expected. When I asked about alternative measures, Dr Morgan said

Danny would hemorrhage at any time and would die without surgery. Danny did not present as a "frail failing elderly dog and was not in acute distress" and Dr Morgan reiterated that several times along with "tumor removal would buy him more years of life."

On Wednesday, July 31, 2019, Dr Hordsworth called me at 12:30pm to update me on Danny's surgery. She told me he did well, but did have a hypotensive episode during surgery that was corrected with good response. She said he was in ICU being monitored, but his vital signs were all normal and he was receiving pain meds for comfort. Dr Holdsworth said she would update me before she left work around 7pm for another update. By 9pm I did not receive a call from her, so I called and spoke with dr? (unknown) female who said she was a criticalist in charge of Danny. She said he was doing well but his red blood cell count was low and that Danny would be getting a blood transfusion around 10pm. I called around 1am to check on him and his response to the transfusion and was put on hold – eventually line was disconnected.

Thursday morning August 1, at 9am I called the ICU and spoke with Dr vonRoedern the criticalist covering day shift. Dr vonR said that Danny was alert and even walked a little and was drinking water. She said his blood count remained low and would be getting another transfusion, but that she considered him doing well. I felt reassured and was looking forward to visiting Danny shortly. The hospital billing staff had called me and emailed me that my parents needed to update their payment, so I spoke with Emily in billing and said I'd be in by 2pm. When I arrived to pay the bill (which was done the minute I walked in), Emily told me Dr vonR needed to see me immediately. Dr vonR told me Danny "took a turn for the worst, he is unresponsive and in shock" – she proceeded with "I don't know why or what is causing this but I am very worried and very concerned" I was taken in the ICU to see Danny and I was shocked and sickened. Any question I asked Dr vonR was answered by her with the same repetitive line "I don't know what is causing this". I asked her what is main issue and she said Danny was severely hypotensive and unconscious. She told me he was in a coma. I persisted asking her what was her plan to diagnose this terrible decompensating response and Dr vonR gave me blank face stares and said she thinks it might be a clot, but

there was no way to determine. I asked about dopplers, CAT scan and MRI and Dr vonR responded with "we don't do that". I was besides myself with not one staff member who could answer anything. Dr vonR told me to get my parents as soon as possible because she did not think Danny would survive. I again asked Dr vonR why she wouldn't do an MRI and her answer was "because Danny would have to be anesthetized and he can't be put under anesthesia" I asked her why he needed anesthesia for the MRI and her answer was "so he wouldn't move". I told her Danny is in a coma – he's not moving, he is in a coma. Dr vonR just stared at me blankly. She then told me that her plan was to administer plasma and "other" infusions and to start heparin. Dr vonR told me that I must get the heparin at my pharmacy and bring it back to her. I asked her how can she give heparin if she is not certain that it is a clot causing this. Her answer was "it's a catch 22 situation" and that "we rarely use heparin here – it's scary stuff." I was beyond shocked and disgusted and at this hospital's mercy. Dr vonR was absolutely clueless. My parents and I went home expecting updates every 3 hours. I was given an update at 7:20pm by male Dr(name unknown) with no change in status but bloods being drawn and heparin to be started and more blood transfusion at midnight. This Dr told me if I don't hear from them that's" because no news is good news." I called anyway at 10pm to ask about the use of heparin since I did not receive any definite reason to use it, but only speculation (possibly a clot, but possibly not). The Dr was unsure of a clot or internal bleeding. I was uneasy with why they would use heparin if they had no idea what was going on with Danny (severe low blood pressure, bottoming out, shock).

