



**A Report to New York City Fire Department Commissioner Nicholas Scoppetta,
The Department of Investigation's Investigation into the Activities of FDNY Assistant
Commissioner John Clair and FDNY Contractor ScanHealth, Inc.**

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INTRODUCTION

In December 2004, DOI received information from the New York City Fire Department (FDNY) that FDNY civilian Assistant Commissioner John Clair had a relationship with and was receiving monetary compensation from FDNY contractor ScanHealth, Inc. (ScanHealth) to give a speech on ScanHealth's behalf.¹ DOI has completed its investigation of the activities of Clair and ScanHealth and is issuing this summary of findings. This memorandum is a follow-up to DOI's draft Executive Summary of findings dated April 20, 2005.

As part of the DOI investigation, investigators interviewed three representatives from ScanHealth, Chief Executive Officer (CEO) Dale Pearson, Vice President (VP) of EMS Tim Hakamaki, and VP of Corporate Relations Michelle Wiklund. Investigators also conducted sworn interviews of Clair on February 28, 2005 and April 5, 2005, and interviewed FDNY Agency Chief Contracting Office personnel. Investigators issued a subpoena *duces tecum* to ScanHealth and obtained pertinent documents relating to the payment of travel, lodging, meal, and other expenses, and documents relating to the speeches Clair gave on ScanHealth's behalf. Investigators also obtained and analyzed Clair's FDNY time sheets, personal bank records, and NYC Conflicts of Interest Board (COIB) Financial Disclosure Reports.

The investigation revealed that between July 2003 and December 2004, ScanHealth paid Clair's travel, lodging, meal, and other expenses, totaling approximately \$5,000, for Clair to attend various Emergency Medical Services (EMS) industry functions, including one in Maui, Hawaii. The DOI investigation also revealed that Clair, representing FDNY without prior approval from either the FDNY or the COIB, either gave speeches on ScanHealth's behalf at these functions or provided information to ScanHealth clients and prospective clients about FDNY's positive experiences with ScanHealth, which were beneficial to the company. ScanHealth paid for Clair's expenses relating to these trips, and paid for Clair to attend a performance of a Broadway show while waiting for approval of a \$4 million FDNY contract and subsequently while providing services to the FDNY under that contract. Clair was involved in both the evaluation process that resulted in FDNY awarding the contract to ScanHealth and in the continued administration of the contract. As a result of this investigation, Clair resigned his employment with the FDNY on April 22, 2005.

BACKGROUND

Conflicts of Interest Board Rules

The Charter of the City of New York confers upon the COIB the authority to enact prohibitions on the conduct of public servants to preserve the public trust.² The COIB rules, in pertinent part, state the following:

- No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.³

¹ FDNY employees had seen a picture of Clair on a website for the Northland Technology Consortium, with the caption, "Keynote Speaker - John Clair." According to its website, "the Northland Technology Consortium (NTC) is a non-profit organization which serves the Information Technology (IT) industry." It provides its members, which include IT users and providers, with a forum for educational opportunities. ScanHealth is an NTC member.

² New York City Charter, Chapter 68, § 2600, *et seq.*

³ New York City Charter, Chapter 68, § 2604(b)(2)

- No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.⁴
- No public servant shall accept any valuable gift,⁵ as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the city, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.⁶
- No public servant shall receive compensation except from the city for performing any official duty or accept or receive any gratuity from any person whose interests may be affected by the public servant's official action.⁷

The COIB rules also require some public servants to complete and file financial disclosure statements.⁸

Fire Department Civilian Code of Conduct

The Charter of the City of New York confers upon the Fire Commissioner the authority and power to govern the conduct of members of the FDNY.⁹ By virtue of this authority and in the exercise of these powers, the Fire Commissioner has issued the FDNY "Civilian Code of Conduct." The FDNY Civilian Code of Conduct states that employees of the Fire Department shall not:

- Falsify, alter and/or change, or knowingly create for the purpose of misrepresentation, any document, record, or form used for official business;¹⁰
- Violate the Fire Department's Public Speaking and Media Policy;¹¹
- Engage in any business, transaction or private employment or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of official duties;¹²
- Violate the Conflicts of Interest Board provisions of the New York City Charter or any law, rule or regulation of the City of New York pertaining to the proper conduct of employees;¹³

4 New York City Charter, Chapter 68, § 2604(b)(3).

5 A valuable gift is defined as "any gift to a public servant which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form," Rules of the City of New York, Title 53, Chapter 1, § 1-01.

6 New York City Charter, Chapter 68, § 2604(b)(5).

7 New York City Charter, Chapter 68, § 2604(b)(13).

8 New York City Charter, Chapter 68, § 2603(d).

9 New York City Charter §§ 487, 488, and 491.

10 FDNY Code of Conduct Chapter 1, # 15.

11 FDNY Code of Conduct Chapter 1, # 27.

12 FDNY Code of Conduct Chapter 1, # 40.

13 FDNY Code of Conduct Chapter 1, # 41.

The FDNY Public Speaking and Media Policy states that an employee “who intends to make a statement before a governmental agency, private organization or the media in an official capacity regarding Department policy and operations, must first obtain approval to make the statement from a duly designated supervisor. In addition, a copy of the statement, if it is in written form, or a summary of the statement, if provided in oral form, shall be forwarded to the Deputy Commissioner for Public Information not later than 72 hours after the statement is made.”¹⁴
...

FDNY Travel Guidelines

FDNY Travel Guidelines dated August 21, 2001 require employees seeking to attend out-of-town meetings as a representative of FDNY to request written approval in advance. In addition, the FDNY Travel Guidelines state that all travel requests must be submitted to the Mayor’s Office at least two weeks before the planned departure. Further, employees are required to submit an information report on the result of the meeting, conference, seminar, etc. FDNY Travel Guidelines dated October 25, 2004 require FDNY employees to obtain approval for trips when they are traveling as a representative of FDNY, traveling as an official emissary of FDNY but on their own time and cost, or traveling where costs are paid by another entity. In addition, FDNY’s travel guidelines advise employees that they may need Legal Division approval to ensure travel is not a conflict of interest or otherwise inappropriate, are required to submit travel requests to the Mayor’s Office, and must do an informational report indicating the benefit to FDNY from the trip.

John Clair, FDNY Assistant Commissioner

John Clair began working for FDNY as an Assistant Commissioner in the Office of Medical Affairs on February 14, 2000. He was a civilian employee and his civil service title was Administrative Staff Analyst. Before coming to FDNY, Clair worked for the New York State Department of Health for 25 years. Clair is also an Emergency Medical Technician. Clair has no prior disciplinary record with FDNY and his annual salary was \$108,044. Clair resigned, at the request of the FDNY Commissioner, on April 22, 2005.

ScanHealth, Inc.

ScanHealth is an information technology company in the EMS and home health care fields. On its website, www.scanhealth.com, ScanHealth says that it developed computer software which, among other things, puts patient care information into an electronic application. ScanHealth provided DOI with information that it has over 1000 users in more than 40 states. In 2001, FDNY awarded ScanHealth a \$10,000 contract for a two-month pilot project. In 2002, FDNY put out a bid for a large contract for an automated electronic coding and billing system to be used for EMS patient information. This contract, for \$4.3 million, was awarded to ScanHealth in July 2003.

Dale Pearson, CEO, ScanHealth

Dale Pearson is one of ScanHealth’s founders and has been its Chief Executive Officer since June 1997. Currently, Pearson is primarily responsible for the growth and expansion of

ScanHealth. Pearson was involved in the initial presentation to FDNY to introduce them to ScanHealth, but was not directly involved in the implementation of the project.

Tim Hakamaki, Vice President of EMS, ScanHealth

Tim Hakamaki has been the Vice President of EMS at ScanHealth since 1997. He oversees design, marketing, sales, and budget for EMS operations. Hakamaki made the initial presentation to FDNY to introduce them to ScanHealth and had continuing contact with Clair on the pilot project and the implementation of the large contract. He also was involved in the Best and Final Offer negotiations with other FDNY personnel.

Michelle Wiklund, Vice President of Corporate Relations, ScanHealth

Michelle Wiklund has worked for ScanHealth for approximately seven years and is responsible for ScanHealth's image, press relations, customer relations, and marketing. Wiklund did not work on either the ScanHealth pilot project or the large contract with the FDNY. While employed by ScanHealth, Wiklund also has worked for the Northland Technology Consortium (NTC) as the President and as a Member of the Board. NTC is an association of IT companies and/or companies with an IT component. ScanHealth is a member of NTC. Wiklund had dealings with Clair in connection with Clair's attendance at several NTC conferences, including making Clair's travel arrangements and reimbursement. Wiklund also invited Clair to be present at ScanHealth's booth at NTC conferences wherein Clair spoke about FDNY's experiences with ScanHealth to prospective ScanHealth customers.

SCANHEALTH'S CONTRACTS WITH FDNY

Clair told investigators in his DOI interview on February 28, 2005, that he first learned of ScanHealth in the Fall of 2000 from Jim Kerr, an independent consultant Clair knows. ScanHealth was Kerr's client. Kerr sent Clair a brochure explaining ScanHealth's automated electronic coding and billing system for Clair to evaluate to determine if it might be a program useful to the FDNY. Clair explained that when he first came to the FDNY they had a pilot program with another company to make the EMS patient care forms electronic. That pilot program ultimately faded, he explained, but he thought there was a need for an electronic system and, upon reflection, thought that the ScanHealth brochure sounded sensible. According to information from the FDNY, the Department processes roughly 700,000 patient care forms each year and the "paper forms get lost or damaged, or have missing information."¹⁵

In late 2000 or early 2001, Clair introduced the topic of ScanHealth's product (known as HealthEMS) to other FDNY personnel, including the FDNY ACCO, FDNY MIS personnel, and FDNY EMS personnel. Ultimately, Tim Hakamaki, the ScanHealth VP of EMS, met with Clair and other FDNY personnel and presented an on-line demonstration of ScanHealth's product. After the demonstration, the FDNY personnel, including Clair, decided to conduct a pilot project with ScanHealth. The pilot project contract, which was for just under \$10,000, was a limited sole source procurement to ScanHealth.¹⁶ Clair told DOI investigators that it was done this way

¹⁵ The FDNY Bulletin of Emergency Medical Services, Office of Medical Affairs, 1st Quarter, FY 2005.

¹⁶ The New York City Procurement Policy Board (PPB) rules state that "Sole Source Procurement shall be used only when there is only one source for the required good, service, or construction. In such case, the accepted price and terms and conditions shall be achieved through negotiation between the agency and the supplier" PPB Rules § 3-05(a). The PPB rules also require that "Prior to entering into sole source negotiations, the ACCO shall make a determination that there is only one source for the required good, service, or construction" PPB Rules § 3-05(b).

because ScanHealth had the only off-the-shelf product that could be put right in place at the time. When asked how he knew that ScanHealth was the *only* off-the-shelf product, Clair admitted that at the time the pilot project contract was sole-sourced he had no knowledge about whether other vendors could provide this product. The FDNY ACCO and Deputy ACCO explained to DOI investigators in an interview on February 7, 2005, that the solicitation for the pilot project was done as a small purchase and that they wanted to try to find competition for ScanHealth. They told Clair to try to get bids and they had an intern conduct research to find other potential bidders. The FDNY ACCO told DOI investigators that the solicitation was sent to five or six vendors, but, despite these efforts, there was a single bid response. The pilot project was conducted from August to October 2001.

In his interview on February 28, 2005, Clair told DOI investigators that from his “perspective, and I think from technology’s perspective, the pilot worked very very well. The technology proved its concept. It worked in the two battalions. The crews accepted it as well as any change.” Later in the interview, however, Clair said that there were problems with the electronic billing process possibly related to the ScanHealth program. When asked by DOI investigators how the pilot project could be considered a success if there were billing problems, Clair responded that the problems were the fault of someone at FDNY. FDNY ACCO personnel told DOI investigators that it was their understanding that ScanHealth interested the personnel in Clair’s unit during the pilot project because they later wanted to go forward with the large solicitation. ScanHealth was informed that FDNY thought the pilot project was a success and that there would be a Request for Proposals (RFP) process for a large contract.

Accordingly, the FDNY issued an RFP in July 2002 for a large contract for automated electronic coding and billing. The FDNY ACCO told DOI investigators that the RFP was sent to more than 250 vendors on the New York State (NYS) Office of General Services (OGS) vendor list. Clair assisted with the development of the specifications and was one of the evaluators of this RFP. Both Clair and ScanHealth CEO Dale Pearson told investigators that Clair had no conversations with ScanHealth personnel about the RFP. ScanHealth’s proposal was submitted to FDNY on September 4, 2002, just before the September 9, 2002 due date. The Evaluating Committee, which included Clair, finished scoring the proposals on September 27, 2002, and ScanHealth and one other vendor came to FDNY to make oral presentations on October 18, 2002. Ultimately, ScanHealth scored the highest and entered into Best and Final Offer negotiations with FDNY ACCO personnel. FDNY ACCO personnel told DOI investigators that they felt that Clair liked ScanHealth and was trying to exert influence, during the selection process, to select ScanHealth for the contract.

