Safety and Compliance in Community Care: A United Front Against Unlicensed Facilities

San Diego's Unsafe Facilities Task



CDSS
CALIFORNIA
DEPARTMENT OF
SOCIAL SERVICES

Community Care Licensing a Division of Department of Social Service
Presented by Icela Estrada, Assistant Program Administrator

California Department of Social Services
Community Care Licensing Division



Mission Statement

The mission of the California Department of Social Services is to serve, protect, and support the people of California experiencing need in ways that empower wellbeing and disrupt system inequities.

The Community Care Licensing Division's (CCLD) mission is to promote the health, safety, and quality of life of each person in community care through the administration of an effective collaborative regulatory enforcement system.

Community Care Licensing Division and Regulatory Mandates

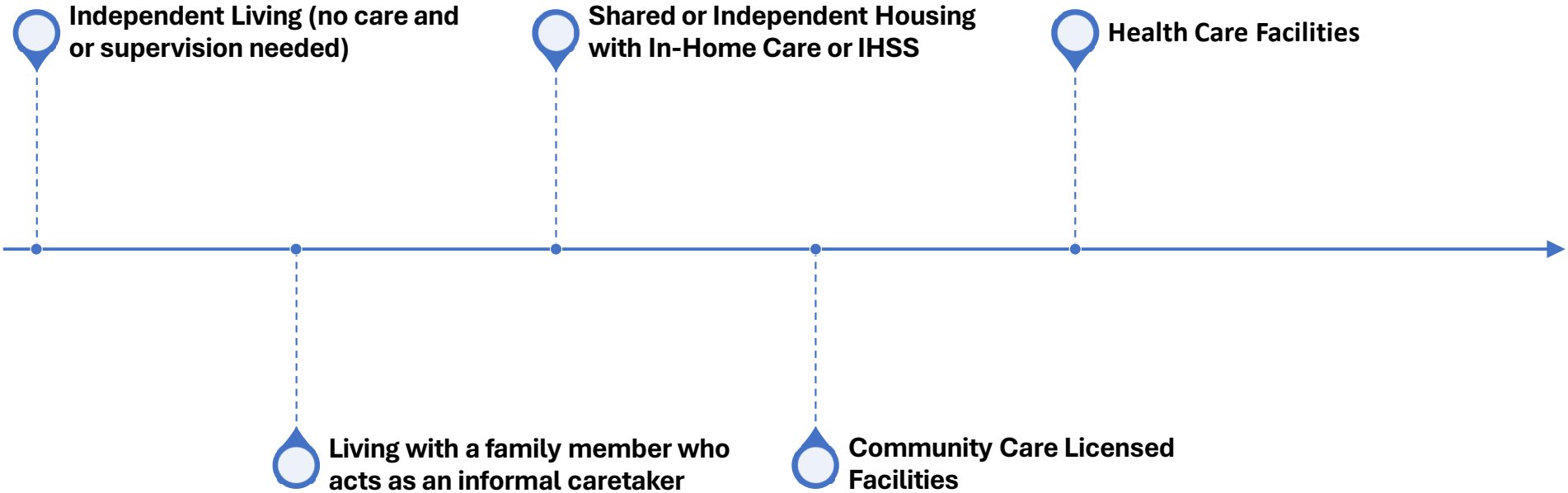
Community Care Licensing Division (CCLD)
The CCLD within CDSS enforces compliance in licensed residential care facilities, addressing facility standards, staff qualifications, and resident protections.

Relevant Health & Safety Codes
Code 1569.10 mandates licenses for facilities providing care to elderly individuals. Code 1508 defines 'community care facilities' to protect resident welfare.

