

Minutes of the District 22 Medical Examiner Search Committee
1 p.m., December 5, 2022 – Meeting Room next to the State Attorney’s Office
Charlotte County Justice Center, 350 East Marion Avenue, Punta Gorda, Florida

Members Present

State Attorney Amira Fox, 20th Judicial Circuit
Charlotte County Sheriff Bill Prummell
Chief Pam Davis, Punta Gorda Police Department
The Honorable Kathy Smith, Public Defender, 20th Judicial Circuit
Commissioner Chris Constance, Charlotte County Board of County Commissioners
The Honorable Ken Roberson, Roberson Funeral Homes
Dr. Joseph Ravid, Gulfview Medical Institute
Dr. Barbara Wolf, Medical Examiner, Districts 5 & 24

Others Present

Chief Deputy Michael Casarella, Charlotte County Sheriff’s Office
Janette Knowlton, Charlotte County Attorney
Samantha Syoen, State Attorney’s Office Communications Director
Assistant State Attorney Shannon Doolity, Charlotte County Office Head
Chief Investigator J Purdy, State Attorney’s Office

Meeting Commenced at 1 p.m.

The meeting was called to order by State Attorney Amira Fox, 20th Judicial Circuit at 1 p.m. A roll call was done by State Attorney Fox. There was an in-person quorum. State Attorney Fox also announced the other attendees present, as noted in the list above.

State Attorney Fox passed out the minutes from the November 3, 2022 meeting for the committee to review.

She brought the committee up-to-date by telling them that Dr. Harshbarger withdrew his application.

State Attorney Fox told the committee she moved Dr. Russell Vega to the 1:15 p.m. interview spot. There will be a 15-minute break between interviews. Dr. Wayne Kurz will start his interview at 2:30 p.m. and then there will be discussion. State Attorney Fox said it would be up to the committee to decide whether to bring in another candidate to interview since there are now only two or they could make a decision on who they recommend as the new Medical Examiner today.

Dr. Barbara Wolf wanted to take a moment to explain why she felt it was important to ask a question about quality assurance. She explained how Medical Examiners may work with one or more doctors in an office, so quality assurance is important. State Attorney Fox confirmed the question was added to the list.

Punta Gorda Police Chief Pam Davis made a motion to approve the minutes. This was seconded by Dr. Joseph Ravid. The minutes were unanimously approved.

State Attorney Fox provided the committee the typed list of questions they had agreed upon at the last meeting and asked for them to take a moment to review the list. She asked them to be sure the questions they wanted to ask were on the list.

Charlotte County Commissioner Chris Constance said to be sure that each candidate was asked the same questions. The Honorable Ken Roberson said he wanted to be sure to ask about the timing of toxicology results and explained the importance of that question.

Dr. Ravid asked Dr. Wolf if she uses PA's (physicians' assistants) in her office. She said the use of PA's has been shot down by the Medical Examiner Board and would preclude accreditation as PA's can't do autopsies in Florida due to an administrative rule change.

Dr. Ravid said the New York City Medical Examiner runs his office with many PA's. Dr. Wolf said it is different.

The Honorable Ken Roberson suggested a new question, "How do you train your investigators?" and the question was added to the interview list.

Commissioner Constance discussed the interview process briefly with the committee.

Dr. Vega's interview started at 1:23 p.m. State Attorney Fox welcomed Dr. Vega and the committee introduced themselves. State Attorney Fox asked Dr. Vega if he would like to do a brief introduction. Dr. Vega said yes and explained that he has been filling in for Dr. Imami for years. He said he has an affinity for the office. He explained his approach as providing customer service. He also explained how it is important to find out what various participants, stakeholders, need in Charlotte County and to provide that.

The first question was asked by State Attorney Fox. She asked, "What is the importance of getting the office accredited and what would you do to achieve this?" Dr. Vega said he would seek accreditation and thinks the facility is sufficient for the workload and should not be a problem to get accredited. He said accreditation takes a lot of effort from staff to put together. There is a lot of paperwork to meet the criteria and it is important to have the staff in place to get it done.