FDNY and ScanHealth drafted an agreement dated March 3, 2003, which was approved by the FDNY Legal Unit and the Law Department in July 2003. ScanHealth received a Notice of Award on July 10, 2003, which ScanHealth signed on July 15, 2003. The Office of Management and Budget approved the funding for the contract on February 11, 2004, and the final contract between FDNY and ScanHealth was executed on March 3, 2004. The Comptroller’s Office approved the contract on March 29, 2004, and ScanHealth was issued the Notice to Proceed on April 13, 2004. The contract covers the period March 29, 2004 to March 28, 2008 and is for \$4.3 million. Dale Pearson, CEO of ScanHealth, told DOI investigators that the FDNY contract is a large contract for ScanHealth.

In May 2004, ScanHealth began work on the FDNY contract. FDNY had an Evaluation Committee which monitored and evaluated ScanHealth’s work on the contract, particularly with respect to whether they achieved required accuracy levels. Clair was on this Evaluation Committee. FDNY ACCO personnel told DOI investigators that the tests conducted in the first

few months of the contract revealed that ScanHealth was unable to reach the required accuracy levels and that the Evaluation Committee was unsatisfied with their work. FDNY ACCO personnel told DOI investigators that they had the sense that Clair was “pushing for” ScanHealth and that Clair gave the impression that he was willing to work with ScanHealth to resolve difficulties. The FDNY ACCO sent ScanHealth a letter dated Dec. 6, 2004, regarding its non-compliance with this contract requirement, even though Clair had called the FDNY ACCO and said that sending a letter was inappropriate because ScanHealth was working on the problem. Clair wanted to give ScanHealth more time to reach the required accuracy levels. The FDNY ACCO told DOI investigators that he felt he had to send the letter to protect the Department.

Pearson told investigators that he was aware that there was a section of the contract that required that ScanHealth’s performance be graded and that Clair was part of the board that did that grading. Clair told DOI investigators that he had nothing to do with the letter and that he raised his objections, by e-mail, after the letter had been sent. The FDNY ACCO told DOI investigators that another test run, later in December 2004, showed that ScanHealth was in compliance with the accuracy levels required in the contract.

CLAIR’S TRIPS

At the same time, Clair took four trips between July 2003 and October 2004 that were paid for, in whole or in part, by ScanHealth. Clair testified under oath that all of the trips were “personal business” not related to FDNY business. However, at some point on all four trips, Clair either made a speech or provided information to prospective ScanHealth clients regarding FDNY’s positive experiences with ScanHealth. Both Clair and ScanHealth personnel told DOI investigators that it was a benefit to ScanHealth to have Clair speak about the FDNY’s experiences with the company. ScanHealth CEO Dale Pearson told DOI investigators that when Clair made these speeches, he was speaking as a representative of FDNY. In addition to the trips, Clair attended a dinner in Las Vegas in September 2003 and *Mama Mia*, a Broadway show in New York, in December 2004, also paid for by ScanHealth.

In his first sworn interview with DOI investigators, Clair failed to fully disclose the extent to which ScanHealth had paid for his expenses for these four trips. However, when confronted in a second sworn interview with documents that evidenced that ScanHealth had, in fact, paid for much of his expenses for these four trips, Clair agreed that the documents showed that ScanHealth paid for his expenses, but incredibly he continued to maintain that he had no independent recollection that ScanHealth paid his expenses for those trips. Clair ultimately made admissions about the speeches he made on ScanHealth’s behalf and the benefit to ScanHealth; he ultimately and reluctantly admitted to his expenses being paid by ScanHealth, but only after and because the documentation proved that fact.

Following his failure of memory on the issue, Clair subsequently offered a fallback explanation. In his April 5, 2005 interview, Clair told DOI investigators that it is his understanding that “a civilian employee is permitted to do certain consulting activities” and that as a civilian manager, he does not need FDNY approval to consult on his own time. Clair defined “consulting” as “providing my personal expertise and experience to an individual or entity that so seeks it” and, in exchange, is “typically for expenses.” He referred to his participation in the conference in Maui, Hawaii from January 29, 2004 to February 1, 2004 as an “independent civilian consultant.” Clair said that he took annual leave for these trips and did not request or obtain FDNY or COIB approval. Clair also did not notify anyone from FDNY, including his supervisors, that he was taking these trips, even though some of the expenses were

paid for by ScanHealth. During the period in which Clair appeared at these conferences and spoke on behalf of ScanHealth, ScanHealth already had implemented the pilot project and was in the process of bidding on the \$4.3 million FDNY electronic billing contract. At the time of Clair's October 2004 trip, ScanHealth had been awarded the \$4.3 million FDNY contract and was performing work on it.

Michelle Wiklund, ScanHealth's VP of Corporate Relations, told DOI investigators, that she had nothing to do with the ScanHealth contracts with FDNY, although she was aware that ScanHealth had contracts with FDNY. Wiklund had contact with Clair in connection with setting up the trips that were sponsored by ScanHealth.¹⁷ Wiklund said that generally she communicated with Clair by e-mail at his FDNY e-mail address, but occasionally spoke to him by telephone.

Trip 1 - Minnesota - July 22, 2003 to July 27, 2003

In July 2003, Clair visited ScanHealth's offices in Duluth, Minnesota and attended an American Ambulance Association (AAA) conference in Minneapolis, Minnesota.¹⁸ At ScanHealth's offices, Clair met with ScanHealth staff, toured the offices, and gave a presentation at the bi-weekly luncheon for ScanHealth staff. Pearson told DOI investigators that Clair was introduced as a representative of FDNY; Clair gave an overview of the FDNY 911 system. Clair also told investigators that he discussed with the ScanHealth staff the concept of the ScanHealth electronic billing project with FDNY.

Wiklund invited Clair to be present at ScanHealth's booth at the conference. At the booth, Clair answered questions from other ScanHealth clients and prospective clients regarding the FDNY's positive experiences with ScanHealth. The FDNY had no knowledge of this.

ScanHealth paid for Clair's lodging at three different Minnesota hotels between July 22, 2003 and July 27, 2003, as well as for a car rental and fuel. (See Exhibit 1). These expenses totaled \$984.91. After being shown one of the hotel bills for this trip, the bill for the Hyatt Regency Hotel in Minneapolis, Clair was asked if it helps his recollection of whether ScanHealth paid for his stay in Minnesota. Clair said "No, it doesn't specifically. But obviously, based on that hotel bill. I don't have that recollection, but the hotel bill certainly supports that." ScanHealth personnel informed DOI that they do not have any records indicating that they paid for Clair's airfare for this trip and, therefore, do not believe they paid for the airfare. Moreover, Clair's FDNY time sheet for the four week days when he was in Minnesota indicate that he

¹⁷ In a telephone conversation on May 6, 2005, Gary Hansen, attorney for ScanHealth, told DOI investigators that ScanHealth relied on Clair to get any necessary approvals. DOI investigators informed Hansen and Pearson at a meeting on November 9, 2005, that Clair had not obtained the necessary approvals. Pearson responded that he realizes that now and is instituting new procedures at ScanHealth so ScanHealth personnel can ensure that this situation does not arise in the future. ScanHealth has agreed to enter into a certification agreement with FDNY and to institute a company code of conduct and training for ScanHealth personnel relating to dealings with City employees.

¹⁸ The American Ambulance Association, according to its Internet website www.the-aaa.org, represents ambulance services nationwide and works to ensure excellence in the industry. People in the ambulance services field, like Clair, attend AAA conferences which are held in different places throughout the country. Many of ScanHealth's clients, such as FDNY, would attend such conferences.

worked two days and took two annual leave days. For one of the days that the time sheet indicates Clair worked, there is a notation in the "Remarks" section of the time sheet that says "AAA." (See Exhibit 2). FDNY has no record that this travel was approved.

Dinner - Las Vegas, Nevada - September 23, 2003

On September 23, 2003, Clair attended a ScanHealth "Partners in Progress Dinner" at Del Frisco's Double Eagle Steakhouse in Las Vegas. (See Exhibit 3). Clair was one of 12 guests who attended and the total cost of the dinner, which was paid for by ScanHealth, was \$2,200. According to Wiklund, who coordinated the dinner, the guest list was comprised of primary contacts from ScanHealth's customer base who she thought would be attending the National EMS Exposition, which was in Las Vegas at that time. FDNY records reveal that Clair was approved for "Official NYC Travel" for a trip to Las Vegas to attend the National EMS Exposition and Clair was on FDNY time for that week while he was attending the Exposition (See Exhibit 4); however, Clair did not receive FDNY approval to attend this dinner specifically.

Trip 2 - Maui, Hawaii - January 29, 2004 to February 1, 2004

From January 29, 2004 to February 1, 2004, Clair attended a conference called the "CEO Information Exchange" in Maui, Hawaii. He was invited to attend by Jay Fitch of Jay Fitch & Associates.¹⁹ The purpose of this conference was to hold meetings on various topics of interest to those in the EMS industry. Spouses and significant others were invited to attend, thus, Clair told investigators that he attended with his girlfriend. ScanHealth sponsored Clair to attend this conference and paid for his airfare, hotel, and registration expenses. Clair did not have FDNY and COIB approval to attend. ScanHealth's involvement with this conference was to have personnel attend and speak at the conference and to sponsor Clair's attendance at the conference.

Records given to DOI by ScanHealth show that Clair gave two presentations. In one presentation, Clair gave an FDNY organizational update in the two years post 9/11. In the second presentation, CEO Dale Pearson of ScanHealth gave a history of ScanHealth and Clair talked about FDNY's need for ScanHealth's software. (See Exhibit 5) Pearson told investigators that he told Clair, in advance, that ScanHealth would sponsor Clair and pay his expenses and that Clair said that would be okay. Clair, however, told investigators at his April 5, 2005 interview that his "participating in the meeting, as an independent civilian consultant acting at the invitation of Jay Fitch, at that time I saw nothing wrong with it. There was no relationship, going into it, with ScanHealth."

The DOI investigation revealed that Clair paid \$1,221.80 for airfare and Pearson reimbursed him in cash. ScanHealth then reimbursed Pearson for Clair's airfare. (See Exhibit 6) ScanHealth paid for Clair's lodging at the Maui Prince Hotel, Makena Resort, a total of \$719.24, (See Exhibit 7), and the registration for the CEO Information Exchange, which was \$395. The airfare, lodging, and registration expenses paid for by ScanHealth totaled \$2,592.00 for this trip. In addition, Pearson told investigators that he also paid for two or three dinners for Clair.

¹⁹ Jay Fitch & Associates is a medical transportation and EMS consulting firm. Clair told DOI investigators that he has known Jay Fitch for years, and, at some point, learned that there is an (unspecified) connection between ScanHealth and Jay Fitch & Associates. The investigation revealed that Jay Fitch & Associates conducted a number of industry conferences attended by ScanHealth personnel.

Trip 3 - Duluth, Minnesota - April 13, 2004

On April 13, 2004, Clair was the keynote speaker at a Northland Technology Consortium conference held in Duluth, Minnesota. Wiklund, who was also a member of the NTC Board, had suggested Clair's name to the NTC Board as the keynote speaker on the topic of technology in an ever-changing environment. In advance of the trip, Wiklund communicated with Clair the topic for Clair's speech and that his expenses would be paid. Wiklund told DOI investigators that she is not sure if Clair was told that NTC would pay for his expenses or that ScanHealth would. Clair confirmed that he was told by someone from NTC that the trip would be "all expenses paid." Before the date of the conference, Clair submitted to Wiklund and the NTC a rough outline of his speech and Wiklund subsequently told Clair that the outline was acceptable. His speech, which was attended by approximately 140 people, including 10 ScanHealth employees, was on the role of IT in emergency preparedness. Wiklund explained that Clair, in part of his speech, discussed the experiences of FDNY regarding the role of IT in emergency preparedness. Clair, however, in his April 5, 2005 interview, said that he did not speak specifically to FDNY activities; he spoke to broad-based things that were happening in the country. The flier advertising the NTC conference and Clair's speech includes a reproduction of the FDNY patch and says: "Take The Time To Do Lunch With Key Note Speaker: John Clair Assistant Commissioner of Medical Affairs New York Fire Department 'Emergency Preparedness: Does Technology Make a Difference?'" The speaker and Lunch cost \$35 and the flier indicated that it was "SOLD OUT!" (See Exhibit 8). When asked by DOI investigators at his April 5, 2005 interview whether he thinks when people look at this flier they see him as a representative of FDNY, Clair responded, "Yes, clearly. Without a doubt." When asked if he was there as a representative of the FDNY, Clair said, "No, not from my perspective. From their brochure's perspective and their advertising, it's entirely possible." Clair also said he assumes that he was introduced as an Assistant Commissioner for FDNY and reluctantly acknowledged that he was there representing FDNY and that attendees were there listening to him because he is from FDNY.