Resources

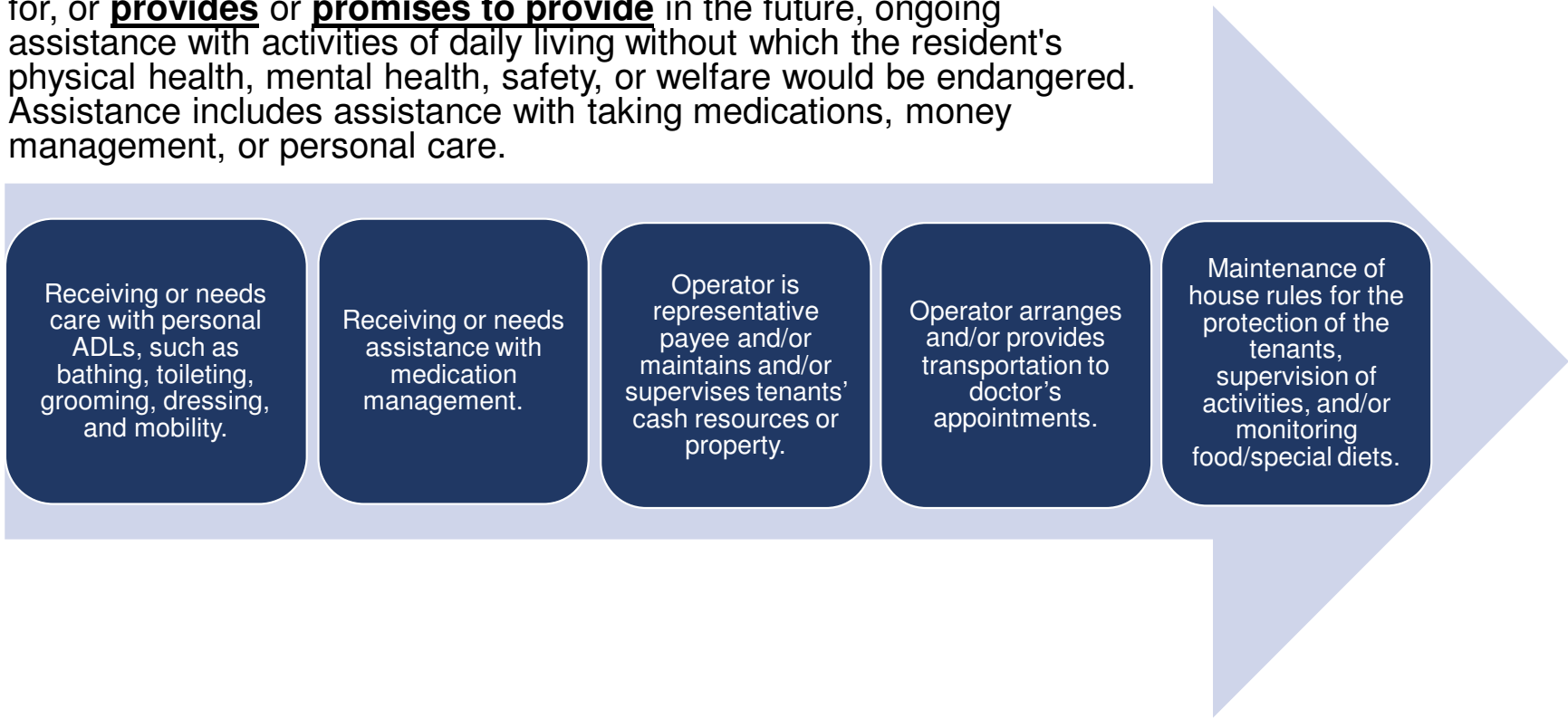
CCLD Title 22 Regulations	Health and Safety Codes
RCFE Section 87106 – Operation Without a License ARF Section 80006 – Operation Without a License	Definition RCFE HSC §1569.44 Definition ARF HSC §1503.5

Continuum of Housing with Care Options for Adults and Seniors



Elements of Care and Supervision
HSC §1569.2 (c)

HSC defines “care and supervision" as the facility **assumes** responsibility for, or **provides** or **promises to provide** in the future, ongoing assistance with activities of daily living without which the resident's physical health, mental health, safety, or welfare would be endangered. Assistance includes assistance with taking medications, money management, or personal care.



Unlicensed Facilities: Population

Individuals with severe and/or persistent mental illness, physically disabled, and the elderly.

Typically, the residents are poverty-stricken and receive Supplemental Security Income benefits.

Some may participate in Social Security's Representative Payment Program.







Unlicensed Facilities: Health and Safety Concerns

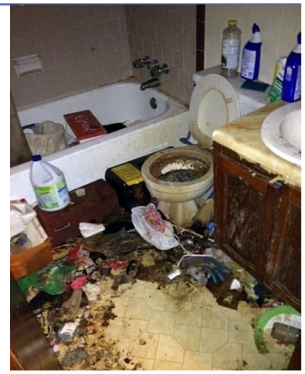
- Operators or staff may not be managing resident medications properly.
- Overcrowding concerns, including housing tenants in sheds, basements, or attics.
- Egress may be difficult for frail or disabled residents.
- Bedbugs, other insects, and/or rodent infestation.
- Lack of running water or electricity, or the presence of unsafe electrical wiring.
- Lack of smoke detectors, carbon monoxide, and fire extinguishers.
- Locking residents in their rooms or chaining doors at night to prevent them from leaving the facility.
- Denying residents access to bathrooms or requiring them to use buckets instead.
- Locking refrigerators or pantries.











Unlicensed Facilities: Concerns

High Calls for Service to the police and 9-1-1. This trend is straining emergency services.

Arrests for nuisance activity and drug crimes

Substandard Housing Violations - Cal. H&S Code §17920.3



Financial Exploitation

The operator engaging in the unlawful sale of residents' prescription medications and/or government-issued food assistance benefits.

The operator coercing residents to designate them as the representative payee for SSI benefits and/or unlawfully intercepting cash or checks.

The unlawful or unauthorized use of an older adult's funds, property, or assets for personal gain or benefit.



