

DCRA EXHIBIT B

Department of Consumer and Regulatory Affairs
Business and Professional Licensing Administration
Regulatory Investigations Section

INVESTIGATIVE REPORT

CASE NUMBER : 2013I0800
CASE ASSIGNMENT DATE : January 29, 2013
INVESTIGATOR : K. D. Meredith

COMPLAINANT

NAME : Office of the General Counsel
ADDRESS : 1100 - 4th Street, S.W.
TELEPHONE : (202) 442-8925

RESPONDENT

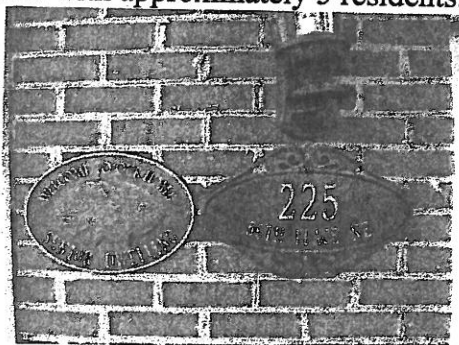
NAME : Senior Dwelling, Inc.
ADDRESS : 225 - 56th Place, N.E. - WDC
TELEPHONE : (202) 445-7786
VIOLATION ADDRESS : 225 - 56th Place, N.E. - WDC

INVESTIGATION SUMMARY

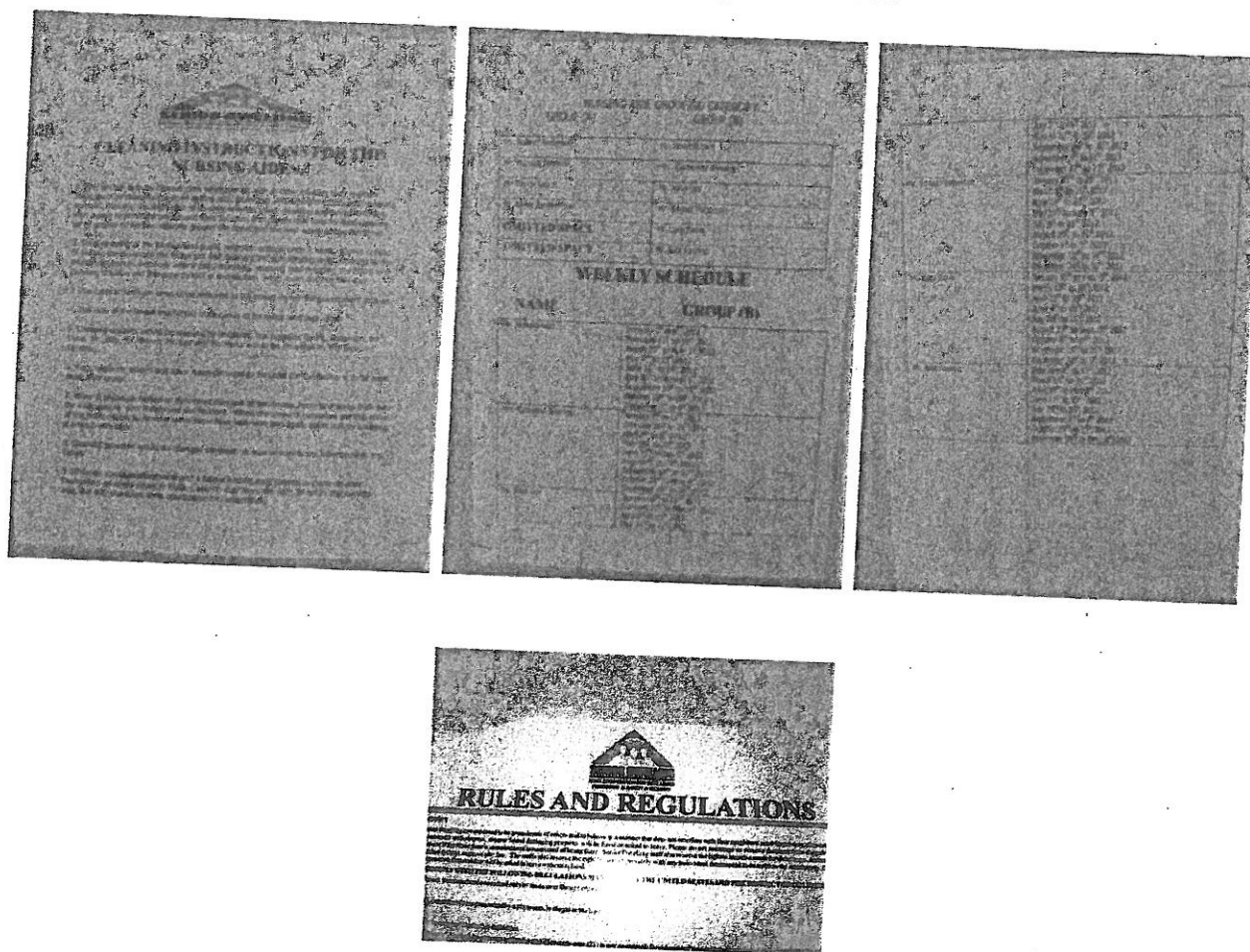
A joint investigation with Department of Health (DOH) was conducted at the request Office of General Counsel (OGC) to ascertain whether the scope of activities at a licensed rooming house exceeds the authority of use as a Community Base Residential Facility (CBRF). The licensed rooming house establishment is located at 223 - 56th Place, N.E. under the name, "Senior Dwelling, Inc.". The activities superficially appear to be those of a CBRF wherein assisted living services and supervision are rendered purportedly from outside sources unrelated to Senior Dwelling, Inc. I shall make referral to the appropriate entities to determine whether my observations are in fact those of a CBRF.