ScanHealth paid for Clair's lodging and ground transportation, \$131.76 and \$68.00 respectively, totaling \$199.76. (See Exhibit 9). Clair's FDNY time sheet for the week ending April 17, 2004 indicates that he took annual leave for the day of the conference but in the "Remarks" section of his time sheet, Clair wrote "Brother Illness - move him." (See Exhibit 10). At his interview on April 5, 2005, Clair admitted that he was not helping his brother move; his brother lives in Connecticut and Clair was in Minnesota. Clair admitted to DOI that he wrote "Brother Illness - move him" because his colleagues in the FDNY knew his brother was very ill and this was an easy way to disguise or hide from the FDNY that he was going to the NTC conference in Duluth. Clair admitted that he did not ask for FDNY approval because "I was going as myself, not as a representative of the Fire Department."

Trip - 4 - Atlanta, Georgia - October 19, 2004 to October 23, 2004

From October 19, 2004 to October 23, 2004, Clair attended an AAA meeting in Atlanta, Georgia. He was a member of the panel presentation, which was coordinated and moderated by Jay Fitch & Associates. Wiklund again made arrangements for the ScanHealth booth to include Clair, who spoke to potential ScanHealth clients about "IT in an emergency environment." Wiklund also informed DOI that ScanHealth told Clair in advance that they would pay for his expenses.

In his February 28, 2005 interview, Clair told investigators that he paid for this trip on his own. When asked by investigators who reimbursed him for this trip, Clair responded, "I did get

a reimbursement check for that one. And, unfortunately, I believe it came from ScanHealth.” He added that he received the check in the mail after the conference, and that it was only for a couple of hundred dollars. According to Clair, he had had no conversations with anyone from ScanHealth about the expenses for this trip being paid and he was “shocked” to receive the check. Clair told investigators that after he received the check he spoke to Hakamaki about it and Hakamaki told Clair that ScanHealth sponsored him to make the presentation because he is an industry expert.

A review of records provided by ScanHealth reveals that the airfare and lodging cost \$233.90 and \$896, respectively, and that ScanHealth reimbursed Clair by check for the total amount of \$1,129.90. (See Exhibit 11). At his interview on April 5, 2005, Clair admitted receiving the reimbursement check and depositing it. He stated, “I remember getting the check. I remember being surprised by getting the check and I deposited the check and it actually did cross my mind on more than one occasion that I had cashed it, to return it to ScanHealth. . . . And given the nature of where the contract, at this point, now had been awarded and they had been given the notice to proceed, which in fact, as far as I was concerned changed any relationship with consulting for ScanHealth.” Clair added, “We were post notice of award, if I recall correctly, and we were post notice to proceed on the contract, and not understanding FDNY contracting procedures and definitions, I did not think it was in the best order of business to accept that check.” Clair’s time sheet for the week ending October 23, 2004, when he was at the conference in Atlanta, shows he signed in as though he worked one day; took a floating holiday; an annual leave day; and a management authorized day. (See Exhibit 12).

Indeed, FDNY records include an e-mail dated September 2, 2004, in which Clair was informed by his supervisor that his approval to attend the AAA Conference in Atlanta was being denied. The e-mail explained that the approval was denied in part because there may not be funding available, in part because FDNY would be better served if Clair spent his time managing the ScanHealth electronic billing project which, when complete, will be a model for the country. (See Exhibit 13).

Additional Inappropriate Activity in New York - December 8-9, 2004

By December 2004, ScanHealth’s \$4.3 million contract with FDNY was in place and they had begun work. Clair’s role with respect to the contract at that time was to be part of the committee to evaluate ScanHealth’s performance. In December 2004, ScanHealth hosted a two-day EMS User Conference in New York. (See Exhibit 14). Wiklund told investigators that she planned the event and that the conference was attended by ScanHealth clients. Day 1 was conducted at the Riverview Restaurant in Long Island City. Clair was the only person from FDNY to attend. Clair told DOI investigators that he “considered that as absolutely part of work, developing.” However, Clair’s supervisor informed DOI investigators that he had heard that Clair had attended a meeting with ScanHealth outside of FDNY, but that when he asked Clair, via e-mail, if he had attended, Clair falsely responded “No, intentionally.” (See Exhibit 15).

Furthermore, Wiklund said she had asked Clair if they could hold part of the conference at FDNY Headquarters because many of ScanHealth’s customers were interested in FDNY’s “martyrdom” status after the terrorist attacks. Clair said yes. Thus, pursuant to that request from ScanHealth, Clair arranged for Day 2 of the conference (the conference he told his supervisor he was *not* attending) to take place right in FDNY Headquarters in Brooklyn. Clair was the only person from the FDNY to attend and he told investigators that he is not sure if anyone from FDNY, besides the clerical person who scheduled the conference room, was aware of this. (ScanHealth also benefited because it did not have to rent a facility for Day 2 of the conference.)

That night, ScanHealth also paid for Clair and the other attendees to go to the Broadway show, *Mama Mia*.

Consultant Contract for Referrals and Assistance

Sometime in 2003, Pearson and Hakamaki approached Clair about working for them as a consultant. According to Clair, they first discussed it in the summer of 2003 when he was in Minnesota and they gave him a draft consulting contract which provides that the consultant “intends to provide referrals and assistance with negotiations to Prospects.” Clair told investigators that he ultimately declined because it made him uncomfortable and he did not want to jeopardize himself, ScanHealth, or the contract with the FDNY that ScanHealth had bid on and which the City was in the process of awarding to ScanHealth. Clair said that at the time they had this conversation, the pilot project was complete and the FDNY’s solicitation for the large contract had gone out. He added that after he said no, the matter was dropped.

ScanHealth’s attorney, Gary Hansen, wrote in a letter to DOI dated February 28, 2005 that the “possibility of Mr. Clair serving as a consultant for ScanHealth originated with ScanHealth. ScanHealth has such relationships with some of its customers and has a standard agreement from which it works. When ScanHealth raised the subject [in late 2003], Mr. Clair indicated he might be interested.” Hansen further explained that Clair was pretty sure he could consult outside the FDNY 911 area, but was not sure whether he could consult within the FDNY 911 area. “Mr. Clair said he would have to check within FDNY before entering into any such agreement. He [Clair] also said that his [Clair’s] primary focus was implementing ScanHealth’s HealthEMS software city-wide for FDNY, so he would not pursue entering into any agreement until implementation at FDNY was completed.” Although the draft consulting agreement given to Clair by ScanHealth says “2002,” Hansen wrote in a letter to DOI dated March 2, 2005, that ScanHealth believes that the first conversation about Clair working as a consultant for ScanHealth occurred in the fourth quarter of 2003. By the fourth quarter of 2003, ScanHealth had received the notice of award from FDNY for the \$4.3 million contract and they were waiting for funding and contract approval from the Office of Management and Budget and the Comptroller’s Office, respectively. Clair never entered into the consultant contract with ScanHealth.

COIB FINANCIAL DISCLOSURE FORMS

Finally, the DOI investigation revealed that on his 2002 and 2003 COIB Financial Disclosure Forms, Clair failed to disclose the trips, meals, and other expenses paid for by ScanHealth as either a reimbursement of expenses (Question 8) or a gift (Question 9). (See Exhibit 16). At his interview on February 28, 2005, Clair was shown copies of his 2002 and 2003 COIB Financial Disclosure Forms. With respect to Question 8 on each form concerning reimbursement of expenses, Clair said that he checked “none” because these were not activities related to his official duties with the City. With respect to Question 9 on each form, Clair said that he did not view the reimbursements and payments he received from ScanHealth for expenses related to any of the trips as a gift.²⁰

SCANHEALTH’S REMEDIAL ACTIONS

As a result of the substantiated inappropriate dealings between Clair and ScanHealth, and because ScanHealth is a City vendor, DOI requested a meeting with ScanHealth officials to

²⁰ Clair checked “none” in response to Questions 8 and 9 on his 1999, 2000, and 2001 COIB forms as well.

discuss with them, *inter alia*, the City's Conflict of Interest Rules and the various proscriptions they impose on City employees. On November 9, 2005, DOI investigators met with ScanHealth CEO Dale Pearson and ScanHealth's attorney, Gary Hansen, to advise them of the results of the investigation and inform ScanHealth that it will be required to take remedial actions. Investigators informed ScanHealth of the City's COIB and Procurement and Policy Board rules (particularly the Ethics Section) relating to dealings with City employees and advised them to read these rules. ScanHealth agreed to enter into a Certification Agreement with FDNY and to institute a company Code of Conduct and training for ScanHealth personnel relating to dealings with City employees. ScanHealth represented that it has started instituting corrective measures and will continue to do so. In addition, ScanHealth will be required to file new VENDEX forms to include disclosure of the investigation.

CONCLUSION

DOI's investigation revealed that Clair took four trips between July 2003 and October 2004 that were paid for, in whole or in part, by ScanHealth. During these trips, Clair, representing FDNY without prior approval from either FDNY or COIB, either gave speeches on ScanHealth's behalf or provided information to other ScanHealth clients about FDNY's experiences with ScanHealth. With respect to the July 22, 2003 to July 27, 2003 trip to Minnesota, Clair indicated on his FDNY time sheet that he was working on two of the four weekdays. With respect to the April 2004 trip to Duluth, Minnesota, at which Clair was the keynote speaker at the NTC conference, Clair falsely reported on his time sheets that he was assisting his sick brother in order to hide from the FDNY the fact that he was going to this conference. In addition to the trips, Clair attended a dinner in Las Vegas in September 2003 and a Broadway show in New York in December 2004, also paid for by ScanHealth. The total cost of expenses paid by ScanHealth is approximately \$5,000. ScanHealth paid these expenses while waiting for approval for a \$4.3 million FDNY contract and, subsequently, while providing services under that contract. Clair was involved in both the evaluation process that resulted in FDNY awarding the contract to ScanHealth and in the continuing administration of ScanHealth's FDNY contract.

The factual findings of this investigation, relating to both FDNY Assistant Commissioner John Clair and FDNY contractor ScanHealth, should serve both as a warning and as guidance to other City employees in similar situations, and make City vendors aware of the NYC COIB and PPB Rules and the consequences of violations thereof.

APPENDIX: List of Interviews Conducted by DOI

FDNY Assistant Commissioner John Clair
FDNY ACCO Robert Scott
FDNY Deputy ACCO Barry Greenspan
FDNY Michael Vecchi
ScanHealth CEO Dale Pearson
ScanHealth VP Tim Hakamaki
ScanHealth VP Michelle Wiklund

Exhibits

- 1. Hotel Invoices, Rental Car Invoice, and Fuel Receipt for July 22, 2003 to July 27, 2003 Trip to Minnesota**
- 2. John Clair's Time Sheet for the Week Ending July 26, 2003**
- 3. Document from ScanHealth Regarding 2003 Partners in Progress Dinner**
- 4. John Clair's Time Sheet for the Week Ending September 27, 2003**
- 5. Documents from ScanHealth Regarding the Jay Fitch & Associates CEO Information Exchange in Maui, Hawaii**
- 6. ScanHealth Expense Report for Dale Pearson in the Amount of \$1,221.80**
- 7. Maui Prince Hotel Invoice for \$719.24**
- 8. Flier for April 13, 2004 Northland Technology Consortium in Duluth, Minnesota**
- 9. Hotel Invoice, ScanHealth Expense Report for Michelle Wiklund in the Amount of \$68.00, Check from Wiklund to Clair for \$68.00 for trip to Duluth, Minnesota, April 2004**
- 10. John Clair's Time Sheet for the Week Ending April 17, 2004**
- 11. Hotel Invoices, ScanHealth Expense Reports, and Check from ScanHealth to Clair in the Amount of \$1,129.90 for the Trip to Atlanta in October 2004**
- 12. John Clair's FDNY Time Sheet for the Week Ending October 23, 2004**
- 13. E-mails between John Clair and Michael Vecchi Regarding the Trip to Atlanta in October 2004**
- 14. Document from ScanHealth Regarding the User Conference in New York in December 2004**
- 15. E-mail between John Clair and Michael Vecchi Regarding ScanHealth, December 2004**
- 16. Pertinent Pages of John Clair's COIB Financial Disclosure Reports for 2002 and 2003**

Exhibit 1



Attachment 7A

Owned and operated by the
Fond du Lac Band of Lake Superior Chippewa

For Reservations Call Toll Free:
800 • 553 • 0022

1789 HIGHWAY 210
CARLTON, MN 55718

Folio

NAME: GLAIE/HAKAMAKI, JOHN/CLIMETRY		ARRIVAL TIME: 7/22/03 12:12:26	
ACCOUNT NO: 825288		DEPARTURE TIME: 7/23/03 8:05:09	
ROOM NO: 134		LEDGER: DI	
5740 HWY B+D		NO. OF GUESTS: 1	
WRIGHT, MN 55708		GENTOP	

NO.	DATE	DESCRIPTION	AMOUNT
1	7/22	ROOM	72.00
2	7/22	TAX	4.68
3	7/23	PAYMENT	1476.67
GUEST BALANCE			0.00

THANK YOU

GUEST SIGNATURE: _____

I agree that my liability of this bill is not waived and agree to be held personally liable in the event that the indicated person, company or organization fails to pay for any or the full amount of these charges.