Friday, August 2 at 10:15am I called for update and spoke with Dr vonR, who said Danny's blood pressure elevate and he was alert and blood results were expected so we should all come to discuss his situation. We arrived at 11:50am and Danny was wheeled in on a gurney. He appeared alert but dazed and was seemingly uncomfortable with labored breathing. Danny was bloated beyond belief as if he was third spacing. Dr vonR said the bloat was from fluid overload and she refused to elaborate further. Dr vonR then encouraged us to agree to more infusions but at the same time said she had no hope for recovery. Dr vonR again repeated how she does not know of the reason for Danny's massive deterioration. I then called

our own vet at My Pet's Vet and made arrangements to take Danny out of LIVS and bring him to Dr Harris his own vet. Dr Harris was shocked at Danny's condition. She examined him and evaluated his condition and read the reports from LIVS. Dr Harris said Danny's condition was bleak and he would not recover. We all agreed not to have him suffer and Danny was euthanized at 1:20pm surrounded by his family. At 7:20pm I received a call from Dr Holdsworth telling me how sorry she was and that she was "bothered by not identifying the cause of Danny's poor response to surgery." Dr Holdsworth then said "I've decided it was a stroke" and rambled for ten minutes how unusual this is to happen. She asked me if I wanted the biopsy results from Danny's tumor and said most people who have lost their pet don't want them. I told her I absolutely did want the results.

No diagnosis, no answers, poor communication with lack of if any information. According to our vets at My Pet's Vet (Dr.'s Harris and Gagliano), along with LIVS Dr Morgan and research published by Johns Hopkins say that tumor removal from a liver lobe which hasn't spread has excellent recovery and prognosis when the dog is deemed a good candidate. Dr Morgan deemed Danny an "excellent" candidate.

Danny did not die from a liver tumor. He lost his life due to incompetence and gross mismanagement. This hospital took advantage of vulnerable people who put all of our trust and faith in their "expertise". Who knows who really operated on Danny. The staff never knew any answers or how to help him. There was no diagnosis for his adverse reaction to surgery. The Dr.'s looked bewildered all the time and rushed us with our questions. All of these dr.'s that were assigned to Danny acted indifferent and evasive. They were difficult to contact and never provided any rational medical reason for what happened.

My narrative conclusion:

12 year old cockapoo dog in good stable condition prior to surgery to remove a mass on left lobe of liver. Days prior to surgery dog exhibited symptoms: poor eating to no eating but drinking water. Quieter than usual, but remained mobile and moderately lively – barking at usual noises. Vomited twice in 4 days. Vet specialist at LIVS Dr Morgan determined dog to be in good condition outside of

mass on liver and Dr Morgan concluded-projected that surgical removal of tumor would be best option with excellent prognosis. We (my parents and myself) agreed and in good faith trusted Dr Morgan's medical judgement. Dr Morgan stated he would not be doing the surgery on Danny but that all the surgeons at LIVS were of the highest skill and caliber. Danny's tumor was removed (by Dr Holdsworth, who claimed she performed his surgery-all I have is her voice and her words-I do not have a visual of Danny's surgery). After surgery my dog collapses the following morning and goes into shock. When me and my family arrive he was in a coma. Dr.'s are unable to determine the cause and were confused and unsure of how to treat him. No diagnosis and no equipment used to further their investigation. Something terrible happened to my dog in that hospital. There were so many vet techs and other people swarming in the chaotic ICU. The Dr.'s seemed inept as they were clueless in determining what happened. Dr.'s proceeded to treat symptoms with all these infusions and heparin (which I had to obtain) and did all this with unsureness of what they were actually treating.

I am seeking/demanding answers and a diagnosis from LIVS. All I've received is Danny's biopsy report and intra operative report, but I have not seen any of his post operative reports or chart. I am requesting a full investigation into LIVS as to what happened to my dog and what was done to him. This is devastating and unacceptable and requires investigating; especially who is in operating room and what was going on. Please contact me for any additional info you need. The Vets at LIVS involved with Danny Tindell were: Dr Morgan, Dr Holdsworth, Dr vonRoedern.

Thank you.

Sincerely,

Nancy Bergold

516-673-5885

Hatricks01@verizon.net

8/10/19

Commissioner MaryEllen Elia
Commissioner of Education
NY State Education Department
89 Washington Avenue
Albany, NY 12234

Dear Commissioner Elia:

I am writing to you because I and my pet were victims of Consumer Fraud by Long Island Veterinary Specialists at 163 South Service Road, Plainview NY 11803. I understand others have recently come forward to your office as well. I request that you investigate their practices of deception, up-selling, fraud, deceptive business practices, negligence, and malpractice. Upon information and belief, I feel they are doing things that are criminal and leave it to your office to determine. I request your office step in and investigate Long Island Vet Specialists.

