

VI.

**THE VERITOX THEORY WAS SPUN BY INDUSTRY “NONPROFIT” LOBBYISTS & VERITOX, INC. OWNERS, PURPOSED TOWARD BLATANT SCIENTIFIC FRAUD UPON THE COURTS**

Twelve years ago in 200, shortly after the publication of the ACOEM Mold Statement in 2002, Mr. Kelman and Mr. Hardin accepted no less than \$25,000 from the “nonprofit” Manhattan Institute Center for Legal Policy. [47] [48] [49] [50] The payment was for authorship of the “nonprofit” U.S. Chamber of Commerce’s Institute for Legal Reform’s [51] mold position statement. Referred to as the “U.S. Chamber Mold Statement”, the product of the paid-for-hire spin of the LNT Veritox Theory is titled “A Scientific View of the Health Effects of Mold”. [52]

For this version, science was spun even further for “nonprofit” industry lobbyists in 2003 than was done for the “nonprofit” medical association of ACOEM in 2002. The two Veritox, Inc. owners outrageously began claiming that the LNT Veritox Theory proves that all claims of death from toxigenic mold are only made because of “*trial lawyers*”, “*media reports*”, and “*Junk Science*”. The “nonprofit” industry lobbyists then marketed the outrageous fraud to cause financially motivated discrimination in the courts.[53]

The scientific fraud for which Mr. Hardin and Mr. Kelman accepted thousands of dollars from a think-tank (Manhattan Institute) to pen for the “nonprofit-legal-reform” arm of the largest industry lobbyist in the United States (U.S. Chamber of Commerce) states:

***“Thus, the notion that toxic mold is an insidious, secret killer as so many media reports and trial lawyers would claim, is junk science unsupported by actual scientific study.”***

Bruce J. Kelman & Brian D. Hardin, Veritox, Inc., published July 17, 2003 [54]

The stated authorship for the U.S. Chamber Mold Statement is Mr. Hardin, Mr. Kelman and Ms. Coreen Robbins who are three of the six owners of Veritox, Inc.; along with Dr. Andrew Saxon of the University of California Los Angeles (UCLA). [See fn 52, 53] In 2006, Dr. Saxon stated in a deposition that he had never read it, let alone authored it. He said it is “*the nonscientific piece that has my name on it*”. [55] [56] [57]

As such, only non-physician co-owners of one toxic tort defense-support corporation, Veritox, Inc., co-authored this paid-for-hire scientific fraud upon the court for “nonprofit” industry lobbyists who specialize in influencing “*legal policy*” toward the falsely claimed goal of “*legal reform*”.

To this day, the prestigious imprimatur of the University of California is on the U.S. Chamber Mold Statement by the fraudulent use of Dr. Saxon’s name as a co-author. There strongly appears to have been dishonest intent to falsely portray university-affiliated-physician-co-authorship toward an air of university-affiliated-credibility for the Veritox Theory. In reality, it is a blatantly fraudulent spin of science by Veritox, Inc., the Manhattan Institute think-tank, and the U.S. Chamber of Commerce.

In 2008, Mr. Kelman stated under oath in deposition testimony [58] and provided documentation that only he and Mr. Hardin billed hours and were compensated for the endeavor [See fn 47-49], further adding to the evidence that the stated authorship of the U.S. Chamber Mold Statement is equally as fraudulent as the "Scientific View" it professes to prove.

Additionally, had Dr. Saxon of UCLA really co-authored the U.S. Chamber Mold Statement; then under the bylaws of the university the University of California Regents would have had to have been compensated for his work.[59] No such payment appears to exist.

The Veritox Theory foundation for U.S. Chamber Mold Statement is the same Veritox Theory upon which the ACMT Mold Statement is founded. Used extensively to sell doubt of causation of illness, disability and death, both promote the false concept that microbial toxins in WDB are proven to never be able to reach a threshold-level harmful to humans. In reality, no such proof of lack of causation of illness exists.