RI

*** GUEST INVOICE ***

FITGER'S INN
600 EAST SUPERIOR STREET
DULUTH, MN 55802
218-722-8826 OR 888-FITGERS

DATE PRINTED: 07/24/03
PRINTED BY: JOHN

INVOICE NUMBER: 184783-A
ARRIVAL DATE: 07/23/03
DEPARTURE DATE: 07/24/03

BILL TO: KEVIN NOREEN
SCAN HEALTH
11 EAST SUPERIOR STREET
SUITE #310
DULUTH, MN 55802

GUEST: JOHN CLAIRE
SCAN HEALTH

DATE	ROOM	DEPARTMENT	CHARGES	CREDITS
07/23/03	212	ROOM RENT AUTO AUDIT(SUMR CORP	99.00	
07/23/03	212	TAX -	12.87	
Total:			111.87	0.00
			BALANCE DUE:	111.87

GUEST SIGNATURE: _____

(R2)



Hyatt Regency Minneapolis
 1300 Nicollet Mall
 Minneapolis, MN 55403 USA
 612.370.1234
 Fax 612.370.1463

ATTN: STACEY

Guest Account

Room	Rate	Arrive	Depart	Folio No.	Account	Affiliation	FF	ID	Page
1819	139.00	07/24/03	07/27/03	148458	2 CCARD	2-7AAA	11	SRF	1
CLAIR		JOHN				02:55		SRF	1/0
11 E SUPERIOR ST				** DEPARTED **					
STE 310									
DULUTH		MN 55802							

RES NO: HH-279763-1 SPIRIT: 30567692 -01 6011007080642134 12/05

Date	Code	Reference	ID	Description	Charges	Credits	Balance
0625	991	3	SRF	PREPAYMENT		-471.21	-471.21
0724	511	4-428	SRF	*VALET PARKING	55.50		-415.71
0724	112	Rm 1819	BDK	GROUP ROOM	139.00		-276.71
0724	811	Rm 1819	BDK	*ROOM TAX	18.07		-258.64
0725	112	Rm 1819	SRF	GROUP ROOM	139.00		-119.64
0725	811	Rm 1819	SRF	*ROOM TAX	18.07		-101.57
0726	112	Rm 1819	SRF	GROUP ROOM	139.00		37.43
0726	811	Rm 1819	SRF	*ROOM TAX	18.07		55.50
0727	934	Ex12/05	SRF	6011007080642134		-55.50	.00
				TOTAL			.00
DISCOVER CARD			601101631030523				
No frequent traveler account has been credited for this stay. To enroll in Gold Passport, call 1-800-54-HYATT.							

Signature _____

I agree that my liability for this bill is not waived and I agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges.

R3

IN 05:55AM 7/27/03
OUT 06:09PM 7/22/03

24-HOUR DAY

ENTERPRISE LEASING COMPANY
4650 GLDMACK DR 612-727-3313
SAINT PAUL MN 55111-3026 1903
RENTAL TYPE R SOURCE APNET - 999

RENTAL AGREEMENT
D420374
PAGE 1 OF 1

UNIT 1
UNIT # GR3009
LIC# HRW827
MODEL SEBR
COLOR STL BLU
IN 43968
OUT 43574

RENTER
JOHN CLAIR
214 LINCOLN PL APT 1
BROOKLYN NY 11217-
LOCAL:
(H) 718-636-5907
(O) 917-939-1715

SUMMARY OF CHARGES
DAY = 24 HOUR PERIOD
MILES
NO CHARGE

5 DAYS @ 37.39 186.95

DR. LICENSE 505854396
STATE NY EXPIRE 11/21/09
DOB 11/21/42 HT WT
EYES HAIR
S.B.#
EMPLOYER
NY CITY PD

BILL TO N CUST #

RNTLFACC 12.60

MNRL/FEE 18.83

ADDITIONAL DRIVER
NO OTHER DRIVER PERMITTED

SALES TAX 6.50 13.31

CONC FEE 17.76

CLAIM INFO
POL/CLAIM/PO#

PERMISSION TO LEAVE STATE
YES NO X

TOTAL CHARGES 249.45

INSURED

CUSTOMER SIGNATURE ON FILE

DEPOSITS 249.45
REFUND

LOSS DATE
THEFT ACCIDENT

PAYMENT INFORMATION
AMOUNT PD.BY TYPE DATE AUTH
249.45 DISC SALE 7/27/03 023053

TYPE CAR
SCAR-7/27-

SHOP RETURNS**
PHONE 612-727-3313
NAME

CLOSED TICKET PAYMENT INFO

OPENED BY #2762V DANIEL F OPITZ
CLOSED BY #8867V LAURA C STROM

(25)

7/26/03 12:56:04 PM

Holiday 002

CREDIT CARD SALE

Holiday
Store#: 0002 Terminal#: 0002
2124 E. Franklin Ave Minneapolis MN
DC XXXXXXXXXXXX2134 1205

Register: 1 Tran Seq No: 950099
Store No: 002 Lee

Fuel Sale
Pump # 8 UNLEADED
12.669 Gallons @ \$1.579/Gal 20.00

Sub. Total: 20.00
Tax: 0.00
Total: 20.00
Discount Total: 0.00

Discover: 20.00
Change 0.00

I AGREE TO PAY THE ABOVE TOTAL AMOUNT
ACCORDING TO THE CARDHOLDER AGREEMENT

X _____
SIGNATURE
INV#: 125018033 APPROVAL: 026573

Thank You

Please Come Again Soon

24

Exhibit 2

**DEPARTMENT CITY OF NEW YORK
MANAGERIAL TIME RECORD**

NAME John J. Clair

TITLE Assistant Commissioner BUREAU Office of Medical Affairs

WEEK ENDING 7/26/03

	ARRIVE	DEPART	ACTUAL HOURS WORKED	LEAVE USAGE			REMARKS
				VACATION/ ANNUAL	SICK	OTHER	
SUNDAY	—	—					
MONDAY	8 ⁰⁰	6 ³⁰					
TUESDAY	8 ⁰⁰	4 ⁰⁰					
WEDNESDAY				7.5			
THURSDAY				7.5			
FRIDAY	8 ³⁰	5 ⁰⁰					ANA
SATURDAY	—	—					
TOTALS							

I certify that the time shown above correctly represents my attendance for the indicated week

EMPLOYEE'S SIGNATURE 

SUPERVISOR'S SIGNATURE 

DATE 7/28/03

DATE 7/30/03

Exhibit 3

2003 Partners in Progress Dinner

ScanHealth, Inc. "ScanHealth" is an information technology company that provides remote data collection, web-enabled centralized data management, and claims generation/reimbursement services to the healthcare industry. ScanHealth has been designing, developing, marketing, installing, and supporting information technology solutions to meet the unique and complex environments of the healthcare industry since 1997, and is recognized as the foremost expert in providing comprehensive data collection, management, storage and retrieval software and hardware products, complemented by seamless implementation and proven excellence in training and customer support.

ScanHealth's philosophy is to combine clinical expertise and leading edge technology to develop user-friendly systems that provide healthcare organizations comprehensive tools to proactively manage their information. ScanHealth puts "front-line" point-of-occurrence technology in the background, allowing its customers to focus on what they do best – take care of patients. ScanHealth's goal is to decrease documentation and data collection time, while increasing the flow of useful information, enabling high-quality patient care. ScanHealth provides complete solutions for complex environments.

ScanHealth's efforts to date have been focused on two industries – Home Care and Emergency Medical Services (EMS). Using its expertise in developing a data management solution for the Home Care industry, ScanHealth developed a solution for the EMS industry, HealthEMS™. The HealthEMS™ application offers a combination of pen and paper (scanning) or electronic media (tablet) data collection and the power of browser-based computing to provide a comprehensive data collection, billing and reporting system. ScanHealth supports customers in 40+ states.

ScanHealth's solutions improve healthcare operations, enhancing performance in the critical areas of clinical quality, revenue cycle management, cost control and regulatory compliance. ScanHealth is the market leader in developing data collection and reporting systems requiring:

- Point-of-care data collection
- Centralized quality and data management
- Claims generation and reimbursement functionality

From its first installation in 1997, ScanHealth's solutions have proven to save time and money, enhance regulatory compliance and allow the care providers to do what they do best – take care of patients in their time of need. ScanHealth believes its HealthEMS™ Records Management/Patient Care Reporting (PCR) provides the "right" technology for

the complex EMS environment, providing a system that saves our clients time and money, enhance regulatory compliance, and keep the focus on patient care.

ScanHealth is uniquely positioned to provide an electronic PCR system for the EMS industry for many reasons:

- **Project Management** – ScanHealth's management team comprises 60+ years experience in developing electronic solutions for the healthcare industry; this collective experience allows ScanHealth to mobilize its project teams quickly to respond at an accelerated pace to meet the needs of its customers in developing fully integrated, enterprise-wide electronic solutions
- **Market Leader Recognition** – ScanHealth's proprietary RD3+P technology has proven to be the "right" technology for the unique needs and complexities of the Home Care and EMS environments; ScanHealth's electronic solutions are the only fully-integrated, comprehensive data collection and reporting systems available on the market today, using remote data collection technology combined with the power of browser-based applications
- **Single-Source Solution Strategy** – ScanHealth's information technology solutions provide all components necessary for the customer to properly implement and effectively use a comprehensive solution: deploying the application software and required hardware, peripherals, forms and supplies used with the fully-integrated system as well as customized training
- **Enterprise-Wide, Fully-Integrated Solutions** – ScanHealth developed its software products internally with the expertise of people employed in the Home Care and EMS industries; best practices are incorporated into the applications and their deployment; ScanHealth's experience proves that using a fully integrated system across primary functional areas ensures compatibility and avoids pitfalls associated with interfacing disparate systems
- **Proven Track Record** – ScanHealth enjoys a nationwide, satisfied customer base, successfully supporting healthcare customers in 40+ states; a key factor in ScanHealth's success has been its focus on customer service and support, confirmed by customer testimonials identifying ScanHealth's Professional Services Group (application support team) among the best in the industry
- **HealthEMS™ Implementation Success** – ScanHealth has proven to customers across the country its capability to develop an electronic prehospital data collection and reporting system; ScanHealth's Project Team not only meets but exceeds objectives set forth for installation, training, and implementation success

I would like to introduce our customers and guests this evening:

Darel Radde – EMS Director, Ridgeview Medical Center EMS – Waconia, MN. Darel is one of our oldest and most loyal customers. Darel was interviewed by John Becknell for his EMS Best Practices Column, and was featured in the July 2002 issue of EMS magazine. With his working knowledge of the system, we have invited Darel to work with this year as a "Booth Buddy" in the exhibit hall.

John Clair – Assistant Commissioner of Medical Affairs for FDNY. John was instrumental in initiating a pilot project for development of an electronic pre-hospital care reporting system for the FDNY EMS department. Our system was in use at the time of the terrorists attack on 9/11, and proved to be an extremely competent system in the most complex environment imaginable. As a result of the pilot's success, ScanHealth received notice of award for a multi-year contract in July of this year.

William and Virginia Castagno – William is an EMS supervisor with the University Hospital System associated with the University of New Jersey in Newark. The EMS department is considering a change, looking to revamp its pre-hospital data collection and reporting system. They have been provided a demonstration of HealthEMS™, and are taking a close look at the system.

Mike Williams and Maeretha Smith – Mike Williams has been the acting Director of EMS for Grady Memorial Hospital located in Atlanta. Maeretha is Administrative Assistant to Mike. Grady EMS began looking at HealthEMS™ a couple of years ago, and made the decision to move forward earlier this summer. ScanHealth is currently in the setup stage with Grady, and members of the Grady team will be in Duluth for training the first week of October.

Gerald Zapolnik – is Vice President for Support Operations for Huron Valley Ambulance, located in Ann Arbor, MI. We first met Gerald at the AAA Summer Reimbursement Conference in Minneapolis at the end of June. Gerald is interested in our system, and we will be performing a product demonstration for Gerald and key members of his EMS team following this meeting.

Stewart Slipec and Gary Kitzmiller – are management team members with Medstar Ambulance out of St. Clemens, MI. Stewart is CEO, and Gary is their Systems Status Manager. Medstar is a medical transportation company, offering such services as critical care transport, medical transport to physician and hospital appointments, wheelchair transport, medical coach transport for groups, and are highly involved in community service efforts. They are being introduced to the HealthEMS™ team by Gerald Zapolnik.

Joseph "Jay" Fitch and Rick Keller – are principals with Fitch & Associates, the leading medical transportation and emergency medical service (EMS) consulting firm. Since 1984, Jay and Rick have consulted with more than 500 clients from a diverse array of sectors including countries, states/provinces, counties, municipalities, hospitals, fire departments, and private and volunteer ambulance services. Fitch & Associates recently addressed HealthEMS™ in article titled, "Innovations: Positively Shaping the Future of EMS" in the Summer 2003 edition of Ambulance Industry Journal.