I personally experienced the following: In August 2013, we brought our dog Marty to Long Island Veterinary Specialist. It was recommended that we bring him there for a possible ACL tear. We met with one doctor who suggested that we do xrays to see exactly why Marty was limping. The doctor stated that the xrays did not show a tear but bc Marty was still limping, he suggested we meet with Dr. Marino. We had heard such "wonderful" things about him. We met with him a few days after meeting with the first doctor. Dr. Marino felt around Marty's leg, his knee, and diagnosed Marty with a torn ACL. The appointment took no more than 10 min. He said it was a very simple tear and it would be a very simple procedure. The appointment for the procedure was scheduled and we brought Marty in the next morning. We were told that the procedure would not take long, that by the end of the day the anesthesia would have already worn off, and by the next day, he would be walking. I called at the end of the day for an update. I was told that procedure "went very well" but that Marty was still in recovery. We went to visit him around 6:00 pm and Marty was still very "groggy". He did not recognize us and did not react when we went to see him. We didn't expect him to get up and walk over to us, but we did expect him to wag his tail or perk up. The following day, approximately 24 hours after the procedure and Marty was still not walking, did not lift his head, and did not react when we arrived or drink/eat since before the procedure. We stayed with him for a few hours, petting him, talking to him and trying to feed him. He finally lifted his head to drink water. We left very upset at the fact that with more than 24 hours after the procedure Marty was still not well.

I called the next day to see how he was doing and no one would tell me. I had to wait a few hours to hear from Dr. Marino who finally called us back. He said that there "may have been an issue during the procedure" bc Marty did not react well to the anesthesia bc he is not responding to anyone. He stated that Marty "may have had" and underlying medical condition that no one

using his paw completely. I asked Dr. Loughin to call Dr. Foley and hear his opinion and she did. When she came back from her phone call with Dr. Foley, she told us the plate had to come out because it was going to break.

We asked her why the plate would bend and what kind of metal was being used. We did not get an actual answer as to what material is being used in this surgery. She told us that Lucca has a bone frame of a medium sized cat and that they used the biggest plate available. She told us that they see this happening in large dogs, and eventually they end up taking the plate out. We told her we would think about it and let her know of our decision. We also made an appointment to speak with **Dr. Marino because we were under the impression that he was the doctor who operated on Lucca. But as it turned out Dr. Loughin told us that Dr. Carver did the actual surgery. Dr. Marino was the surgeon we hired to perform Lucca's surgery. This change of surgeons was done without our consent. We signed a consent form for Dr. Marino.**

On May 7, 2013, when we saw Dr. Marino and told him about our concerns that the plate was going break, he examined Lucca's paw, **and told us that we had nothing to worry about, and that the plate was stable. He also said Lucca can resume minor activities.** We felt some relief and went home. On May 24th 2013, we noticed that Lucca completely stopped using his paw and would not put any weight on it. I called the hospital and had a call back from Dr. Keifer. When I described Lucca's symptoms, he told me to bring Lucca in immediately. The same night we brought Lucca into L.I.V.S and Dr. Keifer examined his paw. He stated that Lucca needed another x-ray. We had to leave Lucca over night because there was no one there to take an x-ray at that time. On the morning of May 25th, I received a phone call from Dr. Loughin stating **that the plate had completely bent and was broken. This caused the bone to never finish healing and to completely rebreak.** We were told that the plate needed to be removed and that an external fixator would be the next best option. We agreed, and Lucca was taken into surgery the same day, May 25th. Cost \$1,991.83. with 25% discount. We were told that he needed to be kept at L.I.V.S for the next 5 days to be monitored and for regular bandage changes due to drainage from the external fixator. We were told that we would need to come back weekly for bandage changes, which we did regularly.