INVESTIGATION

On January 30, 2013 a site visit was conducted at the 225 - 56th Place, N.E. where a four level rooming house facility is operated with approximately 5 residents.



Posted on the wall on the first floor were notices labeled, "Senior Dwelling Cleaning Instructions for the Nursing Aides"; "Nursing Aide Grouping Category"; "Weekly Schedule" and, "Senior Dwelling Rules and Regulations". See photos below.



I observed potential hazards on the premise with smoke detectors being improperly mounted and placement. There was also evidence of ripped stair treads.

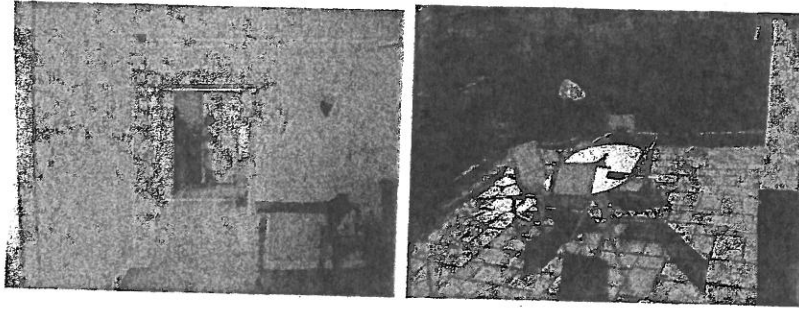
There was a woman presented herself as the "resident director" employed by "Rosemary" was preparing a meal of chicken and rice for the residents. I asked the resident director where the business license and C of O were and she replied that they were locked in the office and does not have access.

I observed 3 other persons, two females (from Cameroon and Sierra Leone) and a male, Joseph (from Cameroon) who presented themselves as being Home Care Aides employed by different companies and providing a range of assistance for their respective elderly client (term used by individuals). I observed a visiting nurse on premises. I requested Joseph to guide Mr. Hill and me through the property while Mr. Hill photographed. It was also noted that several cameras were placed in common areas throughout the facility.