Unlicensed Residential Care Facility for the Elderly

HSC §1569.44 Definition; Operation without license prohibited; Procedure upon discovery.

a) A facility shall be deemed to be an "unlicensed" and "maintained and operated to provide residential care" if it is unlicensed and not exempt from licensure, and any one of the following conditions is satisfied:

   1) The facility is providing care and supervision, as defined by this chapter or the rules and regulations.
   2) The facility is held out as, or represented as, providing care and supervision, as defined by this chapter or the rules and regulations.
   3) The facility accepts or retains residents who demonstrate the need for care and supervision, as defined by this chapter or the rules and regulations.
   4) The facility represents itself as a licensed facility.

b) No unlicensed facility, as defined in subdivision (a), shall operate in this state.

c) Upon discovery, the Department shall refer residents to the appropriate placement or APS agency or the appropriate local long-term care ombudsman, if either of the following conditions exist:

   1) There is an immediate threat to the clients' health and safety.
   2) The facility will not cooperate with the licensing agency to apply for a license, meet licensing standards, and obtain a valid license.

Unlicensed Community Care Facility

HSC §1503.5 Definition; Operation without license prohibited; Procedure upon discovery.

a) A facility shall be deemed to be an “unlicensed community care facility” and “maintained and operated to provide nonmedical care” if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:

   1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations.
   2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations.
   3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations.
   4) The facility represents itself as a licensed facility.

b) No unlicensed facility, as defined in subdivision (a), shall operate in this state.
c) Upon discovery, the Department shall refer residents to the appropriate placement or APS agency or the appropriate local long-term care ombudsman, if either of the following conditions exist:

   1) There is an immediate threat to the clients' health and safety.
   2) The facility will not cooperate with the licensing agency to apply for a license, meet licensing standards, and obtain a valid license.

Exempt Facilities HSC §1569.145

(a) A health facility, as defined by Section 1250.

(b) A clinic, as defined by Section 1200.

(c) A facility conducted by and for the adherents of a church or religious denomination for the purpose of providing the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of that church or denomination.

(d) A house, institution, hotel, congregate housing project for the elderly, or other similar place that is limited to providing one or more of the following: housing, meals, transportation, housekeeping, or recreational and social activities; or that have residents independently accessing supportive services, provided, however, that no resident thereof requires an element of care and supervision, or protective supervision.

(e) Recovery houses or other similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision.

(f) (1) An arrangement for the care and supervision of a person or persons by a family member.

(2) An arrangement for the care and supervision of a person(s) from only one family by a close friend, whose friendship preexisted the contact between the provider and the recipient, and both of the following are met:

(A) The care and supervision is provided in a home or residence chosen by the recipient.

(B) The arrangement is not of a business nature and occurs only as long as the needs of the recipient for care and supervision are adequately met.

Exempt Facilities HSC §1569.145

(g) (1) (A) Any housing occupied by elderly or disabled persons, or both, that is approved and operated pursuant to Federal Law, where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

(B) Any housing that qualifies for a low-income housing credit and that is occupied by elderly or disabled persons where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

(2) The project owner or operator may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator.

(h) A similar facility determined by the director.

(i) Family member means a spouse, by marriage, child or stepchild, parent, brother, sister, half brother, half sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or a person denoted by the prefix “grand” or “great,” or the spouse of one of these persons.

(j) A person shall not be exempted if he or she has been appointed as conservator of the person, estate of the person, or both, if the person is receiving care and supervision from the conservator, unless the conservator is otherwise exempted under other provisions of this section.

HSC 1508, 1568.03, 1568.081 and 1568.0821

- No person, firm, partnership, association, or corporation within the state and no state or local public agency shall operate, establish, manage, conduct, or maintain a residential care facility in this state without first obtaining and maintaining a valid license therefor, as provided in this chapter. (HSC 1508 and 1568.03)
- If the Department has probable cause to believe that a facility is operating without a license, the Department shall investigate the facility within 10 days after receipt of the report. (HSC 1568.081)
- Any person who violates Section 1568.03 shall be assessed by the Department an immediate civil penalty in the amount of one hundred dollars ($ 100) per resident for each day of the violation. (HSC 1568.0821)
- The civil penalty authorized shall be two hundred dollars ($ 200) per resident for each day of the violation if an unlicensed facility is operated and the operator refuses to seek licensure or the operator seeks licensure, and the license application is denied, and the operator continues to operate the unlicensed facility. (1568.0821)

This shall not apply to the following:

Any arrangement for the receiving and care of persons with chronic, life-threatening illness by a relative, guardian or conservator, significant other, or close friend; or any arrangement for the receiving and care of persons with chronic, life-threatening illness from only one family as respite for the relative, guardian or conservator, significant other, or close friend, if the arrangement is not for financial profit and occurs only occasionally and irregularly, as defined by regulations of the department.