On July 13, 2013, we came in for an x-ray and a bandage change. We were told that everything on the x-ray looked good. When they did the bandage change they left the bottom of his paw un-bandaged. By the time we got home that day, Lucca licked the bottom of his paw raw, until it started bleeding. We took Lucca back right away, and they gave him an antibiotic injection. We were told to put on cold compresses 3 to 4 times a day. After a week, the swelling on his paw went down. Between the months of July and September, we have had several x-rays and were told that everything looked good. At the time of each x-ray, they removed a pin from the external fixator in the hope

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that the holes from the pins would fill in and heal. At home, we started noticing that Lucca was putting less and less weight on his paw as time progressed. On September 4, 2013, we came in for his scheduled x-ray. After the x-ray, the doctors told us that they removed another pin and that his bone **was not stable enough for him to use his paw.**

Every time that we went into L.I.V.S, a different doctor would see us and consult with us about Lucca. There was never one main doctor being given for his care. After speaking with Dr. Loughin on Sept 4th and explaining our concern about Lucca not being seen by the same doctor, she said she would personally see him every time, from then on. Dr. Loughin told us that once his external fixator was removed, his bone would not be stable. She gave us new options. Option 1, was to put on an external splint for 6 weeks and have an x-ray after that time to see how it had progressed. Option 2, was for Lucca to have another surgery in which the doctors would apply bone graft to the fracture site and place two pins inside his bone to hopefully stabilize it. **Option 3, was to amputate his paw if I was fed up and tired of taking care of Lucca.** I felt extremely let down that this was even given to me as an option after everything that Lucca had already gone through to correct this issue; after being told numerous times that everything was "healing nicely" only to find out in the end that the plate broke. **On our initial consult February 28, 2013, Dr. Marino did not discuss the possible complications that could occur with a metal bone plate.**

We chose option 2, and on September 5, 2013, cost \$681.75 all-inclusive with 25% discount, Lucca had his third surgery at L.I.V.S. I was assured by Dr. Loughin that the surgery will be performed by her and Dr. Marino. Along with the pins that were placed inside his bone, Dr. Loughin felt it necessary to also put a splint outside the leg inside the bandage for additional stabilization of the leg. We were told to come back in a week for a bandage change, and in 6 weeks to have another x-ray taken. We purchased 2 large dog crates at this point, so Lucca could continue movement of his leg as per doctors' instructions, but not excessive movement.

Between September and October, we went back every 10 to 14 days for a bandage change. Every time we were there, Dr. Loughin told me that **everything looked and felt great** which, I believed because she sounded very sure and convincing. On October 16, 2013, we again came in for our scheduled X-ray. After the X-ray, Dr. Loughin told us that the pins were in place and had not moved. The bone was healing as planned, and Lucca should start walking 3 to 4 times a day for about 10 minutes each time. We were to come back in 6 to 8 weeks for another x-ray.

On November 13, 2013, when we came in for a bandage change, we were told again that everything looked great and that we needed to have another x-ray taken in 2 weeks. At that time, they would remove the bandage and splint for good. On November 29, 2013, we came in for the x-ray. After the x-ray was taken, Dr Loughin again told us

that everything looked great and the pins were in place and they have not moved. This was a good sign. We were told to increase the walks that Lucca was taking daily. At that time, they removed his bandage and splint and sent us home with those instructions. In the next couple of weeks, I got in touch with Dr. Loughin because I noticed that Lucca's paw was turning out to the right way more than usual. I was assured again by Dr. Loughin that those movements are normal considering that he had 3 surgeries. She said his paw was now slightly shorter than normal and that he would probably be walking like that for the rest of his life.

On January 19, 2014, I noticed that when Lucca stepped on his paw, it would turn out completely to the right, as if his leg was walking in that direction. Once he would step and all his weight was on that leg, he would limp. As soon as I noticed that, I called Dr. Loughin and she reassured me that it was normal for him to do that. On January 18, 2014, we had a follow up x-ray, and again Dr. Loughin told us that she spoke with Doctor Marino. She said, they both looked at the X-ray and were pleased by all the progress they saw. She said that everything looked great and it's healing very well. But still at home, I noticed that his paw was rotating more to the right each day and he would limp more.

