

January 22, 2022

Members
New Jersey Board of Medical Examiners
140 E Front Street
Trenton, NJ 08608

**Re: Reinstatement of license
25MA06328100**

Dear Board Members,

Preamble: Please note that all documents referenced in this letter can be viewed/downloaded from www.drrichardkaul.com at page tab: **NJBME** and K11-7 is Kaul/Basch v Intercontinental Exchange, et al: 21-CV-06992, a case pending in the United States District Court for the Southern District of New York.

I write this letter to provide you an opportunity to reinstate my unrestricted plenary license (25MA06328100); a license that as the unrefuted evidence/admitted facts (**NJBME: 210825**) in K11-7 prove, was illegally suspended/revoked, respectively on April 2, 2012/March 24, 2014. As pled in K11-7 (**NJBME: 210913**) the revocation was a consequence of a “**pattern of racketeering**” that involved the conduction of, amongst other things, the RICO predicate acts of bribery/perjury/evidence tampering/witness tampering/fraud, that were perpetrated by state/private actors in both the events surrounding and within the board/OAL hearings (OAL DKT BDS 08959-12) (June 13, 2012/April 9 to June 28, 2013). See ‘The Solomon Critique’ in which there were two hundred and seventy-eight (278) separate instances of perjury, evidential omission, evidence tampering (**NJBME: 180117**). The crimes committed against me, were part of a series of quid pro quo schemes, in which **The Kaul Cases** Defendants bribed Defendant Christie, the then governor, and executive in charge of the three elements of the mechanism of physician regulation (office AG/medical board/OAL), all of which are controlled by the executive branch. This configuration is illegal and violated my constitutional right to due process, another reason, of many, as to why the revocation was/is illegal (**NJBME: 191001**), and why non-reinstatement constitutes a willful ongoing violation of my human/constitutional rights (2012-Present).

To understand why **The Kaul Cases** Defendants/co-conspirators committed such a massive number of felonies, you must remember that Defendant Christie had plans to become the 2016 US President, and needed vast sums of money, while the physician/hospital defendants sought

to monopolize the minimally invasive spine surgery market and insurance defendants sought to eliminate their debt to me. These facts underpin/explain the multiple, and criminal, quid pro quo schemes orchestrated by Defendant Christie/agents.

THE LAW:

Legal standard:

The illegal revocation constitutes a 'Fraud on the Court', for which the law mandates remedy, a component of which involves the immediate reinstatement of my license to its status as per April 1, 2012. See Hazel-Atlas Co. v Hartford Co., 322 US 238 (1944): " ... **it is for relief granted by equity against an unjust and inequitable result and is subject to all the customary doctrines governing the award of equitable relief.**" at 260. See also US v Kemp, 500 F.3d 257 (2007) (U.S.D.J. Kevin McNulty for Defendant Stephen M. Umbrell/Commerce Bank-TD).

THE FACTS:

1. Defendant Andrew Kaufman's false standard/perjury + The Fraudulent Board/OAL Proceedings (April 9, 2012 to March 24, 2014):

My license was illegally revoked, based principally on the knowingly false testimony of Defendant Kaufman, who, on May 1, 2013, under oath, testified that because of my education/training/experience (**NJBME: 210913-Page 49/432**), I was not qualified to perform minimally invasive spine surgery, and that my performance of eight hundred (800) cases from 2003 to 2012, constituted "**gross deviations**" from his false standard of care (**NJBME: 130501-Page 68/165**). Defendant Kaufman and I competed in the spine market, and as the evidence proves, he was conflicted/biased against me (**NJBME: 210825-Page 43/131 + 211110-Page 60/87 + 211110-Page 62/87**).

The knowing/willful falsity of Defendant Kaufman's May 1, 2013 testimony is evidenced by the stark contradiction of his testimony, in which while stating that I was not qualified to perform spinal fusions, he was getting paid to teach interventional pain physicians how to perform lumbar facet fusions: "**Q. So its true that you as a director of this professional society [The Kaul Cases Defendant ASIPP] taught other physicians, other meaning non board certified neurosurgeons, other than board certified orthopedists, how to complete or take part in lumbar facet fusion which is minimally invasive. True? ... A. That was the course offering** (**NJBME: 130501-Page 124/165**).

