

CIRCUIT COURT OF OREGON

MULTNOMAH COUNTY

CHARLA DINNOCENZO,

Plaintiff,

v.

MULTNOMAH COUNTY BOARD OF
COMMISSIONERS, and MULTNOMAH
COUNTY ADULT CARE HOME PROGRAM,

Defendants,

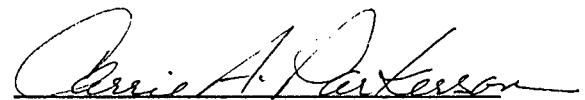
No. 9408-05556

RECORD AND CERTIFICATE
OF RECORDS CERTIFICATION

COPY CERTIFICATE

I hereby certify the within to be a true copy of the record of Multnomah County in the Matter
of the licensce revocation regarding Charla Dinnocenzo.

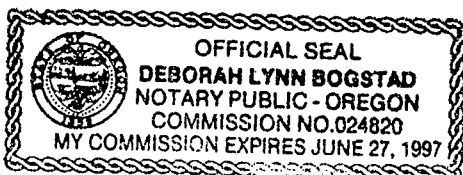
Date: September 15, 1994

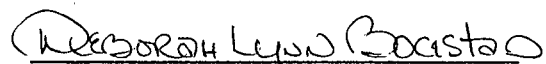


Carrie A. Parkerson, Board Clerk
Multnomah County
Office of the Board Clerk

STATE OF OREGON)
) ss
County of Multnomah)

Subscribed and affirmed before me by Carrie A. Parkerson this 15th day of September,
1994.





Notary Public for Oregon
My commission expires: 6/27/97

MULTNOMAH COUNTY

Index to Record
[Record is in Reverse Chronological Order]

ITEM	PAGE(S)
Final Order 94-157, In the Matter of the Appeal of Charla Dinnocenzo from the Hearings Officer's Order Revoking Appellant's Adult care Home License, dated September 1, 1994	1-2
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	3-5
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-2), dated July 28, 1994	6-9
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated July 7, 1994	10-14
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated May 3, 1994	15-26
Agenda Packet submitted for the Board of County Commissioners Regular Meetings (Item R-3), dated July 7, 1994 and (Item R-2), dated July 28, 1994	27-44
Agenda Packet submitted for the Board of County Commissioners Regular Meeting (Item R-3), dated May 5, 1994	45-70
Hearing #133117, Final Historical Log, dated April 12, 1994	71-73
Check #472 for \$65.00 from Reeves, Kahn & Eder to City of Portland Treasurer, dated March 4, 1994	74
Check #2497 for \$65.00 from Evalyne L. Gerbich to City of Portland Treasurer, dated February 9, 1994	75
Correspondence from William W. Shatzer, Code Hearings Officer to Ms. J. Kristen Pecknold, dated March 3, 1994	76
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	77
Fax from Reeves, Kahn & Eder: J. Kristen Pecknold to Hearings Officer William Shatzer, dated March 3, 1994	80-81
Mr. William W. Shatzer, Hearings Officer's	

Determination and Order, dated February 18, 1994	82-84
Hearing #1133117, Notification List, dated February 16, 1994	85
Hearing #133117, Notification List, dated February 17, 1994	86
Correspondence with enclosures from Mary M. Fassell, Multnomah County Adult Care Home Program to Mr. William W. Shatzer, Hearings Officer, dated February 7, 1994	87-99
Correspondence from Evalyne L. Gerbich to Hearings Office, dated February 9, 1994	100
Hearing Record for City of Portland-Code Hearings Office, Hearing #133117, Hearings Officer: William W. Shatzer	101-102
Correspondence from Multnomah County Aging Services Division Staff, Carla Goulding to All Staff, for Aging Services Division	103
Correspondence from Multnomah County Health Department, East/Mid County Field Team Staff, Nancy Foiles, R.N. to Whom It May Concern, dated January 27, 1994	
Statement from Beth Miller Re: Complaint #3 from Peggy's Statement #133117, no date	105-106
Statement from Beth Miller Re: Charla Dinnocenzo, no date	107-111
Statement from Al Clark Re: Charla Dinnocenzo, no date	112-114
Correspondence from East Metro Mediation, Anndy Wiselogle, Mediator to Charla Dinnocenzo, dated November 24, 1993	115
Violet - House Rules Agreement, no date	116
House Rules from Charla J. Dinnocenzo, no date	117
Complaint Investigations Record	118-125
Statement from Walter Dachsel, Jr., dated January 13, 1994	126
Statement from Lillian Hernandez, no date	127

Statement from Beverly Guitron, no date	128-129
Statement from Valerie Runyan, dated January 2, 1994	130
Statement from Richard W. Craft, Sr., M.D., dated January 6, 1994	131
Correspondence from Charles R. Vaughn, no date	132-133
Correspondence from Charles R. Vaughn, dated May 9, 1993	134-135
Resume/Vita of Russ Sardo, Ph.D., no date	136-138
Correspondence/Investigation Report from Alezander Christian, Ltd., Investigative Services to Ms. Charla Dinnocenzo, dated August 12, 1993	139-141
Correspondence from Robert C. Sayson, M.D. to Charla Dinnocenzo, dated February 23, 1993	142
Note from Sandra M. Ford, P.A. C to Charla Dinnocenzo, dated January 7, 1993	143
Chart notes of Nora Fowler, dated April 16, 1993	144
Statement from Sherry Dixon, R.N., dated May 6, 1993	145
Correspondence from Joanne Glass to Charla Dinnocenzo, dated October 24, 1993	146
Medical Record, dated January 4, 1994	147
Statement from Beverly J. Lolley, dated May 8, 1993	148
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 8, 1883	149-152
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 2, 1993	153-155
Client contract from Barbara Starr, dated November 5th	156
Circuit Court of the State of Oregon for Multnomah County, Probate Department No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	157
Correspondence/Certified Mail from Multnomah County Adult Care Home Program, Stephen P. Balog, Director to	

Charla Dinnocenzo, dated November 24, 1993	158-160
Circuit Court of the State of Oregon for Multnomah County, No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	161
Various photo's, no date	162-164
Correspondence from Multnomah County Department of Human Services, Aging Services Division Adult Housing Program, Sherry Willmschen to Charla Dinnocenzo, dated November 25, 1991	165-166
Multnomah County Administrative Hearing, Affidavit of Debera Lewis in Support of Multnomah County, dated January 24, 1994	167-170
Multnomah County Administrative Hearing, Affidavit of Patricia Baldock in Support of Multnomah County, dated January 21, 1994	171-173
Multnomah County Administrative Hearing, Affidavit of Suzan Kingma in Support of Multnomah County, dated January 24, 1994	174-175
Multnomah County Administrative Hearing, Affidavit of Heather Stewart in Support of Multnomah County, dated January 12, 1994	176-177
Multnomah County Administrative Hearing, Affidavit of David Rader in Support of Multnomah County, dated January 6, 1994	178-180
Multnomah County Administrative Hearing, Affidavit of Peggy Hulse in Support of Multnomah County, dated January 5th, 1994	181-183
Multnomah County Administrative Hearing, Affidavit of Alice Wheeler in Support of Multnomah County, dated January 5, 1994	184-185
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to Charla Dinnocenzo, dated December 15, 1993	186
Complaint Investigation Report, Log #43634 from the State of Oregon Department of Human Resources, Senior & Disabled Services Division, dated November 5, 1993	187-189
Circuit Court of the State of Oregon for Multnomah	

County, Probate Department, Final Order No. 931097563 in the Matter of Barbara Starr, dated November 4, 1993	190
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated November 19, 1993	191
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated January 14, 1993	192
Hearing #133117 Notification List, dated December 28, 1993	193
Hearing #133117 Notification List, dated November 8, 1993	194
Hearing #133117 Notification List, dated September, 30, 1993	195
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to William W. Shatzer, Hearings Officer, dated September 27, 1993	196
Envelope addressed to Mr. William W. Shatzer, dated September 30, 1993	197
Request for Hearing Correspondence with attachments from ECKER, HUNT & HESS, Melvin Jack Fisher to Mr. Stephen P. Balog, Manager, Adult Care Home Program, Dated September 23, 1993	198-202

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

<i>In the Matter of the Appeal</i>)	
<i>of Charla Dinnocenzo from the</i>)	
<i>Hearings Officer's Order</i>)	ORDER
<i>Revoking Appellant's Adult</i>)	94-157
<i>Care Home License</i>)	

On July 28, the Board of County Commissioners completed its review of the evidence and argument regarding the appeal of Charla Dinnocenzo from a determination of the Hearings Officer that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home".

Based on the findings contained in the Hearings Officers Order on the Appeal of Charla Dinnocenzo, Hearing No. 133177 dated 2/18/94, the psychiatric examination report prepared by Dr. Ronald N. Turco dated 5/24/94, and the County Counsel's rebuttal to appellant's exceptions, the Board denies the appeal and accepts the decision of the Hearings Officer.

The Board also hereby interprets MCAR 890-080-120 (k)(C) as allowing imposition of administrative sanctions based upon a medical, psychiatric, or psychological problem that compromised the licensee's ability to operate or provide care in an Adult Care Home even if the problem is not a specific DSM-III diagnosis. It the intent of the MCAR was to require a specific DSM-III diagnosis by licensed professional, the MCAR would have clearly stated that requirement. Such a diagnosis is not called for in the MCAR, and is not required to provide a basis for sanctions under this provision. The facts established in this case are sufficient to establish a medical, psychiatric or psychological problem of sufficient seriousness to warrant the sanction of license revocation.

The Board finds, based on the psychological evaluation prepared by Dr. Turco, that the licensee may qualify for re-licensure after resolving issues that contribute to her psychological problem. The public interest would be served by permitting the Ms. Dinnocenzo to re-apply for a license after a minimum six month waiting period, such re-application to be accompanied by an updated evaluation report from Dr. Turco.

IT IS HEREBY ORDERED *that the decision of the Hearings Officer on the Appeal of Charla Dinnocenzo (Hearing No. 133117 dated 2/18/94) is ACCEPTED, with the CONDITION that Ms. Dinnocenzo may re-apply for a license after a minimum six month waiting period, such re-application to be accompanied by an updated evaluation report from Dr. Turco.*

Review of this Final Order may be taken solely and exclusively by writ of review in the manner set forth in ORS 34.020 to ORS 34.100.

APPROVED this 1st day of September, 1994.



MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein
Multnomah County, Chair

REVIEWED:

PETER KASTING, SPECIAL COUNSEL
for MULTNOMAH COUNTY, OREGON

By *Peter Kasting*
Peter Kasting



14

CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017

Portland, Oregon 97204-1960

Elizabeth A. Normand, Land Use Hearings Officer

(503) 823-7719

William W. Shatzer, Code Hearings Officer

(503) 823-7307

FAX (503) 823-5370

HEARINGS OFFICER'S CORRECTED DETERMINATION AND ORDER

APPEAL OF CHARLA DINNOCENZO

HEARING NO. 133117

APPEARANCES:

Mr. H. H. Lazenby, Deputy County Counsel, for Multnomah County

Mr. Martin Reeves, Attorney at Law, for the appellant, Charla Dinnocenzo.

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination of the Manager of the Multnomah County Adult Care Home Program revoking the Adult Care Home license of the appellant, Charla Dinnocenzo. After investigation, the Manager imposed the sanction of revocation pursuant to his authority under MCAR 890-080-120(k)(C) after determining that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home." Ms. Dinnocenzo appealed that determination pursuant to MCC 8.90.090 and this proceeding followed.

Ultimately, this proceeding is not about the appellant's care for her residents. While there have been numerous complaints about Ms. Dinnocenzo's care and treatment of, and behavior towards, the residents of her adult care home, many, if not most, of those allegations were not substantiated by Multnomah County investigative personnel. Of those resident care and treatment complaints which were found to be substantiated by County investigators, most appear to be the result of misunderstandings, minor misjudgments, or legitimate differences of opinion over the requirements of the Administrative Rules. While the sheer number of complaints received is somewhat troubling, the substantiated complaints do not seem to have involved any serious or substantial threat to the health, welfare, or rights of the residents or to evidence any pattern of neglect or misconduct. While the care provided by Ms. Dinnocenzo is, perhaps, not optimal, the care provided her residents does appear to fall within the acceptable range and is not so substandard as would justify revocation, at least not until lesser corrective measures had failed.

However, while Ms. Dinnocenzo's care and treatment of her residents seems to fall within minimum acceptable parameters, her behavior towards persons other than residents does not. The record is replete with evidence that Ms. Dinnocenzo is simply unable to deal with persons she perceives as opposing her in an acceptable manner. When Ms. Dinnocenzo perceives opposition, she becomes confrontational and even paranoid. She is rude, angry, abusive, defensive, and hostile. She does not cooperate or seek understanding or accommodation but rather confronts, opposes, and reacts. She is, in the words of her own psychiatrist, "aggressive with those who conflict with her" and "a pain in the neck."

The reports of this rude, offensive, and hostile behavior come from a large number of people - County employees, employees and volunteers of the State Ombudsman's Office, friends and relatives of residents, neighbors, State Court personnel, and sheriff and animal control officers have all been victims of this type of behavior.

She engages in vindictive actions intended to "get" the person she perceives as having offended against her. She has filed internal investigation complaints against Sheriff's Department officers. She has made false allegations of sexual improprieties against State Ombudsman volunteers. Her report to Mental Health regarding Joey Hedlund was, if not false, certainly mean-spirited and intended to cause inconvenience and embarrassment to the Hedlunds. She hired private investigators to investigate both her neighbors and Multnomah County regulatory staff, apparently in pursuit of her belief that these persons were engaged in some sort of conspiracy against her. Her repeated actions in dismantling her neighbors' wood pile were videotaped and can only be described as bizarre.

In short, her seemingly consistent behavior in these types of interactions is clearly outside of normal and accepted limits. While perhaps not rising to the level of a mental illness or disorder, these behaviors are certainly evidence of a "psychiatric or psychological problem" which obviously affects her ability to deal with people she perceives as opposing or in conflict with her including government regulators and overseers.

However, given that Ms. Dinnocenzo's care and treatment of her residents apparently falls within acceptable limits, the question which must be resolved is whether her problems in dealing with others can fairly be deemed to "compromise ... her ability to operate or provide care in an Adult Care Home." With some hesitation, I have concluded that these problems do, indeed, compromise her ability to operate her adult care facility.

The operation of an adult care facility involves more than simply the care and treatment of the facility's residents. As the adult care industry is a highly regulated one, operation of an adult care home must, of necessity, involve frequent dealings with the governmental regulators and other authority figures. Almost inevitably, there will be times when the requests, instructions, inspections, requirements, and oversight of the government regulators will be perceived, rightly or wrongly, as in opposition to the interests of the adult care home operator. If the operator consistently reacts to this necessary government oversight with hostility, rudeness, defensiveness, non-cooperation, defiance, and the construction of conspiracy theories, then the government regulators cannot effectively perform their duties and the operation of the facility is most certainly compromised. In this case, Ms. Dinnocenzo's actions have clearly effected, substantially and in an adverse way, the effective government oversight of her adult care facility.

Finally, I have considered whether or not revocation is the appropriate remedy in this case or whether some sanction less than revocation might be more appropriate. Ultimately, I believe that the Manager's decision to revoke was the correct one. The testimony indicated that, of the approximately 600 adult care homes in Multnomah County, dealing with Ms. Dinnocenzo's required far and away the greatest allocation of government resources. The operation of the State

Ombudsman's Office was disrupted because volunteers and district managers no longer felt safe in dealing with Ms. Dinnocenzo. Other government employees have been reassigned because they could no longer endure Ms. Dinnocenzo's hostility. If Ms. Dinnocenzo's license were not revoked, I see no reason why this pattern would not continue. Continuation of her license would continue to disrupt the operation of the Adult Care Home Program and the effective regulation and supervision of her facility would continue to be difficult and problematic.

Accordingly, the determination of the Manager should be sustained, with appropriate modifications in the effective date to allow the orderly transfer of residents from the home.

ORDER AND DETERMINATION:

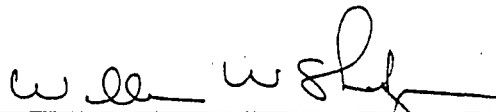
1. The determination of the Manager of the Multnomah County Adult Care Program dated September 22, 1993, revoking the Adult Care Home License of the appellant Charla Dinnocenzo is MODIFIED to provide that the revocation shall be effective March 30, 1994. Except as so modified, the determination is SUSTAINED.
2. This order and determination has been mailed to the parties on February 18, 1994, and shall become final on **March 10**, 1994, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated: _____

3/3/94

WWS:db
3

NUNC PRO TUNC
Feb 18, 1994



Code Hearings Officer

ANNOTATED MINUTES

*Thursday, July 28, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley and Dan Saltzman present.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-2 *ORDER in the Matter of Cancellation of Land Sale Contract 15522 Between Multnomah County, Oregon and Joe S. Brown Upon Default of Payments and Performance of Covenants*

**CHAIR STEIN ANNOUNCED THAT C-2 WILL BE
CONTINUED TO THURSDAY, AUGUST 4, 1994.**

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER COLLIER, THE
CONSENT CALENDAR (ITEMS C-1 AND C-3) WAS
UNANIMOUSLY APPROVED.**

DEPARTMENT OF HEALTH

- C-1 *Ratification of Amendment No. 2 to Intergovernmental Agreement Contract 103661 Between Oregon Health Sciences University, School of Medicine and Multnomah County, Adding the Dietetic Internship Program to the List of Administrative Units Providing Students to Work in County Clinics Per the Affiliation Agreement, for the Period Upon Execution through June 30, 1996*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 *ORDER in the Matter of the Execution of Deed D941023 Upon Complete Performance of a Contract to Iner Poe*

ORDER 94-137.

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *Presentation in the Matter of Employee Service Awards Honoring Multnomah County Employees with Various Years of Service*

Item
R-2

Commissioner Gary Hansen arrived at 9:35 a.m.

BOARD GREETED, ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO SANDRA LEAPTROTT OF ASD; JEAN LEAKE AND SHIRLEY WOLF OF CFS; DEBORA BROWN OF DA; RUTH WIEBER OF DCC; TERRY HOWARD AND PATRICK JONES OF DES; LARRY FRITZ AND LAURA SELBINGER OF JJD AND WENDY HAUSOTTER OF NOND. 10 YEAR AWARDS PRESENTED TO JEANETTE HANKINS OF ASD; MARIETTA POWERS AND NORMAN ROSENBLOOM OF DA; GLORIA FLUKER AND DIANNE SMITH OF DCC; CYNTHIA FREIERMUTH OF JJD AND SARA MARTIN OF NOND. 15 YEAR AWARDS PRESENTED TO PATTY BOWSER AND DONALD NEWELL OF DES AND EMMA KAUFMAN OF NOND. 20 YEAR AWARD PRESENTED TO STEVEN BAKER OF DES. 25 YEAR AWARDS PRESENTED TO C. DALE BAIRD OF DA AND DOCKUM SHAW OF DCC.

R-2

Consideration in the Matter of the Appeal of the Revocation of an Adult Home Care License for Charla Dinnocenzo (Continued from July 7, 1994)

IN RESPONSE TO A REQUEST OF CHAIR STEIN, CITY ATTORNEY ADRIANNE BROCKMAN, LEGAL COUNSEL FOR BOARD OF COMMISSIONERS, EXPLAINED THE BOARD MAY AFFIRM, REVERSE OR MODIFY THE HEARINGS OFFICER DECISION. COMMISSIONER COLLIER'S MOTION TO AFFIRM DIED FOR LACK OF A SECOND. STEVE BALOG RESPONSE TO QUESTION OF COMMISSIONER HANSEN. MS. BROCKMAN RESPONSE TO QUESTION OF COMMISSIONER KELLEY. BOARD COMMENTS AND DISCUSSION REGARDING COMMISSIONER KELLEY'S PROPOSED LICENSE CONDITIONS, LIMITATIONS AND REVIEW PERIOD. BOARD COMMENTS AND DISCUSSION REGARDING PSYCHIATRIC EVALUATIONS OF DRS. TURCO, CRAFT AND SARDO, CLIENT SAFETY AND OPERATOR STABILITY. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, TO AFFIRM HEARINGS OFFICER DECISION REVOKING LICENSE AND ALLOW OPERATOR TO REAPPLY FOR A LICENSE NO SOONER THAN SIX MONTHS AS LONG AS OPERATOR DOES NOT EXHIBIT BIZARRE EVIDENCE AS OUTLINED IN MR. BALOG'S SEPTEMBER 22, 1993 LETTER. BOARD DISCUSSION. MR. BALOG AND MS. BROCKMAN RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

FOLLOWING ADVICE OF COUNSEL, COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, TO AFFIRM THE HEARINGS OFFICER DECISION REVOKING LICENSE, WITH THE CONDITION THAT OPERATOR NOT REAPPLY SOONER THAN SIX MONTHS AFTER REVOCATION, AND REQUIRING THAT ANY REAPPLICATION BE ACCOMPANIED BY AN UPDATED EVALUATION REPORT FROM DR. TURCO. MOTION APPROVED, WITH COMMISSIONERS COLLIER, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO. COUNSEL TO DRAFT FINDINGS AND FINAL ORDER FOR BOARD CONSIDERATION. IN RESPONSE TO A QUESTION OF MS. BROCKMAN, MR. BALOG EXPLAINED THE DIVISION'S PROCEDURE REGARDING RELOCATION OF A CLIENT FOLLOWING LICENSE REVOCATION. BOARD CONSENSUS THAT PROCESS BE UNDERTAKEN.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3** *ORDER in the Matter of Restricting Pedestrian and Vehicular Traffic From SE 212th Avenue Between SE Burnside and SE Division Streets for Construction of Tri-Met Light Rail Facilities*

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. JOHN DORST EXPLANATION AND RESPONSE TO BOARD QUESTIONS. MR. DORST ADVISED RESTRICTION DATES WILL BE FROM AUGUST 1, 1994 TO JANUARY 26, 1995. ORDER 94-138 UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-4** *Ratification of Intergovernmental Agreement Contract 800045 Between the City of Maywood Park and Multnomah County, Providing Additional Patrol Services for the City of Maywood Park, for the Period July 1, 1994 through June 30, 1995*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. LARRY AAB AND RANDY AMUNDSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

- R-5 *Ratification of Intergovernmental Agreement Contract 800255 Between Multnomah County and Mt. Hood Community College, Wherein the College Will Provide Office Space for Multnomah County Sheriff's Office Use in Providing Community Police Services to Citizens of Maywood Park*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. RANDY AMUNDSON EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

- R-6 *Ratification of Intergovernmental Agreement Contract 800325 Between Multnomah County and the City of Portland, Providing Certain Law Enforcement Services Involving Driving Under the Influence of Intoxicants (DUI) Pursuant to the Multnomah County Comprehensive Community DUI Prevention Program*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-6. RANDY AMUNDSON AND PAUL WICKERSHAM EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

- R-7 *Ratification of Intergovernmental Agreement Contract 800355 Between Multnomah County and the Housing Authority of Portland, Providing a Supervised Inmate Work Crew to Perform General Labor Such as Grounds Maintenance, Yard and Nursery Work, Light Carpentry and Painting at Various Facilities Owned or Operated by the Housing Authority of Portland*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-7. LARRY AAB EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC COMMENT

- R-8 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

There being no further business, the meeting was adjourned at 10:30 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**



Deborah L. Bogstad

ANNOTATED MINUTES

*Thursday, July 7, 1994 - 9:00 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFINGS

- B-1** *Briefing on Mixed Income Housing. Presented by Peter Grundfossen, Association of Oregon Housing Authorities and Denny West, Housing Authority of Portland.*

DENNY WEST AND PETER GRUNDFOSSEN PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

*Thursday, July 7, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley and Gary Hansen present, and Commissioner Dan Saltzman excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER HANSEN, SECONDED
BY COMMISSIONER HANSEN, THE CONSENT CALENDAR
(ITEMS C-1 THROUGH C-8) WAS UNANIMOUSLY
APPROVED.**

NON-DEPARTMENTAL

- C-1** *In the Matter of the Reappointment of Jim Regan for a second term on the Citizen Involvement Committee for a two-year term ending July 7, 1996*
- C-2** *In the Matter of the Appointments of Rhybon C. Mayfield, Kim Burgess, Victor Leo, Larry Kochever, Gary Smith, Laura Chenet Leonard and Roseanne Costanzo to the Multnomah Council on Chemical Dependency for two year terms ending July 1, 1996*

SHERIFF'S OFFICE

- C-3** *Ratification of an Intergovernmental Agreement, Contract #800784, between the City of Gresham and the Sheriff's Office to Administer Gresham Revised Code Article 10.20 and Provide Payment as Outlined within the Contract, Effective Upon Completion*
- C-4** *Ratification of an Intergovernmental Agreement, Contract #800794, between the City*

Item
R-3

of Portland and the Sheriff's Office to Administer City Code Chapter 14.74 and Provide Payment as Outlined within the Contract, Effective July 1, 1993

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 *ORDER in the Matter of Designation of Newspaper for Publication of Notice of Foreclosure of Tax Liens as Shown on the Multnomah County 1994 Foreclosure List*

ORDER 94-127.

- C-6 *ORDER in the Matter of the Execution of Deed D941018 Upon Complete Performance of a Contract to BRUCE J. ROTHMAN*

ORDER 94-128.

DEPARTMENT OF COMMUNITY CORRECTIONS

- C-7 *Ratification of an Intergovernmental Agreement, Contract #900085, between the City of Portland Parks Bureau and the Department of Community Corrections to Compensate Multnomah County for Providing Two Trained Crew Leaders and Alternative Community Service Crews to Work in Areas Maintained by the Bureau of Parks and Recreation, Effective July 1, 1994 through June 30, 1995*

- C-8 *Ratification of an Intergovernmental Agreement, Contract #900245, between the Department of Community Corrections and Portland Community College to Provide Instructional Support for the Department's Donald H. Londer Center for Learning, Effective July 1, 1994 through June 30, 1995*

NON-DEPARTMENTAL

- R-1 *PROCLAMATION in the Matter of Multnomah County's Support of Portland's 1994 Gay and Lesbian Pride Parade and Festival*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-1. KATHY MILLARD REPRESENTING GAY/LESBIANS EMPLOYEES EVERYWHERE (GLEE) READ THE PROCLAMATION FOR THE RECORD, AND THANKED THE BOARD FOR THEIR SUPPORT. PROCLAMATION 94-129 WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-2 *Ratification of an Intergovernmental Agreement, Contract #800265, between Sauvie Island Fire District #30 and the Sheriff's Office to Pay District #30 the Cost of Fire Dispatch for Fiscal Year 1993-94 and Fiscal Year 1994-95, Effective Upon Completion*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. SHARON OWEN

PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. INTERGOVERNMENTAL AGREEMENT WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-3 *Consideration in the Matter of the Appeal of the Revocation of an Adult Home Care License for Charla Dinnocenzo*

PETE KASTING, DEPUTY CITY ATTORNEY FOR THE CITY OF PORTLAND, REPRESENTING THE BOARD OF COUNTY COMMISSIONERS ON THIS ITEM, PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS REGARDING THIS ITEM.

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, MOTION TO CONTINUE THIS ITEM UNTIL JULY 28, 1994, AT 9:30 AM TIME CERTAIN, TO ALLOW FOR FULL BOARD PARTICIPATION.

MARTIN REEVES, ATTORNEY FOR THE APPELLANT, EXPLAINED THAT THIS REQUEST WAS ACCEPTABLE AND PREFERRED BY HIS CLIENT TO HAVE ALL COUNTY COMMISSIONERS PRESENT.

MOTION WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- R-4 *Request for Approval of a Notice of Intent to Apply for a Grant from the Division of Special Populations of the Bureau of Primary Health Care to Fund the Creation of School Based Health Services and Health Education/Promotion Program for Children at Risk of Homelessness*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. JAN SINCLAIR PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. R-4 WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- R-6 *Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Ordinance No. 792, in Order to Add and Revise Exempt Pay Ranges*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF THE SECOND READING. NO TESTIMONY RECEIVED. ORDINANCE NO. 793 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- R-7 *Ratification of Intergovernmental Agreement Contract #200125 Between Multnomah County and Oregon Health Sciences University, Providing On-Line Medical Direction, Data Collection and Research to the County's Emergency Medical Services Pursuant to County Code, for the Period July 1, 1994 through June 30, 1995 (Continued from June 30, 1994)*

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OR R-7. BILL COLLINS PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. INTERGOVERNMENTAL AGREEMENT WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

- R-5 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

JEAN RIDINGS PRESENTED HANDOUTS AND TESTIMONY REGARDING COMMUNITY CONCERNS ON THE SAFETY OF THE RESIDENTS OF INTERLACHEN LANE & BLUE LAKE ROAD. MS. RIDINGS REQUESTED INFORMATION FROM THE BOARD AS TO WHERE TO GO NEXT FOR HELP IN REGARDS TO INSTALLATION OF SPEED HUMPS IN THIS AREA.

MEGANNE BURNS, REPRESENTING THE CHILDREN OF INTERLACHEN LANE & BLUE LAKE ROAD PRESENTED TESTIMONY REQUESTING HELP REGARDING THIS SAFETY PROBLEM.

COMMISSIONER SHARRON KELLEY WILL WORK WITH THIS COMMUNITY ALONG WITH THE DEPARTMENT OF TRANSPORTATION.

There being no further business, the meeting was adjourned at 10:00 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson

*Thursday, July 7, 1994
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session*

Pursuant to ORS 192.660 (1)(d), for Deliberations with Labor Relations Staff Regarding Labor Negotiations.

EXECUTIVE SESSION HELD. FOLLOW UP SESSION SCHEDULED FOR JULY 14, 1994, TIME TO BE ANNOUNCED. CHAIR STEIN STATED FOR THE RECORD "THAT THE MEDIA IS DIRECTED NOT TO DISCLOSE THE WRITTEN OR ORAL COMMENTS MADE DURING THIS SESSION REGARDING: 1) THE BARGAINING PROCESS; AND 2) THE ECONOMIC ISSUES AND BARGAINING PARAMETERS LISTED IN THE STAFF OUTLINE. THIS ORDER ALSO COVERS THE DISCLOSURE OF THE FACT THAT THE ABOVE ITEMS WERE DISCUSSED IN EXECUTIVE SESSION."

ANNOTATED MINUTES

*Tuesday, May 3, 1994 - 9:00 AM
Multnomah County Courthouse, Room 602*

BUDGET WORK SESSION

WS-1 *Work Session to Review and Discuss the COMMUNITY AND FAMILY SERVICES BUDGET for 1994-95 and CITIZENS BUDGET ADVISORY COMMITTEE (CBAC) REPORT - Presented by the Appropriate Department and Budget Staff*

LOLENZO POE, HOWARD KLINK, SUSAN CLARK, KATHY TINKLE, MURIEL GOLDMAN, BILL THOMAS AND JAMES EDMONDSON PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. STAFF TO RESPOND TO FOLLOW UP INFORMATION REQUESTS.

*Tuesday, May 3, 1994 - 11:30 AM
Multnomah County Courthouse, Room 602*

BUDGET PUBLIC HEARING

Chair Beverly Stein convened the hearing at 11:30 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

PH-1 *Public Hearing and Testimony for the COMMUNITY AND FAMILY SERVICES BUDGET*

CHRISTINA GERMAIN, BILL MUIR, DIANE FELDT, JAN SAVIDGE, BOB BERNSTEIN, ERIK STEN, DEBBIE ARUENFELD, DAVID FUKS, LARRY SANCHEZ, RICHARD LUC CETTI, JUDY LOW AND VIEMG KHAMVOMGSA TESTIMONY IN SUPPORT OF PROPOSED BUDGET AND ADD PACKAGES.

There being no further public testimony, the hearing was adjourned at 12:15 p.m.

*Tuesday, May 3, 1994 - 1:00 PM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

See pages 7-9
5-5-94 Minutes
R-3

- B-1 *Briefing on the City of Portland's Approved Budget. Presented by Mayor Vera Katz.*

**MAYOR VERY KATZ PRESENTATION AND RESPONSE
TO BOARD QUESTIONS AND DISCUSSION
REGARDING CITY OF PORTLAND'S APPROVED
BUDGET.**

*Tuesday, May 3, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

Chair Beverly Stein convened the meeting at 1:40 p.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

- E-1 *Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660 (1)(e) for Deliberations Concerning Real Property Transactions*

**FOLLOWING THE EXECUTIVE SESSION, THE BOARD
CONVENED IN OPEN SESSION FOR DISCUSSION.**

*Wednesday, May 4, 1994 - 9:00 AM
Multnomah County Courthouse, Room 602*

BUDGET WORK SESSION

- WS-2 *Work Session to Review and Discuss the HEALTH DEPARTMENT BUDGET for 1994-95 and CITIZENS BUDGET ADVISORY COMMITTEE (CBAC) REPORT - Presented by the Appropriate Department and Budget Staff*

**BILLI ODEGAARD, TOM FRONK, DR. GARY OXMAN,
MARGE JOZSA, JOANNE DeHOFF, GORDON EMPEY,
SHARI BLAKESLEE, MARY LOU HENNRICH, JAN
SINCLAIR, DATHY PAGE, DARLENE YOUNG AND
DWAYNE PRATHER PRESENTATIONS AND RESPONSE
TO BOARD QUESTIONS AND DISCUSSION. STAFF TO
RESPOND TO FOLLOW UP INFORMATION REQUESTS.**

*Wednesday, May 4, 1994 - 11:15 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

- B-2 *Update and Presentation on the Community Strength Meetings. Presented by*

Jo Ann Allen, Helen Richardson and Steve Johnson.

BRIEFING CANCELLED.

*Wednesday, May 4, 1994 - 11:30 AM
Multnomah County Courthouse, Room 602*

BUDGET PUBLIC HEARING

Chair Beverly Stein convened the hearing at 11:30 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

PH-2 Public Hearing and Testimony for the HEALTH DEPARTMENT BUDGET

**KENNETH YEE TESTIMONY IN OPPOSITION TO
CHAIR'S ENVIRONMENTAL HEALTH DIVISION
BUDGET PROPOSAL. BOB DONOUGH TESTIMONY IN
SUPPORT OF PUBLIC SAFETY ADD PACKAGES.**

*There being no further public testimony, the hearing was adjourned at 11:35
a.m.*

*Wednesday, May 4, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602*

BUDGET PUBLIC HEARING

Chair Beverly Stein convened the hearing at 1:35 p.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

**PH-2A Public Hearing and Testimony for the COMMUNITY AND FAMILY
SERVICES DIVISION and HEALTH DEPARTMENT BUDGETS**

**MICHAEL BALTER, DR. DAVID ROSENSTEIN, ORIN
BOLSTAD, TOM TROXEL, JUDITH MAYER, VICKI
SMEAD, CHRISTINE BRUNO, DEBRA EVANS, LESLIE
HAINES, KATHY OLIVER, VALARIE FAGERBERG,
CAROL LAINE, RON HURL, JEAN WAGNER, MARY A.
MILLS, KATHY HAMMOCK, PATTI SWANSON, KINDA
DULIO, BUZZ MARRON, JANET ROSENSTEIN,
GERALDINE WILLIAMS, DIANE FELDT, LINDA
BIFANO, DON TRUE, JULIA LING, SUSIE SILVA-
STROMMER, NATALIA SANCHEZ, LUCY UBALDO,
KEVIN FITTS, MARY CLAIRE BUCKLEY, LAURIE
BENDER AND DONNA SHILTZ-MARESH TESTIMONY**

**IN SUPPORT OR PROPOSED BUDGET AND ADD
PACKAGES.**

*There being no further public testimony, the hearing was adjourned at 3:45
p.m.*

**Wednesday, May 4, 1994 - 6:00 PM
Multnomah County Central Library - Auditorium
801 SW 10th Avenue**

**BUDGET OVERVIEW & ORIENTATION and
PUBLIC HEARING**

**Overview and Orientation of Multnomah County Chair's Proposed 1994-95
Budget**

**CHAIR BEVERLY STEIN AND DAVE WARREN
PRESENTATION TO PUBLIC QUESTIONS REGARDING
THE PROPOSED 1994-1995 EXECUTIVE BUDGET.**

*Chair Beverly Stein convened the hearing at 7:00 p.m., with Vice-Chair Tanya
Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.*

**PH-3 Public Hearing and Testimony for the Multnomah County Proposed 1994-95
Budget**

**JUDITH WILD, ARDEN BALLOU, TOMAS AMADOR,
FARM SAETERN, JENNIFER NINN, TERESA TAYLOR,
JUANITA GLASS, MELIZZA DELANEY, MARILYN
MILLER, VALENTINA CORTEZ, ROSY ORTEGA,
CHRISTINA GERMAIN, BARBARA SULEK, ELIZABETH
PERRY, TINI MATT, DIANET GOMEZ, KALE
SAETERN, JIM FRANCESCONI, JUDY LOW, TERSIA
RODRIGUEZ, SULUTASEN AMADOR, JON KART,
NICOLE RENSENBRINK, JOE NAZZARO, SHANNON
GILBERT, CINNAMON BANCROFT, KASEY SAE CHAO
AND ARMANDO MAFFIA TESTIMONY IN SUPPORT OF
PROPOSED BUDGET AND ADD PACKAGES.**

*There being no further public testimony, the hearing was adjourned at 8:20
p.m.*

**Thursday, May 5, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602**

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:36 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

CHAIR STEIN REQUESTED THAT C-4 BE CONSIDERED WITH THE REGULAR AGENDA. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, MOTION TO MOVE C-4 TO THE REGULAR AGENDA WAS UNANIMOUSLY APPROVED.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR (ITEMS C-1, C-2, C-3 AND C-5) WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- C-1 *Dispenser Class C/Greater Privilege Liquor License Application Submitted by Sheriff's Office with Recommendation for Approval, for CLUB GENESIS, 13639 SE POWELL, PORTLAND***

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-2 *ORDER in the Matter of the Execution of Correction Deed D940971 for Certain Tax Acquired Property to AAA STRUCTURES INC.***

ORDER 94-79.

- C-3 *ORDER in the Matter of Contract 15765 for the Sale of Certain Real Property to GREGORY V. WEIGEL, FRANCESCA W. ROSEMEYER AND JUDITH ANN DONALDSON***

ORDER 94-80.

DEPARTMENT OF HEALTH

- C-5 *Ratification of an Intergovernmental Revenue Agreement, Contract #202294, between METRO and Multnomah County, Health Department to Provide Assistance and Guidance in the Completion of a Bloodborne Pathogens Program Services, Effective May 2, 1994 through May 1, 1995***

REGULAR AGENDA

NON-DEPARTMENTAL

R-1 *Presentation in the Matter of Employee Service Awards Honoring Multnomah County Employees with Various Years of Service.*

BOARD GREETED, ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO CARRIE BUNCH OF DCC; NILS BITTNER DENNIS DEXTER, NASARIO GARCIA, DEBRA LONG, MARIA MALDONADO-KILIS, MICHAEL MATTHEW, PATRICIA THOMPSON AND CAROLYN ZWASCHKA OF DES; JAN MARIE COOPER AND NATALIE SHILLING OF LDS; RITA LYNE MARTIN, MARIA ROJO DE STEFFEY, JAY TUMBAGA AND BRYAN WALDEN OF NOND; DELORES ANDERSON, LISA DAVISON, VIRGINIA JONES, KATHERINE MARTIN, JAN OLSON, CAROLYN PFAENDER, CRYSTAL ROBINSON AND NANCY WILTON OF DSS; 10 YEAR AWARDS PRESENTED TO VICKI MARCH, GERARD WELCH AND SUSAN KAESER WINTERBOURNE OF DCC; CAROL BOWNE AND MARILYN HALL OF DA'S; KATHLEEN TUNEBERG OF DES; MEGAERA JARVIS, ELAINE MORGAN AND GAIL PARKER OF DLS; LAURA JEANETTE DEAN AND J. MICHAEL DOYLE OF NOND; STEPHEN BALOG AND KATHLEEN TINKLE OF DSS; 15 YEAR AWARDS PRESENTED TO BARBARA SKILES OF DA'S; ALLAN HOVDE, CAROL HOVDEY AND MURRAY SINGLETON OF DCC; GAIL ANDERSON AND DEANNA MAYER OF DES; MARGARET KHILNANI OF DSS; 20 YEAR AWARDS PRESENTED TO JEAN GUNN OF DA'S; LUCILLE BEIGHLEY AND HAROLD STANKEY OF DES; JOHN MILLER OF DSS; 25 YEAR AWARDS PRESENTED TO GREGG LOWE OF DA'S; LAWRENCE FLETCHER, LYNN LANGLEY, SHARON HOFFMANN AND NEWCOMBE WANG OF DES; 30 YEAR AWARDS PRESENTED TO W. REESE HOOPES OF DCC; AND MANUAL MIKE OF DSS.

R-2 *PROCLAMATION in the Matter of Proclaiming May 12, 1994 as Chronic Fatigue Syndrome Awareness Day in Multnomah County, Oregon*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. BILLI ODEGAARD INTRODUCED DEAN FLECK WHO PRESENTED VIDEO AND EXPLANATION. PATRICIA BERGIN-GALLUP READ PROCLAMATION FOR THE RECORD. PROCLAMATION 94-81 UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-3 Consideration in the Matter of Setting A Hearing Date Regarding an Appeal of the Revocation of an Adult Home Care License for Charla Dinnocenzo.

PETE KASTING, DEPUTY CITY ATTORNEY FOR THE CITY OF PORTLAND, REPRESENTING THE BOARD OF COUNTY COMMISSIONERS ON THIS ITEM, PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS REGARDING THE POSSIBLE DECISION TO SET A HEARING DATE TO REVIEW THE APPEAL OF CHARLA DINNOCENZO FROM THE HEARINGS OFFICER DECISION REVOKING APPELLANTS'S ADULT CARE HOME LICENSE.

CHAIR STEIN PROPOSED TO ALLOW THREE MINUTES TO EACH SIDE TO EXPLAIN IF HEARING SHOULD BE GRANTED OR NOT.

MARTIN REEVES, ATTORNEY FOR THE APPELLANT, PRESENTED AND EXPLAINED WHY HEARING WITH ADDITIONAL EVIDENCE SHOULD BE GRANTED AND SCHEDULED.

CHIP LAZENBY, ASSISTANT COUNTY COUNSEL, PRESENTED OPTIONS AND RULES AVAILABLE TO THE BOARD TO MAKE A DECISION WITHOUT GRANTING AND ADDITIONAL HEARING. THE COMPLETE HEARINGS OFFICER RECORD WILL BE ON FILE WITH THE OFFICE OF THE BOARD CLERK AND AVAILABLE FOR REVIEW. MR. LAZENBY SUGGESTED THAT THERE WAS NO NEED FOR A HEARING.

MR. KASTING LISTED POSSIBLE OPTIONS WITH PARAMETERS.

UPON MOTION OF COMMISSIONER COLLIER, TO UPHOLD THE HEARINGS OFFICERS DECISION, FAILED FOR LACK OF SECOND.

COMMISSIONER KELLEY MOVED TO LEAVE RECORD OPEN TO RECEIVE WRITTEN TESTIMONY ON THE ISSUE OF THE PSYCHOLOGICAL CONDITION OF THE APPELLANT, SECONDED BY COMMISSIONER SALTZMAN, WAS UNANIMOUSLY.

TIME LINES AGREED ON BY ALL TO ALLOW FIVE WEEKS, WITH THREE WEEKS FOR THE PURPOSE OF OBTAINING PSYCHOLOGICAL EVALUATIONS FROM EACH SIDE, AND TWO WEEKS FOR EACH SIDE TO RESPOND TO THE EVALUATIONS, THEN TO RETURN TO THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION.

COMMISSIONER COLLIER STATED CONCERN FOR ANYONE WHO REMAINS IN THIS FACILITY FOR CARE DURING THIS PERIOD OF TIME.

STEVE BALOG PRESENTED RESPONSE TO BOARD QUESTION AND EXPLANATION AS TO WHAT IS CURRENTLY BEING DONE AND THE CONCERNS OF THE COUNTY FOR THE WELL BEING OF ANY AND ALL RESIDENTS OF THIS FACILITY.

MR. KASTING SUGGESTED ASK MR. REEVES IF HE CAN ASSURE THAT ACCESS AS PROVIDED BY THE RULES WILL BE PROVIDED AND IF THIS IS NOT BEING DONE, IT WILL COME BACK BEFORE THE BOARD MORE EXPEDITIOUSLY.

MR. REEVES RESPONDED THAT HE WOULD MAKE THIS RECOMMENDATION TO HIS CLIENT AND EXPLAIN THAT SHE MUST COMPLY WITH THE COUNTY REGULATIONS.

MR. KASTING SUGGESTED THAT THE BOARD PROCEED AS DESCRIBED WITH THE FIVE WEEKS TO SUBMIT ADDITIONAL TESTIMONY, BUT TO MAKE THIS PROCEDURE CONTINGENT UPON THE APPELLANT COMPLYING FULLY WITH ADMINISTRATIVE STAFF AND IF APPELLANT FAILS THIS ISSUE WOULD COME BACK BEFORE THE BOARD IMMEDIATELY TO TAKE OTHER ACTION.

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER HANSEN, IF THE APPELLANT IN THIS CASE DOSE NOT COMPLY WITH COUNTY RULES IN REGARDS TO PROVIDING INFORMATION AND COMPLY WITH THE PSYCHIATRIC EVALUATIONS, THAT THIS ISSUE WILL IMMEDIATELY BE BROUGHT BACK BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

IMMEDIATE ACTION. ALSO, THE DATE FOR CONSIDERATION AND POSSIBLE ACTION WILL BE DETERMINED AFTER ALL RESPONSES HAVE BEEN RECEIVED. MOTION WAS UNANIMOUSLY APPROVED.

MANAGEMENT SUPPORT

- R-4** *RESOLUTION in the Matter of the Issuance and Sale of Short-Term Promissory Notes (Tax and Revenue Anticipation Notes, Series 1994) in the Amount of \$11,000,000 for the Purpose of Meeting Current Expenses of the County for the 1994-95 Fiscal Year*

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-4. DAVE BOYER PRESENTED EXPLANATION AND RESPONDED TO BOARD QUESTIONS. RESOLUTION 94-82 UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-4** *Budget Modification DES #15 Requesting Authorization to Transfer \$16,100 from Fair Fund Contingency into Personal Services to Fully Fund the Fair Administrator Position and a Temporary Clerical Position*

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF C-4. LANCE DUNCAN PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of Dunthorpe-Riverdale Sanitary Service District No. 1)

- R-5** *PUBLIC HEARING and First Meeting of the Board of County Commissioners Sitting as the Budget Committee for Dunthorpe-Riverdale Sanitary Service District No. 1 Regarding Acceptance and Approval of Fiscal Year 1994-95 Budget*

COMMISSIONER COLLIER MOVED, AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. JOHN DORST PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO PUBLIC TESTIMONY RECEIVED. R-5 WAS UNANIMOUSLY APPROVED.

(Recess as the Governing Body of Dunthorpe-Riverdale Sanitary Service District No. 1 and convene as the Governing Body of Mid-County Street Lighting Service District No. 14)

- R-6** ***PUBLIC HEARING and First Meeting of the Board of County Commissioners Sitting as the Budget Committee for Mid-County Street Lighting Service District No. 14, Regarding Acceptance and Approval of Fiscal Year 1994-95 Budget***

COMMISSIONER COLLIER MOVED, AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. JOHN DORST PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO PUBLIC TESTIMONY RECEIVED. R-6 WAS UNANIMOUSLY APPROVED.

(Recess as the Governing Body of Mid-County Street Lighting Service District No. 14 and reconvene as the Board of County Commissioners)

SHERIFF'S OFFICE

- R-7** ***Ratification of an Intergovernmental Agreement, Contract #800724, between the Metropolitan Explosive Disposal Unit (MEDU) and the Multnomah County Sheriff's Office to Participate in and Fund the Activities of the MEDU, Effective Upon Completion***

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-7. LARRY AAB PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. R-7 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-8** ***RESOLUTION in the Matter of Exempting the Multnomah County Fair from Resolution 90-2 and Allowing the Multnomah County Fair to Serve Beer and Wine and to Enter into Sponsor Partnerships with Local Microbreweries and Wineries***

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-8. BARBARA RUTHERFORD-CREST PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER KELLEY AND COMMISSIONER HANSEN PRESENTED EXPLANATION WHY THEY WOULD NOT SUPPORT THIS RESOLUTION. RESOLUTION 94-83 APPROVED, WITH

CHAIR STEIN, VICE-CHAIR COLLIER AND COMMISSIONER SALTZMAN VOTING AYE, AND COMMISSIONER KELLEY AND COMMISSIONER HANSEN VOTING NO.

DEPARTMENT OF HEALTH

- R-9** *Request for Approval of a Notice of Intent to Apply for a Grant from the Department of Health and Human Services for Funding the Development of Integrated Service Networks*

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. TOM FRONK PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. R-9 WAS UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-10** *ORDER in the Matter of Exempting from Public Bidding a Contract with Racal-Datcom for the Provision of Modems*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-10. SUSAN KAESER PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 94-84 WAS UNANIMOUSLY APPROVED.

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

NON-DEPARTMENTAL

- R-11** *PUBLIC HEARING and Testimony in the Matter of the Proposed Midland Branch Library Relocation and Possible Board Decision*

PUBLIC TESTIMONY RECEIVED FROM MARK RUHLAND, ELMER SANKEY, KEN BRUNEAU, MAVIS HOLD, HOWARD HOLD, LELA JOANNE HILL, MARK CVETKO, MARIANNE FELT, LES PRATT, DENNIS RICHEY, MICHAEL DANA AND DIANE HARR.

PUBLIC COMMENT

R-12 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

NONE.

There being no further business, the meeting was adjourned at 11:45 a.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**


Carrie A. Parkerson

*Thursday, May 5, 1994 - 11:45 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

B-3 *Presentation and Discussion of Recommendations made by the 1994 Multnomah County Salary Commission, Presented by Judith Clark, Chair; Ron Craig and Mary Ann Wersch of the Multnomah County Salary Commission.*

MULTNOMAH COUNTY AUDITOR, GARY BLACKMER INTRODUCED JUDITH CLARK, CHAIR OF THE MULTNOMAH COUNTY SALARY COMMISSION, PRESENTED AND EXPLAINED THE DETAILED REPORT OF THE SALARY COMMISSION. INFORMATION ONLY, NO BOARD ACTION TAKEN AT THIS TIME.

MEETING DATE: July 7, 1994

AGENDA NO: R-3

(Above Space for Board Clerk's Use ONLY)

JUL 28 1994

R-2

AGENDA PLACEMENT FORM

SUBJECT: Consideration in the Matter of the Appeal of the Revocation of an Adult Care Home

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: July 7, 1994

Amount of Time Needed: 10-15 Minutes

DEPARTMENT: Non-Departmental

DIVISION: Chair's Office

CONTACT: Pete Kasting, Senior Deputy
City Attorney

TELEPHONE #: 823-4047
BLDG/ROOM #: 131/315

PERSON(S) MAKING PRESENTATION: Pete Kasting

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☒ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Consideration in the Matter of the Appeal of the Revocation of an Adult Home Care License for Charla Dinnocenzo.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein/CMP

OR

DEPARTMENT MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
1994 JUN 29 AM 10:16
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

July 25, 1994

INTEROFFICE MEMORANDUM

TO: Beverly Stein
Chair, Board of County Commissioners

FROM: Peter Kasting *PK*
Senior Deputy City Attorney

SUBJ: Appeal of Carla Dinnocenzo, Hearing Number 133117
Coverage of Board Meeting on 7/28/94

This memo is to let you know that Adrianne Brockman, another deputy in the Portland City Attorney's Office (and a former Multnomah County Planning Director) will be filling in for me at the Board's hearing this Thursday. I will be out of town at the annual county counsel/city attorney/district attorney conference.

Ms. Brockman has reviewed the file in this matter and will be ready to advise you on any legal questions that arise. If you have questions prior to the hearing, you can reach me at 823-4047 until noon on Wednesday. Ms. Brockman can be reached at the same number.

c: Clerk of the Board
Larry Kressel
Adrianne Brockman

RECEIVED BY
COUNTY COMMISSIONERS
1994 JUL 26 AM 8 35
MULTNOMAH COUNTY
OREGON

BCC-

1994 JUL - 5 PM 4:04
BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

In the Matter of the Adult
Home Care License of,

CHARLA DINNOCENZO

City Hearing's Office
No. 133117

FINAL MEMORANDUM

The Board of County Commissioners should sustain the Hearings Officer's Order revoking Appellant's adult care home license. The Board now has before it two psychological or psychiatric evaluations of the Appellant. However, the Hearings Officer determined that her behavior "compromised * * * her ability to operate and provide care in an adult care home." Order p. 2.

There is no prerequisite in the rules for a finding of a clinical psychological or psychiatric disorder to revoke a license. The litany of bizarre events outlined in the Hearings Officer's Determination and Order and in the complete record before you is

1 -

1 substantial enough to justify the agency and the Hearings Officer's
2 determination that revocation is the appropriate remedy here.

3 DATED this 5th day of July, 1994.

4 Respectfully submitted,

5 LAURENCE KRESSEL, COUNTY COUNSEL
6 FOR MULTNOMAH COUNTY, OREGON

7 By H. H. Lazenby, Jr.
8 H. H. Lazenby, Jr., OSB #82078
9 Assistant County Counsel
10 Of Attorneys for Multnomah County
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of July, 1994, I served the within MEMORANDUM by depositing in the United States Post Office at Portland, Oregon, a full, true, and correct copy thereof, hand delivery to the following:

Beverly Stein, Chair

Board of County Commissioners

Tanya Collier

Gary Hansen

Sharron Kelley

Dan Saltzman

Office of the Board Clerk

1120 SW Fifth Avenue, Suite 1500

Portland, OR 97204

and

Peter Kasting

Senior Deputy City Attorney

City Attorney's Office

1220 SW Fifth, Room 315

Portland, OR 97204

and by facsimile to:

Martin Reeves, Attorney at Law

at (503) 227-2503


Denise L. Darby

CERTIFICATE OF MAILING

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

BCC ✓

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

In the Matter of the Adult Home)
Care License of) No. 133117
CHARLA DINNOCENZO) CERTIFICATE OF SERVICE
)

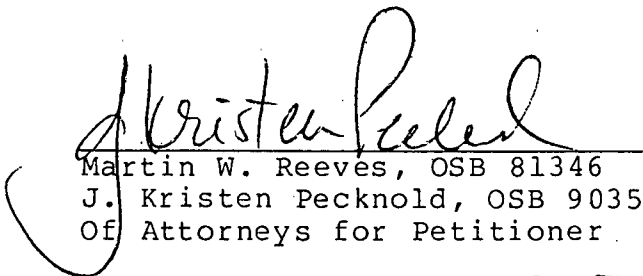
I certify that I served the foregoing LETTERS BY DR. SARDO
and DR. CRAFT on the following persons by hand-delivering the
original and 5 (five) copies to

Clerk
Board of Multnomah County Commissioners
1120 SW Fifth, Room 1510
Portland, OR 97204

and by mailing a true copy, certified by me as such, contained in
a sealed envelope, with postage paid addressed to:

H.H. (Chip) Lazenby, Jr.
Multnomah County Counsel
1120 SW Fifth, Room 1530
PO Box 849
Portland, OR 97207

DATED: June 9, 1994


Martin W. Reeves, OSB 81346
J. Kristen Pecknold, OSB 90357
Of Attorneys for Petitioner

BOARD OF
COUNTY COMMISSIONERS
1994 JUN 14 PM 12:23
MULTNOMAH COUNTY
OREGON

Page 1 - CERTIFICATE OF SERVICE

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473
FAX (503) 777-8566

Russ Sardo, Ph.D., A.B.P.P.

DIPLOMATE IN CLINICAL PSYCHOLOGY

5331 S.W. Macadam, Suite 226
Water Tower @ John's Landing
Portland, Oregon 97201
Phone: (503) 223-6174
FAX: (503) 223-6214

June 9, 1994

Martin W. Reeves
Attorney at Law
910 Oregon National Building
610 SW Alder Street
Portland, OR 97205-3610

Re: Charla Dinnocenzo

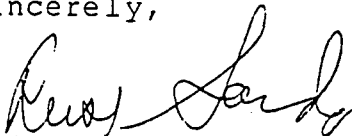
Dear Mr. Reeves:

I have reviewed the evaluation by Dr. Turco and note the following which I believe is of significance. The Axis I diagnosis is according to Dr. Turco not an actual DSM III diagnosis. He refers to an unresolved grief reaction which by definition is situational and of limited duration. I can add that in my work with Ms. Dinnocenzo I have seen sufficient resolution so that it does not noticeably impede or interfere with her functioning at the present time.

As for Axis II, again, Dr. Turco does not give a formal diagnosis. He just notes hysterical personality traits. This just means she displays some characteristics associated with a hysterical personality. Even if she were diagnosed with a hysterical personality disorder, there is nothing implicit in that diagnosis to suggest that her ability to function appropriately is impaired.

The impression obtained is that Dr. Turco concurs with my observations that there are no diagnosable psychiatric limitations. Finally Dr. Turco indicates with additional treatment he anticipates that she will be able to resume her professional activities. With my more extensive involvement with Mrs. Dinnocenzo, it is my belief that she can fill those functions at the present time.

Sincerely,



Russ Sardo, Ph.D.

RS:kp

RICHARD W. CRAFT, SR., M.D.

(503) 251-4229

PHYSICIAN - INTERNAL MEDICINE

WOODLAND PARK MEDICAL PLAZA
10373 N.E. HANCOCK STREET
SUITE 222
PORTLAND, OR 97220

June 9, 1994

J. Kristen Pecknold
Reeves, Kahn & Eder
Attorneys at Law
4934 SE Woodstock
Portland OR 97206

Dear Ms. Pecknold:

As you know I have been treating Charla Dinnocenzo for approximately three years. Per your request I reviewed the psychological evaluation from Dr. Ronald Turco of May 24, 1994. I find his report interesting and his diagnostic impression is reasonable. I do not think his discussion or diagnostic impression justify his conclusion that she not run a foster home. I agree that Charla has had some difficulties dealing with her grief associated with her sons death and there are some issues that need to be resolved. She has also reacted to stressful situations in an impulsive manner. These things do not justify concluding that she cannot run a foster home. As I explained in a letter of January 6, 1993, Charla has shown no problems with her judgement in relations to her foster home. I have a difficult patient in Charla's home and she is treated well. I see no reason why she should not continue to operate a foster home.

Sincerely,



Richard W. Craft, Sr., M.D.

RWC/sh

BCC ✓



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

June 10, 1994

INTEROFFICE MEMORANDUM

TO: Board of County Commissioners
FROM: Peter Kasting *PK*
Senior Deputy City Attorney
SUBJ: Dinnocenzo Appeal - Ex Parte Contact Issues

Martin Reeves, who is Carla Dinnocenzo's legal counsel, requested that I elaborate on my memo of June 9.

Ms. Dinnocenzo has advised him that she has not attempted to contact county commissioners regarding this appeal, nor has she solicited others to make contacts on her behalf. Mr. Reeves asked me to pass this information along so that you do not draw any unwarranted inferences from my June 9 memo.

BOARD OF
COUNTY COMMISSIONERS
1994 JUN 10 PM 4:57
MULTNOMAH COUNTY
OREGON

c: Martin Reeves
Chip Lazenby

BCC✓



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

June 9, 1994

BOARD OF
COUNTY COMMISSIONERS
1994 JUN - 9 PM 2:34
MULTNOMAH COUNTY
OREGON

INTEROFFICE MEMORANDUM

TO: Board of County Commissioners

FROM: Peter Kasting *PK*
Senior Deputy City Attorney

SUBJ: Ex Parte Contacts - Appeal of Carla Dinnocenzo from
Hearings Officer Decision Revoking Appellant's Adult
Care Home License

Apparently one or more people have attempted to contact members of the Board of County Commissioners to discuss this appeal. These are ex parte contacts, in that other interested parties do not have notice of the contacts and do not have an opportunity to rebut evidence that may be provided during the contact.

Ex parte contacts are not expressly prohibited by the administrative rules applicable to this proceeding. However, as a matter of procedural fairness, if you engage in ex parte contacts you will need to (1) disclose those contacts when this matter comes back to the Board for action; (2) describe the evidence that you received during the ex parte contact; and (3) provide other interested parties the opportunity to rebut any information you received. Obviously, these requirements apply whether the information is received from persons who support Ms. Dinnocenzo's appeal or persons who oppose the appeal. However, discussion with your staff assistants of information that is in the record for this appeal does not constitute an ex parte contact.

To prevent delays in this proceeding (arising from the necessity of providing an opportunity for rebuttal), it would be preferable if you to avoid ex parte contacts entirely. The parties to this proceeding have had ample opportunity to present their cases. You are not required to receive additional information or "lobbying" from interested parties.

c: Chip Lazenby
Martin Reeves

BCC ✓

RICHARD W. CRAFT, SR., M.D.