On February 14, 2014, we had another x-ray and were told again that everything is healing perfectly and that he is walking fine. A day before we went in, I videotaped Lucca walking at home and I showed Dr. Loughin the video. She briefly glanced and still said that it is normal for him to limp like that and for the paw to turn extremely to the right every time he stepped.

On March 15, 2014, we had another x-ray. This time Dr. Loughin was not there, but another young doctor that I have seen there once before came in to give us the results of the x-ray. He did not seem very pleased with what he saw on the x-ray because his exact words were "there is very minimal healing going on.....Most likely there will not be much more healing because it has been a significant amount of time since the last surgery." But he also stated that he wanted Dr. Marino and Dr. Loughin to take a look and call me back with the results. The following Wednesday March 19, 2014, Dr. Loughin called me to give me her opinion on the x-ray, and AGAIN she stated that she is VERY pleased with the healing. She said that the pins have not moved and that a fracture like this would take anywhere from 6 months to a year to heal. At this point I felt like they were completely lying to me about these results. I called my primary vet Dr. Foley and asked him to give me the name of another orthopedic surgeon. He recommended an Orthopedic surgeon out in Farmingdale. I also did research online and found another orthopedic surgeon. I sent both these doctors emails with all of Lucca's x-rays. Both doctors got right back in touch with me, and both stated the same exact thing, "at this moment the fracture is a

non-union fracture” which basically means that the bone has not been healing and that it is still broken after 3 surgeries. I also e-mailed Dr. Foley Lucca’s last X-ray. Dr. Foley also confirmed what the other two orthopedic surgeons told me.

I took Lucca to see an orthopedic surgeon and had a consultation with him. As soon as he came into the room he checked Lucca’s heart rate, breathing and fully examined him. He then felt Lucca’s foot and moved it around, showing me that his tibia bone was still broken. He moved it in a certain way, and stated that this is not suppose to happen. It was only happening because he had a non-union fracture. The surgeon stated that if this was left untreated, eventually Lucca would start feeling extreme pain and the bone would become useless because it would not heal. Therefore, Lucca’s paw would have to be amputated. The only reason why Lucca was able to step on his leg was because the pins were basically holding the 2 halves of his tibia together. He said the bone was not healing and every time Lucca takes a step 2 halves would rotate causing him to limp. I told the doctor everything that I have been told by the doctors at L.I.V.S. **His responds was “a 4 year old cats bones should have healed by now”.** I also informed him, Dr. Loughin said that a fracture like this would take anywhere from 6 months to a year to heal.

I scheduled an emergency surgery on Thursday March 27, 2014, with the orthopedic surgeon that I found. After our appointment on March 25th with him, I called L.I.V.S and requested that all the x-ray images be put on a compact disc for me. **I received the disc, but not all x-rays were placed on it.** Lucca was kept overnight after his emergency surgery to be monitored. We picked him up on Friday March 28, 2014. The surgeon put no bandage on it, because our instructions were to monitor the incision site for swelling, odor, discoloration, and/or drainage of any kind. He stated that stitches heal better and faster if they are not covered by bandages. Since Lucca’s arrival at home, he has been walking better; even better the next day, than after all the surgeries he had at L.I.V.S. He seems so much happier now. It’s like we got our best friend back. After Lucca’s surgery I asked Doctor Foley to request the complete medical records which should have included operating reports, doctors hand written notes, doctors consultation notes which was sent to my vet, and all of Lucca’s blood work from L.I.V.S. I asked Doctor Foley to forward the record to me.