The training standard manufactured by Defendant Kaufman, was purposed to frame my performance of minimally invasive spine surgery as being a "**gross deviation**" from his standard of care: **Q. And what conclusion did you reach as to whether Dr. Kaul is competent to perform open and minimally invasive spinal fusions surgeries? A. I found that given Dr. Kaul's training and board certification that that was not a procedure that he would be competent to perform.**" (**NJBME: 130501-Page 58/165**). Defendant Kaufman perjured himself, as he had

viewed YT videos of me performing minimally invasive spine surgery, and knew I was more than competent, having invented the procedure in 2005.

<https://www.youtube.com/watch?v=guwx5kuBiEg&t=1s>

<https://www.youtube.com/watch?v=JX4bnRPPucl>

<https://www.youtube.com/watch?v=oxaV5IJuZ7c>

Defendant Kaufman, knew that he was conflicted/biased, which is why he committed repeated acts perjury throughout his testimony in testifying that my performance of minimally invasive spine surgery constituted a **“gross deviation”** from his standard of care: **“Q. In your opinion does the taking of CME courses in and of itself qualify Dr. Kaul to be able to do either open or minimally invasive spinal fusion? A. No. Q. Why not? A. ... The course of study for open or minimally invasive spine surgery is – is very strict. I am not a board -certified neurosurgeon nor am I a board-certified orthopedic spine surgeon.” (NJBME: 130501-Page 66/165).**

However, on November 5, 2021, Defendant Kaufman is still not a **“board -certified neurosurgeon nor a board-certified orthopedic spine surgeon”** but is performing spinal fusions AND teaching other interventional pain physicians how to perform spinal fusions (**NJBME: 211105-Page 18/40 + Page 22/40 – “Keynote: Evolution of Interventional Pain Physicians; Injections to Minimally Invasive Spine Surgeons ... MIS to Extensive Fusion”**) and in doing so is in **“gross violation”** of his own standard, a standard adopted by **The Kaul Cases** Defendant/OAL Judge, Jay Howard Solomon, which was used to recommend license revocation/\$300,000 ‘fine’ on December 13, 2013. The illegal ‘fine’ was gratuitously increased to \$475,000 on March 24, 2014 by the then board, a gross violation of my 8th amendment right and of SCOTUS law pursuant to Timbs v Indiana, 586 US, 139 S. Ct. 682 (2019).

Defendant Kaufman’s willful/illegal failure to disclose his conflict of interest in a proceeding that illegally deprived me of my liberty/life/property, was purposed to perpetuate his perjury in the administrative proceedings, in order to create a corrupted record, from which my license was illegally revoked: **“Q. Based upon your finding that Dr. Kaul does not have the adequate training or credentials to perform open or minimally invasive spinal fusion surgery, did he deviate from the generally accepted standards of medical practice by performing those surgeries? A. Yes, he did. Q. And can you quantify the amount of that deviation? A. I found them to be a gross deviation.” (NJBME: 130501-Page 68/165).** Defendant Kaufman’s conflicted state-of-mind became evidenced on February 26, 2010, when he made the following statement to patient Corey Johnson: **“That motherfucker, Richard Kaul, is trying to take over the spine business and we are going to put a stop to it” (NJBME: 211110-Page 60/87)** exposing his involvement in the illegal conspiracy pled in K11-7. Defendant Kaufman, in collusion/conspiracy with **The Kaul Cases** Defendants, used the NJBME/OAL to further their illegal **“pattern of racketeering”**, thus converting these agencies into an **“association-in-fact racketeering enterprise”**, through which they are continuing to conduct an **“open-ended pattern of racketeering”**, in obstructing the reinstatement of my license. This obstruction, pursuant to RICO, will cause you to incur further liability, unless my license is reinstated by March 22, 2022.

Defendant Kaufman's agitated state while testifying, frequently exposed his scheme of dishonesty/perjury, in that he knew that since 2003, I had been credentialed by at least six (6) state licensed surgical centers/Medicare/AAAH to perform minimally invasive spine surgery (discectomies/fusions): **"Q. But you're not required to be ABMS board certified to perform a procedure in New Jersey. True? A. You're not required to have anything to perform a procedure in New Jersey. As I just stated, my license allows me to practice medicine and surgery, I can do whatever I want. What restricts me is the ability to obtain these privileges at a facility."** (NJBME: 130501-Page 116/165).