In 2008, Mr. Kelman also stated under oath that the U.S. Chamber Mold Statement was for the purpose of influencing the courts. In 2006, Mr. Hardin stated it was a lobbying piece.[60] It stands to reason that the ACMT Mold Statement written by Mr. Kelman's and Mr. Hardin's affiliate at Veritox, Inc., Dr. Sudakin, was published by the "nonprofit" medical-toxicologist association ACMT to serve the same purpose (committing scientific fraud upon the court by making the Veritox Theory appear to be legitimate, evidence-based science when cited by paid-for-hire expert defense witnesses in toxic torts.)

The following is just one example of the pervasive problem this has caused as it relates to discrimination against WDB apartment dwellers when industry-backed "nonprofit" lobbyists, medical trade association "nonprofits", unethical paid-for-hire experts witnesses, and defense attorneys collaborate to unduly influence judicial decisions by use of the Veritox Theory.

In 2009, the U.S. Chamber Mold Statement was submitted into Arizona mold litigation (Abad et.al. v. Wasatch Property Management, Inc. et. al.) as a legal exhibit of an amicus curiae brief by the "nonprofit" National Apartment Association (NAA). On page 9, the NAA amicus brief states:

*"In a report entitled, 'A Scientific View of the Health Effects of Mold', a panel of scientists, including toxicologists and industrial hygienists stated that years of intense study have failed to produce any causal connection between exposure to indoor mold and adverse health effects.' U.S. Chamber of Commerce, A Scientific View of the Health Effects of Mold (2003)"[61] [62]*

There was no "*panel of scientists*" who authored the U.S. Chamber Mold Statement. [See fn 47 to 60] Only Mr. Hardin and Mr. Kelman, two of the six co-owners of Veritox, Inc., authored it while working with "nonprofit" industry lobbyists to peddle the highly-discriminatory scientific fraud of the Veritox Theory to a very important target-market of decision makers, namely judges and justices. [See fn 60]

NAA is the multi-unit apartment owners' "nonprofit" trade association.[63] [64] Their Political Action Committee (PAC) lobbies in Washington, D.C. and contributes to politicians' election campaigns to advance their industry's interests.[65] Like Wasatch Property Management, several of their corporate members and/or their subsidiaries and insurers have been sued for negligent maintenance of rented-WDB-dwellings and bad faith practices while causing discrimination, devastation, disability and death. [66]

NAA's affiliate "nonprofit", the National Multifamily Housing Council, Inc. (NMHC), also works to influence public health policies and practices on behalf of multi-family housing owners and property managers.[67] The president of this "nonprofit" receives annual income of well over a million dollars. Other "nonprofit" officers' incomes are in the high-\$200,000 range.[68] They, too, have a PAC which proudly claims that they contribute to politicians' campaigns "*especially U.S. senators and representatives*" to promote the interest of multi-dwelling housing owners". [69] They boast that "*Helping to elect such public officials is one of the most important ways NMHC, through NMHC PAC, serves its members*" and that NMHC advocacy is a "*behind-the-scenes insurance policy*".

In the Arizona case (Abad) in which the NAA amicus curiae brief was submitted in 2009, Mr. Kelman and Ms. Robbins were testifying for the defense. The case involved two newborn infant deaths in the same apartment complex. As I understand it, mold remediation had occurred with no containment to curtail the spread of airborne mold spores and mycotoxins. The infants died shortly thereafter within days of each other. There was a \$25,000,000 liability policy issued from Travelers' Insurance to defendants.

The fraudulent U.S. Chamber Mold Statement by Mr. Kelman and Mr. Hardin was submitted by the NAA in support of Mr. Kelman's and Ms. Robbins' reciting of the Veritox Theory to cast doubt on causation of the infants' deaths. This use of the U.S. Chamber Mold Statement to lend credence to the Veritox, Inc., owners' expert opinions when selling the Veritox Theory in scientific fraud upon the court, was to stave off liability for Travelers Insurance and the NAA affiliate apartment complex owner/manager. Again, the Veritox Theory was marketed to the courts as legitimate science by a "nonprofit", this time the NAA.