Upon reviewing what they have sent, I noticed that there are **NO hand written notes & no indication of who performed any of the surgeries.** The chart is missing records, and I noticed that they wrote misleading information in the notes. **An example of that is stating that I allowed Lucca to sleep in bed with me after his first surgery, which is completely ridiculous, I would have to be completely crazy and out of my mind to allow my cat with a recently broken paw to sleep in a bed with me and my husband when the discharge instruction specifically said to keep**

Lucca confined for the next 14 weeks to limit use of the paw. The reality of the situation is that I made myself a bed on the floor next to the cage that Lucca was kept in because he would cry all through the night if he did not see me. Another specific instruction after the first surgery from L.I.V.S was to never let his bandage get wet, so I was always next to him when he used the litter box. I would clean it out right away so the bandage didn't get wet. So, for them to write something like I let Lucca sleep in my bed at night, is completely ridiculous and would have been the most irresponsible thing I could have done after spending 4 thousand dollars on his first of many surgeries. After doing extensive research online I have come across people who have had horrible experiences when taking their pets to L.I.V.S. The majority of them state that Dr. Marino who is the head surgeon, who promised to personally do these surgeries, IS ACTUALLY NOT the one who did the surgery. In my case, not only was I told that Dr. Marino didn't perform Lucca's first of two surgeries, but the names of the surgeon who did is not on the medical records that I requested and received.

After the most recent surgery that was done by Dr. Infernuso to correct all the mistakes that L.I.V.S had made, I spoke to my vet Dr. Foley, and told him to not refer any animals to L.I.V.S. He was taken back that Dr. Marino would make a diagnosis after Lucca's first surgery, which was that the metal plate in his leg is stable and won't bend or break, when it was obvious that it was going to break. I completely lost all confidence in L.I.V.S. It is very clear now that they were trying to cover up all of the mistakes that were made with Lucca's care. I kept him at L.I.V.S believing everything they told me to be the truth.

It has now been more than a year and \$11,000.00 in charges from L.I.V.S and both Lucca, my family and I have been through so much due to the negligence of L.I.V.S. I do not want another family or animal to have to through this. There is obvious medical negligence going on at L.I.V.S.I could never get a straight answer out of all the doctors I have spoken too. I myself work for a doctor and I feel what is being done at L.I.V.S is a misrepresentation of the vet profession and it is also unethical. Dr. Marino and his practice must be held accountable for their mistakes.

Professional Discipline Complaint Form**Instructions for Completing Complaint Form**

To complain about service or treatment by a licensed professional, or about illegal practice of a profession by an unlicensed person, complete the COMPLAINT form on page 2. Please note that we do not have authority to investigate fees you believe are too high or to intervene in fee disputes. However, we can investigate complaints involving fraudulent billing.

Type or print clearly in black ink. Describe your complaint as completely as you can. If you do not have a daytime telephone number, it is helpful if you can provide a number where a message can be left for you during the day. If you have any papers that may support your complaint, such as bills or correspondence, please attach copies. Do not send originals. If you have physical evidence, such as incorrectly dispensed medications, it is important for you to retain that evidence in its original condition.

Be sure to sign and date your complaint. Send it to one of the regional Offices of Professional Discipline. When your complaint is received, it will be assigned to an investigator who will contact you in writing or by telephone. You will have an opportunity to explain your complaint in more detail. If we do not have the authority to investigate your complaint we will refer it to the appropriate agency.

Also, complete the AUTHORIZATION portion of this form by entering your name and the name of the practitioner and/or hospital in the appropriate spaces. The Authorization directs the professional, hospital, or other facility to release information about your treatment or the services rendered to you. Sign and date the Authorization, and have it signed and dated by a witness. A witness can be any person 18 years or older. The Authorization does not have to be notarized. Please note that if you leave the Authorization blank, it may delay the investigation of your complaint.

IMPORTANT! Complaints against physicians (general practitioners, internists, cardiologists, gynecologists, pediatricians, urologists, surgeons, radiologists, oncologists, anesthesiologists, ophthalmologists, orthopedists, and others) should be sent to: New York State Department of Health, Office of Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, NY 12204. **ALL OTHER COMPLAINTS SHOULD BE SENT TO ONE OF THE OFFICES LISTED BELOW. SENDING THE COMPLAINT TO THE WRONG AGENCY WILL DELAY THE INVESTIGATION.**