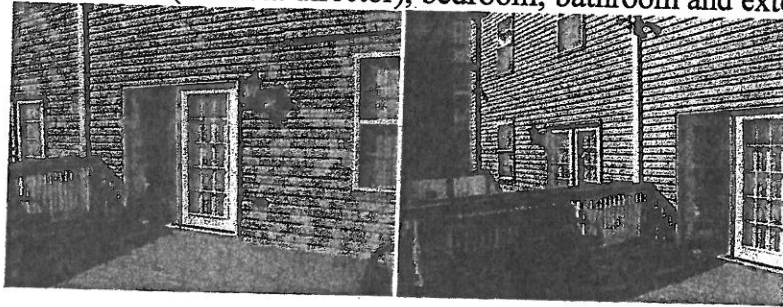
At one point during our inspection, Joseph presented me his phone and stated that Ms. "Rosemary" wanted to speak with me. She identified herself as Rosemary Ogbenna, the

facility's proprietor, and inquired the purpose of our visit and why someone, (Terrell Hill) was taking pictures. After conveying my credentials and purpose, I queried as to why the license and C of O were not "conspicuously displayed". She replied that they were locked in office on the premises. I queried as to whether a permit has been obtained to cut through the wall to the adjoining property. She replied that it was that way when she bought the property in 2005. She also conveyed that there were approximately 10 residents between both 223 and 225 premises. The conversation abruptly ended. Later, I was approached by Joseph stating that Ms. Rosemary had called him again and wanted me to leave my calling card with him. I complied.

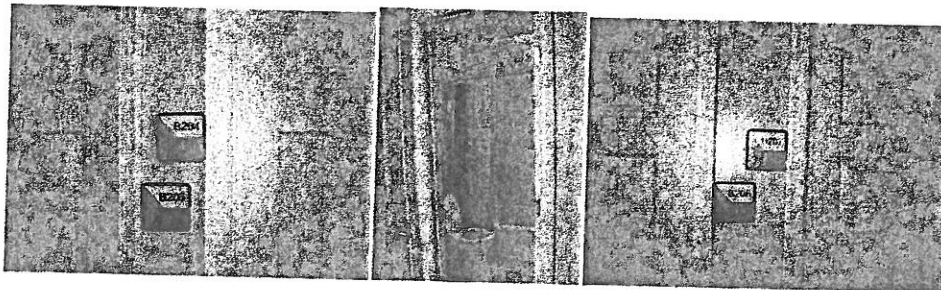
The first level has a living room, laundry area, bathroom and kitchen. There is a "cut-through" to the adjoining property at 223 – 56th Place and is operated by "Senior Dwelling, Inc. as a licensed rooming house. The exterior backyard leads to a patio.



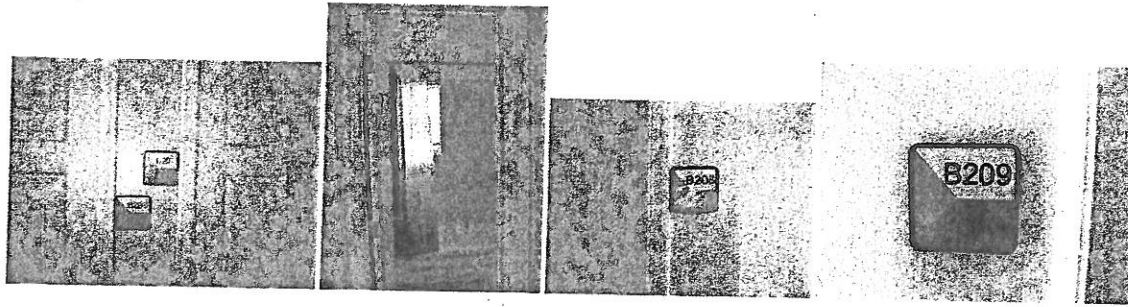
The second level has an office (resident director), bedroom, bathroom and exterior deck area.



The third level consisted of two bedrooms and communal bathroom. On each level, all rooms were identifiable alphanumerically including "resident director's office".



The fourth level consisted of four bedrooms and communal bathroom.



Department of Health (DOH) representatives, Roland Follet and Michael Shawn Walker accompanied me at this location. The two gentlemen set about interviewing several home care aides, residents, and a visiting nurse. The scope of their interviews pertained to the residents' personal care, supervision services provided by home care aides, visiting nurses, and fiduciary arrangements.

Pursuant to DCMR 14, Chapter 1, a Rooming House is defined as follows:

Rooming house - any building or part of a building, other than a hotel or a motel, containing sleeping accommodations occupied for a consideration by or offered for occupancy for a consideration to five (5) or more persons who are not members of the immediate family of the owner or lessee of the building or part of the building, and which accommodations are not under the exclusive control of the occupants of the accommodations.

