

# OHIO AUDITOR OF STATE KEITH FABER



88 East Broad Street  
Columbus, Ohio 43215  
ContactUs@ohioauditor.gov  
(800) 282-0370

December 20, 2022

***VIA U.S. CERTIFIED MAIL***

MetroHealth Medical Organization  
2500 Metrohealth Drive  
Cleveland, OH 44109 Care of

Attn: Legal Department/Sonya Rajki

RE: Service of Subpoena *Duces Tecum* on MetroHealth Medical Organization

Dear Ms. Rajki:

Attached is a Subpoena *Duces Tecum*.

Please complete the Subpoena on the bottom portion of page one by writing in the date you received the original for serving; the time, date and address where the subpoena was served; and sign your name on the line indicated, ensuring that all information is clear on the copies in the carbon packet. Please return the yellow and pink copies (pages 2 and 3 of the carbon packet) of the Subpoena to me at the Auditor of State, Special Investigations Unit, 88 East Broad Street, 10th Floor, Columbus, Ohio, 43215, in the self-addressed, stamped envelope provided.

Please provide a certification of the records upon compliance with the subpoena.

If you should have any questions, please do not hesitate to contact me at the number listed below, or contact Greg T. Kopniske, Fraud Investigator at [REDACTED], or GTKopniske.

Sincerely,

Keith Faber  
Auditor of State

Robert F. Smith  
Assistant Chief Legal Counsel  
Special Investigations Unit  
[REDACTED]

cc: Greg T. Kopniske, Fraud Investigator  
ID-0011161

SUBPOENA  
DUCES TECUM

STATE OF OHIO,  
COUNTY OF FRANKLIN, SS:  
KEITH FABER

IN THE MATTER OF THE AUDITOR OF STATE  
Investigation OF:  
The MetroHealth System  
Cuyahoga County, Ohio

TO: MetroHealth Medical Organization  
2500 Metrohealth Drive  
Cleveland, OH 44109

BY AUTHORITY OF SECTION 117.18 OF THE OHIO REVISED CODE:

You are hereby directed to appear before me and/or my designated representative at **12:00 o'clock p.m.**, on the **16th day of January, 2023**, at the **Office of the Auditor of State, Greg T. Kopniske, Fraud Investigator, Special Investigations Unit, 88 East Broad Street, 10th Floor, Columbus, Ohio 43215**, then and there to give testimony and to produce the following books, records, documents or other items, which are in your custody or under your control:

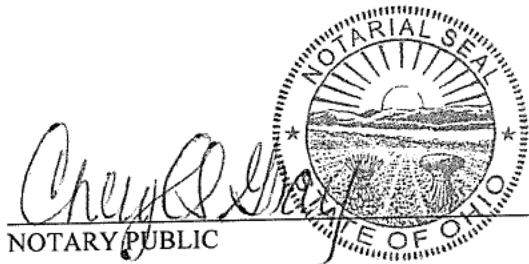
SEE ATTACHED.

You will not be obligated to appear as stated above provided that the subpoenaed documents are delivered to **Greg T. Kopniske, Fraud Investigator** at the address stated above on or before **January 16, 2023**. Please call Greg T. Kopniske, Fraud Investigator at [REDACTED] **GTKopniske** when the documents are ready.

YOU WILL PLEASE TAKE NOTE:

Section 9.84 of the Ohio Revised Code provides that: "Any person appearing as a witness before any public official, department board, bureau, commission, agency or representative thereof, in any administrative or executive proceeding or investigation, public or private, if he so requests, shall be permitted to be accompanied, represented, and advised by an attorney, whose participation in the hearing shall be limited to the protection of the rights of the witness, and who may not examine or cross-examine witnesses, and the witness shall be advised of his right to counsel before he is interrogated."

Witness my hand at Columbus, Ohio, this 20th day of December, 2022.



CHERYL SUE GRAY  
Notary Public, State of Ohio  
My Commission Expires 07-21-2023

Robert F. Smith  
Robert F. Smith  
Assistant Chief Legal Counsel,  
Special Investigations Unit  
State of Ohio, Auditor of State  
88 East Broad Street, 10th Floor  
Columbus, Ohio 43216-1140

**TO BE COMPLETED BY INDIVIDUAL SERVING SUBPOENA:**

Received this Writ \_\_\_\_\_, 2022, and served the same on \_\_\_\_\_  
(date of service) (name of individual served)

\_\_\_\_\_ the within-named witness at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on \_\_\_\_\_, 2022  
(title/relationship of individual served)

at \_\_\_\_\_  
(address of service)

by delivering to and leaving with him/her personally a true and correct original hereof.