State Attorney Fox then asked, "What lab do you intend to use for toxicology?" Dr. Vega said he would use the same lab that was used by Dr. Imami. He said they get good results. They have a reasonable timeframe and turnaround time is important for accreditation. He said it is important that the lab you use is accredited, and that they give results in a timely fashion.

State Attorney Fox asked if Sarasota uses the University of Florida. Dr. Vega said yes, they do.

Dr. Wolf then asked what Charlotte County uses and Dr. Vega said they use Axis.

Dr. Vega continued and said the University of Florida gives top-notch toxicology service at a very reasonable cost, but turnaround time still is not what he wants to see.

Dr. Wolf asked, "Does your office have a policy and procedures manual in place?" Dr. Vega said they do have written policies in place. He said he could create a new one in Charlotte County or he could start with what Sarasota has and create one from there.

Dr. Ravid asked, "What is the cost for accreditation at the office and why is it such a hot topic now?" Dr. Vega said he is not sure why it is such a hot topic. He said usually if it is an office that has problems, like concerns with testimony, or reports coming out of the office are lacking, that accreditation is mentioned. He said it is a good thing to have it, but it is not critical or necessary to have accreditation.

State Attorney Fox asked, "You provided us with a budget plan at your first interview Dr. Vega, do you have any changes?" Dr. Vega said there are some things that he included that were one-time capital expenses integrated into the budget. He said he does have some things on his wish list or resources needed, but the overall budget plan has not changed. He said he hopes he could work on negotiations with the county to come up with a budget that would work for both of us.

State Attorney Fox then thanked Dr. Vega for stepping up after the hurricane and doing so much for the citizens of Charlotte County, and said it was very appreciated.

Commissioner Constance then asked the first part of the earlier question again, "What is the cost of accreditation?" Dr. Vega said it is a nominal cost for the accreditation process and could be done within the five-year budget process plan.

Dr. Wolf then told the committee that accreditation does take a lot of time.

Police Chief Davis then asked, "How would you handle disputes within the office? What about disputes with law enforcement?" Dr. Vega said he would assist on any disputes. He provided an example saying the doctors work independently in his office but some cases he must review. He said 90% of the time he agrees with the doctor, but for the other 10% of the time, he will ask the doctor about what they found, and they discuss the findings. They then come to a determination of what the final result should be.

Police Chief Davis then asked, "What do you do when you have a conflict with law enforcement? How do you collaborate with law enforcement members when there are questions about cause or manner of death?" Dr. Vega replied that he would discuss any questions or concerns with law enforcement.

Dr. Ravid then asked, "Who chooses your investigators and how do the investigators work with your office?" Dr. Vega said the Medical Examiner's office has two full-time and two part-time employees and the Medical Examiner. He said optimally they need two full-time investigators and one autopsy assistant. He said sometimes that is more than you need, but sometimes not, it is feast or famine. He said that the current staff needs to be augmented. He said when in Sarasota, he has seasoned staff to fill in. His plan would be to get staff up to the level he described and use Sarasota staff to fill in for vacations. As for investigators, he would like to bring an investigator from Sarasota to work in Charlotte County, then hire someone new to work in Sarasota.

There was a brief pause as Charlotte County Sheriff Prummell needed to leave the interview. Charlotte County Chief Deputy Michael Casarella, who had been in the meeting, now joined the interview process, on behalf of the Sheriff, as his proxy.

The Honorable Ken Roberson then asked, "How do you view your role working with funeral homes and families?" Dr. Vega said as far as funeral homes go, it is our job to follow requirements, but we need to manage bodies appropriately. He said that starts at the scene, moves to the autopsy suite, and then to the funeral home. He said starting with families, you have to remember that each family is very different with different needs, like whether they want an autopsy or not. He said if it is a natural death, they can certify without an autopsy, if the family does not want one. He said there are also needs for funeral homes, like keeping the body stored properly and in good condition. He keeps the body as intact as possible and only makes cuts if needed for law enforcement.