Technically the rooming house licensure is of a higher category than a single family rental. The definition under the aforementioned code is as follows:

Dwelling unit - any habitable room or group of habitable rooms located within a residential building and forming a single unit which is used or intended to be used for living, sleeping, and the preparation and eating of meals. For purposes of this subtitle, "dwelling unit" includes bachelor apartment.

On February 8, 2013 I spoke with Ms. Ogbenna via telephone and requested copies of the "Registration and Room Assignments" for all licensed properties for the past year. Purportedly, Ms. Ogbenna didn't know of the law requirement but admitted that she had kept records on the properties. She provided the telephone number (703) 243-3737 and name of Attorney George Doumar as point of follow up. On the same date I made two attempts of which the second I spoke with legal associate, Kelly Budd. I conveyed my credentials and contact information; explained my purpose on behalf of Ms. Ogbenna's direction; and request for compliance in providing the aforementioned documents by close of business on Monday, February 11th. At the time of this report, I have received no response via e-mail or fax from either party. These records, when obtained, will further DOH efforts to facilitate tracking of former residents who might have received home health services provided at the facility.

Business licensure records reveal that this facility is operated by "Senior Dwelling Inc." under license #68006374 as a rooming house. It was issued on June 29, 2012 and expires September 30, 2014 (attachment #2-2B).

Corporation Division data revealed that "Senior Dwelling Inc." is a domestic non-profit corporation registered in the District on January 3, 2008 (attachments #3). The corporation is

currently in good standing and is scheduled to renew with filing bi-annual report by April 1, 2013.

AGENCY RECORDS

Accela data report
Corporation abstract
PIVS Report

POSSIBLE VIOLATION(S)

14, DCMR, 1002.1 -- Each person to whom a license has been issued to conduct a rooming house shall at all times keep a register in which there shall be maintained the following information: .

- (a) The name of each person occupying a room; and
- (b) The date of arrival and date of departure of each person occupying a room.

14, DCMR, 110.1 -- Any repair or improvement which may be required by a notice issued under the authority of this subtitle for which a permit is required to be issued shall not be made until the District has issued a permit.

RECOMMENDATION(S)

Refer to ICA for review and inspection of wall cut through of adjoining properties; defective stair treads; and non-compliance of housing regulation to maintain Registration and Room Assignment records.

Refer to Fire EMS for review and inspection of defective and improperly placed smoke detectors; review of floor schematics and actual layout.

Refer to DOH for appropriate action as related to health and home care services provided.