This time the US Chamber of Commerce Mold Statement fraud was directly used to lend credibility to Veritox, Inc. owners' bogus, paid-for-hire expert opinions. It was property-casualty insurer fraud by use of a version of the LNT Veritox Theory, like was done by Dr. Kurt with three other versions (ACOEM, AAAAI, and ACMT) in the Texas workcomp insurer fraud example.

Through June of 2007, Veritox, Inc. was paid \$150,000 for Mr. Kelman's and Ms. Robbins' "*professional services rendered*" in the Arizona litigation.[70] I do not know the total amount that they billed for their profitable fraud in the litigation nightmare suffered by the grieving parents of deceased infants.

In 2010 the University of California Regents were made aware that the UC name was being misused by the US Chamber, Veritox, Inc., defense attorneys and the NAA to collusively commit insurer fraud in the Arizona courts.[71] In violation of the California Constitution, the Regents took no action to protect the publicly-owned university name from use in the “political and sectarian” endeavor purposed toward the profitable discrimination of WDB environmentally-disabled and deceased by fraud upon the court. [72] [73] [74]

Upon being made aware that the Veritox Theory was a scientific fraud upon their court, the Arizona jurists’ response was as equally deliberately indifferent as the University of California Regents’. Actually, it was worse. Instead of taking action to disallow the Veritox Theory in their courts, Arizona jurists chose instead to assist in retaliation and financial devastation of the sole-practitioner plaintiff attorney.

He had provided jurists with the direct evidence of the fraudulent origin, fraudulent mass-marketing and dishonest purposed usage of the Veritox Theory to unduly influence their decisions. Arizona jurists ruled that he should pay sanctions and \$700,000 of opposing counsels’ fees in the related matter.[75] The defense and NAA attorneys were never held accountable for submitting scientific fraud upon the court to unduly influence the case outcome.

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[47] 2003 canceled checks from Manhattan Institute to Veritox (formerly GlobalTox) equal to the hours that Kelman and Hardin billed for their work. <http://freepdfhosting.com/8e5c4c5a36.pdf>

[48] 2003 contract between Manhattan Institute and Veritox <http://freepdfhosting.com/da1f816865.pdf>

[49] 2003 Hardin & Kelman hours billed to Manhattan Institute <http://freepdfhosting.com/43f07c34e8.pdf>

[50] Manhattan Institute [http://www.sourcewatch.org/index.php/Manhattan\\_Institute\\_for\\_Policy\\_Research](http://www.sourcewatch.org/index.php/Manhattan_Institute_for_Policy_Research)

[51] U.S. Chamber of Commerce [http://www.sourcewatch.org/index.php/U.S.\\_Chamber\\_of\\_Commerce](http://www.sourcewatch.org/index.php/U.S._Chamber_of_Commerce)

[52] 2003 U.S. Chamber Mold Statement [www.uschamber.com/sites/default/files/legacy/reports/ilr\\_mold.pdf](http://www.uschamber.com/sites/default/files/legacy/reports/ilr_mold.pdf)

[53] 2003 U.S Chamber Mold Statement in most relevant parts <http://freepdfhosting.com/a8baea5e37.pdf>

[54] 2008 Deposition of Mr. Kelman stating either he or Mr. Hardin wrote the blatantly fraudulent Sentence for the U.S. Chamber of Commerce: <http://freepdfhosting.com/6e7c68a201.pdf>

[55] 2006 deposition of Saxon stating he did not co-author the US Chamber Mold Statement, did not know his name was on and had never even read it. <http://freepdfhosting.com/daf7d27e86.pdf>

[56] 2008 deposition of Kelman’s conflicting statement that they had Saxon’s permission to put his name on the US Chamber Mold Statement <http://freepdfhosting.com/c510fbfb25.pdf>

