

# Hameli: harassment or

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By **JERRY HAGER**  
Staff reporter

He began conducting autopsies in the basement of a Wilmington funeral home more than 30 years ago. During his reign over death as Delaware's medical examiner, he transformed the office into a 35-person operation and built a national reputation for himself.

Now the state is paying Dr. Ali Z. Hameli \$411 a day to stay home.

Fired almost 31 months ago after allegations of sexual harassment were leveled against him by two of his former secretaries, Hameli, 63, remains on the payroll as he fights a protracted legal battle to be reinstated and clear his name.

The 2½-year attempt by the state to terminate him has cost taxpayers more than \$500,000 in salary, cash settlements and legal representation.

And now, after a recent federal court ruling, the case may be back to square one: The state has been ordered to hold a second personnel hearing to determine whether Hameli should be let go.

At the heart of the case are claims that Hameli stepped over the boundary of a normal boss-secretary relationship.

The two former administrative secretaries — both hired personally by Hameli — have accused him of making inappropriate comments, touching and even kissing one of them. The sexual harassment, they claim, drove them from their jobs.

Hameli denies it all and says he has been framed.

Fought in closed hearings until The News Journal argued successfully to unseal the records, the story of what may have gone on in the two-story gray brick building at 200 Adams St. is seen through the

## unfair firing?

testimony of those involved. Neither Hameli nor the women involved would agree to be interviewed.

### The feisty immigrant

A medical doctor in Iran, Ali Z. Hameli came to this country in 1959 for advanced studies in Baltimore. Five years later he was appointed Delaware's fourth medical examiner by then-attorney general David P. Buckson.

He took over a shoestring operation besieged by the politically powerful county coroners, whose system of investigating deaths dated back to Colonial times.

Almost immediately Hameli came under a personal attack. His Iranian citizenship rankled legislators sympathetic to the coroners.

A bill was introduced that would ban all foreign nationals from the position.

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Dr. Ali Z. Hameli

News Journal file

For 30 years, Dr. Ali Z. Hameli had the last word on deaths in Del. Now he awaits the final word on his 1994 sexual harassment firing.



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Hameli, stubborn, hard-working and ambitious, overcame the attack and took over the office. After that it was his to mold.

Hameli eventually became an American citizen, but not until 1972, while he was divorced from his wife. They remarried shortly after he became a U.S. citizen.

"I remember him giving a speech at the National Medical Examiner's Association meeting [about] how he got started in Delaware. ... how one time he was performing autopsies in a garage, how he started the medical examiner's system from scratch. ... how bad it could be and how meager funds could be," said Edmund Roche Donoghue, Chief Medical Examiner for Cook County, Ill.

Hameli was adept at cultivating the growth of his department. "I slept with it. I ate with it. I drank with it," he said in a recent court hearing. "That was my whole life."

In his affidavit, he called himself "a prominent forensic pathologist and ... a leader in establishing standards for modern medicolegal investigation of death."

Yet his contemporaries don't remember him for any specific innovations or any groundbreaking discoveries in a particular case.

"Ali was ... always concerned about the image and performance of pathologists and the nationwide vision of this activity," said Donald T. Reay, King County Medical Examiner in Seattle, Wash.

"He was trying to professionalize medical examiners, to bring their role to the attention of the public," Donoghue said.

On the job, Hameli was known as a quirky man and a tough taskmaster. When a gruesome death occurred or was discovered, Hameli would be on the scene.

When the bones of Susan Spahn, a young Kennett Square, Pa., woman were found at Hercules Country Club near Hockessin 19 years ago, Hameli arrived on the scene and immediately took control, recalled former Delaware Attorney General Charles M. Oberly III. Speaking with a Persian accent, he told investigators he wanted anything that would help him figure out how the woman, missing for 14 months, died.

He got down on his hands and knees on the icy ground and "found the contact lens of the victim. It was 14 months later and he found it," Oberly said.

Hameli's hands-on approach wasn't always appreciated.