(503) 251-4229

PHYSICIAN - INTERNAL MEDICINE

WOODLAND PARK MEDICAL PLAZA
10373 N.E. HANCOCK STREET
SUITE 222
PORTLAND, OR 97220

June 9, 1994

J. Kristen Pecknold
Reeves, Kahn & Eder
Attorneys at Law
4934 SE Woodstock
Portland OR 97206

BOARD OF
COUNTY COMMISSIONERS
1994 JUN -9 PM 4:19
MULTNOMAH COUNTY
OREGON

Dear Ms. Pecknold:

As you know I have been treating Charla Dinnocenzo for approximately three years. Per your request I reviewed the psychological evaluation from Dr. Ronald Turco of May 24, 1994. I find his report interesting and his diagnostic impression is reasonable. I do not think his discussion or diagnostic impression justify his conclusion that she not run a foster home. I agree that Charla has had some difficulties dealing with her grief associated with her sons death and there are some issues that need to be resolved. She has also reacted to stressful situations in an impulsive manner. These things do not justify concluding that she cannot run a foster home. As I explained in a letter of January 6, 1993, Charla has shown no problems with her judgement in relations to her foster home. I have a difficult patient in Charla's home and she is treated well. I see no reason why she should not continue to operate a foster home.

Sincerely,



Richard W. Craft, Sr., M.D.

RWC/sh

BCC

Russ Sardo, Ph.D., A.B.P.P.

DIPLOMATE IN CLINICAL PSYCHOLOGY

5331 S.W. Macadam, Suite 226
Water Tower @ John's Landing
Portland, Oregon 97201
Phone: (503) 223-6174
FAX: (503) 223-6214

June 9, 1994

Martin W. Reeves
Attorney at Law
910 Oregon National Building
610 SW Alder Street
Portland, OR 97205-3610

Re: Charla Dinnocenzo

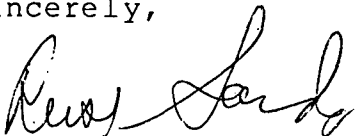
Dear Mr. Reeves:

I have reviewed the evaluation by Dr. Turco and note the following which I believe is of significance. The Axis I diagnosis is according to Dr. Turco not an actual DSM III diagnosis. He refers to an unresolved grief reaction which by definition is situational and of limited duration. I can add that in my work with Ms. Dinnocenzo I have seen sufficient resolution so that it does not noticeably impede or interfere with her functioning at the present time.

As for Axis II, again, Dr. Turco does not give a formal diagnosis. He just notes hysterical personality traits. This just means she displays some characteristics associated with a hysterical personality. Even if she were diagnosed with a hysterical personality disorder, there is nothing implicit in that diagnosis to suggest that her ability to function appropriately is impaired.

The impression obtained is that Dr. Turco concurs with my observations that there are no diagnosable psychiatric limitations. Finally Dr. Turco indicates with additional treatment he anticipates that she will be able to resume her professional activities. With my more extensive involvement with Mrs. Dinnocenzo, it is my belief that she can fill those functions at the present time.

Sincerely,



Russ Sardo, Ph.D.

RS:kp

RECEIVED
CLINICAL PSYCHOLOGY
JUN 9 1994
MULTNOMAH COUNTY
OREGON

BCC ✓

RONALD N. TURCO, M.D., P.C.
PHYSICIAN
SUITE 805
1220 S. W. MORRISON
PORTLAND, OREGON 97205

BOARD OF
COUNTY COMMISSIONERS

1994 JUN -7 PM 12:16

MULTNOMAH COUNTY
OREGON

Diplomate of the
American Board of
Psychiatry and
Neurology

Phone: 503 - 227-6071

PSYCHIATRIC EXAMINATION REPORT

May 24, 1994

Mr. H. H. Lazenby
Assistant County Counsel for Multnomah County
City of Portland
P.O. Box 8149
Portland, Oregon 97204-0849

Re: Charla Dinnocenzo

Dear Mr. Lazenby:

I performed a psychiatric examination on Charla Dinnocenzo on May 23, 1994. In addition to my clinical examination, I administered a psychological test - an MMPI which I have personally and independently computer scored. My understanding is that Ms. Dinnocenzo operates an adult care facility and that she has had various difficulties in controlling her behavior and these problems have come to public notice. There have been concerns that her behavior has deteriorated since the suicide of her son approximately two years ago. The background information regarding this situation is noted in the Hearings Officer's Determination And Order of February 18, 1994. I, therefore, will minimize a recapitulation of the information noted in this document.

MENTAL STATUS EXAMINATION:

Ms. Dinnocenzo is 51 year old woman who was early for her appointment. She was neatly and appropriately dressed. She maintained good eye contact throughout the examination and was responsive to questioning. Her thought processes are intact. I found no indication of any unusual variation in mental status examination. At the time when she talked about the suicide of her son, she became extremely tearful.

This woman described how she has owned and operated an adult foster care home in Multnomah County. She noted that she has been doing this for three years. She stated that her son died

two years ago following his suicide. He was 25 years of age. She notes that since that time "I have been excessively monitored." She tells me that anonymous complaints have been sent to the county. Multnomah County is responsible for monitoring the Adult Foster Care Homes. She indicates that regulators and inspectors have come through her home in a high number. In one month, 16 individuals came to inspect. In fact, so many came through that she posted a sign in list. She tells me that the county would sign in, but the ombudsman for the state refused to stating it was against regulations.

She indicates that she has been told by representatives of the county that she has "diminished mental capacity." She asked for a meeting to obtain some information in this regard, but on June 25, 1993 was told that her license would not be reissued. She also described problems with her neighbor. She believes she is "responding to long term harassment" and she notes that this particular neighbor has pulled her dogs through the fence and has also reported her for having four dogs. County regulations indicate that an individual can only have three dogs. The Dog Control kept coming by and she learned that she would have to have a different address if she were to keep the four dogs. She denies any harassment towards the neighbor, but described the wood piling incident against her fence. She admits to pulling up her blouse and exposing herself to a neighbor. This was in "retaliation" for some of the wood piling against her fence. She retained an attorney in May of 1993 and also went to neighborhood mediation, but felt she was still being harassed. She tells me her neighbor takes video tapes of her.

Currently Charla has two adults in the Foster Care Home. Her license has been revoked, but since she is in "due process" she can keep the two adults. One of them suffers from Huntington's Chorea and is terminal. She has in the past had up to five adults in the home and has been able to earn a reasonable living. She indicates that one adult was taken away because the county had the guardianship.

This woman noted that she sees Dr. Russ Sardo, a psychologist, and has been under his care since August of 1993. She consults him on a weekly basis for "stress." His records are not available for my review.

Charla is single, has had three children, one of them committed suicide and she has two living children. Her 24

year old daughter is married and has two children of her own and a 21 year old son is planning to marry soon.

The two adults in the foster home are "private pay", but Charla notes that her business is "hurting." Fortunately she is able to get along because she has no outstanding bills. She takes no medications other than Diuril which she uses for ankle swelling. She smokes more than a package of cigarettes per and occasionally smokes two and never drinks alcohol because she doesn't like the taste or smell.

On a daily basis, this woman appears to be quite busy. She does cooking and cleaning. She has an acre of yard and does a fair amount of yard work. She does a fair amount of paperwork. She goes on outings with the residents from time to time. She does have one woman about 27 years of age and works to help her with the foster home, but that woman will be leaving and Charla states that the woman is leaving specifically because she feels she has been harassed by the county. This woman visits her grandchildren on a regular basis once a week. Weekends and holidays are about the same.

DEVELOPMENTAL HISTORY:

Ms. Dinnocenzo was born in Portland, Oregon and grew up in Boring, Oregon. Her parents had 35 acres. Her father was a truck driver who worked for Portland Sand and Gravel. He took an early retirement because of heart disease and diabetes and when he was 50 years of age he stopped working. He died in 1977 at the age of 62. Her mother is described as a homemaker. There were nine children in the family and Charla was in the middle age wise. She notes they were "a needy family". She notes she always had to work. But she believes she was instilled with very positive values, although the family was very poor. Charla did well in school, went to Sandy High School and graduated in 1961. She had A's and B's in school. She moved to Portland, went to work at Meier and Frank and later for Lambert Electric Company and in 1963 married. She divorced her husband after six months because she states he was "very possessive." She was also "out of the country" and experiences that he introduced her to her were "new" such as smoking marijuana. In February of 1967, her child was born. This baby was the product of a relationship she had had with a man. On July 4, 1967 she married another individual (not the father of the child). He worked as a longshoreman and they divorced in 1977. This marriage

produced two more children. She noted that her husband treated his own children well, but her oldest. She and he "grew apart and we never have grown together. He was mentally abusive to me and to Robert." Robert is the son who took his life.

After the divorce, Ms. Dinnocenzo worked for the City of Gresham in the Building Permit Department. She then went to work for Multnomah County in zoning, later at Rocky Butte jail and tells me that she even did work in helping to revise the record system at Rocky Butte. She attended Portland Community College in 1965 and Mount Hood Community College in 1973 and 1976. In 1984, she went to Mount Hood Community College for refresher courses in clerical work. She "decided to go into health care" and thought that this would allow her to be more accessible to her children. She decided that private health care would be the best. She did take some CNA classes, but never obtained a certificate or license as a CNA. She noted that the program she was enrolled did not have the "hands on" care program. She started in health care by going to a private home and then decided to do her work out of her home. She was encouraged by her family physician whom she states taught her how to give insulin injections.

Charla has been involved in adult care since May of 1991. Her son suicided in 1992 approximately a year later and when talking about this she became quite tearful. He was with her at the time of his death. She was in the house when he shot himself in the head. She notes he was very ill and suffered from Schizophrenia.

Previous psychotherapy has included consultations with Dr. Geoffry Hyde in 1982. She notes that her daughter was "acting out" and she had problems with her children. In 1970, she had also consulted Dr. Stanley Abrams, a psychologist, regarding a family situation. Her husband thought that one of the children born to him was someone else's child. Various blood tests were ordered and the issue of paternity was put to rest.

In the past, this woman has been treated by Dr. Leavitt as well as more recently Dr. Richard Craft with Meproamate, Valium, and Zoloft. She has taken these drugs over the years. She has always been somewhat nervous.

Surgical interventions have included surgery on her nose as well as a tubal ligation. She denies diabetes or hypertension.

Ms. Dinnocenzo tells me that she has spent more than \$20,000 in attempting to get her license back because the work is "my life."

IMPRESSION:

This woman presents with background history of psychological difficulties in what appears to have been chronic depression and anxiety throughout the years and mental health consultations with at least two examiners. Most of her mental health treatment has been by her family physicians. She has her own perspective of the situation that has come up in the context of her work and believes that the county is being unfair.

Ms. Dinnocenzo approached the MMPI test instrument in a reasonably honest fashion. She did present herself with her best foot forward, but nevertheless the test can be assumed to be an accurate appraisal of her overall psychological functioning. The only clinical scale with an elevation is scale 4 reflective of some degree of manipulation, inhibition of aggression and problems with authority. She describes herself as a socially retiring woman who tends to repress emotional material rather than to deal with it. That is to say, underlying conflicts and issues are likely to be repressed and then expressed in the form of "acting out" behavior which is essentially what we are seeing. She also has a tendency to be substantially manipulative. There is an elevation on the MacAndrews scale, but not a significant one. This woman attempts to be dominant in interpersonal relationships and is obviously controlling a considerable amount of hostility which would be consistent with her clinical presentation.

In considering the information contained in the Hearings Officer's Determination And Order of February 18, 1994, I would conclude that Ms. Dinnocenzo would not be capable of conducting an Adult Foster Care Program in a competent fashion. I would seriously question her judgment from time to time and the likelihood of her "breaking down." I believe that the origin of these difficulties relate to the unresolved grief associated with her son. In talking to her about this, it is obvious that this very nice woman is trying the best that she can to deal with that loss.

In my opinion, Charla should continue in her therapy with Dr. Sardo. Very likely he has sized up this situation with regard to her unresolved grief and hopefully is helping her with that situation both with regard to visiting the grave and dealing with the memories associated with the loss of her son's life. Also issues associated with guilt and anger surrounding his death would also have to be dealt with. It is likely that within a six month to one year period she should be able to return to operating an Adult Foster Care Home. At that time her judgment may well improve. However, the issues associated with her relationship with her neighbors would somehow have to be worked out in either a community meeting or some form of arbitration. This is certainly too early to do this as Ms. Dinnocenzo has a number of personal issues to work through before then.

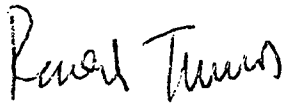
DIAGNOSTIC IMPRESSION:

Axis I: Unresolved Grief Reaction. This is not specifically a DSM-III diagnosis.

Axis II: Hysterical personality traits. Specifically a tendency to repress emotional material and to rely on "hysterical" defense mechanisms to deal with conflict.

If you have any questions regarding this report, please let me know.

Sincerely yours,



Ronald N. Turco, M.D.

RNT:dr

MEETING DATE: May 5, 1994

AGENDA NO: R-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Consideration of Setting a Hearing Date/Adult Home Care License Appeal

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: Thursday, May 5, 1994

Amount of Time Needed: 10:00 AM TIME CERTAIN - 10 Minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: City Attorney Pete Kasting TELEPHONE #: 823-4047
BLDG/ROOM #: 131/315

PERSON(S) MAKING PRESENTATION: Pete Kasting and Appellant's Attorney Kristen Pecknold

ACTION REQUESTED:

[] INFORMATIONAL ONLY [x] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Consideration in the Matter of Setting a Hearing Date
Regarding an Appeal of the Revocation of an Adult Home
Care License for Charla Dinnocenzo

BOARD OF
COUNTY COMMISSIONERS
1994 APR 13 AM 10:18
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: BEVERLY STEIN

OR

DEPARTMENT MANAGER:

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 To Come back before the BCC for
Consideration on 7-7-94.

6/93



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
HANK MIGGINS • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

CERTIFIED MAIL

September 22, 1993

Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, Oregon 97236

Dear Ms. Dinnocenzo:

I have carefully reviewed your file, the information provided at the administrative conference held on June 25, 1993 and information we have obtained subsequent to that conference. Based on this information and after careful consideration of all the circumstances, your license to operate an adult foster care home is hereby revoked effective immediately.

The specific reasons for this serious action are as follows:

1. In the two years you have been licensed to operate a home we have received 14 complaints about the operation of your home. These include substantiated lack of good judgment and uncooperative behavior, neglect of residents, poor record keeping, and poor sanitation. Many of these complaints involve situations where you have gotten overly involved in your resident's personal problems, resulting in their families filing complaints against you and indicating a profound lack of good judgment.

2. We have numerous reports and complaints of your rude, hostile, and often defensive behavior. The persons filing these complaints include residents and their families, Department staff personnel, Ombudsmen, and other professionals. They report having great difficulty dealing with you. Often they report a pattern of hostile, defensive behavior that has to be worked through before there is any meaningful interaction with you.

3. We have verifiable reports of bizarre behavior by you from your neighbors, the sheriff, the animal control staff, and others who have known you. This behavior can not in any way be considered within the range of good judgment. It is even beyond what I would consider normal behavior. It clearly shows that you do not possess the qualifications necessary to operate an adult care home in

EXHIBIT 2
PAGE 1 OF 4

46

Multnomah County and to provide for the health, safety and welfare of dependent persons in your home. Some persons who have indicated to us your bizarre behavior are unwilling to step forward to file a formal complaint because of fear of what they characterize as your vindictive behavior.

4. My staff has spent many hours trying to work with you to help you to become a better operator. They have documented many times where they have advised you to not become so hostile with people and to deal more courteously with people. Staff have suggested your own behavior is what causes most of the complaints and you have indicated your willingness to try to improve. Nevertheless, we continue to receive reports and complaints regularly.

5. Dr. Gary Nakao, Director of Social Services, and Mr. Jim McConnell, Director of Aging Services, recently met with you to discuss your concerns with the Adult Care Home Program. At that time you also agreed to be more cooperative. Subsequent to that meeting you have undertaken actions that have further convinced me that you simply do not have the qualifications to be a licensed operator. This includes complaints we have received that you have acted inappropriately in an investigation dealing with your call to Mt. Hood Mental Health regarding your neighbor, creating another complaint situation, hiring an investigator to investigate Aging Services Division and its' staff, and also another incident with your neighbor involving the woodpile. There is a video tape of this incident documenting what can only be called bizarre behavior on your part.

6. You have had previous incidents that merited an administrative sanction. This involved placing conditions on your license in May, 1992. This was because of mismanagement of medications and poor care.

Multnomah County Administrative Rules (MCAR) require operators to possess good mental health and good judgment needed to provide good care for their residents (MCAR 890-202-220 (b)). The Rules provide for administrative sanctions when an operator has a psychiatric or psychological problem which compromises her or her ability to operate an adult care home (MCAR 890-080-120 (k)(C)). The Rules also require an operator to cooperate with Department personnel (MCAR 890-020-260(a)). It is extremely clear to me that your behavior is so bizarre, erratic, hostile and defensive as to compromise your ability to operate an adult care home and to cause concern as to the health, safety and welfare of any residents in your care.

Authority to revoke your license is given to me in the following

references:

1. "The Director shall have the authority to revoke, suspend, or deny or attach conditions to any license...
 - (2) Where there exists a threat to the life, health, safety, or welfare of any resident...
 - (4) When the owner or operator has failed to comply with the provisions of this chapter;with the rules and standards duly promulgated by the Director for an adult care home;" (Multnomah County Code 8.90.080)
2. The Director has authority to take administrative action when "The ...operator...;
 - (C) Has a ... psychiatric or psychological problem...which compromises his or her ability to operate or provide care in an Adult Care Home;...
 - (I) Has acquired substantial complaints pertaining to the health, safety, and welfare of residents." (MCAR 890-080-120 (k) (C) and (I))
3. The rules require that operators have qualifications that you clearly do not have, namely:

"Operators...shall possess physical and mental health, good judgement and ability determined necessary by the Department to provide room, board, supervision care, and/or services to adults who are elderly, handicapped or dependent, and provide a statement from a physician or nurse practitioner to this effect..."

It is the judgement of this office that you do not possess the mental health, good judgement and ability determined necessary by this office to be an operator of an adult care home.

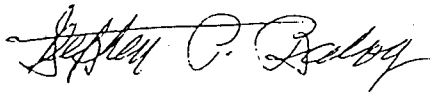
The county ordinance provides that you have the right to request a hearing before an independent hearings officer to contest my actions. If you want to request a hearing, you must send a written request to:

Mr. Stephen P. Balog
Adult Care Home Program
421 S.W. Fifth Street, Room 405
Portland, Oregon 97204

Your request for a hearing must be received by this office within twenty (20) days after the day you receive this letter. Your request should state the reasons you are requesting a hearing. Our department's file on your adult care home would automatically become part of the information available to the hearing officer. If you do not request a hearing within 20 days from the date you receive this letter my order will become final and you will no longer be able to request a hearing.

If you have any questions please call this office.

Sincerely,



Stephen P. Balog, Manager
Multnomah County Adult Care Home Program

cc: Mr. Melvin Jack Fisher, Attorney at Law
Mr. Chip Lazenby, Multnomah County Counsel
Ms. Eileen Brooks, Adult Care Home Licensing Staff



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

April 14, 1994

INTEROFFICE MEMORANDUM

TO: Board of County Commissioners

FROM: Peter Kasting *PK*
Senior Deputy City Attorney

SUBJ: Appeal of Carla Dinnocenzo from Hearings Officer's
Decision Revoking Appellant's Adult Care Home License

At its meeting on May 5, 1994 (10:00 time certain), the Board needs to decide whether it wants to (1) hold a hearing to accept evidence and argument on the appeal or (2) decide this appeal on the record. MCC section 8.90.090 (J) and section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes give the Board discretion to follow either course.

The meeting on May 5 is not intended to address the merits of the appeal. It is only to decide whether the Board wants to receive additional evidence and argument in this matter.

You should already have a copy of the hearings officer's decision, as well as the appellant's exceptions to the hearings officer's decision and the Department of Social Service's response to the exceptions. If your file does not contain these items, you can get copies from the Clerk of the Board.

I will be attending the meeting on May 5. By copy of this memo I am notifying counsel for the appellant and counsel for the Department of Social Services of the meeting. If the Board wants to hear from them on why a hearing should or should not be scheduled (and on that question only), I would suggest giving each side three minutes to make a statement. The parties are also free to submit letters stating their position on whether a hearing should be scheduled.

Please let me know if you have any questions or would like to discuss this matter further.

c: Martin Reeves
Chib Lazenby
Stephen Balog

1
2
3
4
5
6
7
8
9
10 BEFORE THE BOARD OF COUNTY COMMISSIONERS

11 MULTNOMAH COUNTY

12 In the Matter of the Adult Home) No. 133117
13 Care License of)
14 CHARLA DINNOCENZO.) EXCEPTIONS TO HEARINGS
OFFICER'S DECISION

15 Licensee, Charla Dinnocenzo, by and through her attorney,
16 Martin W. Reeves, of Reeves, Kahn & Eder, makes the following
17 exceptions to the Hearings Officer, William Shatzer's, decision
18 dated February 18, 1994, pursuant to Multnomah County Code (MCC)
19 8.90.090(I).

20 First Exception

21 The Findings of Fact and Conclusions of Law are not
22 sufficiently stated.

23 Multnomah County Code (MCC) 8.90.090(H) requires the
24 hearings officer to issue an order containing findings of fact
25 and conclusions of law explaining the reason and rationale
26 adopted by the hearings officer on arriving at his conclusion.
The hearings officer's decision fails to clearly and precisely

Page

1 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206
TELEPHONE (503) 777-5473

1 state what he found to be the facts and why those facts
2 rationally lead to the decision he made. See Ruiz v. Employment
3 Division, 83 Or App 609, 613 (1989).

4 The Findings of Fact and Conclusions of Law are not
5 separately stated in his order. It is unclear what statements
6 are findings and which statements are conclusions. When an
7 agency is required to make findings of fact and conclusions of
8 law there is an obligation on the part of the agency to make
9 findings on all essential facts and pertinent issues, including
10 issues raised by the petitioner. Failure to make such findings
11 requires remand. Ruiz, at 613, citing de St. Germaine v.
12 Employment Division, 74 Or App 484, 703 P2d 986 (1985); Exton v.
13 Employment Division, 74 Or App 288, 702 P2d 1153 (1985); Frank v.
14 Employment Division, 57 Or App 646, 646 P2d 70 (1982). (These
15 cases discuss ORS 183.470. The language in MCC 8.90.090(H)
16 regarding findings of fact and conclusions of law is
17 substantially similar to that found in ORS 183.470(2) - "A final
18 order shall be accompanied by findings of fact and conclusions of
19 law. The findings of fact shall consist of a concise statement
20 of the underlying facts supporting the findings as to each
21 contested issue of fact and as to each ultimate fact required to
22 support the agency's order.")

23 The Licensee raised several issues and presented testimony
24 and other evidence to show:

- 25 (1) that she does not have a psychological or psychiatric
26 problem;

Page

2 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473

1 (2) that she does not have a psychological or psychiatric
2 problem that compromises her ability to operate or
3 provide care in an adult care home;

4 (3) that if she did have a psychological or psychiatric
5 problem, she has taken adequate and appropriate
6 corrective measures and that subsequent behavior by
7 licensee after the re-issuance of her license in July
8 of 1993, does not support the severe sanction of
9 revocation;

10 (4) that the sanction of revocation is grossly unfair
11 and/or retaliatory;

12 (5) that many of the complaints made by the licensing
13 agency, neighbors and others are false, retaliatory or
14 harassing in nature;

15 (6) that the behavior cited in the revocation letter, even
16 if true, is anecdotal and unrelated to her care and
17 operation of an adult care home.

18 The decision failed to address these essential facts and
19 issues raised by the licensee.

20 Second Exception

21 The decision is not supported by substantial evidence.

22 The hearings officer concluded that Licensee's problems in
23 dealing with others compromise her ability to operate an adult
24 care facility. Mrs. Dinnocenzo provided the only expert witness,
25 Russell Sardo, Ph.D., on the issue of Mrs. Dinnocenzo's
26 psychiatric or psychological state. Dr. Sardo, in his testimony,

Page

3 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 322-5473

1 concluded that although Mrs. Dinnocenzo was slightly elevated for
2 defensiveness, there was nothing in her behavior of a
3 psychological nature that would prevent her from providing
4 adequate care to her residents and operating an adult foster care
5 home. The County failed to provide a diagnosis from a qualified
6 expert that she has a psychological or psychiatric problem
7 significant enough to compromise her ability to operate an adult
8 care facility.

9 The hearings officer correctly concluded that this
10 proceeding was not about Mrs. Dinnocenzo's care and treatment of
11 and behavior towards her residents. He concluded the care
12 provided by Mrs. Dinnocenzo was within the acceptable range and
13 even the complaints that were substantiated did not involve
14 serious or substantial threats to the health and welfare of her
15 residents.

16 The evidence the hearings officer relied on to conclude that
17 she has a problem that compromises her ability to operate a
18 foster care home is anecdotal and not rationally related to the
19 care provided and the operation of her facility. The Hearings
20 Officer's conclusion that she has a "problem in dealing with
21 others" does not meet the requirements of the rule that she has a
22 psychological or psychiatric problem that compromises her ability
23 to operate a foster care facility. He acknowledges that her
24 behavior does not rise to the level of a mental illness or
25 disorder. His ultimate conclusion, therefore, is not supported
26 by substantial evidence.

Page

4 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473

1 Third Exception

2 Multnomah County Administrative Rule (MCAR) 890-080-
3 120(k)(C) is unconstitutionally vague.

4 Multnomah County Administrative Rule (MCAR) 890-080-
5 120(k)(C) provides that an administrative sanction may be imposed
6 upon a finding that the operator has a psychiatric or
7 psychological problem which compromises her ability to operate or
8 provide care in an adult care home. This rule is
9 unconstitutionally vague.

10 The rule does not define psychiatric or psychological
11 problem. Licensee has due process rights and substantial liberty
12 interests through the Fourteenth Amendment of the United States
13 Constitution. The rule is grossly unfair to licensees by failing
14 to notify them of the scope and reach of the rule. This
15 constitutes a denial of due process under the Federal Fourteenth
16 Amendment. See State v. Robertson, 293 Or 402, 409 (1982). A
17 reasonable interpretation of psychological or psychiatric problem
18 would require a diagnosis from a qualified expert that such a
19 problem exists and that it compromises her ability to operate an
20 adult care facility.

21 "Vague laws offend several important values.
22 First, because we assume that man is free to
23 steer between lawful and unlawful conduct, we
24 insist that laws give the person of ordinary
25 intelligence a reasonable opportunity to know
26 what is prohibited so that he may act
accordingly. Vague laws may trap the
innocent by not providing fair warning.
Second, if arbitrary and discriminatory
enforcement is to be prevented, laws must
provide explicit standards for those who
apply them. A vague law impermissibly

Page

5 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206
TELEPHONE (503) 777-5473

1 delegates basic policy matters to policemen,
2 judges, and juries for resolution on an ad
3 hoc and subjective basis, with the attendant
4 dangers of arbitrary and discriminatory
5 applications." State v. Robertson, 293 Or
6 402, 409 (1982) citing Village of Hoffman
7 Estates v. Flipside, Hoffman Estates, Inc.,
8 ____ US ____, 102 S Ct 1186 (1982).

9 Although this excerpt refers to criminal behavior, it is
10 also applicable to regulation of an occupation. The rule in
11 question in this case clearly is not adequately defined to put
12 people on notice of what is prohibited and therefore the rule is
13 void for being unconstitutionally vague.

14 Fourth Exception

15 The sanction of revocation is excessive, inappropriate and
16 not supported by the evidence.

17 Although the decision does not state this finding, it is an
18 important fact that the licensee was reissued her license as of
19 July of 1993 with no conditions. The order revoking her license
20 is dated September 22, 1993. The reasons listed in the
21 revocation letter, even if true, do not warrant the severe
22 sanction of revocation within that short a time frame, especially
23 when there has been no finding of imminent danger to residents or
24 that her care is inadequate.

25 The licensee testified and the hearings officer acknowledged
26 that some of licensee's challenges to the interpretation of the
27 rules by the agency were legitimate differences of opinion over
28 the requirements of the Administrative Rules. Eileen Brooks, an
29 employee of the Multnomah County Adult Care Home Program,
30 testified that she is responsible for monitoring the licensing of

Page

6 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206
TELEPHONE (503) 322-6471

1 200 out of the 600 homes in Multnomah County.

2 The Licensee had legitimate concerns about the
3 administrative rules and their interpretations as the hearings
4 officer acknowledged. Eileen Brooks testified that she was told
5 prior to meeting the Licensee that she was emotionally and
6 mentally unstable. This predisposition to Licensee caused
7 unnecessary friction. Coupled with the licensing agent's
8 overwhelming caseload and a questioning operator, it is simply
9 easier for the agency to revoke the operator's license without
10 affording her adequate due process.

11 Mrs. Dinnocenzo has a liberty interest in continuing her
12 business. She is effectively being revoked because the agency is
13 overburdened and does not like her. She has been extremely
14 frustrated as the County has excessively monitored her, abused
15 its investigatory and regulatory power, and failed to issue
16 reports in a timely manner.

17 Ms. Brooks issued five complaints in May of 1993 that
18 concerned events that allegedly occurred 6-13 months prior to the
19 issuance of the complaints. The rules require that the report be
20 completed within 60 days. MCAR 890-110-115(d).

21 Other sanctions or recourse need to be explored prior to
22 revocation that would satisfy the County's need for accurate
23 information, the residents need for a safe and secure place to
24 live and the operator's need to be free from excessive and
25 retaliatory regulatory intrusion. In this situation, it is clear
26 that the County revoked her license because it did not want to

Page

7 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER

ATTORNEYS AT LAW

4934 S.E. WOODSTOCK

PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473

1 spend resources on licensing her, mainly, time.

2 CONCLUSION

3 The Board of County Commissioners, pursuant to MCC
4 8.90.090(J) has the authority to conduct a hearing or schedule
5 oral arguments, prior to accepting, modifying, rejecting or
6 remanding the order. Licensee requests that the Board reject the
7 hearings officer's decision, thus reversing the Director's Order
8 of Revocation, and ordering that Mrs. Dinnocenzo's license be
9 reinstated. Licensee respectfully requests permission to submit
10 additional evidence to assist the Board in making its final
11 determination.

12 Respectfully submitted,

13 REEVES, KAHN & EDER

14
15 BY *Martin W. Reeves* #90357 for
16 Martin W. Reeves, OSB #81346
17 of Attorneys for Licensee
18 Charla Dinnocenzo
19
20
21
22
23
24
25
26

Page

8 - EXCEPTIONS TO HEARINGS OFFICER'S DECISION

REEVES, KAHN & EDER

ATTORNEYS AT LAW

4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing EXCEPTIONS TO HEARINGS OFFICER'S DECISION on the following person(s) by mailing to said person(s) a true copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said person(s) at said person(s) last known addresses, to-wit:

Beverly Stein, Chair
Multnomah County Board of Commissioners
1120 S.W. Fifth, Room 1410
Portland, OR 97204

Dan Saltzman, Commissioner
1120 S.W. Fifth, Room 1500
Portland OR 97204

Gary Hansen, Commissioner
1120 S.W. Fifth, Room 1500
Portland OR 97204

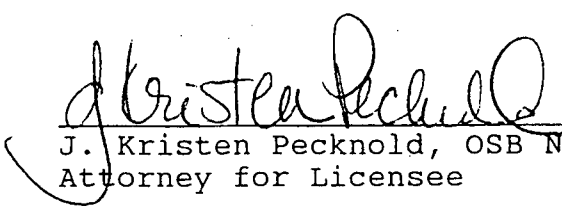
Tanya Collier, Commissioner
1120 S.W. Fifth, Room 1500
Portland OR 97204

Sharron Kelley, Commissioner
1120 S.W. Fifth, Room 1500
Portland OR 97204

H.H.- (Chip) Lazenby, Jr.
Multnomah County Counsel
1120 S.W. Fifth, Room 1530
P.O. Box 849
Portland OR 97207

and deposited in the post office at Portland, Oregon, on said day.

Dated March 9, 1994.


J. Kristen Pecknold, OSB No. 90357
Attorney for Licensee

Page

1 - CERTIFICATE OF SERVICE

REEVES, KAHN & EDER
ATTORNEYS AT LAW
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206
TELEPHONE (503) 777-5473

1984 MAR 30 PM 3:43
CLERK OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

In the Matter of the Adult
Home Care License of,

CHARLA DINNOCENZO.

City Hearing's Office No.
133117

REBUTTAL TO APPELLANT'S
EXCEPTIONS

Following a four-day hearing, Hearings Officer Shatzer upheld the determination of the Manager of the Multnomah County Adult Care Home Program revoking appellant's license. The Hearings Officer sustained the Manager's finding that the Appellant has a "psychiatric or psychological problem * * * which compromises * * * her ability to operate or provide care in an adult care home" as provided in MCAR 890-080-120(k)(C).

Appellant has filed four written exceptions to the Hearings Officer's Order. In brief, they are:

1 - REBUTTAL TO APPELLANT'S EXCEPTIONS

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 1. The Findings of Fact and Conclusions of Law are not
2 sufficiently stated;

3 2. There is not substantial evidence in the record to
4 support the Hearings Officer's decision;

5 3. The rule itself is unconstitutionally vague;

6 4. The sanction of revocation is excessive,
7 inappropriate, and not supported by the evidence.

8 This rebuttal will discuss each exception in turn.

9 I. The Hearings Officer Made Sufficient Findings of Fact.

10 The Hearings Officer's Determination and Order are attached for the
11 reference of the Board as Exhibit 1. Beginning at the top of page
12 2, the Hearings Officer summarizes some of the more outlandish
13 behavior on the part of appellant. He concluded the Appellant is
14 "rude, angry, abusive, defensive, and hostile. She does not
15 cooperate or seek understanding or accommodation but rather
16 confronts, opposes and reacts. She is, in the words of her own
17 psychiatrist, 'aggressive with those who conflict with her' and 'a
18 pain in the neck.'"

19 The Hearings Officer drew these conclusions after hearing from
20 numerous witnesses who confirmed these observations. Not only were
21 members of the Adult Care Home staff called as witnesses, but this
22 behavior was confirmed by employees of the State Ombudsman's
23 Office, including its Deputy Director, State Court personnel,
24 Multnomah County Sheriff's Officers and Animal Control Officers,
25 and others. All of these persons testified or submitted affidavits
26 about different incidents involving the appellant.

Paragraph three on page 2 of the Hearings Officer's Report

2 - REBUTTAL TO APPELLANT'S EXCEPTIONS

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 details some of the incidents that are a part of the record before
2 you. False allegations of sexual impropriety against both State
3 Ombudsman's volunteers as well as suggestive offers to an Animal
4 Control Officer. The Hearings Officer specifically determined that
5 "her report to Mental Health regarding [a neighbor's child] was, if
6 not false, certainly mean spirited and intended to cause
7 inconvenience and embarrassment to [the neighbors]" (Exhibit 1,
8 paragraph 2). This incident involved a report of a particularly
9 gruesome suicide attempt, leaving emergency responders to believe
10 that the child was walking around the streets bleeding from both
11 arms.

12 The record before you contains a videotaped record of the
13 Appellant repeatedly dismantling the neighbor's woodpile. During
14 the course of one of these incidents, the Appellant bared her
15 breasts to the neighbors. The Hearings Officer specifically found
16 that these actions could "only be described as bizarre."

17 The Hearings Officer, in fact, goes into great detail in
18 describing the Appellant's actions.

19 The Hearings Officer summarized the evidence, resolved
20 disputed episodes, explained the rationale for upholding the
21 Director's decision and clearly stated the reasons as they are
22 found in the evidence in the record before you.

23 Appellant's reliance upon Ruiz v. Employment Division, 83 Or
24 App 609 1989, is misplaced. The requirement of specificity relates
25 to the Agency's findings. In this case, that would mean the letter
26 revoking the Appellant's license. Mr. Balog's letter revoking the

3 - REBUTTAL TO APPELLANT'S EXCEPTIONS

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 license is lengthy and detailed and specifies the reasons for the
2 allegations and specifies violations of rules. The revocation
3 letter is attached to this rebuttal as Exhibit 2.

4 Six issues are raised by Appellant in her first exception
5 (Exceptions, p. 2-3). When reviewed in the context of the record,
6 they do not give cause for the Board to reverse the Hearings
7 Officer's decision.

8 The first three items relate to an assessment of the
9 Appellant's psychological fitness. Omitted from the exception but
10 contained within the record before you is testimony from the same
11 psychiatrist who admitted that he was unaware of the incidents of
12 baring the breasts and making the suicide report, and that if he
13 were aware of such actions on the part of the Appellant, he would
14 have to re-assess her psychological fitness.

15 In item four raised by the Appellant in the first exception is
16 also unsupported by the record. The Hearings Officer's
17 determination specifically addresses the reasons and rationale for
18 upholding the Program Manager's decision to use revocation as a
19 sanction in this matter. Under the rules themselves, MCAR 890-080-
20 120 allows revocation upon a finding of one or more violations of
21 the rules.

22 Item five in exception one, that numerous complaints were
23 "false, retaliatory, or harassing in nature" was a central theme of
24 Appellant's presentation before the Hearings Officer. These
25 factual matters were resolved against the Appellant at the hearing.
26 (See paragraphs 2 and 3 on page 2 of Exhibit 1)

4 - REBUTTAL TO APPELLANT'S EXCEPTIONS

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 The Hearings Officer also resolved the issue raised in item 6
2 of exception one that the behavior is unrelated to the provision of
3 care.

4 On page 2, paragraph 6, the Hearings Officer specifically
5 resolved this issue. This was something argued by Appellant's
6 counsel at the hearing and rejected after considering the entire
7 record.

8 **II. The Decision of the Hearings Officer is Supported by**
9 **Substantial Evidence in the Record.**

10 The Appellant's license was only revoked by the Program after
11 receiving numerous and varied complaints. At the hearing there was
12 evidence and testimony which demonstrated the following:

13 1. The Appellant set in motion a chain of events that
14 caused emergency crews to respond to the area thinking
15 that a child had slashed her wrists and was bleeding in
16 the streets;

17 2. The Appellant offered sexual favors to Animal
18 Control Officers after initially offering them money to
19 not sanction her for the behavior of her dogs;

20 3. The Appellant hired private investigators to
21 investigate all of her neighbors and the Adult Care Home
22 Program;

23 4. The Appellant cursed and threatened Probate Court
24 personnel in such a manner that they were fearful;

25 5. That while manually dismantling the neighbors
26 woodpile, she exposed her breasts to the neighbors;

27 The record is replete with evidence of this and other episodes
28 of serious irrational behavior. The focus in MCAR 890-020-222(b)
29 is that operators "possess mental health and good judgment * * *"
30 Contrary to the assertion made by Appellant's counsel, it is not

31 **5 - REBUTTAL TO APPELLANT'S EXCEPTIONS**

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 necessary for the County to provide a clinical mental health
2 diagnosis in the face of such factual abnormalities.

3 **III. MCAR 890-030-120(k) (C) is not Unconstitutionally Vague.**

4 This issue was not raised at the hearing. This issue is not a
5 part of the record before you. It is improper to be determined at
6 this stage before this body. The Appellant has the ability to
7 raise this matter of law in a subsequent judicial proceeding. See
8 ORS 183.400 et seq. The rules limit the review at this stage to
9 matters that are a part of the record. See MCAR 890-090-350; 890-
10 090-360.

11 It is the Program's position that the rule is anything but
12 vague. The entire rule states that an administrative sanction may
13 be imposed upon a finding that [the licensee] "has a medical,
14 psychiatric, or psychological problem, or an alcohol or drug
15 problem which compromises his or her ability to operate or provide
16 care in an adult care home"

17 It is absurd for Appellant to insist that this rule does not
18 place her on notice, that the above-described behavior could result
19 in the loss of her license. Further, Appellant was able to present
20 over two days' worth of testimony in an effort to rebut the
21 Agency's determination under this section. This included the
22 testimony of a licensed treating psychologist.

23 **IV. The Hearings Officer Specifically Determined that**
24 **Revocation was the Appropriate Remedy.**

25 The Hearings Officer's reasons are specific and based on the
26 evidence within the record. (Exhibit 1, p. 2, last paragraph)

6 - **REBUTTAL TO APPELLANT'S EXCEPTIONS**

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 However, several factual misstatement in this exception should be
2 clarified. For instance, Eileen Brooks was told by the Appellant's
3 sister that Appellant was emotionally and mentally unstable.
4 However, at the time, Appellant was not mentioned by name. It was
5 only after Appellant had been licensed for some time that Ms.
6 Brooks discovered the familial connection.

7 Appellant fails to point out that although MCAR 890-110-115(d)
8 requires reports to be issued within 60 days, subsection (h) of the
9 same section states:

10 Failure of the department to meet the guideline
11 timeframes listed in this section shall not operate to
12 waive the department's authority to take further
13 investigative action or to take appropriate
14 administrative and/or civil action as a result of a
15 complaint or the complete investigation of a complaint.

16 In addition, the testimony at the hearing and in the record
17 before you indicates that all of the allegations in these
18 investigations were thoroughly discussed with Appellant in a timely
19 manner. Only the final written reports lagged outside the
20 timeframe set by the rules.

21 Finally Appellant asserts that administrative convenience (or
22 laziness) on the part of the Agency is the root cause of the
23 decision to revoke this license. Nothing in the record supports
24 this insinuation. The record shows that the Appellant's son
25 committed suicide in the spring of 1992. Shortly after that, the
26 Appellant's mental health began to deteriorate. The record shows
that the Agency tried to work with the Appellant consistently
throughout this period of time. As her behavior became more

7 - REBUTTAL TO APPELLANT'S EXCEPTIONS

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138

1 bizarre and aberrant, the only recourse left to the Agency,
2 unfortunately, was to revoke her license out of a deepening concern
3 for the well being of residents. While the quality of care was not
4 always an issue, it was present as an issue in the agency
5 determination. The relations of this operator with law
6 enforcement, with Animal Control, with the State Ombudsman's
7 office, with the State Court personnel, with Aging Service
8 employees as well as Adult Care Home Program employees, reached
9 such a decrepit state, the record shows the only option available
10 to Mr. Balog and the Program was to revoke the license for the
11 benefit of the residents.

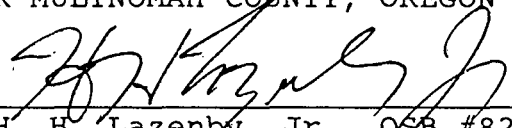
12 **Conclusion**

13 The Board of County Commissions, through MCAR 890-090-450, is
14 not required to conduct a hearing or reschedule oral arguments.
15 There is a complete record in this matter that supports the
16 Hearings Officer's Determination. Agency requests that the Board
17 affirm the Hearings Officer's Order and allow that Order to become
18 the final order revoking the Appellant's license.

19 DATED this 30th day of March, 1994.

20 Respectfully submitted,

21 LAURENCE KRESSEL, COUNTY COUNSEL
22 FOR MULTNOMAH COUNTY, OREGON

23 By 
24 H. H. Lazenby, Jr., OSB #82078
25 Assistant County Counsel
26 Of Attorneys for Multnomah County

F:\DATA\COUNSEL\WPDATA\EIGHT\REBUT.PLD\dd

8 - REBUTTAL TO APPELLANT'S EXCEPTIONS

MULTNOMAH COUNTY COUNSEL
1120 S.W. Fifth Avenue, Suite 1530
P.O. Box 849
Portland, Oregon 97207-0849
(503) 248-3138



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Elizabeth A. Normand, Land Use Hearings Officer
(503) 823-7719
William W. Shatzer, Code Hearings Officer
(503) 823-7307
FAX (503) 823-5870

RECEIVED

FEB 22 1994
COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OR

HEARINGS OFFICER'S DETERMINATION AND ORDER

APPEAL OF CHARLA DINNOCENZO

HEARING NO. 133117

APPEARANCES:

Mr. H. H. Lazenby, Deputy County Counsel, for Multnomah County

Mr. Martin Reeves, Attorney at Law, for the appellant, Charla Dinnocenzo.

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination of the Manager of the Multnomah County Adult Care Home Program revoking the Adult Care Home license of the appellant, Charla Dinnocenzo. After investigation, the Manager imposed the sanction of revocation pursuant to his authority under MCAR 890-080-120(k)(C) after determining that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home." Ms. Dinnocenzo appealed that determination pursuant to MCC 8.90.090 and this proceeding followed.

Ultimately, this proceeding is not about the appellant's care for her residents. While there have been numerous complaints about Ms. Dinnocenzo's care and treatment of, and behavior towards, the residents of her adult care home, many, if not most, of those allegations were not substantiated by Multnomah County investigative personnel. Of those resident care and treatment complaints which were found to be substantiated by County investigators, most appear to be the result of misunderstandings, minor misjudgments, or legitimate differences of opinion over the requirements of the Administrative Rules. While the sheer number of complaints received is somewhat troubling, the substantiated complaints do not seem to have involved any serious or substantial threat to the health, welfare, or rights of the residents or to evidence any pattern of neglect or misconduct. While the care provided by Ms. Dinnocenzo is, perhaps, not optimal, the care provided her residents does appear to fall within the acceptable range and is not so substandard as would justify revocation, at least not until lesser corrective measures had failed.

However, while Ms. Dinnocenzo's care and treatment of her residents seems to fall within minimum acceptable parameters, her behavior towards persons other than residents does not. The record is replete with evidence that Ms. Dinnocenzo is simply unable to deal with persons she perceives as opposing her in an acceptable manner. When Ms. Dinnocenzo perceives opposition, she becomes confrontational and even paranoid. She is rude, angry, abusive, defensive, and hostile. She does not cooperate or seek understanding or accommodation but rather confronts, opposes, and reacts. She is, in the words of her own psychiatrist, "aggressive with those who conflict with her" and "a pain in the neck."

The reports of this rude, offensive, and hostile behavior come from a large number of people - County employees, employees and volunteers of the State Ombudsman's Office, friends and relatives of residents, neighbors, State Court personnel, and sheriff and animal control officers have all been victims of this type of behavior.

She engages in vindictive actions intended to "get" the person she perceives as having offended against her. She has filed internal investigation complaints against Sheriff's Department officers. She has made false allegations of sexual improprieties against State Ombudsman volunteers. Her report to Mental Health regarding Joey Hedlund was, if not false, certainly mean-spirited and intended to cause inconvenience and embarrassment to the Hedlunds. She hired private investigators to investigate both her neighbors and Multnomah County regulatory staff, apparently in pursuit of her belief that these persons were engaged in some sort of conspiracy against her. Her repeated actions in dismantling her neighbors' wood pile were videotaped and can only be described as bizarre.

In short, her seemingly consistent behavior in these types of interactions is clearly outside of normal and accepted limits. While perhaps not rising to the level of a mental illness or disorder, these behaviors are certainly evidence of a "psychiatric or psychological problem" which obviously affects her ability to deal with people she perceives as opposing or in conflict with her including government regulators and overseers.

However, given that Ms. Dinnocenzo's care and treatment of her residents apparently falls within acceptable limits, the question which must be resolved is whether her problems in dealing with others can fairly be deemed to "compromise ... her ability to operate or provide care in an Adult Care Home." With some hesitation, I have concluded that these problems do, indeed, compromise her ability to operate her adult care facility.

The operation of an adult care facility involves more than simply the care and treatment of the facility's residents. As the adult care industry is a highly regulated one, operation of an adult care home must, of necessity, involve frequent dealings with the governmental regulators and other authority figures. Almost inevitably, there will be times when the requests, instructions, inspections, requirements, and oversight of the government regulators will be perceived, rightly or wrongly, as in opposition to the interests of the adult care home operator. If the operator consistently reacts to this necessary government oversight with hostility, rudeness, defensiveness, non-cooperation, defiance, and the construction of conspiracy theories, then the government regulators cannot effectively perform their duties and the operation of the facility is most certainly compromised. In this case, Ms. Dinnocenzo's actions have clearly effected, substantially and in an adverse way, the effective government oversight of her adult care facility.

Finally, I have considered whether or not revocation is the appropriate remedy in this case or whether some sanction less than revocation might be more appropriate. Ultimately, I believe that the Manager's decision to revoke was the correct one. The testimony indicated that, of the approximately 600 adult care homes in Multnomah County, dealing with Ms. Dinnocenzo's required far and away the greatest allocation of government resources. The operation of the State

Ombudsman's Office was disrupted because volunteers and district managers no longer felt safe in dealing with Ms. Dinnocenzo. Other government employees have been reassigned because they could no longer endure Ms. Dinnocenzo's hostility. If Ms. Dinnocenzo's license were not revoked, I see no reason why this pattern would not continue. Continuation of her license would continue to disrupt the operation of the Adult Care Home Program and the effective regulation and supervision of her facility would continue to be difficult and problematic.

Accordingly, the determination of the Manager should be sustained, with appropriate modifications in the effective date to allow the orderly transfer of residents from the home.

ORDER AND DETERMINATION:

1. The determination of the Manager of the Multnomah County Adult Care Program dated September 22, 1993, revoking the Adult Care Home License of the appellant Charla Dinnocenzo is MODIFIED to provide that the revocation shall be effective March 30, 1994. Except as so modified, the determination is SUSTAINED.
2. This order and determination has been mailed to the parties on February 18, 1994, and shall become final on March 7, 1994, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated: _____

February 18, 1994

WWS:db

William W. Stok
Code Hearings Officer

①

Hearing # 133117

Final Historical Log

Date Prepared: 4/12/94

Time Prepared: 2:03:46 PM

Date Filed 9/30/93

Tapes YES

Bureau Multnomah County

City Exhibits YES

Viol. Type appeal - adult care facility

Resp. Exhibits YES

Date Closed 3/11/94

CHO Exhibits NO

Status sustained

Discussion

Tapes and exhibits may be purged on or 10/7/94

Hearings

<u>Date</u>	<u>Time</u>	<u>Purpose</u>	<u>Disposition</u>
12/9/93	1:30:00 PM		Cancelled.
12/10/93	9:00:00 AM	Continued from 12/9/93.	Cancelled.
1/6/94	1:30:00 PM	Set over from 12/9/93.	Hearing begun; continued to 9 a.m., 1/7/94. (Further hearing also scheduled for Thursday p.m., 1/13/94.) Appearances: Dinnocenzo, Balog, Lazenby, Reeves.
1/7/94	9:00:00 AM	If necessary, continuation of 1/6/94 hearing.	Hearing continued from 1/6/94. (Further continuation scheduled for 1:30 p.m., Thursday, 1/13/94. No written notice will be sent.) Appearances: Dinnocenzo, Balog, Lazenby, Reeves.
1/13/94	1:30:00 PM	Continued from 1/7/94.	Hearing held. Appearances: Dinnocenzo, Balog, Lazenby, Reeves. Continued to 1:30 p.m., 1/27/94.
1/27/94	1:30:00 PM	Continued from 1/14/94.	Hearing held. Appearances: Dinnocenzo, Balog, Lazenby, Reeves. Continued to 9:00 a.m., 1/28/94.
1/28/94	9:00:00 AM	Continued from 1/27/94.	Hearing held. Appearances: Dinnocenzo, Balog, Lazenby, Reeves. Record held open to Monday, 2/7/94, for Lazenby to submit chronology document, and for submission of rebuttal affidavits.

Civil Penalties. Liens, Bureau Fees

<u>Control#</u>	<u>DatePosted</u>	<u>Type of fine/fee</u>	<u>Dates:</u>	<u>Imposed</u>	<u>Paid</u>	<u>Liened</u>	<u>Cancelled</u>	<u>Amounts:</u>	<u>Center Code</u>
-----------------	-------------------	-------------------------	---------------	----------------	-------------	---------------	------------------	-----------------	--------------------

Contacts


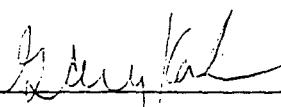
<u>Date</u>	<u>Key</u>	<u>Comments</u>
9/30/93	appeal	Received, via Stephen P. Balog, appeal of revocation of adult care home license. Filed by attorney Melvin Jack Fisher on behalf of Charla Dinnocenzo. Called Lazenby, Balog, Fassell--OK for hearing on 11/12. Left message for Fisher. DB
10/1/93	tel	Fisher left message that he starts a major trial 11/16, feels hearing is going to go beyond one day (11/12), suggests 12/3; says he couldn't reach Lazenby today. DB
10/1/93	tel	Spoke with Fisher and Fassell; left message for Lazenby--asked them to settle on dates for hearing and let me know. Urged Thursdays and Fridays. DB

10/6/93	tel hrgs	Rcvd call from Lazenby. He and Fisher have agreed to hearing p.m. of 12/9 and all day 12/10. Hearing set for those dates. DB
10/8/93	notm	Notices mailed. DB
11/8/93	tel	Rcvd call from Martin Reeves, atty now representing Dinnocenzo. Requested set-over because of schedule conflict. Also wishes copy of any procedural rules HO uses. Also said he thought hearing might take up to 3 days. Advised him to negotiate set-over with County, file motion if County will not agree to set over; told him we probably couldn't arrange for 3 consecutive days for hearing; and said I would mail copy of applicable rules. DB
11/8/93	tel add	Per WS, called Reeves, left message that hearings proceed per MCC 8.90.090(E) and Director's Rules 890-090-300 through -395; HO has no other written procedures. Added Reeves to mailing list in place of Fisher. DB
11/17/93	tel hrgs	Mary Fassell called, said any Thursday p.m./all day Friday schedule in January fine with them for hearing. I told Fassell I would set for 1/6/94 p.m. and 1/7/94 all day, with Monday, 1/10/94 for overflow if I can find a room. (Later called BGS; we are reserved in A for all day 1/7/94 and in B for all day 1/10/94.) DB
11/19/93	notm	Notices mailed. DB
12/28/93	tel add	Rcvd call from Kathy Vollans inquiring if hearing was open to the public. Per WS, told her it was. Also asked to be added to mailing list: 42066 S.E. Erickson Road, Sandy, OR 97055; home 668-4906, parents 668-5740. DB
12/29/93	tel	Kristen Pecknold of Reeves' office (777-5473) called, discussed some procedural questions with WS. DB
12/29/93	tel	Per WS, left message for Lazenby suggesting perhaps some of his witnesses could appear via affidavit rather than personally. DB
1/14/94	notm	Notices mailed. DB
2/7/94	letr docr	Letter and two documents filed by Fassell. DB
2/10/94	misc	Rcvd note and \$65.00 check (#2497) from Evalyne L. Gerbich (3234 S.E. 129th, 97236, 760-5440) for duplicate of all 12 hearing tapes. DB
2/11/94	misc	Made dupes of hearing tapes, left at Planning desk, and called Gerbich to tell her where to pick up. DB
2/16/94	add	Per RY, Linda R. Hedlund (3232 S.E. 129th, 97236) wishes to be added to mailing list. DB
2/18/94	ordm	Order mailed. (Also fax'd copy to Pechnold.) DB
2/18/94	ordm	Order mailed. DB
2/18/94	tel misc	Rcvd phone call from Jennifer Brandlon requesting results of hearing; added her as other party. RY
2/25/94	tel misc	I made copies of all 12 tapes for Ms Gerbich last week, but she called earlier this week to say she didn't get all the tesimoney of the man from the State Ombudsman's office. I re-copied 1/7/94, #4 tape, and mailed to her (I think Wed). She called again Thurs. to say still didn't have a good copy (testimony cuts off in middle). I made another copy, listened to copy to verify its accuracy, and mailed to Gerbich today. DB
3/3/94	letr tel	Rcvd letter from Pechnold requesting tape copies and corrected order (final date s/b 3/20, not 3/7). WS concurred with date correction. Called Pechnold, told her order would be issued 3/4, and tape copies would cost \$65.00 (to be paid when picked up). DB
3/3/94	ordm letm tel	Corrected order mailed; letter mailed only to Pecknold with copies to Balog and Lazenby. Also sent Pecknold copy of hearing and exhibit log as requested. Called Pecknold to alert her all documents would be addressed to Reeves. DB
3/4/94	misc	Check deposited with Treasurer, auth. #336006333. DB

3/4/94	misc	Tape copies made, Pecknold notified by phone, copies later picked up and check #472 for \$65.00 left (receipt #3549). DB
3/11/94	closed	Case closed. DB
3/28/94	misc	\$65 check deposited with Treasurer, auth. #336006419. DB
4/28/93	db	

17

#133117

REEVES, KAHN & EDER ATTORNEYS-AT-LAW 610 SW ALDER ST., STE. 910 PH. 227-5144 PORTLAND, OR 97205		472
		3/4 19 94 ²⁴⁻²² / ₁₂₃₀
PAY TO THE ORDER OF	Treasurer City of Portland	\$ 65.00
Sixty five		DOLLARS
 U.S. BANK	1 800 US BANKS	REEVES, KAHN & EDER
UNITED STATES NATIONAL BANK OF OREGON		
MEMO		
⑆ 23000220⑆ 093 0008 537⑈ 0472		

16

EVALYNE L. GERBICH
3234 SE 129TH 760-5440
PORTLAND, OR 97236

24-27 131
1230

2497

2-9 1994

PAY City Treasurer
TO THE ORDER OF

\$ 65.00

Sixty five & no/100

DOLLARS



1-800-438-5663

UNITED STATES NATIONAL BANK OF OREGON

MEMO Taxes of Wendell

Evalyne L. Gerbich

15123100022015 131 0824 3371 2497

#133117



15

CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017

Portland, Oregon 97204-1960

Elizabeth A. Normand, Land Use Hearings Officer
(503) 823-7719

William W. Shatzer, Code Hearings Officer
(503) 823-7307
FAX (503) 823-5370

March 3, 1994

Ms. J. Kristen Pecknold
Attorney at Law
4934 S.E. Woodstock Blvd.
Portland, OR 97206

SUBJECT: Appeal of Charla Dinnocenzo, No. 133117

Dear Ms. Pecknold:

I have issued a corrected determination in this proceeding correcting the date for filing exceptions.

I don't see that I have any authority to extend the 20-day period specified in MCAR 890-090-400. Rather, I think your request would have to be directed to the Director, who has the authority under MCC 8.90.020 to approve variances from the Rules.

Very truly yours,

**WILLIAM W. SHATZER
CODE HEARINGS OFFICER**

WWS:db

Enclosure

cc: Mr. H. H. (Chip) Lazenby
Mr. Stephen P. Balog



14

CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017

Portland, Oregon 97204-1960

Elizabeth A. Normand, Land Use Hearings Officer
(503) 823-7719

William W. Shatzer, Code Hearings Officer
(503) 823-7307
FAX (503) 823-5370

HEARINGS OFFICER'S CORRECTED DETERMINATION AND ORDER

APPEAL OF CHARLA DINNOCENZO

HEARING NO. 133117

APPEARANCES:

Mr. H. H. Lazenby, Deputy County Counsel, for Multnomah County

Mr. Martin Reeves, Attorney at Law, for the appellant, Charla Dinnocenzo.

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination of the Manager of the Multnomah County Adult Care Home Program revoking the Adult Care Home license of the appellant, Charla Dinnocenzo. After investigation, the Manager imposed the sanction of revocation pursuant to his authority under MCAR 890-080-120(k)(C) after determining that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home." Ms. Dinnocenzo appealed that determination pursuant to MCC 8.90.090 and this proceeding followed.

Ultimately, this proceeding is not about the appellant's care for her residents. While there have been numerous complaints about Ms. Dinnocenzo's care and treatment of, and behavior towards, the residents of her adult care home, many, if not most, of those allegations were not substantiated by Multnomah County investigative personnel. Of those resident care and treatment complaints which were found to be substantiated by County investigators, most appear to be the result of misunderstandings, minor misjudgments, or legitimate differences of opinion over the requirements of the Administrative Rules. While the sheer number of complaints received is somewhat troubling, the substantiated complaints do not seem to have involved any serious or substantial threat to the health, welfare, or rights of the residents or to evidence any pattern of neglect or misconduct. While the care provided by Ms. Dinnocenzo is, perhaps, not optimal, the care provided her residents does appear to fall within the acceptable range and is not so substandard as would justify revocation, at least not until lesser corrective measures had failed.

However, while Ms. Dinnocenzo's care and treatment of her residents seems to fall within minimum acceptable parameters, her behavior towards persons other than residents does not. The record is replete with evidence that Ms. Dinnocenzo is simply unable to deal with persons she perceives as opposing her in an acceptable manner. When Ms. Dinnocenzo perceives opposition, she becomes confrontational and even paranoid. She is rude, angry, abusive, defensive, and hostile. She does not cooperate or seek understanding or accommodation but rather confronts, opposes, and reacts. She is, in the words of her own psychiatrist, "aggressive with those who conflict with her" and "a pain in the neck."

The reports of this rude, offensive, and hostile behavior come from a large number of people - County employees, employees and volunteers of the State Ombudsman's Office, friends and relatives of residents, neighbors, State Court personnel, and sheriff and animal control officers have all been victims of this type of behavior.

She engages in vindictive actions intended to "get" the person she perceives as having offended against her. She has filed internal investigation complaints against Sheriff's Department officers. She has made false allegations of sexual improprieties against State Ombudsman volunteers. Her report to Mental Health regarding Joey Hedlund was, if not false, certainly mean-spirited and intended to cause inconvenience and embarrassment to the Hedlunds. She hired private investigators to investigate both her neighbors and Multnomah County regulatory staff, apparently in pursuit of her belief that these persons were engaged in some sort of conspiracy against her. Her repeated actions in dismantling her neighbors' wood pile were videotaped and can only be described as bizarre.