Unlicensed Complaint Investigation

CCL's jurisdiction

- Determine tenant's functional and developmental level through interviews.
- Observe the general condition of the tenant(s) and the unlicensed facility, noting:
  - Indicators such as poor hygiene, presence of feces/urine, signs of trauma, or malnutrition.
  - Environmental conditions, including hazards, unsanitary areas, food supply, access to running water, and availability of electricity.
- Conduct interviews with all relevant individuals, including:
  - Tenant(s), operator(s), staff, and, if applicable, the landlord.
  - Associated professionals such as home health nurses, hospice nurses, placement agency representatives, and in-home supportive services staff.
  - Community responders such as law enforcement, code enforcement staff, fire department personnel, first responders, and medical professionals.
  - Other sources like neighbors, family members, and friends.
- Obtain and review relevant records, including those from:
  - Law enforcement, fire departments, first responders, hospitals, or medical facilities.
- Consult with APS, county mental health services, regional centers, and CCL nurse consultants.
- Conduct an assessment to ensure all aspects of care and supervision are considered.

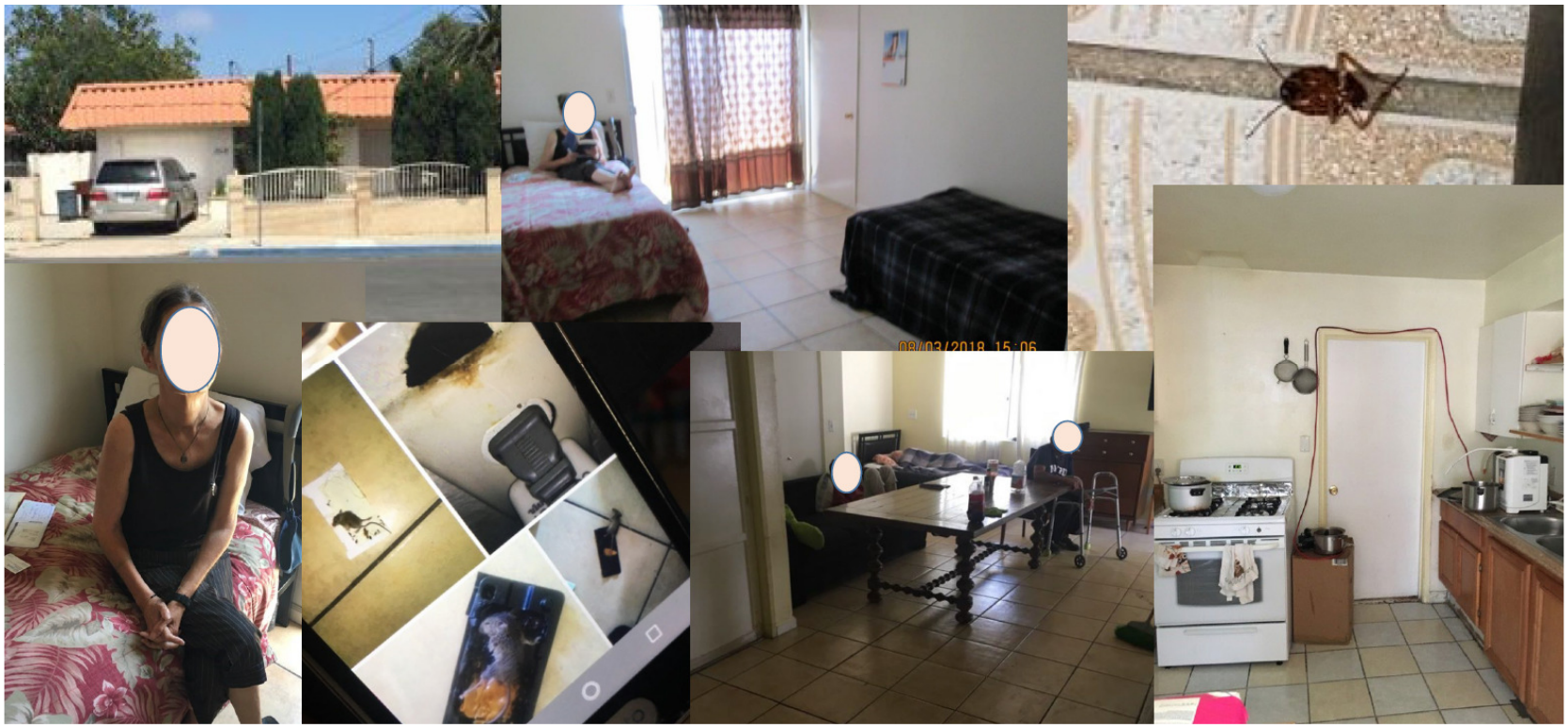
Unlicensed Complaint Investigation

Multidisciplinary Teams and Task Forces

- A multidisciplinary team is comprised of key representatives from several state, local and federal agencies to address unlicensed facilities.
  - CCLD works in partnership with Department of Justice, District Attorney, Adult Protective Services, City Attorney, Code Enforcement, and County Mental Health Services.
- City of San Diego Unsafe Facilities Task force, focused on combating unlicensed residential care, delivers crucial benefits by safeguarding vulnerable populations and strengthening public trust.
  - Protecting Vulnerable Individuals: Unlicensed facilities with no oversight lead to substandard care or unsafe conditions, especially for seniors and people with disabilities.
  - Deterrence: Publicized legal actions against unlicensed operators serve as a strong deterrent, discouraging others from attempting to operate outside of the law.
  - Multi Agency Collaboration: Enables efficient resource use and expertise sharing.
- By addressing unlicensed residential care, task forces contribute to a safer, more ethical care system that prioritizes residents' rights and well-being while strengthening community confidence.