**Office of Professional Discipline
Regional Offices****Albany**

80 Wolf Road, Suite 204, Albany, NY 12205, Telephone: 518-485-9350, Fax: 518-485-9361

Bronx/Queens

2400 Hasley Street, Bronx, NY 10461, Telephone: 718-794-2457 or 2458, Fax: 718-794-2480

Brooklyn, Staten Island

9 Bond Street, Ste. 4400, Brooklyn, NY 11201, Telephone: 718-722-2587, Fax: 718-722-2840

Buffalo

295 Main Street, Suite 924, Buffalo, NY 14203, Telephone: 716-842-6550, Fax: 716-842-6551

Central Administration

1411 Broadway, 10th Floor, New York, NY 10018, Telephone: 212-951-6400, Fax: 212-951-6420

Long Island

250 Veterans Memorial Highway, Room 3A-15, Hauppauge, New York 11788, Telephone: 631-952-7422, Fax: 631-952-1029

Manhattan

116 West 32nd Street, 7th Floor, New York, NY 10001, Telephone: 212-961-4369, Fax: 212-961-4361

Mid-Hudson Region

One Gateway Plaza, 55 S Main Street, 3rd floor, Port Chester, NY 10573, Telephone: 914-934-7550, Fax: 914-934-7607

Rochester

85 Allen Street, Suite 120, Rochester, NY 14608, Telephone: 585-241-2810, Fax: 585-241-2816

Syracuse

333 East Washington Street, 2nd Floor, Suite 211, Syracuse, NY 13202, Telephone: 315-428-3286, Fax: 315-428-3287

Information About You

Name Howard Schneider

Address 11 Mitchell Ave.

City Plainview

State NY

Zip Code 11803

County Nassau

Daytime Telephone 516-382-5011

Evening Telephone 516-382-5011

Email Howard.C.Schneider@gmail.com

Information On The Person(s) You Are Complaining About

Name(s) Long Island Veterinary Specialists: Dr. Bilderback, Roynard, and Marino

Profession Veterinarians

Telephone 516-501-1691

Name of Hospital/Business/Store (if applicable) Long Island Veterinary Specialists

Address 163 South Service Road

City Plainview

State NY

Zip Code 11803

County Nassau

Describe your complaint here. Be specific. What happened? When? Where? Type or use black ink. Use additional sheets if necessary. Please read the instructions on page 1 carefully before describing your complaint.

These people killed our family dog. Sydney was 10 and healthy other than a limp. Our family vet suggested we go to LIVS for an MRI to diagnose the problem as he had not been able to through x-ray. Sydney supposedly went into cardiac arrest during the MRI at LIVS and died. Sydney had been under anesthesia several times before from our family vet and there had never been a problem. It is our belief from other information that has come to us that they used unqualified and untrained people to perform the procedures related to the MRI and the botched attempt to help our dog after she went into supposed cardiac arrest. This was never obviously disclosed to us. It also has come to our attention subsequently that the MRI is located in a trailer in the parking lot of the facility. We were also billed excessively, and the bill was put through by them even though they had killed our dog. Other people have come forward with complaints about this facility and their pets being killed also. This has been a pattern at LIVS. There was also a recent article in the New York Post about another pet dog dying eventually from a botched MRI at LIVS. Unfortunately, we did not see that article before we trusted them to do a basic noninvasive procedure on our beloved Sydney. Please help us and don't let this happen to any others.

To the best of my knowledge, the information in this complaint is true and complete.

Signature

Date

Check here if you have included additional sheets or other material.

I, (print your name here) Howard Schneider, request and authorize the above-named licensed professional or practitioner and/or any other licensed professional or practitioner, and the above-named hospital or facility and/or any other hospital or facility, to disclose fully to the New York State Education Department and its authorized representatives all information and records relating to the diagnosis, treatment, prognosis made for and/or on my behalf, or service rendered for and/or on my behalf, by the said licensed professional, practitioner, hospital, or facility.

Name of practitioner(s) Dr. Bilderback, Roynard, and Marino

Name of hospital(s) or other facilities Long Island Veterinary Specialists

7/18/19

Your Signature

Date

7/18/19

Signature of witness

Date