The Honorable Ken Roberson then asked, "How do you intend to modernize the office?" Dr. Vega said in Sarasota they are upgrading to a new database which allows them to access information through any mobile device and relay that information to law enforcement, doctors and even hospitals. He would like to bring that product to Charlotte County so they can use it as well.

Dr. Wolf and asked, "What product are you using, is it Vertica?" He said it was Vertica. He said he put the database and plan implementation on hold there, since he applied here, as it would need to be set up differently for use by two offices to access the system. He said as far as modernization, a database is the main thing.

The Honorable Ken Roberson asked, "What did you learn from Hurricane Ian?" Dr. Vega said with a mass fatality issue you manage people who die without a death care structure meaning there was no power, no water, etc. He said he knew it would be an issue and you can plan for every incident but every instance is different and you have to be very flexible. You have to see what is different or what the differences are, and you manage from the way you are trained. He said he did a lot of training and felt comfortable utilizing the resources available. He said there are things that could have been done better like with the management of information, just clearer information on what deaths they had and to be clearer on how the deaths were characterized, how people died.

The Honorable Ken Roberson said he would like to do a post-mortem meeting with Commissioner Constance on what happened following the hurricane and the response of the county. The Honorable Ken Roberson then thanked Dr. Vega for his work during the hurricane.

Chief Deputy Casarella then asked, "What is your comfort level on going to crime scenes and also as using crime scenes as a teaching environment?" Dr. Vega said teaching is a big part of what he does. He said his CV shows his professional partnerships in the past, as well as his residency programs in Florida. He said on the West Coast they would teach medical students with residencies and would like to do a similar education track in Charlotte County, to also include internships. He also likes to participate with law enforcement and the State Attorney's Office in the 12th Circuit through educational training. He said we can work together more effectively if we have a relationship from the beginning. He would also want to set up a training session for law enforcement.

Chief Deputy Casarella asked, "Do you allow detectives or law enforcement to attend autopsies?" Dr. Vega said he can think of no good reason to exclude anyone. He said we have had detectives and crime scene people on many occasions here. He said if there is a case that a specific agency is involved in, he would like to invite everyone to show that his office is neutral.

Commissioner Constance asked, "What are the number of autopsies you have done in your lifetime?" Dr. Vega said 2500 to 4000. Commissioner Constance then asked, "How many autopsies have you done in the last year?" Dr. Vega said 100. Commissioner Constance then asked, "How many have you done in the last month?" Dr. Vega said 15.

Commissioner Constance asked, "How would you define your management style in one word?" Dr. Vega said "flexible."

Commissioner Constance asked, "What are your board requirements?" Dr. Vega said he does all the things required to renew his license. He renews his license every two years. He also attends conferences.

Commissioner Constance asked, "What is your comfort level dealing with prosecutors and defense attorneys?" Dr. Vega said he is very comfortable.

Commissioner Constance asked, "Would you have Dr. Pugliese or Dr. Broussard assigned here?" Dr. Vega said he would not assign anyone per se as he would not want to minimize the number of positions for physicians in the office. It would be him and one other physician.

Commissioner Constance asked, "Would you repurpose someone on your team or would you hire someone new?" Dr. Vega said he would probably bring Dr. Broussard in for the short-term and that would require him to hire someone else in Sarasota. The person he hires would be the long-term person in Charlotte County after Charlotte County has a comfort level with them and he has a comfort level with them. He said he would of course only do so after there was a comfort level from the Sheriff's Office and others here. He said perhaps that person will be the person to replace him someday when he retires.