K. D. Meredith
Investigator

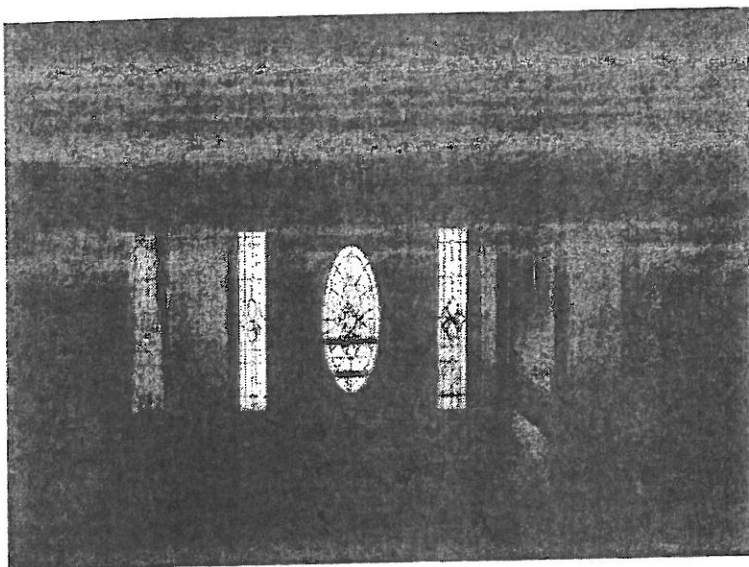

Kevin B. Carter
Supervisory Investigator

KDM/

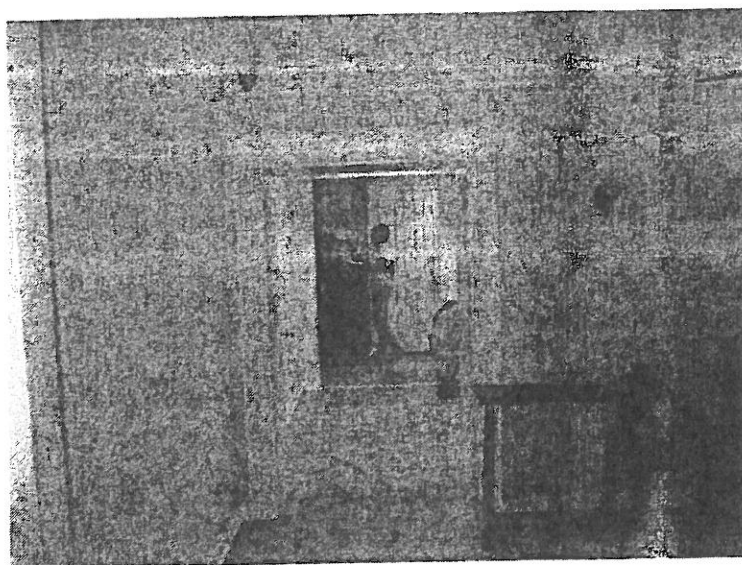
ATTACHMENTS

- #1 E-mail
- #2-2B Accela printout data
- #3-3C Corporation Abstract
- #4-4D PIVs data
- #5-5D Photo array

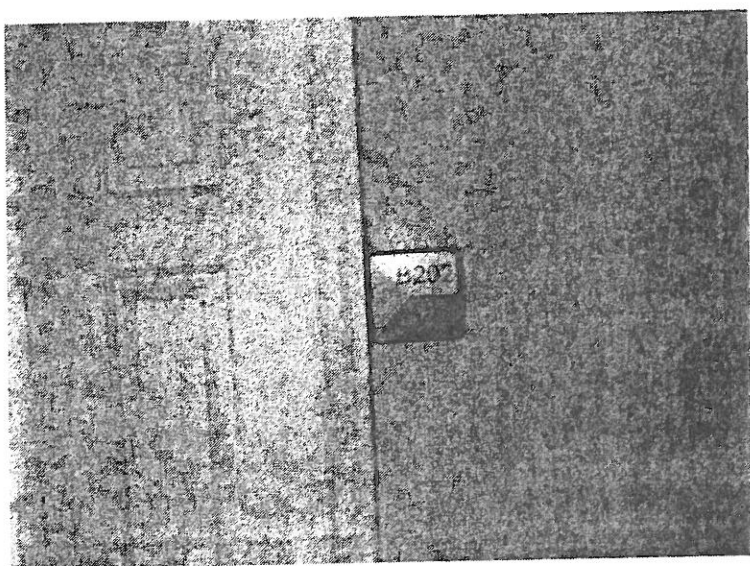
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Att. #5