Defendant Kaufman's "gross" violation in 2021 of the standard he used to have my license illegally revoked in 2014, is evident in the fact that he now performs and teaches minimally invasive spine surgery to other interventional pain physicians. (NJBME: 211105- Page 18/40 + Page 22/40 "Keynote: Evolution of Interventional Pain Physicians; Injections to Minimally Invasive Spine Surgeons ... MIS to Extensive Fusion"). On May 1, 2013 he testified: **"If someone wants to pursue spine as a career, they must do a fellowship which means two years of extra training under the guidance of people who do this work. That is the standard, sir, and there's no other way to do that."** (NJBME: 130501-Page 121/165). In 2021, Defendant Kaufman has not undergone a spine fellowship, but in 2021, he knowingly violates his own standard, in performing/teaching minimally invasive spine surgery, and on November 5, 2021, was the director of a program, which included, as stated above, the following courses: **"Keynote: Evolution of Interventional Pain Physicians Injections to Minimally Invasive Spine Surgeons"** and **"MIS to Extensive Fusion."**

Defendant Kaufman's inconsistent/contradictory testimony exposed what he knew to be the truth, but he conspired to attempt to conceal the truth with his perjury. Under a withering cross-examination, during which he sweated/twitched/went red, he admitted that I was well trained in minimally invasive spine surgery: **"Q. I believe your testimony before on direct about your review of Dr. Kaul's CV was that you found him to be well-educated with regard to taking of the CV credits with regard to the procedure he takes. Isn't that true? A. Yes."** (NJBME: 130501-Page 140/165), but yet he persisted in falsely claiming I had committed **"gross deviations"** (NJBME: 130501-Page 69 + 118/165).

Defendant Kaufman, in his misguided zeal to establish his standard and eliminate me, disingenuously applied his standard to his own practice: **"Since I decided that the amount of time that I would be performing that procedure, maybe once or twice a month, that I did not feel that I could do better than a neurosurgeon or an orthopedic spine surgeon who does do that type of work, meaning putting pedicle screws in for fusions, open or otherwise on a daily basis. So, I felt that it was not the safe thing to do for me to do that ... that I felt it would be better to send it to someone who does this five times a week."** (NJBME: 130501-Page 132/165). However, on November 5, 2021, Defendant Kaufman is not only not referring these patients to neurosurgeons/orthopedic surgeons but is performing spinal fusions AND teaching other interventional pain physicians how to perform spinal fusions, and in doing so is in **"gross violation"** of his own standard, a standard adopted by The Kaul Cases Defendant/OAL Judge,

Jay Howard Solomon, who used it to recommend license revocation/\$300,000 'fine' on December 13, 2013. The illegal 'fine' was gratuitously increased to \$475,000 on March 24, 2014 by the then board.

Defendant Kaufman's scheme of perjury/abuse of process, constitute a small fraction of the hundreds of violations of my due process/human rights, that have been committed and are continuing to be committed against me (2012-Present). One of the more recent violations occurred on May 27, 2021, and involved me being kidnapped, the facts of which are detailed in K11-7, the 'Kaul Kidnapping Scheme' (**NJBME: 210913-Page 126/131**). These willful/knowing/malicious violations have caused immense injury to my economic standing/livelihood/liberty/reputation/life (**NJBME: 210913-Page 344/432**), and on April 2, 2022, it will be a decade since my license was illegally suspended, the cumulative liability of which, pursuant to RICO, will continue to inure to you and **The Kaul Cases** Defendants, if my license is not reinstated. See United States v Coonan, 938 F.2d 1553 (1991). However, neither reinstatement nor any of the other forms of relief sought in K11-7, will rectify prior reputational injury nor cause to cease the **"ongoing"** and permanent injury to my reputation and professional career.

2. **"Ongoing pattern of racketeering" + Wire Fraud + Accruing Liability:**

As pled in K11-7, the illegal revocation is referenced as one of the many crimes committed against me by **The Kaul Cases** Defendants, a crime that as with the others, caused the Defendants to commit further increasingly serious felonies, in an increasingly futile effort to 'cover-up' their previous crimes (**NJBME: 210913-Page 17/432 Para. 55**). The facts of the **"New York Scheme"**, the **"New Hampshire Scheme"**, the **"Pennsylvania Scheme"** and the **"New Jersey Scheme"** constitute some of these felonies (**NJBME: 211101-Page 12/17**). In fact, on June 13, 2021, the then board was explicitly forewarned of the consequences of its crime and consequent 'cover-up' (**NJBME: 120613-Page 15**). Only one member heeded this warning, and that was Jane DiGregorio, a lawyer, who evidently recognized the immense legal liability of aligning herself with Defendant Christie's fraudulent scheme to rescind a consent order into which I and the board had entered on May 9, 2012: **" ... you will be sewing [sic] the seeds of absolute and utter chaos, and you'll reap the whirlwind as a result ... there comes a time when you have to ask what is reasonable ... Is his mere existence a risk?"** (**NJBME: 120613-Page 180**)