ID-0011161

\_\_\_\_\_  
(signature of serving party)

**SUBPOENA  
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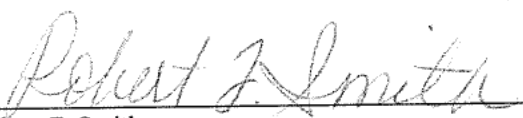
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NOTARY PUBLIC

  
Robert F. Smith  
Assistant Chief Legal Counsel,  
Special Investigations Unit  
State of Ohio, Auditor of State  
88 East Broad Street, 10th Floor  
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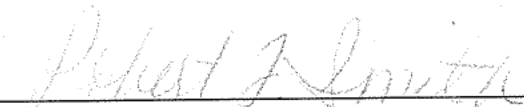
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Special Investigations Unit  
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ID-0011161

\_\_\_\_\_  
(signature of serving party)

**SUBPOENA**  
*DUCES TECUM*

The subpoenaed party, **MetroHealth Medical Organization** is directed to produce for inspection and copying any and all original documents in its possession or control, or in the possession or control of **MetroHealth Medical Organization** agents, subsidiaries, or affiliated companies, partnerships or firms, that were obtained, collected, copied, created, written, generated, read, reviewed, analyzed or used in any fashion, whether directly or indirectly, by **MetroHealth Medical Organization**, and any of its partners, shareholders, officers, employees and/or agents;

**In order to complete our review of documents related to the  
Investigation of The MetroHealth System, we are requesting the  
following documents:**

**See Attachment "A".**

For the purpose of the subpoena *duces tecum*, the term "document" or "documents" shall be defined to the broadest extent permitted by Rule 34 of the Ohio Rules of Civil Procedure and includes, whenever applicable and without limitation, the original (absent the original, a copy) of magnetically, optically, visually or aurally stored or produced, including, but not limited to, letters; correspondence; memoranda; telegrams; notes; reports; compilations; data; notebooks; laboratory notebooks; working papers; spreadsheets; graphs; charts; blueprints; books; pamphlets; brochures; circulars; manuals; instructions; ledgers; drawings; including engineering, assembly and detailed drawings, sketches; photographs; diaries; sales literature; advertising literature; agreements; minutes; and sound reproductions; printout sheets; summaries of records of telephone conversations, personal conversations or interviews; and any and all other writings, typings, printings, drafts, copies and/or mechanical, magnetic, optic or photographic reproductions or recordings thereof in the possession, custody or control of **MetroHealth Medical Organization**, or known to **MetroHealth Medical Organization**. "Document" or "documents" also includes all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally written, typed or otherwise prepared.

For the purposes of this subpoena *duces tecum*, the term "original" shall have the same meaning as in Rule 1001(3) of the Ohio Rules of Evidence and shall also include any duplicates, as that term is defined in Rule 1001(4) of the Ohio Rules of Evidence, of any documents the originals of which are not in the possession of **MetroHealth Medical Organization**.

**If you have any questions, please contact Greg T. Kopniske, Fraud Investigator, at [REDACTED] or GTKopniske.**

## **SUBPOENA**

### *DUCES TECUM*

- I. Please provide the following records:
  1. Copies of all Dr. Akram Boutros employment agreements, 2013 through 2022, to include any addendums.
  2. Contact information for all Board trustees, 2013 through 2022, contact information for Dr. Akram Boutros, and contact information for legal counsel of the Board.
  3. Board of trustees meeting minutes, 2013 through 2022.
  4. Policies, procedures, Board approved legislation, resolutions, guidelines and directives for Metrohealth's employee compensation system and related updates, in effect since 2013 and including but not limited to bonus and incentive payments outside of the normal base pay.
  5. Identify those employees who received bonus and incentive payments for the years 2013 through 2022, to include all records, memos, metrics and other related documents to include W-2's.
  6. Copies of any and all correspondence, emails, and memos related to bonus and incentive pay programs for the years 2013 through 2022.
  7. Payroll data/reports showing total annual compensation by employee, with related data elements (position, title, department, etc.) and pay codes (e.g., regular wages, bonuses, incentive payments, federal taxable wages for box 1 on W2s, etc.), for those employees who received bonus and incentive payments for the years 2013 through 2022, preferably in CSV or Excel format.
  8. A vendor payment report from January 1, 2022, to present, sorted by vendor and documenting vendor/individual name, payment amount, check/payment number, payment date, payment description, invoice number, etc.
  
- II. The Auditor of State reserves the right to request further documentation based on the response to the items identified after our review.

**Attachment "A"**