Commissioner Constance asked, "So hypothetically, five years down the road, if Sarasota needs to find a new person, a new Medical Examiner, that Charlotte person would stay here?" Dr. Vega said yes, likely and I think that would work well.

Public Defender Kathy Smith asked, "What is the appropriate time frame to handle an examination or autopsy of a death that appears to be suspicious?" Dr. Vega said optimally the sooner the exam gets done, the better. He said with a suspicious death, depending on the nature of the death, one or two days.

Public Defender Smith asked, "How many undetermined causes of deaths have you had and what was the most difficult one?" Dr. Vega said his office as a whole has maybe a 2% undetermined death rate. He said they usually fall into two categories, infant deaths, which are mostly SIDS or asphyxia, or drug deaths, with the uncertainty sometimes being between an accident or suicide. He said his office falls in line with national numbers.

Public Defender Smith asked, "How would you handle the independence of your office when dealing with defense attorneys?" Dr. Vega said he usually deals with defense attorneys in two ways, at the time of the deposition or in court, but rarely outside of that. He said the Medical Examiner is usually a witness for the prosecution.

Public Defender Smith asked, "Can you give me an example of an outside of the courtroom instance with the defense?" Dr. Vega said there was one time that a defense attorney wanted a meeting, so he let the Assistant State Attorney know. The ASA went to the meeting and listened to the discussion as well. He said the key is communication.

Dr. Wolf asked, "How do you handle quality assurance with such a small office?" Dr. Vega said it is easier to assure quality if you develop a policy. Developing the policy is more challenging, but it is good to have. It is also good to have a second doctor to bounce ideas off of, plus to have reports reviewed or to do investigative reports.

His interview ended at 2:24 PM. State Attorney Fox thanked Dr. Vega on behalf of the committee for his time.

After Dr. Vega left, the board took a brief break. At 2:31 p.m. the committee reconvened and Dr. Wolf explained to the committee, the importance of accreditation. She said there was a 2009 publication detailing the importance of accreditation. She said there is a strong movement to mandate accreditation and board certification. She said it is at the state level now and she feels it may become mandated in the not so distant future.

The Honorable Ken Roberson asked, "Once accredited, is it hard to maintain?" Dr. Wolf said no, it is not hard as every year there is just paperwork to fill out.

Commissioner Constance asked if there are any issues with the associates that Dr. Vega suggested. Chief Deputy Casarella and Assistant State Attorney Shannon Doolity both said no.

Dr. Kurz's interview started at 2:39 p.m. State Attorney Fox welcomed Dr. Kurz and had the committee introduce themselves. State Attorney Fox ask Dr. Kurz to give an introductory statement on why he is here and what he would bring to Charlotte County.

Dr. Kurz said he is a full-time forensic pathologist and has been so for 17 years. He works in an office with public and private partnership so he is very familiar with how that works. He understands what the job entails and he is ready to tackle it.

State Attorney Fox said, "Remind me, you have been here to the office before?" Dr. Kurz said yes.

State Attorney Fox asked, "Would you have the office accredited?" Dr. Kurz said yes. He said he was told the building needs some things, but he did not get a list of exactly what the building needed, but the facility seemed adequate. He said accreditation would involve certification and caseload.

State Attorney Fox asked, "What lab do you intend to use for toxicology and what do you use now? Dr. Kurt said we use our own lab in District 6, they are right above us in the building. There is a 30 to 60 day turnaround time. He said Charlotte County uses Axis which has a turnaround time of about two weeks. He said he has worked with them while he was substituting in Tallahassee and has no problem with them.

State Attorney Fox said, "Thank you for providing your budget plan. Is there anything not in it that we should know about?" Dr. Kurz said the computer database is something usually the county provides but said he spoke to Penny in the Charlotte County Medical Examiner's Office, and the computers and the database are not specifically owned by anyone. They are not updated or maintained. He said, though there are not a lot of cases, and they are small enough to be managed on a spreadsheet, if everybody could access the details like location, name of the decedent, agency involved, it would be far easier when someone calls and needs information. He said District 6 has a new database since the start of 2021 that he would not recommend. He said it will come down to how much you want to spend on a database versus just calling support. He said he would want to meet with the IT department in Charlotte County and get some support from them.