Unlicensed Complaint Investigation
3505 Sparling Street, San Diego

Multidisciplinary Task Force



Unlicensed Complaint Investigation
3505 Sparling Street, San Diego

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office, 7676 METROPOLITAN DR. #109
SAN DIEGO, CA 92108

COMPLAINT INVESTIGATION REPORT

This is an official report of an unannounced visit/investigation of a complaint received in our office on 10/28/2015 and conducted by Evaluator Jessica Santiesteban

PUBLIC — **COMPLAINT CONTROL NUMBER:** 41-SC-20151028092958

FACILITY NAME:	Unlicensed-3505 Sparling Street	**FACILITY NUMBER:**	Unlicensed
ADMINISTRATOR:		**FACILITY TYPE:**	UNLIC
ADDRESS:	3505 Sparling Street	**TELEPHONE:**	
CITY:	San Diego	**ZIP CODE:**	92115
CAPACITY:		**CENSUS:** 4 **DATE:**	11/03/2015
		TIME VISIT BEGAN:	09:30 AM
MET WITH:	Gustavo Moreno, Owner/Operator	**TIME COMPLETED:**	04:00 PM

ALLEGATION(S):

1. Unlicensed Care

INVESTIGATION FINDINGS:

Licensing Program Analyst (LPA), Jessica Santiesteban and LPA, Simon Jacob conducted an unannounced visit for the purpose of conducting a complaint investigation for Unlicensed Care at this residence. LPAs were granted entry by Owner/Operator, Gustavo Moreno and discussed purpose of the visit.

During today's visit, LPAs observed and conducted interviews with four (4) tenants residing at the property and conducted a review of the physical plant. Based on interviews conducted with the four tenants, it was determined that all tenants currently residing at the home are independent. Interviews revealed current tenants do not receive assistance with any daily living activities, medication management, managing finances, and/or transportation. However, investigation revealed that owner/operator previously accepted and retained a tenant (T-5) for approximately fifteen (15) days that demonstrated the need for care and supervision. Previous tenant (T-5) has moved out and is no longer residing in the home.

Substantiated — **Estimated Days of Completion:**

SUPERVISOR'S NAME: Kimberly Hall **TELEPHONE:** (619) 767-2300

LICENSING EVALUATOR NAME: Jessica Santiesteban **TELEPHONE:** (619) 417-3928

LICENSING EVALUATOR SIGNATURE: **DATE:** 11/03/2015

I acknowledge receipt of this form and understand my appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE: **DATE:** 11/03/2015

This report must be available at Child Care and Group Home facilities for public review for 3 years.

COMPLAINT INVESTIGATION REPORT (Cont)

FACILITY NAME: Unlicensed-3505 Sparling Street **FACILITY NUMBER:** Unlicense
VISIT DATE: 11/03/201

NARRATIVE

Based on interviews conducted, there is evidence of owner/operator accepting and retaining a resident who demonstrated the need for care and supervision, therefore, this complaint is determined to be substantiated as the preponderance of the evidence standard has been met.

Per the California Health and Safety Code of Regulations, the following deficiency is cited and listed on the attached LIC9099-D. However, the deficiency was cleared during today's visit as tenant #5 (T-5) has moved out and is no longer residing at the property.

An exit interview was conducted and a copy of this report was provided to Gustavo Moreno, Owner/Operator. Appeal rights were received and understood along with a Notice of Operation in Violation of Law.

SUPERVISOR'S NAME: Kimberly Hall **TELEPHONE:** (619) 767-2300

LICENSING EVALUATOR NAME: Jessica Santiesteban **TELEPHONE:** (619) 417-3928

LICENSING EVALUATOR SIGNATURE: **DATE:** 11/03/2015

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COMPLAINT INVESTIGATION REPORT (Cont)

FACILITY NAME: Unlicensed-3505 Sparling Street **FACILITY NUMBER:** Unlicensed
DEFICIENCY INFORMATION FOR THIS PAGE: **VISIT DATE:** 11/03/2015

Deficiency Type / POC Due Date / Section Number	DEFICIENCIES	PLAN OF CORRECTIONS(POCs)
Type A 11/03/2015 **Section Cited** H&S 1569.10	RCFE; license or permit; necessity: No person, firm, partnership, association, or corporation within the state and no state or local public agency shall operate, establish, manage, conduct, or maintain a this state without a current valid license or current valid special permit therefore, as provided in this chapter. *Investigation revealed owner/operator accepted and retaining a tenant who demonstrated the need for care and supervision* This poses an immediate Health and Safety risk to clients in care.	Notice of Operation in Violation of Law was issued to Owner/Operator. Tenant #5 no longer resides in the home. Owner/Operator stated he will no longer accept or retain any tenants that require care and supervision. POC cleared during visit.