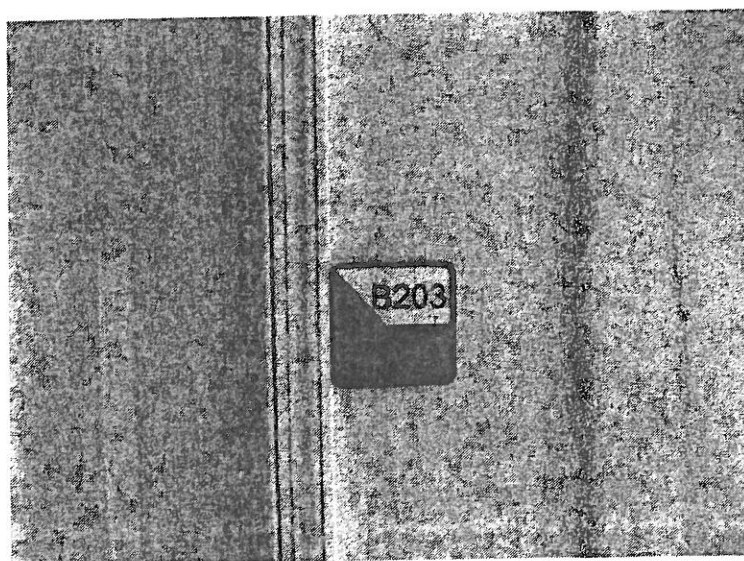
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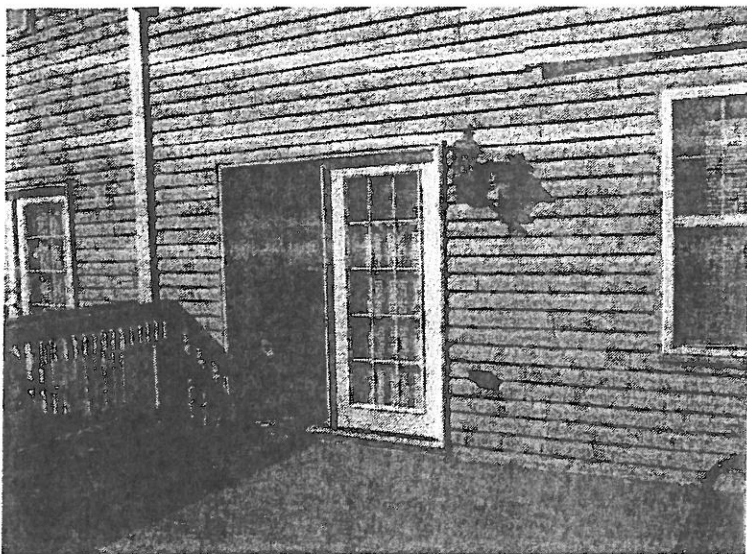
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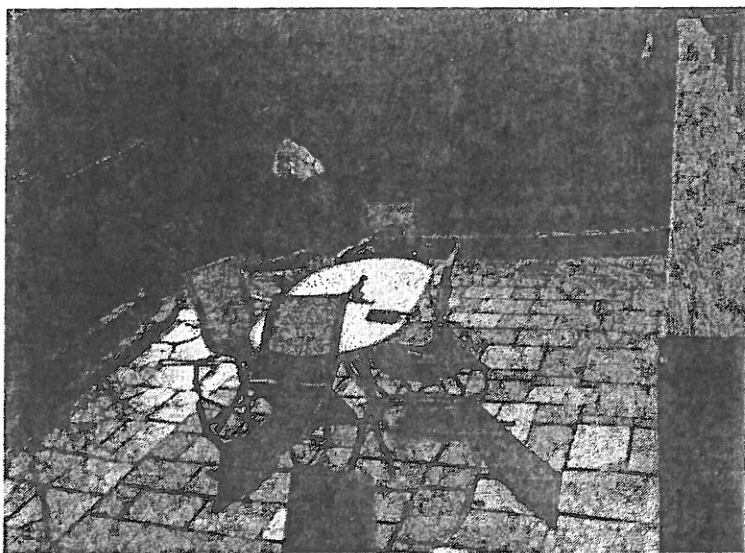
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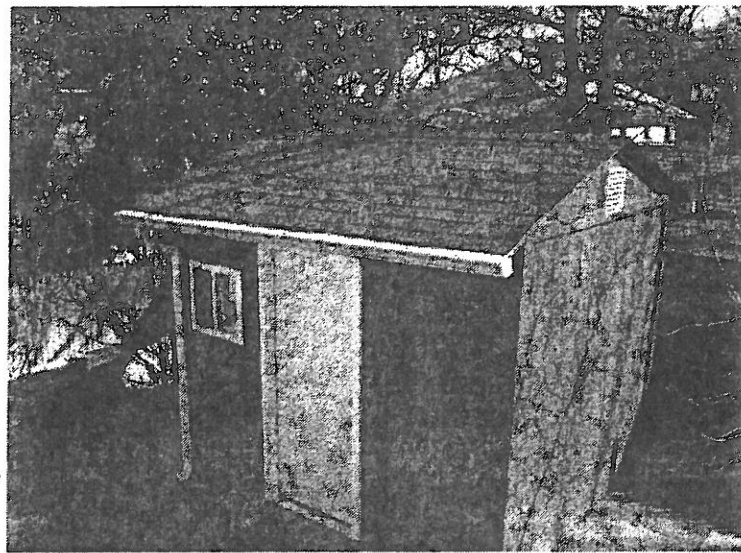
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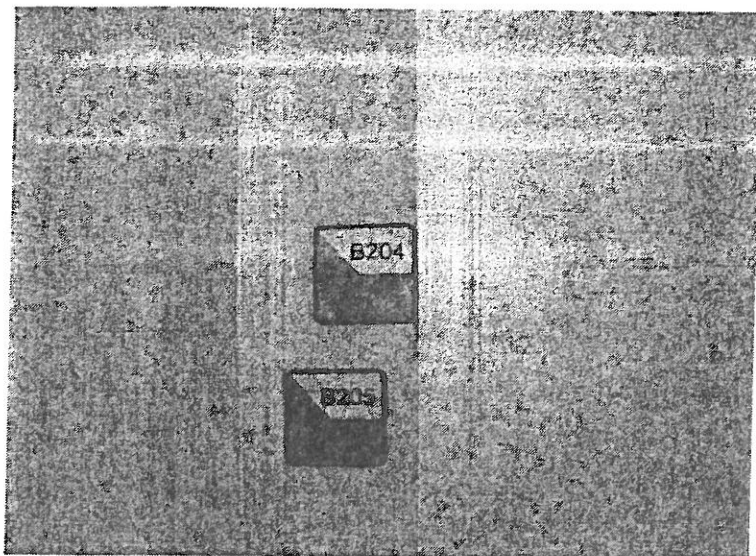