"He bossed police around ...

some people felt he took too much charge," Oberly said, "and sometimes didn't use diplomacy."

"He was meticulous," said Charles Burke, a retired Wilmington police detective. He was also "a pain in the [butt]," said Burke.

"Sometimes [he] made decisions I was not always happy with, like the time of death. I always tried to make him move, to close it up," he said. Hameli preferred to give a range of several hours. In some cases the time would be crucial to check out alibis, but Hameli wouldn't budge, Burke said.

Hameli didn't limit his work to the medical examiner's office. He collected more than \$100,000 a year as director of Roche Biomedical Laboratories, which had a facility near his home. The state permitted him to moonlight, reading slides and checking the laboratory's procedures. Hameli kept the job for several months after being fired, but lost it when Roche was taken over by another company.

Hameli's attorney, Sheldon N. Sandler, said that Hameli is not associated with the new firm. He said Hameli still does some work as a freelance consultant, but didn't know how much.

In the medical examiner's office, Hameli was demanding. He constantly reinforced his superior position, especially to clerical employees. No report left Hameli's office without his approval.

Employees feared him, court testimony showed. Two deputy medical examiners kept diaries of events and assignments for their protection. So did the two women who accused him of sexual harassment.

#### 'Personal' Persian

Florence Ewald, 33, came to the medical examiner's office in July 1993. The chance to gain some supervisory experience and the job's schedule appealed to her. So did the fact that she would have the same holidays that her children had, saving her a baby sitter.

"She is raising three girls on own. She works two jobs. She been through a lot," said her friend Scott Straughen.

Though her ex-husband had warned Ewald that he had heard Hameli was a womanizer, she didn't believe him, according to court records. Still, she brought it up with Hameli on her first day, she said. Hameli reacted with surprise and wanted to know who had said it.

Once Ewald joined the office, she said Hameli started making inappropriate comments almost im-

mediately. She told the court:

"He would say things like: He liked my package, saying that, you know, things like my prominent parts were prominent today. ... After two, two and a half weeks, I got very uncomfortable."

Then, Ewald said, Hameli asked her to learn Persian words for male and female genitalia.

"He said K-O-S was — I'm not exactly sure ... but it was a — body part, either your butt or the woman's genitals or something ... He also wanted me to learn what K-O-O-N meant and K-E-E-R ... he made me write them down.

"I felt very pressured. He kept wanting me to study these words. And one day he came into my office and he told me that he was fantasizing about me ... And he said that he wanted me to be aggressive with him ... He wanted me to come in and ask how his keer was. Now I remember, that means the man's genitals. And he said that he would tell me it was hard," Ewald said in court documents.

"The next day," Ewald said, "he would be mean. Yelling at me and putting me down. And ... I felt that I was being punished the next day, you know?"

He also gave her money and

talked about buying her gifts, according to court testimony.

"I was going to work feeling sick," Ewald said. "I was so scared that something was going to happen. I needed a job. I had three kids. I took the job so things could be better for us. And they were just getting worse."

It got so bad, Ewald said, that when she got home after work she couldn't stand to hear her children's voices. She would tell them to take their baths and she would go to her room and collapse on the floor, crying, too exhausted to get up.

Six weeks later she quit. The paperwork she had to fill out when she left asked for a reason for leaving. She listed harassment. Two months later she filed a complaint. Through Ewald, state officials learned there was another woman who worked for Hameli who considered filing a complaint against him before she left but didn't.

#### Keeping notes

Dawn Brooks took a job with the medical examiner's office two years earlier than Ewald.

Friends describe the 30-year-old mother of two as an energetic woman who enjoys helping others. She volunteers at the Claymont



Fire Company where her husband is a volunteer member. She recently helped organize a benefit to raise money for an ailing member.

"If someone is sick, she is always there offering to do something to help," said Patricia McCarthy, a friend.

Brooks started working for Hameli in July 1991. She said the

inappropriate behavior didn't begin until December 1992, after Hameli's father died.