Failure to correct the cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

SUPERVISOR'S NAME: Kimberly Hall **TELEPHONE:** (619) 767-2300

LICENSING EVALUATOR NAME: Jessica Santiesteban **TELEPHONE:** (619) 417-3928

LICENSING EVALUATOR SIGNATURE: **DATE:** 11/03/2015

I acknowledge receipt of this form and understand my appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE: **DATE:** 11/03/2015

Unlicensed Complaint Investigation at 3505 Sparling Street, San Diego



FOR IMMEDIATE RELEASE: September 24, 2018
Contact: Chief Deputy City Attorney Mike Giorgino at
mgiorgino@sandiego.gov or (619) 533-5886

City Attorney Cracks Down on Illegal Elder Care Facilities

Elder/dependent victims get relocation benefits and medical care

San Diego City Attorney Mara W. Elliott announced today misdemeanor criminal charges against the owners and operators of two illegal care facilities where elderly and dependent residents were living in deplorable conditions. The victims range from 57 to 84 years old.

"We entrust elder care facilities with the safety and well-being of some of our community's most vulnerable residents," said City Attorney Mara W. Elliott. **"When unscrupulous landlords and operators set up substandard, unlicensed care facilities, they jeopardize the precious lives of those who depend on them and violate our most basic values of compassion and care."**

The charges against Petra Garcia Navarro and Silvina Sandoval Torres concern a six-bedroom unlicensed residential care facility at 3505 Sparling Street in Redwood Village. Petra Navarro is the operator and Torres is the owner of the facility, which operated under the name "Angel House" and "Hogar Dulce Hogar, LLC," or "Home Sweet Home." The charges against Jaquelinne Aguirre Navarro and Martha Alicia Bragg concern a substandard facility at 935 Kostner Drive in Otay Mesa West. Jaquelinne Navarro is the operator and Bragg is the owner.

In June 2018, inspectors from the City's Code Enforcement Division (CED) inspected the Sparling Street facility, where 11 elderly and dependent residents lived. CED inspectors found:

- extensive infestations of mice, scabies, and roaches,
- a lack of egress,
- no telephone on the premises for residents to report medical emergencies,
- unsafe electrical fixtures,
- unpermitted plumbing, and
- poor sanitation including feces in the community shower and the odor of urine in the house.

In addition, the victims were barred from the kitchen, depriving them of access to food and water.

Petra Navarro and Torres are charged with operating an unlicensed residential care treatment facility. Petra Navarro has been charged with willful cruelty to nine elderly residents and two dependent adults residing at Sparling. She and Silvina Torres are charged with more than a dozen other Health and Safety and City Municipal Code violations.

On August 2, the City Code Enforcement Division posted a Notice at the Sparling Street facility ordering Petra Navarro and Torres to vacate the building, pay relocation benefits to the 11 residents, and make repairs. They did not comply.

On August 7, 2018, City Attorney Investigators discovered all of the victims were gone from Sparling. Investigators found seven of the victims at a facility on Kostner Drive, the home of Petra Navarro's daughter, Jaquelinne Navarro. The elderly residents had been reportedly transported in the back of a pick-up truck. An inspection of the Kostner Drive location revealed similar Health and Safety and City Municipal Code violations to those on Sparling Street.

Jaquelinne Navarro and Bragg are charged with a host of Health and Safety and City Municipal Code violations. Petra and Jaquelinne Navarro are also charged with willful cruelty to the seven victims at Kostner Drive. One elderly victim was being housed in a garage that lacked ventilation. Another was found in a tent on the side of the house. All suffered from heat exposure. Most of them were transported to local hospitals for medical treatment and evaluation. All seven have been removed from the Kostner Drive facility.

The City Attorney's Office has secured $26,620, or $2,420 per victim, from City funds. The money can be used for relocation and residential expenses. The City Attorney's Nuisance Abatement Unit will seek to recover those costs from Petra Navarro and Silvina Torres at an administrative hearing set for November 28, 2018. For the victims' safety and privacy, the City Attorney's Office is not disclosing the victims' current locations.

The City Attorney's Office is committed to protecting elder residents. Elder abuse victims often live in silent desperation, unwilling to seek assistance because they believe their cries for help will go unanswered. Many remain silent because they fear retaliation from their abusers, are embarrassed that they have fallen victim to predators, or because they fear becoming homeless. Others fear that no one cares, that no one will believe them, and that their allegations will be attributed to old age.

In the context of residential care facilities, shady operators may make a promise or enter into an oral contract with an elder in exchange for money. They may withhold food, water, medication, access to a telephone, or general housing comforts. Alternatively, unlicensed operators may illegally provide medical care and general care without a license. In all cases, the elders are living nameless lives and are forgotten in the shadows.