In short, her seemingly consistent behavior in these types of interactions is clearly outside of normal and accepted limits. While perhaps not rising to the level of a mental illness or disorder, these behaviors are certainly evidence of a "psychiatric or psychological problem" which obviously affects her ability to deal with people she perceives as opposing or in conflict with her including government regulators and overseers.

However, given that Ms. Dinnocenzo's care and treatment of her residents apparently falls within acceptable limits, the question which must be resolved is whether her problems in dealing with others can fairly be deemed to "compromise ... her ability to operate or provide care in an Adult Care Home." With some hesitation, I have concluded that these problems do, indeed, compromise her ability to operate her adult care facility.

The operation of an adult care facility involves more than simply the care and treatment of the facility's residents. As the adult care industry is a highly regulated one, operation of an adult care home must, of necessity, involve frequent dealings with the governmental regulators and other authority figures. Almost inevitably, there will be times when the requests, instructions, inspections, requirements, and oversight of the government regulators will be perceived, rightly or wrongly, as in opposition to the interests of the adult care home operator. If the operator consistently reacts to this necessary government oversight with hostility, rudeness, defensiveness, non-cooperation, defiance, and the construction of conspiracy theories, then the government regulators cannot effectively perform their duties and the operation of the facility is most certainly compromised. In this case, Ms. Dinnocenzo's actions have clearly effected, substantially and in an adverse way, the effective government oversight of her adult care facility.

Finally, I have considered whether or not revocation is the appropriate remedy in this case or whether some sanction less than revocation might be more appropriate. Ultimately, I believe that the Manager's decision to revoke was the correct one. The testimony indicated that, of the approximately 600 adult care homes in Multnomah County, dealing with Ms. Dinnocenzo's required far and away the greatest allocation of government resources. The operation of the State

Ombudsman's Office was disrupted because volunteers and district managers no longer felt safe in dealing with Ms. Dinnocenzo. Other government employees have been reassigned because they could no longer endure Ms. Dinnocenzo's hostility. If Ms. Dinnocenzo's license were not revoked, I see no reason why this pattern would not continue. Continuation of her license would continue to disrupt the operation of the Adult Care Home Program and the effective regulation and supervision of her facility would continue to be difficult and problematic.

Accordingly, the determination of the Manager should be sustained, with appropriate modifications in the effective date to allow the orderly transfer of residents from the home.

ORDER AND DETERMINATION:

1. The determination of the Manager of the Multnomah County Adult Care Program dated September 22, 1993, revoking the Adult Care Home License of the appellant Charla Dinnocenzo is MODIFIED to provide that the revocation shall be effective March 30, 1994. Except as so modified, the determination is SUSTAINED.
2. This order and determination has been mailed to the parties on February 18, 1994, and shall become final on **March 10**, 1994, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated:

3/3/94

WWS:db
3

NUNC PRO TUNC
Feb 18, 1994

W. E. W. S. H.

Code Hearings Officer

(13)

REEVES, KAHN & EDER

ATTORNEYS AT LAW

4834 S.E. WOODSTOCK BLVD.

PORTLAND, OREGON 97206

(503) 777-5473

Fax (503) 777-8566

DATE: 3-3-94

Fax Transmittal Cover Sheet

To: Hearings Officer William Shotzler

Attention: _____

Fax number: 823-5370From: J. Kristen AcknoldComments: Re: Charles DiNocenzo #133117

Number of pages being transmitted(including this sheet): 2Time of Transmittal: _____ AM 2:20 PM

If you do not receive all the pages indicated, please call us as soon as possible: (503) 777-5473.

This message is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged or confidential and which may be exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or authorized agent, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Please destroy or return the original to the above address.

Thank you.

REEVES, KAHN & EDER

ATTORNEYS AT LAW

4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473
FAX (503) 777-8566

Please reply to East Portland Office

H. PHILIP EDER
GARY K. KAHN*
J. KRISTEN PECKNOLD
MARTIN W. REEVES*

*Also Admitted in Washington

DOWNTOWN PORTLAND OFFICE
910 OREGON NATIONAL BUILDING
610 S.W. ALDER STREET
PORTLAND, OREGON 97205-3610

TELEPHONE (503) 227-5144
FAX (503) 227-2503

March 3, 1994

Sent by Facsimile to 823-5370

Hearings Officer William Shatzer
1120 SW 5th Avenue, Room 1017
Portland OR 97204-1960

RE: In the Matter of the License of
Charla Dinnocenzo, #133117

Dear Mr. Shatzer:

As you know, this office represents Charla Dinnocenzo. We intend to file exceptions to the decision dated February 18, 1994. Under MCAR 890-090-410, we have 20 days from the date of the Order to file our written exceptions. Under MCC 8-90-090(I), the hearings officer is to notify the parties of the date by which exceptions need to be filed. By our calculation, we have 20 days or until March 10, 1994, instead of March 7, 1994 as stated in your decision. We would appreciate it if you would correct the Order.

We also would like to request complete copies of the audio tapes of the hearing and the tape and exhibit logs. Once they are ready, we would appreciate a call so we can pick them up. Because of the unusual length of the hearing and the need to review the lengthy tapes, we would like to request a telephone conference with you and Mr. Lazenby to discuss an extension of time in which to file our written exceptions so that they can be as specific as possible.

Mr. Reeves has left a message with Mr. Lazenby and we have sent a copy of this letter via facsimile to inform him of this request.

Very truly yours,

REEVES, KAHN & EDER

J. Kristen Pecknold
by *pe*

J. KRISTEN PECKNOLD

sf

cc: Chip Lazenby (Fax #248-3377)



(12)

CITY OF

PORTLAND, O

HEARINGS OFF

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960

Officer
7719
fficer
7307
5370

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 3
To Kristen	From Ruth	
Co. Pecunold?	Co. Hearings	
Dept.	Phone #	
Fax # 777-8566	Fax #	

HEARINGS OFFICER'S DETERMINATION AND ORDER

APPEAL OF CHARLA DINNOCENZO

HEARING NO. 133117

APPEARANCES:

Mr. H. H. Lazenby, Deputy County Counsel, for Multnomah County

Mr. Martin Reeves, Attorney at Law, for the appellant, Charla Dinnocenzo.

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination of the Manager of the Multnomah County Adult Care Home Program revoking the Adult Care Home license of the appellant, Charla Dinnocenzo. After investigation, the Manager imposed the sanction of revocation pursuant to his authority under MCAR 890-080-120(k)(C) after determining that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home." Ms. Dinnocenzo appealed that determination pursuant to MCC 8.90.090 and this proceeding followed.

Ultimately, this proceeding is not about the appellant's care for her residents. While there have been numerous complaints about Ms. Dinnocenzo's care and treatment of, and behavior towards, the residents of her adult care home, many, if not most, of those allegations were not substantiated by Multnomah County investigative personnel. Of those resident care and treatment complaints which were found to be substantiated by County investigators, most appear to be the result of misunderstandings, minor misjudgments, or legitimate differences of opinion over the requirements of the Administrative Rules. While the sheer number of complaints received is somewhat troubling, the substantiated complaints do not seem to have involved any serious or substantial threat to the health, welfare, or rights of the residents or to evidence any pattern of neglect or misconduct. While the care provided by Ms. Dinnocenzo is, perhaps, not optimal, the care provided her residents does appear to fall within the acceptable range and is not so substandard as would justify revocation, at least not until lesser corrective measures had failed.

However, while Ms. Dinnocenzo's care and treatment of her residents seems to fall within minimum acceptable parameters, her behavior towards persons other than residents does not. The record is replete with evidence that Ms. Dinnocenzo is simply unable to deal with persons she perceives as opposing her in an acceptable manner. When Ms. Dinnocenzo perceives opposition, she becomes confrontational and even paranoid. She is rude, angry, abusive, defensive; and hostile. She does not cooperate or seek understanding or accommodation but rather confronts, opposes, and reacts. She is, in the words of her own psychiatrist, "aggressive with those who conflict with her" and "a pain in the neck."

The reports of this rude, offensive, and hostile behavior come from a large number of people - County employees, employees and volunteers of the State Ombudsman's Office, friends and relatives of residents, neighbors, State Court personnel, and sheriff and animal control officers have all been victims of this type of behavior.

She engages in vindictive actions intended to "get" the person she perceives as having offended against her. She has filed internal investigation complaints against Sheriff's Department officers. She has made false allegations of sexual improprieties against State Ombudsman volunteers. Her report to Mental Health regarding Joey Hedlund was, if not false, certainly mean-spirited and intended to cause inconvenience and embarrassment to the Hedlunds. She hired private investigators to investigate both her neighbors and Multnomah County regulatory staff, apparently in pursuit of her belief that these persons were engaged in some sort of conspiracy against her. Her repeated actions in dismantling her neighbors' wood pile were videotaped and can only be described as bizarre.

In short, her seemingly consistent behavior in these types of interactions is clearly outside of normal and accepted limits. While perhaps not rising to the level of a mental illness or disorder, these behaviors are certainly evidence of a "psychiatric or psychological problem" which obviously affects her ability to deal with people she perceives as opposing or in conflict with her including government regulators and overseers.

However, given that Ms. Dinnocenzo's care and treatment of her residents apparently falls within acceptable limits, the question which must be resolved is whether her problems in dealing with others can fairly be deemed to "compromise ... her ability to operate or provide care in an Adult Care Home." With some hesitation, I have concluded that these problems do, indeed, compromise her ability to operate her adult care facility.

The operation of an adult care facility involves more than simply the care and treatment of the facility's residents. As the adult care industry is a highly regulated one, operation of an adult care home must, of necessity, involve frequent dealings with the governmental regulators and other authority figures. Almost inevitably, there will be times when the requests, instructions, inspections, requirements, and oversight of the government regulators will be perceived, rightly or wrongly, as in opposition to the interests of the adult care home operator. If the operator consistently reacts to this necessary government oversight with hostility, rudeness, defensiveness, non-cooperation, defiance, and the construction of conspiracy theories, then the government regulators cannot effectively perform their duties and the operation of the facility is most certainly compromised. In this case, Ms. Dinnocenzo's actions have clearly effected, substantially and in an adverse way, the effective government oversight of her adult care facility.

Finally, I have considered whether or not revocation is the appropriate remedy in this case or whether some sanction less than revocation might be more appropriate. Ultimately, I believe that the Manager's decision to revoke was the correct one. The testimony indicated that, of the approximately 600 adult care homes in Multnomah County, dealing with Ms. Dinnocenzo's required far and away the greatest allocation of government resources. The operation of the State

Ombudsman's Office was disrupted because volunteers and district managers no longer felt safe in dealing with Ms. Dinnocenzo. Other government employees have been reassigned because they could no longer endure Ms. Dinnocenzo's hostility. If Ms. Dinnocenzo's license were not revoked, I see no reason why this pattern would not continue. Continuation of her license would continue to disrupt the operation of the Adult Care Home Program and the effective regulation and supervision of her facility would continue to be difficult and problematic.

Accordingly, the determination of the Manager should be sustained, with appropriate modifications in the effective date to allow the orderly transfer of residents from the home.

ORDER AND DETERMINATION:

1. The determination of the Manager of the Multnomah County Adult Care Program dated September 22, 1993, revoking the Adult Care Home License of the appellant Charla Dinnocenzo is MODIFIED to provide that the revocation shall be effective March 30, 1994. Except as so modified, the determination is SUSTAINED.
2. This order and determination has been mailed to the parties on February 18, 1994, and shall become final on March 7, 1994, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated:

February 18, 1994

William W. Stof

Code Hearings Officer

WWS:db



Change made:

Added Hedlund.

Hearing # 133117

Notification List

Date Prepared: 2/16/94

Respondent:

Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative:

Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney:

H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney:

Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party:

Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Other Party:

Linda R. Hedlund
3232 S.E. 129th
Portland, OR 97236

Other Party:

Kathy Vollans
42066 S.E. Erickson Road
Sandy, OR 97055
668-4906 home / 668-5740 parents



Change made:

Added Jennifer Brandon to mailing list.

Hearing # 133117

Notification List

Date Prepared: 2/17/94

Respondent: Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative: Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney: H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney: Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party: Jennifer Brandon
1426 S.E. Yukon Street
Portland, OR 97202

Other Party: Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Other Party: Linda R. Hedlund
3232 S.E. 129th
Portland, OR 97236

Other Party: Kathy Vollans
42066 S.E. Erickson Road
Sandy, OR 97055
668-4906 home / 668-5740 parents



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH. ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

February 7, 1994

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204

Dear Mr. Shatzer:

Since you have allowed the record to stay open until today in the Charla Dinnocenzo hearing I have enclosed two more documents for evidence in the hearing. They are a chronology of the complaints which the County prepared for use in the hearing, and an affidavit from Kristi Gustafson to authenticate the audiotape we entered into evidence during the hearing. We do not have any more documents to enter into evidence. I have sent copies of both these documents to Martin Reeves, counsel for Ms. Dinnocenzo.

Sincerely,

Mary M. Fassell

Mary M. Fassell
Multnomah County Adult Care Home Program

Enclosures

c. Martin Reeves, Attorney at Law
Mr. Chip Lazenby, County Counsel

RECEIVED

FEB 7 1994

HEARINGS OFFICE



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: CHIP LAZENBY, COUNTY COUNSEL
FROM: MARY FASSELL, COMPLAINT INVESTIGATOR *mf*
SUBJECT: CHRONOLOGY OF DINNOCENZO AFH
DATE: December 30, 1993

7/8/91 Complaint #1484, 3 complainants:
1. On the day of admission Charla changed the amount of monthly charges from amount agreed on a month before--substantiated.
2. No bed available on date of admission--Unable to substantiate.
3. After family gave notice that resident was going to move, Charla had the police move resident to the hospital because resident was too heavy care and the family couldn't be contacted--Unable to substantiate retaliation, but Charla's description of resident's agitated behavior was not noticed by the hospital doctors, the family or the resident's former provider, and resident's only medical problem was anemia. Family said they told Charla previously that they would be unavailable at the time this incident happened.
4. Resident's family requests refund--no conclusion
5. Floors filthy--Unsubstantiated, floor clean on investigator's visit.
6. Residents get candy, pop--substantiated, but no rule violation.
7. Another resident is kept in a gerichair and told to be good and be quiet--no conclusion, but investigator notes resident's daughter and doctor have no problems with resident's care.
Investigator (Sherry Willmschen) recommended Charla needs assistance with records and screening of prospective residents.

7/29/91 Administrative conference with Don Keister (Steve Balog's superior), Steve Balog, Sherry Willmschen (licensing person) and Charla.

8/2/91 Letter from Don Keister to Charla approving the wheelchair ramp, supplying forms for a Class III license, explaining need for thorough investigation of the recent protective service complaint to assure the safety and

EXHIBIT
133117

88

care of residents, assuring Charla that her complaints about other providers will be investigated, and indicating his confidence in Sherry Willmschen's objectivity.

10/18/91 #1529 Complaint from resident's son:
1. Disagreement over effective date of contract--either the date it was signed or the date the resident came to the home, 17 days later--Unable to substantiate, investigator indicates legal remedy may be needed.
2. Inappropriate handling of resident who did not want to be in the home--Unable to substantiate. Charla had resident taken to hospital due to behavior. Resident had no behavior problems at the hospital. Resident returned to Charla's, one day later Charla called family to remove him. Two family members report no problems with his behavior when he lived with them before being at Charla's, and resident did fine in nursing home where he subsequently moved. Investigator Sherry Willmschen recommended Charla keep better records and take training in how to deal with behavior problems.
3. Charla would not give the resident's relatives a copy of the contract--Substantiated.
4. Charla would not clean up wet resident--Unable to substantiate because no other witnesses and Charla denies it.

11/25/91 Letter to Charla requiring her to complete resident records when the resident is admitted to her home, to give a copy of the admission contract to the responsible party with a clear effective date, to document all incidents in her home, and to be more careful in who she takes as a resident. These requirements were in response to a complaint #1529 and were intended to eliminate the problems she had with his care.

2/18/92 #1516 Complaint from 2 complainants (licensing issues):
1. No notice given before moving resident from one bedroom to another: Substantiated. MCAR 890-020-415 (p)
2. Resident's hearing aid and teeth missing, Charla refused to replace them--Substantiated. Charla said she offered to pay for the missing teeth, but 2 complainants and 3 witnesses deny it.
3. AFH filthy, garbage, clutter, urine smell, feces on bedding--Substantiated. Investigator inspection, 2 complainants and 5 witnesses confirm.
4. Charla never did any caregiving during complainant's weekly visits--Unable to substantiate.
5. Complaint concerned about Charla's rude, erratic behavior, extreme mood swings--Substantiated. Charla states she is only rude to people who are rude to her. 2 complainants and 4 witnesses confirm. Eileen Brooks

was the investigator. She states she discussed at length the standards for homes. She also found medications unlocked, and records disorganized. She conducted an in-depth training session.

- 2/18/92 #33044 complaint (protective services issues of #1516 complaint), investigated by Kathy Capes:
1. Resident #1 lost 20 pounds in 8 months and was dehydrated--Unable to substantiate neglect because although the resident lost weight and was dehydrated doctor could not be sure it was not due to residents condition.
 2. Medication mismanagement, 56 tabs with controlled substances missing--Unable to substantiate, but did substantiate poor charting of medications given.
 3. Resident #1 not clean--feces under fingernails--Substantiated.
 4. Resident #1 had bruises on legs and wrists--Unable to substantiate abuse as bruising may have been due to resident's behavior, such as bumping bedrails.
 4. Resident #1 fell out of bed on 2/4 and hit her head because Charla discontinued use of restraints because she assumed when resident's doctor discontinued resident's medications he meant the restraints as well--Neglect substantiated. Doctor's orders confirm only medications to be discontinued.
 5. Resident #2 asked for help and Charla refused and resident fell on 2/14 and hurt her foot--Unable to substantiate.
 6. Resident #1 was terrified of Charla--Unable to substantiate.
- 3/4/92 Charla's son (Rob) shoots and kills himself in the backyard. Charla's two residents are moved out of the home.
- 3/10/92 #33060 Complaint: Neglect partially substantiated in two instances:
1. Charla did not provide proper personal care to resident.
 2. Charla did not respond appropriately to resident's requests for help. Charla was "harsh and unbending". Investigator Donna Waltman recommended Charla needed training in understanding difficult personalities and behavior modification.
- 3/24/92 #33065: Charla makes a complaint that her resident is being financially exploited by his son and grandson. Unable to substantiate.
- 3/30/92 Charla's attorney, George Hoselton, requests an administrative conference.

4/1/92 Steve writes Hoselton delaying the conf. until the investigation of yet another complaint is finished.

4/2/92 Eileen learns about a person who was a resident at Charla's for one week and had lots to say about Charla's erratic behavior but did not want to make a complaint.

4/2/92 Call from a resident granddaughter about how to get Charla to pay for the resident's lost teeth and hearing aid.

5/11/92 On this day Charla takes in a 77 year old patient who is demented, he picks up board to hit her helper, then jumps over 5' fence and runs away, Charla calls police who take him away. Eileen thinks Charla acted appropriately but reminds her to call Eileen if there are any problems.

5/13/92 Steve writes Charla a letter requiring:

1. training in record keeping and medication monitoring within the next 2 months.
2. accurate record keeping, especially of controlled substances.
3. more careful screening of residents before admission.
4. improved personal care of residents especially bathing and handwashing.
5. training on dealing with difficult residents.

Steve also places two conditions on the license:

1. For new residents Charla could only take those who were alert and needed only medium to light care. She could take no new resident who required heavy lifting.
2. No new residents who needed medications containing controlled substances.

5/15/92 Conditional license issued

5/18/92 #1613 complaint:

1. Charla is afraid to sleep alone at night, she is losing control since her son died, complainant's 15 and 13 year old children stay overnight to keep Charla company. Partially substantiated--Charla admitted to having trouble sleeping and to emotional trauma, but denied losing control.
2. Complainant's 13 and 15 year old children dispensed meds--Unable to substantiate--Charla denied.
3. Residents left alone with 15 year old--Unable to substantiate--Charla denied.
4. Charla kept 15 year old up all night because Charla couldn't sleep--Unable to substantiate--Charla denied.
5. 13 and 15 year old changed diapers on residents--Unable to substantiate--Charla denied.
6. Charla served stale muffins--Unable to substantiate.

For all the allegations Charla contends the complainant

is mad at being fired and that she used drugs, and alcohol.

- 5/19/92 Eileen receives a call reporting Charla had called and was very hostile and threatening. Charla told the caller she would make trouble for her. The caller did not want anything to be done about it as she did not want any more trouble.
- 5/22/92 Administrative conference with Steve Balog, Eileen Brooks, Charla, and Charla's attorney George Hoselton regarding conditions on Charla's license. After conference Charla called Eileen and told her she will accept the conditions and work with us in a positive manner.
- 6/10/92 Steve sends Charla a letter clarifying the conditions on her license. He defined what a "controlled substance" was and he clarified what "no new heavy care residents" meant. He specifically stated that it included that she could not take any resident who required heavy lifting.
- 6/19/92 Complaint from resident's family about a refund when the resident had only been in Charla's home one day. Charla did not send the refund checks when she said she would, when she did she postdated one, it bounced, Charla promised it would be good by a certain date, it wasn't, Charla was very rude when asked about it. Eileen straightened the problem out. The state make a mistake in paying Charla which resulted in the check bouncing
- 6/23/92 Licensing visit by Eileen, home clean, medications locked, medications charted properly. Charla screening potential residents more carefully. Marlies Schnuhr, R.N. who monitors the one medicaid resident in the home says the care is good. Charla admits she does not want heavy care or behavior problems. She talks about plans to take residents to social activities. Eileen recommends close monitoring of Charla to help her learn expectations, rules and the team concept.
- 7/29/92 Resident's son calls Eileen for help trying to refund from Charla after his father left her home and went to the hospital. Son mentions Charla "over-reacts" to things but later simmers down.
- 8/21/92 #44046 Complaint. Unable to substantiate abuse. Resident said Charla hit him on the head. Social worker moved resident out of the home. Resident afterwards reported that Charla was hot-headed and so was he.
- 9/2/92 #44052 Complaint. Substantiated abuse. Complaint by

resident's daughter-in-law. Charla first told resident she could smoke in the house, later changed her mind. Charla took resident's TV out of resident's room and broke the antenna. Charla refused to pay for it.

9/9/92

#1634 Complaint:

1. Residents were left alone for 6 hours-- Unsubstantiated

2. Resident was locked out of home for several hours-- Substantiated. Resident had returned early from the doctor's and had to wait until Charla and the other residents returned.

3. Charla fed residents McDonald's childrens dinners-- Substantiated.

4. Fire trucks, ambulances, and police always at the AFH-- Substantiated, but no rule violation.

5. Charla acts weird, not normal--partially substantiated. Several witnesses describe her as weird, angry, defensive and intense; one as aloof; 2 witnesses as okay; and two witnesses as defensive and intense, difficult to deal with but ultimately cooperative.

Eileen Brooks, investigator notes she has spent countless hours working with Charla to improve her skills. She is defensive and angry initially but warms up and becomes friendlier and more cooperative. Charla admitted to Eileen that her defensive, protective, aloof attitude was probably the cause of complaints, and agreed to work on improving her attitude.

9/29/92

Complaint that Charla didn't have her postings up and that complainant was hustled out of the house fast. Charla denied. Charla complained complainant was very, very rude. No formal complaint report made, treated as a "concern".

10/12/92

#1635 complaint: Substantiated complaint that Charla acts "sort of crazy" and behaves in a paranoid, emotionally unstable manner, that the residents may not be safe with her. Charla admitted to having problems with the probate court personnel regarding her son's death and that she said, "are you the bitch that hung up on me?" Eileen Brooks, the investigator, discussed Charla's need to be professional and courteous in all her dealings to build a good reputation. Charla told her she would try harder to be more professional in the future.

10/12/92

#1636 complaint: Unsubstantiated complaint to the commissioners office that Charla had 6 residents and shouldn't the neighbors be notified if she has over 5 residents. Charla had only 2. Complainant was anonymous. Charla thinks her neighbors complained because they want to close her home.

- 12/29/92 #44103 complaint: Financial Abuse--Not substantiated. A realtor complained that a Paula Easter, who had power of attorney for a resident in Charla's home had interfered in his listing of a house to be sold by the resident. Resident too confused to provide any information.
- 12/29/92 #44082 complaint: Financial Abuse--Not substantiated. A professional person complained that: Charla interfered with her resident's contact with a relative and with a sale of a house jointly owned between them. The investigator Donna Waltman described the resident as "easily swayed". Donna commented that Charla made some errors in judgment and over-stepped boundaries in advocating for the resident.
- 1/5/93 Eileen warns Charla that she is not to get involved in residents personal/family /financial problems and that if she wants to help she should call risk intervention, the case manager or Eileen. This was because Charla had called a realtor to sell her resident's house.
- 1/27/93 Administrative conference with Steve Balog, Eileen and Charla. Discussed ombudsmen problem. Charla says Vanhlang Khamsouk, case manager of Barbara Starr, reported that Barbara was so agitated after the ombudsmen's visit that she had to be hospitalized. Eileen notes Charla's problems are generated by her lack of skills in dealing with the community. Charla admits she can be defensive and rude when she feels she is being treated rudely, she is very protective of her own rights and her residents rights.
- 1/28/93 Complaint #0044: Verbal and emotional abuse--Unable to substantiate. Complainant said Charla's erratic and unstable behavior in front of residents was abusive to the residents. In particular, Charla's statements to resident Barbara Starr that, "I'll call the police and they'll throw you in the lock up if you're not good" were abusive. Other residents did not admit to abuse or fear of Charla. Investigator Kathy Capes recommended a mental health evaluation for Charla before her next license renewal, questions Charla's ability to provide a stable emotional climate for residents.
- 3/1/93 Complaint #1663 by relative of resident:
1. Refund due--Unsubstantiated.
2. Charla taped conversations between herself and complainant--substantiated, but no rule violation.
3. Charla interfered with resident's conservatorship--Unsubstantiated--there was no conservatorship at the time.

4. Use of restraint without Doctor's orders--Unable to substantiate-Charla denies.

5. Charla very rude, Charla denies--Unable to substantiate.

- 4/3/93 Complaint #2045: Abuse complaint--Not substantiated. Complaint that Charla abused resident or had given resident an eviction notice in retaliation. Resident was fine and resident's daughter agreed that there was not abuse or retaliation. Resident's eviction was based on increased care needs.
- 4/22/93 Eileen returned Charla's call, Charla very rude, defensive and angry. Would not tell Eileen who the male resident was who answered the phone. In response, Eileen sends Kathy Millan and Mary Fassell visit home unannounced to check on residents. Charla friendly, cooperative to them.
- 5/3/93 Complaint #2043: Abuse of resident's rights: unable to substantiate due to conflicting stories from many parties.
- 5/3/93 Charla receives copies of complaint reports just written about various complaints received over the last year. Eileen had talked to Charla about all of them at the time of the investigation and had warned her that written reports would eventually be done.
- 5/15/93 Regular license issued, actually it was issued sometime later and backdated to the date her last license expired.
- 5/17/93 Relatives of Charla's resident complain Charla did not give them a copy of the contract, and later changed the contract. Complainants took Charla to small claims court but lost. Now wants us to do another investigation which we cannot do.
- 5/21/93 Eileen does annual licensing visit. At first Charla is cooperative, then became defensive, threatening to sue Steve and Eileen if we give her a conditional license again. Charla infers we are plotting with the ombudsmen to close her home. Eileen and Cheryl Morgan repeatedly explain the circumstances. Charla becomes more pleasant. Eileen notes that Charla's attitude results in unnecessary complaints and problems consuming staff time too frequently. The complaints and investigations probably produce a chaotic, insecure atmosphere for the residents. Eileen recommends renewing Charla's license only because there was a significant improvement in resident care, record keeping, housekeeping and sanitation.

- 6/16/93 Charla calls Heather Stewart, R.N. about restraints and delegation for a new resident who she said was a class III. Charla is hostile and does not answer Heather's question, hangs up on Heather. Heather and Cheryl Morgan have to make a special visit to asses the situation. Steve called her attorney and told him he had better make his client cooperate. Charla was cooperative.
- 6/25/93 Administrative conference with Steve, Charla, Charla's friend Beverly Lolley, Charla's attorney Jack Fisher, Eileen and Mary Fassell regarding Charla's license, the conditions on it and the complaints against Charla's home.
- 6/25/93 Charla sends in complaints about many Romanian homes. Most complaints are unsubstantiated and many operators reported the person who called them (Charla) was extremely rude.
- 7/2/93 Complaint #2040: Verbal abuse--unable to substantiate. An ex-resident of Charla's reported that Charla was easily angered, swore and called the residents names. He said he was very glad to get out of Charla's. Two other elderly women still residents at Charla's, denied the allegations as did Charla.
1. Financial abuse--Unable to substantiate. Complainant said a resident's mother paid another resident to walk the first resident and Charla made the second resident give her half of the money. Both Charla and the mother denied this and the second resident could not be located to talk to. Charla did admit to paying the second resident for doing yard chores.
 2. Abuse--Unable to substantiate. Complainant said Charla made him mow the lawn and he was afraid not to do it and that then she made a second resident do it. Charla said she thought the complainant wanted to do it and that when she asked the second resident to do it she paid him for it. The second resident could not be interviewed.
- 7/14/93 Caller indicates that Charla had told her she had married an old man for his money, that she let the water run on purpose in her house to ruin the carpeting and flooring so that the insurance would pay for new floors, and many other things. The caller described Charla as a "strange, bad person". No investigation done at caller's request.
- 7/14/93 Complaint # 2041: Neglect complaint--unable to substantiate, regarding resident sitting outside in lounge chair from 12:30pm to 6pm and not being able/allowed to come back inside. Second allegation of abuse not substantiated. A man was using a weed eater

out in the yard in the rain using his walker for support. He stated he did it by choice.

- 7/26/93 Complaint that Charla does not have any evening visiting hours posted. Unsubstantiated--this complaint never written up formally.
- 8/24/93 Complaint #46317: Unsubstantiated complaint that resident was perhaps abused because he was yelling help often.
- 8/30/93 Steve and Mary meet with Sheriff deputies at their request, about the incident on 8/27/93 where Charla called in that Joey Hedlund was slashing herself.
- 9/1/93 Gary Nakao sends Charla a letter indicating he had reviewed the complaints Charla had made about ASD staff (about the information she got from her private investigator calling Eileen and East Branch) and felt staff acted appropriately.
- 9/22/93 Steve sends Charla a letter revoking her license.
- 11/9/93 Eileen calls Charla about why she took Barbara Starr in as a resident. Charla told her to call her attorney and hung up. Steve called her attorney and told him that Charla must cooperate.
- 11/24/93 Steve sends Charla a letter requiring Barbara Starr to be moved out of her home by 12/5/93, freezing new admissions until Barbara does leave, and requiring any new admissions after Barbara leaves to be first screened by this office.
- 12/1/93 Mary calls Charla regarding Barbara Starr. Charla hangs up. Charla's attorney calls Mary complaining that Mary had harassed Charla because it was so close to Thanksgiving and because we didn't call her earlier about Barbara Starr.

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

)
) No. 133117
)
) AFFIDAVIT OF KRISTI
) GUSTAFSON IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)
) ss.
County of Multnomah)

I, Kristi Gustafson, being first duly sworn, depose and say:

1. I am ^{an} internal affairs investigator and a sergeant for the Multnomah County Sheriff's department.

2. On approximately August 30, 1993, I received a call from Ms. Dinnocenzo regarding a complaint she had made against an officer who came to her house. The officer talked to her about a call the officer had answered that Joey Hedlund was cutting herself. During Ms. Dinnocenzo's call to me she indicated willingness to dismiss her complaint. She also indicated she had placed a call to Mt. Hood Mental Health regarding Joey which eventually resulted in the officer coming out to her house to investigate it. Ms. Dinnocenzo told me she had made the call to Mt. Hood Mental Health in part out of vindictiveness because of her anger over what she thought her neighbors had done to her.

/

/

/

/

/



3. I gave a copy of the tape of this telephone call to the Multnomah County Adult Care Home Program for use in their administrative hearing regarding Ms. Dinnocenzo.

Kristi Gustafson
Kristi Gustafson

SUBSCRIBED AND SWORN TO before me this 4th day of February, 1994.



Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95

9

Ms. Evelyn L. Gerbich
3234 SE 129th
Portland, OR 97236



133117

Portland, Or.
2-9-94

Hearings Office,

I am sending my check for
\$65.00 to receive all the tapes for
the Carla Hennocengo hearings
Please let me know when we
can pick up the tapes

Thank you
Evelyn L. Gerbich
phone # 760-5440

RECEIVED
FEB 10 1994
HEARINGS OFFICE

18

CITY OF PORTLAND -- CODE HEARINGS OFFICE

Hearing No. 133117

Hearings Officer: William W. Shatzer

HEARING RECORD

Date	Tape #	Counter Reading		Date	Tape #	Counter Reading	
		Beg.	End			Beg	End
11/12/94	1	22	7104	11/27/94	3	20	6970
	2	22	5054		4	20	
			5167	11/28/94	1	20	3690
11/7/94	1	22	6951				
	2	20	6680				
	3	20	6845				
	4	21	3332				
11/13/94	2	20	6460				
	3	20	3705				
11/27/94	2	20	7204				

Exh. No.	Date	Offered by	Rc-Received	Description
			Rj-Rejected	
			Rs-Reserved	
101	11/7/94	Appellant	Rc	photo
102	11/6/94	Appellant	Rc	
103	11/7/94	Appellant	Rc	
104	11/7/94	Appellant	Rc	
105	11/7/94	Appellant	Rc	
106	11/7/94	Appellant	Rc	
108	11/6/94	Appellant	Rc	notice 11/24/93
107	11/6/94	Appellant	Rc	examiner's report
109	11/6/94	Appellant	Rc	examiner's report
110	11/6/94	Appellant	Rc	contract 11/15/93
111	11/6/94	Appellant	Rc	letter 12/2/93
112	11/6/94	Appellant	Rc	letter 12/8/93
1	11/6/94	County	Rc	videotape ~45 min
2	11/6/94	County	Rc	videotape (edited) ~8 min
3	11/7/94	County	Rc	final br. etc
4	11/7/94	County	(Rc) Rc	43624 (log #) - Prot. Service investigation
5	11/7/94	County	Rc	letter 12/15/93

Exh. No.	Date	Offered by	Rc-Received Rj-Rejected Rs-Reserved	Description
113	11/7/94	Appellant	Rc	letter 5/18/93
114	11/7/94	Appellant	Rc	doctor's notes (Quinones)
115	11/13/94	Appellant	Rc	letter 10/24/93
116	11/13/94	Appellant	Rc	letter 5/11/93
117	11/13/94	Appellant	Rc	chat notes re Tour 9/16/93
118	11/13/94	Appellant	Rc	doctor's notes re Tour 11/17/93
119	11/13/94	Appellant	Rc	letter 2/23/93
120	11/27/94	Appellant	Rc	report of investigation
121	11/7/94	Appellant	Rc	letter 4/27/94 Dr. Sandoz resume
122	11/7/94	Appellant	Rc	letter 5/9/93
123	11/7/94	Appellant	Rc	letter undated
124	11/27/94	Appellant	Rc	affidavit - Craft
125	11/27/94	Appellant	Rc	" - Dunne
126	11/27/94	Appellant	Rc	" - Guitron
127	11/27/94	Appellant	Rc	" - Hernandez
128	11/27/94	Appellant	Rc	" - Pascho/Dachse
129	11/27/94	Appellant	Rc	recap of complaints
130	11/27/94	Appellant	Rc	household
131	11/27/94	Appellant	Rc	letter contract
132	11/27/94	Appellant	Rc	letter - East Mother Mediation
6	11/27/94	County	Rc	affidavit - Wheeler
8	11/27/94	County	Rc	" - Radler
7	11/27/94	County	Rc	" - Helt
9	11/27/94	County	Rc	" - Stewart
10	11/27/94	County	Rc	" - Kinana
11	11/27/94	County	Rc	" - Caldwell
12	11/27/94	County	Rc	" - Lewis
13	11/27/94	County	Rc	letter - 11/25/91
14	11/27/94	County	Rc	casualty log - Gustafson
133	11/27/94	Appellant	Rc	statement - Clark
134	11/27/94	Appellant	Rc	" - Miller
135	11/27/94	Appellant	Rc	" - Miller
136	11/27/94	Appellant	Rc	letter - 11/27/94
137	11/27/94	Appellant	Rc	"final memo" - 9/29/93



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
AGING SERVICES DIVISION
EAST BRANCH
2900 S.E. 122ND AVENUE
P.O. BOX 16633
PORTLAND, OREGON 97216
(503) 248-5480

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMO

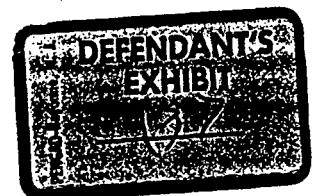
TO: ALL STAFF - for ASD staff information only
FROM: CARLA GOULDING
DATE: 9-23-93
RE: DINNOCENZO AFH

Steve Balog, Director of Adult Housing, informed us today that he has sent a notice to Charla Dinnocenzo informing her that he is revoking her Adult Foster Home license. The provider has 20 days in which to appeal this action. Steve stated to us that there is no cause for "imminent danger" which would have forced immediate closure.

In the event that any of you should receive telephone calls regarding this home and situation, refer the caller to Mary Fassell at Adult Housing. Please do not try to respond to the caller's questions.

RE: RAMSBOTTOM AFH

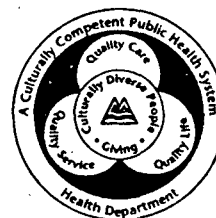
Steve Balog has also informed us that this home is presently being investigated by protective services and that he is in the process of suspending it's license pending the outcome of the investigation. Again, refer callers with questions to Adult Housing and refrain from placing clients in this home.





65

MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
EAST/MID COUNTY FIELD TEAM
620 N.E. 2ND
GRESHAM, OREGON 97030
(503) 248-5157
FAX (503) 248-5185

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

January 27, 1994

To Whom It May Concern;

I visited the Adult Foster care Facility of Charlene Dinnocenzo at 3140 S.E. 129th st., Portland, Oregon. I visited in the capacity of nurse consultant to Multnomah County Aging Services Division protective services casemanager Donna Waltman from 2:00p.m. to 4:00p.m. on January 18, 1994.

On this visit, I observed Ms. Dinnocenzo to be cooperative and helpful and observed the home to be orderly and nonodorous.

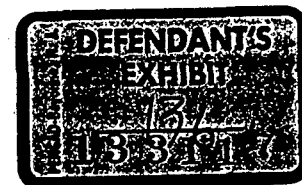
Sincerely,

Nancy Foiles R.N.

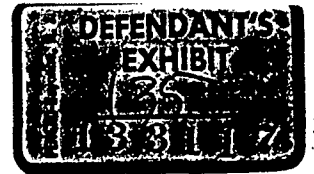
Nancy Foiles R.N.
Community Health Nurse
Multnomah County Health Dept.

NJF

104



(L4)



Re Complaint # 3 from Peggy's Statement
#133117.

I ordered diapers & supplies from Care Medical. When they arrived, some of the order was not there. The lady also told me that the diapers they were sending were like the type that Grace was using at that time, and they were not of the same quality. They were a cheaper brand and were not suited for Grace's needs.

I called Care back and explained the problem & they said they would take care of it, but that it would be a few days before they could get the supplies to her.

I then called Peggy - who is hard to get ahold of - and she returned my call later that day. She said she was going out to Costco that day and would drop some off. Later.

She never showed up.

The next day we called again & explained we had to use the diapers which were delivered. We call -

medical again and asked if they could hurry up & deliver as brace needed another brand right away.

Peggy always took several days to get back to us on any of brace's care needs, like supplies & haircuts etc.

She also pickup up her bills only about once a month for brace. I think most of her bills were paid late.

brace has never told me that she wasn't getting enough to eat. I would always ask her if she was O.K., and she seemed to enjoy losing weight and eating a little less. I would always give her two snacks & a good sized breakfast & lunch while I was working. She always eats sugar free things like drinks, jello, deserts, ^{syrup etc.} which is why her weight has dropped down.

Beth Miller

63

My name is Beth Miller. I reside at 2545 SE 187th Place, Gresham, Oregon. My phone number is 667-9640.

I have known Charla Dinnocenzo for approximately 16 years. I worked for Charla on and off for one year in her adult foster care facility. I stopped working for her in July of 1993. While working for her, my duties included cleaning the house and helping Charla with her residents, feeding them, bathing and clothing them, and changing their diapers. While I was working there, Bob Quinones and Charles Vaughn were residents. Charles and Bob were good friends and spent a lot of time together. I never saw Charles taking care of Bob. Bob was always well taken care of by Charla or her other employees, including myself, while I was present. Charla is a good provider and a caring person.

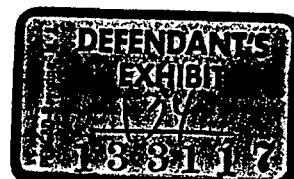
While I was working for her, the house was always clean. The residents never made any complaints to me, or anyone else to my knowledge, about the care they were receiving. In fact, we had a lot of fun with the residents and took them on outings for lunch, the Rose Garden and the Zoo.

There is an allegation that Charla filed a false police report regarding a stolen car. Charla bought the car for Nigel Moss. I was present when Nigel signed the contract specifying what payments were to be made to Charla before he could receive the car. Charla never put the title in her name but had it in her possession. Nigel took the car and filed for lost title prior to completely paying for it. Charla justifiably felt the car was still hers and filed the police report.

I have read this statement and under penalties of perjury it is true to the best of my knowledge and belief.

Beth Miller

Beth Miller



①

My Name is Beth Miller. I reside at 2545 SE 187th PL, Gresham, OR. My phone number is 667-9640.

I first met Charla when I took care of her children about 17 years ago. I watched her children for two years full time during the summer months. Charla's state of mind has not changed since then. She always wanted her kids well taken care of, just as she now wants her employees to take care of her Adult residents. She expects a lot ~~at~~ out of her employees, which has never bothered me.

I worked for Charla in her adult foster care home for a year, off and on. I stopped working for her in July of 1993. While I worked for her, my duties were cleaning the house, helping Charla with her residents, bathing, clothing them, changing diapers & shopping.

108

While I worked there I noticed Charles Vaughn spent a lot of time with Bob Quinones. He would light his cigarette and help him with the morning paper. I never heard

②

Charla ask Charles to help Bob with anything, unless it was to light a cigarette,

Bob was well taken care of by Charla. Bob was very hard to take care of when he was first brought to Charla's house the first day. He was very verbal and wanted to leave when he was first dropped off from his previous home. I went on vacation the next day after he was dropped off and came back one week later. When I got back, I couldn't believe how he had changed. He was not verbal at all & was doing rather well. I was impressed by how Charla got him calmed down & relaxed in his new home. Charla is a good provider and a caring person.

While I was working for her, the house was always clean. The residents never made any complaints to me, or anyone else to my knowledge, about the care they were receiving. We took them for rides to lunch and to the Rose Garden.

109

Charla bought Nigel a car in which the agreement was for Nigel to work off the car before the title was to be released to him. We tried to make out a schedule

(8)

for him to follow, but he would never follow through. He finally left before the car was paid off, ~~with the car~~. Both Charla & Nigel could not find the title at that time. Nigel knew when he left that the car was not paid off.

I believe that the Hedlunds (neighbors) would do anything in their power to keep Charla from getting her licence renewed. I expressed my ~~opion~~ opinion on this when I talked with Dr. Nikola and Jim McConnel during a meeting with them. I have heard from other sources that she is a trouble maker. I have babysat for the Hedlunds when I was a teenager and I never had a problem with them then. However, I do think they are trying to get Charla in trouble for whatever they can.

Charla's Dogs have never been vicious. My children have come over & they play with them. The neighbors (Hedlunds) say they are attack dogs, which is untrue.

110

I do not believe that Barbara would hurt another resident. Barbara needs a friend and becomes moody when bored.

④

Barbara Starr needs activities in order to keep her happy. I have never seen her take her moods out on anyone other than Charla.

Charla was depressed after the death of her son. She did not display any emotions ~~about~~ about this around her residents. She has come along way since then. She is much happier today than she was right after Rob's ~~death~~ death. Rob was a very special son to her. I've known that since I babysat for her 17 years ago. He has always been her favorite. She misses him dearly, but is handling his death as well as can be expected.

Charla knows a lot about caregiving. I feel she is a good provider.

I have written this statement and under penalties of perjury, it is true to the best of my knowledge & belief,

Beth Miller.

667-9640

738-4284-WK

(62)

My name is Al Clark. I live at 3147 SE 129th, Portland, Oregon 97236. My phone number is 761-7137. I purchased the property in 1977 and have lived at this address since 1986.

I have known Charla Dinnocenzo since she moved in across the street sometime in 1989. Charla and I maintain a good, neighborly relationship. I have been over to her home on many occasions and have observed her adult care facility and how it runs. I am also familiar with Charla's neighbors, the Hedlunds.

I do not consider the Hedlunds to be good neighbors to anyone who proposes a change in the neighborhood. It is my feeling that the Hedlunds are making false complaints to the County and other places to harass Charla and get her business closed down. I have had problems with the Hedlunds for most of the time that I have lived in the neighborhood. The Hedlunds used to have a Rottweiler that was roaming and was menacing the neighborhood. On one occasion, I intervened between the dog and a young lady and two children. The dog was attacking the young woman. I wrote the Hedlunds a note saying they should chain the dog or lock him up so it wouldn't injure someone. The Hedlunds eventually got rid of the dog, but the Hedlund's children have hated me ever since that note.

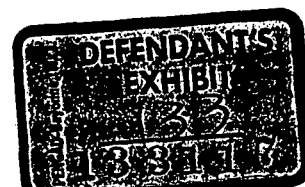
Approximately four years ago, I found out that one of the Hedlund children was throwing rocks at my house. I went over to talk to the Hedlunds and confronted them about their son's actions. I felt I had tried to address the issue in a nice way. Mrs. Hedlund responded to me in a way that I thought was very inappropriate and was unwilling to try and resolve the problem. I think she has handled the problems with Charla in the same or similar way.

Also approximately four years ago, one of the Hedlund children graffitied my driveway, house and garage and pulled up some shrubs. I called the police and a police officer went over to speak to the Hedlunds. The Hedlunds never apologized to me or to my knowledge took responsibility for their son's actions. I feel they may have encouraged their son to dislike me.

The Hedlunds are against any changes in the neighborhood. Anytime anyone applies for a permit, they object to it. There is a lot of hostility in the neighborhood because of this.

Mr. Hedlund has repeatedly stacked the firewood up against Charla's fence using the fence as a wall in such a way as to damage the fence. Mr. Hedlund has now put plywood up between the fence and the wood, yet he has failed to adequately stake it so the fence still is being used to hold up the wood and the plywood and continues to damage Charla's fence.

I feel the Hedlunds are not good neighbors and would do



anything to get Charla's business out of the neighborhood. They hate her business and have told other neighbors that they will shut her down.

I know that Charla had some problems with the Hedlund's and her dogs. I observed the hole under the fence that the dogs apparently went through to get to Hedlund's property. All of the dirt from the hole was on Hedlund's property. I feel they were purposefully enticing her dogs through the fence in order to get her in trouble with the County.

I was present when the Ombudsmen arrived at Charla's house sometime last year. One of them went downstairs to check in on Charles Vaughn, a resident. She yelled up the stairs at Charla, asking her questions and browbeating her very loudly and in a manner that I thought was very inappropriate behavior. During that same visit, they walked in on Chuck Vaughn when he was not ready for them to enter his room. They were not polite at all and did not use common courtesy.

Chuck Vaughn has recently made allegations that Charla has not provided her residents with good care. When Chuck was living at Charla's, he was sober and likeable and came over to my house every once in awhile to visit. He seemed very happy during this time. In October of 1993 or so, when Chuck started receiving his Social Security check, he left Charla's home and was using the money for heroin and alcohol. He would get the check on the 3rd and by the 7th, he'd be broke. His eyes starting turning yellow and he became a very different person when he was drinking and using heroin. He tried to borrow money from me several times when he was high on heroin, but I refused. Chuck told me lies in order to get his next fix. He would make up things about Charla that I knew were untrue. I seriously doubt Chuck's veracity when he is using drugs and alcohol.

I observed Eileen Brooks and Mary Fassell from Aging Services in Charla's house just after one of Charla's residents had expired. They were harassing Charla with questions. They had a large notebook in their lap, where they would flip from one page to another, back and forth, front to middle to back to front again, repeatedly asking questions without giving Charla an opportunity to review the pages they were looking at. In my mind, Charla was giving very logical answers to their questions, but they were unsatisfied with her answers. They repeatedly asked her, "Why did the patient die?" Charla answered, "Because of old age." Then they would ask, "How did she die?" Charla was required to give the same answers over and over again. They were accusing her of some wrong doing without being up front about it. Over all, it was a very unpleasant experience for Charla and myself and could have been handled by the agency better. Charla maintained a polite attitude toward the investigators during this interrogation.


On another occasion, I observed Eileen Brooks with a nurse in Charla's home. They spent a long time checking every resident from head to toe to check their physical well-being. Eileen Brooks thought Bob Quinones, a resident of Charla's, had been wet for an unusually long time. When the nurse checked him, he was dry underneath his outer cloths. Bob oftentimes spills things on his outer clothing and appears to have wet himself.

Whenever I have been over at Charla's house, the house has always been clean and the residents have been clean. Charla treats her residents well. She is firm with her residents and encourages them to exercise and do things for themselves so that they get exercise. All of Charla's residents, overall, seem to be very happy in her care.

Charla hires people to help her with her residents and all of them seem to be able to handle Charla's instructions well, except for Beverly Lolly, who Charla had to let go. Beverly was very lazy and did two hours of work in a six hour shift. I know Beverly was upset when Charla fired her because she left Charla's house burning rubber in her car. Beverly Lolly and Chuck Vaughn became very chummy at this point which is the same time that Chuck started using alcohol and drugs again.

Charla is feisty and determined and is quick to speak up if she feels someone is taking advantage of her. I have seen her growing in this way and learning how to be more diplomatic. However, she has a good heart and takes good care of her residents and is a good business woman. I do not think that Charla is bizarre or crazy, in any way. It has been Charla's dream for many years to operate a foster care business and she has thought this out very carefully. It would be a shame if she was unable to continue to do this.

I have read this statement and under penalties of perjury, it is true to the best of my knowledge and belief.


Al Clark

61



EAST METRO
MEDIATION

November 24, 1993

Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

Dear Charla Dinnocenzo:

Thank you for contacting East Metro Mediation about your situation.

Your neighbor, Linda Hedlund, has chosen not to participate in the mediation process. As you know, mediation is a voluntary process, and the success of mediation depends on the willingness of the involved neighbors to mediate.

Mediation is also a confidential process, and I will keep your conversations and those of other involved people confidential.

Sincerely,

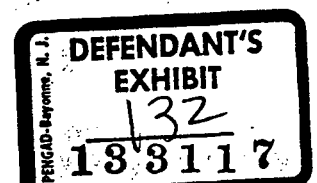
Anndy Wiselogle
Mediator

cc. Linda Hedlund

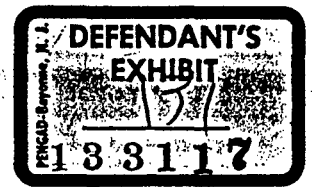
115

For solving problems between neighbors.

1333 NW Eastman Parkway, Gresham, Oregon 97030 503/669-2684



6



Violet

House Rules

All Meds ARE to be given to OPERATOR
to be dispensed according to Drs ORDERS

MUST REMAIN IN ROOM FROM 9~~pm~~ pm
2:00 6:00 A.M.

Except to go to bath room

NO SLAMMING OF DOORS it SCARES OTHERS
Respect others,

PRIVATE time 1-2- Everyone to Rooms
TV OFF At 10: pm

10 min Limit on each phone call

I have Read house Rules and agree
Signed

Date

YOUR good ideas about Activities
wanted & appreciated

* Refused to sign agreement
because she has to have T.V. going all

59

HOUSE RULES

Residents may feel free to express their likes and dislikes in an agreeable manner.

To expect courtesy from staff and other including ombudsman Resident if able will maintain good hygiene assistance is provided. Regular ~~Bathing~~ and clothes changing linen towels and laundry (sewing hems will have to be done by family members).

Use of radio and television is permitted but should consider other residents regarding volume and hours of sleep and during private time (personal time).

Meals and snacks will be provided on a regular basis.

Medications will be disbursed only as doctor prescribed will only be issued by physician orders residents should comply with orders for medications and treatment ETC.

Smoking in designated areas only dining room at table only, out doors on deck.

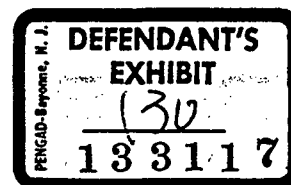
Residents are to participate in fire drill if physically able every month. Bedtime, retire to room at 9:00 P.M. doors closed TV low.

Weekday visiting hours are from 1:00-4:00 P.M. from 6:00- 8:00 P.M. Weekend visitors must all sign in.

Weekend visiting hours are from 1:00-6:00 P.M. exception for immediate family members.

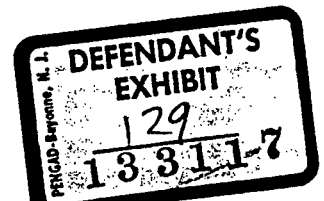
Thank you

Charla J. Dinnocenzo



COMPLAINT INVESTIGATIONS

<u>Alleged Victim/ Date & Number:</u>	<u>Allegation(s):</u>	<u>Disposition/Points:</u>
Harry Williamson 02/12/90, 29152	Abuse of 87-year-old husband.	<u>Unable to substantiate abuse.</u> A/P denies verbal or physical abuse ever occurred. Witness verifies report of harassment of A/P by extended family members and confirms a pre-nuptial agreement was drawn up prior to marriage. Conclusion per reporter: harassment of A/P by complainant is documented by attorney and police. Note: A/V not a "resident." This was before home was licensed.
Lillian Zednick 07/10/91, 1484	1. Price changed. 2. Bed not ready. 3. Took resident to hospital without cause. 4. Floor "filthy." 5. Candy and pop offered to residents. 6. Resident told to remain seated but wanders.	1. <u>No rule violation.</u> 2. <u>Unable to substantiate.</u> Hospital bed was available. 3. <u>Unable to substantiate.</u> Hospital records substantiate patient required greater care than A/P could provide. 4. <u>Unsubstantiated.</u> Floor was clean. 5. <u>No rule violation.</u> Resident's family and doctor "have no problem with her care." 6. <u>Unsubstantiated.</u> A/V's daughter and doctor have no problem with care. Recommendation: "This is a new home. Operator, it appears, needs assistance with her records and screening of prospective residents. ACH Program to provide this assistance."
Melvin Washam 10/22/91, 1529	1. Price changed. 2. A/P admitted A/V to hospital unnecessarily 3. Family member not provided with copy of contract. 4. Family member found A/V wet.	1. <u>Unable to substantiate.</u> 2. <u>Unsubstantiated.</u> Resident presented behavior problems which were difficult for A/P to handle. Recommended that A/P be given training in better handling of behavior problems. 3. <u>Substantiated.</u> 4. <u>Unable to substantiate.</u>



Beulah Grecco
03/04/92, 33044

1. Dehydration

1. Unable to substantiate. A/V refused liquids and was taken to hospital. Doctor directed A/P to discontinue medications to test cause of dehydration. A/V's progress notes at home document other intervals during stay when A/V refused to eat/drink for up to a week. Doctor stated unsurprised A/V had lost that much weight.

2. Overmedication/inadequate charting of medications.

2. Unable to substantiate. A/P in violation of rules for not appropriately charting medication.

3. A/V had feces under fingernails.

3. Substantiated. A/V plays with her feces constantly; A/P cleaning nails when complainant arrived.

4. Chronic bruises on legs and wrists.

4. Unable to substantiate. Bruises occurred when A/V attempted to pull legs into fetal position and by bumping on rails of bed. Wedging pillows and blankets was tried but was unsuccessful.

5. Bruised forehead (neglect)

5. Substantiated. Doctor's order for restraint were not used, causing A/V to fall out of bed and hit head.

6. Swollen foot; A/P refused to help.

(Family and 911 were called by A/P).
6. Unable to substantiate. A/V has diagnosis of dementia. Family member advises that A/P had advised of fall and A/V had history of falls and frequent calls to 911.

7. A/V fearful of operator.

7. Unable to substantiate. Several witnesses believe A/V was fearful of A/P but others indicate A/V did not act frightened of A/P.

Beulah Grecco
02/20/92, 1576

1. A/V moved from one bedroom to another four times in 8 months without 30-day notice.

1. Substantiated. MCAR 890-020-415(P) interpreted to require 30-day notice of move within a residence.

2. Hearing aid and false teeth lost without replacement.

2. Substantiated. Family members told A/P not to replace.

3. House filthy.

3. Substantiated.

4. A/P never provides any care for residents.

4. Unable to substantiate. (No rule violation).

5. Rude, erratic behavior by A/P.

5. Substantiated.
[Report dated 4/29/93 by Eileen Brooks more than 14 months after the alleged incidents].

Julia Sanders 03/10/92, 33060	<p>1. Neglect in providing personal care.</p> <p>2. Benign neglect by disregarding A/V's request for help.</p>	<p>1. <u>Partially substantiated.</u> A/V is somewhat manipulative. Recommended that A/P would benefit from training and understanding difficult personalities and behavior modification.</p> <p>2. <u>Partially substantiated.</u> Although neglect not fully evident A/P appeared to use appropriate measures to respond to request for assistance.</p>
Walter Daschel 04/09/92, 33065	A/P was resident's own family. (Complaint of loss of possessions/money).	<u>Unable to substantiate.</u> Charla Dinnocenzo was the one who reported the resident's concern about his own family members.
Unknown 05/18/92, 1613	<p>1. A/P was losing control since her son died.</p> <p>2. Minors dispensing medication.</p> <p>3. 15-year-old minor left alone with residents while A/P out.</p> <p>4. A/P kept witness up all night because she couldn't sleep.</p> <p>5. Minors made to change diapers.</p> <p>6. A/P served stale food.</p>	<p>1. <u>Partially substantiated/no rule violation.</u> A/P confirmed that she was having a difficult time sleeping and was suffering emotional trauma due to her son's suicide.</p> <p>2. <u>No rule violation/unable to substantiate.</u> Only resident sufficiently alert to respond denied minors dispensing medications. A/P denied allowing minors to disburse medications.</p> <p>3. <u>No rule violation/unable to substantiate.</u> A/P denied the incident. Resident of home denied the incident occurred.</p> <p>4. <u>Unsubstantiated.</u></p> <p>5. <u>No rule violations/unable to substantiate.</u> A/P denies allegation Resident (witness #3) states he never saw any indication of minors changing diapers or providing care to residents.</p> <p>6. <u>No rule violation/unable to substantiate.</u> Resident denies being served stale food. Note: complainant was former caregiver in the home who had worked only 4 or 5 hour shifts prior to being terminated by A/P. A/P claimed complainant was fired because of smell of marijuana.</p>

Fred Carlson
08/21/92, 44046

1. A/P struck A/V
on head.

1. Unable to substantiate. A/V's case file notes history of verbal abuse by A/V toward other residents. A/P sent letter to M.D. regarding A/V's irritability and temper outbursts.

Violent Dittler
09/02/92, 44052

1. A/P removed t.v.
from A/V's room and
antenna was broken.

1. Substantiated. Investigator questioned propriety of taking resident's personal possessions without permission. According to investigative report, A/V pulled A/P's hair while in process of removing t.v. from room. Conflict between A/V and A/P arose because A/V was demanding, wanting to play t.v. loud, especially at night. Conflict made worse because A/V denied opportunity to smoke in her room (because she was on oxygen). Progress notes state A/V had t.v. blaring at midnight and refused to turn it down. A/V reported not wanting to be in home in first place and admitted grabbing A/P's hair. A/V was "glad A/P phoned police. Needed to go to hospital to get help."

Richard Roberson
09/09/92, 1634

1. A/V left alone for
six hours.
2. A/V sat alone in a
parked car in front of
yard.

1. Unsubstantiated.

2. Substantiated. A/V confirmed that he arrived home about 1 hour early from his radium therapy and had no key to gain entrance to the home. However, home was unlocked and A/V was ambulatory. Waited until A/P and other residents arrived back home. (A/P had three of the four residents with her on an outing - lunch at Elmer's).

3. Children's portion
MacDonald's dinners
bought for residents.

3. No rule violation/substantiated. A/P confirms bringing MacDonald dinners, but did so at the residents' request.

4. Fire trucks, ambulances and police are always at the care home.

4. No rule violations/substantiated. While emergency personnel are frequently at the home, A/P stated that it was due to the care needs of some of the residents, some of whom had extreme behavior problems.

5. A/P engages in "weird" behavior.

5. Possible rule violation/partially substantiated. Four individuals describe A/P as acting in a "weird," defensive and angry manner. Witness 5 says she is private and aloof but not "weird." Witnesses 3 and 4 say she is not friendly or outgoing but she was "o.k." Witnesses 8 and 9 found her defensive and intense but felt she was probably being "honest, up front and ultimately cooperative in their dealings with her."