Gary Gange - Gary is the chief executive officer of Missabe Holdings, LLC, a Duluth, Minnesota, venture capital firm. He was instrumental in putting together the initial venture capital package between Missabe Holdings, LLC, and ScanHealth in April of 1998. He is an active member of our Board of Directors, and a rock-solid supporter of ScanHealth. Prior to joining Missabe, Gary was president and chief executive officer of Scanning Concepts, Inc., a regional software company specializing in large-scale data acquisition primarily in the medical field. Additionally, Gary provides organizational and

employee consulting for many Northeast Minnesota companies through his firm, Gange and Associates.

Tim Hakamaki - Vice President of EMS - ScanHealth, has a work history which includes ten plus years' experience as an EMT and rescue worker. A registered nurse by background, Tim spearheaded development of ScanHealth's emergency medical services data collection and reporting system, HealthEMS™, from idea inception to a highly functional, stream-lined, browser-based solution for the EMS industry. Tim is extremely proficient in design, installation and support of document scanning applications. Tim is responsible for the day to day management of product development, marketing, training, implementation and support of the EMS product line. He often becomes the EMS manager's "new best friend" – taking responsibility for smooth installation and implementation of the HealthEMS™ application.

Dale Pearson - CEO for ScanHealth - Dale graduated from the University of Minnesota with a Bachelor of Engineering Degree in 1984 and a Masters in Business Administration in 1985. Prior to his role at ScanHealth, Dale had responsibility for "fast-tracking" super construction projects. Dale co-founded ScanHealth in June of 1997. Dale brings project management skills and management oversight to ScanHealth's Senior Management team. He has provided the primary leadership in the product development of HomeSolutions™ and HealthEMS™, along with key marketing vision. ScanHealth now supports over 1000 users in 40+ states. Dale's key activities today are associated with growth and expansion of ScanHealth. He does this by maintaining focus on bottom-line results, meeting project work plan schedules, and assuring deliverables to ScanHealth's customers.

We welcome you to our Partners in Progress dinner, and hope that you will enjoy the evening. I would like to introduce David Bianco, our head waiter for the evening. David will explain our dinner menu. Thank you, and enjoy.

Michelle Wiklund - VP of Marketing and Corporate Relations

Michelle graduated with a Bachelor of Science degree in Health Information Management, and corporate experience includes twelve years with Blue Cross and Blue Shield of Minnesota and five years Director of Quality Research for an international rehabilitation firm. She was president of her own consulting firm, Physician's Ambulatory Resources, which led the design and implementation of a prototype quality improvement program for medical clinics. Michelle was the first recipient ever of the 1992 Merck, Sharp and Dohme Award for Advances in Quality from the American College of Physician Executives. She accepted a position as Vice President of Marketing with ScanHealth in February of 1998. Michelle is responsible for ScanHealth's marketing and public relations strategy, management of media relations and overall coordination of activities designed to promote the image of ScanHealth. Additionally, she provides corporate support in the sales and marketing of both the Home Care and EMS products.

Exhibit 4

**FIRE DEPARTMENT CITY OF NEW YORK
MANAGERIAL TIME RECORD**

COPY

NAME John J. Clair

TITLE Assistant Commissioner

BUREAU Office of Medical Affairs

WEEK ENDING 9/27/03

	ARRIVE	DEPART	ACTUAL HOURS WORKED	LEAVE USAGE			REMARKS
				VACATION/ ANNUAL	SICK	OTHER	
SUNDAY	—	—					
MONDAY	8:50	5:57			1/2	ADAF	
TUESDAY	8:30	6:30			1/2	ADAF	
WEDNESDAY	8:50	5:30			1/2	ADAF	
THURSDAY	8:00	5:00			1/2	ADAF	
FRIDAY	9:00	6:00			1/2	ADAF	
SATURDAY							
TOTALS							

I certify that the time shown above correctly represents my attendance for the indicated week

EMPLOYEE'S SIGNATURE

[Handwritten Signature]

SUPERVISOR'S SIGNATURE

[Handwritten Signature]

DATE

9/29/03

DATE

9/30/03

Exhibit 5

ScanHealth, Inc.
FDNY Subpoena – John Clair
Attachment 10 - Fitch & Associates CEO Information Exchange Notes of Meeting

Date: 2/2/04
Date of Meeting: 1/30/04 – 2/1/04
Written By: Dale Pearson
Client: N/A
Location of Meeting: Maui Prince Hotel, Maui, Hawaii
Purpose of Meeting: Fitch & Associates CEO Information Exchange

Attended By:

Clair, John	Asst Comm Medical Affairs, FDNY, New York, NY
Dalby, Steve	Fire Chief, Muscantine Fire Department, Muscantine, IA
Fitch, Jay	CEO, Fitch & Associates, Kansas City, MO
Fowler, Rusty	EMS Director?, Kalb County Hospital Assoc., Fort Payne, AL
Keller, Rick	Partner, Fitch & Associates, Kansas City, MO
Nagorka, Frank	Attorney (Paramedic), Mora Buagh Waitzman & Unger, Chicago, IL
Pearson, Dale	CEO, ScanHealth, Duluth, MN
Rand, Andrew	Executive Director, Advanced Medical Transport, Peoria, IL
Slipeć, Stuart	Executive Director, Med Star, Detroit, MI
Smith, Matt	Billing Manager, Medserv, Kansas City, MO
Williams, Robin Dr.	Medical Director, Ontario Public Health Department, Ontario, Canada
Zalar, Chris	Partner, Fitch & Associates, Kansas City, MO

Distribution:

Barhtel, David
Hakamaki, Tim
Noreen, Kevin
Wiklund, Michelle

- 1.0 **Dr Robin Williams: The SARS Experience & What Can Be Learned**
 - 1.1 SARS experience lasted about 14 weeks in Toronto
 - 1.1.1 Last case was June, 2003
 - 1.1.2 Went off quarantine July 13, 2003
 - 1.2 438 cases, 44 deaths, no children, but some healthy health workers
 - 1.3 The epidemiology can trace all but one case to a woman who traveled to China, passed it on to her son, and then died at home. The son went to the ER when he got sick, but proper screening was not in place and he sat in the ER for over 20 hours.
 - 1.3.1 The infectious period is 10 days, with Day 3-5 the most infectious stage
 - 1.3.2 They determined that SARS is not airborne, but is droplet spread and only a small amount is required to pass this Febrile Respiratory Illness.
 - 1.4 This situation created whole new standards for handling Febrile Respiratory illnesses
 - 1.4.1 The epidemiology was difficult to track in the middle of the situation
 - 1.4.2 They closed hospitals to separate the infected from the rest of the community
 - 1.4.2.1 They discharged whoever could be discharged and closed volunteer services etc.....
 - 1.4.3 All secondary cases were healthcare workers or close residents

- 1.4.3.1 Dr. Williams believes that there will be an increase in caregivers refusing to provide care
- 1.4.4 Ontario's Public Department received over 47,000 calls, which they are not sized or equipped to manage
- 1.4.5 Improved infectious control started at the very basics – see Febrile Respiratory Illness screen
 - 1.4.5.1 John Clair: tough to differentiate SARS from other respiratory illnesses at 911 triage.
 - 1.4.5.2 EMS needs to follow the protocol as well. It is nothing new, rather a refinement of what is already known.
- 1.4.6 Caused them to review patient visitation ethics
 - 1.4.6.1 Some patients died in isolation
- 1.5 The publicity added difficulty to managing the outbreak
 - 1.5.1 Intense media briefings – they learned how to do web casts from the CDC
 - 1.5.2 ~~It had a major impact on tourism~~

2.0 Stuart Slipiec: Options in Approaching New Market Opportunities

- 2.1 Med Star covers the suburbs of Detroit where most people have insurance
 - 2.1.1 It is owned by two local hospitals
 - 2.1.2 43,000 transports (apprx. 1/3 emergencies)
 - 2.1.2.1 They are a 501(c3) with 4% - 85 excess cash
 - 2.1.3 Stuart believes to plan your work and work your plan without emotion
- 2.2 Stuart is a partner with six (6) others Mobil Health Resources which provides managed-care organizations capitated transport contracts
- 2.3 He started Alliance Ambulance Service with Med Star and two other MI providers to provide service to Oakland County, which was not being served well by AMR. AMR is barely a player in the market after their bankruptcy.
 - 2.3.1 They specifically did not want to serve the Detroit city limits
 - 2.3.2 They now do 1,200 – 1,400 calls per month
 - 2.3.3 Have put in \$2.5M in capital
 - 2.3.4 They are 501(c3)
 - 2.3.5 Stuart puts \$100K to the bottom line

3.0 John Clair: FDNY Organizational Update – 2 years post 9/11

- 3.1 John gave update on FDNY

4.0 Andrew Rand: Reaching Into the Community to Improve Service Connections and Support

- 4.1 Andrew is Executive Director of Advanced Medical Transport which has \$14M in Gross Revenue and is a 501(c3) so takes the \$1M surplus to provide community services
 - 4.1.1 They use \$4 per unit hour to provide tremendous community support.
- 4.2 Found out at dinner with Andrew that he is ROAM-IT's first customer
 - 4.2.1 He worked with David White at AMR in San Diego
 - 4.2.2 Said they are getting the final pieces of the software soon and they said that you can only take a friendship so far
 - 4.2.3 Andrew loves the narrative tool-builder
 - 4.2.4 He said that ROAM-IT just signed up Las Vegas Fire
 - 4.2.5 Andrew is very cost-focused, but has an extra \$1M each year to spend

5.0 Steve Dalby: Cross-sector Collaboration & How to Avoid Zero-sum Games

- 5.1 Steve became chief in 1991
- 5.2 Steve was able to bring the ambulance service into the Muscantine Fire Department 3.5 years ago

- 5.2.1 He talked about working with other groups to provide good public services
- 5.2.2 They originally projected that the ambulance service would cost the community \$250K per year, but they actually added \$750K to the bottom line last year.
 - 5.2.2.1 Steve has no control of surpluses. They go back to the public coffers.

6.0 Dale Pearson and John Clair: Case Study on Technology (E-PCR's -- Are They Really Electronic?)

- 6.1 Dale gave history of ScanHealth and belief of keeping technology in the background so that clinicians can focus on patient care
- 6.2 John talked about FDNY's need for HealthEMS™
- 6.3 Dale's presentation could have helped the group see past the scanning if he showed screen shots of digitized form and PCR image

7.0 Jay Fitch and Rick Keller: Why Systems Succeed and Fail

- 7.1 Indicators of success (EMS is really measuring processes, not outcomes, and cannot point to specific clinical differences provided)
 - 7.1.1 Clinical
 - 7.1.1.1 Survival rate
 - 7.1.1.2 IV success
 - 7.1.1.3 Skill competency
 - 7.1.1.4 Effectiveness of protocols
 - 7.1.1.5 Compliance to protocols
 - 7.1.2 Operational benchmarks
 - 7.1.2.1 Response time (Not always directly tied to outcome, but definitely the most important measure from the public perspective)
 - 7.1.2.2 Utilization
 - 7.1.2.3 Unit costs
 - 7.1.2.4 Staff turn-over
 - 7.1.3 Financial
 - 7.1.3.1 A/R days
 - 7.1.3.2 Expense per transaction
 - 7.1.3.2.1 Types of transactions
 - 7.1.3.3 Straight time equivalent hours
 - 7.1.3.4 Direct hours vs. indirect hours
 - 7.1.3.5 Percentage of extraordinary overtime
 - 7.1.3.6 Cost/benefit ratio of treatment / medications / supplies
 - 7.1.3.7 Revenue per transport vs. cost per transport (earnings per transport)
 - 7.1.4 Administrative
 - 7.1.4.1 Response time to employee requirements
 - 7.1.4.2 Percentage of overhead
 - 7.1.4.3 Service inquiries per staff hour
 - 7.1.4.4 Training time scheduled vs. achieved
 - 7.1.4.5 Compliments per staff hour
 - 7.1.4.6 Grievances and levels of resolution
- 7.2 Where do successes occur?
 - 7.2.1 People
 - 7.2.2 Processes
 - 7.2.3 Systems
- 7.3 Ingredients
 - 7.3.1 Praise

