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## Serial Litterer's Fate Escalates to Exile

Clarke County Banishes Former Physician Who Polluted to Show Contempt for Commonwealth

By Carol Morello  
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BERRYVILLE, Va. -- By all accounts, Parviz Modaber harbors a deep grudge against the Commonwealth of Virginia.

So much so that he has treated the state where his career and livelihood in medicine were ruined two decades ago as little more than a receptacle for his household trash.

Now, Modaber, 73, has another reason to hate Virginia.

After Modaber's fourth conviction for littering, a judge this month ordered him banished from Clarke County. General District Court Judge Norman deVere Morrison threatened jail time if Modaber steps inside the county.

"If you're found in Clarke County, bring your toothbrush," he said in sentencing Modaber this month.

Modaber's attorney and therapist have said Modaber dumped his trash on Virginia roadsides to express his contempt for the state. Clarke County bore the brunt of his visceral hatred for no reason other than its proximity to his home on a bucolic mountainside outside Charles Town, W.Va.

Modaber's proclivity to litter was so well-known that police were on the lookout for his car. Over the past several years, he methodically emptied bags of trash -- aluminum cans and plastic bottles, diapers and coffee grounds, crumpled newspapers and junk mail, some bearing his name -- onto the median of U.S. 340, a divided highway that runs through Clarke.

He continued to litter, even after performing hundreds of hours of community service picking up other people's trash. He continued after being ordered to contribute \$2,500 to the local anti-litter committee. And he kept at it after a Clarke resident determined to catch him red-handed started tailing him at high speeds along the back roads of West Virginia.

Carole Hertz, a psychologist who treated Modaber for anger management issues, diagnosed an obsessive-compulsive disorder focused on his bitter experiences in Virginia during the 1980s, court records say.

That was when his career as an obstetrician went into a tailspin after a series of incidents that led to the revocation of his hospital privileges and an indefinite probation from by the Virginia Board of Medicine. Prohibited from delivering babies, he moved to West Virginia and allowed his medical license to expire.

But his hard feelings lived on, and festered.

"He obsesses about Virginia and how he's going to get back at it for all the problems [Virginians] caused in his life," Hertz said. "He obsessed and obsessed and obsessed on what he perceived as wrongdoing. He still does. He feels he was treated unfairly."

Modaber did not return several phone calls or respond to messages left at his door. His obsession might never have come to light if two residents had not become fed up with the trash they kept finding near their homes.

According to court records in the county seat of Berryville, the trash began appearing about 1999.

At Modaber's first sentencing in 2000, Robert W. Smalley Jr., a businessman dedicated to keeping U.S. 340 litter-free, testified that he had found Modaber's name and address on a piece of paper among soup cans, banana peels, eggshells and a West Virginia newspaper. He took the trash to police.

Modaber pleaded guilty, paid a \$500 fine and was sentenced to spend 140 hours picking up litter.

But he did not stop dumping his garbage on Virginia.

That kept John Crawford, an electrical contractor, on his trail.

While combing through the bags for clues, Crawford said, he found a letter addressed to "Dear Mr. Modaber" and two business cards for an over-fifties singles club in nearby Winchester.

So Crawford joined the club, mingling until someone pointed out Modaber. He attended 20 or 30 times in all, often following Modaber home hoping to catch him in the act.

Finally, his efforts paid off. After seeing Modaber remove trash bags from the rear of his Subaru station wagon and place them on the car seat, Crawford said, he contacted state Trooper Mark Campbell.

Campbell later testified that he was parked on an offramp along U.S. 340 when he saw Modaber pull his car to the shoulder, roll down his window and throw out a heap of green-bean cans, magazines and dog-food cans.

At his second court appearance, in 2001, Modaber pleaded guilty. Morrison fined him \$1,000 and ordered him to spend 100 hours picking up litter.

But the littering continued, and Crawford was lying in wait.