Police Chief Davis asked, "Have you had any disputes within the office or with law enforcement and how have you handled them? Also do you respond to crime scenes?" Dr. Kurz said if he anyone has disputes dealing with other agencies, then he counsels them because that is our job to work with other agencies, to work together. As far as scene response, he wants people to respond to scenes so law enforcement is not waiting on a Medical Examiner to show up. He plans to have a swift response time and availability.

Police Chief Davis asked, "Are you comfortable conducting training on crime scenes and interacting through training?" Dr. Kurz said yes, we are all working together on a similar goal, trying to get the correct answer. He said educating people on the scene about what they are seeing is a very important part, but if we had a cloud based sharing system, they could also just login to see the autopsy photos and get the information they need.

Dr. Ravid asked, "How do you use your investigators and what if you need a doctor to show up on a scene?" Dr. Kurz said currently there are one and a half investigators at the office. He said he designed the budget for two full-time investigators at the office. He then detailed how he would set up the office staffing wise. He said as for investigations, there is always someone on call. He said for a smaller office, you must be willing to do overlapping duties. He said as for crime scenes, that would be me. He said he would consider himself working or on call, 24/7, 365 days a year.

Chief Deputy Casarella asked, "What are your thoughts on collaborating with law enforcement members when there are questions concerning cause or manner of death?" Dr. Kurz said he can think of an example where time of death was an issue or cause or manner of death was an issue. He gave an example about a crime scene where it appeared the descendent had a gunshot wound due to a circle of blood. He examined the body and determined it was surface blood and it turned out the descendent was a homeless drug user and not a gunshot wound victim. As a doctor he went to the scene and noticed some things on the body that helped determine what really happened.

Chief Deputy Casarella asked, "What about law enforcement attending autopsies?" He added that the Charlotte County Sheriff's Office is a relatively young agency, with new law enforcement coming into the fold. He asked, "So how do you handle that?" Dr. Kurz said he welcomes all law enforcement and coordinates the autopsy time. He said prior to the autopsy he likes the law enforcement officer to tell him the story. What are they concerned about? Then throughout the autopsy he will show them what he thinks is relevant and explain it. At the end of the autopsy, he provides photos and has the evidence bagged and ready.

The Honorable Ken Roberson asked, "How do you work with funeral homes and families?" Dr. Kurz said that the Medical Examiner's role for families and funeral homes is to inconvenience them as little as possible, to get them what they need and to find the cause or manner of the death of a loved one.

The Honorable Ken Roberson asked, "Other than the database that you referenced before, what do you think is needed to modernize things?" Dr. Kurz said the computers because I am not really sure of their age or the support for the computers as well. Like there is a question right now on who owns the computers in the Charlotte County Medical Examiner's Office. Also, the two microscopes are also not tagged anywhere.

The Honorable Ken Roberson asked if the doctor had any experience with natural disasters. Dr. Kurz said yes, and he always wants to have a disaster plan. He said he has done 14 autopsies in one day. He said we do what we have to do. It is about getting things done. We are not an island, we have people we can call in to get things done.

Commissioner Constance asked, "Do you have a policy and procedures manual?" Dr. Kurz said yes. He said he would also want to have one for sure as it is necessary for accreditation.

Commissioner Constance asked, "Are you board certified in your specialty and up-to-date on your certification?" Dr. Kurz said yes, it is called continuing certification and every quarter he has to take a test online. There are also education requirements and peer review things that he does.

Commissioner Constance asked, "Would that be a part of the accreditation process?" Dr. Kurz said yes.