- 7.3.2. Trust and respect
- 7.3.3 Shared passion for meaningful work
- 7.3.4 Defined mission
- 7.3.5 Alignment of expectations
- 7.3.6 Leadership
- 7.3.7 Ownership and accountability
- 7.3.8 Note from Dale – no one mentioned "information management" systems
- 7.4 Examples of successes and failures
 - 7.4.1 Pittsburgh
 - 7.4.2 Richmond
 - 7.4.3 Kansas City
 - 7.4.3.1 Rick went into a long explanation of this failure – essentially poor leadership caused the community to lose faith in the system, even though the clinical care was good.
 - 7.4.3.2 Public utility model put in place in 1981
 - ~~7.4.3.3 Lost the trust of the policy-makers~~
 - 7.4.3.4 Went from needing \$4M subsidy to needing \$10M
- 7.5 What causes a system to transition from one system to another?
 - 7.5.1 Medical community
 - 7.5.2 Motivation for improvement, whether real or perceived
 - 7.5.3 Significant negative events
 - 7.5.3.1 Dr. Williams shared story of a Niagara 42 year old man who died from a bee sting after the wrong ambulance was dispatched
 - 7.5.4 Loss of confidence in the system
 - 7.5.5 Politically precipitated changes
 - 7.5.6 Turf battle eruptions
 - 7.5.7 Organizational failures, bankruptcy etc....
 - 7.5.8 Rarely, for clinical reasons or lack of clinical conformance
- 7.6 Jay's leadership keys:
 - 7.6.1 Manage yourself
 - 7.6.2 Manage organization
 - 7.6.3 Manage context
 - 7.6.4 Manage relationships
 - 7.6.5 Manage change
- 8.0 Rusty Fowler: Opportunities for Linking QI & Performance Appraisals
 - 8.1 Tie patient care and customer service – six ideas:
 - 8.1.1 Patient care accountability
 - 8.1.2 Customer service
 - 8.1.3 Job knowledge
 - 8.1.3.1 Continuing education classes
 - 8.1.4 Communications
 - 8.1.5 Fleet reliability
 - 8.1.6 Equipment care
- 9.0 Frank Nagorka: Key Legal Struggles / Mistakes Healthcare Executives Make
 - 9.1 Insurance
 - 9.1.1 Do not rely solely on your broker when dealing with insurance. Be sure to get the BEST rating on any insurance.
- 10.0 Chris Zalar: "Overcrowding & Diversion" Systemic Retention Impacts
 - 10.1 Diversion impedes what EMS is trying to accomplish
 - 10.1.1 John - FDNY controls, but refer to it as, "a temporary change in ambulance destination policy"
 - 10.1.2 In 32 states a diversion is considered a "closure"
 - 10.2 It is a public health issue, because patients are being put at risk

- 10.2.1 State of MA did a study that showed an adverse effect in 38% of the patients that were diverted
 - 10.2.2 The issue is patient throughput. Hospitals already usually have patients lined up to get into the ER, so patients delivered from ambulances only add to the load
 - 10.2.2.1 60% of ambulance patients get admitted to the hospital
 - 10.3 John/Stuart -- when the ER is full, the paramedics/EMT's are required to stay with the patients
 - 10.3.1 Changes cycle time as ambulances are being kept captive by a healthcare system which is having trouble with patient throughput
 - 10.3.2 Increases the cost to provide EMS, meaning it is not just a hospital problem, it is a community responsibility
 - 10.4 Solutions
 - 10.4.1.1 Integrate scheduling with discharge planning
 - 10.4.1.2 Holding rooms with patients on stretchers
 - 10.4.1.3 ~~Half-way rooms, cool-down areas where patients can be discharged off of floors while waiting to leave to free up room for new patients~~
-

Exhibit 6

ScanHealth

INCORPORATED

Group: 04

(00) Corporate (01) Home Care (04) EMS

Activity: 900

(510) Training / Consulting (900) General

Department: 300

(300) Mkt (400) TS (500) PSG (900) Admin

Expense Report

Name: Dale Pearson

Week Ending: 12/16/03

Auto	(R)ental (C)ompany (P)ersonal	Sat. 12/10	Sun. 12/11	Mon. 12/12	Tue. 12/13	Wed. 12/14	Thurs. 12/15	Fri. 12/16	TOTAL
From/To	Miles								
Airfare									
From	To								
LGA	OGG						\$1,221.80		\$1,221.80
Parking, Taxi, Tips (Misc) and Tolls									
Telephone									
Lodging / Room & Tax Only									
Breakfast Per Diem									
Lunch Per Diem									
Dinner Per Diem									
Entertainment									
Convention Expenses									
Dues & Subscriptions									
Office Supplies									
Miscellaneous (Detail Page No. 2)									
Totals							\$1,221.80		\$1,221.80

Mileage	04-001-300-51300	
Gas, Oil, Rental	04-001-300-51400	
Travel - Airfare	04-001-300-52100	\$1,221.80
Travel - Lodging & Other	04-001-300-52200	
Meals & Entertainment	04-001-300-52300	
Convention Expenses	04-001-300-52400	
Dues & Subscriptions	04-001-300-52700	
Office Supplies	04-001-300-54420	
Miscellaneous	04-001-300-	

Employee's Signature: Dale Pearson 12/31/03
Date

Approvals: [Signature] 12-31-03
Date

Total Expenses by SIC Code	\$1,221.80
Variance (Should be blank)	
Deduct Items Charged	
Direct to Company	
Deduct Advance	
Net Amount Due Employee	\$1,221.80

(26)

Exhibit 7



MAUI PRINCE HOTEL
MAKENA RESORT & GOLF COURSES

6400 MAKENA ALANUI, MAKENA RESORT
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TELEPHONE (808) 874-1111 FACSIMILE (808) 879-6763
www.PrinceResortsHawaii.com

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G M/m John Clair
U Fitch & Associates
E 3076 Troy Brett Trail
S Duluth, MN 55803
T United States

ROOM 442
RATE
NO. PERS.
FOLIO 996261 A
PAGE 1
ARRIVE 28-JAN-04 00:00
DEPART 02-FEB-04 00:00
PAYMENT
FAA29A

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Vch/Bkg #

DATE	REFERENCE	DESCRIPTION	CHARGES - CREDITS
28-JAN-04	RT442	Room-Grp Ins/Inc/Assn	175.00
28-JAN-04	RT442	Excise Tax	7.29
28-JAN-04	RT442	Occupancy Tax	12.69
28-JAN-04	DEPOSIT	Deposit Applied	350.00
28-JAN-04	Z9	Prince Court	47.14
29-JAN-04	RT442	Room-Grp Ins/Inc/Assn	175.00
29-JAN-04	RT442	Excise Tax	7.29
29-JAN-04	RT442	Occupancy Tax	12.69
30-JAN-04	RT442	Room-Grp Ins/Inc/Assn	175.00
30-JAN-04	RT442	Excise Tax	7.29
30-JAN-04	RT442	Occupancy Tax	12.69
31-JAN-04	RT442	Room-Grp Ins/Inc/Assn	175.00
31-JAN-04	RT442	Excise Tax	7.29
31-JAN-04	RT442	Occupancy Tax	12.69
31-JAN-04	1148	Pool Snack Bar	16.32
01-FEB-04	RT442	Room-Grp Ins/Inc/Assn	175.00
01-FEB-04	RT442	Excise Tax	7.29
01-FEB-04	RT442	Occupancy Tax	12.69
01-FEB-04	079A	808-808-5727 11:35 0001	3.17
01-FEB-04	080A	808-808-5729 11:36 0001	3.17
01-FEB-04	1780	Room Service	24.54
02-FEB-04	VM	Visa/Mastercard	719.24

For Authorization Purposes Only

XXXXXXXXXXXX8843 PEARSON, DALE A
Auth Date Code Authorized
02-FEB-04 002786 719.24

Total-Due

0.00

** continued on the next page **

Post-it® Fax Note 7671

Date	2/28/05	# of pages	2
To	Dale Pearson		
From	Fonda From		
Co./Dept.	Maui Prince		
Phone #	Hotel		
Fax #	218-625-7225		

I agree that my liability for this bill is not waived and agree to be held personally liable in the the indicated person, company or association fails to pay for any part or the full amount of it

M/m John Clair ROOM 442 DEPART AGENT
FOLIO 996261 28-JAN-04

Mahalo for your patronage. We look forward to welcoming you back soon to the Maui Prince Hotel, Makena Resort.

28

Exhibit 8

What are you doing Tuesday April 13th??

Northland Technology Consortium
presents:

FREE ADMISSION

ntc

VISIT Over 20
Local
Technology
BOOTHs
9a.m.-4 p.m.

DOOR PRIZES

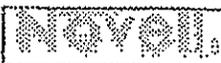
9 a.m. - 4 p.m., Tuesday, April 13th, 2004 Duluth Radisson Hotel Great Hall

Over 20 local technology providers are on hand for you throughout the day!

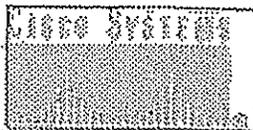
The following presentations will be going on through out the day:



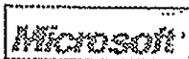
9:30 - 10:15 a.m. **PRINTING ROADMAPS** with emphasis on multi-function printers. Managing your printing environment.



10:15 - 11:00 a.m. **Linux - it's here and ready today!** Novell has taken a leadership role in the Linux Marketplace. Jon Lorton from Novell will discuss the Linux and Open Source markets, Linux Servers, Linux Desktops, and Linux Systems Management.



1:30 - 2:15 p.m. **Cisco Security Agent (CSA)** is a desktop and server based software product which stops unknown attacks that reactive signature based technologies cannot.



9:30 -10 a.m.; 2:15 - 3:00 p.m. **Microsoft Platform Security** Why Security is important, Threats and Attack Vectors, The Patching Process and Tools to Help. How Microsoft Compares to Other Platforms.



Take The Time To Do Lunch with Key Note Speaker: John Clair
Assistant Commissioner of Medical Affairs New York Fire Department
"Emergency Preparedness: Does Technology Make a Difference?"

11:30 - 1 p.m. Speaker & Lunch \$35 (SOLD OUT)
(ADDED!)(ADDED!) 9:30-11:00 a.m. Speaker & Coffee \$10
For Reservations Call Lisa @ 722-8231 ext. 100

Exhibit 9

*** GUEST INVOICE ***

FITGER'S INN 600 EAST SUPERIOR STREET DULUTH, MN 55802 218-722-8826 OR 888-FITGERS

DATE PRINTED: 04/13/04

PRINTED BY: JOHN

INVOICE NUMBER: 195774-A

ARRIVAL DATE: 04/12/04

DEPARTURE DATE: 04/13/04

BILL TO: KEVIN NOREEN
SCAN HEALTH
11 EAST SUPERIOR STREET
SUITE #310
DULUTH, MN 55802

GUEST: JOHN CLAIR
SCAN HEALTH
11 EAST SUPERIOR STREET
SUITE #710
DULUTH, MN 55802

DATE	ROOM	DEPARTMENT	CHARGES	CREDITS
04/12/04	402	BENNETT'S	30.06	
04/12/04	402	ROOM RENT AUTO AUDIT(WTR CORP)	90.00	
04/12/04	402	TAX -	11.70	

Total: 131.76 0.00

BALANCE DUE: 131.76

GUEST SIGNATURE: _____

29

ScanHealth

INCORPORATED

11 E. SUPERIOR STREET, SUITE 310 • DULUTH, MN 55802

Timothy J. Wildlund
or Michelle A. Wildlund
DNW-205-793-261-534 DNW-205-603-067-714
2127 E. Third St. Duluth, MN 55812

6831

06-23-04

17-2/2010100

PAY TO THE
ORDER OF

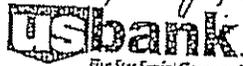
John Clair

DATE

\$ 68⁰⁰

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R10

ScanHealth

INCORPORATED

Expense Report

Name: Michelle Wiklund

Week Ending: 04/16/04

Group: 99
 (99) Corporate (03) Home Care (04) EMS

Activity: GEN
 (T&C) Training / Consulting (GEN) General

Department: 900
 (300) Mkt (400) TS (500) PSG (600) Admin

Auto	(R)ental (C)ompany (P)ersonal	Sal. 4/10	Sun. 4/11	Mon. 4/12	Tue. 4/13	Wed. 4/14	Thurs. 4/15	Fri. 4/16	TOTAL
From	To								
Duluth									
IRS Std Rate / Mile	\$0.375								
	Miles								
	P								
Airfare									
From	To								
Lodging (Room & Tax Only)									
Telephone & Internet									
Transportation (Taxi, Parking, Tolls)					\$68.00				\$68.00
Miscellaneous Travel (Tips, etc)									
Per Diem - Breakfast	\$9								
Per Diem - Lunch	\$9								
Per Diem - Dinner	\$22								
Per Diem - Total	\$T								
Entertainment									
Convention Expenses									
Dues & Subscriptions									
Office Supplies									
Miscellaneous (Detail Page No. 2)									
Totals					\$68.00				\$68.00

Mileage	99-001-900-51300	
Gas, Oil, Rental	99-001-900-51400	
Travel - Airfare	99-001-900-52100	
Travel - Lodging & Other	99-001-900-52200	
Meals & Entertainment	99-001-900-52300	\$00.00
Convention Expenses	99-001-900-52400	
Dues & Subscriptions	99-001-900-52700	
Office Supplies	99-001-900-54420	
Miscellaneous	99-001-900-	

Employee's Signature: Michelle Wiklund 04/22/04
 Date

Approvals: [Signature] 6/25/04
 Date

Total Expenses	\$00.00
Variance (with blank)	
Budget Items Charged	
Direct to Company	
Default Advance	
Net Amount Due Employee	\$00.00

R10

Exhibit 10

Exhibit 11



255 Courtland Street NE • Atlanta, GA 30303
 Phone (404) 659-2000 • Fax (404) 221-6368
 Reservations
 www.atlanta.hilton.com or 1 800 HILTONS