Chief Deputy City Attorney Nicole Crosby, head of the Domestic Violence and Sex Crimes Unit has taken the lead on this case, working with detectives from the San Diego Police Department to investigate the criminal elder abuse charges. In coming months, the City Attorney's Office will be spearheading an Unsafe Facility Task Force, seeking a regional approach to crack down on substandard, unlicensed elder and dependent care facilities.

To report elder abuse and adult dependent care emergencies, dial 911. For non-emergencies, contact the San Diego Police Department or another local law enforcement agency. Community members may report code, health and safety, and environmental violations to the City's Code Enforcement Division at 619-236-5500, or the City Attorney's Nuisance Abatement Unit at 619-533-5655.

###

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at https://www.sandiego.gov/cityattorney

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Task Force Success Stories

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Attorneys for Plaintiff

FILED
SAN DIEGO SUPERIOR COURT
AUG 10 2015
CLERK OF THE SUPERIOR COURT
BY: M. RAY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

WILL LIGHTBOURNE, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES, Plaintiff, v. **LONG THANH TRAN, INDIVIDUALLY, AND AS OPERATOR OF THE UNLICENSED ADULT RESIDENTIAL CARE FACILITY LOCATED AT 5327 QUINCE STREET, SAN DIEGO; and DOES 1-10, inclusive,** Defendants.	Case No. 37-2015-00003916-CU-MC-CTL **STIPULATION FOR ENTRY OF JUDGMENT; [PROPOSED] JUDGMENT**

This Stipulation for Entry of Judgment and Proposed Judgment (Stipulation) is entered into between plaintiff Will Lightbourne, as Director of the Department of Social Services (Department), represented by Kamala D. Harris, Attorney General of the State of California, by and through Deputy Attorney General Julie T. Trinh, and defendant Long Thanh Tran (Defendant), by and through his attorney Roseline Feral, Esq. Department and Defendant are collectively referred to as the "Parties."

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The Court having read and considered the foregoing Stipulation for Entry of Judgment and for good cause appearing, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT**:

FINDINGS

1. This Court has jurisdiction of the subject matter hereof and the Parties hereto.

2. Venue is proper in this Court.

3. Defendant has entered into this Stipulated Judgment and Order for Permanent Injunction (Stipulation) freely and without coercion. Defendant acknowledges having read the provisions of this Stipulation and is prepared to abide by them.

4. Defendant hereby waives all rights to appeal or otherwise challenge or contest the validity of this Order.

5. Entry of this Stipulation is in the public interest.

JUDGMENT

1. Judgment herein is entered in favor of plaintiff Will Lightbourne, in his official capacity as Director of the Department of Social Services, and against defendant Long Thanh Tran, individually, and as operator of the unlicensed adult residential care facility located at 5327 Quince Street, San Diego.

2. Defendant Long Thanh Tran, individually, and as operator of the unlicensed adult residential care facility located at 5327 Quince Street, San Diego, is hereby ordered to do the following:

a. Obey the following laws within the State of California:

1. Health and Safety Code section 1508 and California Code of Regulations, title 22, section 80005, which prohibits the operation of an unlicensed community care facility.

2. Health and Safety Code section 1569.10 and California Code of Regulations, title 22, section 87105, which prohibits the operation of an unlicensed residential facility for the elderly.

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Stipulation for Entry of Judgment; [Proposed] Judgment (37-2015-00003916-CU-MC-CTL)



FOR IMMEDIATE RELEASE: June 24, 2022
Contact: Leslie Wolf Branscomb at
lawolf@sandiego.gov or (619) 533-5896

Independent Living Facility Operator Convicted of Abuse

City Attorney cracks down on dangerous, substandard facilities

San Diego City Attorney Mara W. Elliott announced today that the operator of a squalid independent living facility in Bay Terraces has been convicted of abuse of a dependent adult.

Long T. Tran, who operated two independent living facilities (also known as ILFs) in the city of San Diego and other ILFs in San Diego County, was accused of leaving at least one disabled resident in conditions so dire that he needed emergency medical care and hospitalization.

Tran pleaded guilty June 21, 2022, to one count of elder/dependent adult abuse and one count of violating a court order prohibiting him from operating an unlicensed care facility. He was sentenced immediately to 30 days in jail, with custody stayed pending the successful completion of one year of probation. His probation conditions prohibit him from operating an unlicensed community care facility. He is also prohibited from providing transportation or placement of anyone who needs care or assistance to any facility.

"Those who reside in independent living facilities are often just one step away from homelessness, and are unwilling to risk the little protection they have by complaining," City Attorney Mara W. Elliott said. **"They deserve to be treated with dignity, compassion, and respect -- not like yesterday's garbage."**

State law prohibits local governments from regulating or licensing ILFs, unlike facilities that provide care and supervision, such as nursing homes. ILF residents are supposed to be able to take care of their basic needs without care or supervision.