Like Ewald, Brooks kept a diary of her encounters with Hameli, detailing his comments about her looks and his fantasies about her.

In December of 1992, he grabbed her hands, commenting on how cold they were. He rubbed her face, and "then he asked if he could kiss me," she wrote. "I said no."

Later the same day, he returned to her office. "He then grabbed my hand again and rubbed my shoulder. He then looked out my office door to see if anyone was coming," she wrote. Then he stood behind her. "He started rubbing my shoulders and then kissed me on the cheek, not just a peck," she wrote.

Brooks and her husband feared Hameli, she testified. They knew he was a powerful person in the state and didn't know how he would retaliate if she reported him.

She never filed a charge against Hameli and was only included in the eventual settlement after the state interviewed her about Ewald's complaint.

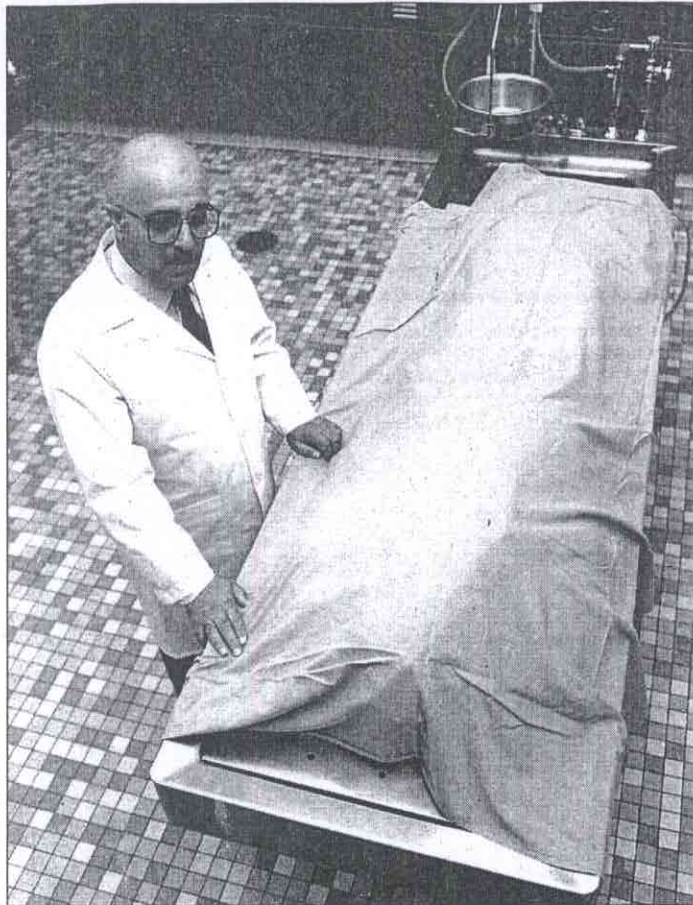
### Conduct 'unacceptable'

When the case came to Carmen R. Nazario, she had been Gov. Carper's secretary of Health and Social Services for about a year.

After an internal investigation, Nazario took strong action. She believed Ewald and Brooks and sent a strongly worded letter to Hameli. When he offered to retire quietly, she demanded that he repay the state the money it might have to pay his accusers.

He refused. So on April 6, 1994, Nazario fired Hameli, noting, "I am left with the conclusion that the totality of your conduct ... was so egregiously unacceptable from a person with the responsibility and accountability attendant to your position, that your continued employment would be unthinkable."

Hameli answered his firing with a lawsuit 13 days later. U.S. District Judge Sue L. Robinson ruled in September 1994 that the state should have given him a personnel



News Journal file  
Hameli is shown at a workroom in the medical examiner's office in this 1991 photo. Hameli kept total control over all office activities, associates say.

hearing before firing him. Robinson ordered Hameli reinstated with pay until a hearing was held.

Just before the hearing was to be held in October 1994, the state authorized a \$70,000 payment to both Ewald and Brooks.

At that hearing, Hameli told a different story about the Persian words.

