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February 17, 2017

By Hand

The Honorable Geraldine S. Hines  
Supreme Judicial Court for the  
County of Suffolk  
John Adams Courthouse  
1<sup>st</sup> Floor, Suite 1300  
One Pemberton Square  
Boston, MA 02108

Re: In the Matter of Michael L. Langan, M.D., SJ-2015-0267

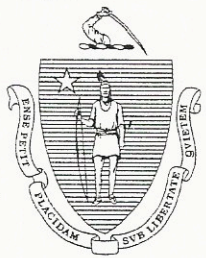
Dear Justice Hines:

This Office represents the defendant Board of Registration in Medicine ("Board"). Although judgment has entered in this case, I write to clarify a narrow representation made by the Board in a footnote to an opposition to a motion while this case was pending before this Court.<sup>1</sup>

In the Board's Response to Petitioner's Motion to Produce Documents (Dkt. # 47), the Board addressed, among other things, Dr. Langan's assertion that the Board did not consider documents demonstrating chain of custody issues with the "PEth test" administered to Dr. Langan in July 2011. The Board represented in that filing (in a footnote) that its staff had "retrieved from off-site storage those materials before the Board in December 2011." Staff did in fact retrieve and review those documents, but I write to clarify that those documents were retrieved from a secured, separate space in the basement of the commercial office complex where the Board leases office space. In other words, that storage space for archival hard copy records is separate and distinct from the Board's offices proper, but it is not technically located on a different site from the commercial office complex. Characterizing the locus of the documents' storage as "off-site" was not strictly correct, and the Board apologizes for this imprecision.

In post-judgment correspondence with Dr. Langan, he has questioned whether the Board maintains materials "off-site" and, having discussed the same with staff and in the interests of utter and complete clarity before this Court, I write now to correct this poor choice of words. The substance and purpose of the Board's footnote representation remains uncompromised: staff

<sup>1</sup> The case is now on appeal to the Supreme Judicial Court for the Commonwealth.



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maintains archival hard copy records and staff reviewed those records to make the representation in the Board's response to Dr. Langan's motion.

Respectfully,

A handwritten signature in cursive script, appearing to read "Bryan F. Bertram", with a long horizontal flourish extending to the right.

Bryan F. Bertram  
617-963-2107

cc: Michael L. Langan, M.D. (pro se) (by mail and e-mail)