[57] 2008 deposition of Kelman. He altered from a 2004 bench trial testimony that the payment for the US Chamber Mold Statement was \$40K to it was \$25K. **What happened to other \$15K? Was someone else paid?** <http://freepdfhosting.com/1da865cdda.pdf>

## American College of Medical Toxicology, Choose Wisely To Sunset Your Mold Statement

[58] 2008 Kelman deposition stating only he and Hardin were paid, but Saxon was an unpaid co-author. (See fn 55 for Saxon's conflicting under-oath testimony). <http://freepdfhosting.com/1007274215.pdf>

[59] 2004 Saxon deposition Re: the Regents are paid for his expert defense work as a UC employee  
<http://freepdfhosting.com/0a9b2517ef.pdf>

[60] 2008 Kelman deposition, 2006 Hardin deposition, stating US Chamber Mold Statement is a lobbying piece & the Manhattan Institute "*wanted something more accessible for judges*"  
<http://freepdfhosting.com/31680a1525.pdf>

[61] 2009 NAA advertising to its members that it submitted the amicus curiae brief on behalf of an NAA member.  
<http://freepdfhosting.com/e633e385ad.pdf>

[62] 2009 NAA Amicus in the Arizona case in relevant part <http://freepdfhosting.com/7c640c2178.pdf>

[63] NAA financials 2013 <http://www.guidestar.org/FinDocuments/2013/530/191/2013-530191129-0aecbdf4-90.pdf>

[64] NAA Government Affairs FAQs: <http://www.naahq.org/learn/government-affairs/faq>

[65] NAA PAC federal lobbying <http://www.opensecrets.org/pacs/lookup2.php?strID=C00113241>

[66] NAA Members: <http://www.naahq.org/learn/national-lease-program/companies-using-national-lease>

[67] NMHC efforts to influence policy <http://www.naahq.org/site-taxonomy/national-multifamily-housing-council-nmhc>

[68] NMHC financials (see page 7 for reported officer income)  
<http://www.guidestar.org/FinDocuments/2014/521/127/2014-521127504-0aeb42ec-90.pdf>

[69] According to the NMHC website, "*Advocacy, Often described as a valuable early warning system and a behind the-scenes insurance policy, the Council is actively involved in forming national housing policy and shaping the legislation and regulations that affect the industry. From public testimony before Congressional committees to selective participation in judicial proceedings, NMHC is consistently heard on the entire spectrum of housing-related issues. We concentrate our public policy efforts on issues relating to housing policy, finance, tax, technology, property management, environmental issues, labor and employment and building codes. NMHC sponsors a political action committee exclusively representing the multifamily housing industry. The National Multifamily Housing Council Political Action Committee (NMHC PAC) was formed to support political candidates, especially U.S. senators and representatives who are dedicated to the preservation and production of multifamily housing. Helping to elect such public officials is one of the most important ways NMHC, through NMHC PAC, serves its members. Although membership in NMHC is required to participate in NMHC PAC, it is funded separately and entirely on a voluntary basis.*" <http://nmhc.org/Membership-Benefits/>

[70] 2007 Veritox, Inc. billing for the Arizona case up through June 2007 <http://freepdfhosting.com/3ad4a1ccf1.pdf>

[71] 2010 ACHEMMIC letter to Regents <http://freepdfhosting.com/e88548fd20.pdf>

[72] California Constitution re: UC Regents' duty <http://freepdfhosting.com/a8ac423491.pdf>

[73] 2010 UC Regents "*thanks for sharing*" letter <http://freepdfhosting.com/d68a7598b1.pdf>

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[74] 2010 letter to Regents explaining the fraud and harm again. <http://freepdfhosting.com/1ff83d97aa.pdf>

[75] 2011 Tucson News "*Lawyer settles suit in mold case after nearly nine years*"  
<http://freepdfhosting.com/43ac521d78.pdf>