Commissioner Constance asked, "How many autopsies have you done in your lifetime?" Dr. Kurz said over 4000. Commissioner Constance asked, "How many in the in the last year and the last month?" Dr. Kurz said 302 and as for the last month divide 302 x 11.

Commissioner Constance said, "Describe your management style in one word." Dr. Kurz said "evolutionary."

Commissioner Constance asked, "How comfortable are you going to court giving testimony?" Dr. Kurz said he is comfortable and gives equal access to the prosecutor and the public defender. He added that he welcomes whatever meetings anybody wants.

Public defender Kathie Smith said, "When interacting with defense attorneys give an example outside of a depo that you interact with them." Dr. Kurz said there has been only one time.

Public Defender Smith asked what it was about. Dr. Kurz said a criminal case.

Public Defender Smith asked, "How many undetermined causes of death or manners of death have you had?" Dr. Kurz said he does not keep a record but probably a few in the past year. He said it is not that I do not have a cause of death or cases that are undetermined, the deaths themselves are simply undetermined deaths.

Public Defender Smith asked, "What about the timing of autopsies? What would you consider to be an appropriate time frame for an examination or autopsy of a death that appears to be suspicious?" Dr. Kurz said if it is suspicious, then right away. He would make himself or his staff available immediately. He added that he has seen Charlotte does not have a lot of suspicious deaths.

The Honorable Ken Roberson asked, "Given the possibility that you were selected, do you plan to move to Charlotte County?" Dr. Kurz said yes, he plans to live in Charlotte County.

State Attorney Fox asked, "If you are selected, what would be the timeframe for you to move?" Dr. Kurz said it is a process and could take time, but I am ready. It would take time to move and get insurance set up etc.

Dr. Wolf asked, "If you were hired, would the people you hire be board-certified?" Dr. Kurz said yes, everyone I would consider would be board-certified.

Dr. Kurz's interview ended at 3:17 p.m. State Attorney Fox thanked him on behalf of the committee for his time.

State Attorney Fox then asked the committee how they want to discuss the candidates and asked if they want to bring in another candidate to interview. The Honorable Ken Roberson said the committee has two qualified candidates. The committee agreed and began a discussion on the two candidates.

The Honorable Ken Roberson asked Dr. Wolf what the process is if they make a recommendation. Dr. Wolf said they can be appointed as an interim. State Attorney Fox said she could rescind the appointment for Dr. Vega and appoint Dr. Kurz if that is what the decision was.

Dr. Wolf said the recommendation would go to Governor DeSantis for appointment. The Medical Examiner would be an interim until appointed.

The committee discussed the time frame for appointment, contract review, and start date.

Commissioner Constance asked if the contract could have a reference to severability if things did not work out. Charlotte County Attorney Knowlton said yes it could.

Commissioner Constance made a motion to recommend Dr. Kurz as the new Medical Examiner for Charlotte County. The motion was seconded by Police Chief Davis. The motion was approved unanimously.

State Attorney Fox will contact Dr. Kurz and tell him he has been selected as Medical Examiner. She will ask him to get in touch with Charlotte County Attorney Knowlton to finalize negotiations and the contract.

State Attorney Fox said she would ask Dr. Vega if he would remain interim until then. Then the county can advise her on when to appoint Dr. Kurz.

Dr. Ravid thanked Dr. Wolf for her assistance. Dr. Wolf said she would work with Dr. Kurz to get the office accredited and said it should take about two years.

The committee thanked State Attorney Fox for her work leading the committee through the process.

Police Chief Davis made a motion for State Attorney Fox to approve the meeting minutes and if there is a discrepancy, to call another meeting, as this is the last scheduled meeting of the committee.

Commissioner Constance seconded the motion and all approved. State Attorney Fox will send the committee meeting notes to the committee and then have them posted on the committee's section of the State Attorney's Office website.

State Attorney Fox thanked the members of the committee for their dedication and time to this process. She also thanked all in attendance. No members of the general public were present. The meeting ended at 3:45 p.m.