Name & Address

CLAIR, JOHN
 11 EAST SUPERIOR STREET
 STE 310
 DULUTH, MN 55802
 US
 SCANHEALTH

Room 202B/D2
 Arrival Date 10/19/04 1:11AM
 Departure Date 10/24/04
 Adult/Child 2/0
 Room Rate 160.00

RATE PLAN C-EMD

HH#

AL:
 BONUS AL: CAR:

Confirmation Number : *3190270904

10/24/04 PAGE 1

DATE	DESCRIPTION	ID	REF. NO	CHARGES	CREDITS	BALANCE
10/19/04	*CASABLANCA	LINTR	1544556	\$7.50		
10/19/04	GUEST ROOM	CSMITH	1544627	\$150.00		
10/19/04	STATE ROOM TAX	CSMITH	1544627	\$12.00		
10/19/04	OCCUPANCY TAX	CSMITH	1544627	\$10.50		
10/20/04	GUEST ROOM	PDAVY	1548277	\$150.00		
10/20/04	STATE ROOM TAX	PDAVY	1548277	\$12.00		
10/20/04	OCCUPANCY TAX	PDAVY	1548277	\$10.50		
10/21/04	GUEST ROOM	PDAVY	1552158	\$150.00		
10/21/04	STATE ROOM TAX	PDAVY	1552158	\$12.00		
10/21/04	OCCUPANCY TAX	PDAVY	1552158	\$10.50		
10/22/04	*CASABLANCA	LINTR	1555207	\$12.00		
10/22/04	GUEST ROOM	PDAVY	1555608	\$150.00		
10/22/04	STATE ROOM TAX	PDAVY	1555608	\$12.00		
10/22/04	OCCUPANCY TAX	PDAVY	1555608	\$10.50		
10/23/04	*CASABLANCA	LINTR	1557691	\$14.00		
10/23/04	GUEST ROOM	CJUDE	1558231	\$150.00		
10/23/04	STATE ROOM TAX	CJUDE	1558231	\$12.00		
10/23/04	OCCUPANCY TAX	CJUDE	1558231	\$10.50		
	WILL BE SETTLED TO MC *****4130					\$886.00
	EFFECTIVE BALANCE OF					\$0.00

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Zip-Out Check-Out®

Good Morning! We hope you enjoyed your stay. With Zip-Out Check-Out® there is no need to stop at the Front Desk to check out.

- Please review this statement. It is a record of your charges as of late last evening.
- For any charges after your account was prepared, you may:
 - + pay at the time of purchase.
 - + charge purchases to your account, then stop by the Front Desk for an updated statement.
 - + or request an updated statement be mailed to you within two business days.

Simply call extension 1461 from your room and tell us when you are ready to depart. Your account will be automatically checked out and you may use this statement as your receipt. Feel free to leave your key(s) in the room.

Please call the Front Desk if you wish to extend your stay or if you have any questions about your account.

DATE OF CHARGE	FOLIO NO./CHECK NO. 238971 A
AUTHORIZATION	INITIAL
PURCHASES & SERVICES	
TAXES	
TIPS & AMSC.	
TOTAL AMOUNT	

R12



Group: 04
 (98) Corporate (83) Home Care (04) EMO

Activity: GEN
 (T&C) Training / Consulting (GEN) General

Department: 300
 (300) Mkt (400) TS (500) P&B (800) Admin

Expense Report

Name: John Clair

Week Ending: 10/22/04

Auto	(R)ental (C)ompany (P)ersonal	Sat. 10/16	Sun. 10/17	Mon. 10/18	Tue. 10/19	Wed. 10/20	Thurs. 10/21	Fri. 10/22	TOTAL
From	To								
	Miles								
IRS Std Rate / Mile	\$0.375								
	P								
Airfare									
From	To								
NY	Atlanta				\$233.00				\$233.00
Lodging (Room & Tax Only)					\$172.50	\$172.50	\$172.50	\$172.50	\$690.00
Telephones & Internet									
Transportation (Taxi, Parking, Tolls)									
Miscellaneous Travel (Tips, etc)									
Per Diem - Breakfast	\$9								
Per Diem - Lunch	\$9								
Per Diem - Dinner	\$22								
Per Diem - Total	\$1								
Entertainment					\$7.50			\$12.00	\$19.50
Convention Expenses									
Dues & Subscriptions									
Office Supplies									
Miscellaneous (Detail Page No. 2)									
Totals					\$413.00	\$172.50	\$172.50	\$184.50	\$843.40

Mileage	04-001-300-51300	
Gas, Oil, Rental	04-001-300-51400	
Travel - Airfare	04-001-300-52100	\$233.00
Travel - Lodging & Other	04-001-300-52200	\$690.00
Meals & Entertainment	04-001-300-52300	\$19.50
Convention Expenses	04-001-300-52400	
Dues & Subscriptions	04-001-300-52700	
Office Supplies	04-001-300-54420	
Miscellaneous	04-001-300-	

Employee's Signature

John Clair 11/13/04

Date

Approvals

[Signature] 11/2/04

Date

Total Expenses	\$843.40
Advances (if/ to blank)	
Deduct Items Charged	
Direct to Company	
Reimburse Advance	
Net Amount Due Employee	\$843.40

ScanHealth, Inc. Expense Report Page 2 of 2

Name: John ClairWeek Ending: 10/22/2004

Purpose of Travel		
Day	Date	
Sat.	10/16/2004	
Sun.	10/17/2004	
Mon.	10/18/2004	
Tue.	10/19/2004	ScanHealth Liaison EMS EXPO Atlanta
Wed.	10/20/2004	
Thurs.	10/21/2004	
Fri.	10/22/2004	

Remarks		
Day	Date	
Sat.	10/16/2004	
Sun.	10/17/2004	
Mon.	10/18/2004	
Tue.	10/19/2004	
Wed.	10/20/2004	
Thurs.	10/21/2004	
Fri.	10/22/2004	

Miscellaneous Items-Description		
Day	Date	
Sat.	10/16/2004	
Sun.	10/17/2004	
Mon.	10/18/2004	
Tue.	10/19/2004	
Wed.	10/20/2004	
Thurs.	10/21/2004	
Fri.	10/22/2004	

Directions for Completing This Report	
<ul style="list-style-type: none"> • Expense statements are to be submitted promptly and not later than one week after expenses have occurred. • Week Ending is Friday for expense statements. • Specify Group, Activity, and Department to which expenses are to be charged. • Reports improperly filled out or incomplete will be returned. • Original receipts must be attached for motel/hotel bills, car rentals, air fares, etc. • Charges incurred on corporate accounts should be listed in "Deduct Items Charged Direct to Company" 	



Group:

04

(99) Corporate (03) Home Care (04) EMS

Activity:

GEN

(T&C) Training / Consulting (GEN) General

Department:

300

(300) Mkt (400) TS (500) PSG (600) Admin

Expense Report

Name: John Clair

Week Ending: 10/29/04

Auto	(R)ental (C)ompany (P)ersonal	Sat. 10/23	Sun. 10/24	Mon. 10/25	Tue. 10/26	Wed. 10/27	Thurs. 10/28	Fri. 10/29	TOTAL
From	To								
IRS Std Rate / Mile	\$0.375								
	Miles								
	P								
From	To								
Lodging (Room & Tax Only)		\$172.50							\$172.50
Telephone & Internet									
Transportation (Taxi, Parking, Tolls)									
Miscellaneous Travel (Tips, etc)									
Per Diem - Breakfast	\$9								
Per Diem - Lunch	\$9								
Per Diem - Dinner	\$22								
Per Diem - Total	\$T								
Entertainment		\$14.00							\$14.00
Convention Expenses									
Dues & Subscriptions									
Office Supplies									
Miscellaneous (Detail Page No. 2)									
Totals		\$186.50							\$186.50

Mileage	04-001-300-51300	
Gas, Oil, Rental	04-001-300-51400	
Travel - Airfare	04-001-300-52100	
Travel - Lodging & Other	04-001-300-52200	\$172.50
Meals & Entertainment	04-001-300-52300	\$14.00
Convention Expenses	04-001-300-52400	
Dues & Subscriptions	04-001-300-52700	
Office Supplies	04-001-300-54420	
Miscellaneous	04-001-300-	
Total Expenses		\$186.50
Variance (s/d blank)		
Deduct Items Charged		
Direct to Company		
Product Advance		
Net Amount Due Employee		\$186.50

Employee's Signature

John Clair 10/29/04

Approvals

[Signature] 10/29/04

ScanHealth, Inc. Expense Report Page 2 of 2

Name: John ClairWeek Ending: 10/29/2004

Purpose of Travel		
Day	Date	
Sat.	10/23/2004	
Sun.	10/24/2004	
Mon.	10/25/2004	
Tue.	10/26/2004	Scout for the Lifesaver EMS EXPO Atlanta
Wed.	10/27/2004	
Thurs.	10/28/2004	
Fri.	10/29/2004	

Remarks		
Day	Date	
Sat.	10/23/2004	
Sun.	10/24/2004	
Mon.	10/25/2004	
Tue.	10/26/2004	
Wed.	10/27/2004	
Thurs.	10/28/2004	
Fri.	10/29/2004	

Miscellaneous Items-Description		
Day	Date	
Sat.	10/23/2004	
Sun.	10/24/2004	
Mon.	10/25/2004	
Tue.	10/26/2004	
Wed.	10/27/2004	
Thurs.	10/28/2004	
Fri.	10/29/2004	

Directions for Completing This Report	
<ul style="list-style-type: none"> • Expense statements are to be submitted promptly and not later than one week after expenses have occurred. • Week Ending is Friday for expense statements. • Specify Group, Activity, and Department to which expenses are to be charged. • Reports improperly filled out or incomplete will be returned. • Original receipts must be attached for motel/hotel bills, car rentals, air fares, etc. • Charges incurred on corporate accounts should be listed in "Deduct Items Charged Direct to Company" 	

CLAIR John Clair 0000000000003435 11/17/2004

0000000000002010	041022	10/22/2004	\$943.40	\$943.40	\$0.00	\$0.00	\$943.40
0000000000002011	041029	10/29/2004	\$186.50	\$186.50	\$0.00	\$0.00	\$186.50

\$1,129.90 \$1,129.90 \$0.00 \$0.00 \$1,129.90

ScanHealth, Inc.
11 E. SUPERIOR STREET, SUITE 310
DULUTH, MN 55802
(218) 525-7228

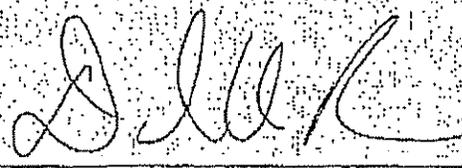
REPUBLIC BANK
DULUTH, MINNESOTA 55811
75-523-319

DATE: 11/17/2004
AMOUNT: \$1,129.90

11004

Y | One Thousand One Hundred Twenty Nine Dollars And 90 Cents

THE
ORDER
John Clair
214 Lincoln Place #1
Brooklyn Wv 26017



⑈01 1004⑈ ⑆091905237⑆ 02⑈328⑈3⑈

inHealth, Inc.
ScanHealth, Inc.

