



June 30, 2014

The Honorable Lewis D. Schiliro  
Department of Safety and Homeland Security  
Office of the Secretary  
303 Transportation Circle  
Dover , DE 19903

Dear Secretary Schiliro:

In light of the passage of S.B. 241, I write to provide you with a brief summary of the administrative investigation regarding Chief Medical Examiner Richard T. Callery.

As you know, in December 2013, the Department of Health and Social Services (“DHSS”) learned of allegations regarding Dr. Callery’s private work. The allegations related to claims that Dr. Callery was misusing State resources to perform private work in violation of State law and DHSS policy. Upon receipt of the allegations, DHSS requested assistance from the Office of Management and Budget (“OMB”) to conduct an administrative investigation (the “Investigation”). The Investigation, which began immediately, was led by the OMB and included representatives from DHSS. Attorneys from the Civil Division of the Delaware Department of Justice provided legal advice.

The evidence uncovered during the Investigation suggested possible violations of the State Code of Conduct, including use of State resources for private gain, and violation of the State’s Acceptable Use Policy. However, the evidence also indicated that the scope of possible misconduct was far broader than initially alleged and required the review of a massive volume of information. As a result, the State retained an outside firm to assist the OMB with its Investigation. The Investigation was comprehensive and included review of more than 250,000 pages of electronic documents obtained from the State’s computer network and numerous witness interviews. Nearly 1,000 hours were spent in the course of the Investigation.

The Investigation is now complete and, on June 25, 2014, I received the OMB’s investigative report detailing its findings (the “Investigation Report”). The Investigation Report and appendix provides substantial and well-supported grounds to believe that Dr. Callery misused State resources, violated the Code of Conduct, and neglected the duties of his office in the course of performing private work. The nature of these violations appears to be egregious, profound, and injurious to the State of Delaware.

For example, in the course of a single month, Dr. Callery appears to have sent more than 700 emails and attachments relating to his private work via his State email account. It also appears that Dr. Callery served as a private expert in at least seven cases that were handled by the OCME, in violation of the State’s prohibitions against conflicts of interest.

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And it appears that, on numerous occasions, Dr. Callery may have given false information or testimony regarding his professional experience.

As you know, the Delaware State Police is already investigating Dr. Callery's work at the Office of the Chief Medical Examiner. Based the Investigation Report and the documents cited therein, and at the recommendation of outside counsel, I also plan to refer this information to the Board of Medical Licensure and Discipline for further review and investigation of whether Dr. Callery has engaged in unprofessional conduct.

A copy of the Investigation Report is enclosed. Please do not hesitate to contact me should you require any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Rita M. Landgraf".

Rita M. Landgraf  
Secretary