Conclusion: According to Eileen Brooks, A/P is "frequently defensive and angry . . . but eventually warms up and behaves in a friendlier and cooperative manner. She admits that her defensive, protective, aloof attitude is probably the cause of complaints and she assures me she will continue to work on improving in this area."

Anonymous
Complainants
10/12/92, 1635

1. Crazy behavior by A/P.

1. Substantiated. A/P admitted conflict with Probate Court personnel claiming that the person was extremely rude with A/P and hung up on her.

Conclusion: A/P was told by Eileen Brooks that she should conduct herself in a more "professional, courteous manner." Note: report filed 4/28/93, 6 months after the alleged incident.

Anonymous
Complainant
(Hedlunds)
10/12/92, 1636

1. Complainant alleged A/P had 6 residents in her home and asked whether neighbors should be notified if the home had over 5 residents.

1. Unsubstantiated. Home site inspection revealed that the home had only 2 residents with 3 vacancies. A/P felt her neighbors were trying to have her home closed down. "This investigator feels there may be some truth to this theory." (Eileen Brooks). Note: report also filed 6 months after the incident.

Grace Nordgren
12/29/92, 44082

1. Complainant not allowed contact with A/V.
2. A/P listens in on A/V's phone conversa-

1. Unsubstantiated.

2. Unsubstantiated.

tions with complainant.

3. A/P threatened complainant with sale of house owned jointly with A/V.

4. A/P unduly influenced A/V into signing listing agreement for sale of home.

5. A/P entered complainant's home without knowledge or permission and removed items.

6. A/P dismissed A/V's attorney and hired someone else.

7. A/P took A/V to bank to cash bonds, etc.

3. Unsubstantiated.

4. Unsubstantiated.

5. Unsubstantiated.

6. Unsubstantiated.

7. Unsubstantiated.

Conclusion: A/V told investigator that she believed that the complainant was "robbing me of all my money." She stated that she wanted to sell her house with no "coercion from anyone." Investigator concluded "A/P appeared to act in the best interest of A/V but made some errors in judgment and over-stepped boundaries in advocating for A/V."

Nora Fowler,
et al
01/28/93, 0044

1. A/P was abusive to witness in front of elderly residents.

1. Unable to substantiate.

A/V #1 is "alert" and denied hearing any threats to anyone, or ever feeling fearful or intimidated by A/P. A/V #1 was dressed appropriately. A/V #2 was alert and "a reliable witness." A/V #2 states that "A/P sometimes . . . gets after me to do for myself and I need it," but states that he can ask for help if really in need. "I like it here." He denied fear of A/P. Witness who is allegedly being abused (Barbara Starr) denies feeling verbally or emotionally abused by A/P. Witness was calm and rational.

Recommendation: A mental health evaluation of A/P may be "useful" at the next time of medical report needed to maintain license.

Chrystal Vollans 1. A/P refused refund
03/01/93, 1663 after A/V removed from
home.

2. Conversations
between complainant
and A/P being taped.
3. A/P used restraint
vest on A/V.

4. A/P interfered with
conservatorship of A/V.

1. No rule violation/unsubstan-
tiated.

2. No rule violation/
substantiated.

3. Unable to substantiate.

4. Only 1 of 4 suballegations
found to be substantiated, but
ruled to be not a "rule viola-
tion."

Note: 2/23/93 letter from Dr.
Robert Sayson commends A/P for
the "good care" she had provided
to Chrystal Vollans.

Charles Vaughn
05/03/93, 2043

1. A/V complained of
a violation of his
rights, harassment, lack
of respect and dignity,
and a violation of his
privacy by 3 representa-
tives from the state
Ombudsman's office.

1. Unable to substantiate/
unable to determine if rule
violation due to "conflict-
ing reports." The A/V stated
on 5/1/93 he was awakened by a
knocking on his door. He stated
he was questioned while not fully
awake, was asked the same ques-
tions repeatedly and was
"intimidated." The A/Ps spent a
couple of hours questioning
the other residents, with one
of them yelling at one of the

the witnesses (Charla Dinnocenzo)
demanding that she not call anyone
to complain about the visit. Ms.
Dinnocenzo stated that the A/Ps
"intensely questioned" all of the
residents, waking up some who were
asleep. A 2nd witness said that one
of the A/Ps "harassed everyone with
questions," and "was very unpro-
fessional."

Nora Fowler
04/03/93, 2045

1. Concern for retal-
iation.

1. Not substantiated. The complain-
ant called to express a concern
about potential retaliation toward
the A/V because of recently having
given notice of intent to leave.
Investigator visited A/V and saw
"no evidence of retaliation." Arms
and legs were checked for

bruising. A/V was dressed and cheery. A/V asked about abuse and denied any had occurred.

One resident &
one friend of
A/V' s
07/14/93, 2041

1. A/V #1 left
in chair unattended
for 6 hours.

2. A/V #2 left in
rain without a walker,
using a Weedeater.

Bob Quinones
08/24/93

1. Complainant (Hed-
lunds) heard A/V
screaming "help" on
8/21 and 8/24/93 for
a long time.

1. Unable to substantiate.

Complainant (Hedlunds) asserted that A/V #1 was left for 5 1/2 hours in the backyard and given coffee can to urinate in. A/V#1 interviewed and stated that he liked to sit in the sun by choice. He also demonstrated the ability to get up and down on his own and explained that he used the coffee can for smoking. (Complainants had asserted that he had fallen out of a chair and had to be helped back into the chair).

2. Not substantiated. A/V #2 (Harry Williamson) is not a resident of the home and had volunteered to do some yard work. A/V #1 also confirmed this.

1. Unsubstantiated, no rule violation.

A/V and his mother interviewed on 8/26. A/V has end-stage Huntington's Disease and is unable to speak clearly. A/V's mother said that he is "very demanding and yells out for provider to get him cigarettes and other items very often." She also reports that he becomes "frustrated, angry and yells repeatedly and loudly when he is not attended to immediately." A/V and his mother reported that they are happy with care given at facility and "wish to continue staying there."

57

STATEMENT

My name is Walter Dachsel, Jr. I live at 4146 NE Flanders, Portland, Oregon. My telephone number is 232-5685.

My father, Walter Dachsel, Sr., lived at Charla Dinnocenzo's adult foster home from about January of 1992 to July, 1992 when he suffered a stroke and was moved into a nursing home. We looked at two other foster homes before we chose Charla's.

My father was on a restricted diet and was a very particular eater. Charla fixed him the type of foods he liked, which was a difficult task.

I visited my father three or four times a week while he was there. The home was always well kept. The other residents were usually in the recreation room when I visited and appeared to be well taken care of.

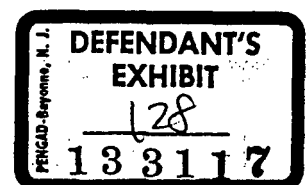
While my father was there, Charla's son committed suicide. She was quite distraught, but she handled it very well and took care of her residents. If someone else in my family needed foster care, I would recommend placement in Charla's home.

I declare under penalty of perjury that the above statement is true to the best of my knowledge and belief.

DATED this 13 day of January, 1994.

Walter Dachsel
WALTER DACHSEL, JR.

126



56

STATEMENT

My name is Lillian Hernandez. I live at 150 Indian Oak Ct., Space 8A, Molalla OR 97038, my phone number is (503) 829-5298.

My son, Bob Quinones, has been a resident at Charla Dinnocenzo's house since May of 1993. My son is diagnosed with Huntington's Chorea, end-stage.

I visit my son on a regular basis and I am very pleased with the care that he receives at Charla's home. What I like most about her is that she is very soft spoken, and my son seems to pay a lot of attention to her. I find that she is very caring.

It is always a pleasure coming to see my son. The house is always clean and my son is always well cared for.

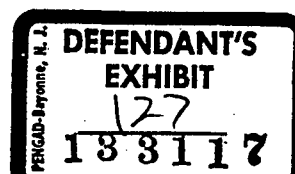
It is my understanding that there have been complaints about a resident hollering for help. Because of my son's condition, sometimes you cannot understand what he is saying and he will yell out. He has done the same to me when he was living with me and it would scare me. Sometimes, I thought that he had fallen, but he just yells when he gets frustrated because he is unable to express himself. I can understand if the people next door heard him, they would think there was something going on.

I am very pleased with Bob living at Charla's. I wouldn't bring him anywhere else. I can go home and sleep at night and not worry about him. Charla is very kind, very good and she treats me like family.

I declare under penalties of perjury that the above statement is true to the best of my knowledge and belief.

Lillian Hernandez
Lillian Hernandez

127



55

My name is Beverly Guitron, I live at 12904 S.E. Mill Court, Portland, Oregon 97233. My phone number is 253-5655.

I have known Charla Dinnocenzo since the Spring of 1993. I met her through a mutual friend and in the past four or five months we have met once a week to discuss the bible together. During these visits I have had an opportunity to visit Charla in her home.

I have always been impressed with Charla. She is caring, careful, a great hostess and an exceptional cook. In fact her cookies surpass that of Mrs. Fields. Her residents always come first. In fact there have been times when we would change the night that we would meet because of her care for her residents. Or I would wait because that there was some need that they had.

We have often discussed resident care as I have a father in a care center in Forest Grove, who when he first was there would continue to fall out of his wheel chair tho they had him tied in. Charla showed me what kind of chair they should have him in as it is one she uses, it is called a Gerry chair. When I went back to the care center where my dad was they had such chairs but chose to use just the wheel chair.

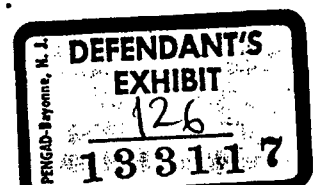
My father improved and my step-mother decided to take him back home, and Charla was helping us to locate a live in care person. She was telling me what to look for in a care person, and also gave me a copy of the schedule that she has for her residents so that they are properly cared for. I was very impressed. But before we could hire a care person, my dad got to be too much for my step-mother to handle and decided to return him to the care center. He later developed a fungus type rash (because they let him stay wet). Charla told me that none of her residents ever had a rash even if they were incontinet.

Because we were having problems with the care center where by father was, I phoned Aging Services several weeks ago to see if I could place my father in Charla's home. I was told that Charla could not take any more residents. When I asked why I was told that Charla had a dangerous person living there and until such time as she had her removed she could not have anyone else living there. I requested a list of the foster care homes for Multnomah County and Washington County from Aging Services. When I received the list, I was surprised that Charla's home was not listed.

I have met the so called dangerous person four or five times and she does not seem dangerous to me at all. On one occasion she asked Charla for Tylenol before going to bed. She asked in a very nice way. In fact time before last when I was there she was in the living room and visited with us for the whole time that I was there. She seems to me to be a nice, shy person, and Charla treats her very kindly.

I have also been impressed by how sanitary Charla is, when she went to show me the Gerry chair, she picked up a paper towel so that her hands personally would not touch the chair. Also when I have been there and waited for her to care for a resident, her first stop was always to wash her hands.

128



Page 2,

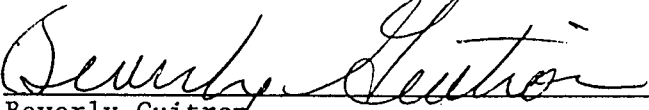
Another thing that impressed me is that each resident has a chart, like in a hospital. She told me that a chart should be kept even if only for one person like my father, when we were looking for a live-in care person.

Her home has always been clean and very pleasant, it has what I would call a homey atmosphere.

One other thing that I should mention in regards to her care, is that I have been told not to visit if I have a cold, which I can understand as she needs to put her residents health first and foremost.

The care center where my father is located changed hands and is providing better care than he had before, but I am certain that it is not as good as he would have received if he had been placed in Charla's home.

I make this statement under penalties of perjury.


Beverly Guitron

54

STATEMENT

My name is Valerie Runyan. I live at 3116 SE 129th Avenue, Portland, OR 97236. My phone number is 762-1778. I live adjacent to Charla Dinnocenzo on the northside and have known her since she moved in.

I have stopped by Ms. Dinnocenzo's home on several occasions in the past few years. She allows UPS to deliver packages to her home for me and has invited me in to see changes she has made to her home. I did not know her prior to her moving into the neighborhood.

I have observed her home on these occasions and it has always appeared to be clean and tidy. I have also observed several of her residents and they have always appeared to be content and well taken care of for their age and condition.

I know that Ms. Dinnocenzo has had some difficulties with her neighbors to the south, the Hedlunds. We, my husband and I, also had problems with the Hedlunds several years ago when we were trying to develop some property. The Hedlunds contested our efforts to develop property on S.E. 122nd ^{129th} ~~122nd~~. I feel the Hedlunds ^{tr} ~~wanted~~ ^{tr} to control the neighborhood and ~~went~~ ^{tr} out of their way to do so. In addition to making several calls to the County, they came onto our property without our permission. During this time period I had some garbage dumped on my property. I accused the Hedlunds and they denied it. Since that time, we have stayed away from each other.

I feel that the Hedlunds do not like Charla Dinnocenzo and are trying to get her business closed down. The Hedlunds have piled wood against Charla Dinnocenzo's fence in such a way as to ruin her fence. I think their behavior is inappropriate and immature.

I have never had any problems with Charla Dinnocenzo as a neighbor. At one point, her dogs were getting into our yard and she took all the necessary steps to correct the problem.

I declare that the above statements are true to the best of my knowledge under penalties of perjury.

DATED this 1/2/94 day of January, 1994.

Valerie Runyan
VALERIE RUNYAN

53

RICHARD W. CRAFT, SR., M.D.

(503) 251-4229

PHYSICIAN - INTERNAL MEDICINE

WOODLAND PARK MEDICAL PLAZA
10373 N.E. HANCOCK STREET
SUITE 222
PORTLAND, OR 97220

January 6, 1993

To Whom It May Concern:

Charla Dinnocenzo is currently under my care. I have known her for approximately 3 years. During this time Charla has confided in and counseled with me about issues in her life. I have worked with her during the period surrounding the death of her son, and presently with the problems she is having with the county in the licensing of her adult foster care home.

Charla has a history of depression and anxiety. These symptoms have been exacerbated by the stresses surrounding the county's dealing with her adult foster home. She does not require medications for treatment of her depression.

Charla has recently had some difficulties with the county and some neighbors. She has felt harassed and has on occasion reacted impulsively to this harassment, i.e. lifting her dress to her neighbor. Charla has shown no problems with her judgement in relation to her foster home. She is able to care for her patients much better than many foster homes I deal with. From my view point, I see no reason why Charla should not continue to operate a foster care home.

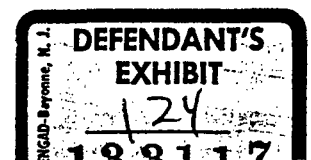
Sincerely,



Richard W. Craft, Sr., M.D.

RWC/SH

131



On Saturday, May 15 around 10:00 AM I
was ~~awakened~~ awake and twice and finally
asked to come out of my room and talk to
~~three~~ different ladies.

At one point I thought that they were going to
come right in on me before I could get out of bed
and get dressed, I had to get blunt with
them and tell them to wait a minute because
they were coming right in on me without knocking.

Without giving me time to fully awaken, all
three of them were asking me questions and
over and over again implying that there
might be something wrong going on here and
that if I had any problems I should say so
to them even though I said a number of
times and still that everything is fine
here and has been my whole stay so far.

I feel myself that the whole visit
was very intimidating and meant to be that way.

The blond lady, Miss Denise Wood was
very rude and disrespectful to Mrs. Dinocenzo.
The whole time she was here, she also threatened
Mrs. Dinocenzo not to ~~call~~ complain after
they left.

I think their visit ^{reflected} ~~was~~ a gross mis-
management of authority in the way they
conducted themselves, especially in front
of clients.

From what I have seen, it is a case
of pure harassment and intimidation like
~~which has no place in this sort of~~
an old fashion ~~and~~ wild hunt for
personal satisfaction or gratification.

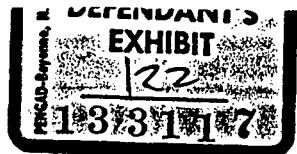
This went on for a couple of hours and
it seemed to me Miss Wood was trying to do
more ~~harm~~ ~~from~~ harm than good with
the others ~~just~~ following her lead of
intimidation.

This seems to me a personal vendetta and
should not be allowed or tolerated.

This lady actually cares for her
residents and should be respected for it not
harassed.

Thank you for your time;
Charles L. Vaughan

(51)



5/9/93

To whom it may concern:

Since my accident, operation and release from the hospital the first part of March I have been residing in Miss Charla Denning's foster home, 3140 S.E. 129th.

My first month was very, very difficult for me because of my condition and not being able to move freely without pain.

In that respect she has made every possible effort to help me in anyway, even without me asking. She still does this no matter whether I ask or not, this shows me she is concerned about my well being.

She has on numerous occasions even helped me try and track down my personal belongings and baggage that were lost through the Bus station after my accident, which is time and trouble she did not have to expend on my behalf, to me that is someone who cares, and is actually trying to help people.

She worries about me more than I do sometimes and most people aren't like that.

The residence and my room is thoroughly cleaned every day and that is no small

job either.

This is not a choice but I've had a lot of time to sit and observe what goes on here and to my knowledge she is constantly aware of what goes on here and the condition of her residents and their needs.

I have seen her take abuse here and she knows the problems and takes them right in stride and continues to help the residents no matter what.

She also watches what we eat and to me I feel healthy for it and haven't been hungry since I've been here.

I have visited a few foster homes to see friends and I feel that if more of them were run as this home is they, i.e. residents who live in them could recuperate in peace of mind knowing someone cares.

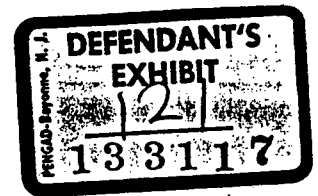
When people like us need help, I mean, I feel better knowing there are ladies and a man such as this who care and are there to really help.

Thank you,
Charles K. [Signature]

5/9/93



VITA



Russ Sardo, Ph.D.
Born: July 1, 1926, Brooklyn, New York
Married: 1950
Children: Jordana
Stefanie
Daniela

Education:

New York University - Aeronautical Engineering - 1942-43
Queens College - English and History - 1944-46
New School for Social Research - Psychology - 1953-55 AB - 1955
Adelphi University - Clinical Psychology - 1955-59 Ph.D. - 1959

Scholarships and Grants:

New School for Social Research - Tuition Free Scholarship - 1954-55
Adelphi University - Research Assistant - 1955-56
Assistant - Psychological Services - 1956-57
Research Fellowship - 1957-58
NIMH - Relationship Between Persuasibility/Social Isolation in
Young Children
Diplomate in Clinical Psychology - ABEPP - 1966

Professional Affiliations:

American Psychological Association member - 1955 - present
Eastern Psychological Association member - 1955-59
New York State Psychological Association member - 1955-59
Western Psychological Association member - 1959 - present
Washington Psychological Association member - 1959-61
Spokane Area Psychological Association member - 1959-61
Oregon Psychological Association member - 1961 - present
Portland Psychological Association member - 1961 - present
Portland Academy of Hypnosis
Oregon Association for Professional Psychology member - 1974 - present

Employment:

1941-1955: Electric Welder, Automobile Body Man and Painter, Shoe
Salesman, Resort Waiter, Insulation Salesman, Phonograph
Record Department Salesman and Manager, Salesman for
Phonograph Record Distributor, Sawmill Laborer, Libretto
Salesman for Metropolitan Opera Company, and Dance Instructor.

1957-1958: Research Fellow - NIMH, USPHS

1958-1959: Intern, Brooklyn Veterans' Administration Hospital. In
addition to regular responsibility: performed all neurology
section consults, conducted groups on active TB ward,
helped train psychiatric residents in group therapy, super-
vised new psychology interns.

1959-1961: Staff Psychologist, Eastern State Hospital, Medical Lake,
Washington. Established adolescent program, therapeutic
community on admission ward, training programs for ward
doctors, nurses, attendants, social work students, only
psychologist to rotate with psychiatrists conducting
staff seminars.

1959-1961: Lecturer, Washington State University, Extension Division

1961-1964: Chief Psychologist, Clackamas County Mental Health Clinic, Oregon City. Performed regular responsibilities and in addition extended consultation to all county schools, Juvenile Court Welfare.

1961-1962: Consultant, Klamath Falls Health Department

1961-1964: Clinical Associate, University of Portland, Supervised Graduate Students in Psychology

1964-present: Private Practice - Individual and Group Therapy, Diagnostic Consultation for Physicians, Vocational Rehabilitation, Children's Serves Division, Attorneys, Courts

1964-1968: Field Assessment Officer on seven training programs, Peace Corps, Assessed all candidates.

1964-1967: Consultant, West Linn Public Schools

1964-present: Consultant, Clackamas County Juvenile Court - diagnosis, treatment planning, training and education of counselors in adolescent programs, family therapy, psychopathology, helping establish Child Abuse Team, directing treatment planning and providing testimony in court.

1962-1964: Lecturer, University of Oregon Dental School.

1964-1966: Lecturer, Emanuel Hospital School of Nursing.

1964-1966: Consultant, Hood River Health Department - coordinated all mental health services for county

1964-1965: Consultant, Clackamas County Mental Health Clinic

1965: Consultant, Columbia County Mental Health Clinic

1966: Developed prospectus for counseling needs for the Valley Migrant League

1966-1967: Consultant, Upward Bound Program, Mt. Angel College, Established admission criteria, assisted in planning program, established and supervised counseling staff and student aides.

1968-present: Consultant, Parrott Creek Boys Ranch. Training and supervision of staff, assessing boys, developing programs.

1969-1971: Guest Lecturer, Oregon State University Semi-Annual Workshop on Drug Problems

1973-present: Consultant, Youth Adventurers, training staff, treatment and diagnostic consultation.

- 1972-1974: Consultation, McLoughlin Mental Health Center - diagnostic consults for the courts, especially arrested for driving under the influence of liquor, supervision of Alcohol and Drug Section, conducting seminar on adolescent problems.
- 1973-1974: Consultant, Colton Public Schools, Intermediary in Faculty, Administration.
- 1974: Special Services Contract with Permanent Planning Project.
- 1976-present: Private practice - Columbia Psychiatric Clinic
- 1976-1987: Staff at Riverside Psychiatric Hospital
- 1976-present: Staff at Woodland Park Hospital
- 1976-1977: Consultant, Adolescent Program, Riverside Psychiatric Hospital
- 1977: Clackamas County Sheriff's Department - adviser to the selection process for SWAT teams.
- 1977-present: Consultant, Oregon Halfway House - a residential program for adult parolees and probationers, primarily from the Federal Court System.
- 1978-present: Contract with Federal Office of Probation and Parole to treat referred offenders with emotional problems.
- 1980-present: Consultant, Serendipity Academy - a private alternative school for learning and emotionally disabled children - adolescents.
- 1983-present: Contract with Federal Office of Probation and Parole to treat offenders with drug and/or alcohol problems.
- 1984-1985: Consultant - Sexual Abuse Clinic - Barry Maletzky, M.D. Victim therapy with sexually abused children. Group therapy with sexual offenders.
- 1985-present: Consultant - Senior Care Program Woodland Park Hospital

Current Practice:

Clinical - diagnosis and treatment-children and adults.
Forensic - evaluation and testimony in cases involving:
child custody, personal injury, crime and delinquency.

49

ALEXANDER CHRISTIAN, LTD.
Investigative Services

722 A Main Street
Oregon City, Oregon 97045
(503) 657-7199

400 E. Evergreen Blvd. #111
Vancouver, Washington 98660
(206) 699-1906

August 12, 1993

Ms. Charla Dinnocenzo
3140 SE 129th
Portland, OR 97236

RE: MULTNOMAH COUNTY AGING SERVICES

Dear Ms. Dinnocenzo,

On July 27, 1993 we were requested by you to discreetly determine attitudes and recommendations toward your operation by staff at the Multnomah County Aging Services' central and branch offices.

SYNOPSIS

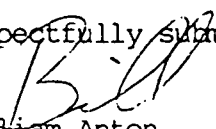
This office conducted interviews with the following staff:

1. Ms. Eileen Brooks Tele: 248-3000
Multnomah Co. Adult Care Program
2. Ms. Marilyn Anderson Tele: 248-5480
Case Manager, East Aging Services
Multnomah County

Interview reports are enclosed. Public files held at the Multnomah Co. Aging Services offices were inspected with numerous complaints found by anonymous callers, and later unsubstantiated by investigator who were sent out.

Results of our investigative efforts have been communicated to you and recommendations made. Thank you for allowing us to assist you in this matter.

Respectfully submitted,


William Anton
President

INTERVIEW: MS. MARILYN ANDERSON, Case Manager
Multnomah Co. East Aging Services

AUGUST 3, 1993
(Card Enclosed)

Tele: 248-5480

Ms. Anderson was interview in person at her office during the afternoon of August 3, 1993. Two investigators posed as adult brother and sister who were interested in placing their mother in a foster care home.

She appears to be in her early 30's with very short brown hair and brown eyes. On the day of the interview she was wearing black pants and a black and white tank top.

Ms. Anderson stated that she has enjoyed working for the county for 14 years, that she especially enjoys working on behalf of the elderly, and that she is currently is employed to assist in determining the medical eligibility for aged persons.

After our initial greeting she led us back to a private conference room where no one else was present, stating that she would be happy to possibly answer our questions or provide us with some direction. She explained such care options as "relative foster care" and "nursing homes", and instructed us to use our resource list and visit a dozen homes or so. Ms. Anderson then pointed out that we could review the public files kept on the homes downtown at Multnomah County Aged Services.

At this time Ms. Anderson was shown the list of Adult Care Homes and was asked to help explain the agency's policies and procedures toward these homes. She indicated that she does not visit the homes herself, and that the homes weren't part of her responsibility, but that the intake workers at the center would help us place an eligible individual and answer our questions about the homes.

Ms. Anderson then proceeded to take our registry list of close to 600 homes and began to thumb through it. When arriving on the page which held Ms. Dinnocenzo's foster care home, she used her pen to draw a line through Ms. Dinnocenzo's name on the list, commenting "avoid THIS home.....". When questioned as to what she meant, she stated "this home is under investigation.....there are strange things going on at that house.....I've heard things around here at work..... it could be rumors or hearsay". Then "and what I say won't leave this room.....I have never been to the house....it could be a good one... I don't know".

Ms. Anderson was then asked about the restrictive license coding, especially to define the coding of "C", or Conditional and "P", or Provisional. She answered that she does not know how a home receives a conditional license, but did indicate "someone can call the agency..... they don't even have to give their name.... with a complaint on a home. This complaint would then have to be investigated, and substantiated".

Ms. Anderson then went on to make several helpful points concerning monetary assistance. For instance, she stated that to apply for medical assistance one's resources cannot amount to over \$1302.00 a month, and that a private agency can charge anywhere from \$1600.00 to \$2000.00 a month.

Ms. Anderson stated that she realized just how difficult it was to place a parent in foster care; that a few years ago she was involved in trying to locate a home for her husband's mother, "I had to call the registry for a list of homes, also. At that time I was unaware of the public files or I would have reviewed them myself". She stated that she had visited 15 homes herself, "but I was able to ask the caseworkers to give me the 'goods' on the homes, the good and the bad".

She then instructed us to visit the homes, and to look for cleanliness, activities the residents are involved in, and whether the residents are dressed and out of bed, adding "especially notice the personality of the operator.....do they appear stressed?.....do they have too many homes?....if so the resident managers might not be able to do a satisfactory job". She encouraged these investigators to "go with your 'gut feeling'".

48

GRESHAM INTERNAL MEDICINE CLINIC

PHYSICIANS

JOHN M. CUSTIS, M.D.
INTERNAL MEDICINE
& DIAGNOSIS

DARRELL R. LOCKWOOD, M.D.
INTERNAL MEDICINE & DIAGNOSIS
ENDOCRINOLOGY & METABOLIC DISEASES

ROBERT C. SAYSON, M.D.
INTERNAL MEDICINE
& DIAGNOSIS

3030-F N.E. HOGAN DRIVE • GRESHAM, OREGON 97030-3134
PHONE (503) 667-1015 • FAX (503) 667-0406

February 23, 1993

Ms. Charla Dinnocenzo
3140 SE 129th
Portland, OR 97236

Dear Ms. Dinnocenzo:

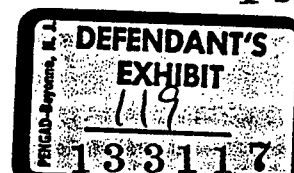
This is to commend you on the good care you have provided to Christol Vollans who has recently moved into your adult foster care facility. Keep up the good work and please feel free to call if you have any questions.

Yours truly,


Robert C. Sayson, M.D.

RCS:nf

142



Physician

2212 Lloyd Center
Portland, OR 97232
(503) 288-0211

10373 N.E. Hancock, #220
Portland, OR 97220
(503) 255-9885

For Charles Dinenzo Date 1-7-93

Address _____ City _____

R. Charles:

Nona Fowler was seen in
our office this a.m. She
appeared neat and clearly
groomed, well fed + reports
enjoying her residence.

REFILL: _____ TIMES
N.R. _____

LABEL - Yes ☐ No ☐

Sandra M. Ford, M.D.
SANDRA M. FORD, PA-C D.E.A. No. _____

143



47

(46)

DOUGLAS R. GROSTINO, M.D.
WOODLAND PARK MEDICAL CENTER
10373 N.E. HANCOCK - SUITE 100
PORTLAND, OR 97220

Fowler, Nora
4-16-93

Hist: 76 yo w female with dementia of the Alzheimer's type and associated episodic agitation has done quite well since last hospitalization for L femoral fracture in Jan. 93. Pt's history of unreliable due to memory loss but denies pain. She also has idiopathic megacolon on a bowel regimen of MOM 30 cc po QOD, Doxidan capsule at bedt: and 1 tsp of metamucil daily. Recently stools were somewhat loose and MOM cut from dially to QOD. Sandra Ford is managing her agitation with Pamelor 50 mg at bedtime and a prn hydroxyzine 25 mg at hs.

O. wt 125½# BP - 140/80 P_76 reg R-16
pt is bright, alert, forgetful and in no distress
HEENT - clear

neck no nodes 2++ carotids no bruits

chest clear

breast no masses

cor S1S2 nom

abds protuberant, active BS no masses

ext no edema

gait - unsteady with tendency to fall backwards with minimal forward thr-st
minimal paratonic rigidity, no cogwheeling, no abn muscle movements, no dystonias
no tardive movements

STrs 1+ absent achilles

Impr: #1. Dementia, primary degenerative - continue follow-up as needed with Dr. Ford
for behaviors and a) Pamelor 50 mg at bedtime

b) Hydroxyzine 25 mg at bedtime prn

#2. Idiopathic megacolon - stable currently, avoid obstipation

a) 1 tsp metamucil in liquid daily

b) Doxidan 1 capsule at bedtime

c) MOM 30 cc po QOD

#3. L femoral neck fx - s/p ORIF doing well

#4. Hx of HTN - non detected

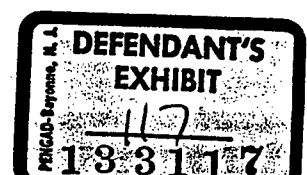
#5. Osteoporosis - past x-rays feveal prior compression fx lumbar spine, now no sx

#6. Poor balance - due to advancing dementia wihtout evidence directly of progressive
supranuclear palsy. Pt is at contiued risk for falls. Doing quite well in
current foster facility.

return to office as needed and q 6 months

Q Gu

144



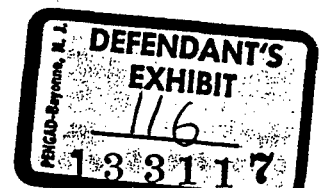
(45)

May 6, 1993

I have seen Nora Fowler for the last 6 mths as her home health nurse. Charles DiNocenzo has been her ~~for~~ care giver and has provided Nora good care. When instructions are left for pts care she follows them with great care.

Thank You
Sherry Ryzner RN

145



J. J. J. J.
13951 Moorpark #201
Shirman Oaks, CA 91423



(44)

11

10-24-93

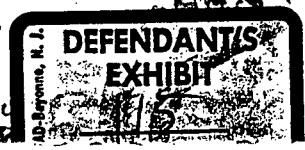
Dear Charles,

It was very kind of you
to provide the beautiful
bouquet of yellow roses
for our Mother's grave.

I took one of the little
blue daisies and pressed
it in my meditation book
as a remembrance.

We also wish to acknowledge
the loving and knowing care
that you provided while
Mom was in your home.

Thank you from the
family of Nora Fowler
Bill Fowler
Susan Truduen
Joanne Chase



43

MEDICAL RECORD

PROGRESS NOTES

DATE
1/4/1974

1430

PATIENT HAS RECEIVED
EXCELLENT CARE AT HIS CURRENT
FACILITY. WHEN DISCHARGED
FROM HERE HE CAN GO BACK
TO THAT FACILITY.

David A. Narvaez
David A. Narvaez

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle;
grade; rank; rate; hospital or medical facility)

REGISTER NO.

WARD NO.

QUINONES, R
1373

PROGRESS NOTES

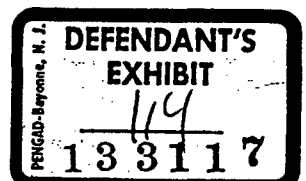
STANDARD FORM 509 (Rev. 11-77)

Prescribed by GSA/ICMR,

FIRM(R41CFR)201-45.505

509-111

147



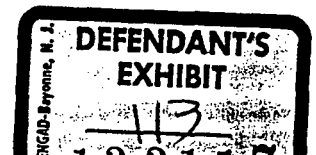
May 8-93

(42)

My Name is Beverly Lolley
I would like to make a statement
and a few comments about Chakda
I have known her over 30 years
and find her to be a competent woman
who is running a very good adult care
home - It's clean (very clean) and
since I have returned to Portland
as of last sept-92 - I have been in
the home in the day time and in
the evenings to visit her and found
Grace & Harriet laughing & talking
I've talked to them - Also Nora, and
Chuck and they seem to be doing
fine - she is a caring and good
person - so please take the time
to really get to know her -
We need good homes for people who
are in need of health care - and
this is one.

Thank you
Beverly J. Lolley
516 S.W. Eastman Pkway
Gresham, Oregon
97080
492-4720

148



41

December 8, 1993

Stephen P. Balog, Director
Multnomah County Adult Care Home Program
421 SW 5th Ave., Room 405
Portland, OR 97204

RE: Our client: Charla Dinnocenzo
Subject : Administrative Sanctions

Dear Mr. Balog:

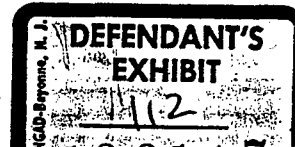
This is to confirm the events which occurred on Tuesday, December 7. As you recall, we met at your office with Vern Cook, the attorney for Barbara Starr, Chip Lazenby, Assistant Multnomah County Counsel, Charla Dinnocenzo, Mary Fassel and myself.

At the administrative meeting, we discussed the administrative sanctions set forth in your letter of November 24, 1993. In your letter, you ordered that Ms. Dinnocenzo remove Barbara Starr from her home on or before December 5, 1993. You also ordered that Ms. Dinnocenzo not accept any new residents until Barbara Starr has been removed and ordered that once Ms. Starr is removed, all new residents be screened by your agency prior to placement in Ms. Dinnocenzo's home. (I presume that you and that your agency would exercise the "right" to accept or reject any potential new residents).

As I explained in my letter of December 2, I feel that there is no administrative justification for your having acted under MCAR 890-090-140 since there is nothing to indicate that Barbara Starr presents an "imminent danger" to the other patients. At the hearing, I explained that Ms. Starr should remain in the home not only because she does not present an "imminent" danger, but because there is evidence that Ms. Starr may not present any danger at all to the other patients.

I pointed to the fact that Ms. Starr's apparent aggressiveness has always been directed at authority figures, and not toward other patients. I pointed out that one of the mental health examiners present at Ms. Starr's civil commitment hearing on November 4

149



Stephen P. Balog, Director
December 8, 1993
Page 2

concluded that she was not dangerous to others, and that the other examiner put a question mark on the evaluation when asked about whether Ms. Starr was a danger to others. I pointed out that Ms. Starr is taking new medications which she was not receiving when she was removed from Ms. Dinnocenzo's home in February. (You were provided with copies of the medical records from earlier in 1993, as well as the current medication dispensation records. Vern Cook pointed out that Dr. Sardo had agreed to see Barbara Starr as a patient, and would be happy to evaluate whether or not she presents an "imminent danger" to any of the other patients.

After much discussion on this issue, it was agreed that Mr. Cook would attempt to get some kind of letter from Dr. Sardo addressing whether or not Barbara Starr presents a danger to the other residents at the Dinnocenzo home. I will attempt to do likewise with Dr. Craft, Ms. Starr's treating physician for the last several years.

Toward the conclusion of the administrative meeting, you agreed to stay the effect of your November 24 letter, at least in part. That is, you agreed that Barbara Starr need not be immediately removed from the residence, pending your receipt of information from Dr. Sardo and/or Dr. Craft, which would have a bearing on whether Ms. Starr indeed presents an "imminent danger" to the other patients. You refused, however, to stay the effect of your further administrative sanction, i.e. that Ms. Dinnocenzo not be allowed to admit any additional residents until Ms. Starr is removed from her home.

I would again request that you stay the effect of this sanction, as it is not authorized under MCAR 890-090-140. Specifically, that regulation only authorizes the imposition of an ex parte sanction in the event there is a finding of "imminent danger to residents." Since you have agreed to stay the effect of the removal order with respect to Barbara Starr, you have obviously agreed that there is no "imminent danger" to the other patients. Even if you have that suspicion, there is no administrative justification for a conclusion that Ms. Starr presents the imminent danger required by the administrative rule. Since you lack the requisite "finding" of imminent danger, there is no authority under the administrative rules for an immediate sanction against Charla Dinnocenzo. Under MCAR 890-090-140 no sanction is effective until a formal hearing has been concluded and a final order entered in the record, unless there has been a finding of imminent danger to residents. Based upon our discussion on December 7, and on your letter of November 24, there is no such finding.

Stephen P. Balog, Director
December 8, 1993
Page 3

Since any administrative finding must be based on some evidence, I would once again request copies of any and all documents relied upon you in making your initial determination that Barbara Starr presents a danger to the other patients, and the information which you relied upon in imposing the other administrative sanctions on Ms. Dinnocenzo. I look forward to receiving these materials at your earliest convenience concerning these matters.

During the course of the meeting, I raised my client's concern about retaliatory actions and harassment. As I explained in my December 2 letter, Ms. Dinnocenzo, while clearly subject to continued agency authority for licensing and regulation, has been singled out for disparate treatment, and has apparently been "blacklisted" by your office. Specifically, employees of the Adult Care Home Program have advised others that they should not place family members in Ms. Dinnocenzo's home. Such actions are tantamount to a conviction without trial. When my client mentioned some type of memo that had apparently been circulated in your office about such matters, both you and Mr. Lazenby vehemently denied that you had authored such a memorandum. While I will certainly accept your representations on that matter, I am still concerned that Ms. Dinnocenzo has been subjected to what is essentially an administrative sanction (denying her the opportunity for new patients) without due process.

The hostility directed toward Ms. Dinnocenzo was recently demonstrated by the unannounced home visit by Eileen Brooks and Mary Fassel, which took place on December 2, 1993. Ms. Brooks and Ms. Fassel were, as both you and Mr. Lazenby had informed me on December 2, there to undertake their "regulatory duties." Unfortunately, in conducting their investigation, they treated Ms. Dinnocenzo disrespectfully and with needless disregard for her concerns. When they first arrived and requested to see the records, Ms. Brooks and Ms. Fassel were in the dining room, at the same time the residents were eating dinner. Ms. Dinnocenzo asked to move the discussion into the living room so that they could have some privacy and was told that discussing the matter in the dining room in front of the residents would be "fine." (Ms. Dinnocenzo took the file into the living room, at which time your agents followed).

During the meeting, Ms. Fassel wanted to know why the November 24 letter had not been posted and was told that Ms. Dinnocenzo understood that the matter was still being litigated. Ms. Fassel informed her that she could be fined, since it wasn't posted. Ms. Fassel demanded numerous times to know whether Ms. Dinnocenzo was going to arrange to have Ms. Starr removed from her home. When Ms. Dinnocenzo responded that she would need to speak with her attorney

Stephen P. Balog, Director
December 8, 1993
Page 4

before answering the question, Ms. Fassel said: "We are asking you, not your attorney." When Ms. Dinnocenzo again said she would need to talk with her attorney, she was told: "You answer us, are you going to have her leave?" At some point, it appears that regulatory neutrality has disappeared.

Please be advised that unless the sanction prohibiting the admission of any new residents is abandoned, I will be filing a legal action in the Multnomah County Circuit Court seeking injunctive relief prohibiting you from enforcing such a stricture.

Very truly yours,

REEVES, KAHN & EDER

Martin W. Reeves

MWR/KLA

1

cc: Charla Dinnocenzo
Vern Cook



H. PHILIP EDER
GARY K. KAHN*
J. KRISTEN PECKNOLD
MARTIN W. REEVES*

*Also Admitted in Washington

REEVES, KAHN & EDER
ATTORNEYS AT LAW
910 OREGON NATIONAL BUILDING
610 S.W. ALDER STREET
PORTLAND, OREGON 97205-3610

TELEPHONE (503) 227-5144
FAX (503) 227-2503
Please reply to Downtown Portland Office

EAST PORTLAND OFFICE
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473
FAX (503) 777-8566

December 2, 1993

VIA FACSIMILE AND REGULAR MAIL

Stephen P. Balog, Director
Multnomah County Adult Care
Home Program
421 SW 5th Ave., Room 405
Portland, OR 97204

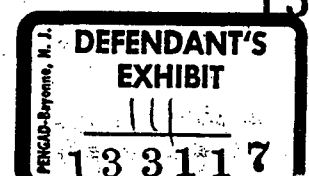
RE: Our client: Charla Dinnocenzo

Dear Mr. Balog:

On November 29 I received your certified letter to Charla Dinnocenzo dated November 24, 1993. In your letter, you demanded that Ms. Dinnocenzo move Barbara Starr out of her adult care home no later than December 5, 1993.

I am writing for several reasons. First, I would like to request a formal hearing, not only on the requirement that Ms. Starr be removed from the home, but also on the conditions and/or sanctions imposed in your November 24 letter. Specifically, you ordered that she not admit any new residents into her home unless and until Barbara Starr has moved out of her home and your office has been notified of her departure. You also mandated that she have all new residents "screened" by your office before being admitted to her home.

Second, I wish to request copies of any and all documents relied upon by you in reaching the conclusions set forth in your letter of November 24, 1993. Specifically, you assert that Barbara is able to come down from her room into the areas occupied by other residents, that there is an "extreme likelihood of repeat dangerous behavior," that there is a contract signed with Barbara for her to control her actions, and that similar contracts have not prevented her from assaulting people in other homes. I would also request that you provide not only the documentation relied upon by you in reaching your determination, but any other information in your records and the records of Multnomah County concerning Ms. Barbara Starr.



Stephen P. Balog
December 2, 1993
Page 2

Third, I would request that you stay the effect of your sanctions pending a formal hearing on the issues set forth in your letter. As a practical matter, I strongly challenge your "opinion" in that Ms. Starr presents a "clear danger" to the other residents. On December 1, Mary Fassell of your office indicated that the December 5 move-out date need not be complied with, should Ms. Dinnocenzo agree to notify the Mental Health Division that Barbara Starr has failed to comply with the Conditions of Release which were incorporated into the Final Order entered by Judge Roth on November 4, 1993. There must clearly not be an "imminent danger" as is contemplated by MCAR 890-090-140 if your agency is willing to wait the several weeks that it would take for Ms. Starr to be removed by the Mental Health Division. If Ms. Starr presented an "imminent" danger, why did you wait over 20 days (from her placement on November 4, 1993) to raise the issue? Moreover, it is surprising that your November 24 letter allows 11 days prior to the imposition of the removal sanction; if Ms. Starr was truly an "imminent danger" to the other patients, there would be no reason for any delay on her removal from the home.

Fourth, as to the merits of your contention that Ms. Starr presents a "clear danger" to the other patients, it is highly significant that one of the examiners at the civil commitment hearing before Judge Roth on November 4 concluded that Ms. Starr was not dangerous to others. The other examiner had a question mark in her Examiner's Report when asked to indicate whether she felt Ms. Starr was dangerous to others. More to the point, your office went to considerable lengths to attempt to prevent the potential placement of Ms. Starr in our client's home. Your arguments were heard and rejected by Judge Roth at the hearing.

Fifth, I would demand that your agency cease and desist in its retaliatory actions and harassment of Ms. Dinnocenzo. Ever since Ms. Dinnocenzo filed a tort claim notice against Multnomah County over the death of her son, her relationship with your agency has been extremely strained. We are informed that staff members of the Adult Care Home Program had been urged at weekly meetings to do whatever they could to "get" Ms. Dinnocenzo. Ms. Dinnocenzo has been treated in a different manner than other adult care home care providers. The due process, equal protection and privileges and immunities clauses of the Fourteenth Amendment to the U.S. Constitution, as well as Article I, Sections 10 and 20 of the Oregon Constitution require a more evenhanded, fairer approach. While Ms. Dinnocenzo is clearly subject to continued agency authority for licensing and regulation, she should not be singled out for disparate treatment or be "blacklisted" by your office.

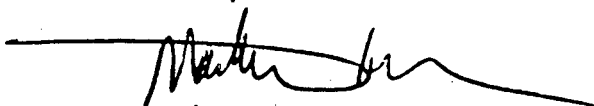
Stephen P. Balog
December 2, 1993
Page 3

Sixth, unless you will agree to stay the effect of all of the sanctions imposed in your letter until a formal hearing can be held, a legal action will be filed in the Multnomah County Circuit Court seeking to enjoin not only the sanctions set forth in your letter, but also to enjoin any harassment or retaliatory actions on the part of your agency.

I look forward to hearing from you as soon as possible concerning these matters.

Very truly yours,

REEVES, KAHN & EDER



Martin W. Reeves

MWR/KLA

cc: Charla Dinnocenzo
Chip Lazenby

39

Nov 5th

CONTRACT

IN ORDER TO REMAIN IN CURRENT Foster Home

1. take medications when given: PER DR'S ORDERS
2. Live in AREA Set up AS:

Bedroom + Living Room

go down FOR MEALS AND Socialization

- 3 Not to yell AROUND Other Residents

- 4 Not to Kick OR hit EVER

5. to get involved in Anger Control Class w/ Counselor

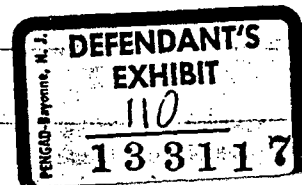
6. to go to VOA At least 1 day a week

- 7 Understand that OPERATOR has work to do to help "EVERYONE" in home And will give help to each Resident in need. to not interfere ^{when} caring OF others is being done

No 911 unless absolutely necessary

Signed Barbara Starr

156



38

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
Probate Department

In the Matter of
BARBARA STARR
Alleged to be a Mentally Ill Person

No. 931097562
EXAMINER'S REPORT

I, the undersigned, having been appointed an Examiner, do hereby submit this report on the mental condition of the above named person.

1. In my opinion, the above named person suffers from a mental disorder. Yes ☒ No ☐ (If no, do not answer 2,3 and 4)

obs in a psychiatric illness

2. In my opinion, the above named person is:

Dangerous to others	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Dangerous to self	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Unable to provide for basic needs	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

3. In my opinion, the above named person will ☒ will not ☐ cooperate and benefit from voluntary treatment.

4. It is my recommendation that the above named person be:

☐ Committed to the Mental Health Division
☒ Conditionally released to a third person
☐ Discharged

Comments:

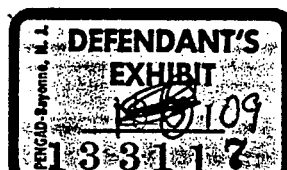
*Am.P is a 50y.o. f & a h x o t
obs + mrap. on a hold for striking pts +
staff @ the Graham Rehabilitation Center. Also has
some serious physical problems, COPD, seizure d/o, cerebral palsy +
hyperthyroidism. She is unable to care for her basic needs
You may consider
conditional release.*

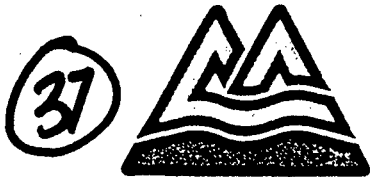
And M. O'Neil MA
EXAMINER

Subscribed and sworn to before me this 4TH day of NOVEMBER, 1993.

Shelley J. [Signature]
CIRCUIT COURT JUDGE

157

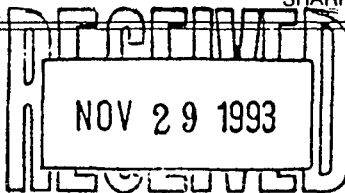




MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER



CERTIFIED MAIL

November 24, 1993

Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, Oregon 97236

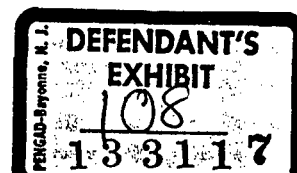
Dear Ms. Dinnocenzo:

I have learned that you took in Barbara Starr as a resident in your adult care home. Protective services has told me that you knew that Barbara had been removed from her last residence, Gresham Retirement Home, because she assaulted 5 people including both staff and residents. You also knew that other agencies recommended that she be placed in the state mental hospital because they knew of no place suitable for her. This is the same person that you had the police remove from your home last February, after less than four months in your home, because she was too difficult for you to handle and because she assaulted you.

I understand that Barbara is in your home on a conditional release under a plan proposed by you that Barbara will be in a separate apartment from the other residents. Since Barbara is able to come down from her room to the areas occupied by the other residents, I believe there is an extreme likelihood of repeat dangerous behavior from Barbara putting the other residents and yourself at risk.

I also understand that you and Barbara have a contract signed by Barbara that is supposed to make her control her actions. I also understand that similar contracts have not prevented Barbara from getting angry and assaulting people in the other homes she has been in.

158



Based on the above facts, I am now requiring you to move Barbara out of the home no later than December 5, 1993 because, in my opinion, she presents a clear danger to the other residents in your home. You may not admit any new residents into your home until Barbara has moved out and you have notified this office of her leaving. Once Barbara does leave, I am also requiring you have all new residents screened by this office before they are admitted to your home. You will need to call Eileen Brooks or Mary Fassell to screen a potential new resident.

These conditions on your license are effective immediately, in accordance with Multnomah County Administrative Rule (MCAR) 890-090-140. You must post the enclosed statement of Conditions for License next to your license.

This office has the authority to place conditions on your license according to Multnomah County Licensing Ordinance (MCC) 8.90.080 (A)(2) and (4), which states:

- (A) The Director shall have the authority to ... attach conditions to any license for an adult care home under the following circumstances and such other circumstances as may be established by rules adopted under this chapter:...
- (2) When there exists a threat to the life, health, safety, or welfare of any resident, [and]
- (4) When the owner or operator has failed to comply...with the rules and standards duly promulgated by the Director for an adult care home; or any other state or federal law or rule applicable or relevant to the health or safety of a resident.

The Rules also provide that you have the right to request a hearing before an independent hearings officer to appeal my decision to place conditions on your license (MCAR 890-090-100 and 890-090-140). If you want to request a hearing, please send a request in writing to:

Mr. Stephen P. Balog
Adult Care Home Program
421 S.W. Fifth Street, Room 405
Portland, Oregon 97204

Your request for a hearing must be received by this office within twenty (20) days after the day you receive this letter. Your request should state the reasons you are requesting a hearing. The information our department has about your adult care home would automatically become available to the hearings officer.

This office reserves the right to also impose other administrative sanctions for the above offense including civil fines of up to \$1000 for each violation of the law.

Please call this office if you have any questions.

Sincerely,



Stephen P. Balog, Director
Multnomah County Adult Care Home Program

cc: Eileen Brooks, Adult Care Home Program
Chip Lazenby, Multnomah County Counsel
Martin Reeves, Attorney
Betty Glantz, Aging Services, East Branch
Connie McMullin, Southeast Branch DSO
Cathy Hilger, Multnomah County MED Program
Cheryl Morgan, Aging Services Placement Specialist
The Honorable Philip J. Roth, Multnomah County Circuit Court
Mary Clair Buckley, Metropolitan Public Defender

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
Probate Department

In the Matter of
BARBARA STARR
Alleged to be a Mentally Ill Person

No. 931097562
EXAMINER'S REPORT

I, the undersigned, having been appointed an Examiner, do hereby submit this report on the mental condition of the above named person.

1. In my opinion, the above named person suffers from a mental disorder. Yes ✓ No (If no, do not answer 2,3 and 4)

OBS. MED

2. In my opinion, the above named person is:

Dangerous to others

Yes ✓ No

Dangerous to self

Yes No ✓

Unable to provide for basic needs

Yes No ✓

2

3. In my opinion, the above named person will ✓
will not cooperate and benefit from voluntary treatment.

4. It is my recommendation that the above named person be:

 Committed to the Mental Health Division

✓ Conditionally released to a third person

~~DISCHARGED~~

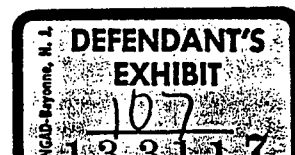
Comments: *Cooperative in questions but simple answers. Quite impulsive in frustrations with staff & patients. Gives childlike answers to questions about solutions to problems. Has never lived alone. She admits hurting patients & staff. No evidence of psychotic. Feel problems relate to OBS & MED.*

Josephine McWhorter
EXAMINER

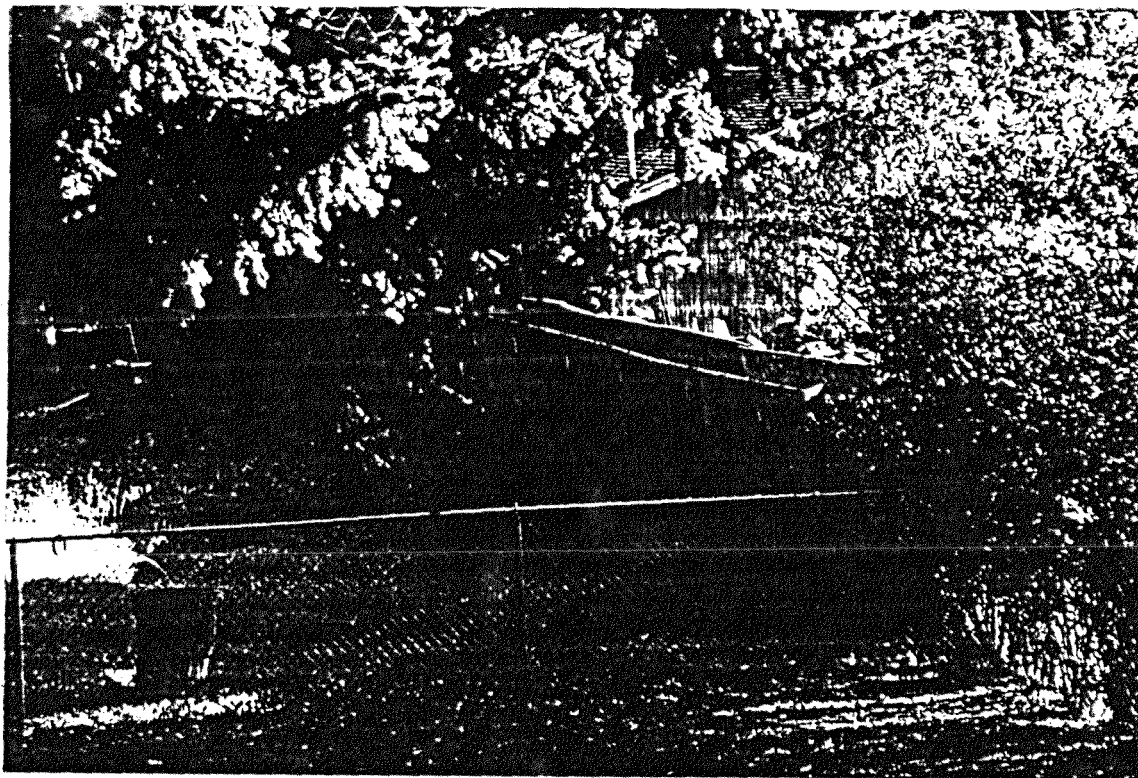
Subscribed and sworn to before me this 4TH day of NOVEMBER, 1993.

