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**BY REGULAR MAIL**  
**AND BY E-MAIL [submissions@abim.org](mailto:submissions@abim.org)**

December 14, 2012

American Board of Internal Medicine  
Lynn O. Langdon, MS  
Senior Vice President and Chief Operations Officer  
510 Walnut Street  
Suite 1700  
Philadelphia, PA 19106-3699

Re: ABID ID-306779

Dear Ms. Langdon:

Dr. Jaime A. Salas Rushford has received your letters and has yet to obtain from ABIM a firm answer as to what exactly he is being charged with and to how the emails you forwarded constitute relevant evidence in support of those allegations. Due process and basic fairness require prior notice. It is almost impossible to defend oneself from allegations partially or totally unknown.

Despite our repeated requests, ABIM has failed to disclose which specific rule, regulation or contract was purportedly breached by Dr. Salas Rushford and when that rule was enacted or that contract signed. If there was no rule or no contract at the time the events took place, it could not have been violated.

Furthermore, other than the non-cross-referenced emails you forwarded, we have no idea what evidence, if any, was examined and/or given weight by ABIM. Dr.

Salas Rushford has had no real chance to confront the evidence against him, and no chance to present his own.

Basic fairness mandates that Dr. Salas Rushford be given a sufficiently detailed explanation about what he allegedly did wrong, and about what evidence points to his wrongdoing. Conclusory allegations, however oft repeated, cannot constitute proven facts. Documentation provided abstractly, without relation to specific allegations, does not rise to the level of proof.

ABIM must provide, both to the appellate body and to Dr. Salas Rushford, and we hereby request again, at least the minimum information necessary to present a defense and to reach conclusions, to wit,

- a. a copy of the rules in force at the time of the events,
- b. a copy of the contract(s) in force between ABIM and Dr. Salas Rushford at the time of the events,
- c. the elements found proven in specific relation to each of the rules and/or contractual clauses in force, and
- d. all the evidence in support of each element, with specific cross-references.

That documentation must be provided in time for it to be analyzed and addressed prior to the appeal deadline.

Your latest letter, dated December 7, 2012, states the following:

1. That Dr. Jaime A. Salas Rushford collected and compiled hundreds of ABIM examination questions between May and August 2009;
2. That said questions were used in his preparation for the exam;
3. That during the afore stated preparation period, Dr. Jaime A. Salas Rushford sent hundreds of questions to Arora Board Review from the e-mails identified by ABIM;
4. That the e-mail address [padrinojr@yahoo.com](mailto:padrinojr@yahoo.com) is "disguised" and that



Jimmy R is a pseudonym intended to conceal his identity.

Pending your response to our request within the specified time frame, since those statements are the only "factual" allegations contained in your letter, it is understood that they state the entire extent of ABIM's grievance. We reiterate that ABIM, however, has yet to identify how each one constitutes a breach of a rule or contract in force at the time the events took place.

It is further understood that the e-mails you sent by regular mail constitute the full extent of the evidence that ABIM has taken into account and/or intends to use to make any and all determinations, including the ones listed above.

We infer that ABIM found that Dr. Salas Rushford used the questions in "preparation" for his Board exam because none of the e-mails you disclosed was sent after he took the Board Exam.

We further assume that ABIM, based exclusively on the e-mails you forwarded to us, found that "Jimmy R" was a pseudonym intended to conceal identity and that [padrinojr@yahoo.com](mailto:padrinojr@yahoo.com) was created specifically to send and receive questions concerning the Board Exam. We would like to address this matter right now so that it may be excluded from further proceedings.

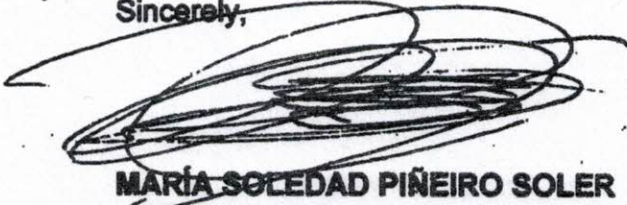
Dr. Salas Rushford created the [padrinojr@yahoo.com](mailto:padrinojr@yahoo.com) when he was a high school student. He is willing to provide documentation concerning the fact that it precedes his board examination by a fair number of years. Additionally, his first name, Jaime, translates to James in English. Dr. Salas Rushford's nickname is indeed Jimmy. It is not a pseudonym intended to hide his identity. The mere fact that it may not have been apparent to ABIM that Jimmy R and [padrinojr@yahoo.com](mailto:padrinojr@yahoo.com) were Dr. Salas Rushford's nickname and e-mail, cannot support an allegation of intention to conceal identity. ABIM was not the intended recipient of those emails. Their perusal by ABIM was unimaginable at the time they were sent. People may have and usually do have several e-mail addresses. Dr. Salas Rushford neither had nor has any duty to inform

ABIM of the nicknames his friends and family knew or know him under. Nobody does, and nor should they. But, even if he did, ABIM never even asked Dr. Salas Rushford if the emails belonged to him. ABIM simply reached the conclusion that there was a sinister motive where there was simply familiarity.

We hope that this puts an end to the allegation of intent to conceal identity. However, if it does not, we reiterate our request for any and all evidence in your control or in the control of your attorneys on which you based the finding that Dr. Jaime Salas Rushford used a pseudonym to disguise his identity. **See Exhibits 1 through 6.**

Lastly, regarding procedure, you have only provided an email address and a deadline of January 7, 2013. Yet, you describe the ABIM appeals process as "three-stage". We do not know the nature of those stages or the procedural safeguards in place for each stage. We also do not know the evidentiary rules that govern the proceedings either at the investigative or the appellate stages. Please provide specific directions on how, when, and to whom Dr. Salas Rushford may present evidence. Please provide a copy of any and all rules governing both the initial investigation/determination and the appeals process.

Sincerely,



MARÍA SOLEDAD PIÑEIRO SOLER