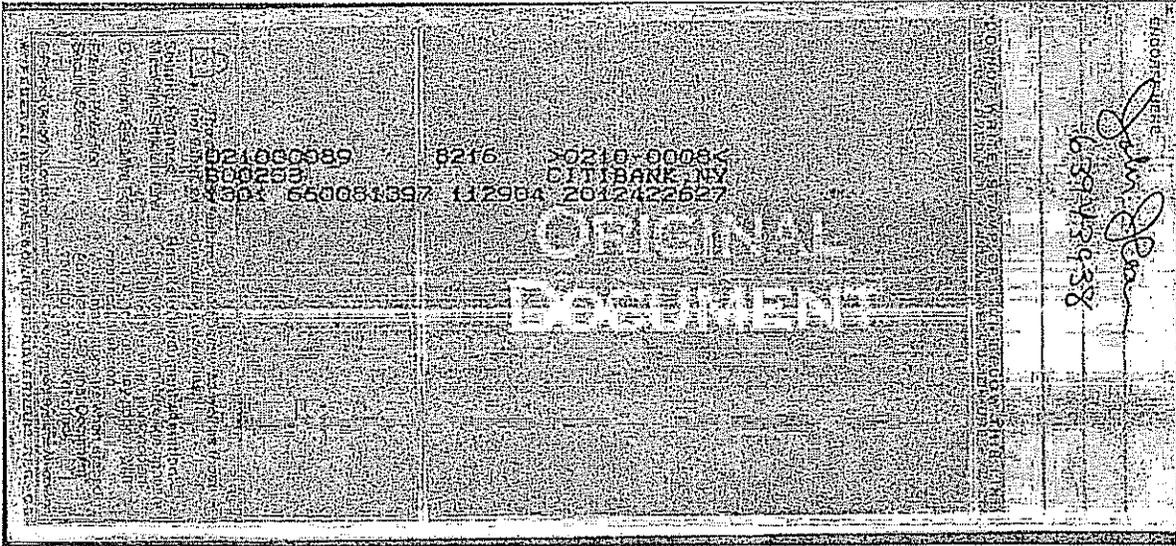
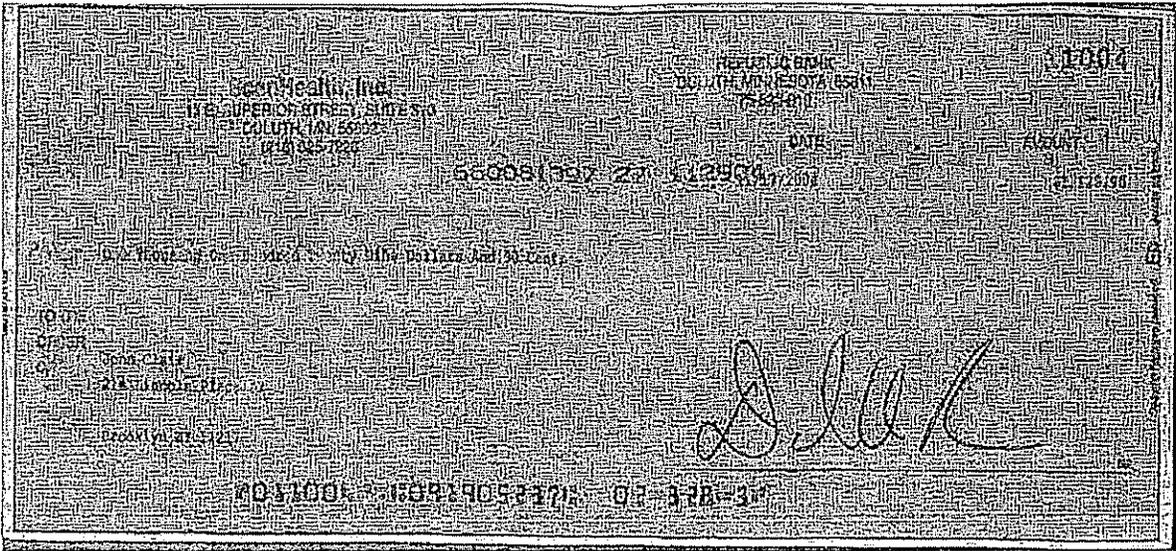
11004

11004

CLAIR John Clair 0000000000003435 11/17/2004

0000000000002010	041022	10/22/2004	\$943.40	\$943.40	\$0.00	\$0.00	\$943.40
0000000000002011	041029	10/29/2004	\$186.50	\$186.50	\$0.00	\$0.00	\$186.50

\$1,129.90 \$1,129.90 \$0.00 \$0.00 \$1,129.90



Posted : 11/29/2004
 Bank : 0000
 R/T : 9190523
 Account : 23283
 Check : 11004
 Amount : 1129.90
 DIN : 954660081397

Exhibit 12

Exhibit 13

From: Michael Vecchi
To: John Clair
Date: Thu, Sep 2, 2004 1:06 PM
Subject: American Ambulance Association Meeting

I have just seen you memo requesting the review of my decision to deny the travel request to the AAA Annual Conference and Trade Show. In the memo you cited that I gave no reason for the denial, which is true because the request was being forwarded to Steve Rush after a conversation with him. I fully intended to provide an explanation to you and expected that you and I would have discussed the issue in person. So both you and Don can understand my decision I offer the following reasons for the denial.

The current EMS Program Agency Grant which is expected to be the funding source does have a line item for travel entitled "Travel (Regional and State Activities) " and is currently funded at \$3K. Generally, the grant pays for 6 / 7 SEMAC / SEMSCO mtgs held in Albany, all regional NYC REMSCO activities, which I have approved, and the NYS EMS convention (a.k.a. Vital Signs). The grant states that reimbursement for attending the National GEMS convention could be "considered" if it approved by the EMS Executive Director. However, The current two year contract (FY04 / 05) requires an independent audit. OMA should be working with Fiscal to insure the audit is undertaken. I have been advised the cost of the two year audit may "eat-up" all the remaining grant funds. Subsequently, there may not be funding available for this trip and since I did not consider a Trade Show in Georgia to be a regional or state activity I was reluctant to approve.

Additionally, through your leadership we have chosen a course of actions regarding the ePCR. It is my understanding, once completed, this project will serve as a model for the Country. While there may be technology issues you could glean from the convention in my mind we are in front of the industry on this EMS Technology issue and should focus on this project prior to moving into another. Since we are in the midst of the 10-month role-out managing this project will better serve the Department.

Lastly if you do have the time to break away from your projects the NYS DOH Vital Signs Conference which is being conducted by DOH in the Region around the same time in October is more consistent with the spirit of the Grant, less costly, and in my estimation more appropriate.

For all of these reasons I disapproved the travel request. I apologize for not speaking to you about them sooner but was on VL and felt we would discuss the issue at some point this week. Naturally, I remain available to discuss these issues further with Don and yourself if necessary.

CC: Daniel Shacknai

From: Michael Vecchi
To: John Clair
Date: Mon, Sep 27, 2004 1:16 PM
Subject: Re: AL Request

Ok contingent of rescheduling Don's meeting on the 21

>>> John Clair 9/27/04 1:14:16 PM >>>
Wed, Thurs and Fri Oct 20, 21, & 22.

Thank you.

.....
John J. Clair
F.D.N.Y.
Asst. Commissioner - Medical Affairs
718.999.2790
clairj@fdny.nyc.gov

Exhibit 14

HealthEMS™ New York, New York!
Partners in Progress User Conference
December 8-9, 2004
Participant Contact List

Howard "Skip" Kirkwood
Area Ambulance Service
701 10th St SE
Cedar Rapids, IA 52403
(319) 398-6492
skirkwood@area-ambulance.org

Bruce Baxter
New Britain EMS
225 Arch Street PO Box 2018
New Britain, CT 06050
(860) 225-8787, Ext. 11
bruce@nbems.org

Dan Minerva
Empress Ambulance Service
722 Nepperhan Avenue
Yonkers, NY 10703
(914) 965-5040, Ext. 3046
dminerva@empressems.com

Craig Smith
North Shore-Long Island Jewish Health
System
Center for EMS 15 Burke Lane
Syosset, NY 11791
(516) 779-6998
cesmith@nshs.edu

Tom Burger
EMSA Inc.
325 SW 60th Avenue
Ocala, FL 34474
(352) 351-1314
tomburger@emsainc.org

Michael Mocuiski
Our Lady of Mercy Medical Center
600 E 233rd St
Bronx, NY 10466
(718) 920-9962
mmocuiski@olmhs.org

John Clair
Fire Department of New York
9 MetroTech Center, 4th Floor
Brooklyn, NY 11201
(718) 999-2790
clairj@fdny.nyc.gov

Darel Radde
Ridgeview Medical Center
500 S. Maple Street
Waconia, MN 55387
(952) 442-2191, Ext. 5580
darel.radde@ridgeviewmedical.org

John Brian
GoldStar EMS
4439 Gulf Way Drive
Port Arthur, TX 77642
(409) 423-9072
jb@goldstarems.com

ScanHealth Staff
Dale Pearson
Tom Hakamaki
Michelle Wiklund
Tom O'Neill

Robert "Bob" Nadolski
Grady Health Systems EMS
80 Jesse Hill Jr. Drive SE
Atlanta, GA 30303
404-616-7265
rnadolski@gmh.edu

Eric Ossmann, M.D.
Grady Health Systems EMS
80 Jesse Hill Jr. Drive SE
Atlanta, GA 30303
404-616-6405
eossman@gmh.edu

Exhibit 15

From: John Clair
To: Vecchi, Michael
Date: Thu, Dec 9, 2004 3:55 PM
Subject: Re: SHI

No, intentially. But I am told be several attendees that it again went well to introduce voluntary hospitals to the system.

As of now Our Lady of MErcy, NSUH, NY Queens and NY Presb are contracted to use the product.

.
John J. Clair
F.D.N.Y.
Asst. Commissioner - Medical Affairs
718.999.2790
clairj@fdny.nyc.gov

>>> Michael Vecchi 12/8/2004 4:57:50 AM >>>
Did you attend Scan Health's presentation to GNYHA yesterday?

Exhibit 16

FINANCIAL DISCLOSURE REPORT
FILING FOR CALENDAR YEAR 2002

B

NEW YORK CITY
CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET
NEW YORK, NEW YORK 10007

LAST NAME	FIRST	M.I.
CLAIR	JOHN	J.

AGENCY/DEPARTMENT/OTHER	AGENCY CODE NO.
FONY	057

POSITION/TITLE	SALARY (current/final salary)
ASSISTANT COMMISSIONER	101,000

BUSINESS ADDRESS (NO., STREET)	BUSINESS TEL. NO
9 METRO TECH CENTER 4W1	718-999-2790

COUNTY	STATE	ZIP CODE
KINGS	NY	11210

CHECK BOX IF THIS IS THE LAST FINANCIAL DISCLOSURE REPORT YOU WILL FILE DUE TO TERMINATION OF YOUR CITY EMPLOYMENT. (TERMINATION DATE: _____)

CHECK BOX IF YOU ARE FILING A FINANCIAL DISCLOSURE REPORT BECAUSE YOU ARE CURRENTLY HOLD, OR ARE A CANDIDATE FOR THE ELECTION OR RE-ELECTION TO, ANY OF THE FOLLOWING OFFICES:

CURRENTLY HOLD CANDIDATE FOR ELECTION OR RE-ELECTION

- MAYOR OF THE CITY OF NEW YORK
- PUBLIC ADVOCATE
- COMPTROLLER
- BOROUGH PRESIDENT OF _____ COUNTY
- COUNCIL MEMBER FROM THE _____ COUNCILMANIC DISTRICT
- LOCAL POLITICAL PARTY OFFICIAL

Any intentional violation of these provisions, including but not limited to, failure to file, failure to include assets or liabilities and misstatements of assets or liabilities, shall constitute a misdemeanor punishable by imprisonment for not more than one year or by a fine not to exceed \$1,000, or by both, and shall constitute grounds for imposition of disciplinary penalties, including removal from office. In addition, any intentional violation of the provisions of Section 12-110 of the Administrative Code, as amended, may subject the person reporting to assessment by the Conflicts of Interest Board of a civil penalty in an amount up to \$10,000.

CERTIFICATION

I, John J. CLAIR certify that all information
(Print Name)
given herein is true and accurate to the best of my knowledge.

John J. Clair (Signature) 4/25/03 (Date)

FINANCIAL DISCLOSURE REPORT
FILING FOR CALENDAR YEAR 20 03

NEW YORK CITY
CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET
NEW YORK, NEW YORK 10007

B

LAST NAME	FIRST	M.I.
CLAIR	JOHN	J

AGENCY/DEPARTMENT/OTHER	AGENCY CODE NO.
FDNY	057

POSITION/TITLE
ASST. COMMISSIONER

BUSINESS ADDRESS (NO., STREET)	BUSINESS TELEPHONE NO.
9 METROTECH CENTER 4W1	(718) 999-2790

COUNTY	STATE	ZIP CODE
KINGS	NY	11201

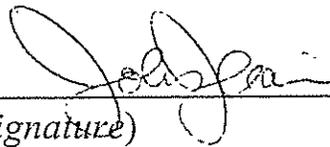
- CHECK BOX IF THIS THE LAST FINANCIAL DISCLOSURE REPORT YOU WILL FILE DUE TO TERMINATION OF YOUR CITY EMPLOYMENT. (TERMINATION DATE: _____)
- CHECK BOX IF YOU ARE FILING A FINANCIAL DISCLOSURE REPORT BECAUSE YOU CURRENTLY HOLD, OR ARE A CANDIDATE FOR ELECTION OR RE-ELECTION TO, ANY OF THE FOLLOWING OFFICES:
- CURRENTLY HOLD CANDIDATE FOR ELECTION OR RE-ELECTION
- CANDIDATE FILLING VACANCY WRITE-IN CANDIDATE
- MAYOR OF THE CITY OF NEW YORK
- PUBLIC ADVOCATE
- COMPTROLLER
- DISTRICT ATTORNEY OF _____ COUNTY
- BOROUGH PRESIDENT OF _____ COUNTY
- COUNCIL MEMBER FROM THE _____ COUNCILMANIC DISTRICT
- LOCAL POLITICAL PARTY OFFICIAL

Any intentional violation of these provisions, including but not limited to, failure to file, failure to include assets or liabilities and misstatements of assets or liabilities, shall constitute a misdemeanor punishable by imprisonment for not more than one year or by a fine not to exceed \$1,000, or by both, and shall constitute grounds for imposition of disciplinary penalties, including removal from office. In addition, any intentional violation of the provisions of Section 12-110 of the Administrative Code, as amended, may subject the person reporting to assessment by the Conflicts of Interest Board of a civil penalty in an amount up to \$10,000.

CERTIFICATION

I, JOHN J CLAIR certify that all
(Print Name)

information given herein is true and accurate to the best of my knowledge.


(Signature)

April 26, 2004
(Date)