Richard J. [Signature]
CIRCUIT COURT JUDGE

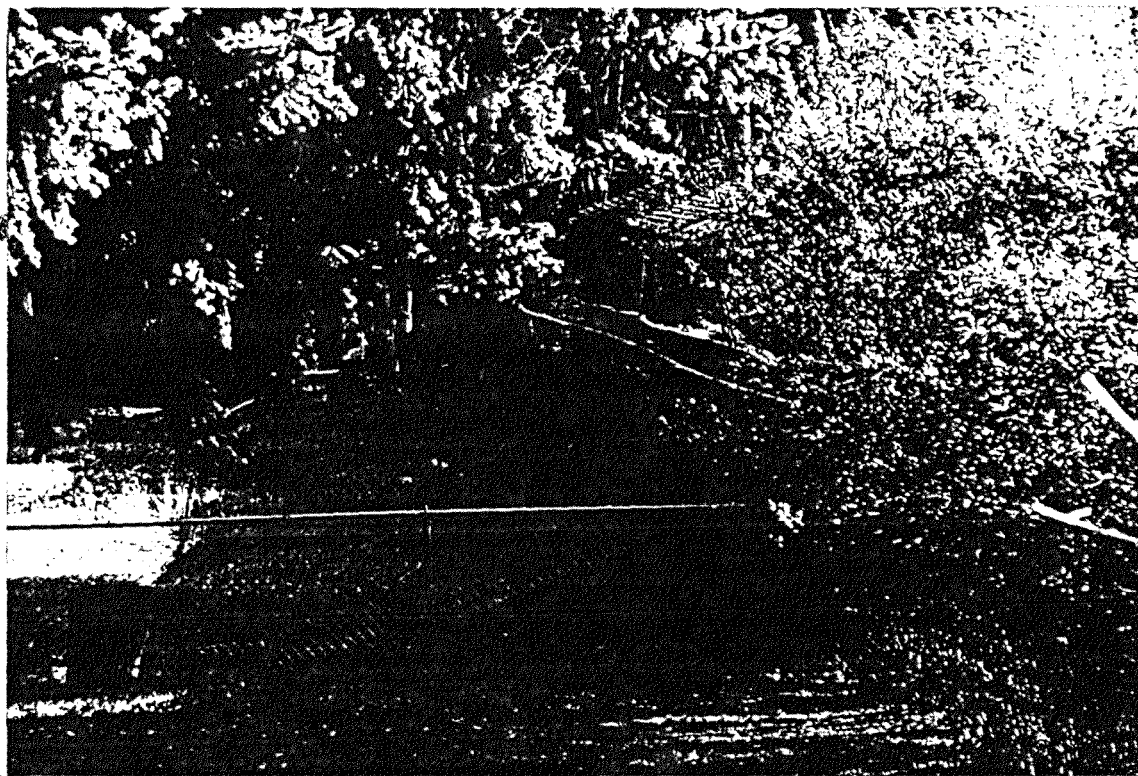
161



33

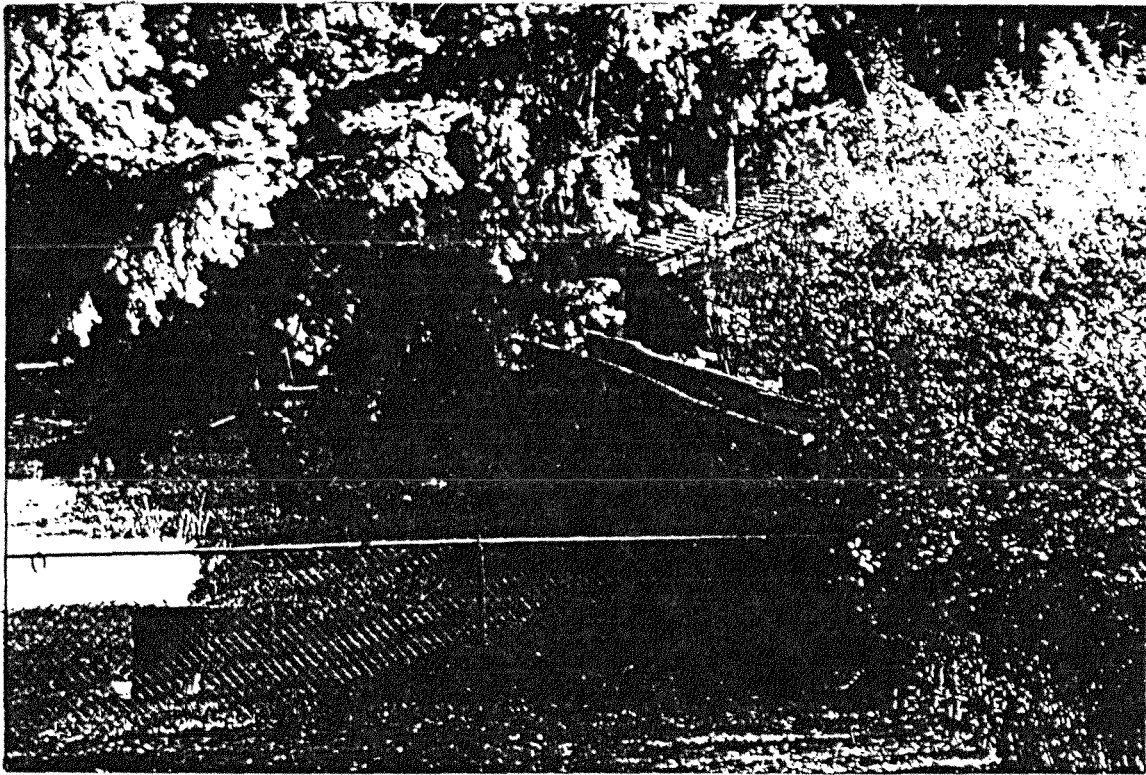


exh
101

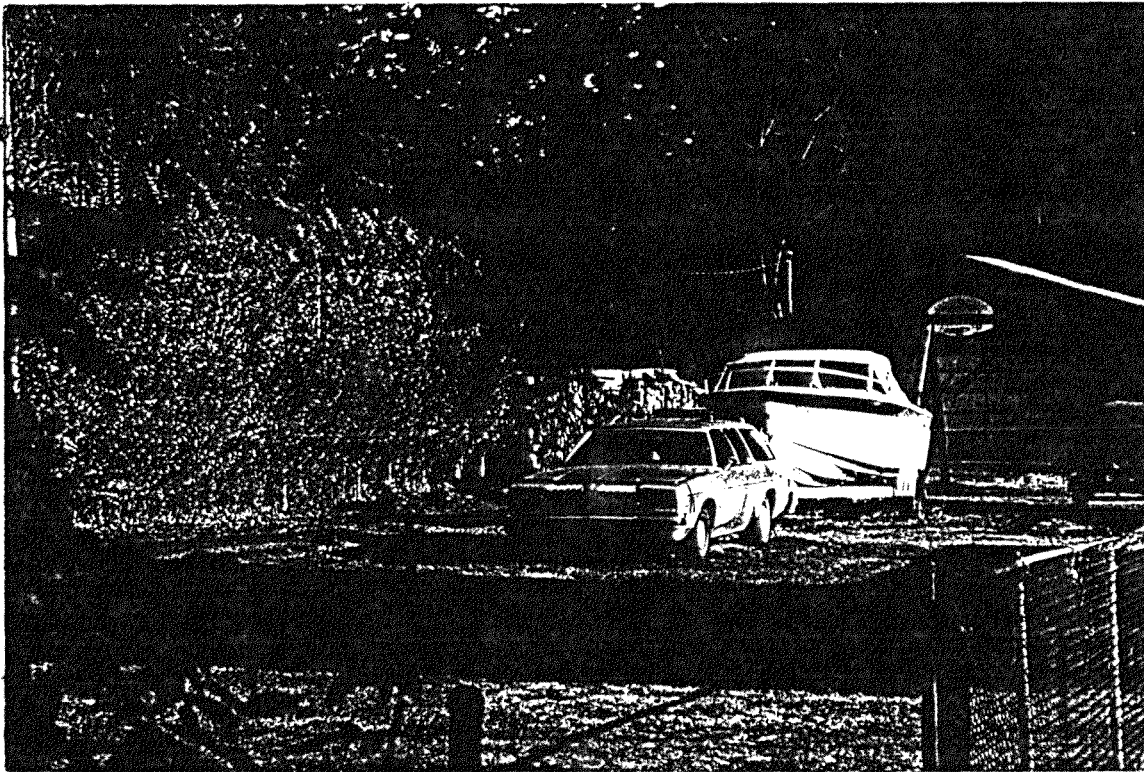


exh
102

34

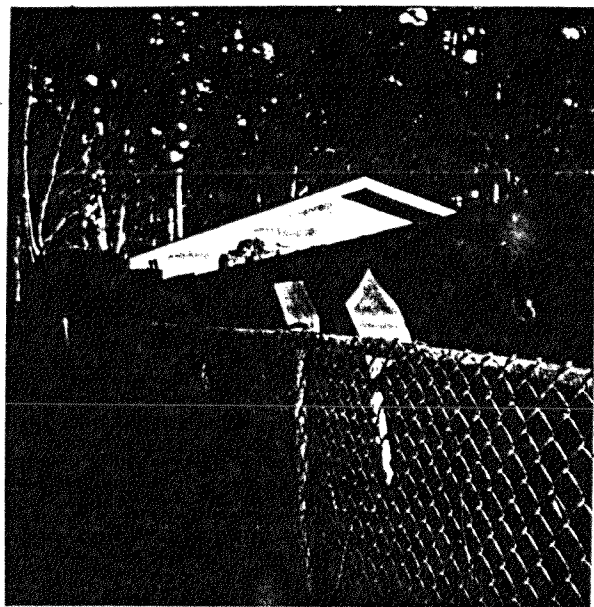


exh
103

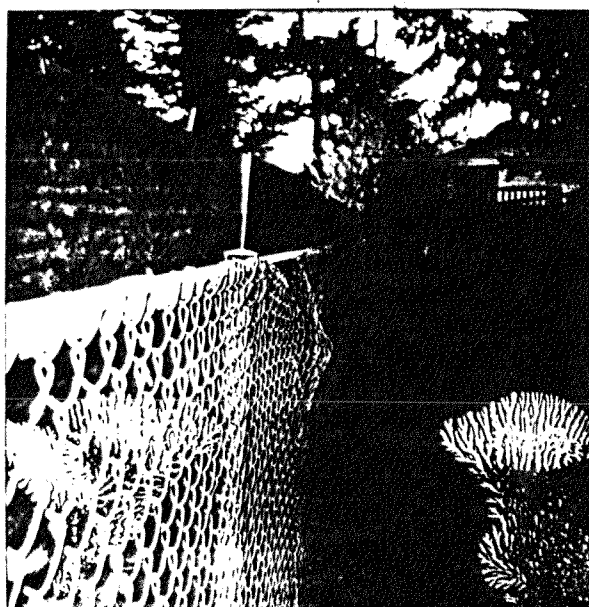


exh
104

(35)



ext 105



ext 106



C O P Y

MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT HOUSING PROGRAM (503) 248-3000
421 S.W. 5TH, 2ND FLOOR
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

November 25, 1991

Charla Dinnocenzo
3140 SE 159th Avenue
Portland, Oregon 97236

Dear Charla:

Enclosed you will find a copy of the completed report on the investigation regarding Mel Washam. As you can see, there are not any total substantiated issues, but some corrections that you are currently working on and no conclusion could be made regarding the refund.

Therefore, the following corrections must be made and compliance regarding your records continue:

1. Resident records must be completed upon admission to your home as I have shown you, and the student nurse is in the process of teaching you. You are responsible to obtain blank copies to do so.
2. You must document clearly, and immediately all special incidents as you have reported to me as occurring as occurred with Mr. Washam.
3. You must give the responsible party a copy of the contract agreement signed on admission, and have a clear effective date indicated.
4. You must be careful in deciding whether to admit a new resident. This includes your skills in caring for that resident. Contact our office if you need assistance or advice in doing so.

As the report indicates, due to the discrepancies between yourself and Jim Washam regarding the effective date of the contract, I am not going to be able to give you a clear definitive answer regarding a refund. If we use your effective

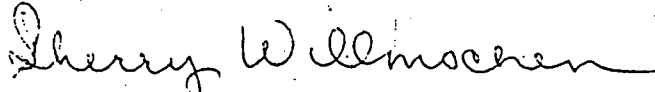


Charla Dinnocenzo
November 25, 1991
Page 2

date there would be no refund owing. However, if we use Mr. Washam's of 9/20/91 and add 7 days to the day Mel Washam left, the total owed would be \$800. Therefore, you would owe him \$800, and should have refunded it by October 31, 1991. The issue now must be between the two of you if action is going to be taken.

Thank you for your patience in completion of this investigation. If you have further questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Willmschen". The signature is written in dark ink and is positioned above the printed name.

Sherry Willmschen

cc: Heather Stewart

30

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

No. 133117

AFFIDAVIT OF DEBERA
LEWIS IN SUPPORT
OF MULTNOMAH COUNTY

STATE OF OREGON)
County of Multnomah) ss.

1. During the summer of 1992 my grandfather lived in Ms. Dinnocenzo's adult care home. He was 84 years old and aware of what was going on around him.

2. At first my grandfather and Ms. Dinnocenzo seemed to get along well. Then one night she called me and said my grandfather had made sexual advances towards her. From her explanation of it-- a hug and a kiss on the cheek--I thought it was just normal behavior within a family. Ms. Dinnocenzo told me she could deal with it because lots of older men were like that.

3. Another night about the same time Ms. Dinnocenzo called me around 11:00 p.m. to say that my grandfather was up and being vicious and was going after her with his hand raised to hit her. She told me she called 911 to take him to the hospital. I rushed over to the home and asked my grandfather what was wrong. He said, "I don't know what her problem is. She says I can't watch TV at night. She took my TV out of my room." I knew that he liked to watch TV late at night from his bed because he had difficulty sleeping at night. I told Ms. Dinnocenzo before we moved my grandfather into her home that my grandfather was like this. My



grandfather had medication to help him sleep at night. Ms. Dinnocenzo told me she took his television out of his room so that he would sleep at night and that she did not like to use his medication because it made him sleepy all the time. The doctor found nothing wrong with my grandfather. Ms. Dinnocenzo wanted my grandfather to come back to live in her home, so he did. I could never understand what my grandfather could have done to assault Ms. Dinnocenzo because I never saw any signs of him being violent and because he is so unstable that he walks with a walker and could not walk with a hand raised.

4. When my grandfather was first in the home Ms. Dinnocenzo told me that she had no visiting hours and that I could come any time except early in the morning or late at night. Sometime later when I came over to visit Ms. Dinnocenzo had visiting hours posted on her front door and she refused to let me come in because it was not within the posted visiting hours. She had not notified me about the visiting hours even though I came to visit once or twice a week. Later on she changed the visiting hours again without telling me and again refused to let me in. In fact she would not even open the door. She just spoke to me through the window and said, "You'll have to come back. My kitchen isn't clean."

5. Ms. Dinnocenzo kept insisting my grandfather had high and low mood swings just like her deceased son had and she kept insisting my grandfather needed the same medications that her son had been getting. My grandfather's doctor would not prescribe these medications for my grandfather.

6. Ms. Dinnocenzo showed me a video camera she had set up on a tripod in her living room in front of her picture window. She told me she used it to take pictures of the police going up and down her street. She also told me she thought there were prowlers outside her house at night and she was going to catch them on film. Later my grandfather told me Ms. Dinnocenzo went into his room at night and woke him up to ask him to check to see if there were prowlers. He said he never heard or saw anything. Ms. Dinnocenzo told me she slept on the couch in the living room because she was afraid to sleep in her bedroom.

7. After my grandfather had been in Ms. Dinnocenzo's home for a month or so, I notice she seemed unstable in her moods. She gradually became less and less friendly. I never knew from one moment to the next if she would be happy or angry. My mother and I talked about all the incidents in the home and decided to give her notice that my grandfather would be moving in 30 days. After we gave her the notice she became extremely angry. She would glare at me when I came to visit. She was very short and unpleasant. She would not give me any information about my grandfather. She would simply sit at her dining room table where she could see us talking with my grandfather and watch our every movement. I noticed my grandfather was upset so we decided to move my grandfather right away without waiting the 30 days.

8. When my husband, my mother, and I went back to get my grandfather's belongings after we moved him out, Ms. Dinnocenzo had most of his belongings together at the front door. When I asked

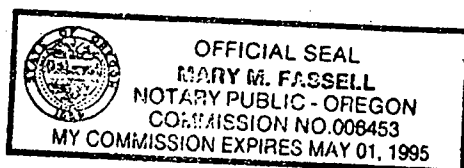
for some item that was missing she became extremely angry and claimed we were harassing her. She refused to give me the items and so I told her I would have to call the police. She then called the police herself and told them she had someone to talk to them and handed the phone to me. Then she told me I could not use her phone. I went outside and used my car phone. Officer Christensen of the Multnomah County Sheriff's Department came and helped me get the rest of my grandfather's belongings.

9. My mother provided Ms. Dinnocenzo with extra money from time to time when Ms. Dinnocenzo would say she needed it, to purchase special items for my grandfather, such as diabetic snacks. At first Ms. Dinnocenzo would provide her with an accounting of how she spent the money, including receipts. When we came by to pick up my grandfather's belongings after he moved out, my mother asked Ms. Dinnocenzo for the rest of the money she had for my grandfather's special needs. Ms. Dinnocenzo said she spent it all but she refused to give any accounting of the expenses or show any receipts.

Debera Lewis
Debera Lewis

SUBSCRIBED AND SWORN TO before me this 24 day of January, 1994

Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95



29

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

No. 133117

AFFIDAVIT OF
PATRICIA BALDOCK IN
SUPPORT OF MULTNOMAH
COUNTY

STATE OF OREGON)
County of Multnomah) ss.

I, Patricia Baldock, being first duly sworn, depose and say:

1. My mother, Violet Dittler, was a resident in Charla Dinnocenzo's adult care home in the fall of 1992.

2. When my mother lived in Ms. Dinnocenzo's home she was alert and well aware of what was going on around her.

3. When I visited my mother in Ms. Dinnocenzo's home I found the house rules unpredictable and unreasonable. My mother told me Ms. Dinnocenzo told her she could not go in the living room ever. Neither my mother nor I were ever told why. I thought Ms. Dinnocenzo was being unreasonable because I saw another resident sitting in the living room. The only place I could visit with my mother was in the dining room-kitchen area or in my mother's bedroom. My mother told me that at times Ms. Dinnocenzo would let my mother smoke in the dining room and at other times she would tell my mother that she would have to go outside to smoke. Ms. Dinnocenzo herself would smoke in the dining room.

4. Ms. Dinnocenzo wanted everyone to do what she wanted. I thought she was unrealistic in this expectation. I suggested to her that she give my mother some little thing to do, like cutting up the lettuce or helping with the cooking in some way. Ms.



Dinnocenzo said no but she did say that she did let one of the other residents help her out. I think she did not want my mother helping her because my mother might want to do some little thing in her own way and Ms. Dinnocenzo wanted to be in complete control.

5. Ms. Dinnocenzo took away my mother's lighter and matches so my mother could not have them on her own. My mother told me Ms. Dinnocenzo was not very available for my mother to get matches. Then one night another resident in the home gave my mother a lighter. Both my mother and Ms. Dinnocenzo told me about it the next day. Ms. Dinnocenzo was very angry about it. I thought she should have used better methods to get my mother to cooperate. I was afraid that Ms. Dinnocenzo would not be able to care for the old people right because she was so mad. She was like a firecracker waiting to pop.

6. My mother preferred to watch television in her own room. Her television was very important to her. In fact it was her life. I know my mother often would not be able to get to sleep or would wake up at night and would watch television in her room. Ms. Dinnocenzo would not let her have the television on late at night even if she had it on really low. My mother told me that one day Ms. Dinnocenzo just picked up her television and started to take it away. My mother said she grabbed Ms. Dinnocenzo's hair and told her to put it down. In the process Ms. Dinnocenzo broke the antenna on the television. Ms. Dinnocenzo called the police and had my mother taken away. We never brought her back. I thought Ms. Dinnocenzo's actions were extreme considering the circumstances. I thought Ms. Dinnocenzo was angry because my

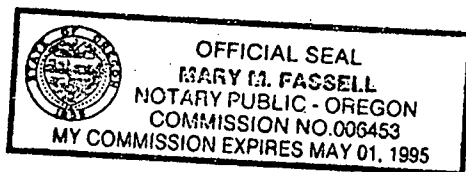
mother showed some independence and was still angry over the lighter. I thought that Ms. Dinnocenzo did not have the ability manage her old people appropriately.

7. My mother was normally easy going and kept to herself, but she could be feisty when someone tried to shove her around. My mother generally got along well with everyone. After moving from Ms. Dinnocenzo's home, she got along well in the retirement home where she lived until her death a few weeks ago.

8. I would never recommend Ms. Dinnocenzo's home for anyone to live in.

Pat Baldock
Pat Baldock

SUBSCRIBED AND SWORN TO before me this 21st day of January, 1994.



Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95



MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

)
) No. 133117
)
) AFFIDAVIT OF SUZAN
) KINGMA IN SUPPORT
) OF MULTNOMAH COUNTY

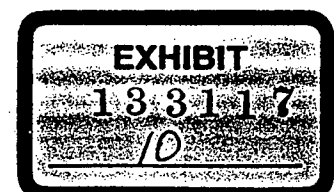
STATE OF OREGON)
) ss.
County of Multnomah)

I, Suzan Kingma, being first duly sworn, depose and say:

1. I am a social worker for Elderplace, a part of the Providence Hospital health care system that manages the care for elderly residents on a private basis. I have worked as a social worker for 4 years.

2. In 1992 I relocated a client from Ms. Dinnocenzo's adult care home. The client was an elderly man who accused Ms. Dinnocenzo of hitting him. The client was forgetful but I thought had no reason to make up the story. Both the client and his family wanted him to move and I agreed with them, and assisted with the move. Ms. Dinnocenzo felt the move was not right for the client even though the family and the client wanted him moved. Ms. Dinnocenzo called my supervisor, Sarah Booth, several times, complaining that I did not do my job right. My supervisor supported me completely.

3. Ms. Dinnocenzo told me the client had made sexual advances to her. The client's family did not believe it. Ms. Dinnocenzo also made the same accusations about another client that had been in her home.



4. I would not place anyone in Ms. Dinnocenzo's home based on my experiences with her. I feel that there are enough other suitable homes available without using hers where I have had such difficulties.

Suzan Kingma
Suzan Kingma

SUBSCRIBED AND SWORN TO before me this 24th day of January,
1994

Mary M. Fassel
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95



27

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

No. 133117

) AFFIDAVIT OF HEATHER
) STEWART IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

I, Heather Stewart, being first duly sworn, depose and say:

1. I work for the Adult Care Home Program as their community nurse. I have worked as a registered nurse for 25 years, the last six with the Adult Care Home Program.

2. On June 16, 1993, I called Charla Dinnocenzo in response to a message she had left on my voice mail regarding the use of restraints and the need for delegation to her by a medical professional on the use of the restraints. Charla told me a male resident had been admitted to her home five days previously and his doctor had order the use of restraints. When I asked Charla what level of care the resident was, she said he could be a level III depending on how someone considered him. When I asked if the resident was the correct level for her home she said that was irrelevant because she did not have a license then, and because she was experienced and qualified for level III anyway.

3. Level III is the highest level of care, and homes without a license to care for level III residents are only allowed to care for them if they first obtain a written exception from our director. Residents who need restraints often have level III care



needs.

4. I instructed Charla about the use of the restraints and the need to document her use of them.

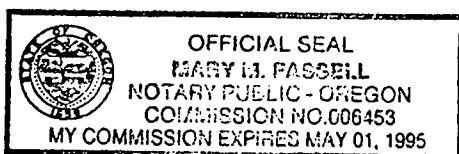
5. I asked Charla about the condition of the other residents in the home. Charla answered that I could ask anyone in my office as they all had been out to her home--16 people in one month. I explained that I needed to know how the new resident fit into the whole picture of care needs in Charla's home. Charla refused to answer and hung up.

6. The reason why I needed to know the conditions of the other residents is that if there are more than one person with heavy care needs or level III care needs in a home, the operator must hire additional help to adequately meet those needs.

6. Because of my concerns about the care needs of the new resident, I immediately went out to Charla's home to check. I brought along Cheryl Morgan from our office for a witness, since I am afraid to go out to Charla's alone because I fear she will misinterpret or twist around what I say and make a false complaint about my actions. I found the resident did not need very heavy care and was only a level II in care needs.

Heather Stewart
Heather Stewart

SUBSCRIBED AND SWORN TO before me this 12th day of January, 1994



Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95

26

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

No. 133117

) AFFIDAVIT OF DAVID
) RADER IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

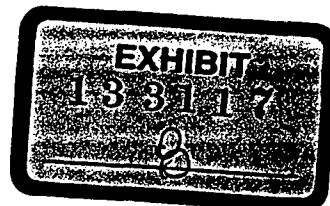
) ss.

County of Multnomah)

I, David Rader, being first duly sworn, depose and say:


1. I am a deputy sheriff for Multnomah County. I have been involved in law enforcement for 11 years.

2. On April 16, 1993, I responded to a non-911 call that a car had been stolen. I received information that the car was not registered to the person reporting the stolen car. I went to Ms. Dinnocenzo's home. She showed me receipts and an old registration not showing her as the owner of the car. She assured me she was the owner of the car and she had merely allowed the other party to only borrow the car. She told me who had taken the car and his address. I filled out the report form and explained the part which says that she would be committing a crime if she filed a false report. She understood it and signed it. As soon as I left the house I contacted the Portland Police Department and told them to go by the address she had given me. They responded and went by the house. The car was parked in the driveway and the person there had the ownership papers. The Portland Police officer had no doubt that the other party was the owner of the car and communicated that to me. I contemplated issuing her a citation for filing a false

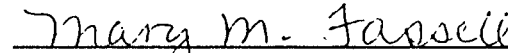


report but I did not because the incident had not yet been entered in the Law Enforcement Data System and no one had to be stopped while driving the car, which would have involved risk to both the driver and the officer involved.

I include a copy of the police report I made concerning this incident as Exhibit A.


David Rader

SUBSCRIBED AND SWORN TO before me this 6th day of January, 1994


NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95



180

25

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

No. 133117

) AFFIDAVIT OF PEGGY
) HULSE IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

I, Peggy Hulse, being first duly sworn, depose and say:

1. I am a professional guardian and conservator for many elderly and disabled people in Oregon.

2. I am the conservator of Grace Nordgren, a resident in Charla Dinnocenzo's adult care home. I have spoken with Charla many times concerning Grace.

3. Many suppliers have complained to me about their dealings with Charla. She would order supplies and then say it was not what she wanted and use part of it and expect to them to pick it up and replace it. She would continue to do the same thing repeatedly. In an effort to work things out I have had to have conferences with supply people who refused to work with Charla anymore.

4. I find Charla is dishonest. When I was involved in preparing Grace's home for sale the telephone company called me and told me Grace's retarded daughter and Charla had called in together a request to disconnect the telephone service. This was inappropriate interference with the family's affairs by Charla, since there was disagreement between two of Grace's retarded daughters, one of whom still lived in the home. When I called



Charla about it she denied she called the telephone company. Charla later told me she had made sure that the telephone company personnel did not have written documentation of whether Charla and the daughter had called or whether it was just the daughter.

5. I find Charla twists what I say around to suit herself. Charla told me that Grace's family had upset Grace and caused Grace to have a stroke. Charla wanted me to help keep Grace's family away from Grace. I told Charla that as Grace's conservator I only had responsibility for Grace's finances. Later Charla told my associate, Roger Harms, who no longer works for me and now lives 60 miles away, that it was me who suggested that Grace's family be kept away from her and I had said the family had caused Grace to become upset and have a stroke. Charla thought my suggestions were wrong for Grace.

6. Charla falsely accused me of lying about whether I visited Grace or not.

7. Charla very often tells my answering service it is an emergency so they will page me, when it is not an emergency. I have explained to Charla that I do not want her to do that but she continues anyway.

8. My associate, Roger Harms, verified to me that Charla is not feeding Grace enough food. Grace is losing weight and admitted to Roger that she does not get enough to eat.

9. Two people have contacted me about the poor care that they know Grace is receiving in Charla's home. Both of them mentioned

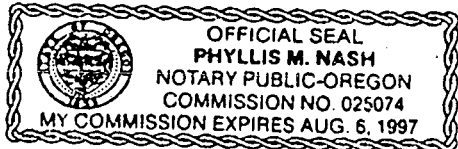
/

that they are afraid of violent retribution from complaining about Charla.

Peggy Hulse
Peggy Hulse

SUBSCRIBED AND SWORN TO before me this 5th day of January, 1994

Phyllis M. Nash
NOTARY PUBLIC FOR OREGON
My commission expires: 8/6/97



24

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

No. 133117

AFFIDAVIT OF ALICE
WHEELER IN SUPPORT
OF MULTNOMAH COUNTY

STATE OF OREGON

County of Multnomah

ss.

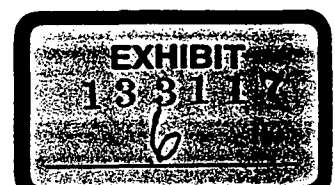
I, Alice Wheeler, being first duly sworn, depose and say:

1. I am the supervisor of the Multnomah county probate court and civil commitment staff.

2. I have dealt with Charla Dinnocenzo several times. I have discussed with Charla a number of files including the civil commitment, conservatorship, and probate estate of her son Robert Dinnocenzo.

3. When I told Charla that my office did not have the authority to give her information about her son's commitment hearings, Charla called me filthy names and yelled at me. This happened several other times both to me and to other members of my staff, both while dealing with Charla in person and on the phone. Finally I told Charla's attorney that neither I nor anyone on my staff would talk to her unless her attorney were present because I did not think we should have been subjected to the abuse Charla was giving us.

4. I have also received several telephone complaints and one letter of concern from people who have had relatives in Charla's adult care home and who were worried about the instability of the



environment in the care home. I referred all parties to Aging Services.

Alice Wheeler
Alice Wheeler

SUBSCRIBED AND SWORN TO before me this 5 day of January, 1994.

Kathy S. Millan
NOTARY PUBLIC FOR OREGON
My commission expires: Aug 5, 1995





MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

December 15, 1993

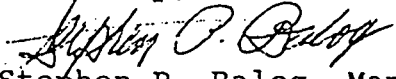
Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

Dear Ms. Dinnocenzo:

During the most recent visit to your home by my staff, they found that you did not have a signed contract with Barbara Starr. While you did bring in a contract to the administrative conference held in our office on December 7, 1993, this contract does not meet the requirements of MCAR 890-020-430. Among the several required items lacking from this contract, is the matter of the how much the resident will be paying for services. In order to comply with the requirements of this section of the Rules, I am requiring that you make up a contract between you and Barbara according to the requirements as stated in the above cited section of the Rules. If you already have such a contract, please send this office a copy immediately. In any case, please provide this office with a copy of such a contract no later than December 22, 1993.

Thank you for taking care of this matter.

Sincerely,


Stephen P. Balog, Manager
Adult Care Home Program
Multnomah County

*note to file
not received as of 1/7/94
AB*

- c. Mr. Martin Reeves, Attorney at Law
Mr. Vernon Cook, Attorney at Law
Mr. H.H. Lazenby, County Counsel
Ms. Eileen Brooks, Licensing Staff

INFORMATION IN THIS SECTION IS NOT CONFIDENTIAL.

FACILITY NAME Dinnocenzo AFH		DESIGNEE # (22)	METHOD OF CONTACT Visit
ADDRESS 3140 SE 129th		DATE/TIME RECEIVED 11/05/93	RECEIVED BY: D. Waltman
DATE/TIME OF INCIDENT 11/05/93	REFERRED TO: D. Waltman	DATE INVESTIGATED 11/05/93	TIME REQUIRED FOR INVESTIGATION

DESCRIPTION OF PROBLEM: (who, what, when, where) DO NOT USE NAMES.

A/p#1 allowed A/p#2, who has history of physical abuse, to return to facility thus violating Multnomah County Administrative Rule for Licensure of Adult Care Homes #890-015-660, Parts (c) and (d):

- (c) failure to provide a safe.....environment or.....
- (d) Recklessly endangering a resident's health, safety or welfare

RECEIVED
 DEC - 2 1993
 ADULT CARE HOME PROGRAM

problem category 1 2 3 4 5 6 7 8 9	LOG #
--	-------



COMPLAINT INVESTIGATION REPORT

Category: _____ Facility Name: Dinnocanzo AFH ☒ Initial ☐ Follow-up

Narrative: Action taken and findings (include dates and times - do not use names)

11/05/93 Interviewed A/P#1. Stated A/P#2 would have had to go to Dammasch because neither the Mental Health or the Disabled Services system had a placement for A/P#2 upon release from commitment hearing. A/P#2 had resided at A/P#1's facility before. A/P#1 took A/P#2 into facility on conditional release from court and a promise from A/P#2 to sign a contract with A/P#1 spelling out compliance with behaviors. A/P#1 stated A/P#2 gets along well with elderly resident in AFH. Never any abusive incidents. In past, A/P#2 has only lashed out at authority figures, reported A/P#1. Presently, A/P#2 has own living quarters in AFH away from other residents.

11/10/93 Interviewed elderly resident. Remembered A/P#2 from previous stay and had no recollection of abusive situations. Never had been hit by A/P#2. Mentioned A/P#2 slamming doors; "It doesn't bother me",

Reviewed A/P#2's case file. No reports of any hitting incidents since admitted on 11/04. Viewed Probate Court release to A/P#1's custody and contract with A/P#1 signed by A/P#2 dated 11/05/93. Contract had no "therefore" clause but A/P#1 stated if any violation occurred, A/P#2 would be sent to Woodland Park Hospital psych unit.

Reviewed A/P#2's previous case file from 10/22/92 to 02/16/93. Noted incidents of arguing with 2 elderly residents, yelling, blaring stereo and throwing things. On 02/15/93, police officer came and took A/P#2 to hospital. "Told officer when he witness hitting me that A/P#2 was too dangerous to safety of other residents and myself" stated in A/P#2's case file.

Interviewed A/P#1. A/P#2 reported incident to A/P#1 of kicking a CNA at Gresham Retirement. When A/P#1 went to commitment hearing on 11/04, found out A/P#2 had demonstrated combative behavior to CNA at Gresham Retirement. Intended to take A/P#2 to AFH because no plans had been made through Mental Health or DSO for A/P#2's placement and A/P#1 did not want A/P#2 to go to Dammasch. Had plans to house A/P#2 in separated living situation.

FINDINGS: (Check appropriate box and provide comments if needed.)

- ☐ 01 Statute or rule violation evident _____
☐ 02 No statute or rule violation evident _____
☐ 03 Unable to determine if violation occurred _____

ACTION: (Check appropriate box(es).)

- ☐ 01 Revisit Date: _____ ☐ 05 Civil penalty
☐ 02 Referred to: _____ ☐ 06 Administrative conference
☐ 03 Decertification _____ DATE ☐ 07 Letter of reprimand
☐ 04 License revocation _____ ☐ 08 Date investigation closed: _____

REPORT FILED BY (Signature): Donna Waltman

LEA NOTIFIED: ☐ YES DATE: _____ TIME: _____ ☐ NO

188

COMPLAINT INVESTIGATION REPORT

Category: _____	Facility Name: <u>Dinnocenzo AFH</u>	<input checked="" type="checkbox"/> Initial <input type="checkbox"/> Follow-up
Narrative: Action taken and findings (include dates and times - do not use names)		
<p>11/23/93 Interviewed A/P#2 in personal living quarters. Reported A/P#1 set up appointment with psychologist to help A/P#2 deal with combative behaviors. Likes living situation and wants to overcome outbursts. A/P#2 has 2 rooms but eats in common dining area and uses bathroom with elderly resident. Interviewed elderly resident. Reported no abusive incidents. Reviewed case file. No recorded incidents. A/P#1 reported no incidents.</p> <p>11/29/93 Interviewed Witness over phone. Reported agency could not support unsafe care plan and would not follow A/P#2 as a client in present situation. A/P#2 has reported history of hitting dating back 15 years.</p> <p>OUTCOME: VIOLATION OF 890-015-660 Parts (c) and (d): SUBSTANTIATED.</p> <p>CONCLUSION: A/P#1 knew about A/P#2's abusive past from A/P#2's previous stay at A/P#1's facility as evidenced in case records. By allowing A/P#2 to return, A/P#1 endangered the safety of other residents. It is unfortunate that A/P#2 "falls through the cracks" in all systems and there are no systems' resources left that are appropriate to assist A/P#2 with behavior problems at this time. It is noted that A/P#1 has attempted to control A/P#2's outbursts by providing separate living quarters, requiring a signed contract of appropriate behaviors and seeking a psychologist's counseling. But A/P#2 still has access to all residents and their safety needs to be assured as much as possible.</p>		
FINDINGS: (Check appropriate box and provide comments if needed.)		
<input type="checkbox"/> 01 Statute or rule violation evident _____		
<input type="checkbox"/> 02 <u>No</u> statute or rule violation evident _____		
<input type="checkbox"/> 03 Unable to determine if violation occurred _____		
ACTION: (Check appropriate box(es).)		
<input type="checkbox"/> 01 Revisit Date: _____ <input type="checkbox"/> 05 Civil penalty		
<input type="checkbox"/> 02 Referred to: _____ <input type="checkbox"/> 06 Administrative conference		
<input type="checkbox"/> 03 Decertification _____ DATE <input type="checkbox"/> 07 Letter of reprimand		
<input type="checkbox"/> 04 License revocation _____ <input type="checkbox"/> 08 Date investigation closed: _____		
REPORT FILED BY (Signature): <u>Donna Waltman</u>		
LEA NOTIFIED: <input type="checkbox"/> YES DATE: _____ TIME: _____ <input type="checkbox"/> NO		

189



(21)
IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
Probate Department

In the Matter of
BARBARA STARR
Alleged to be a Mentally Ill Person

No. 931097563

FINAL ORDER

By virtue of a notification of mental illness, a citation was issued and served upon the above named. A hearing was thereupon held this date, in which the following named persons appeared:

- A. The above named who is alleged to be mentally ill.
- B. MARY CLAIRE BUCKLEY, appointed counsel for the above named.
- C. DEPUTY DISTRICT ATTORNEY, representing the State's interest.
- D. SAND CARLYLE and JO McWHIRTER, examiners.

THE COURT HEREBY ORDERS AS FOLLOWS:

☐ The notification of mental illness is dismissed and the above named person is discharged.

☒ The Court finds upon clear and convincing evidence that the above named suffers from a mental disorder and:

- ☒ is dangerous to others.
- ☐ is dangerous to self.
- ☐ is unable to provide for basic personal needs and is not receiving such care as is necessary for health or safety.
- ☐ has stipulated to a civil commitment.

☐ The Court further finds that the above named is either unwilling, unable or unlikely to participate in treatment on a voluntary basis, and that a conditional release is either unavailable or not in the above named person's best interest. It is therefore ordered that the above named person be committed and promptly delivered to the Mental Health Division for a period not to exceed 180 days. If applicable, conditions of the outpatient commitment are attached.

☒ The above named person, is conditionally released pursuant to ORS 426.125 to Emmette J. Smith, Esq. whose address and telephone number are 3140 SE 129, PORTLAND 7611041, for a period not to exceed 180 days. The conditions of such release are attached heretor.

DATED this 4TH day of NOVEMBER, 19 93.

Charles J. Totter
CIRCUIT JUDGE



CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
823-7307 / FAX 823-5370

NOTICE OF HEARING

Date Mailed: Fri, Nov 19, 1993

City of Portland

VS.

Charla Dinnocenzo

Hearing Number: 133117

Property:

You are notified that a hearing will be held in the above proceeding on:

Date: Thursday, January 6, 1994

Time: 1:30:00 PM

Place: Meeting Room A, second floor of the Portland Building, 1120 S.W. 5th Avenue

Reason: Set over from 12/9/93.

Date: Friday, January 7, 1994

Time: 9:00:00 AM

Place: Meeting Room A, second floor of the Portland Building, 1120 S.W. 5th Avenue

Reason: If necessary, continuation of 1/6/94 hearing.

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN
WRITING AND FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS
AT THE TOP OF THIS NOTICE.**

This notice has been mailed to the following parties:

Charla Dinnocenzo 3140 S.E. 129th Portland OR 97236

Stephen P. Balog Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

H. H. (Chip) Lazenby County Counsel
1120 S.W. 5th Avenue, 15th floor Portland OR 97204

Martin Reeves Attorney at Law
610 S.W. Alder Street, #910 Portland OR 97205

Mary Fassell Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

Code Hearings Office files

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours AT LEAST TWO BUSINESS DAYS PRIOR to the hearing so arrangements can be made.

7

CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
823-7307 / FAX 823-5370

NOTICE OF HEARING

Date Mailed: Fri, Jan 14, 1994

City of Portland

VS.

Charla Dinnocenzo

Hearing Number: 133117

Property:

You are notified that a hearing will be held in the above proceeding on:

Date: Thursday, January 27, 1994

Time: 1:30:00 PM

Place: Meeting Room A, second floor of the Portland Building, 1120 S.W. 5th Avenue

Reason: Continued from 1/14/94.

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN
WRITING AND FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS
AT THE TOP OF THIS NOTICE.**

This notice has been mailed to the following parties:

Charla Dinnocenzo 3140 S.E. 129th Portland OR 97236

Stephen P. Balog Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

H. H. (Chip) Lazenby County Counsel
1120 S.W. 5th Avenue, 15th floor Portland OR 97204

Martin Reeves Attorney at Law
610 S.W. Alder Street, #910 Portland OR 97205

Mary Fassell Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

Kathy Vollans 42066 S.E. Erickson Road Sandy OR 97055
Code Hearings Office files

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours AT LEAST TWO BUSINESS DAYS PRIOR to the hearing so arrangements can be made.



Change made:

Added Vollans.

Hearing # 133117

Notification List

Date Prepared: 12/28/93

Respondent: Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative: Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney: H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney: Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party: Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Other Party: Kathy Vollans
42066 S.E. Erickson Road
Sandy, OR 97055
668-4906 home / 668-5740 parents

(4)

Change made:

Replaced Fisher with Reeves.

Hearing # 133117

Notification List

Date Prepared: 11/8/93

Respondent:

Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative:

Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney:

H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney:

Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party:

Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

③

Change made:

Creating mailing list for appeal case.

Hearing # 133117

Notification List

Date Prepared: 9/30/93

Respondent:

Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative:

Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney:

Melvin Jack Fisher
Attorney at Law
101 S.W. Main Street, #1295
Portland, OR 97204-3220
226-1162, fax 223-5442

Attorney:

H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Other Party:

Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624



133117

MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH. ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
HANK MIGGINS • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

September 27, 1993

RECEIVED

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204

SEP 30 1993

HEARINGS OFFICE

Dear Mr. Shatzer:

This office has received a request for a hearing from Mr. Melvin Jack Fischer, Attorney at Law. (See Attached). He has filed this request on behalf of his client, Ms. Charla Dinnocenzo, who currently operates an adult foster home at 3140 S.E. 129th, Portland, Oregon. On September 22, 1993, I wrote a letter to Ms. Dinnocenzo revoking her license. (See Attached). They are requesting a hearing about this matter.

As is required by MCC 8.90.090, I am designating you as Hearings Officer in this matter and requesting you to set the time and place for the hearing. I understand from your secretary that you have been ill. I am sure that Mr. Fischer and I can work with you to accommodate your schedule as you return to work. I hope that you are back enjoying good health. I will also be out of the office for an extended period of time from October 4 through October 22, 1993 on vacation. I will return to work on Monday, October 25, 1993. There will be a person assigned as acting manager in my absence. You may also contact Mary Fassell at extension 2624. They are authorized to carry on business in my absence.

Sincerely,

Stephen P. Balog
Stephen P. Balog, Manager
Adult Care Home Program
Multnomah County

Attachments

- c. Melvin Jack Fisher, Attorney at Law
- Ms. Charla Dinnocenzo
- Mr. Chip Lazenby, County Counsel
- Ms. Mary Fassell, ACHP Staff
- Ms. Eileen Brooks, ACHP Staff

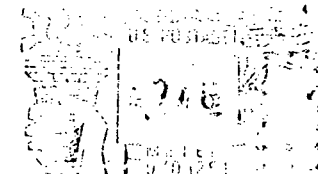
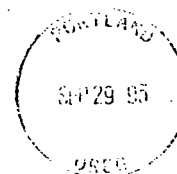


M 198

MULTNOMAH COUNTY OREGON

SOCIAL SERVICES
AGING SERVICES DIVISION
ADULT CARE HOME PROGRAM
421 S.W. 5TH, RM. 405
PORTLAND, OREGON 97204-2221

PER EMMAN
FIM 11-11-11



RECEIVED

SEP 30 1993

MR WILLIAM W SHATZER
HEARINGS OFFICER
PORTLAND BLDG
HEARINGS OFFICE 120 SW 5TH RM 1017
PORTLAND OR 97204



②

133117

MILLARD M. BECKER
LAWRENCE B. HUNT, P. C.*
LEE M. HESS, P. C.*
MELVIN JACK FISHER*

*MEMBER OF OREGON AND
WASHINGTON STATE BARS

BECKER, HUNT & HESS
A Partnership Including Professional Corporations
ATTORNEYS AT LAW
1295 ONE MAIN PLACE
101 S. W. MAIN STREET
PORTLAND, OREGON 97204-3220

TELEPHONE
(503) 226-1162
FACSIMILE
(503) 223-5442

September 23, 1993

RECEIVED

SEP 30 1993

RECEIVED

SEP 24 1993

ADULT CARE HOME PROGRAM

HEARINGS OFFICE

Mr. Stephen P. Balog, Manager
Adult Care Home Program
421 S.W. Fifth, Room 201
Portland, OR 97204-2221

RE: Charla Dinnocenzo
Request for Hearing

Dear Mr. Balog:

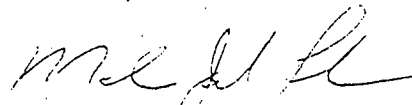
I received a copy of your September 22, 1993, letter in which you revoke my client's license to operate her Adult Foster Care Home. Please consider this letter to be Ms. Dinnocenzo's formal written request for a hearing on your decision.

My client is requesting this hearing because she disagrees with your conclusion that she does not possess the mental health, good judgment and ability determined necessary by your office to be an operator of an Adult Care Home.

Personally, I find your decision draconian and hardly in keeping with the spirit of compromise and cooperation that you frequently espouse.

Very truly yours,

BECKER, HUNT & HESS



Melvin Jack Fisher

MJF:bt

cc: Charla Dinnocenzo



MULTNOMAH COUNTY OREGON

133117

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
HANK MIGGINS • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

CERTIFIED MAIL

September 22, 1993

Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, Oregon 97236

RECEIVED

SEP 30 1993

HEARINGS OFFICE

Dear Ms. Dinnocenzo:

I have carefully reviewed your file, the information provided at the administrative conference held on June 25, 1993 and information we have obtained subsequent to that conference. Based on this information and after careful consideration of all the circumstances, your license to operate an adult foster care home is hereby revoked effective immediately.

The specific reasons for this serious action are as follows:

1. In the two years you have been licensed to operate a home we have received 14 complaints about the operation of your home. These include substantiated lack of good judgment and uncooperative behavior, neglect of residents, poor record keeping, and poor sanitation. Many of these complaints involve situations where you have gotten overly involved in your resident's personal problems, resulting in their families filing complaints against you and indicating a profound lack of good judgment.
2. We have numerous reports and complaints of your rude, hostile, and often defensive behavior. The persons filing these complaints include residents and their families, Department staff personnel, Ombudsmen, and other professionals. They report having great difficulty dealing with you. Often they report a pattern of hostile, defensive behavior that has to be worked through before there is any meaningful interaction with you.
3. We have verifiable reports of bizarre behavior by you from your neighbors, the sheriff, the animal control staff, and others who have known you. This behavior can not in any way be considered within the range of good judgment. It is even beyond what I would consider normal behavior. It clearly shows that you do not possess the qualifications necessary to operate an adult care home in

Multnomah County and to provide for the health, safety and welfare of dependent persons in your home. Some persons who have indicated to us your bizarre behavior are unwilling to step forward to file a formal complaint because of fear of what they characterize as your vindictive behavior.

4. My staff has spent many hours trying to work with you to help you to become a better operator. They have documented many times where they have advised you to not become so hostile with people and to deal more courteously with people. Staff have suggested your own behavior is what causes most of the complaints and you have indicated your willingness to try to improve. Nevertheless, we continue to receive reports and complaints regularly.

5. Dr. Gary Nakao, Director of Social Services, and Mr. Jim McConnell, Director of Aging Services, recently met with you to discuss your concerns with the Adult Care Home Program. At that time you also agreed to be more cooperative. Subsequent to that meeting you have undertaken actions that have further convinced me that you simply do not have the qualifications to be a licensed operator. This includes complaints we have received that you have acted inappropriately in an investigation dealing with your call to Mt. Hood Mental Health regarding your neighbor, creating another complaint situation, hiring an investigator to investigate Aging Services Division and its' staff, and also another incident with your neighbor involving the woodpile. There is a video tape of this incident documenting what can only be called bizarre behavior on your part.

6. You have had previous incidents that merited an administrative sanction. This involved placing conditions on your license in May, 1992. This was because of mismanagement of medications and poor care.

Multnomah County Administrative Rules (MCAR) require operators to possess good mental health and good judgment needed to provide good care for their residents (MCAR 890-202-220 (b)). The Rules provide for administrative sanctions when an operator has a psychiatric or psychological problem which compromises her or her ability to operate an adult care home (MCAR 890-080-120 (k)(C)). The Rules also require an operator to cooperate with Department personnel (MCAR 890-020-260(a)). It is extremely clear to me that your behavior is so bizarre, erratic, hostile and defensive as to compromise your ability to operate an adult care home and to cause concern as to the health, safety and welfare of any residents in your care.

Authority to revoke your license is given to me in the following

references:

1. "The Director shall have the authority to revoke, suspend, or deny or attach conditions to any license...
 - (2) Where there exists a threat to the life, health, safety, or welfare of any resident...
 - (4) When the owner or operator has failed to comply with the provisions of this chapter;with the rules and standards duly promulgated by the Director for an adult care home;" (Multnomah County Code 8.90.080)
2. The Director has authority to take administrative action when "The ...operator...;
 - (C) Has a ... psychiatric or psychological problem...which compromises his or her ability to operate or provide care in an Adult Care Home;...
 - (I) Has acquired substantial complaints pertaining to the health, safety, and welfare of residents." (MCAR 890-080-120 (k) (C) and (I))
3. The rules require that operators have qualifications that you clearly do not have, namely:

"Operators...shall possess physical and mental health, good judgement and ability determined necessary by the Department to provide room, board, supervision care, and/or services to adults who are elderly, handicapped or dependent, and provide a statement from a physician or nurse practitioner to this effect..."

It is the judgement of this office that you do not possess the mental health, good judgement and ability determined necessary by this office to be an operator of an adult care home.

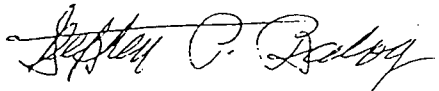
The county ordinance provides that you have the right to request a hearing before an independent hearings officer to contest my actions. If you want to request a hearing, you must send a written request to:

Mr. Stephen P. Balog
Adult Care Home Program
421 S.W. Fifth Street, Room 405
Portland, Oregon 97204

Your request for a hearing must be received by this office within twenty (20) days after the day you receive this letter. Your request should state the reasons you are requesting a hearing. Our department's file on your adult care home would automatically become part of the information available to the hearing officer. If you do not request a hearing within 20 days from the date you receive this letter my order will become final and you will no longer be able to request a hearing.

If you have any questions please call this office.

Sincerely,



Stephen P. Balog, Manager
Multnomah County Adult Care Home Program

cc: Mr. Melvin Jack Fisher, Attorney at Law
Mr. Chip Lazenby, Multnomah County Counsel
Ms. Eileen Brooks, Adult Care Home Licensing Staff

①

Hearing # 133117
Final Historical Log

Date Prepared: 4/12/94

Time Prepared: 2:03:46 PM

Date Filed 9/30/93 **Tapes YES**
Bureau Multnomah County **City Exhibits YES**
Viol. Type appeal - adult care facility **Resp. Exhibits YES**
Date Closed 3/11/94 **CHO Exhibits NO**
Status sustained **Discussion**
Tapes and exhibits may be purged on or 10/7/94

Hearings

<u>Date</u>	<u>Time</u>	<u>Purpose</u>	<u>Disposition</u>
12/9/93	1:30:00 PM		Cancelled.
12/10/93	9:00:00 AM	Continued from 12/9/93.	Cancelled.
1/6/94	1:30:00 PM	Set over from 12/9/93.	Hearing begun; continued to 9 a.m., 1/7/94. (Further hearing also scheduled for Thursday p.m., 1/13/94.) Appearances: Dinnocenzo, Balog, Lazenby, Reeves.
1/7/94	9:00:00 AM	If necessary, continuation of 1/6/94 hearing.	Hearing continued from 1/6/94. (Further continuation scheduled for 1:30 p.m., Thursday, 1/13/94. No written notice will be sent.) Appearances: Dinnocenzo, Balog, Lazenby, Reeves.
1/13/94	1:30:00 PM	Continued from 1/7/94.	Hearing held. Appearances: Dinnocenzo, Balog, Lazenby, Reeves. Continued to 1:30 p.m., 1/27/94.
1/27/94	1:30:00 PM	Continued from 1/14/94.	Hearing held. Appearances: Dinnocenzo, Balog, Lazenby, Reeves. Continued to 9:00 a.m., 1/28/94.
1/28/94	9:00:00 AM	Continued from 1/27/94.	Hearing held. Appearances: Dinnocenzo, Balog, Lazenby, Reeves. Record held open to Monday, 2/7/94, for Lazenby to submit chronology document, and for submission of rebuttal affidavits.

Civil Penalties, Liens, Bureau Fees

<u>Control#</u>	<u>DatePosted</u>	<u>Type of fine/fee</u>	<u>Dates:</u>	<u>Imposed</u> <u>Paid</u> <u>Liened</u> <u>Cancelled</u>	<u>Amounts:</u>	<u>Center Code</u>
-----------------	-------------------	-------------------------	---------------	--	-----------------	--------------------

Contacts

<u>Date</u>	<u>Key</u>	<u>Comments</u>
9/30/93	appeal	Received, via Stephen P. Balog, appeal of revocation of adult care home license. Filed by attorney Melvin Jack Fisher on behalf of Charla Dinnocenzo. Called Lazenby, Balog, Fassell--OK for hearing on 11/12. Left message for Fisher. DB
10/1/93	tel	Fisher left message that he starts a major trial 11/16, feels hearing is going to go beyond one day (11/12), suggests 12/3; says he couldn't reach Lazenby today. DB
10/1/93	tel	Spoke with Fisher and Fassell; left message for Lazenby--asked them to settle on dates for hearing and let me know. Urged Thursdays and Fridays. DB

10/6/93	tel hrgs	Rcvd call from Lazenby. He and Fisher have agreed to hearing p.m. of 12/9 and all day 12/10. Hearing set for those dates. DB
10/8/93	notm	Notices mailed. DB
11/8/93	tel	Rcvd call from Martin Reeves, atty now representing Dinnocenzo. Requested set-over because of schedule conflict. Also wishes copy of any procedural rules HO uses. Also said he thought hearing might take up to 3 days. Advised him to negotiate set-over with County, file motion if County will not agree to set over; told him we probably couldn't arrange for 3 consecutive days for hearing; and said I would mail copy of applicable rules. DB
11/8/93	tel add	Per WS, called Reeves, left message that hearings proceed per MCC 8.90.090(E) and Director's Rules 890-090-300 through -395; HO has no other written procedures. Added Reeves to mailing list in place of Fisher. DB
11/17/93	tel hrgs	Mary Fassell called, said any Thursday p.m./all day Friday schedule in January fine with them for hearing. I told Fassell I would set for 1/6/94 p.m. and 1/7/94 all day, with Monday, 1/10/94 for overflow if I can find a room. (Later called BGS; we are reserved in A for all day 1/7/94 and in B for all day 1/10/94.) DB
11/19/93	notm	Notices mailed. DB
12/28/93	tel add	Rcvd call from Kathy Vollans inquiring if hearing was open to the public. Per WS, told her it was. Also asked to be added to mailing list: 42066 S.E. Erickson Road, Sandy, OR 97055; home 668-4906, parents 668-5740. DB
12/29/93	tel	Kristen Pecknold of Reeves' office (777-5473) called, discussed some procedural questions with WS. DB
12/29/93	tel	Per WS, left message for Lazenby suggesting perhaps some of his witnesses could appear via affidavit rather than personally. DB
1/14/94	notm	Notices mailed. DB
2/7/94	letr docr	Letter and two documents filed by Fassell. DB
2/10/94	misc	Rcvd note and \$65.00 check (#2497) from Evalyne L. Gerbich (3234 S.E. 129th, 97236, 760-5440) for duplicate of all 12 hearing tapes. DB
2/11/94	misc	Made dupes of hearing tapes, left at Planning desk, and called Gerbich to tell her where to pick up. DB
2/16/94	add	Per RY, Linda R. Hedlund (3232 S.E. 129th, 97236) wishes to be added to mailing list. DB
2/18/94	ordm	Order mailed. (Also fax'd copy to Pechnold.) DB
2/18/94	ordm	Order mailed. DB
2/18/94	tel misc	Rcvd phone call from Jennifer Brandon requesting results of hearing; added her as other party. RY
2/25/94	tel misc	I made copies of all 12 tapes for Ms Gerbich last week, but she called earlier this week to say she didn't get all the tesimoney of the man from the State Ombudsman's office. I re-copied 1/7/94, #4 tape, and mailed to her (I think Wed). She called again Thurs. to say still didn't have a good copy (testimony cuts off in middle). I made another copy, listened to copy to verify its accuracy, and mailed to Gerbich today. DB
3/3/94	letr tel	Rcvd letter from Pechnold requesting tape copies and corrected order (final date s/b 3/20, not 3/7). WS concurred with date correction. Called Pechnold, told her order would be issued 3/4, and tape copies would cost \$65.00 (to be paid when picked up). DB
3/3/94	ordm letm tel	Corrected order mailed; letter mailed only to Pecknold with copies to Balog and Lazenby. Also sent Pecknold copy of hearing and exhibit log as requested. Called Pecknold to alert her all documents would be addressed to Reeves. DB
3/4/94	misc	Check deposited with Treasurer, auth. #336006333. DB

3/4/94	misc	Tape copies made, Pecknold notified by phone, copies later picked up and check #472 for \$65.00 left (receipt #3549). DB
3/11/94	closed	Case closed. DB
3/28/94	misc	\$65 check deposited with Treasurer, auth. #336006419. DB
4/28/93	db	

②

133117

MILLARD M. BECKER
LAWRENCE B. HUNT, P.C.*
LEE M. HESS, P.C.*
MELVIN JACK FISHER*

BECKER, HUNT & HESS
A Partnership Including Professional Corporations
ATTORNEYS AT LAW
1295 ONE MAIN PLACE
101 S. W. MAIN STREET
PORTLAND, OREGON 97204-3220

TELEPHONE
(503) 226-1162
FACSIMILE
(503) 223-5442

*MEMBER OF OREGON AND
WASHINGTON STATE BARS

September 23, 1993

RECEIVED

SEP 30 1993

RECEIVED

SEP 24 1993

ADULT CARE HOME PROGRAM

HEARINGS OFFICE

Mr. Stephen P. Balog, Manager
Adult Care Home Program
421 S.W. Fifth, Room 201
Portland, OR 97204-2221

RE: Charla Dinnocenzo
Request for Hearing

Dear Mr. Balog:

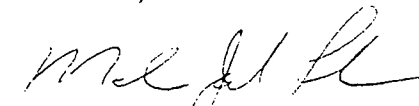
I received a copy of your September 22, 1993, letter in which you revoke my client's license to operate her Adult Foster Care Home. Please consider this letter to be Ms. Dinnocenzo's formal written request for a hearing on your decision.

My client is requesting this hearing because she disagrees with your conclusion that she does not possess the mental health, good judgment and ability determined necessary by your office to be an operator of an Adult Care Home.

Personally, I find your decision draconian and hardly in keeping with the spirit of compromise and cooperation that you frequently espouse.

Very truly yours,

BECKER, HUNT & HESS



Melvin Jack Fisher

MJF:bt

cc: Charla Dinnocenzo



133117

MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
HANK MIGGINS • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

CERTIFIED MAIL

September 22, 1993

Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, Oregon 97236

RECEIVED

SEP 30 1993

HEARINGS OFFICE

Dear Ms. Dinnocenzo:

I have carefully reviewed your file, the information provided at the administrative conference held on June 25, 1993 and information we have obtained subsequent to that conference. Based on this information and after careful consideration of all the circumstances, your license to operate an adult foster care home is hereby revoked effective immediately.

The specific reasons for this serious action are as follows:

1. In the two years you have been licensed to operate a home we have received 14 complaints about the operation of your home. These include substantiated lack of good judgment and uncooperative behavior, neglect of residents, poor record keeping, and poor sanitation. Many of these complaints involve situations where you have gotten overly involved in your resident's personal problems, resulting in their families filing complaints against you and indicating a profound lack of good judgment.
2. We have numerous reports and complaints of your rude, hostile, and often defensive behavior. The persons filing these complaints include residents and their families, Department staff personnel, Ombudsmen, and other professionals. They report having great difficulty dealing with you. Often they report a pattern of hostile, defensive behavior that has to be worked through before there is any meaningful interaction with you.
3. We have verifiable reports of bizarre behavior by you from your neighbors, the sheriff, the animal control staff, and others who have known you. This behavior can not in any way be considered within the range of good judgment. It is even beyond what I would consider normal behavior. It clearly shows that you do not possess the qualifications necessary to operate an adult care home in

references:

1. "The Director shall have the authority to revoke, suspend, or deny or attach conditions to any license...
 - (2) Where there exists a threat to the life, health, safety, or welfare of any resident...
 - (4) When the owner or operator has failed to comply with the provisions of this chapter;with the rules and standards duly promulgated by the Director for an adult care home;" (Multnomah County Code 8.90.080)
2. The Director has authority to take administrative action when "The ...operator...;
 - (C) Has a ... psychiatric or psychological problem...which compromises his or her ability to operate or provide care in an Adult Care Home;...
 - (I) Has acquired substantial complaints pertaining to the health, safety, and welfare of residents." (MCAR 890-080-120 (k) (C) and (I))
3. The rules require that operators have qualifications that you clearly do not have, namely:

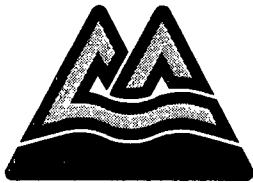
"Operators...shall possess physical and mental health, good judgement and ability determined necessary by the Department to provide room, board, supervision care, and/or services to adults who are elderly, handicapped or dependent, and provide a statement from a physician or nurse practitioner to this effect..."

It is the judgement of this office that you do not possess the mental health, good judgement and ability determined necessary by this office to be an operator of an adult care home.

The county ordinance provides that you have the right to request a hearing before an independent hearings officer to contest my actions. If you want to request a hearing, you must send a written request to:

Mr. Stephen P. Balog
Adult Care Home Program
421 S.W. Fifth Street, Room 405
Portland, Oregon 97204

Your request for a hearing must be received by this office within twenty (20) days after the day you receive this letter. Your request should state the reasons you are requesting a hearing. Our department's file on your adult care home would automatically become part of the information available to the hearing officer. If you do not request a hearing within 20 days from the date you receive this letter my order will become final and you will no longer be able to request a hearing.



133117

MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
HANK MIGGINS • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

September 27, 1993

RECEIVED

SEP 30 1993

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204

HEARINGS OFFICE

Dear Mr. Shatzer:

This office has received a request for a hearing from Mr. Melvin Jack Fischer, Attorney at Law. (See Attached). He has filed this request on behalf of his client, Ms. Charla Dinnocenzo, who currently operates an adult foster home at 3140 S.E. 129th, Portland, Oregon. On September 22, 1993, I wrote a letter to Ms. Dinnocenzo revoking her license. (See Attached). They are requesting a hearing about this matter.

As is required by MCC 8.90.090, I am designating you as Hearings Officer in this matter and requesting you to set the time and place for the hearing. I understand from your secretary that you have been ill. I am sure that Mr. Fischer and I can work with you to accommodate your schedule as you return to work. I hope that you are back enjoying good health. I will also be out of the office for an extended period of time from October 4 through October 22, 1993 on vacation. I will return to work on Monday, October 25, 1993. There will be a person assigned as acting manager in my absence. You may also contact Mary Fassell at extension 2624. They are authorized to carry on business in my absence.

Sincerely,

Stephen P. Balog, Manager
Adult Care Home Program
Multnomah County

Attachments

- c. Melvin Jack Fisher, Attorney at Law
- Ms. Charla Dinnocenzo
- Mr. Chip Lazenby, County Counsel
- Ms. Mary Fassell, ACHP Staff
- Ms. Eileen Brooks, ACHP Staff



M 198

MULTNOMAH COUNTY OREGON

SOCIAL SERVICES
AGING SERVICES DIVISION
ADULT CARE HOME PROGRAM
421 S.W. 5TH, RM. 405
PORTLAND, OREGON 97204-2221



RECEIVED

SEP 30 1995 MR WILLIAM W SHATZER
HEARINGS OFFICER
PORTLAND BLDG
HEARINGS OFFICE 120 SW 5TH RM 1017
PORTLAND OR 97204



③

Change made:

Creating mailing list for appeal case.

Hearing # 133117

Notification List

Date Prepared: 9/30/93

Respondent:

Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative:

Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney:

Melvin Jack Fisher
Attorney at Law
101 S.W. Main Street, #1295
Portland, OR 97204-3220
226-1162, fax 223-5442

Attorney:

H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Other Party:

Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

④

Change made:

Replaced Fisher with Reeves.