Crawford was watching in December 2002 when he heard the sound of cans striking the ground near Modaber's car. He chased the car into West Virginia. At a fast-food restaurant, Crawford said he called out: "Pete? Pete Modaber?" Modaber -- who tells people to call him Peter -- looked up. Crawford said he shouted: "Great! I positively identified you. You threw trash, and I'm going to get you in court." He returned to Virginia and filed a police report. Clearly exasperated, the judge this time sentenced him to 300 hours of community service but suspended it.

Six months later, Modaber was back in court.

Sheriff's Deputy Travis Sumpton testified that he pulled up to Modaber's parked car just as he was getting into the driver's seat.

"What are you doing here in Virginia, anyway?" Sumpton said he asked Modaber.

Modaber replied that he came to Virginia to buy cheap gas and stopped because his dog was crying in the back seat. At that moment, Sumpton heard a crunch as a passing car drove over a can. He saw a pile of cans on the median and a white trash bag on the passenger floor of Modaber's car.

Although Modaber denied dumping the trash this time, he was convicted and lost an appeal. Circuit Court Judge John R. Prosser imposed a curfew of 9 p.m. to 7 a.m. because Modaber usually littered at night. But because Modaber was on probation from his third conviction, the lower court judge revisited the earlier sentence and expanded the curfew to 24 hours.

"All I can say is, he is really, really innocent," said his sister, Parvaneh Modaber, a Washington physician. "It was one of those things -- sometimes you're just tired of arguing."

Kent Willis, executive director of the American Civil Liberties Union of Virginia, said unusual sentences such as Modaber's banishment are allowed provided they are voluntary, usually to avoid jail.

Clarke County Commonwealth's Attorney Suzanne "Suni" Perka argued that Modaber should have been jailed, but she said she is pleased that he has been banned.

"Boy, if it's enforceable, I've got some other people I want banished," she said. "I've got a list."

Modaber's attorney, Paul Morrison, said jail would be a death sentence given his client's age.

"He's not real happy with Clarke County now," he said of Modaber, who continues to insist that he is innocent of the last charge. "I don't think he ever had issues with Clarke County before."

Hertz, the psychologist, said she believes Modaber's littering days are over.

She said his actions are rooted in his youth in prerevolutionary Iran, where he was raised in a prestigious family. All his siblings are doctors and lawyers, she said.

"He witnessed a lot of horrible things happen while he was there," his attorney said. "I think that contributed to some of his angst."

The family left Iran in the 1950s.

Modaber graduated from Davis & Elkins College in West Virginia and received his medical degree from the University of Heidelberg in West Germany. He worked in Oklahoma and Texas before moving to Virginia for a three-year residency at a Norfolk hospital.

He settled in Culpeper in 1976 and soon was embroiled in a number of clashes.

In 1978, the Virginia Board of Medicine placed his license on probation for one year when, during a feud with another doctor, Modaber entered Culpeper Memorial Hospital carrying a loaded gun, board records show. In 1980, the hospital revoked his privileges for what it said was substandard practice. The next year, a jury awarded a patient \$750,000 in malpractice damages.

He told newspapers that his troubles stemmed from U.S. anger over the hostage crisis in Iran. He sued the hospital, but the case was dismissed in federal court.

In 1984, he was charged in Norfolk with performing a second-trimester abortion outside a licensed clinic, a violation of Virginia law. After a hung jury, he was acquitted.

The next year, he signed a consent order in which the state Board of Medicine placed him on indefinite probation. Citing inappropriate care given to more than a dozen patients, the board barred him from performing surgery. It ordered him to transfer his pregnant patients to other doctors after the second trimester. And it directed him, at age 53, to get more medical education or a residency.

Modaber quietly allowed his license to expire in 1990.

Today, he lives in a white frame cottage with blue shutters on an unpaved road along the western edge of the Blue Ridge Mountains, where deer wander freely. A woman who answered the door there said that Modaber was not at home and that he would not speak to a reporter.

Neighbors said they know Modaber as an amiable retired obstetrician who greets them when walking his two Shih Tzu dogs.

The neighbors said they had noticed he was not a customer of the private waste-management company that picks up their garbage weekly, and they wondered what he did with it.

*Staff researcher Bobbye Pratt contributed to this report.*

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