Commencing in April 2012, documents pertaining to the illegal suspension/revocation have been disseminated across the US/International wires to, amongst others, domestic/international healthcare related agencies/the FBI/the DEA/the National Practitioner Data Bank/all state medical boards and they continue to be published on the medical board website. These facts constitute an **"ongoing pattern"** of wire fraud and the public dissemination of the illegal suspension/revocation has caused and continues to cause injury to my reputation, and constitutional right to a livelihood.

The continued and willful failure to reinstate my license, despite incriminating evidence and admitted facts, constitutes further evidence of your aiding/abetting an **“ongoing pattern of racketeering”**, through the commission of, amongst other things, the RICO predicate acts of fraud/retaliation, in which you are perpetuating the conversion of the medical board into a **“racketeering enterprise”**, a conversion that for the purposes of K11-7, commenced in New York in 2008/2009, consequent to Defendant Christie’s conspiracy with the K11-7 corporate Defendants (**NJBME: 210913-Page 15/432 Para. 40**). The fourteen (14) year existence of this knowingly illegal scheme has caused and continues to cause massive violations of my human/constitutional rights, and in this knowledge, your failure to reinstate my license by March 22, 2022, will cause you to personally incur liability pursuant to RICO/Section 1983.

3. **Failure to reinstate + K11-7 Summary Judgment:**

The minimally invasive outpatient spinal fusion procedure that I invented and first successfully performed in February 2005, revolutionized the field of spine surgery, and is today the standard of care. It is a procedure that is now commonly performed by physicians with training in interventional pain/radiology and physiatry, most of whom, unlike me, have no training in general surgical skills. From 2003 to 2012 I performed eight hundred (800) surgeries with good to very good outcomes in 90-95% of cases (average is 65-70%), and with a complication rate of 0.1% (average is 5-15%). My success should have been lauded, but instead it was attacked because of petty-minded professional jealousy/political corruption/fraud.

In the planning and perpetration of the schemes detailed in K11-7, **The Kaul Cases** Defendants/co-conspirators, without knowing me, did grossly miscalculate the outcome of their conspiracy. They were convinced that I would either leave America or be jailed/deported/killed, and thus not expose their crimes. I have exposed their crimes, and their miscalculation has had serious consequences for them. Defendant Christie did not become the 2016 US President and Defendant Allstate’s wrongdoing and its consequent prosecution by me in the United States District Court, caused it to commit a securities fraud scheme, that commenced in 2016, a scheme that injured the investment community (**NJBME: 210825-Page 17/131**).

My **“good faith”** purpose in submitting this letter, is to provide the board an opportunity to rectify the enunciated wrongs and limit the domestic/ international liability of the state. I have, since my April 2012 offer to have my practice independently monitored and my February 22, 2016 K1 **‘Settlement Terms’**, sought to resolve any question as to my ability to perform minimally invasive spine surgery and halt, through non-litigation avenues, any further injury to my economic standing/livelihood/reputation/liberty/life. **The Kaul Cases** Defendants misguided rejection of my efforts, left me with no option but to initiate prosecution, a prosecution that they simultaneously claim is **“vexatious”**, while conspiring against me in the **“New York Scheme ... New Hampshire Scheme ... Pennsylvania Scheme ... New Jersey Scheme”** (**NJBME: 211110-Page 22/87**).

I urge you to follow the law and reinstate my license. However, failure to do so by March 22, 2022, will constitute further evidence of an **“ongoing pattern of racketeering”**, that will be

submitted into **The Kaul Cases**, and which will strip all Defendants of any pending/future defenses, thus rendering them subject to Summary Judgment and increased liability.

Finally, other than recognizing your legal obligations, I ask you to consider your ethical/moral responsibilities in this matter, as did Jane DiGregorio, Esq, on June 13, 2012, the lone voice of reason on that fateful day. No politician will support your cause if you find yourself subject to prosecution. Defendant Christie is evidence of that.

Yours sincerely

Handwritten signature of Richard Arjun Kaul, consisting of stylized initials 'RKA' followed by a vertical line.

RICHARD ARJUN KAUL, MD

cc: All Counsel of record in **The Kaul Cases**
All board members