Hearing # 133117

Notification List

Date Prepared: 11/8/93

Respondent: Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative: Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney: H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney: Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party: Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624



CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
823-7307 / FAX 823-5370

NOTICE OF HEARING

Date Mailed: Fri, Nov 19, 1993

City of Portland

VS.

Charla Dinnocenzo

Hearing Number: 133117

Property:

You are notified that a hearing will be held in the above proceeding on:

Date: Thursday, January 6, 1994

Time: 1:30:00 PM

Place: Meeting Room A, second floor of the Portland Building, 1120 S.W. 5th Avenue

Reason: Set over from 12/9/93.

Date: Friday, January 7, 1994

Time: 9:00:00 AM

Place: Meeting Room A, second floor of the Portland Building, 1120 S.W. 5th Avenue

Reason: If necessary, continuation of 1/6/94 hearing.

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN
WRITING AND FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS
AT THE TOP OF THIS NOTICE.**

This notice has been mailed to the following parties:

Charla Dinnocenzo 3140 S.E. 129th Portland OR 97236

Stephen P. Balog Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

H. H. (Chip) Lazenby County Counsel
1120 S.W. 5th Avenue, 15th floor Portland OR 97204

Martin Reeves Attorney at Law
610 S.W. Alder Street, #910 Portland OR 97205

Mary Fassell Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

Code Hearings Office files

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours AT LEAST TWO BUSINESS DAYS PRIOR to the hearing so arrangements can be made.



Change made:

Added Vollans.

Hearing # 133117

Notification List

Date Prepared: 12/28/93

Respondent: Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative: Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney: H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney: Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party: Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Other Party: Kathy Vollans
42066 S.E. Erickson Road
Sandy, OR 97055
668-4906 home / 668-5740 parents

7

CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
823-7307 / FAX 823-5370

NOTICE OF HEARING

Date Mailed: Fri, Jan 14, 1994

City of Portland

VS.

Charla Dinnocenzo

Hearing Number: 133117

Property:

You are notified that a hearing will be held in the above proceeding on:

Date: Thursday, January 27, 1994

Time: 1:30:00 PM

Place: Meeting Room A, second floor of the Portland Building, 1120 S.W. 5th Avenue

Reason: Continued from 1/14/94.

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN
WRITING AND FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS
AT THE TOP OF THIS NOTICE.**

This notice has been mailed to the following parties:

Charla Dinnocenzo 3140 S.E. 129th Portland OR 97236

Stephen P. Balog Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

H. H. (Chip) Lazenby County Counsel
1120 S.W. 5th Avenue, 15th floor Portland OR 97204

Martin Reeves Attorney at Law
610 S.W. Alder Street, #910 Portland OR 97205

Mary Fassell Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221

Kathy Vollans 42066 S.E. Erickson Road Sandy OR 97055
Code Hearings Office files

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours AT LEAST TWO BUSINESS DAYS PRIOR to the hearing so arrangements can be made.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

February 7, 1994

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204

Dear Mr. Shatzer:

Since you have allowed the record to stay open until today in the Charla Dinnocenzo hearing I have enclosed two more documents for evidence in the hearing. They are a chronology of the complaints which the County prepared for use in the hearing, and an affidavit from Kristi Gustafson to authenticate the audiotape we entered into evidence during the hearing. We do not have any more documents to enter into evidence. I have sent copies of both these documents to Martin Reeves, counsel for Ms. Dinnocenzo.

Sincerely,

Mary M. Fassell

Mary M. Fassell
Multnomah County Adult Care Home Program

Enclosures

c. Martin Reeves, Attorney at Law
Mr. Chip Lazenby, County Counsel

RECEIVED

FEB 7 1994

HEARINGS OFFICE



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: CHIP LAZENBY, COUNTY COUNSEL

FROM: MARY FASSELL, COMPLAINT INVESTIGATOR *mf*

SUBJECT: CHRONOLOGY OF DINNOCENZO AFH

DATE: December 30, 1993

7/8/91 Complaint #1484, 3 complainants:
1. On the day of admission Charla changed the amount of monthly charges from amount agreed on a month before--substantiated.
2. No bed available on date of admission--Unable to substantiate.
3. After family gave notice that resident was going to move, Charla had the police move resident to the hospital because resident was too heavy care and the family couldn't be contacted--Unable to substantiate retaliation, but Charla's description of resident's agitated behavior was not noticed by the hospital doctors, the family or the resident's former provider, and resident's only medical problem was anemia. Family said they told Charla previously that they would be unavailable at the time this incident happened.
4. Resident's family requests refund--no conclusion
5. Floors filthy--Unsubstantiated, floor clean on investigator's visit.
6. Residents get candy, pop--substantiated, but no rule violation.
7. Another resident is kept in a gerichair and told to be good and be quiet--no conclusion, but investigator notes resident's daughter and doctor have no problems with resident's care.
Investigator (Sherry Willmschen) recommended Charla needs assistance with records and screening of prospective residents.

7/29/91 Administrative conference with Don Keister (Steve Balog's superior), Steve Balog, Sherry Willmschen (licensing person) and Charla.

8/2/91 Letter from Don Keister to Charla approving the wheelchair ramp, supplying forms for a Class III license, explaining need for thorough investigation of the recent protective service complaint to assure the safety and

EXHIBIT
133117

care of residents, assuring Charla that her complaints about other providers will be investigated, and indicating his confidence in Sherry Willmschen's objectivity.

10/18/91 #1529 Complaint from resident's son:
1. Disagreement over effective date of contract-either the date it was signed or the date the resident came to the home, 17 days later--Unable to substantiate, investigator indicates legal remedy may be needed.
2. Inappropriate handling of resident who did not want to be in the home--Unable to substantiate. Charla had resident taken to hospital due to behavior. Resident had no behavior problems at the hospital. Resident returned to Charla's, one day later Charla called family to remove him. Two family members report no problems with his behavior when he lived with them before being at Charla's, and resident did fine in nursing home where he subsequently moved. Investigator Sherry Willmschen recommended Charla keep better records and take training in how to deal with behavior problems.
3. Charla would not give the resident's relatives a copy of the contract--Substantiated.
4. Charla would not clean up wet resident--Unable to substantiate because no other witnesses and Charla denies it.

11/25/91 Letter to Charla requiring her to complete resident records when the resident is admitted to her home, to give a copy of the admission contract to the responsible party with a clear effective date, to document all incidents in her home, and to be more careful in who she takes as a resident. These requirements were in response to a complaint #1529 and were intended to eliminate the problems she had with his care.

2/18/92 #1516 Complaint from 2 complainants (licensing issues):
1. No notice given before moving resident from one bedroom to another: Substantiated. MCAR 890-020-415 (p)
2. Resident's hearing aid and teeth missing, Charla refused to replace them--Substantiated. Charla said she offered to pay for the missing teeth, but 2 complainants and 3 witnesses deny it.
3. AFH filthy, garbage, clutter, urine smell, feces on bedding--Substantiated. Investigator inspection, 2 complainants and 5 witnesses confirm.
4. Charla never did any caregiving during complainant's weekly visits--Unable to substantiate.
5. Complaint concerned about Charla's rude, erratic behavior, extreme mood swings--Substantiated. Charla states she is only rude to people who are rude to her. 2 complainants and 4 witnesses confirm. Eileen Brooks

was the investigator. She states she discussed at length the standards for homes. She also found medications unlocked, and records disorganized. She conducted an in-depth training session.

- 2/18/92 #33044 complaint (protective services issues of #1516 complaint), investigated by Kathy Capes:
1. Resident #1 lost 20 pounds in 8 months and was dehydrated--Unable to substantiate neglect because although the resident lost weight and was dehydrated doctor could not be sure it was not due to residents condition.
 2. Medication mismanagement, 56 tabs with controlled substances missing--Unable to substantiate, but did substantiate poor charting of medications given.
 3. Resident #1 not clean--feces under fingernails--Substantiated.
 4. Resident #1 had bruises on legs and wrists--Unable to substantiate abuse as bruising may have been due to resident's behavior, such as bumping bedrails.
 4. Resident #1 fell out of bed on 2/4 and hit her head because Charla discontinued use of restraints because she assumed when resident's doctor discontinued resident's medications he meant the restraints as well--Neglect substantiated. Doctor's orders confirm only medications to be discontinued.
 5. Resident #2 asked for help and Charla refused and resident fell on 2/14 and hurt her foot--Unable to substantiate.
 6. Resident #1 was terrified of Charla--Unable to substantiate.
- 3/4/92 Charla's son (Rob) shoots and kills himself in the backyard. Charla's two residents are moved out of the home.
- 3/10/92 #33060 Complaint: Neglect partially substantiated in two instances:
1. Charla did not provide proper personal care to resident.
 2. Charla did not respond appropriately to resident's requests for help. Charla was "harsh and unbending". Investigator Donna Waltman recommended Charla needed training in understanding difficult personalities and behavior modification.
- 3/24/92 #33065: Charla makes a complaint that her resident is being financially exploited by his son and grandson. Unable to substantiate.
- 3/30/92 Charla's attorney, George Hoselton, requests an administrative conference.

4/1/92 Steve writes Hoselton delaying the conf. until the investigation of yet another complaint is finished.

4/2/92 Eileen learns about a person who was a resident at Charla's for one week and had lots to say about Charla's erratic behavior but did not want to make a complaint.

4/2/92 Call from a resident granddaughter about how to get Charla to pay for the resident's lost teeth and hearing aid.

5/11/92 On this day Charla takes in a 77 year old patient who is demented, he picks up board to hit her helper, then jumps over 5' fence and runs away, Charla calls police who take him away. Eileen thinks Charla acted appropriately but reminds her to call Eileen if there are any problems.

5/13/92 Steve writes Charla a letter requiring:

1. training in record keeping and medication monitoring within the next 2 months.
2. accurate record keeping, especially of controlled substances.
3. more careful screening of residents before admission.
4. improved personal care of residents especially bathing and handwashing.
5. training on dealing with difficult residents.

Steve also places two conditions on the license:

1. For new residents Charla could only take those who were alert and needed only medium to light care. She could take no new resident who required heavy lifting.
2. No new residents who needed medications containing controlled substances.

5/15/92 Conditional license issued

5/18/92 #1613 complaint:

1. Charla is afraid to sleep alone at night, she is losing control since her son died, complainant's 15 and 13 year old children stay overnight to keep Charla company. Partially substantiated--Charla admitted to having trouble sleeping and to emotional trauma, but denied losing control.
2. Complainant's 13 and 15 year old children dispensed meds--Unable to substantiate--Charla denied.
3. Residents left alone with 15 year old--Unable to substantiate--Charla denied.
4. Charla kept 15 year old up all night because Charla couldn't sleep--Unable to substantiate--Charla denied.
5. 13 and 15 year old changed diapers on residents--Unable to substantiate--Charla denied.
6. Charla served stale muffins--Unable to substantiate.

For all the allegations Charla contends the complainant

is mad at being fired and that she used drugs and alcohol.

- 5/19/92 Eileen receives a call reporting Charla had called and was very hostile and threatening. Charla told the caller she would make trouble for her. The caller did not want anything to be done about it as she did not want any more trouble.
- 5/22/92 Administrative conference with Steve Balog, Eileen Brooks, Charla, and Charla's attorney George Hoselton regarding conditions on Charla's license. After conference Charla called Eileen and told her she will accept the conditions and work with us in a positive manner.
- 6/10/92 Steve sends Charla a letter clarifying the conditions on her license. He defined what a "controlled substance" was and he clarified what "no new heavy care residents" meant. He specifically stated that it included that she could not take any resident who required heavy lifting.
- 6/19/92 Complaint from resident's family about a refund when the resident had only been in Charla's home one day. Charla did not send the refund checks when she said she would, when she did she postdated one, it bounced, Charla promised it would be good by a certain date, it wasn't, Charla was very rude when asked about it. Eileen straightened the problem out. The state make a mistake in paying Charla which resulted in the check bouncing
- 6/23/92 Licensing visit by Eileen, home clean, medications locked, medications charted properly. Charla screening potential residents more carefully. Marlies Schnuhr, R.N. who monitors the one medicaid resident in the home says the care is good. Charla admits she does not want heavy care or behavior problems. She talks about plans to take residents to social activities. Eileen recommends close monitoring of Charla to help her learn expectations, rules and the team concept.
- 7/29/92 Resident's son calls Eileen for help trying to refund from Charla after his father left her home and went to the hospital. Son mentions Charla "over-reacts" to things but later simmers down.
- 8/21/92 #44046 Complaint. Unable to substantiate abuse. Resident said Charla hit him on the head. Social worker moved resident out of the home. Resident afterwards reported that Charla was hot-headed and so was he.
- 9/2/92 #44052 Complaint. Substantiated abuse. Complaint by

resident's daughter-in-law. Charla first told resident she could smoke in the house, later changed her mind. Charla took resident's TV out of resident's room and broke the antenna. Charla refused to pay for it.

9/9/92

#1634 Complaint:

1. Residents were left alone for 6 hours-- Unsubstantiated

2. Resident was locked out of home for several hours-- Substantiated. Resident had returned early from the doctor's and had to wait until Charla and the other residents returned.

3. Charla fed residents McDonald's childrens dinners-- Substantiated.

4. Fire trucks, ambulances, and police always at the AFH-- Substantiated, but no rule violation.

5. Charla acts weird, not normal--partially substantiated. Several witnesses describe her as weird, angry, defensive and intense; one as aloof; 2 witnesses as okay; and two witnesses as defensive and intense, difficult to deal with but ultimately cooperative.

Eileen Brooks, investigator notes she has spent countless hours working with Charla to improve her skills. She is defensive and angry initially but warms up and becomes friendlier and more cooperative. Charla admitted to Eileen that her defensive, protective, aloof attitude was probably the cause of complaints, and agreed to work on improving her attitude.

9/29/92

Complaint that Charla didn't have her postings up and that complainant was hustled out of the house fast. Charla denied. Charla complained complainant was very, very rude. No formal complaint report made, treated as a "concern".

10/12/92

#1635 complaint: Substantiated complaint that Charla acts "sort of crazy" and behaves in a paranoid, emotionally unstable manner, that the residents may not be safe with her. Charla admitted to having problems with the probate court personnel regarding her son's death and that she said, "are you the bitch that hung up on me?" Eileen Brooks, the investigator, discussed Charla's need to be professional and courteous in all her dealings to build a good reputation. Charla told her she would try harder to be more professional in the future.

10/12/92

#1636 complaint: Unsubstantiated complaint to the commissioners office that Charla had 6 residents and shouldn't the neighbors be notified if she has over 5 residents. Charla had only 2. Complainant was anonymous. Charla thinks her neighbors complained because they want to close her home.

- 12/29/92 #44103 complaint: Financial Abuse--Not substantiated. A realtor complained that a Paula Easter, who had power of attorney for a resident in Charla's home had interfered in his listing of a house to be sold by the resident. Resident too confused to provide any information.
- 12/29/92 #44082 complaint: Financial Abuse--Not substantiated. A professional person complained that: Charla interfered with her resident's contact with a relative and with a sale of a house jointly owned between them. The investigator Donna Waltman described the resident as "easily swayed". Donna commented that Charla made some errors in judgment and over-stepped boundaries in advocating for the resident.
- 1/5/93 Eileen warns Charla that she is not to get involved in residents personal/family /financial problems and that if she wants to help she should call risk intervention, the case manager or Eileen. This was because Charla had called a realtor to sell her resident's house.
- 1/27/93 Administrative conference with Steve Balog, Eileen and Charla. Discussed ombudsmen problem. Charla says Vanhlang Khamsouk, case manager of Barbara Starr, reported that Barbara was so agitated after the ombudsmen's visit that she had to be hospitalized. Eileen notes Charla's problems are generated by her lack of skills in dealing with the community. Charla admits she can be defensive and rude when she feels she is being treated rudely, she is very protective of her own rights and her residents rights.
- 1/28/93 Complaint #0044: Verbal and emotional abuse--Unable to substantiate. Complainant said Charla's erratic and unstable behavior in front of residents was abusive to the residents. In particular, Charla's statements to resident Barbara Starr that, "I'll call the police and they'll throw you in the lock up if you're not good" were abusive. Other residents did not admit to abuse or fear of Charla. Investigator Kathy Capes recommended a mental health evaluation for Charla before her next license renewal, questions Charla's ability to provide a stable emotional climate for residents.
- 3/1/93 Complaint #1663 by relative of resident:
1. Refund due--Unsubstantiated.
2. Charla taped conversations between herself and complainant--substantiated, but no rule violation.
3. Charla interfered with resident's conservatorship--Unsubstantiated--there was no conservatorship at the time.

4. Use of restraint without Doctor's orders--Unable to substantiate-Charla denies.

5. Charla very rude, Charla denies--Unable to substantiate.

4/3/93 Complaint #2045: Abuse complaint--Not substantiated. Complaint that Charla abused resident or had given resident an eviction notice in retaliation. Resident was fine and resident's daughter agreed that there was not abuse or retaliation. Resident's eviction was based on increased care needs.

4/22/93 Eileen returned Charla's call, Charla very rude, defensive and angry. Would not tell Eileen who the male resident was who answered the phone. In response, Eileen sends Kathy Millan and Mary Fassell visit home unannounced to check on residents. Charla friendly, cooperative to them.

5/3/93 Complaint #2043: Abuse of resident's rights: unable to substantiate due to conflicting stories from many parties.

5/3/93 Charla receives copies of complaint reports just written about various complaints received over the last year. Eileen had talked to Charla about all of them at the time of the investigation and had warned her that written reports would eventually be done.

5/15/93 Regular license issued, actually it was issued sometime later and backdated to the date her last license expired.

5/17/93 Relatives of Charla's resident complain Charla did not give them a copy of the contract, and later changed the contract. Complainants took Charla to small claims court but lost. Now wants us to do another investigation which we cannot do.

5/21/93 Eileen does annual licensing visit. At first Charla is cooperative, then became defensive, threatening to sue Steve and Eileen if we give her a conditional license again. Charla infers we are plotting with the ombudsmen to close her home. Eileen and Cheryl Morgan repeatedly explain the circumstances. Charla becomes more pleasant. Eileen notes that Charla's attitude results in unnecessary complaints and problems consuming staff time too frequently. The complaints and investigations probably produce a chaotic, insecure atmosphere for the residents. Eileen recommends renewing Charla's license only because there was a significant improvement in resident care, record keeping, housekeeping and sanitation.

- 6/16/93 Charla calls Heather Stewart, R.N. about restraints and delegation for a new resident who she said was a class III. Charla is hostile and does not answer Heather's question, hangs up on Heather. Heather and Cheryl Morgan have to make a special visit to asses the situation. Steve called her attorney and told him he had better make his client cooperate. Charla was cooperative.
- 6/25/93 Administrative conference with Steve, Charla, Charla's friend Beverly Lolley, Charla's attorney Jack Fisher, Eileen and Mary Fassell regarding Charla's license, the conditions on it and the complaints against Charla's home.
- 6/25/93 Charla sends in complaints about many Romanian homes. Most complaints are unsubstantiated and many operators reported the person who called them (Charla) was extremely rude.
- 7/2/93 Complaint #2040: Verbal abuse--unable to substantiate. An ex-resident of Charla's reported that Charla was easily angered, swore and called the residents names. He said he was very glad to get out of Charla's. Two other elderly women still residents at Charla's, denied the allegations as did Charla.
1. Financial abuse--Unable to substantiate. Complainant said a resident's mother paid another resident to walk the first resident and Charla made the second resident give her half of the money. Both Charla and the mother denied this and the second resident could not be located to talk to. Charla did admit to paying the second resident for doing yard chores.
2. Abuse--Unable to substantiate. Complainant said Charla made him mow the lawn and he was afraid not to do it and that then she made a second resident do it. Charla said she thought the complainant wanted to do it and that when she asked the second resident to do it she paid him for it. The second resident could not be interviewed.
- 7/14/93 Caller indicates that Charla had told her she had married an old man for his money, that she let the water run on purpose in her house to ruin the carpeting and flooring so that the insurance would pay for new floors, and many other things. The caller described Charla as a "strange, bad person". No investigation done at caller's request.
- 7/14/93 Complaint # 2041: Neglect complaint--unable to substantiate, regarding resident sitting outside in lounge chair from 12:30pm to 6pm and not being able/allowed to come back inside. Second allegation of abuse not substantiated. A man was using a weed eater

out in the yard in the rain using his walker for support. He stated he did it by choice.

- 7/26/93 Complaint that Charla does not have any evening visiting hours posted. Unsubstantiated--this complaint never written up formally.
- 8/24/93 Complaint #46317: Unsubstantiated complaint that resident was perhaps abused because he was yelling help often.
- 8/30/93 Steve and Mary meet with Sheriff deputies at their request, about the incident on 8/27/93 where Charla called in that Joey Hedlund was slashing herself.
- 9/1/93 Gary Nakao sends Charla a letter indicating he had reviewed the complaints Charla had made about ASD staff (about the information she got from her private investigator calling Eileen and East Branch) and felt staff acted appropriately.
- 9/22/93 Steve sends Charla a letter revoking her license.
- 11/9/93 Eileen calls Charla about why she took Barbara Starr in as a resident. Charla told her to call her attorney and hung up. Steve called her attorney and told him that Charla must cooperate.
- 11/24/93 Steve sends Charla a letter requiring Barbara Starr to be moved out of her home by 12/5/93, freezing new admissions until Barbara does leave, and requiring any new admissions after Barbara leaves to be first screened by this office.
- 12/1/93 Mary calls Charla regarding Barbara Starr. Charla hangs up. Charla's attorney calls Mary complaining that Mary had harassed Charla because it was so close to Thanksgiving and because we didn't call her earlier about Barbara Starr.

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

)
) No. 133117
)
) AFFIDAVIT OF KRISTI
) GUSTAFSON IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)
County of Multnomah) ss.
)

I, Kristi Gustafson, being first duly sworn, depose and say:

1. I am a ^{ke} internal affairs investigator and a sergeant for the Multnomah County Sheriff's department.

2. On approximately August 30, 1993, I received a call from Ms. Dinnocenzo regarding a complaint she had made against an officer who came to her house. The officer talked to her about a call the officer had answered that Joey Hedlund was cutting herself. During Ms. Dinnocenzo's call to me she indicated willingness to dismiss her complaint. She also indicated she had placed a call to Mt. Hood Mental Health regarding Joey which eventually resulted in the officer coming out to her house to investigate it. Ms. Dinnocenzo told me she had made the call to Mt. Hood Mental Health in part out of vindictiveness because of her anger over what she thought her neighbors had done to her.

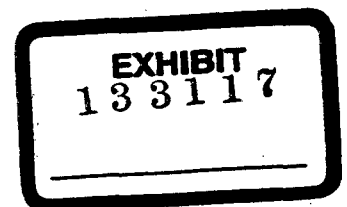
/

/

/

/

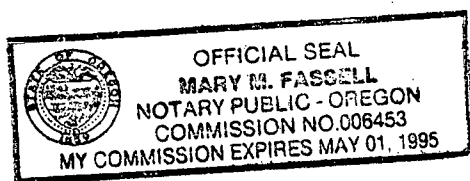
/



3. I gave a copy of the tape of this telephone call to the Multnomah County Adult Care Home Program for use in their administrative hearing regarding Ms. Dinnocenzo.

Kristi Gustafson
Kristi Gustafson

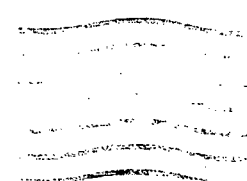
SUBSCRIBED AND SWORN TO before me this 4th day of February, 1994.



Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95

9

Ms. Evalyne L. Gerbich
3234 SE 129th
Portland, OR 97236



133117

Portland, Or.
2-9-94

Hearings Office,

I am sending my check for
\$65.00 to receive all the tapes for
the Charla DennoCenzo hearings
Please let me know when we
can pick up the tapes

Thank you
Evalyne L. Gerbich
Phone # 760-5440

RECEIVED
FEB 10 1994
HEARINGS OFFICE



Change made:

Added Hedlund.

Hearing # 133117

Notification List

Date Prepared: 2/16/94

Respondent: Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative: Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney: H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney: Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party: Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Other Party: Linda R. Hedlund
3232 S.E. 129th
Portland, OR 97236

Other Party: Kathy Vollans
42066 S.E. Erickson Road
Sandy, OR 97055
668-4906 home / 668-5740 parents



Change made:

Added Jennifer Brandlon to mailing list.

Hearing # 133117

Notification List

Date Prepared: 2/17/94

Respondent: Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

City Representative: Stephen P. Balog
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, ext. 6458

Attorney: H. H. (Chip) Lazenby
County Counsel
1120 S.W. 5th Avenue, 15th floor
Portland, OR 97204
248-3138

Attorney: Martin Reeves
Attorney at Law
610 S.W. Alder Street, #910
Portland, OR 97205
227-5144

Other Party: Jennifer Brandlon
1426 S.E. Yukon Street
Portland, OR 97202

Other Party: Mary Fassell
Multnomah County Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Other Party: Linda R. Hedlund
3232 S.E. 129th
Portland, OR 97236

Other Party: Kathy Vollans
42066 S.E. Erickson Road
Sandy, OR 97055
668-4906 home / 668-5740 parents



12

CITY OF

PORTLAND, O

HEARINGS OFF

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960

Officer
7719
Officer
7307
5370

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 3
To <i>Kristen</i>	From <i>Ruth</i>	
Co. <i>Pecunold?</i>	Co. <i>Hearings</i>	
Dept.	Phone #	
Fax # <i>777-8566</i>	Fax #	

HEARINGS OFFICER'S DETERMINATION AND ORDER

APPEAL OF CHARLA DINNOCENZO

HEARING NO. 133117

APPEARANCES:

Mr. H. H. Lazenby, Deputy County Counsel, for Multnomah County

Mr. Martin Reeves, Attorney at Law, for the appellant, Charla Dinnocenzo.

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination of the Manager of the Multnomah County Adult Care Home Program revoking the Adult Care Home license of the appellant, Charla Dinnocenzo. After investigation, the Manager imposed the sanction of revocation pursuant to his authority under MCAR 890-080-120(k)(C) after determining that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home." Ms. Dinnocenzo appealed that determination pursuant to MCC 8.90.090 and this proceeding followed.

Ultimately, this proceeding is not about the appellant's care for her residents. While there have been numerous complaints about Ms. Dinnocenzo's care and treatment of, and behavior towards, the residents of her adult care home, many, if not most, of those allegations were not substantiated by Multnomah County investigative personnel. Of those resident care and treatment complaints which were found to be substantiated by County investigators, most appear to be the result of misunderstandings, minor misjudgments, or legitimate differences of opinion over the requirements of the Administrative Rules. While the sheer number of complaints received is somewhat troubling, the substantiated complaints do not seem to have involved any serious or substantial threat to the health, welfare, or rights of the residents or to evidence any pattern of neglect or misconduct. While the care provided by Ms. Dinnocenzo is, perhaps, not optimal, the care provided her residents does appear to fall within the acceptable range and is not so substandard as would justify revocation, at least not until lesser corrective measures had failed.

However, while Ms. Dinnocenzo's care and treatment of her residents seems to fall within minimum acceptable parameters, her behavior towards persons other than residents does not. The record is replete with evidence that Ms. Dinnocenzo is simply unable to deal with persons she perceives as opposing her in an acceptable manner. When Ms. Dinnocenzo perceives opposition, she becomes confrontational and even paranoid. She is rude, angry, abusive, defensive, and hostile. She does not cooperate or seek understanding or accommodation but rather confronts, opposes, and reacts. She is, in the words of her own psychiatrist, "aggressive with those who conflict with her" and "a pain in the neck."

The reports of this rude, offensive, and hostile behavior come from a large number of people - County employees, employees and volunteers of the State Ombudsman's Office, friends and relatives of residents, neighbors, State Court personnel, and sheriff and animal control officers have all been victims of this type of behavior.

She engages in vindictive actions intended to "get" the person she perceives as having offended against her. She has filed internal investigation complaints against Sheriff's Department officers. She has made false allegations of sexual improprieties against State Ombudsman volunteers. Her report to Mental Health regarding Joey Hedlund was, if not false, certainly mean-spirited and intended to cause inconvenience and embarrassment to the Hedlunds. She hired private investigators to investigate both her neighbors and Multnomah County regulatory staff, apparently in pursuit of her belief that these persons were engaged in some sort of conspiracy against her. Her repeated actions in dismantling her neighbors' wood pile were videotaped and can only be described as bizarre.

In short, her seemingly consistent behavior in these types of interactions is clearly outside of normal and accepted limits. While perhaps not rising to the level of a mental illness or disorder, these behaviors are certainly evidence of a "psychiatric or psychological problem" which obviously affects her ability to deal with people she perceives as opposing or in conflict with her including government regulators and overseers.

However, given that Ms. Dinnocenzo's care and treatment of her residents apparently falls within acceptable limits, the question which must be resolved is whether her problems in dealing with others can fairly be deemed to "compromise ... her ability to operate or provide care in an Adult Care Home." With some hesitation, I have concluded that these problems do, indeed, compromise her ability to operate her adult care facility.

The operation of an adult care facility involves more than simply the care and treatment of the facility's residents. As the adult care industry is a highly regulated one, operation of an adult care home must, of necessity, involve frequent dealings with the governmental regulators and other authority figures. Almost inevitably, there will be times when the requests, instructions, inspections, requirements, and oversight of the government regulators will be perceived, rightly or wrongly, as in opposition to the interests of the adult care home operator. If the operator consistently reacts to this necessary government oversight with hostility, rudeness, defensiveness, non-cooperation, defiance, and the construction of conspiracy theories, then the government regulators cannot effectively perform their duties and the operation of the facility is most certainly compromised. In this case, Ms. Dinnocenzo's actions have clearly effected, substantially and in an adverse way, the effective government oversight of her adult care facility.

Finally, I have considered whether or not revocation is the appropriate remedy in this case or whether some sanction less than revocation might be more appropriate. Ultimately, I believe that the Manager's decision to revoke was the correct one. The testimony indicated that, of the approximately 600 adult care homes in Multnomah County, dealing with Ms. Dinnocenzo's required far and away the greatest allocation of government resources. The operation of the State

Ombudsman's Office was disrupted because volunteers and district managers no longer felt safe in dealing with Ms. Dinnocenzo. Other government employees have been reassigned because they could no longer endure Ms. Dinnocenzo's hostility. If Ms. Dinnocenzo's license were not revoked, I see no reason why this pattern would not continue. Continuation of her license would continue to disrupt the operation of the Adult Care Home Program and the effective regulation and supervision of her facility would continue to be difficult and problematic.

Accordingly, the determination of the Manager should be sustained, with appropriate modifications in the effective date to allow the orderly transfer of residents from the home.

ORDER AND DETERMINATION:

1. The determination of the Manager of the Multnomah County Adult Care Program dated September 22, 1993, revoking the Adult Care Home License of the appellant Charla Dinnocenzo is MODIFIED to provide that the revocation shall be effective March 30, 1994. Except as so modified, the determination is SUSTAINED.
2. This order and determination has been mailed to the parties on February 18, 1994, and shall become final on March 7, 1994, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated:

February 18, 1994

WWS:db

William Shatz
Code Hearings Officer

(13)

REEVES, KAHN & EDER

ATTORNEYS AT LAW

4934 S.E. WOODSTOCK BLVD.

PORTLAND, OREGON 97206

(503) 777-5473

Fax (503) 777-8566

DATE: 3-3-94

Fax Transmittal Cover Sheet

To: Hearings Officer William Shotzer

Attention: _____

Fax number: 823-5370From: J. Kristen AcknoldComments: Re: Charles DiNocenzo #133117

Number of pages being transmitted(including this sheet): 2Time of Transmittal: _____ AM 12:20 PM

If you do not receive all the pages indicated, please call us as soon as possible: (503) 777-5473.

This message is intended only for the use of the individual or entity to which it is addressed. It may contain information that is privileged or confidential and which may be exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or authorized agent, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Please destroy or return the original to the above address.

Thank you.

REEVES, KAHN & EDER

ATTORNEYS AT LAW

4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206TELEPHONE (503) 777-5473
FAX (503) 777-8566

Please reply to East Portland Office

H. PHILIP EDER
GARY K. KAHN*
J. KRISTEN PECKNOLD
MARTIN W. REEVES*

*Also Admitted in Washington

DOWNTOWN PORTLAND OFFICE
910 OREGON NATIONAL BUILDING
610 S.W. ALDER STREET
PORTLAND, OREGON 97205-3610TELEPHONE (503) 227-5144
FAX (503) 227-2503

March 3, 1994

Sent by Facsimile to 823-5370Hearings Officer William Shatzer
1120 SW 5th Avenue, Room 1017
Portland OR 97204-1960RE: In the Matter of the License of
Charla Dinnocenzo, #133117

Dear Mr. Shatzer:

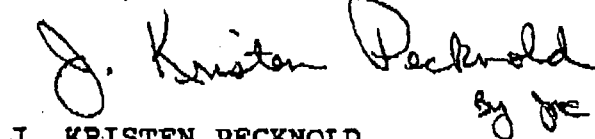
As you know, this office represents Charla Dinnocenzo. We intend to file exceptions to the decision dated February 18, 1994. Under MCAR 890-090-410, we have 20 days from the date of the Order to file our written exceptions. Under MCC 8-90-090(I), the hearings officer is to notify the parties of the date by which exceptions need to be filed. By our calculation, we have 20 days or until March 10, 1994, instead of March 7, 1994 as stated in your decision. We would appreciate it if you would correct the Order.

We also would like to request complete copies of the audio tapes of the hearing and the tape and exhibit logs. Once they are ready, we would appreciate a call so we can pick them up. Because of the unusual length of the hearing and the need to review the lengthy tapes, we would like to request a telephone conference with you and Mr. Lazenby to discuss an extension of time in which to file our written exceptions so that they can be as specific as possible.

Mr. Reeves has left a message with Mr. Lazenby and we have sent a copy of this letter via facsimile to inform him of this request.

Very truly yours,

REEVES, KAHN & EDER

J. KRISTEN PECKNOLD
sf

cc: Chip Lazenby (Fax #248-3377)



14

CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017

Portland, Oregon 97204-1960

Elizabeth A. Normand, Land Use Hearings Officer
(503) 823-7719

William W. Shatzer, Code Hearings Officer
(503) 823-7307

FAX (503) 823-5370

HEARINGS OFFICER'S CORRECTED DETERMINATION AND ORDER

APPEAL OF CHARLA DINNOCENZO

HEARING NO. 133117

APPEARANCES:

Mr. H. H. Lazenby, Deputy County Counsel, for Multnomah County

Mr. Martin Reeves, Attorney at Law, for the appellant, Charla Dinnocenzo.

HEARINGS OFFICER: Mr. William W. Shatzer

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

This is an appeal from a determination of the Manager of the Multnomah County Adult Care Home Program revoking the Adult Care Home license of the appellant, Charla Dinnocenzo. After investigation, the Manager imposed the sanction of revocation pursuant to his authority under MCAR 890-080-120(k)(C) after determining that Ms. Dinnocenzo has a "psychiatric or psychological problem ... which compromises ... her ability to operate or provide care in an Adult Care Home." Ms. Dinnocenzo appealed that determination pursuant to MCC 8.90.090 and this proceeding followed.

Ultimately, this proceeding is not about the appellant's care for her residents. While there have been numerous complaints about Ms. Dinnocenzo's care and treatment of, and behavior towards, the residents of her adult care home, many, if not most, of those allegations were not substantiated by Multnomah County investigative personnel. Of those resident care and treatment complaints which were found to be substantiated by County investigators, most appear to be the result of misunderstandings, minor misjudgments, or legitimate differences of opinion over the requirements of the Administrative Rules. While the sheer number of complaints received is somewhat troubling, the substantiated complaints do not seem to have involved any serious or substantial threat to the health, welfare, or rights of the residents or to evidence any pattern of neglect or misconduct. While the care provided by Ms. Dinnocenzo is, perhaps, not optimal, the care provided her residents does appear to fall within the acceptable range and is not so substandard as would justify revocation, at least not until lesser corrective measures had failed.

However, while Ms. Dinnocenzo's care and treatment of her residents seems to fall within minimum acceptable parameters, her behavior towards persons other than residents does not. The record is replete with evidence that Ms. Dinnocenzo is simply unable to deal with persons she perceives as opposing her in an acceptable manner. When Ms. Dinnocenzo perceives opposition, she becomes confrontational and even paranoid. She is rude, angry, abusive, defensive, and hostile. She does not cooperate or seek understanding or accommodation but rather confronts, opposes, and reacts. She is, in the words of her own psychiatrist, "aggressive with those who conflict with her" and "a pain in the neck."

The reports of this rude, offensive, and hostile behavior come from a large number of people - County employees, employees and volunteers of the State Ombudsman's Office, friends and relatives of residents, neighbors, State Court personnel, and sheriff and animal control officers have all been victims of this type of behavior.

She engages in vindictive actions intended to "get" the person she perceives as having offended against her. She has filed internal investigation complaints against Sheriff's Department officers. She has made false allegations of sexual improprieties against State Ombudsman volunteers. Her report to Mental Health regarding Joey Hedlund was, if not false, certainly mean-spirited and intended to cause inconvenience and embarrassment to the Hedlunds. She hired private investigators to investigate both her neighbors and Multnomah County regulatory staff, apparently in pursuit of her belief that these persons were engaged in some sort of conspiracy against her. Her repeated actions in dismantling her neighbors' wood pile were videotaped and can only be described as bizarre.

In short, her seemingly consistent behavior in these types of interactions is clearly outside of normal and accepted limits. While perhaps not rising to the level of a mental illness or disorder, these behaviors are certainly evidence of a "psychiatric or psychological problem" which obviously affects her ability to deal with people she perceives as opposing or in conflict with her including government regulators and overseers.

However, given that Ms. Dinnocenzo's care and treatment of her residents apparently falls within acceptable limits, the question which must be resolved is whether her problems in dealing with others can fairly be deemed to "compromise ... her ability to operate or provide care in an Adult Care Home." With some hesitation, I have concluded that these problems do, indeed, compromise her ability to operate her adult care facility.

The operation of an adult care facility involves more than simply the care and treatment of the facility's residents. As the adult care industry is a highly regulated one, operation of an adult care home must, of necessity, involve frequent dealings with the governmental regulators and other authority figures. Almost inevitably, there will be times when the requests, instructions, inspections, requirements, and oversight of the government regulators will be perceived, rightly or wrongly, as in opposition to the interests of the adult care home operator. If the operator consistently reacts to this necessary government oversight with hostility, rudeness, defensiveness, non-cooperation, defiance, and the construction of conspiracy theories, then the government regulators cannot effectively perform their duties and the operation of the facility is most certainly compromised. In this case, Ms. Dinnocenzo's actions have clearly effected, substantially and in an adverse way, the effective government oversight of her adult care facility.

Finally, I have considered whether or not revocation is the appropriate remedy in this case or whether some sanction less than revocation might be more appropriate. Ultimately, I believe that the Manager's decision to revoke was the correct one. The testimony indicated that, of the approximately 600 adult care homes in Multnomah County, dealing with Ms. Dinnocenzo's required far and away the greatest allocation of government resources. The operation of the State

Ombudsman's Office was disrupted because volunteers and district managers no longer felt safe in dealing with Ms. Dinnocenzo. Other government employees have been reassigned because they could no longer endure Ms. Dinnocenzo's hostility. If Ms. Dinnocenzo's license were not revoked, I see no reason why this pattern would not continue. Continuation of her license would continue to disrupt the operation of the Adult Care Home Program and the effective regulation and supervision of her facility would continue to be difficult and problematic.

Accordingly, the determination of the Manager should be sustained, with appropriate modifications in the effective date to allow the orderly transfer of residents from the home.

ORDER AND DETERMINATION:

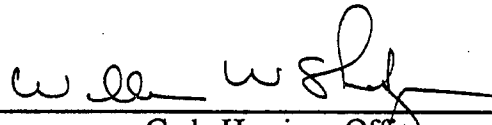
1. The determination of the Manager of the Multnomah County Adult Care Program dated September 22, 1993, revoking the Adult Care Home License of the appellant Charla Dinnocenzo is MODIFIED to provide that the revocation shall be effective March 30, 1994. Except as so modified, the determination is SUSTAINED.
2. This order and determination has been mailed to the parties on February 18, 1994, and shall become final on **March 10**, 1994, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated: _____

3/3/94

WWS:db
3

NUNC PRO TUNC
Feb 18, 1994



Code Hearings Officer



15

CITY OF

PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017

Portland, Oregon 97204-1960

Elizabeth A. Normand, Land Use Hearings Officer
(503) 823-7719

William W. Shatzer, Code Hearings Officer
(503) 823-7307

FAX (503) 823-5370

March 3, 1994

Ms. J. Kristen Pecknold
Attorney at Law
4934 S.E. Woodstock Blvd.
Portland, OR 97206

SUBJECT: Appeal of Charla Dinnocenzo, No. 133117

Dear Ms. Pecknold:

I have issued a corrected determination in this proceeding correcting the date for filing exceptions.

I don't see that I have any authority to extend the 20-day period specified in MCAR 890-090-400. Rather, I think your request would have to be directed to the Director, who has the authority under MCC 8.90.020 to approve variances from the Rules.

Very truly yours,

**WILLIAM W. SHATZER
CODE HEARINGS OFFICER**

WWS:db

Enclosure

cc: Mr. H. H. (Chip) Lazenby
Mr. Stephen P. Balog

16

EVALYNE L. GERBICH
3234 SE. 129TH 760-5440
PORTLAND, OR 97236

24-22-13T
1230

2497

2-9 1994

PAY City Treasurer \$ 65.00
TO THE ORDER OF Sixty five & no/100 DOLLARS



1-800-438-5663

UNITED STATES NATIONAL BANK OF OREGON

MEMO Tapes of Wendell

Evalyne L. Gerbich

121230002201 111 0824 117 2497

#133117

17

#133117

472

REEVES, KAHN & EDER
ATTORNEYS-AT-LAW
610 SW ALDER ST., STE. 910 PH. 227-5144
PORTLAND, OR 97205

3/4 1994 24-22 1230 93

PAY TO THE ORDER OF Treasury City of Portland \$ 65.00

Sixty five DOLLARS

U.S. BANK 1 800 US BANKS
UNITED STATES NATIONAL BANK OF OREGON

REEVES, KAHN & EDER
Gary Kahn

MEMO

⑆ 123000220⑆ 093 0008 537⑈ 0472

18

CITY OF PORTLAND -- CODE HEARINGS OFFICE

Hearing No. 133117

Hearings Officer: William W. Shatzer

HEARING RECORD

Date	Tape #	Counter Reading		Date	Tape #	Counter Reading	
		Beg.	End			Beg	End
1/16/94	1	22	7104	1/27/94	3	20	6970
	2	22	5054		4	20	
			5167	1/28/94	1	20	3690
1/7/94	1	22	6951				
	2	20	6680				
	3	20	6845				
	4	21	3332				
1/13/94	2	20	6460				
	3	20	3705				
1/27/94	2	20	7204				

Exh. No.	Date	Offered by	Rc-Received Rj-Rejected Rs-Reserved	Description
101	1/7/94	Appellant	Rc	photo
102	1/6/94	Appellant	Rc	
103	1/7/94	Appellant	Rc	
104	1/7/94	Appellant	Rc	
105	1/7/94	Appellant	Rc	
106	1/7/94	Appellant	Rc	
108	1/6/94	Appellant	Rc	notice 11/24/93
107	1/6/94	Appellant	Rc	examiner's report
109	1/6/94	Appellant	Rc	examiner's report
110	1/6/94	Appellant	Rc	contract 11/5/93
111	1/6/94	Appellant	Rc	letter 12/2/93
112	1/6/94	Appellant	Rc	letter 12/8/93
1	1/6/94	County	Rc	videotape - 44.5 min
2	1/6/94	County	Rc	videotape (edited) - ~8 min
3	1/7/94	County	Rc	final order
4	1/7/94	County	(Rs) Rc	43634 (log #) - Prot. Service investigator
5	1/7/94	County	Rc	letter 12/15/93

Exh. No.	Date	Offered by	Rc-Recieved Rj-Rejected Rs-Reserved	Description
113	1/7/94	Appellant	Rc	letter 5/8/93
114	1/7/94	Appellant	Rc	doctor's notes re Quinones
115	1/13/94	Appellant	Rc	letter 10/24/93
116	1/13/94	Appellant	Rc	letter 5/16/93
117	1/13/94	Appellant	Rc	chart notes re Fowler 9/16/93
118	1/13/94	Appellant	Rc	doctor's notes re Fowler 11/7/93
119	1/13/94	Appellant	Rc	letter 2/23/93
120	1/27/94	Appellant	Rc	report of investigation
121	1/7/94	Appellant	Rc	46317 (Doc #) Dr. Sardo's resume
122	1/7/94	Appellant	Rc	letter 5/9/93
123	1/7/94	Appellant	Rc	letter undated
124	1/27/94	Appellant	Rc	affidavit - Craft
125	1/27/94	Appellant	Rc	" Runyon
126	1/27/94	Appellant	Rc	" Guittou
127	1/27/94	Appellant	Rc	" Hernandez
128	1/27/94	Appellant	Rc	" Daxchel Daxchel
129	1/27/94	Appellant	Rc	recap of complaints
130	1/27/94	Appellant	Rc	house rules
131	1/27/94	Appellant	Rc	Wittler contract
132	1/27/94	Appellant	Rc	letter - East Mottor Mediation
6	1/27/94	County	Rc	affidavit - Wheeler
8	1/27/94	County	Rc	" Rader
7	1/27/94	County	Rc	" Helt
9	1/27/94	County	Rc	" Stewart
10	1/27/94	County	Rc	" Kingma
11	1/27/94	County	Rc	" Boldrick
12	1/27/94	County	Rc	" Lewis
13	1/27/94	County	Rc	letter - 11/25/91
14	1/27/94	County	Rc	casualty tape - Gustafson
133	1/27/94	Appellant	Rc	statement - Clark
134	1/27/94	Appellant	Rc	" Miller
135	1/27/94	Appellant	Rc	" Miller
136	1/27/94	Appellant	Rc	letter - 1/27/94
137	1/27/94	Appellant	Rc	"final memo" - 9/29/93



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
Probate Department

In the Matter of
BARBARA STARR
Alleged to be a Mentally Ill Person

No. 931097563

FINAL ORDER

By virtue of a notification of mental illness, a citation was issued and served upon the above named. A hearing was thereupon held this date, in which the following named persons appeared:

- A. The above named who is alleged to be mentally ill.
- B. MARY CLAIRE BUCKLEY, appointed counsel for the above named.
- C. DEPUTY DISTRICT ATTORNEY, representing the State's interest.
- D. SAND CARLYLE and JO McWHIRTER, examiners.

THE COURT HEREBY ORDERS AS FOLLOWS:

☐ The notification of mental illness is dismissed and the above named person is discharged.

☒ The Court finds upon clear and convincing evidence that the above named suffers from a mental disorder and:

- ☒ is dangerous to others.
- ☐ is dangerous to self.
- ☐ is unable to provide for basic personal needs and is not receiving such care as is necessary for health or safety.
- ☐ has stipulated to a civil commitment.

☐ The Court further finds that the above named is either unwilling, unable or unlikely to participate in treatment on a voluntary basis, and that a conditional release is either unavailable or not in the above named person's best interest. It is therefore ordered that the above named person be committed and promptly delivered to the Mental Health Division for a period not to exceed 180 days. If applicable, conditions of the outpatient commitment are attached.

☒ The above named person is conditionally released pursuant to ORS 426.125 to Emmett James Carson whose address and telephone number are 3140 SE 129, PORTLAND 97214, for a period not to exceed 180 days. The conditions of such release are attached heretor.

DATED this 4TH day of NOVEMBER, 19 93.

Chris M. J. [Signature]
CIRCUIT JUDGE

ILLING STATUS: ☐ VA ☐ MEDICARE ☐ MEDICAID ☒ PRIVATE

INFORMATION IN THIS SECTION IS NOT CONFIDENTIAL.

FACILITY NAME Dinnocenzo AFH		DESIGNEE #	METHOD OF CONTACT Visit
ADDRESS 3140 SE 129th		DATE/TIME RECEIVED 11/05/93	RECEIVED BY: D. Waltman
DATE/TIME OF INCIDENT 11/05/93	REFERRED TO: D. Waltman	DATE INVESTIGATED 11/05/93	TIME REQUIRED FOR INVESTIGATION

DESCRIPTION OF PROBLEM: (who, what, when, where) DO NOT USE NAMES.

A/p#1 allowed A/p#2, who has history of physical abuse, to return to facility thus violating Multnomah County Administrative Rule for Licensure of Adult Care Homes #890-015-660, Parts (c) and (d):

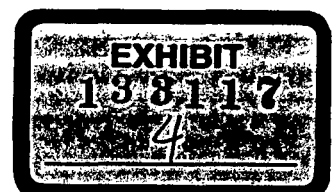
- (c) failure to provide a safe.....environment or.....
- (d) Recklessly endangering a resident's health, safety or welfare

RECEIVED
DEC - 2 1993
ADULT CARE HOME PROGRAM

rcle category 1 2 3 4 5 6 7 8 9

LOG #

SDS 723 (Rev. 10/82)



COMPLAINT INVESTIGATION REPORT

Category: _____ Facility Name: Dinnocanzo AFH ☒ Initial ☐ Follow-up

Narrative: Action taken and findings (include dates and times - do not use names)

11/05/93 Interviewed A/P#1. Stated A/P#2 would have had to go to Dammasch because neither the Mental Health or the Disabled Services system had a placement for A/P#2 upon release from commitment hearing. A/P#2 had resided at A/P#1's facility before. A/P#1 took A/P#2 into facility on conditional release from court and a promise from A/P#2 to sign a contract with A/P#1 spelling out compliance with behaviors. A/P#1 stated A/P#2 gets along well with elderly resident in AFH. Never any abusive incidents. In past, A/P#2 has only lashed out at authority figures, reported A/P#1. Presently, A/P#2 has own living quarters in AFH away from other residents.

11/10/93 Interviewed elderly resident. Remembered A/P#2 from previous stay and had no recollection of abusive situations. Never had been hit by A/P#2. Mentioned A/P#2 slamming doors; "It doesn't bother me",

Reviewed A/P#2's case file. No reports of any hitting incidents since admitted on 11/04. Viewed Probate Court release to A/P#1's custody and contract with A/P#1 signed by A/P#2 dated 11/05/93. Contract had no "therefore" clause but A/P#1 stated if any violation occurred, A/P#2 would be sent to Woodland Park Hospital psych unit.

Reviewed A/P#2's previous case file from 10/22/92 to 02/16/93. Noted incidents of arguing with 2 elderly residents, yelling, blaring stereo and throwing things. On 02/15/93, police officer came and took A/P#2 to hospital. "Told officer when he witness hitting me that A/P#2 was too dangerous to safety of other residents and myself" stated in A/P#2's case file.

Interviewed A/P#1. A/P#2 reported incident to A/P#1 of kicking a CNA at Gresham Retirement. When A/P#1 went to commitment hearing on 11/04, found out A/P#2 had demonstrated combative behavior to CNA at Gresham Retirement. Intended to take A/P#2 to AFH because no plans had been made through Mental Health or DSO for A/P#2's placement and A/P#1 did not want A/P#2 to go to Dammasch. Had plans to house A/P#2 in separated living situation.

FINDINGS: (Check appropriate box and provide comments if needed.)

- ☐ 01 Statute or rule violation evident _____
☐ 02 No statute or rule violation evident _____
☐ 03 Unable to determine if violation occurred _____

ACTION: (Check appropriate box(es).)

- ☐ 01 Revisit Date: _____ ☐ 05 Civil penalty
☐ 02 Referred to: _____ ☐ 06 Administrative conference
☐ 03 Decertification _____ DATE ☐ 07 Letter of reprimand
☐ 04 License revocation _____ ☐ 08 Date investigation closed: _____

REPORT FILED BY (Signature): Donna Waltman

LEA NOTIFIED: ☐ YES DATE: _____ TIME: _____ ☐ NO

COMPLAINT INVESTIGATION REPORT

Category: _____

Facility Name: Dinnocenzo AFH

☒ Initial ☐ Follow-up

Narrative: Action taken and findings (include dates and times -- do not use names)

11/23/93 Interviewed A/P#2 in personal living quarters. Reported A/P#1 set up appointment with psychologist to help A/P#2 deal with combative behaviors. Likes living situation and wants to overcome outbursts. A/P#2 has 2 rooms but eats in common dining area and uses bathroom with elderly resident.

Interviewed elderly resident. Reported no abusive incidents.

Reviewed case file. No recorded incidents.

A/P#1 reported no incidents.

11/29/93 Interviewed Witness over phone. Reported agency could not support unsafe care plan and would not follow A/P#2 as a client in present situation. A/P#2 has reported history of hitting dating back 15 years.

OUTCOME: VIOLATION OF 890-015-660 Parts (c) and (d): SUBSTANTIATED.

CONCLUSION: A/P#1 knew about A/P#2's abusive past from A/P#2's previous stay at A/P#1's facility as evidenced in case records. By allowing A/P#2 to return, A/P#1 endangered the safety of other residents. It is unfortunate that A/P#2 "falls through the cracks" in all systems and there are no systems' resources left that are appropriate to assist A/P#2 with behavior problems at this time. It is noted that A/P#1 has attempted to control A/P#2's outbursts by providing separate living quarters, requiring a signed contract of appropriate behaviors and seeking a psychologist's counseling. But A/P#2 still has access to all residents and their safety needs to be assured as much as possible.

FINDINGS: (Check appropriate box and provide comments if needed.)

- ☐ 01 Statute or rule violation evident _____
☐ 02 No statute or rule violation evident _____
☐ 03 Unable to determine if violation occurred _____

ACTION: (Check appropriate box(es).)

- ☐ 01 Revisit Date: _____ ☐ 05 Civil penalty
☐ 02 Referred to: _____ ☐ 06 Administrative conference
☐ 03 Decertification _____ DATE _____ ☐ 07 Letter of reprimand
☐ 04 License revocation _____ ☐ 08 Date investigation closed: _____

REPORT FILED BY (Signature): Donna Waltman

LEA NOTIFIED: ☐ YES DATE: _____ TIME: _____ ☐ NO

DISTRIBUTION: BRANCHES-KEEP LAST COPY AND SEND BALANCE TO SSD PROGRAM OPERATIONS

SSD PROGRAM OPERATIONS-SEND COPIES TO HEALTH DIVISION AND LONG-TERM CARE OMBUDSMAN

SDS 723A (4/82)



MULTNOMAH COUNTY OREGON



DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
- DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

December 15, 1993

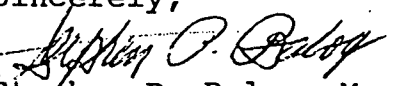
Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

Dear Ms. Dinnocenzo:

During the most recent visit to your home by my staff, they found that you did not have a signed contract with Barbara Starr. While you did bring in a contract to the administrative conference held in our office on December 7, 1993, this contract does not meet the requirements of MCAR 890-020-430. Among the several required items lacking from this contract, is the matter of the how much the resident will be paying for services. In order to comply with the requirements of this section of the Rules, I am requiring that you make up a contract between you and Barbara according to the requirements as stated in the above cited section of the Rules. If you already have such a contract, please send this office a copy immediately. In any case, please provide this office with a copy of such a contract no later than December 22, 1993.

Thank you for taking care of this matter.

Sincerely,


Stephen P. Balog, Manager
Adult Care Home Program
Multnomah County

*Note to file
not received as of 1/7/94
KB*

- c. Mr. Martin Reeves, Attorney at Law
Mr. Vernon Cook, Attorney at Law
Mr. H.H. Lazenby, County Counsel
Ms. Eileen Brooks, Licensing Staff

24

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

)
) No. 133117
)

) AFFIDAVIT OF ALICE
) WHEELER IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

I, Alice Wheeler, being first duly sworn, depose and say:

1. I am the supervisor of the Multnomah county probate court and civil commitment staff.

2. I have dealt with Charla Dinnocenzo several times. I have discussed with Charla a number of files including the civil commitment, conservatorship, and probate estate of her son Robert Dinnocenzo.

3. When I told Charla that my office did not have the authority to give her information about her son's commitment hearings, Charla called me filthy names and yelled at me. This happened several other times both to me and to other members of my staff, both while dealing with Charla in person and on the phone. Finally I told Charla's attorney that neither I nor anyone on my staff would talk to her unless her attorney were present because I did not think we should have been subjected to the abuse Charla was giving us.

4. I have also received several telephone complaints and one letter of concern from people who have had relatives in Charla's adult care home and who were worried about the instability of the



environment in the care home. I referred all parties to Aging Services.

Alice Wheeler
Alice Wheeler

SUBSCRIBED AND SWORN TO before me this 5 day of January, 1994.

Kathy S. Millan
NOTARY PUBLIC FOR OREGON
My commission expires: Aug 5, 1995



25

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

)
) No. 133117
)
) AFFIDAVIT OF PEGGY
) HULSE IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)
) ss.
County of Multnomah)

I, Peggy Hulse, being first duly sworn, depose and say:

1. I am a professional guardian and conservator for many elderly and disabled people in Oregon.

2. I am the conservator of Grace Nordgren, a resident in Charla Dinnocenzo's adult care home. I have spoken with Charla many times concerning Grace.

3. Many suppliers have complained to me about their dealings with Charla. She would order supplies and then say it was not what she wanted and use part of it and expect to them to pick it up and replace it. She would continue to do the same thing repeatedly. In an effort to work things out I have had to have conferences with supply people who refused to work with Charla anymore.

4. I find Charla is dishonest. When I was involved in preparing Grace's home for sale the telephone company called me and told me Grace's retarded daughter and Charla had called in together a request to disconnect the telephone service. This was inappropriate interference with the family's affairs by Charla, since there was disagreement between two of Grace's retarded daughters, one of whom still lived in the home. When I called



Charla about it she denied she called the telephone company. Charla later told me she had made sure that the telephone company personnel did not have written documentation of whether Charla and the daughter had called or whether it was just the daughter.

5. I find Charla twists what I say around to suit herself. Charla told me that Grace's family had upset Grace and caused Grace to have a stroke. Charla wanted me to help keep Grace's family away from Grace. I told Charla that as Grace's conservator I only had responsibility for Grace's finances. Later Charla told my associate, Roger Harms, who no longer works for me and now lives 60 miles away, that it was me who suggested that Grace's family be kept away from her and I had said the family had caused Grace to become upset and have a stroke. Charla thought my suggestions were wrong for Grace.

6. Charla falsely accused me of lying about whether I visited Grace or not.

7. Charla very often tells my answering service it is an emergency so they will page me, when it is not an emergency. I have explained to Charla that I do not want her to do that but she continues anyway.

8. My associate, Roger Harms, verified to me that Charla is not feeding Grace enough food. Grace is losing weight and admitted to Roger that she does not get enough to eat.

9. Two people have contacted me about the poor care that they know Grace is receiving in Charla's home. Both of them mentioned

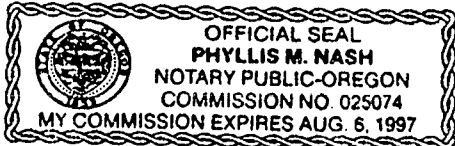
/

that they are afraid of violent retribution from complaining about Charla.

Peggy Hulse
Peggy Hulse

SUBSCRIBED AND SWORN TO before me this 5th day of January, 1994

Phyllis M. Nash
NOTARY PUBLIC FOR OREGON
My commission expires: 8/6/97



26

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

No. 133117

) AFFIDAVIT OF DAVID
) RADER IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

I, David Rader, being first duly sworn, depose and say:

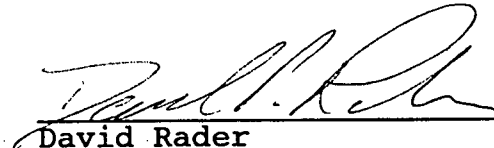
1. I am a deputy sheriff for Multnomah County. I have been involved in law enforcement for 11 years.

2. On April 16, 1993, I responded to a non-911 call that a car had been stolen. I received information that the car was not registered to the person reporting the stolen car. I went to Ms. Dinnocenzo's home. She showed me receipts and an old registration not showing her as the owner of the car. She assured me she was the owner of the car and she had merely allowed the other party to only borrow the car. She told me who had taken the car and his address. I filled out the report form and explained the part which says that she would be committing a crime if she filed a false report. She understood it and signed it. As soon as I left the house I contacted the Portland Police Department and told them to go by the address she had given me. They responded and went by the house. The car was parked in the driveway and the person there had the ownership papers. The Portland Police officer had no doubt that the other party was the owner of the car and communicated that to me. I contemplated issuing her a citation for filing a false

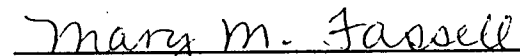


report but I did not because the incident had not yet been entered in the Law Enforcement Data System and no one had to be stopped while driving the car, which would have involved risk to both the driver and the officer involved.

I include a copy of the police report I made concerning this incident as Exhibit A.


David Rader

SUBSCRIBED AND SWORN TO before me this 6th day of January, 1994


NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95

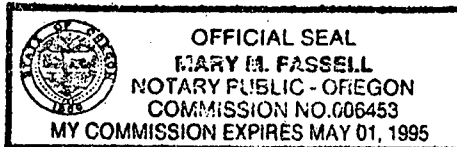


EXHIBIT A

27

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

MULTNOMAH COUNTY ADULT CARE HOME PROGRAM,

v.