### Behavior defended

It was well known in the medical examiner's office that Hameli and assistant medical examiner Elizabeth Laposata were at odds.

In 1994, her last year working for the Delaware Medical Examiner's office, Hameli said Laposata was trying to undermine his authority. "She was trying to just run her own ... show in that office," he said.

Hameli had suspended Laposata for a day without pay because she responded to one of his orders with an obscenity. Laposata appealed, and when the complaints were filed, investigators from the state asked Hameli to drop his objection to her appeal. He did and her record was cleared.

She is now Chief Medical Ex-

aminer of Rhode Island.

Both Brooks and Ewald worked with Laposata and sought her advice about dealing with their boss.

"I think Dr. Laposata was the one that was encouraging them in whatever they were trying to do and whatever motivations they had," Hameli testified.

Laposata denied Hameli's allegations. She did say that she got some pamphlets for Brooks about sexual harassment and that she had talked to both Brooks and Ewald about Hameli.

The three women share the same lawyer, Richard R. Wier Jr., who had represented Laposata.

Laposata and Wier deny there was a conspiracy. "Accusations of conspiracy are easy to make. The state is effectively represented and it would not have paid \$140,000 just because I asked them to," Wier said.

Hameli does admit he discussed the Persian words for genitalia with the women. He testified he asked Ewald to pronounce a name he couldn't pronounce and she emphasized the last syllable.

"I just laughed and I said, 'You know it is interesting to see that different things, different words in different languages have different meanings.' And I said that that syllable ending with K O S, I said it means, in Persian language, it means phonetically external genitalia organ of female.

"The only other thing that I could have discussed, again, the meaning of *دورا*, the word of

buttock in Persian."

Hameli said he and Brooks were discussing the phrase "having ants in your pants" and Hameli told her "Well ... in my old country ... koon means derriere, means buttocks."

"And that is what I remember about the discussion that started that way," he said.

Asked if he talked with her about other words for private parts, he replied, "I do not recall that."

Deputy Attorney General Marsha Kramark asked Hameli during the hearings if his remarks were appropriate for a supervisor.

"At the time, I didn't think it was improper. It was in a context."

He explained kissing Brooks by

calling it a "Christmas kiss."

In court he explained that it happened in the middle of December 1992, after he had just returned to the office from visiting the grave of his father, who had died a month earlier.

"She was very kind to me, trying to be supportive," Hameli said. "Before I left, I asked ... 'Is there any problem, anything I should know?' And I wished her happy holidays, and kissed her on the cheek here," he said pointing to his cheek. "She wished me happy holidays, too."

#### New ruling pending

The personnel hearing before federal magistrate Mary Pat Trostle was held over a five-week period in October and November 1994. Twenty-two months after he was fired — Trostle ruled "the state has not shown cause to terminate Dr. Hameli."

She cautioned, however, "However, this finding does not mean that his conduct, in particular his general treatment of the staff was appropriate. ... Other disciplinary measures are available and it is recommended that they be imposed."

Trostle said she believed that Hameli had harassed and intimidated his staff but that there were holes in the women's testimony and other parts of the state's case.

Her opinion didn't matter. It was all a waste of time.

The attorney general's office appealed to Robinson, who ruled that Trostle, as a federal magistrate, had no business getting involved in a state matter. Robinson ordered a new personnel hearing.

Hameli, meanwhile, appealed Robinson's ruling to the Third U.S. Circuit Court of Appeals, claiming that both sides have to live with Trostle's ruling. Both sides are awaiting an opinion from court.

If Hameli wins, the case will head for a trial over money damages in U.S. District Court. If the state wins, Hameli will have to have another personnel hearing.

Mary Brigid McManamon, an associate professor of law for Widener University's Law School, whose speciality is federal courts and procedures, said that Hameli has a shot at winning.

"There is a doctrine of jurisdiction called supplemental. Once a federal court has jurisdiction over a case in a certain area, it can go forward and decide all the issues in the case," she said.

Meanwhile, Hameli's total pay collected while not working is now \$259,263.60 — and counting.