On June 17, 2020, paramedics found a 41-year-old paraplegic at Tran's ILF at 6435 Jouglard Street who required immediate hospitalization. The victim was covered in feces and afflicted with tunneling skin ulcers caused by severe bed sores. Fecal matter infected the man's urinary catheter, which he told hospital

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Task Force Success Stories

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Department of Social Services
Office of Chief Counsel
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Senior Staff Attorney
744 P Street, MS 8-5-161
Sacramento, CA 95814
Telephone: (279) 444-7506
Facsimile Number: (916) 657-2470

Attorneys for Complainant

BEFORE THE
DEPARTMENT OF SOCIAL SERVICES
STATE OF CALIFORNIA

IN THE MATTER OF:

MARK ROGERS	CDSS No. 6520017402 **ACCUSATION** (LICENSE REVOCATION)
MARK ROGERS	CDSS No. 6520017402B **ACCUSATION** (EXCLUSION ACTION)
MARK ROGERS Respondent.	CDSS No. 6520017402C **ACCUSATION** (REVOCATION OR FORFEITURE OF ADMINISTRATOR CERTIFICATE)

JURISDICTION

1. This matter arises under the California Community Care Facilities Act, Health and Safety Code section 1500 *et seq.*, which governs the licensing and operation of adult residential facilities.

2. The regulations which govern the licensing and operation of adult residential facilities are contained in California Code of Regulations, title 22, section 80000 *et seq.*, and section 85000 *et seq.*[1]

3. The California Department of Social Services ("Department") is the

[1] Subsequent references to any regulation section(s) are to Title 22 of the California Code of Regulations.

Respondent's license.

PETITION FOR RELIEF

23. WHEREFORE, Complainant requests that Respondent, **MARK ROGERS'**, license to operate an adult residential facility be revoked.

24. WHEREFORE, Complainant requests that Respondent, **MARK ROGERS**, be prohibited for the remainder of Respondent's life, from employment in, presence in, and from contact with clients of, any facility licensed by the Department or certified by a licensed foster family agency, or any resource family home, and from

holding the position of member of the board of directors, executive director, or officer of the licensee of any facility licensed by the Department.[2]

25. WHEREFORE, Complainant requests that Respondent's, **MARK ROGERS'**, administrator certificate for adult residential facilities be revoked or deemed forfeited.

DATED: MAY 19 2020

REGINA QUAYNOR
Senior Staff Attorney
Legal Division
California Department of Social Services



FOR IMMEDIATE RELEASE: September 12, 2019
Contact: Hilary Nemchik at
hnemchik@sandiego.gov or (619) 533-6176

Independent Living Facility Operator Charged with Elder Abuse, Theft, and Other Crimes

Elder and dependent residents exposed to toxic gases, vermin, and bed bugs

City Attorney Mara W. Elliott announced today that the operator of a squalid independent living facility has been charged with willful cruelty to an elder and other crimes related to his housing of vulnerable seniors and dependent adults in a house overrun with trash, rodents, and bed bugs. The case is part of the City Attorney's crackdown on substandard housing and independent living facilities that violate health and safety laws.

Mark Rogers, 59, the operator of the facility, was arraigned yesterday on 22 misdemeanor counts and ordered by the judge to cease operating this facility and any others he runs in San Diego while the case is pending. Superior Court Judge David L. Berry issued a protective order to keep Rogers away from one of the facility's residents, and ordered Rogers to surrender any firearms by Friday. Rogers operated a single-family home at 5128 Ewing Street in the College Area, which housed 11 residents, nine of whom were either elderly or dependent adults, and one of whom used a wheelchair. Inspectors and investigators from the City Attorney's Office, the City's Code Enforcement Division, and the County Environmental Health Vector Control Program visited the property at least six times between November 16, 2018, and June 26, 2019.

"Many elderly and dependent residents rely on independent living facilities for housing, and often these facilities are their only alternative to living on the streets," said City Attorney Mara W. Elliott. "**Our office has made it a priority to speak up on behalf of those who are forced to live in squalor, and to hold accountable those who abuse and exploit them."**

In late April, two investigators from the City Attorney's Office found an elderly resident lying naked and disheveled in a bed. The room was full of trash and dirty clothing. Gravely disabled and unable to respond or care for himself, he was transported to a hospital. When inspectors visited again recently, the same resident was back in the home, and again found to be in serious condition. He was hospitalized a second time, and remained in the hospital as of yesterday.

Cockroaches and bed bugs were discovered throughout the home, along with rodent feces in various areas, including beds. Inspectors found carbon monoxide detectors that weren't working, and an improperly installed water heater that was venting toxic gases into the living space. The property had a shed and a patio cover that had been built without permits, and in addition to the general dilapidation of the structure, inspectors reported that the interior of the house smelled of urine. They also found a large amount of trash and debris in the back and side yards, including furniture, appliances, and mattresses.

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at https://www.sandiego.gov/cityattorney

Contact Information



California Department of Social Services
Community Care Licensing Division
Adult and Senior Care Program

CCLD Complaint Hotline
Phone: 844-LET US NO (844-538-8766)
You can also email us at letusno@dss.ca.gov or use our https://complaints.ccld.dss.ca.gov/

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