CHARLA DINNOCENZO, Appellant

No. 133117

) AFFIDAVIT OF HEATHER
) STEWART IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

I, Heather Stewart, being first duly sworn, depose and say:

1. I work for the Adult Care Home Program as their community nurse. I have worked as a registered nurse for 25 years, the last six with the Adult Care Home Program.

2. On June 16, 1993, I called Charla Dinnocenzo in response to a message she had left on my voice mail regarding the use of restraints and the need for delegation to her by a medical professional on the use of the restraints. Charla told me a male resident had been admitted to her home five days previously and his doctor had order the use of restraints. When I asked Charla what level of care the resident was, she said he could be a level III depending on how someone considered him. When I asked if the resident was the correct level for her home she said that was irrelevant because she did not have a license then, and because she was experienced and qualified for level III anyway.

3. Level III is the highest level of care, and homes without a license to care for level III residents are only allowed to care for them if they first obtain a written exception from our director. Residents who need restraints often have level III care



needs.

4. I instructed Charla about the use of the restraints and the need to document her use of them.

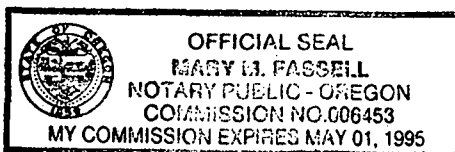
5. I asked Charla about the condition of the other residents in the home. Charla answered that I could ask anyone in my office as they all had been out to her home--16 people in one month. I explained that I needed to know how the new resident fit into the whole picture of care needs in Charla's home. Charla refused to answer and hung up.

6. The reason why I needed to know the conditions of the other residents is that if there are more than one person with heavy care needs or level III care needs in a home, the operator must hire additional help to adequately meet those needs.

6. Because of my concerns about the care needs of the new resident, I immediately went out to Charla's home to check. I brought along Cheryl Morgan from our office for a witness, since I am afraid to go out to Charla's alone because I fear she will misinterpret or twist around what I say and make a false complaint about my actions. I found the resident did not need very heavy care and was only a level II in care needs.

Heather Stewart
Heather Stewart

SUBSCRIBED AND SWORN TO before me this 12th day of January, 1994



Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95



MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

No. 133117

)
)
) AFFIDAVIT OF SUZAN
) KINGMA IN SUPPORT
) OF MULTNOMAH COUNTY

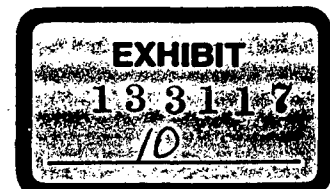
STATE OF OREGON)
County of Multnomah) ss.

I, Suzan Kingma, being first duly sworn, depose and say:

1. I am a social worker for Elderplace, a part of the Providence Hospital health care system that manages the care for elderly residents on a private basis. I have worked as a social worker for 4 years.

2. In 1992 I relocated a client from Ms. Dinnocenzo's adult care home. The client was an elderly man who accused Ms. Dinnocenzo of hitting him. The client was forgetful but I thought had no reason to make up the story. Both the client and his family wanted him to move and I agreed with them, and assisted with the move. Ms. Dinnocenzo felt the move was not right for the client even though the family and the client wanted him moved. Ms. Dinnocenzo called my supervisor, Sarah Booth, several times, complaining that I did not do my job right. My supervisor supported me completely.

3. Ms. Dinnocenzo told me the client had made sexual advances to her. The client's family did not believe it. Ms. Dinnocenzo also made the same accusations about another client that had been in her home.



4. I would not place anyone in Ms. Dinnocenzo's home based on my experiences with her. I feel that there are enough other suitable homes available without using hers where I have had such difficulties.

Suzan Kingma
Suzan Kingma

SUBSCRIBED AND SWORN TO before me this 24th day of January, 1994

Mary M. Fassel
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95



29

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,
Licensee

No. 133117

)
)
)
) AFFIDAVIT OF
) PATRICIA BALDOCK IN
) SUPPORT OF MULTNOMAH
) COUNTY

STATE OF OREGON)
County of Multnomah) ss.

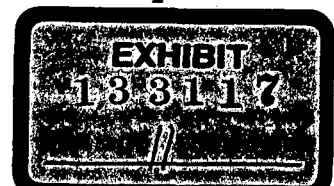
I, Patricia Baldock, being first duly sworn, depose and say:

1. My mother, Violet Dittler, was a resident in Charla Dinnocenzo's adult care home in the fall of 1992.

2. When my mother lived in Ms. Dinnocenzo's home she was alert and well aware of what was going on around her.

3. When I visited my mother in Ms. Dinnocenzo's home I found the house rules unpredictable and unreasonable. My mother told me Ms. Dinnocenzo told her she could not go in the living room ever. Neither my mother nor I were ever told why. I thought Ms. Dinnocenzo was being unreasonable because I saw another resident sitting in the living room. The only place I could visit with my mother was in the dining room-kitchen area or in my mother's bedroom. My mother told me that at times Ms. Dinnocenzo would let my mother smoke in the dining room and at other times she would tell my mother that she would have to go outside to smoke. Ms. Dinnocenzo herself would smoke in the dining room.

4. Ms. Dinnocenzo wanted everyone to do what she wanted. I thought she was unrealistic in this expectation. I suggested to her that she give my mother some little thing to do, like cutting up the lettuce or helping with the cooking in some way. Ms.



Dinnocenzo said no but she did say that she did let one of the other residents help her out. I think she did not want my mother helping her because my mother might want to do some little thing in her own way and Ms. Dinnocenzo wanted to be in complete control.

5. Ms. Dinnocenzo took away my mother's lighter and matches so my mother could not have them on her own. My mother told me Ms. Dinnocenzo was not very available for my mother to get matches. Then one night another resident in the home gave my mother a lighter. Both my mother and Ms. Dinnocenzo told me about it the next day. Ms. Dinnocenzo was very angry about it. I thought she should have used better methods to get my mother to cooperate. I was afraid that Ms. Dinnocenzo would not be able to care for the old people right because she was so mad. She was like a firecracker waiting to pop.

6. My mother preferred to watch television in her own room. Her television was very important to her. In fact it was her life. I know my mother often would not be able to get to sleep or would wake up at night and would watch television in her room. Ms. Dinnocenzo would not let her have the television on late at night even if she had it on really low. My mother told me that one day Ms. Dinnocenzo just picked up her television and started to take it away. My mother said she grabbed Ms. Dinnocenzo's hair and told her to put it down. In the process Ms. Dinnocenzo broke the antenna on the television. Ms. Dinnocenzo called the police and had my mother taken away. We never brought her back. I thought Ms. Dinnocenzo's actions were extreme considering the circumstances. I thought Ms. Dinnocenzo was angry because my

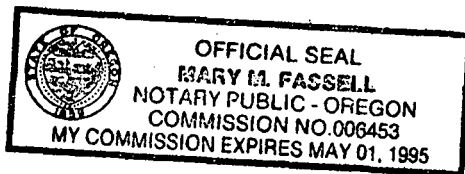
mother showed some independence and was still angry over the lighter. I thought that Ms. Dinnocenzo did not have the ability manage her old people appropriately.

7. My mother was normally easy going and kept to herself, but she could be feisty when someone tried to shove her around. My mother generally got along well with everyone. After moving from Ms. Dinnocenzo's home, she got along well in the retirement home where she lived until her death a few weeks ago.

8. I would never recommend Ms. Dinnocenzo's home for anyone to live in.

Pat Baldock
Pat Baldock

SUBSCRIBED AND SWORN TO before me this 21st day of January, 1994.



Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95

30

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Charla Dinnocenzo,

Licensee

)
) No. 133117
)

) AFFIDAVIT OF DEBERA
) LEWIS IN SUPPORT
) OF MULTNOMAH COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

1. During the summer of 1992 my grandfather lived in Ms. Dinnocenzo's adult care home. He was 84 years old and aware of what was going on around him.

2. At first my grandfather and Ms. Dinnocenzo seemed to get along well. Then one night she called me and said my grandfather had made sexual advances towards her. From her explanation of it-- a hug and a kiss on the cheek--I thought it was just normal behavior within a family. Ms. Dinnocenzo told me she could deal with it because lots of older men were like that.

3. Another night about the same time Ms. Dinnocenzo called me around 11:00 p.m. to say that my grandfather was up and being vicious and was going after her with his hand raised to hit her. She told me she called 911 to take him to the hospital. I rushed over to the home and asked my grandfather what was wrong. He said, "I don't know what her problem is. She says I can't watch TV at night. She took my TV out of my room." I knew that he liked to watch TV late at night from his bed because he had difficulty sleeping at night. I told Ms. Dinnocenzo before we moved my grandfather into her home that my grandfather was like this. My



grandfather had medication to help him sleep at night. Ms. Dinnocenzo told me she took his television out of his room so that he would sleep at night and that she did not like to use his medication because it made him sleepy all the time. The doctor found nothing wrong with my grandfather. Ms. Dinnocenzo wanted my grandfather to come back to live in her home, so he did. I could never understand what my grandfather could have done to assault Ms. Dinnocenzo because I never saw any signs of him being violent and because he is so unstable that he walks with a walker and could not walk with a hand raised.

4. When my grandfather was first in the home Ms. Dinnocenzo told me that she had no visiting hours and that I could come any time except early in the morning or late at night. Sometime later when I came over to visit Ms. Dinnocenzo had visiting hours posted on her front door and she refused to let me come in because it was not within the posted visiting hours. She had not notified me about the visiting hours even though I came to visit once or twice a week. Later on she changed the visiting hours again without telling me and again refused to let me in. In fact she would not even open the door. She just spoke to me through the window and said, "You'll have to come back. My kitchen isn't clean."

5. Ms. Dinnocenzo kept insisting my grandfather had high and low mood swings just like her deceased son had and she kept insisting my grandfather needed the same medications that her son had been getting. My grandfather's doctor would not prescribe these medications for my grandfather.

6. Ms. Dinnocenzo showed me a video camera she had set up on a tripod in her living room in front of her picture window. She told me she used it to take pictures of the police going up and down her street. She also told me she thought there were prowlers outside her house at night and she was going to catch them on film. Later my grandfather told me Ms. Dinnocenzo went into his room at night and woke him up to ask him to check to see if there were prowlers. He said he never heard or saw anything. Ms. Dinnocenzo told me she slept on the couch in the living room because she was afraid to sleep in her bedroom.

7. After my grandfather had been in Ms. Dinnocenzo's home for a month or so, I notice she seemed unstable in her moods. She gradually became less and less friendly. I never knew from one moment to the next if she would be happy or angry. My mother and I talked about all the incidents in the home and decided to give her notice that my grandfather would be moving in 30 days. After we gave her the notice she became extremely angry. She would glare at me when I came to visit. She was very short and unpleasant. She would not give me any information about my grandfather. She would simply sit at her dining room table where she could see us talking with my grandfather and watch our every movement. I noticed my grandfather was upset so we decided to move my grandfather right away without waiting the 30 days.

8. When my husband, my mother, and I went back to get my grandfather's belongings after we moved him out, Ms. Dinnocenzo had most of his belongings together at the front door. When I asked

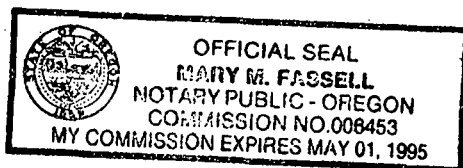
for some item that was missing she became extremely angry and claimed we were harassing her. She refused to give me the items and so I told her I would have to call the police. She then called the police herself and told them she had someone to talk to them and handed the phone to me. Then she told me I could not use her phone. I went outside and used my car phone. Officer Christensen of the Multnomah County Sheriff's Department came and helped me get the rest of my grandfather's belongings.

9. My mother provided Ms. Dinnocenzo with extra money from time to time when Ms. Dinnocenzo would say she needed it, to purchase special items for my grandfather, such as diabetic snacks. At first Ms. Dinnocenzo would provide her with an accounting of how she spent the money, including receipts. When we came by to pick up my grandfather's belongings after he moved out, my mother asked Ms. Dinnocenzo for the rest of the money she had for my grandfather's special needs. Ms. Dinnocenzo said she spent it all but she refused to give any accounting of the expenses or show any receipts.

Debera Lewis
Debera Lewis

SUBSCRIBED AND SWORN TO before me this 24 day of January, 1994

Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5-1-95





C O P Y

MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES DIVISION (503) 248-3646

ADULT HOUSING PROGRAM (503) 248-3000

421 S.W. 5TH, 2ND FLOOR

PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS

GLADYS McCOY • CHAIR OF THE BOARD

PAULINE ANDERSON • DISTRICT 1 COMMISSIONER

GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER

RICK BAUMAN • DISTRICT 3 COMMISSIONER

SHARRON KELLEY • DISTRICT 4 COMMISSIONER

November 25, 1991

Charla Dinnocenzo
3140 SE 129th Avenue
Portland, Oregon 97236

Dear Charla:

Enclosed you will find a copy of the completed report on the investigation regarding Mel Washam. As you can see, there are not any total substantiated issues, but some corrections that you are currently working on and no conclusion could be made regarding the refund.

Therefore, the following corrections must be made and compliance regarding your records continue:

1. Resident records must be completed upon admission to your home as I have shown you, and the student nurse is in the process of teaching you. You are responsible to obtain blank copies to do so.
2. You must document clearly, and immediately all special incidents as you have reported to me as occurring as occurred with Mr. Washam.
3. You must give the responsible party a copy of the contract agreement signed on admission, and have a clear effective date indicated.
4. You must be careful in deciding whether to admit a new resident. This includes your skills in caring for that resident. Contact our office if you need assistance or advice in doing so.

As the report indicates, due to the discrepancies between yourself and Jim Washam regarding the effective date of the contract, I am not going to be able to give you a clear definitive answer regarding a refund. If we use your effective



Charla Dinnocenzo
November 25, 1991
Page 2

date there would be no refund owing. However, if we use Mr. Washam's of 9/20/91 and add 7 days to the day Mel Washam left, the total owed would be \$800. Therefore, you would owe him \$800, and should have refunded it by October 31, 1991. The issue now must be between the two of you if action is going to be taken.

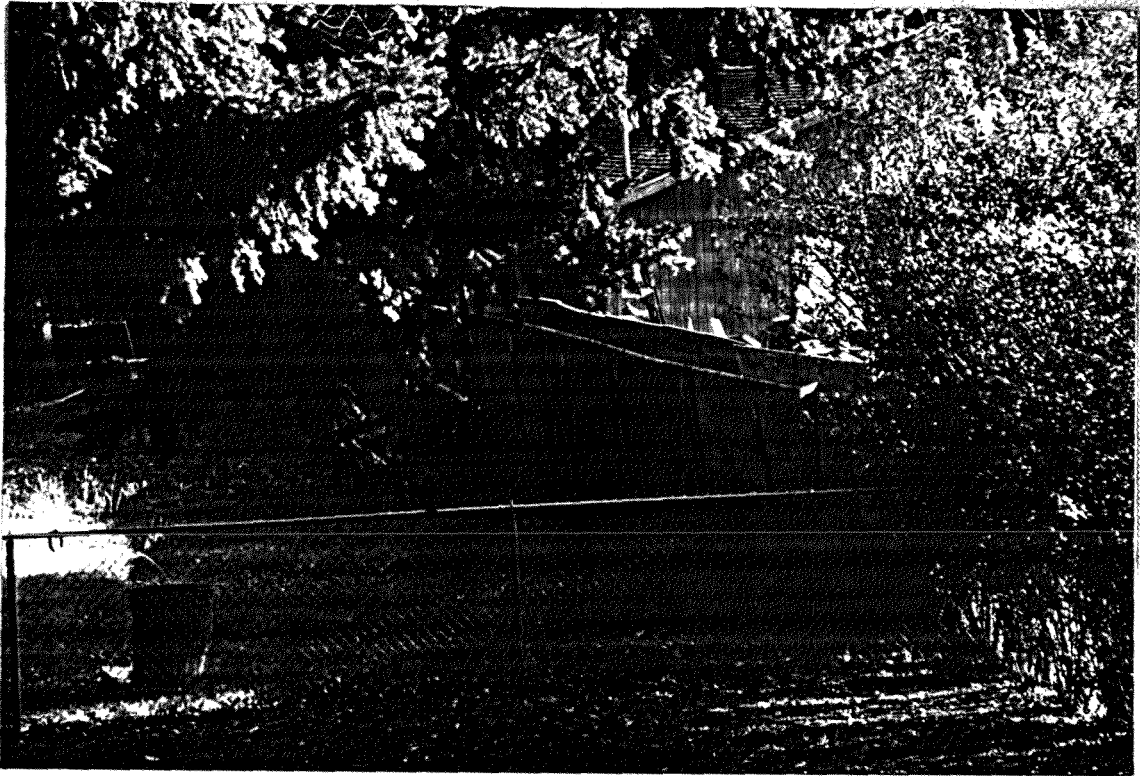
Thank you for your patience in completion of this investigation. If you have further questions, please feel free to contact me.

Sincerely,

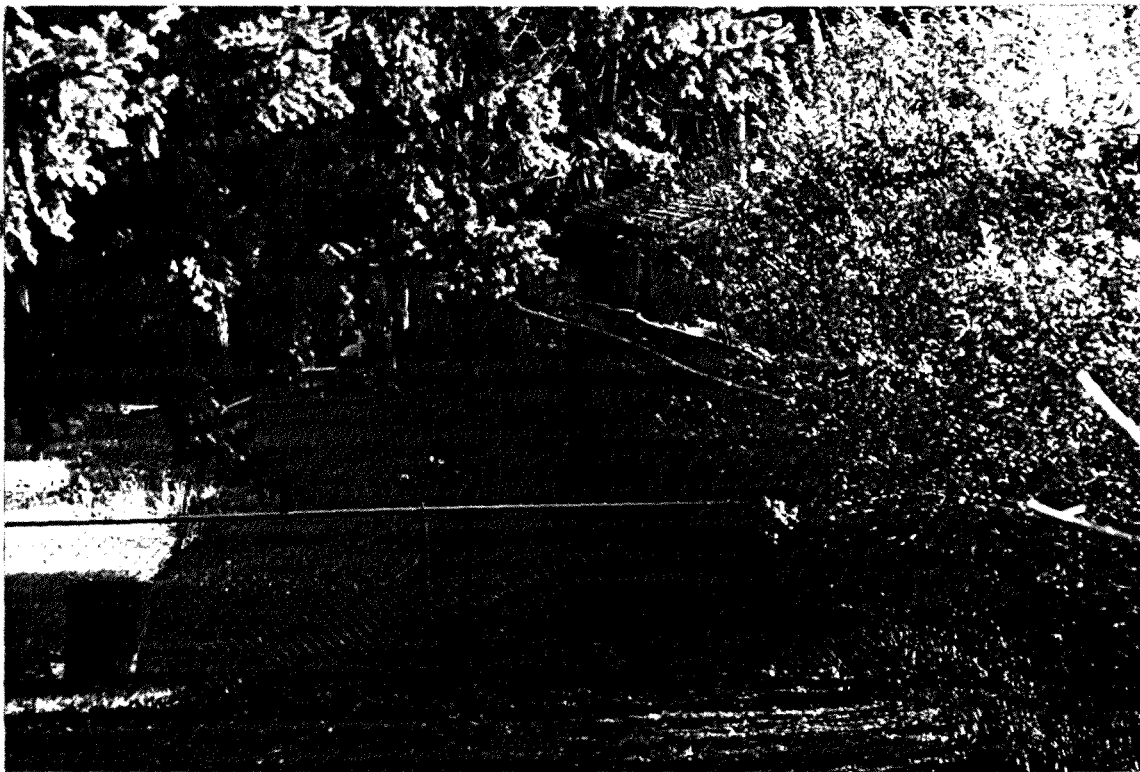

Sherry Willmschen

cc: Heather Stewart

(33)



exh
101



exh
102

34



exh
103

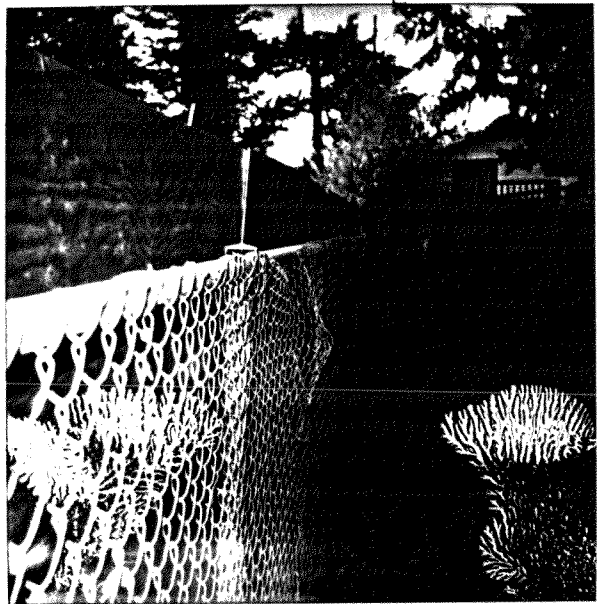


exh
104

35



exh 105



exh 106

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
Probate Department

In the Matter of
BARBARA STARR
Alleged to be a Mentally Ill Person

No. 931097562
EXAMINER'S REPORT

I, the undersigned, having been appointed an Examiner, do hereby submit this report on the mental condition of the above named person.

1. In my opinion, the above named person suffers from a mental disorder. Yes ☒ No ☐ (If no, do not answer 2,3 and 4)

OBS. MED

2. In my opinion, the above named person is:

Dangerous to others

Yes ☒ No ☐

Dangerous to self

Yes ☐ No ☒

Unable to provide for basic needs

Yes ☐ No ☒

2.

3. In my opinion, the above named person will ☒ will not ☐ cooperate and benefit from voluntary treatment.

4. It is my recommendation that the above named person be:

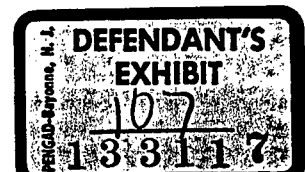
☐ Committed to the Mental Health Division
☒ Conditionally released to a third person
☒ Discharged

Comments: *Cooperative in questions but simple answers. Quite impulsive in frustration with staff & patients. Gives childlike answers to questions about solution to problems. Has never lived alone. She admits hurting patients & staff. No evidence of psychotic. Feel problems relate to OBS & MED.*

Josephine McWhorter
EXAMINER

Subscribed and sworn to before me this 4TH day of NOVEMBER, 1993.

Rebecca F. [Signature]
CIRCUIT COURT JUDGE



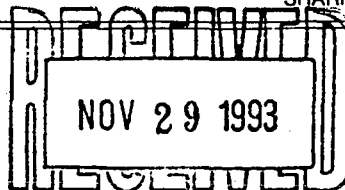
37



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
421 S.W. 5TH, ROOM 405
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER



CERTIFIED MAIL

November 24, 1993

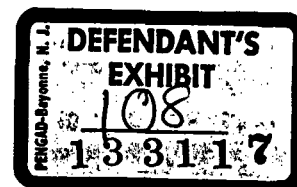
Ms. Charla Dinnocenzo
3140 S.E. 129th
Portland, Oregon 97236

Dear Ms. Dinnocenzo:

I have learned that you took in Barbara Starr as a resident in your adult care home. Protective services has told me that you knew that Barbara had been removed from her last residence, Gresham Retirement Home, because she assaulted 5 people including both staff and residents. You also knew that other agencies recommended that she be placed in the state mental hospital because they knew of no place suitable for her. This is the same person that you had the police remove from your home last February, after less than four months in your home, because she was too difficult for you to handle and because she assaulted you.

I understand that Barbara is in your home on a conditional release under a plan proposed by you that Barbara will be in a separate apartment from the other residents. Since Barbara is able to come down from her room to the areas occupied by the other residents, I believe there is an extreme likelihood of repeat dangerous behavior from Barbara putting the other residents and yourself at risk.

I also understand that you and Barbara have a contract signed by Barbara that is supposed to make her control her actions. I also understand that similar contracts have not prevented Barbara from getting angry and assaulting people in the other homes she has been in.



Based on the above facts, I am now requiring you to move Barbara out of the home no later than December 5, 1993 because, in my opinion, she presents a clear danger to the other residents in your home. You may not admit any new residents into your home until Barbara has moved out and you have notified this office of her leaving. Once Barbara does leave, I am also requiring you have all new residents screened by this office before they are admitted to your home. You will need to call Eileen Brooks or Mary Fassell to screen a potential new resident.

These conditions on your license are effective immediately, in accordance with Multnomah County Administrative Rule (MCAR) 890-090-140. You must post the enclosed statement of Conditions for License next to your license.

This office has the authority to place conditions on your license according to Multnomah County Licensing Ordinance (MCC) 8.90.080 (A)(2) and (4), which states:

- (A) The Director shall have the authority to ... attach conditions to any license for an adult care home under the following circumstances and such other circumstances as may be established by rules adopted under this chapter:...
- (2) When there exists a threat to the life, health, safety, or welfare of any resident, [and]
- (4) When the owner or operator has failed to comply...with the rules and standards duly promulgated by the Director for an adult care home; or any other state or federal law or rule applicable or relevant to the health or safety of a resident.

The Rules also provide that you have the right to request a hearing before an independent hearings officer to appeal my decision to place conditions on your license (MCAR 890-090-100 and 890-090-140). If you want to request a hearing, please send a request in writing to:

Mr. Stephen P. Balog
Adult Care Home Program
421 S.W. Fifth Street, Room 405
Portland, Oregon 97204

Your request for a hearing must be received by this office within twenty (20) days after the day you receive this letter. Your request should state the reasons you are requesting a hearing. The information our department has about your adult care home would automatically become available to the hearings officer.

This office reserves the right to also impose other administrative sanctions for the above offense including civil fines of up to \$1000 for each violation of the law.

Please call this office if you have any questions.

Sincerely,



Stephen P. Balog, Director
Multnomah County Adult Care Home Program

cc: Eileen Brooks, Adult Care Home Program
Chip Lazenby, Multnomah County Counsel
Martin Reeves, Attorney
Betty Glantz, Aging Services, East Branch
Connie McMullin, Southeast Branch DSO
Cathy Hilger, Multnomah County MED Program
Cheryl Morgan, Aging Services Placement Specialist
The Honorable Philip J. Roth, Multnomah County Circuit Court
Mary Clair Buckley, Metropolitan Public Defender

38

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY
Probate Department

In the Matter of
BARBARA STARR
Alleged to be a Mentally Ill Person

No. 931097562
EXAMINER'S REPORT

I, the undersigned, having been appointed an Examiner, do hereby submit this report on the mental condition of the above named person.

1. In my opinion, the above named person suffers from a mental disorder. Yes ✓ No (If no, do not answer 2,3 and 4)

BBS in a psychiatric illness

2. In my opinion, the above named person is:

Dangerous to others

Yes No ✓

Dangerous to self

Yes No ✓

Unable to provide for basic needs

Yes ✓ No

3. In my opinion, the above named person will ✓
will not cooperate and benefit from voluntary treatment.

4. It is my recommendation that the above named person be:

 Committed to the Mental Health Division
✓ Conditionally released to a third person
 Discharged

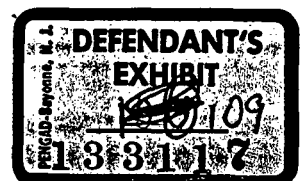
Comments:

*AMP is a 50y.o. ♀ & a hx of
obs + MRAP. She is held for striking pts +
staff @ the Graham Rehabilitation Center. Also has
some serious physical problems, COPD, seizures q/o, cerebral palsy +
hyperthyroidism. She is unable to care for her basic needs.
You may consider
conditional release.*

David W. Cagle MHA
EXAMINER

Subscribed and sworn to before me this 4TH day of NOVEMBER, 1993.

Michael J. [Signature]
CIRCUIT COURT JUDGE



39

Nov 5th

CONTRACT

IN ORDER TO REMAIN IN CURRENT FOSTER HOME

1. take medications when given: PER NR'S ORDERS
2. Live IN AREA Set up AS:

Bedroom & Living Room

go down FOR MEALS AND Socialization

- 3 Not to yell AROUND other Residents

- 4 Not to Kick or hit EVER

5. to get involved in Anger Control

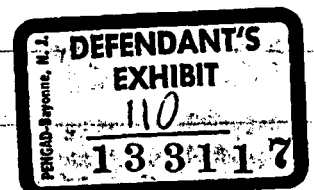
CLASS W/ COUNSELOR

6. to go to VOA AT LEAST 1 day A WEEK

- 7 Understand that OPERATOR has work to do to help "EVERYONE" IN HOME AND will give help to EACH Resident IN NEED. to NOT INTERFERE ^{WHEN} ~~with~~ CARING OF OTHERS is being done

NO 911 unless absolutely necessary

Signed Barbara Starr





H. PHILIP EDER
GARY K. KAHN*
J. KRISTEN PECKNOLD
MARTIN W. REEVES*

*Also Admitted in Washington

REEVES, KAHN & EDER
ATTORNEYS AT LAW
910 OREGON NATIONAL BUILDING
610 S.W. ALDER STREET
PORTLAND, OREGON 97205-3610

TELEPHONE (503) 227-5144
FAX (503) 227-2503
Please reply to Downtown Portland Office

EAST PORTLAND OFFICE
4934 S.E. WOODSTOCK
PORTLAND, OREGON 97206

TELEPHONE (503) 777-5473
FAX (503) 777-8566

December 2, 1993

VIA FACSIMILE AND REGULAR MAIL

Stephen P. Balog, Director
Multnomah County Adult Care
Home Program
421 SW 5th Ave., Room 405
Portland, OR 97204

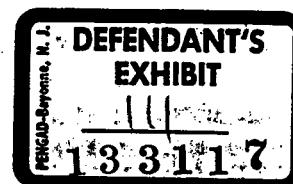
RE: Our client: Charla Dinnocenzo

Dear Mr. Balog:

On November 29 I received your certified letter to Charla Dinnocenzo dated November 24, 1993. In your letter, you demanded that Ms. Dinnocenzo move Barbara Starr out of her adult care home no later than December 5, 1993.

I am writing for several reasons. First, I would like to request a formal hearing, not only on the requirement that Ms. Starr be removed from the home, but also on the conditions and/or sanctions imposed in your November 24 letter. Specifically, you ordered that she not admit any new residents into her home unless and until Barbara Starr has moved out of her home and your office has been notified of her departure. You also mandated that she have all new residents "screened" by your office before being admitted to her home.

Second, I wish to request copies of any and all documents relied upon by you in reaching the conclusions set forth in your letter of November 24, 1993. Specifically, you assert that Barbara is able to come down from her room into the areas occupied by other residents, that there is an "extreme likelihood of repeat dangerous behavior," that there is a contract signed with Barbara for her to control her actions, and that similar contracts have not prevented her from assaulting people in other homes. I would also request that you provide not only the documentation relied upon by you in reaching your determination, but any other information in your records and the records of Multnomah County concerning Ms. Barbara Starr.



Stephen P. Balog
December 2, 1993
Page 2

Third, I would request that you stay the effect of your sanctions pending a formal hearing on the issues set forth in your letter. As a practical matter, I strongly challenge your "opinion" in that Ms. Starr presents a "clear danger" to the other residents. On December 1, Mary Fassell of your office indicated that the December 5 move-out date need not be complied with, should Ms. Dinnocenzo agree to notify the Mental Health Division that Barbara Starr has failed to comply with the Conditions of Release which were incorporated into the Final Order entered by Judge Roth on November 4, 1993. There must clearly not be an "imminent danger" as is contemplated by MCAR 890-090-140 if your agency is willing to wait the several weeks that it would take for Ms. Starr to be removed by the Mental Health Division. If Ms. Starr presented an "imminent" danger, why did you wait over 20 days (from her placement on November 4, 1993) to raise the issue? Moreover, it is surprising that your November 24 letter allows 11 days prior to the imposition of the removal sanction; if Ms. Starr was truly an "imminent danger" to the other patients, there would be no reason for any delay on her removal from the home.

Fourth, as to the merits of your contention that Ms. Starr presents a "clear danger" to the other patients, it is highly significant that one of the examiners at the civil commitment hearing before Judge Roth on November 4 concluded that Ms. Starr was not dangerous to others. The other examiner had a question mark in her Examiner's Report when asked to indicate whether she felt Ms. Starr was dangerous to others. More to the point, your office went to considerable lengths to attempt to prevent the potential placement of Ms. Starr in our client's home. Your arguments were heard and rejected by Judge Roth at the hearing.

Fifth, I would demand that your agency cease and desist in its retaliatory actions and harassment of Ms. Dinnocenzo. Ever since Ms. Dinnocenzo filed a tort claim notice against Multnomah County over the death of her son, her relationship with your agency has been extremely strained. We are informed that staff members of the Adult Care Home Program had been urged at weekly meetings to do whatever they could to "get" Ms. Dinnocenzo. Ms. Dinnocenzo has been treated in a different manner than other adult care home care providers. The due process, equal protection and privileges and immunities clauses of the Fourteenth Amendment to the U.S. Constitution, as well as Article I, Sections 10 and 20 of the Oregon Constitution require a more evenhanded, fairer approach. While Ms. Dinnocenzo is clearly subject to continued agency authority for licensing and regulation, she should not be singled out for disparate treatment or be "blacklisted" by your office.


Stephen P. Balog
December 2, 1993
Page 3

Sixth, unless you will agree to stay the effect of all of the sanctions imposed in your letter until a formal hearing can be held, a legal action will be filed in the Multnomah County Circuit Court seeking to enjoin not only the sanctions set forth in your letter, but also to enjoin any harassment or retaliatory actions on the part of your agency.

I look forward to hearing from you as soon as possible concerning these matters.

Very truly yours,

REEVES, KAHN & EDER



Martin W. Reeves

MWR/KLA

cc: Charla Dinnocenzo
Chip Lazenby

41

December 8, 1993

Stephen P. Balog, Director
Multnomah County Adult Care Home Program
421 SW 5th Ave., Room 405
Portland, OR 97204

RE: Our client: Charla Dinnocenzo
Subject : Administrative Sanctions

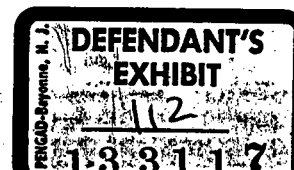
Dear Mr. Balog:

This is to confirm the events which occurred on Tuesday, December 7. As you recall, we met at your office with Vern Cook, the attorney for Barbara Starr, Chip Lazenby, Assistant Multnomah County Counsel, Charla Dinnocenzo, Mary Fassel and myself.

At the administrative meeting, we discussed the administrative sanctions set forth in your letter of November 24, 1993. In your letter, you ordered that Ms. Dinnocenzo remove Barbara Starr from her home on or before December 5, 1993. You also ordered that Ms. Dinnocenzo not accept any new residents until Barbara Starr has been removed and ordered that once Ms. Starr is removed, all new residents be screened by your agency prior to placement in Ms. Dinnocenzo's home. (I presume that you and that your agency would exercise the "right" to accept or reject any potential new residents).

As I explained in my letter of December 2, I feel that there is no administrative justification for your having acted under MCAR 890-090-140 since there is nothing to indicate that Barbara Starr presents an "imminent danger" to the other patients. At the hearing, I explained that Ms. Starr should remain in the home not only because she does not present an "imminent" danger, but because there is evidence that Ms. Starr may not present any danger at all to the other patients.

I pointed to the fact that Ms. Starr's apparent aggressiveness has always been directed at authority figures, and not toward other patients. I pointed out that one of the mental health examiners present at Ms. Starr's civil commitment hearing on November 4



Stephen P. Balog, Director
December 8, 1993
Page 2

concluded that she was not dangerous to others, and that the other examiner put a question mark on the evaluation when asked about whether Ms. Starr was a danger to others. I pointed out that Ms. Starr is taking new medications which she was not receiving when she was removed from Ms. Dinnocenzo's home in February. (You were provided with copies of the medical records from earlier in 1993, as well as the current medication dispensation records. Vern Cook pointed out that Dr. Sardo had agreed to see Barbara Starr as a patient, and would be happy to evaluate whether or not she presents an "imminent danger" to any of the other patients.

After much discussion on this issue, it was agreed that Mr. Cook would attempt to get some kind of letter from Dr. Sardo addressing whether or not Barbara Starr presents a danger to the other residents at the Dinnocenzo home. I will attempt to do likewise with Dr. Craft, Ms. Starr's treating physician for the last several years.

Toward the conclusion of the administrative meeting, you agreed to stay the effect of your November 24 letter, at least in part. That is, you agreed that Barbara Starr need not be immediately removed from the residence, pending your receipt of information from Dr. Sardo and/or Dr. Craft, which would have a bearing on whether Ms. Starr indeed presents an "imminent danger" to the other patients. You refused, however, to stay the effect of your further administrative sanction, i.e. that Ms. Dinnocenzo not be allowed to admit any additional residents until Ms. Starr is removed from her home.

I would again request that you stay the effect of this sanction, as it is not authorized under MCAR 890-090-140. Specifically, that regulation only authorizes the imposition of an ex parte sanction in the event there is a finding of "imminent danger to residents." Since you have agreed to stay the effect of the removal order with respect to Barbara Starr, you have obviously agreed that there is no "imminent danger" to the other patients. Even if you have that suspicion, there is no administrative justification for a conclusion that Ms. Starr presents the imminent danger required by the administrative rule. Since you lack the requisite "finding" of imminent danger, there is no authority under the administrative rules for an immediate sanction against Charla Dinnocenzo. Under MCAR 890-090-140 no sanction is effective until a formal hearing has been concluded and a final order entered in the record, unless there has been a finding of imminent danger to residents. Based upon our discussion on December 7, and on your letter of November 24, there is no such finding.

Stephen P. Balog, Director
December 8, 1993
Page 3

Since any administrative finding must be based on some evidence, I would once again request copies of any and all documents relied upon you in making your initial determination that Barbara Starr presents a danger to the other patients, and the information which you relied upon in imposing the other administrative sanctions on Ms. Dinnocenzo. I look forward to receiving these materials at your earliest convenience concerning these matters.

During the course of the meeting, I raised my client's concern about retaliatory actions and harassment. As I explained in my December 2 letter, Ms. Dinnocenzo, while clearly subject to continued agency authority for licensing and regulation, has been singled out for disparate treatment, and has apparently been "blacklisted" by your office. Specifically, employees of the Adult Care Home Program have advised others that they should not place family members in Ms. Dinnocenzo's home. Such actions are tantamount to a conviction without trial. When my client mentioned some type of memo that had apparently been circulated in your office about such matters, both you and Mr. Lazenby vehemently denied that you had authored such a memorandum. While I will certainly accept your representations on that matter, I am still concerned that Ms. Dinnocenzo has been subjected to what is essentially an administrative sanction (denying her the opportunity for new patients) without due process.

The hostility directed toward Ms. Dinnocenzo was recently demonstrated by the unannounced home visit by Eileen Brooks and Mary Fassel, which took place on December 2, 1993. Ms. Brooks and Ms. Fassel were, as both you and Mr. Lazenby had informed me on December 2, there to undertake their "regulatory duties." Unfortunately, in conducting their investigation, they treated Ms. Dinnocenzo disrespectfully and with needless disregard for her concerns. When they first arrived and requested to see the records, Ms. Brooks and Ms. Fassel were in the dining room, at the same time the residents were eating dinner. Ms. Dinnocenzo asked to move the discussion into the living room so that they could have some privacy and was told that discussing the matter in the dining room in front of the residents would be "fine." (Ms. Dinnocenzo took the file into the living room, at which time your agents followed).

During the meeting, Ms. Fassel wanted to know why the November 24 letter had not been posted and was told that Ms. Dinnocenzo understood that the matter was still being litigated. Ms. Fassel informed her that she could be fined, since it wasn't posted. Ms. Fassel demanded numerous times to know whether Ms. Dinnocenzo was going to arrange to have Ms. Starr removed from her home. When Ms. Dinnocenzo responded that she would need to speak with her attorney

Stephen P. Balog, Director
December 8, 1993
Page 4

before answering the question, Ms. Fassel said: "We are asking you, not your attorney." When Ms. Dinnocenzo again said she would need to talk with her attorney, she was told: "You answer us, are you going to have her leave?" At some point, it appears that regulatory neutrality has disappeared.

Please be advised that unless the sanction prohibiting the admission of any new residents is abandoned, I will be filing a legal action in the Multnomah County Circuit Court seeking injunctive relief prohibiting you from enforcing such a stricture.

Very truly yours,

REEVES, KAHN & EDER

Martin W. Reeves

MWR/KLA

1

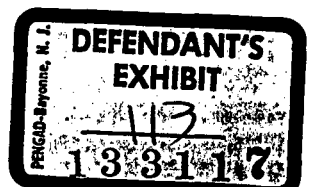
cc: Charla Dinnocenzo
Vern Cook

(42)

May 8 - 93

My Name is Beverly Lalley
I would like to make a statement
and a few comments about Chakda
I have known her over 30 years
and find her to be a competent woman
who is running a very good adult care
home - It's clean (very clean) and
since I have returned to Portland
as of last sept - 92 - I have been in
the home in the day time and in
the evenings to visit her and found
Grace & Harriett laughing & talking
I've talked to them - Also Nora, and
Chuck and they seem to be doing
fine - she is a caring and good
person so please take the time
to really get to know her -
We need good homes for people who
are in need of health care - and
this is one.

Thank you
Beverly J. Lalley
516 S.W. Eastman Pkway
Gresham, Oregon
97080
492-4720



43

MEDICAL RECORD

PROGRESS NOTES

DATE
1/4/1974

1430

— PATIENT HAS RECEIVED
EXCELLENT CARE AT HIS CURRENT
FACILITY. WHEN DISCHARGED
FROM HERE HE CAN GO BACK
TO THAT FACILITY.

David A. Narbonne
David A. Narbonne

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle;
grade; rank; rate; hospital or medical facility)

QUINONES, R
1373

REGISTER NO.

WARD NO.

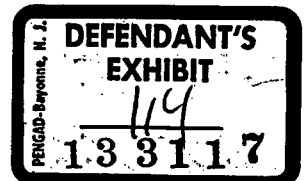
PROGRESS NOTES

STANDARD FORM 509 (Rev. 11-77)

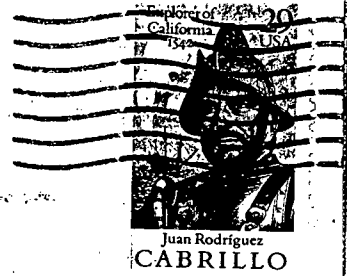
Prescribed by GSA/ICMR.

FIRMR(41CFR)201-45.505

509-111



J. Glass
13951 Moorpark #201
Shirman Oaks, CA 91423



(44)

11

10-24-93

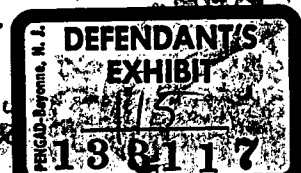
Dear Charles,

It was very kind of you
to provide the beautiful
bouquet of yellow roses
for our Mother's grave.

I took one of the little
blue daisies and pressed
it in my meditation book
as a remembrance.

We also wish to acknowledge
the loving and knowing care
that you provided while
Mom was in your home.

Thank you from the
family of Nora Fowler
Bill Fowler
Susan Trudeau
Joanne Glass

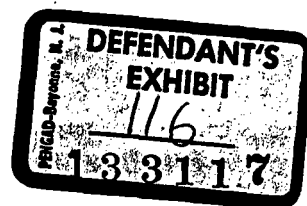


45

May 6, 1993

I have seen Nora Fowler for the last 6 mths as her home health nurse. Charla Diinocenzo has been her ~~for~~ care giver and has provided Nora good care. When instructions are left for pts care she follows them with great care.

Thank You
Sherry Dwyer RN



(46)

DOUGLAS R. GROSHENKIN, M.D.
WOODLAND PARK MEDICAL CENTER
10373 N.E. HANCOCK - SUITE 100
PORTLAND, OR 97220

Fowler, Nora
4-16-93

Hist: 76 yo w female with dementia of the Alzheimer's type and associated episodic agitation has done quite well since last hospitalization for L femoral fracture in Jan. 93. Pt's history of unreliable due to memory loss but denies pain. She also has idiopathic megacolon on a bowel regimen of MOM 30 cc po QOD, Doxidan capsule at bedtime and 1 tsp of metamucil daily. Recently stools were somewhat loose and MOM cut from dialy to QOD. Sandra Ford is managing her agitation with Pamelor 50 mg at bedtime and a prn hydroxyzine 25 mg at hs.

O. wt 125½# BP - 140/80 P 76 reg R-16
pt is bright, alert, forgetful and in no distress
HEENT - clear

neck no nodes 2++ carotids no bruits

chest clear

breast no masses

cor S1S2 nom

abds protuberant, active BS no masses

ext no edema

gait - unsteady with tendency to fall backwards with minimal forward thr-st

minimal paratonic rigidity, no cogwheeling, no abn muscle movements, no dystonias

no tardive movements

STrs 1+ absent achilles

Impr: #1. Dementia, primary degenerative - continue follow-up as needed with Dr. Ford for behaviors and a) Pamelor 50 mg at bedtime

b) Hydroxyzine 25 mg at bedtime prn

#2. Idiopathic megacolon - stable currently, avoid obstipation

a) 1 tsp metamucil in liquid daily

b) Doxidan 1 capsule at bedtime

c) MOM 30 cc po QOD

#3. L femoral neck fx - s/p ORIF doing well

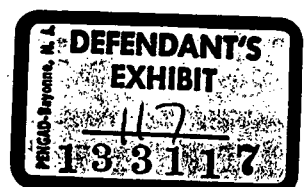
#4. Hx of HTN - non detected

#5. Osteoporosis - past x-rays reveal prior compression fx lumbar spine, now no sx

#6. Poor balance - due to advancing dementia without evidence directly of progressive supranuclear palsy. Pt is at continued risk for falls. Doing quite well in current foster facility.

return to office as needed and q 6 months

[Handwritten signature]



Physician

2212 Lloyd Center
Portland, OR 97232
(503) 288-0211

10373 N.E. Hancock, #220
Portland, OR 97220
(503) 255-9885

For Charles Dinenzo Date 1-7-93

Address _____ City _____

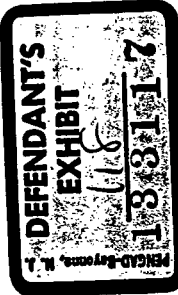
R. Charles:

Nora Fowler was seen in
our office this a.m. She
appeared neat and clearly
stressed, well fed + reports
enjoying her residence.

REFILL: _____ TIMES
N.R. _____

LABEL - Yes ☐ No ☐

Sandra M. Ford, PA-C M.D.
D.E.A. No. _____



47

48

GRESHAM INTERNAL MEDICINE CLINIC

PHYSICIANS

JOHN M. CUSTIS, M.D.
INTERNAL MEDICINE
& DIAGNOSIS

DARRELL R. LOCKWOOD, M.D.
INTERNAL MEDICINE & DIAGNOSIS
ENDOCRINOLOGY & METABOLIC DISEASES

ROBERT C. SAYSON, M.D.
INTERNAL MEDICINE
& DIAGNOSIS

3030-F N.E. HOGAN DRIVE • GRESHAM, OREGON 97030-3134

PHONE (503) 667-1015 • FAX (503) 667-0406

February 23, 1993

Ms. Charla Dinnocenzo
3140 SE 129th
Portland, OR 97236

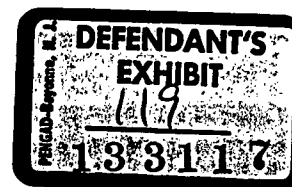
Dear Ms. Dinnocenzo:

This is to commend you on the good care you have provided to Christol Vollans who has recently moved into your adult foster care facility. Keep up the good work and please feel free to call if you have any questions.

Yours truly,


Robert C. Sayson, M.D.

RCS:nf



49

ALEXANDER CHRISTIAN, LTD.
Investigative Services

722 A Main Street
Oregon City, Oregon 97045
(503) 657-7199

400 E. Evergreen Blvd. #111
Vancouver, Washington 98660
(206) 699-1906

August 12, 1993

Ms. Charla Dinnocenzo
3140 SE 129th
Portland, OR 97236

RE: MULTNOMAH COUNTY AGING SERVICES

Dear Ms. Dinnocenzo,

On July 27, 1993 we were requested by you to discreetly determine attitudes and recommendations toward your operation by staff at the Multnomah County Aging Services' central and branch offices.

SYNOPSIS

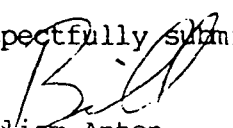
This office conducted interviews with the following staff:

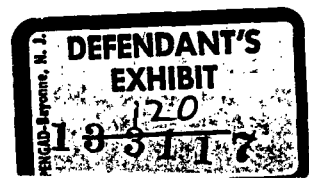
1. Ms. Eileen Brooks Tele: 248-3000
Multnomah Co. Adult Care Program
2. Ms. Marilyn Anderson Tele: 248-5480
Case Manager, East Aging Services
Multnomah County

Interview reports are enclosed. Public files held at the Multnomah Co. Aging Services offices were inspected with numerous complaints found by anonymous callers, and later unsubstantiated by investigator who were sent out.

Results of our investigative efforts have been communicated to you and recommendations made. Thank you for allowing us to assist you in this matter.

Respectfully submitted,


William Anton
President



INTERVIEW: MS. MARILYN ANDERSON, Case Manager
Multnomah Co. East Aging Services

AUGUST 3, 1993
(Card Enclosed)

Tele: 248-5480

Ms. Anderson was interview in person at her office during the afternoon of August 3, 1993. Two investigators posed as adult brother and sister who were interested in placing their mother in a foster care home.

She appears to be in her early 30's with very short brown hair and brown eyes. On the day of the interview she was wearing black pants and a black and white tank top.

Ms. Anderson stated that she has enjoyed working for the county for 14 years, that she especially enjoys working on behalf of the elderly, and that she is currently is employed to assist in determining the medical eligibility for aged persons.

After our initial greeting she led us back to a private conference room where no one else was present, stating that she would be happy to possibly answer our questions or provide us with some direction. She explained such care options as "relative foster care" and "nursing homes", and instructed us to use our resource list and visit a dozen homes or so. Ms. Anderson then pointed out that we could review the public files kept on the homes downtown at Multnomah County Aged Services.

At this time Ms. Anderson was shown the list of Adult Care Homes and was asked to help explain the agency's policies and procedures toward these homes. She indicated that she does not visit the homes herself, and that the homes weren't part of her responsibility, but that the intake workers at the center would help us place an eligible individual and answer our questions about the homes.

Ms. Anderson then proceeded to take our registry list of close to 600 homes and began to thumb through it. When arriving on the page which held Ms. Dinnocenzo's foster care home, she used her pen to draw a line through Ms. Dinnocenzo's name on the list, commenting "avoid THIS home.....". When questioned as to what she meant, she stated "this home is under investigation.....there are strange things going on at that house.....I've heard things around here at work..... it could be rumors or hearsay". Then "and what I say won't leave this room.....I have never been to the house....it could be a good one... I don't know".

Ms. Anderson was then asked about the restrictive license coding, especially to define the coding of "C", or Conditional and "P", or Provisional. She answered that she does not know how a home receives a conditional license, but did indicate "someone can call the agency..... they don't even have to give their name.... with a complaint on a home. This complaint would then have to be investigated, and substantiated".

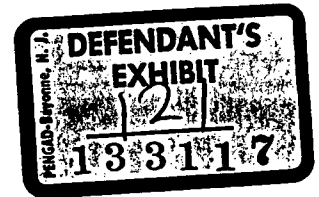
Ms. Anderson then went on to make several helpful points concerning monetary assistance. For instance, she stated that to apply for medical assistance one's resources cannot amount to over \$1302.00 a month, and that a private agency can charge any where from \$1600.00 to \$2000.00 a month.

Ms. Anderson stated that she realized just how difficult it was to place a parent in foster care; that a few years ago she was involved in trying to locate a home for her husband's mother, "I had to call the registry for a list of homes, also. At that time I was unaware of the public files or I would have reviewed them myself". She stated that she had visited 15 homes herself, "but I was able to ask the caseworkers to give me the 'goods' on the homes, the good and the bad".

She then instructed us to visit the homes, and to look for cleanliness, activities the residents are involved in, and whether the residents are dressed and out of bed, adding "especially notice the personality of the operator.....do they appear stressed?.....do they have too many homes?.....if so the resident managers might not be able to do a satisfactory job". She encouraged these investigators to "go with your 'gut feeling'".



VITA



Russ Sardo, Ph.D.

Born: July 1, 1926, Brooklyn, New York

Married: 1950

Children: Jordana
Stefanie
Daniela

Education:

New York University - Aeronautical Engineering - 1942-43
Queens College - English and History - 1944-46
New School for Social Research - Psychology - 1953-55 AB - 1955
Adelphi University - Clinical Psychology - 1955-59, Ph.D. - 1959

Scholarships and Grants:

New School for Social Research - Tuition Free Scholarship - 1954-55
Adelphi University - Research Assistant - 1955-56
Assistant - Psychological Services - 1956-57
Research Fellowship - 1957-58
NIMH - Relationship Between Persuasibility/Social Isolation in
Young Children
Diplomate in Clinical Psychology - ABEPP - 1966

Professional Affiliations:

American Psychological Association member - 1955 - present
Eastern Psychological Association member - 1955-59
New York State Psychological Association member - 1955-59
Western Psychological Association member - 1959 - present
Washington Psychological Association member - 1959-61
Spokane Area Psychological Association member - 1959-61
Oregon Psychological Association member - 1961 - present
Portland Psychological Association member - 1961 - present
Portland Academy of Hypnosis
Oregon Association for Professional Psychology member - 1974 - present

Employment:

1941-1955: Electric Welder, Automobile Body Man and Painter, Shoe
Salesman, Resort Waiter, Insulation Salesman, Phonograph
Record Department Salesman and Manager, Salesman for
Phonograph Record Distributor, Sawmill Laborer, Libretto
Salesman for Metropolitan Opera Company, and Dance Instructor.

1957-1958: Research Fellow - NIMH, USPHS

1958-1959: Intern, Brooklyn Veterans' Administration Hospital. In
addition to regular responsibility: performed all neurology
section consults, conducted groups on active TB ward,
helped train psychiatric residents in group therapy, super-
vised new psychology interns.

1959-1961: Staff Psychologist, Eastern State Hospital, Medical Lake,
Washington. Established adolescent program, therapeutic
community on admission ward, training programs for ward
doctors, nurses, attendants, social work students, only
psychologist to rotate with psychiatrists conducting
staff seminars.

1959-1961: Lecturer, Washington State University, Extension Division

1961-1964: Chief Psychologist, Clackamas County Mental Health Clinic, Oregon City. Performed regular responsibilities and in addition extended consultation to all county schools, Juvenile Court Welfare.

1961-1962: Consultant, Klamath Falls Health Department

1961-1964: Clinical Associate, University of Portland, Supervised Graduate Students in Psychology

1964-present: Private Practice - Individual and Group Therapy, Diagnostic Consultation for Physicians, Vocational Rehabilitation, Children's Services Division, Attorneys, Courts

1964-1968: Field Assessment Officer on seven training programs, Peace Corps, Assessed all candidates.

1964-1967: Consultant, West Linn Public Schools

1964-present: Consultant, Clackamas County Juvenile Court - diagnosis, treatment planning, training and education of counselors in adolescent programs, family therapy, psychopathology, helping establish Child Abuse Team, directing treatment planning and providing testimony in court.

1962-1964: Lecturer, University of Oregon Dental School.

1964-1966: Lecturer, Emanuel Hospital School of Nursing.

1964-1966: Consultant, Hood River Health Department - coordinated all mental health services for county

1964-1965: Consultant, Clackamas County Mental Health Clinic

1965: Consultant, Columbia County Mental Health Clinic

1966: Developed prospectus for counseling needs for the Valley Migrant League

1966-1967: Consultant, Upward Bound Program, Mt. Angel College, Established admission criteria, assisted in planning program, established and supervised counseling staff and student aides.

1968-present: Consultant, Parrott Creek Boys Ranch. Training and supervision of staff, assessing boys, developing programs.

1969-1971: Guest Lecturer, Oregon State University Semi-Annual Workshop on Drug Problems

1973-present: Consultant, Youth Adventurers, training staff, treatment and diagnostic consultation.

- 1972-1974: Consultation, McLoughlin Mental Health Center - diagnostic consults for the courts, especially arrested for driving under the influence of liquor, supervision of Alcohol and Drug Section, conducting seminar on adolescent problems.
- 1973-1974: Consultant, Colton Public Schools, Intermediary in Faculty, Administration.
- 1974: Special Services Contract with Permanent Planning Project.
- 1976-present: Private practice - Columbia Psychiatric Clinic
- 1976-1987: Staff at Riverside Psychiatric Hospital
- 1976-present: Staff at Woodland Park Hospital
- 1976-1977: Consultant, Adolescent Program, Riverside Psychiatric Hospital
- 1977: Clackamas County Sheriff's Department - adviser to the selection process for SWAT teams.
- 1977-present: Consultant, Oregon Halfway House - a residential program for adult parolees and probationers, primarily from the Federal Court System.
- 1978-present: Contract with Federal Office of Probation and Parole to treat referred offenders with emotional problems.
- 1980-present: Consultant, Serendipity Academy - a private alternative school for learning and emotionally disabled children - adolescents.
- 1983-present: Contract with Federal Office of Probation and Parole to treat offenders with drug and/or alcohol problems.
- 1984-1985: Consultant - Sexual Abuse Clinic - Barry Maletzky, M.D. Victim therapy with sexually abused children. Group therapy with sexual offenders.
- 1985-present: Consultant - Senior Care Program Woodland Park Hospital

Current Practice:

Clinical - diagnosis and treatment-children and adults.
Forensic - evaluation and testimony in cases involving:
child custody, personal injury, crime and delinquency.

(51)



5/9/93

To whom it may concern,

Since my accident, operation and release from the hospital the first part of March I have been residing in Miss Charles Denahy's foster home, 3140 S.E. 129th.

My first month was very, very difficult for me because of my condition, and not being able to move freely without pain.

In that respect she has made every possible effort to help me in anyway, even without me asking. She still does this no matter whether I ask or not, this shows me she is concerned about my well being.

She has on numerous occasions even helped me try and track down my personal belongings and baggage that were lost through the Bus station after my accident, which in time and trouble she did not have to expend on my behalf, to me that is someone who cares, and is actually trying to help people.

She worries about me more than I do sometimes, and most people aren't like that.

The residence and my room is thoroughly cleaned every day, and that is no small

job either.

This is not a choice but I've had a lot of time to sit and observe what goes on here and to my knowledge she is constantly aware of what goes on here and the condition of her residents and their needs.

I have seen her take abuse here and she knows the problems and takes them right in stride and continues to help the residents no matter what.

She also watches what we eat and to me I feel healthy for it and haven't been hungry since I've been here.

I have visited a few foster homes to see friends and I feel that if more of them were run as this home is they, i.e. residents who live in them could recuperate in peace of mind knowing someone cares.

When people like us need help, I mean, I feel better knowing there are ladies and a man such as this who care and are there to really help.

Thank you,
Charles R. Vandyke

5/9/93

On Saturday, May 15th around 10:00 AM I
was ~~waking~~ awake and twice and finally
asked to come out of my room and talk to
~~three~~ different ladies.

At one point I thought that they were going to
come right in on me before I could get out of bed
and get dressed, I had to get blunt with
them and tell them to wait a minute because
they were coming right in on me without knocking.

Without giving me time to fully awaken, all
three of them were asking me questions and
over and over again implying that there
might be something wrong going on here and
that if I had any problems I should say so
to them even though I said a number of
times and still said that everything is fine
here and has been my whole stay so far.

I feel myself that the whole visit
was very intimidating and meant to be that way.

The blond lady, Miss Denise Woo was
very rude and disrespectful to Mrs. DiNunzio.
The whole time she was here, she also threatened
Mrs. DiNunzio not to ^{com}plain after
they left.

I think their visit ^{reflected} ~~was~~ a gross mis-
management of authority in the way they
conducted themselves, especially in front
of clients.

From what I have seen, it is a case
of pure harassment and intimidation like
~~which has no place in this sort of~~
an old fashioned ~~and~~ wiled hunt for
personal satisfaction or gratification.

This went on for a couple of hours and
it seemed to me Miss Wood was trying to do
more ~~harm~~ ~~than~~ harm than good with
the others ~~following~~ following her lead of
intimidation.

This seems to me a personal vendetta and
should not be allowed or tolerated.

This lady actually cares for her
residents and should be respected for it not
harassed.

Thank you for your time;
Charles Vaughan



RICHARD W. CRAFT, SR., M.D.

(503) 251-4229

PHYSICIAN - INTERNAL MEDICINE

WOODLAND PARK MEDICAL PLAZA
10373 N.E. HANCOCK STREET
SUITE 222
PORTLAND, OR 97220

January 6, 1993

To Whom It May Concern:

Charla Dinnocenzo is currently under my care. I have known her for approximately 3 years. During this time Charla has confided in and counseled with me about issues in her life. I have worked with her during the period surrounding the death of her son, and presently with the problems she is having with the county in the licensing of her adult foster care home.

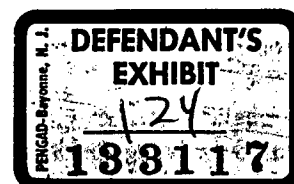
Charla has a history of depression and anxiety. These symptoms have been exacerbated by the stresses surrounding the county's dealing with her adult foster home. She does not require medications for treatment of her depression.

Charla has recently had some difficulties with the county and some neighbors. She has felt harassed and has on occasion reacted impulsively to this harassment, i.e. lifting her dress to her neighbor. Charla has shown no problems with her judgement in relation to her foster home. She is able to care for her patients much better than many foster homes I deal with. From my view point, I see no reason why Charla should not continue to operate a foster care home.

Sincerely,

Richard W. Craft, Sr., M.D.

RWC/SH



54

STATEMENT

My name is Valerie Runyan. I live at 3116 SE 129th Avenue, Portland, OR 97236. My phone number is 762-1778. I live adjacent to Charla Dinnocenzo on the northside and have known her since she moved in.

I have stopped by Ms. Dinnocenzo's home on several occasions in the past few years. She allows UPS to deliver packages to her home for me and has invited me in to see changes she has made to her home. I did not know her prior to her moving into the neighborhood.

I have observed her home on these occasions and it has always appeared to be clean and tidy. I have also observed several of her residents and they have always appeared to be content and well taken care of for their age and condition.

I know that Ms. Dinnocenzo has had some difficulties with her neighbors to the south, the Hedlunds. We, my husband and I, also had problems with the Hedlunds several years ago when we were trying to develop some property. The Hedlunds contested our efforts to develop property on S.E. 122nd^{129th}. I feel the Hedlunds th wanted to control the neighborhood and th went out of their way to do so. In addition to making several calls to the County, they came onto our property without our permission. During this time period I had some garbage dumped on my property. I accused the Hedlunds and they denied it. Since that time, we have stayed away from each other.

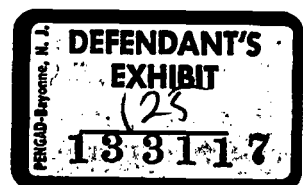
I feel that the Hedlunds do not like Charla Dinnocenzo and are trying to get her business closed down. The Hedlunds have piled wood against Charla Dinnocenzo's fence in such a way as to ruin her fence. I think their behavior is inappropriate and immature.

I have never had any problems with Charla Dinnocenzo as a neighbor. At one point, her dogs were getting into our yard and she took all the necessary steps to correct the problem.

I declare that the above statements are true to the best of my knowledge under penalties of perjury.

DATED this 1/2/94 day of January, 1994.

Valerie Runyan
VALERIE RUNYAN



55

My name is Beverly Guitron, I live at 12904 S.E. Mill Court, Portland, Oregon 97233. My phone number is 253-5655.

I have known Charla Dinnocenzo since the Spring of 1993. I met her through a mutual friend and in the past four or five months we have met once a week to discuss the bible together. During these visits I have had an opportunity to visit Charla in her home.

I have always been impressed with Charla. She is caring, careful, a great hostess and an exceptional cook. In fact her cookies surpass that of Mrs. Fields. Her residents always come first. In fact there have been times when we would change the night that we would meet because of her care for her residents. Or I would wait because that there was some need that they had.

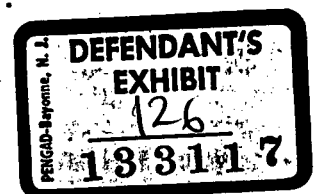
We have often discussed resident care as I have a father in a care center in Forest Grove, who when he first was there would continue to fall out of his wheel chair tho they had him tied in. Charla showed me what kind of chair they should have him in as it is one she uses, it is called a Gerry chair. When I went back to the care center where my dad was they had such chairs but chose to use just the wheel chair.

My father improved and my step-mother decided to take him back home, and Charla was helping us to locate a live in care person. She was telling me what to look for in a care person, and also gave me a copy of the schedule that she has for her residents so that they are properly cared for. I was very impressed. But before we could hire a care person, my dad got to be too much for my step-mother to handle and decided to return him to the care center. He later developed a fungus type rash (because they let him stay wet). Charla told me that none of her residents ever had a rash even if they were incontinet.

Because we were having problems with the care center where by father was, I phoned Aging Services several weeks ago to see if I could place my father in Charla's home. I was told that Charla could not take any more residents. When I asked why I was told that Charla had a dangerous person living there and until such time as she had her removed she could not have anyone else living there. I requested a list of the foster care homes for Multnomah County and Washington County from Aging Services. When I received the list, I was surprised that Charla's home was not listed.

I have met the so called dangerous person four or five times and she does not seem dangerous to me at all. On one occasion she asked Charla for Tylenol before going to bed. She asked in a very nice way. In fact time before last when I was there she was in the living room and visited with us for the whole time that I was there. She seems to me to be a nice, shy person, and Charla treats her very kindly.

I have also been impressed by how sanitary Charla is, when she went to show me the Gerry chair, she picked up a paper towel so that her hands personally would not touch the chair. Also when I have been there and waited for her to care for a resident, her first stop was always to wash her hands.



Page 2,

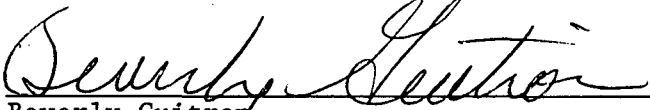
Another thing that impressed me is that each resident has a chart, like in a hospital. She told me that a chart should be kept even if only for one person like my father, when we were looking for a live-in care person.

Her home has always been clean and very pleasant, it has what I would call a homey atmospher.

One other thing that I should mention in regards to her care, is that I have been told not to visit if I have a cold, which I can understand as she needs to put her residents health first and foremost. "

The care center where my father is located changed hands and is providing better care than he had before, but I am certain that it is not as good as he would have received if he had been placed in Charla's home.

I make this statement under penalties of perjury.


Beverly Guitron

56

STATEMENT

My name is Lillian Hernandez. I live at 150 Indian Oak Ct., Space 8A, Molalla OR 97038, my phone number is (503) 829-5298.

My son, Bob Quinones, has been a resident at Charla Dinnocenzo's house since May of 1993. My son is diagnosed with Huntington's Chorea, end-stage.

I visit my son on a regular basis and I am very pleased with the care that he receives at Charla's home. What I like most about her is that she is very soft spoken, and my son seems to pay a lot of attention to her. I find that she is very caring.

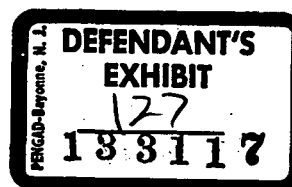
It is always a pleasure coming to see my son. The house is always clean and my son is always well cared for.

It is my understanding that there have been complaints about a resident hollering for help. Because of my son's condition, sometimes you cannot understand what he is saying and he will yell out. He has done the same to me when he was living with me and it would scare me. Sometimes, I thought that he had fallen, but he just yells when he gets frustrated because he is unable to express himself. I can understand if the people next door heard him, they would think there was something going on.

I am very pleased with Bob living at Charla's. I wouldn't bring him anywhere else. I can go home and sleep at night and not worry about him. Charla is very kind, very good and she treats me like family.

I declare under penalties of perjury that the above statement is true to the best of my knowledge and belief.

Lillian Hernandez
Lillian Hernandez



57

STATEMENT

My name is Walter Dachsel, Jr. I live at 4146 NE Flanders, Portland, Oregon. My telephone number is 232-5685.

My father, Walter Dachsel, Sr., lived at Charla Dinnocenzo's adult foster home from about January of 1992 to July, 1992 when he suffered a stroke and was moved into a nursing home. We looked at two other foster homes before we chose Charla's.

My father was on a restricted diet and was a very particular eater. Charla fixed him the type of foods he liked, which was a difficult task.

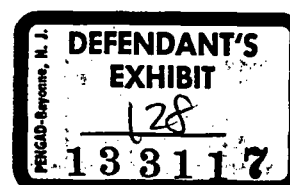
I visited my father three or four times a week while he was there. The home was always well kept. The other residents were usually in the recreation room when I visited and appeared to be well taken care of.

While my father was there, Charla's son committed suicide. She was quite distraught, but she handled it very well and took care of her residents. If someone else in my family needed foster care, I would recommend placement in Charla's home.

I declare under penalty of perjury that the above statement is true to the best of my knowledge and belief.

DATED this 13 day of January, 1994.

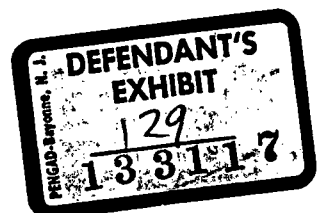
Walter Dachsel
WALTER DACHSEL, JR.



58

COMPLAINT INVESTIGATIONS

<u>Alleged Victim/ Date & Number:</u>	<u>Allegation(s):</u>	<u>Disposition/Points:</u>
Harry Williamson 02/12/90, 29152	Abuse of 87-year-old husband.	<u>Unable to substantiate abuse.</u> A/P denies verbal or physical abuse ever occurred. Witness verifies report of harassment of A/P by extended family members and confirms a pre-nuptial agreement was drawn up prior to marriage. Conclusion per reporter: harassment of A/P by complainant is documented by attorney and police. Note: A/V not a "resident." This was before home was licensed.
Lillian Zednick 07/10/91, 1484	1. Price changed. 2. Bed not ready. 3. Took resident to hospital without cause. 4. Floor "filthy." 5. Candy and pop offered to residents. 6. Resident told to remain seated but wanders.	1. <u>No rule violation.</u> 2. <u>Unable to substantiate.</u> Hospital bed was available. 3. <u>Unable to substantiate.</u> Hospital records substantiate patient required greater care than A/P could provide. 4. <u>Unsubstantiated.</u> Floor was clean. 5. <u>No rule violation.</u> Resident's family and doctor "have no problem with her care." 6. <u>Unsubstantiated.</u> A/V's daughter and doctor have no problem with care. Recommendation: "This is a new home. Operator, it appears, needs assistance with her records and screening of prospective residents. ACH Program to provide this assistance."
Melvin Washam 10/22/91, 1529	1. Price changed. 2. A/P admitted A/V to hospital unnecessarily 3. Family member not provided with copy of contract. 4. Family member found A/V wet.	1. <u>Unable to substantiate.</u> 2. <u>Unsubstantiated.</u> Resident presented behavior problems which were difficult for A/P to handle. Recommended that A/P be given training in better handling of behavior problems. 3. <u>Substantiated.</u> 4. <u>Unable to substantiate.</u>



Beulah Grecco
03/04/92, 33044

1. Dehydration

2. Overmedication/inadequate charting of medications.
3. A/V had feces under fingernails.

4. Chronic bruises on legs and wrists.

5. Bruised forehead (neglect)

6. Swollen foot; A/P refused to help.

7. A/V fearful of operator.

1. Unable to substantiate. A/V refused liquids and was taken to hospital. Doctor directed A/P to discontinue medications to test cause of dehydration. A/V's progress notes at home document other intervals during stay when A/V refused to eat/drink for up to a week. Doctor stated unsurprised A/V had lost that much weight.

2. Unable to substantiate. A/P in violation of rules for not appropriately charting medication.

3. Substantiated. A/V plays with her feces constantly; A/P cleaning nails when complainant arrived.

4. Unable to substantiate. Bruises occurred when A/V attempted to pull legs into fetal position and by bumping on rails of bed. Wedging pillows and blankets was tried but was unsuccessful.

5. Substantiated. Doctor's order for restraint were not used, causing A/V to fall out of bed and hit head. (Family and 911 were called by A/P).

6. Unable to substantiate. A/V has diagnosis of dementia. Family member advises that A/P had advised of fall and A/V had history of falls and frequent calls to 911.

7. Unable to substantiate. Several witnesses believe A/V was fearful of A/P but others indicate A/V did not act frightened of A/P.

Beulah Grecco
02/20/92, 1576

1. A/V moved from one bedroom to another four times in 8 months without 30-day notice.

2. Hearing aid and false teeth lost without replacement.

3. House filthy.

4. A/P never provides any care for residents.

5. Rude, erratic behavior by A/P.

1. Substantiated. MCAR 890-020-415(P) interpreted to require 30-day notice of move within a residence.

2. Substantiated. Family members told A/P not to replace.

3. Substantiated.

4. Unable to substantiate. (No rule violation).

5. Substantiated.

[Report dated 4/29/93 by Eileen Brooks more than 14 months after the alleged incidents].

Julia Sanders
03/10/92, 33060

1. Neglect in providing personal care.

2. Benign neglect by disregarding A/V's request for help.

Walter Daschel
04/09/92, 33065

A/P was resident's own family. (Complaint of loss of possessions/money).

Unknown
05/18/92, 1613

1. A/P was losing control since her son died.

2. Minors dispensing medication.

3. 15-year-old minor left alone with residents while A/P out.

4. A/P kept witness up all night because she couldn't sleep.

5. Minors made to change diapers.

6. A/P served stale food.

1. Partially substantiated. A/V is somewhat manipulative. Recommended that A/P would benefit from training and understanding difficult personalities and behavior modification.

2. Partially substantiated. Although neglect not fully evident A/P appeared to use appropriate measures to respond to request for assistance.

Unable to substantiate. Charla Dinnocenzo was the one who reported the resident's concern about his own family members.

1. Partially substantiated/no rule violation. A/P confirmed that she was having a difficult time sleeping and was suffering emotional trauma due to her son's suicide.

2. No rule violation/unable to substantiate. Only resident sufficiently alert to respond denied minors dispensing medications. A/P denied allowing minors to disburse medications.

3. No rule violation/unable to substantiate. A/P denied the incident. Resident of home denied the incident occurred.

4. Unsubstantiated.

5. No rule violations/unable to substantiate. A/P denies allegation Resident (witness #3) states he never saw any indication of minors changing diapers or providing care to residents.

6. No rule violation/unable to substantiate. Resident denies being served stale food. Note: complainant was former caregiver in the home who had worked only 4 or 5 hour shifts prior to being terminated by A/P. A/P claimed complainant was fired because of smell of marijuana.

Fred Carlson
08/21/92, 44046

1. A/P struck A/V
on head.

1. Unable to substantiate. A/V's case file notes history of verbal abuse by A/V toward other residents. A/P sent letter to M.D. regarding A/V's irritability and temper outbursts.

Violent Dittler
09/02/92, 44052

1. A/P removed t.v.
from A/V's room and
antenna was broken.

1. Substantiated. Investigator questioned propriety of taking resident's personal possessions without permission. According to investigative report, A/V pulled A/P's hair while in process of removing t.v. from room. Conflict between A/V and A/P arose because A/V was demanding, wanting to play t.v. loud, especially at night. Conflict made worse because A/V denied opportunity to smoke in her room (because she was on oxygen). Progress notes state A/V had t.v. blaring at midnight and refused to turn it down. A/V reported not wanting to be in home in first place and admitted grabbing A/P's hair. A/V was "glad A/P phoned police. Needed to go to hospital to get help."

Richard Roberson
09/09/92, 1634

1. A/V left alone for
six hours.
2. A/V sat alone in a
parked car in front of
yard.

1. Unsubstantiated.

2. Substantiated. A/V confirmed that he arrived home about 1 hour early from his radium therapy and had no key to gain entrance to the home. However, home was unlocked and A/V was ambulatory. Waited until A/P and other residents arrived back home. (A/P had three of the four residents with her on an outing - lunch at Elmer's).

3. Children's portion
MacDonald's dinners
bought for residents.

3. No rule violation/substantiated. A/P confirms bringing MacDonald dinners, but did so at the residents' request.

4. Fire trucks, ambulances and police are always at the care home.

4. No rule violations/substantiated. While emergency personnel are frequently at the home, A/P stated that it was due to the care needs of some of the residents, some of whom had extreme behavior problems.

5. A/P engages in
"weird" behavior.

5. Possible rule violation/partially substantiated. Four individuals describe A/P as acting in a "weird," defensive and angry manner. Witness 5 says she is private and aloof but not "weird." Witnesses 3 and 4 say she is not friendly or outgoing but she was "o.k." Witnesses 8 and 9 found her defensive and intense but felt she was probably being "honest, up front and ultimately cooperative in their dealings with her."

Conclusion: According to Eileen Brooks, A/P is "frequently defensive and angry . . . but eventually warms up and behaves in a friendlier and cooperative manner. She admits that her defensive, protective, aloof attitude is probably the cause of complaints and she assures me she will continue to work on improving in this area."

Anonymous
Complainants
10/12/92, 1635

1. Crazy behavior by
A/P.

1. Substantiated. A/P admitted conflict with Probate Court personnel claiming that the person was extremely rude with A/P and hung up on her.

Conclusion: A/P was told by Eileen Brooks that she should conduct herself in a more "professional, courteous manner." Note: report filed 4/28/93, 6 months after the alleged incident.

Anonymous
Complainant
(Hedlunds)
10/12/92, 1636

1. Complainant alleged A/P had 6 residents in her home and asked whether neighbors should be notified if the home had over 5 residents.

1. Unsubstantiated. Home site inspection revealed that the home had only 2 residents with 3 vacancies. A/P felt her neighbors were trying to have her home closed down. "This investigator feels there may be some truth to this theory." (Eileen Brooks). Note: report also filed 6 months after the incident.

Grace Nordgren
12/29/92, 44082

1. Complainant not allowed contact with A/V.
2. A/P listens in on A/V's phone conversa-

1. Unsubstantiated.

2. Unsubstantiated.

tions with complainant.

3. A/P threatened complainant with sale of house owned jointly with A/V. 3. Unsubstantiated.

4. A/P unduly influenced A/V into signing listing agreement for sale of home. 4. Unsubstantiated.

5. A/P entered complainant's home without knowledge or permission and removed items. 5. Unsubstantiated.

6. A/P dismissed A/V's attorney and hired someone else. 6. Unsubstantiated.

7. A/P took A/V to bank to cash bonds, etc. 7. Unsubstantiated.

Conclusion: A/V told investigator that she believed that the complainant was "robbing me of all my money." She stated that she wanted to sell her house with no "coercion from anyone." Investigator concluded "A/P appeared to act in the best interest of A/V but made some errors in judgment and over-stepped boundaries in advocating for A/V."

Nora Fowler,
et al
01/28/93, 0044

1. A/P was abusive to witness in front of elderly residents.

1. Unable to substantiate.
A/V #1 is "alert" and denied hearing any threats to anyone, or ever feeling fearful or intimidated by A/P. A/V #1 was dressed appropriately. A/V #2 was alert and "a reliable witness." A/V #2 states that "A/P sometimes . . . gets after me to do for myself and I need it," but states that he can ask for help if really in need. "I like it here." He denied fear of A/P. Witness who is allegedly being abused (Barbara Starr) denies feeling verbally or emotionally abused by A/P. Witness was calm and rational.

Recommendation: A mental health evaluation of A/P may be "useful" at the next time of medical report needed to maintain license.

Chrystal Vollans 1. A/P refused refund
03/01/93, 1663 after A/V removed from
home.

2. Conversations
between complainant
and A/P being taped.
3. A/P used restraint
vest on A/V.

4. A/P interfered with
conservatorship of A/V.

1. No rule violation/unsubstan-
tiated.

2. No rule violation/
substantiated.

3. Unable to substantiate.

4. Only 1 of 4 suballegations
found to be substantiated, but
ruled to be not a "rule viola-
tion."

Note: 2/23/93 letter from Dr.
Robert Sayson commends A/P for
the "good care" she had provided
to Chrystal Vollans.

Charles Vaughn
05/03/93, 2043

1. A/V complained of
a violation of his
rights, harassment, lack
of respect and dignity,
and a violation of his
privacy by 3 representa-
tives from the state
Ombudsman's office.

1. Unable to substantiate/
unable to determine if rule
violation due to "conflict-
ing reports." The A/V stated
on 5/1/93 he was awakened by a
knocking on his door. He stated
he was questioned while not fully
awake, was asked the same ques-
tions repeatedly and was
"intimidated." The A/Ps spent a
couple of hours questioning
the other residents, with one
of them yelling at one of the

the witnesses (Charla Dinnocenzo)
demanding that she not call anyone
to complain about the visit. Ms.
Dinnocenzo stated that the A/Ps
"intensely questioned" all of the
residents, waking up some who were
asleep. A 2nd witness said that one
of the A/Ps "harassed everyone with
questions," and "was very unpro-
fessional."

Nora Fowler
04/03/93, 2045

1. Concern for retal-
iation.

1. Not substantiated. The complain-
ant called to express a concern
about potential retaliation toward
the A/V because of recently having
given notice of intent to leave.
Investigator visited A/V and saw
"no evidence of retaliation." Arms
and legs were checked for

bruising. A/V was dressed and cheery. A/V asked about abuse and denied any had occurred.

One resident &
one friend of
A/V' s
07/14/93, 2041

1. A/V #1 left
in chair unattended
for 6 hours.

2. A/V #2 left in
rain without a walker,
using a Weedeater.

1. Unable to substantiate.

Complainant (Hedlunds) asserted that A/V #1 was left for 5 1/2 hours in the backyard and given coffee can to urinate in. A/V#1 interviewed and stated that he liked to sit in the sun by choice. He also demonstrated the ability to get up and down on his own and explained that he used the coffee can for smoking. (Complainants had asserted that he had fallen out of a chair and had to be helped back into the chair).

2. Not substantiated. A/V #2 (Harry Williamson) is not a resident of the home and had volunteered to do some yard work. A/V #1 also confirmed this.

Bob Quinones
08/24/93

1. Complainant (Hed-
lunds) heard A/V
screaming "help" on
8/21 and 8/24/93 for
a long time.

1. Unsubstantiated, no rule
violation.

A/V and his mother interviewed on 8/26. A/V has end-stage Huntington's Disease and is unable to speak clearly. A/V's mother said that he is "very demanding and yells out for provider to get him cigarettes and other items very often." She also reports that he becomes "frustrated, angry and yells repeatedly and loudly when he is not attended to immediately." A/V and his mother reported that they are happy with care given at facility and "wish to continue staying there."

59

HOUSE RULES

Residents may feel free to express their likes and dislikes in an agreeable manner.

To expect courtesy from staff and other including ombudsman Resident if able will maintain good hygiene assistance is provided. Regular ~~Bathing~~ and clothes changing linen towels and laundry (sewing hems will have to be done by family members).

Use of radio and television is permitted but should consider other residents regarding volume and hours of sleep and during private time (personal time).

Meals and snacks will be provided on a regular basis.

Medications will be disbursed only as doctor prescribed will only be issued by physician orders residents should comply with orders for medications and treatment ETC.

Smoking in designated areas only dining room at table only, out doors on deck.

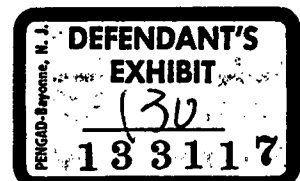
Residents are to participate in fire drill if physically able every month. Bedtime, retire to room at 9:00 P.M. doors closed TV low.

Weekday visiting hours are from 1:00-4:00 P.M. from 6:00- 8:00 P.M. Weekend visitors must all sign in.

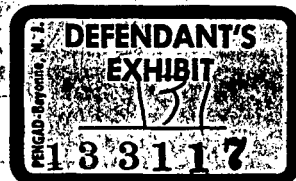
Weekend visiting hours are from 1:00-6:00 P.M. exception for immediate family members.

Thank you

Charla J. Dinnocenzo



①



Violet

House Rules

All Meds ARE to be given to OPERATOR
to be dispensed according to Drs ORDERS

MUST REMAIN IN ROOM FROM 9~~pm~~ pm
2:1 6:00 AM
Except to go to bath room

NO SLAMMING OF DOORS IT SCARES OTHERS
Respect others,

PRIVATE time 1-2- Everyone to Rooms
TV OFF At 10: pm /

10 min Limit on each phone call

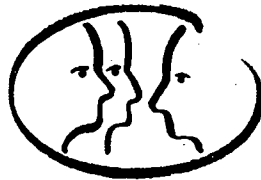
I have Read house Rules and agree
Signed

Date

YOUR good ideas about Activities
wanted & APPRECIATED

* Refused to sign agreement
because she has to have T.V. going all
night long. BOTH

61



EAST METRO
MEDIATION

November 24, 1993

Charla Dinnocenzo
3140 S.E. 129th
Portland, OR 97236

Dear Charla Dinnocenzo:

Thank you for contacting East Metro Mediation about your situation.

Your neighbor, Linda Hedlund, has chosen not to participate in the mediation process. As you know, mediation is a voluntary process, and the success of mediation depends on the willingness of the involved neighbors to mediate.

Mediation is also a confidential process, and I will keep your conversations and those of other involved people confidential.

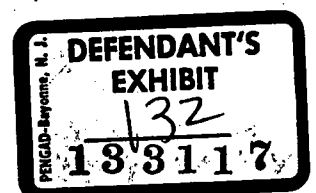
Sincerely,

Anndy Wiselogle
Mediator

cc. Linda Hedlund

For solving problems between neighbors.

1333 NW Eastman Parkway, Gresham, Oregon 97030 503/669-2684



62

My name is Al Clark. I live at 3147 SE 129th, Portland, Oregon 97236. My phone number is 761-7137. I purchased the property in 1977 and have lived at this address since 1986.

I have known Charla Dinnocenzo since she moved in across the street sometime in 1989. Charla and I maintain a good, neighborly relationship. I have been over to her home on many occasions and have observed her adult care facility and how it runs. I am also familiar with Charla's neighbors, the Hedlunds.

I do not consider the Hedlunds to be good neighbors to anyone who proposes a change in the neighborhood. It is my feeling that the Hedlunds are making false complaints to the County and other places to harass Charla and get her business closed down. I have had problems with the Hedlunds for most of the time that I have lived in the neighborhood. The Hedlunds used to have a Rottweiler that was roaming and was menacing the neighborhood. On one occasion, I intervened between the dog and a young lady and two children. The dog was attacking the young woman. I wrote the Hedlunds a note saying they should chain the dog or lock him up so it wouldn't injure someone. The Hedlunds eventually got rid of the dog, but the Hedlund's children have hated me ever since that note.

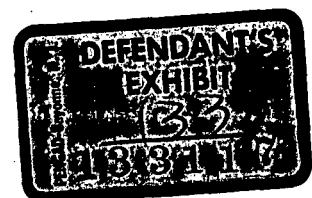
Approximately four years ago, I found out that one of the Hedlund children was throwing rocks at my house. I went over to talk to the Hedlunds and confronted them about their son's actions. I felt I had tried to address the issue in a nice way. Mrs. Hedlund responded to me in a way that I thought was very inappropriate and was unwilling to try and resolve the problem. I think she has handled the problems with Charla in the same or similar way.

Also approximately four years ago, one of the Hedlund children graffitied my driveway, house and garage and pulled up some shrubs. I called the police and a police officer went over to speak to the Hedlunds. The Hedlunds never apologized to me or to my knowledge took responsibility for their son's actions. I feel they may have encouraged their son to dislike me.

The Hedlunds are against any changes in the neighborhood. Anytime anyone applies for a permit, they object to it. There is a lot of hostility in the neighborhood because of this.

Mr. Hedlund has repeatedly stacked the firewood up against Charla's fence using the fence as a wall in such a way as to damage the fence. Mr. Hedlund has now put plywood up between the fence and the wood, yet he has failed to adequately stake it so the fence still is being used to hold up the wood and the plywood and continues to damage Charla's fence.

I feel the Hedlunds are not good neighbors and would do



anything to get Charla's business out of the neighborhood. They hate her business and have told other neighbors that they will shut her down.

I know that Charla had some problems with the Hedlund's and her dogs. I observed the hole under the fence that the dogs apparently went through to get to Hedlund's property. All of the dirt from the hole was on Hedlund's property. I feel they were purposefully enticing her dogs through the fence in order to get her in trouble with the County.

I was present when the Ombudsmen arrived at Charla's house sometime last year. One of them went downstairs to check in on Charles Vaughn, a resident. She yelled up the stairs at Charla, asking her questions and browbeating her very loudly and in a manner that I thought was very inappropriate behavior. During that same visit, they walked in on Chuck Vaughn when he was not ready for them to enter his room. They were not polite at all and did not use common courtesy.

Chuck Vaughn has recently made allegations that Charla has not provided her residents with good care. When Chuck was living at Charla's, he was sober and likeable and came over to my house every once in awhile to visit. He seemed very happy during this time. In October of 1993 or so, when Chuck started receiving his Social Security check, he left Charla's home and was using the money for heroin and alcohol. He would get the check on the 3rd and by the 7th, he'd be broke. His eyes starting turning yellow and he became a very different person when he was drinking and using heroin. He tried to borrow money from me several times when he was high on heroin, but I refused. Chuck told me lies in order to get his next fix. He would make up things about Charla that I knew were untrue. I seriously doubt Chuck's veracity when he is using drugs and alcohol.

I observed Eileen Brooks and Mary Fassell from Aging Services in Charla's house just after one of Charla's residents had expired. They were harassing Charla with questions. They had a large notebook in their lap, where they would flip from one page to another, back and forth, front to middle to back to front again, repeatedly asking questions without giving Charla an opportunity to review the pages they were looking at. In my mind, Charla was giving very logical answers to their questions, but they were unsatisfied with her answers. They repeatedly asked her, "Why did the patient die?" Charla answered, "Because of old age." Then they would ask, "How did she die?" Charla was required to give the same answers over and over again. They were accusing her of some wrong doing without being up front about it. Over all, it was a very unpleasant experience for Charla and myself and could have been handled by the agency better. Charla maintained a polite attitude toward the investigators during this interrogation.

On another occasion, I observed Eileen Brooks with a nurse in Charla's home. They spent a long time checking every resident from head to toe to check their physical well-being. Eileen Brooks thought Bob Quinones, a resident of Charla's, had been wet for an unusually long time. When the nurse checked him, he was dry underneath his outer cloths. Bob oftentimes spills things on his outer clothing and appears to have wet himself.

Whenever I have been over at Charla's house, the house has always been clean and the residents have been clean. Charla treats her residents well. She is firm with her residents and encourages them to exercise and do things for themselves so that they get exercise. All of Charla's residents, overall, seem to be very happy in her care.

Charla hires people to help her with her residents and all of them seem to be able to handle Charla's instructions well, except for Beverly Lolly, who Charla had to let go. Beverly was very lazy and did two hours of work in a six hour shift. I know Beverly was upset when Charla fired her because she left Charla's house burning rubber in her car. Beverly Lolly and Chuck Vaughn became very chummy at this point which is the same time that Chuck started using alcohol and drugs again.

Charla is feisty and determined and is quick to speak up if she feels someone is taking advantage of her. I have seen her growing in this way and learning how to be more diplomatic. However, she has a good heart and takes good care of her residents and is a good business woman. I do not think that Charla is bizarre or crazy, in any way. It has been Charla's dream for many years to operate a foster care business and she has thought this out very carefully. It would be a shame if she was unable to continue to do this.

I have read this statement and under penalties of perjury, it is true to the best of my knowledge and belief.



Al Clark

63

My name is Beth Miller. I reside at 2545 SE 187th Place, Gresham, Oregon. My phone number is 667-9640.

I have known Charla Dinnocenzo for approximately 16 years. I worked for Charla on and off for one year in her adult foster care facility. I stopped working for her in July of 1993. While working for her, my duties included cleaning the house and helping Charla with her residents, feeding them, bathing and clothing them, and changing their diapers. While I was working there, Bob Quinones and Charles Vaughn were residents. Charles and Bob were good friends and spent a lot of time together. I never saw Charles taking care of Bob. Bob was always well taken care of by Charla or her other employees, including myself, while I was present. Charla is a good provider and a caring person.

While I was working for her, the house was always clean. The residents never made any complaints to me, or anyone else to my knowledge, about the care they were receiving. In fact, we had a lot of fun with the residents and took them on outings for lunch, the Rose Garden and the Zoo.

There is an allegation that Charla filed a false police report regarding a stolen car. Charla bought the car for Nigel Moss. I was present when Nigel signed the contract specifying what payments were to be made to Charla before he could receive the car. Charla never put the title in her name but had it in her possession. Nigel took the car and filed for lost title prior to completely paying for it. Charla justifiably felt the car was still hers and filed the police report.

I have read this statement and under penalties of perjury it is true to the best of my knowledge and belief.



Beth Miller



①

My Name is Beth Miller. I reside at 2545 SE 187th PL, Bresham, OR. My phone number is 667-9640.

I first met Charla when I took care of her children about 17 years ago. I watched her children for two years full time during the summer months. Charla's state of mind has not changed since then. She always wanted her kids well taken care of, just as she now wants her employees to take care of her adult residents. She expects a lot ~~the~~ out of her employees, which has never bothered me.

I worked for Charla in her adult foster care home for a year, off and on. I stopped working for her in July of 1993. While I worked for her, my duties were cleaning the house, helping Charla with her residents, bathing, clothing them, changing diapers & shopping.

While I worked there I noticed Charles Vaughn spent a lot of time with Bob Quinones. He would light his cigarette and help him with the morning paper. I never heard

②

Charla ask Charles to help Bob with anything, unless it was to light a cigarette,

Bob was well taken care of by Charla. Bob was very hard to take care of when he was first brought to Charla's house the first day. He was very verbal and wanted to leave when he was first dropped off from his previous home. I went on vacation the next day after he was dropped off and came back one week later. When I got back, I couldn't believe how he had changed. He was not verbal at all & was doing rather well. I was impressed by how Charla got him calmed down & relaxed in his new home. Charla is a good provider and a caring person.

While I was working for her, the house was always clean. The residents never made any complaints to me, or anyone else, to my knowledge, about the care they were receiving. We took them for rides to lunch and to the Rose Garden.

Charla bought Nigel a car in which the agreement was for Nigel to work off the car before the title was to be released to him. We tried to make out a schedule

③

for him to follow, but he would never follow through. He finally left before the car was paid off, ~~with the car~~. Both Charla & Nigel could not find the title at that time. Nigel knew when he left that the car was not paid off.

I believe that the Hedlunds (neighbors) would do anything in their power to keep Charla from getting her licence renewed. I expressed my ~~opion~~ opinion on this when I talked with Dr. Nikoa and Jim McConnel during a meeting with them. I have heard from other sources that she is a trouble maker. I have babysat for the Hedlunds when I was a teenager and I never had a problem with them then. However, I do think they are trying to get Charla in trouble for whatever they can.

Charla's Dogs have never been vicious. My children have come over & they play with them. The neighbors (Hedlunds) say they are attack dogs, which is untrue.

I do not believe that Barbara would hurt another resident. Barbara needs a friend and becomes moody when bored.

④

Barbara Starr needs activities in order to keep her happy. I have never seen her take her moods out on anyone other than Charla.

Charla was depressed after the death of her son. She did not display any emotions ~~about~~ about this around her residents. She has come along way since then. She is much happier today than she was right after Rob's ~~death~~ death. Rob was a very special son to her. I've known that since I babysat for her 17 years ago. He has always been her favorite. She misses him dearly, but is handling his death as well as can be expected.

Charla knows a lot about caregiving. I feel she is a good provider.

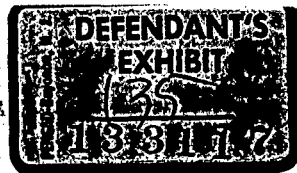
I have written this statement and under penalties of perjury, it is true to the best of my knowledge & belief,

Both Miller.

667-9640

238-4284-WK

(L4)



Re Complaint # 3 from Peggy's Statement
#133117.

I ordered diapers & supplies from Care Medical. When they arrived, some of the order was not there. The lady also told me that the diapers they were sending were like the type that Grace was using at that time, and they were not of the same quality. They were a cheaper brand and were not suited for Grace's needs.

I called Care back and explained the problem & they said they would take care of it, but that it would be a few days before they could get the supplies to her.

I then called Peggy - who is hard to get ahold of - and she returned my call later that day. She said she was going out to Costco that day and would drop some off later.

She never showed up.

The next day we called again & explained we had to use the diapers which were delivered. We call-

medical again and asked if they could hurry up & deliver as brace needed another brand right away.

Peggy always took several days to get back to us on any of brace's care needs, like supplies & haircuts etc.

She also pickup up her bills only about once a month for brace. I think most of her bills were paid late.

brace has never told me that she wasn't getting enough to eat. I would always ask her if she was O.K., and she seemed to enjoy losing weight and eating a little less. I would always give her two snacks & a good sized breakfast & lunch while I was working. She always eats sugar free things like drinks, jello, deserts, ^{syrup etc.} which is why her weight has dropped down.

Beth Miller



65

MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
EAST/MID COUNTY FIELD TEAM
620 N.E. 2ND
GRESHAM, OREGON 97030
(503) 248-5157
FAX (503) 248-5185

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

January 27, 1994

To Whom It May Concern;

I visited the Adult Foster care Facility of Charlene Dinnocenzo at 3140 S.E. 129th st., Portland, Oregon. I visited in the capacity of nurse consultant to Multnomah County Aging Services Division protective services casemanager Donna Waltman from 2:00p.m. to 4:00p.m. on January 18, 1994.

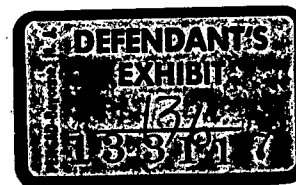
On this visit, I observed Ms. Dinnocenzo to be cooperative and helpful and observed the home to be orderly and nonodorous.

Sincerely,

Nancy Foiles R.N.

Nancy Foiles R.N
Community Health Nurse
Multnomah County Health Dept.

NJF





MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
AGING SERVICES DIVISION
EAST BRANCH
2900 S.E. 122ND AVENUE
P.O. BOX 16633
PORTLAND, OREGON 97216
(503) 248-5480

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMO

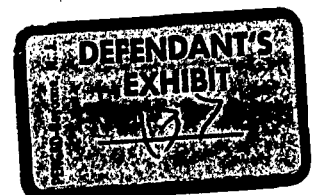
TO: ALL STAFF - for ASD staff information only
FROM: CARLA GOULDING
DATE: 9-23-93
RE: DINNOCENZO AFH

Steve Balog, Director of Adult Housing, informed us today that he has sent a notice to Charla Dinnocenzo informing her that he is revoking her Adult Foster Home license. The provider has 20 days in which to appeal this action. Steve stated to us that there is no cause for "imminent danger" which would have forced immediate closure.

In the event that any of you should receive telephone calls regarding this home and situation, refer the caller to Mary Fassell at Adult Housing. Please do not try to respond to the caller's questions.

RE: RAMSBOTTOM AFH

Steve Balog has also informed us that this home is presently being investigated by protective services and that he is in the process of suspending it's license pending the outcome of the investigation. Again, refer callers with questions to Adult Housing and refrain from placing clients in this home.



MULTNOMAH COUNTY

Index to Record
[Record is in Reverse Chronological Order]

ITEM	PAGE(S)
Final Order 94-157, In the Matter of the Appeal of Charla Dinnocenzo from the Hearings Officer's Order Revoking Appellant's Adult care Home License, dated September 1, 1994	1-2
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	3-5
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-2), dated July 28, 1994	6-9
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated July 7, 1994	10-14
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated May 3, 1994	15-26
Agenda Packet submitted for the Board of County Commissioners Regular Meetings (Item R-3), dated July 7, 1994 and (Item R-2), dated July 28, 1994	27-44
Agenda Packet submitted for the Board of County Commissioners Regular Meeting (Item R-3), dated May 5, 1994	45-70
Hearing #133117, Final Historical Log, dated April 12, 1994	71-73
Check #472 for \$65.00 from Reeves, Kahn & Eder to City of Portland Treasurer, dated March 4, 1994	74
Check #2497 for \$65.00 from Evalyne L. Gerbich to City of Portland Treasurer, dated February 9, 1994	75
Correspondence from William W. Shatzer, Code Hearings Officer to Ms. J. Kristen Pecknold, dated March 3, 1994	76
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	77
Fax from Reeves, Kahn & Eder: J. Kristen Pecknold to Hearings Officer William Shatzer, dated March 3, 1994	80-81

MULTNOMAH COUNTY

Index to Record
[Record is in Reverse Chronological Order]

ITEM	PAGE(S)
Final Order 94-157, In the Matter of the Appeal of Charla Dinnocenzo from the Hearings Officer's Order Revoking Appellant's Adult care Home License, dated September 1, 1994	1-2
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	3-5
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-2), dated July 28, 1994	6-9
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated July 7, 1994	10-14
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated May 3, 1994	15-26
Agenda Packet submitted for the Board of County Commissioners Regular Meetings (Item R-3), dated July 7, 1994 and (Item R-2), dated July 28, 1994	27-44
Agenda Packet submitted for the Board of County Commissioners Regular Meeting (Item R-3), dated May 5, 1994	45-70
Hearing #133117, Final Historical Log, dated April 12, 1994	71-73
Check #472 for \$65.00 from Reeves, Kahn & Eder to City of Portland Treasurer, dated March 4, 1994	74
Check #2497 for \$65.00 from Evalyne L. Gerbich to City of Portland Treasurer, dated February 9, 1994	75
Correspondence from William W. Shatzer, Code Hearings Officer to Ms. J. Kristen Pecknold, dated March 3, 1994	76
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	77
Fax from Reeves, Kahn & Eder: J. Kristen Pecknold to Hearings Officer William Shatzer, dated March 3, 1994	80-81

Mr. William W. Shatzer, Hearings Officer's Determination and Order, dated February 18, 1994	82-84
Hearing #1133117, Notification List, dated February 16, 1994	85
Hearing #133117, Notification List, dated February 17, 1994	86
Correspondence with enclosures from Mary M. Fassell, Multnomah County Adult Care Home Program to Mr. William W. Shatzer, Hearings Officer, dated February 7, 1994	87-99
Correspondence from Evalyne L. Gerbich to Hearings Office, dated February 9, 1994	100
Hearing Record for City of Portland-Code Hearings Office, Hearing #133117, Hearings Officer: William W. Shatzer	101-102
Correspondence from Multnomah County Aging Services Division Staff, Carla Goulding to All Staff, for Aging Services Division	103
Correspondence from Multnomah County Health Department, East/Mid County Field Team Staff, Nancy Foiles, R.N. to Whom It May Concern, dated January 27, 1994	104
Statement from Beth Miller Re: Complaint #3 from Peggy's Statement #133117, no date	105-106
Statement from Beth Miller Re: Charla Dinnocenzo, no date	107-111
Statement from Al Clark Re: Charla Dinnocenzo, no date	112-114
Correspondence from East Metro Mediation, Anndy Wiselogle, Mediator to Charla Dinnocenzo, dated November 24, 1993	115
Violet - House Rules Agreement, no date	116
House Rules from Charla J. Dinnocenzo, no date	117
Complaint Investigations Record	118-125
Statement from Walter Dachsel, Jr., dated January 13, 1994	126

Statement from Lillian Hernandez, no date	127
Statement from Beverly Guitron, no date	128-129
Statement from Valerie Runyan, dated January 2, 1994	130
Statement from Richard W. Craft, Sr., M.D., dated January 6, 1994	131
Correspondence from Charles R. Vaughn, no date	132-133
Correspondence from Charles R. Vaughn, dated May 9, 1993	134-135
Resume/Vita of Russ Sardo, Ph.D., no date	136-138
Correspondence/Investigation Report from Alezander Christian, Ltd., Investigative Services to Ms. Charla Dinnocenzo, dated August 12, 1993	139-141
Correspondence from Robert C. Sayson, M.D. to Charla Dinnocenzo, dated February 23, 1993	142
Note from Sandra M. Ford, P.A. C to Charla Dinnocenzo, dated January 7, 1993	143
Chart notes of Nora Fowler, dated April 16, 1993	144
Statement from Sherry Dixon, R.N., dated May 6, 1993	145
Correspondence from Joanne Glass to Charla Dinnocenzo, dated October 24, 1993	146
Medical Record, dated January 4, 1994	147
Statement from Beverly J. Lolley, dated May 8, 1993	148
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 8, 1983	149-152
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 2, 1993	153-155
Client contract from Barbara Starr, dated November 5th	156
Circuit Court of the State of Oregon for Multnomah County, Probate Department No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	157

Correspondence/Certified Mail from Multnomah County Adult Care Home Program, Stephen P. Balog, Director to Charla Dinnocenzo, dated November 24, 1993	158-160
Circuit Court of the State of Oregon for Multnomah County, No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	161
Various photo's, no date	162-164
Correspondence from Multnomah County Department of Human Services, Aging Services Division Adult Housing Program, Sherry Willmschen to Charla Dinnocenzo, dated November 25, 1991	165-166
Multnomah County Administrative Hearing, Affidavit of Debera Lewis in Support of Multnomah County, dated January 24, 1994	167-170
Multnomah County Administrative Hearing, Affidavit of Patricia Baldock in Support of Multnomah County, dated January 21, 1994	171-173
Multnomah County Administrative Hearing, Affidavit of Suzan Kingma in Support of Multnomah County, dated January 24, 1994	174-175
Multnomah County Administrative Hearing, Affidavit of Heather Stewart in Support of Multnomah County, dated January 12, 1994	176-177
Multnomah County Administrative Hearing, Affidavit of David Rader in Support of Multnomah County, dated January 6, 1994	178-180
Multnomah County Administrative Hearing, Affidavit of Peggy Hulse in Support of Multnomah County, dated January 5th, 1994	181-183
Multnomah County Administrative Hearing, Affidavit of Alice Wheeler in Support of Multnomah County, dated January 5, 1994	184-185
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to Charla Dinnocenzo, dated December 15, 1993	186
Complaint Investigation Report, Log #43634 from the State of Oregon Department of Human Resources, Senior & Disabled Services Division, dated November 5, 1993	187-189

Circuit Court of the State of Oregon for Multnomah County, Probate Department, Final Order No. 931097563 in the Matter of Barbara Starr, dated November 4, 1993	190
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated November 19, 1993	191
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated January 14, 1993	192
Hearing #133117 Notification List, dated December 28, 1993	193
Hearing #133117 Notification List, dated November 8, 1993	194
Hearing #133117 Notification List, dated September, 30, 1993	195
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to William W. Shatzer, Hearings Officer, dated September 27, 1993	196
Envelope addressed to Mr. William W. Shatzer, dated September 30, 1993	197
Request for Hearing from Melvin Jack Fisher to Mr. Setphen P. Balog, Manager, Adult Care Home Program, Dated September 23, 1993	198
Letter from Stephen Balog, Manager, Adult Care Home Program, dated September 22, 1993, to Ms. Charla Dinnocenzo	199-202

AUDIO TAPES

1. Dated 1/6/94 (2 tapes)
2. Dated 1/7/94 (4 tapes)
3. Dated 1/13/94 (2 tapes)
4. Dated 1/27/94 (3 tapes)
5. Dated 1/28/94 (1 tape)
6. Marked "Ex. 14, Casc #133117" (2 tapes)
7. Excerpts of Board of Commissioners meetings 5/5/94; 7/7/94; 7/28/94 re Dinnocenzo Appeal (1 tape)

VIDEO TAPES

1. Tapes introduced by County a hearing on 1/6/94 (2 tapes)

[Tape copies will be provided to Court prior to trial]

MULTNOMAH COUNTY

Index to Record
[Record is in Reverse Chronological Order]

ITEM	PAGE(S)
Final Order 94-157, In the Matter of the Appeal of Charla Dinnocenzo from the Hearings Officer's Order Revoking Appellant's Adult care Home License, dated September 1, 1994	1-2
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	3-5
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-2), dated July 28, 1994	6-9
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated July 7, 1994	10-14
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated May 3, 1994	15-26
Agenda Packet submitted for the Board of County Commissioners Regular Meetings (Item R-3), dated July 7, 1994 and (Item R-2), dated July 28, 1994	27-44
Agenda Packet submitted for the Board of County Commissioners Regular Meeting (Item R-3), dated May 5, 1994	45-70
Hearing #133117, Final Historical Log, dated April 12, 1994	71-73
Check #472 for \$65.00 from Reeves, Kahn & Eder to City of Portland Treasurer, dated March 4, 1994	74
Check #2497 for \$65.00 from Evalyne L. Gerbich to City of Portland Treasurer, dated February 9, 1994	75
Correspondence from William W. Shatzer, Code Hearings Officer to Ms. J. Kristen Pecknold, dated March 3, 1994	76
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	77
Fax from Reeves, Kahn & Eder: J. Kristen Pecknold to Hearings Officer William Shatzer, dated March 3, 1994	80-81

Mr. William W. Shatzer, Hearings Officer's Determination and Order, dated February 18, 1994	82-84
Hearing #1133117, Notification List, dated February 16, 1994	85
Hearing #133117, Notification List, dated February 17, 1994	86
Correspondence with enclosures from Mary M. Fassell, Multnomah County Adult Care Home Program to Mr. William W. Shatzer, Hearings Officer, dated February 7, 1994	87-99
Correspondence from Evalyne L. Gerbich to Hearings Office, dated February 9, 1994	100
Hearing Record for City of Portland-Code Hearings Office, Hearing #133117, Hearings Officer: William W. Shatzer	101-102
Correspondence from Multnomah County Aging Services Division Staff, Carla Goulding to All Staff, for Aging Services Division	103
Correspondence from Multnomah County Health Department, East/Mid County Field Team Staff, Nancy Foiles, R.N. to Whom It May Concern, dated January 27, 1994	
Statement from Beth Miller Re: Complaint #3 from Peggy's Statement #133117, no date	105-106
Statement from Beth Miller Re: Charla Dinnocenzo, no date	107-111
Statement from Al Clark Re: Charla Dinnocenzo, no date	112-114
Correspondence from East Metro Mediation, Anndy Wiselogle, Mediator to Charla Dinnocenzo, dated November 24, 1993	115
Violet - House Rules Agreement, no date	116
House Rules from Charla J. Dinnocenzo, no date	117
Complaint Investigations Record	118-125
Statement from Walter Dachsel, Jr., dated January 13, 1994	126

Statement from Lillian Hernandez, no date	127
Statement from Beverly Guitron, no date	128-129
Statement from Valerie Runyan, dated January 2, 1994	130
Statement from Richard W. Craft, Sr., M.D., dated January 6, 1994	131
Correspondence from Charles R. Vaughn, no date	132-133
Correspondence from Charles R. Vaughn, dated May 9, 1993	134-135
Resume/Vita of Russ Sardo, Ph.D., no date	136-138
Correspondence/Investigation Report from Alezander Christian, Ltd., Investigative Services to Ms. Charla Dinnocenzo, dated August 12, 1993	139-141
Correspondence from Robert C. Sayson, M.D. to Charla Dinnocenzo, dated February 23, 1993	142
Note from Sandra M. Ford, P.A. C to Charla Dinnocenzo, dated January 7, 1993	143
Chart notes of Nora Fowler, dated April 16, 1993	144
Statement from Sherry Dixon, R.N., dated May 6, 1993	145
Correspondence from Joanne Glass to Charla Dinnocenzo, dated October 24, 1993	146
Medical Record, dated January 4, 1994	147
Statement from Beverly J. Lolley, dated May 8, 1993	148
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 8, 1983	149-152
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 2, 1993	153-155
Client contract from Barbara Starr, dated November 5th	156
Circuit Court of the State of Oregon for Multnomah County, Probate Department No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	157

Correspondence/Certified Mail from Multnomah County Adult Care Home Program, Stephen P. Balog, Director to Charla Dinnocenzo, dated November 24, 1993	158-160
Circuit Court of the State of Oregon for Multnomah County, No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	161
Various photo's, no date	162-164
Correspondence from Multnomah County Department of Human Services, Aging Services Division Adult Housing Program, Sherry Willmschen to Charla Dinnocenzo, dated November 25, 1991	165-166
Multnomah County Administrative Hearing, Affidavit of Debera Lewis in Support of Multnomah County, dated January 24, 1994	167-170
Multnomah County Administrative Hearing, Affidavit of Patricia Baldock in Support of Multnomah County, dated January 21, 1994	171-173
Multnomah County Administrative Hearing, Affidavit of Suzan Kingma in Support of Multnomah County, dated January 24, 1994	174-175
Multnomah County Administrative Hearing, Affidavit of Heather Stewart in Support of Multnomah County, dated January 12, 1994	176-177
Multnomah County Administrative Hearing, Affidavit of David Rader in Support of Multnomah County, dated January 6, 1994	178-180
Multnomah County Administrative Hearing, Affidavit of Peggy Hulse in Support of Multnomah County, dated January 5th, 1994	181-183
Multnomah County Administrative Hearing, Affidavit of Alice Wheeler in Support of Multnomah County, dated January 5, 1994	184-185
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to Charla Dinnocenzo, dated December 15, 1993	186
Complaint Investigation Report, Log #43634 from the State of Oregon Department of Human Resources, Senior & Disabled Services Division, dated November 5, 1993	187-189

Circuit Court of the State of Oregon for Multnomah County, Probate Department, Final Order No. 931097563 in the Matter of Barbara Starr, dated November 4, 1993	190
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated November 19, 1993	191
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated January 14, 1993	192
Hearing #133117 Notification List, dated December 28, 1993	193
Hearing #133117 Notification List, dated November 8, 1993	194
Hearing #133117 Notification List, dated September, 30, 1993	195
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to William W. Shatzer, Hearings Officer, dated September 27, 1993	196
Envelope addressed to Mr. William W. Shatzer, dated September 30, 1993	197
Request for Hearing from Melvin Jack Fisher to Mr. Stephen P. Balog, Manager, Adult Care Home Program, Dated September 23, 1993	198
Letter from Stephen Balog, Manager, Adult Care Home Program, dated September 22, 1993, to Ms. Charla Dinnocenzo	199-202

AUDIO TAPES

1. Dated 1/6/94 (2 tapes)
2. Dated 1/7/94 (4 tapes)
3. Dated 1/13/94 (2 tapes)
4. Dated 1/27/94 (3 tapes)
5. Dated 1/28/94 (1 tape)
6. Marked "Ex. 14, Case #133117" (2 tapes)
7. Excerpts of Board of Commissioners meetings 5/5/94; 7/7/94; 7/28/94 re Dinnocenzo Appeal (1 tape)

VIDEO TAPES

1. Tapes introduced by County at hearing on 1/6/94 (2 tapes)

[Tape copies will be provided to Court prior to trial]

MULTNOMAH COUNTY

Index to Record
[Record is in Reverse Chronological Order]

ITEM	PAGE(S)
Final Order 94-157, In the Matter of the Appeal of Charla Dinnocenzo from the Hearings Officer's Order Revoking Appellant's Adult care Home License, dated September 1, 1994	1-2
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	3-5
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-2), dated July 28, 1994	6-9
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated July 7, 1994	10-14
Annotated Minutes of the Board of County Commissioners Regular Meeting (see Item R-3), dated May 3, 1994	15-26
Agenda Packet submitted for the Board of County Commissioners Regular Meetings (Item R-3), dated July 7, 1994 and (Item R-2), dated July 28, 1994	27-44
Agenda Packet submitted for the Board of County Commissioners Regular Meeting (Item R-3), dated May 5, 1994	45-70
Hearing #133117, Final Historical Log, dated April 12, 1994	71-73
Check #472 for \$65.00 from Reeves, Kahn & Eder to City of Portland Treasurer, dated March 4, 1994	74
Check #2497 for \$65.00 from Evalyne L. Gerbich to City of Portland Treasurer, dated February 9, 1994	75
Correspondence from William W. Shatzer, Code Hearings Officer to Ms. J. Kristen Pecknold, dated March 3, 1994	76
Mr. William W. Shatzer, Hearing Officer's Corrected Determination and Order, dated March 3, 1994	77
Fax from Reeves, Kahn & Eder: J. Kristen Pecknold to Hearings Officer William Shatzer, dated March 3, 1994	80-81

Mr. William W. Shatzer, Hearings Officer's Determination and Order, dated February 18, 1994	82-84
Hearing #1133117, Notification List, dated February 16, 1994	85
Hearing #133117, Notification List, dated February 17, 1994	86
Correspondence with enclosures from Mary M. Fassell, Multnomah County Adult Care Home Program to Mr. William W. Shatzer, Hearings Officer, dated February 7, 1994	87-99
Correspondence from Evalyne L. Gerbich to Hearings Office, dated February 9, 1994	100
Hearing Record for City of Portland-Code Hearings Office, Hearing #133117, Hearings Officer: William W. Shatzer	101-102
Correspondence from Multnomah County Aging Services Division Staff, Carla Goulding to All Staff, for Aging Services Division	103
Correspondence from Multnomah County Health Department, East/Mid County Field Team Staff, Nancy Foiles, R.N. to Whom It May Concern, dated January 27, 1994	
Statement from Beth Miller Re: Complaint #3 from Peggy's Statement #133117, no date	105-106
Statement from Beth Miller Re: Charla Dinnocenzo, no date	107-111
Statement from Al Clark Re: Charla Dinnocenzo, no date	112-114
Correspondence from East Metro Mediation, Anndy Wiselogle, Mediator to Charla Dinnocenzo, dated November 24, 1993	115
Violet - House Rules Agreement, no date	116
House Rules from Charla J. Dinnocenzo, no date	117
Complaint Investigations Record	118-125
Statement from Walter Dachsel, Jr., dated January 13, 1994	126

Statement from Lillian Hernandez, no date	127
Statement from Beverly Guitron, no date	128-129
Statement from Valerie Runyan, dated January 2, 1994	130
Statement from Richard W. Craft, Sr., M.D., dated January 6, 1994	131
Correspondence from Charles R. Vaughn, no date	132-133
Correspondence from Charles R. Vaughn, dated May 9, 1993	134-135
Resume/Vita of Russ Sardo, Ph.D., no date	136-138
Correspondence/Investigation Report from Alezander Christian, Ltd., Investigative Services to Ms. Charla Dinnocenzo, dated August 12, 1993	139-141
Correspondence from Robert C. Sayson, M.D. to Charla Dinnocenzo, dated February 23, 1993	142
Note from Sandra M. Ford, P.A. C to Charla Dinnocenzo, dated January 7, 1993	143
Chart notes of Nora Fowler, dated April 16, 1993	144
Statement from Sherry Dixon, R.N., dated May 6, 1993	145
Correspondence from Joanne Glass to Charla Dinnocenzo, dated October 24, 1993	146
Medical Record, dated January 4, 1994	147
Statement from Beverly J. Lolley, dated May 8, 1993	148
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 8, 1983	149-152
Correspondence from REEVES, KAHN & EDER, Martin W. Reeves to Multnomah County Adult Care Home Program, Stephen P. Balog, Director, dated December 2, 1993	153-155
Client contract from Barbara Starr, dated November 5th	156
Circuit Court of the State of Oregon for Multnomah County, Probate Department No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	157

Correspondence/Certified Mail from Multnomah County Adult Care Home Program, Stephen P. Balog, Director to Charla Dinnocenzo, dated November 24, 1993	158-160
Circuit Court of the State of Oregon for Multnomah County, No. 931097562 Examiner's Report of Barbara Starr, dated November 4, 1993	161
Various photo's, no date	162-164
Correspondence from Multnomah County Department of Human Services, Aging Services Division Adult Housing Program, Sherry Willmschen to Charla Dinnocenzo, dated November 25, 1991	165-166
Multnomah County Administrative Hearing, Affidavit of Debera Lewis in Support of Multnomah County, dated January 24, 1994	167-170
Multnomah County Administrative Hearing, Affidavit of Patricia Baldock in Support of Multnomah County, dated January 21, 1994	171-173
Multnomah County Administrative Hearing, Affidavit of Suzan Kingma in Support of Multnomah County, dated January 24, 1994	174-175
Multnomah County Administrative Hearing, Affidavit of Heather Stewart in Support of Multnomah County, dated January 12, 1994	176-177
Multnomah County Administrative Hearing, Affidavit of David Rader in Support of Multnomah County, dated January 6, 1994	178-180
Multnomah County Administrative Hearing, Affidavit of Peggy Hulse in Support of Multnomah County, dated January 5th, 1994	181-183
Multnomah County Administrative Hearing, Affidavit of Alice Wheeler in Support of Multnomah County, dated January 5, 1994	184-185
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to Charla Dinnocenzo, dated December 15, 1993	186
Complaint Investigation Report, Log #43634 from the State of Oregon Department of Human Resources, Senior & Disabled Services Division, dated November 5, 1993	187-189

Circuit Court of the State of Oregon for Multnomah County, Probate Department, Final Order No. 931097563 in the Matter of Barbara Starr, dated November 4, 1993	190
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated November 19, 1993	191
City of Portland, Code Hearings Office, Notice of Hearing #133117, dated January 14, 1993	192
Hearing #133117 Notification List, dated December 28, 1993	193
Hearing #133117 Notification List, dated November 8, 1993	194
Hearing #133117 Notification List, dated September, 30, 1993	195
Correspondence from Multnomah County Department of Social Services, Aging Services Division Adult Care Home Program, Stephen P. Balog, Manager to William W. Shatzer, Hearings Officer, dated September 27, 1993	196
Envelope addressed to Mr. William W. Shatzer, dated September 30, 1993	197
Request for Hearing Correspondence with attachments from ECKER, HUNT & HESS, Melvin Jack Fisher to Mr. Stephen P. Balog, Manager, Adult Care Home Program, Dated September 23, 1993	198-202

exhibit 2

(20)

Tape #2-short version

exhibit 1

(19)

Tape #1-full version