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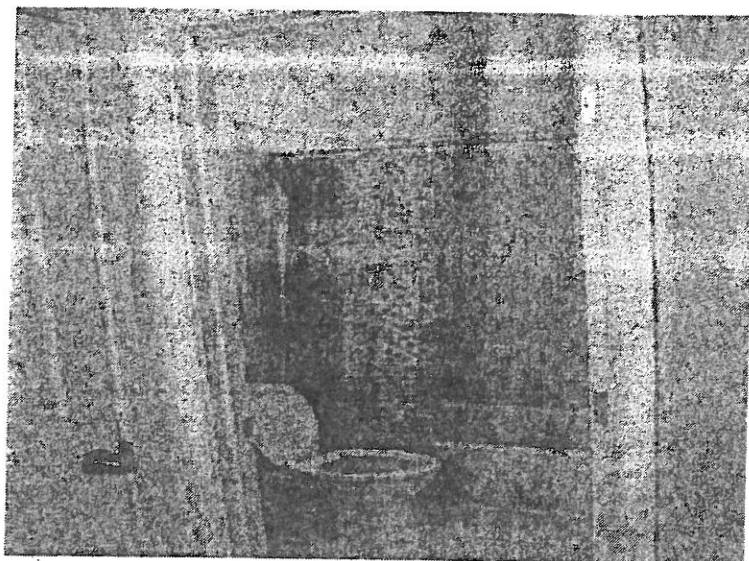


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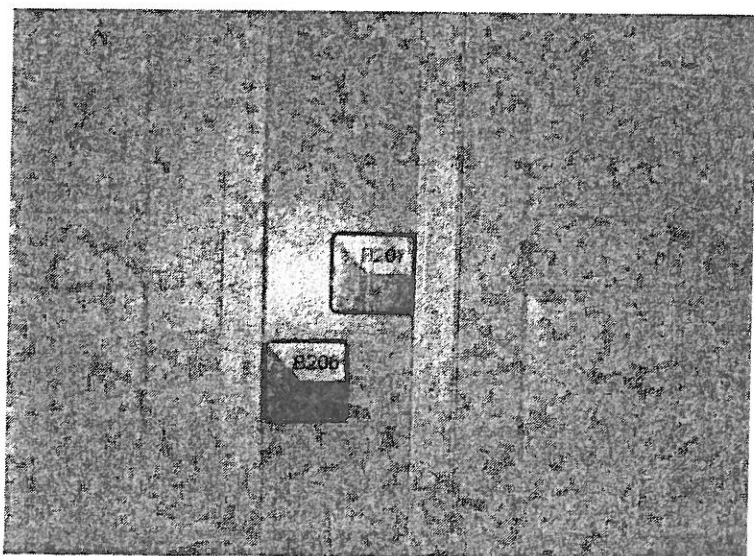
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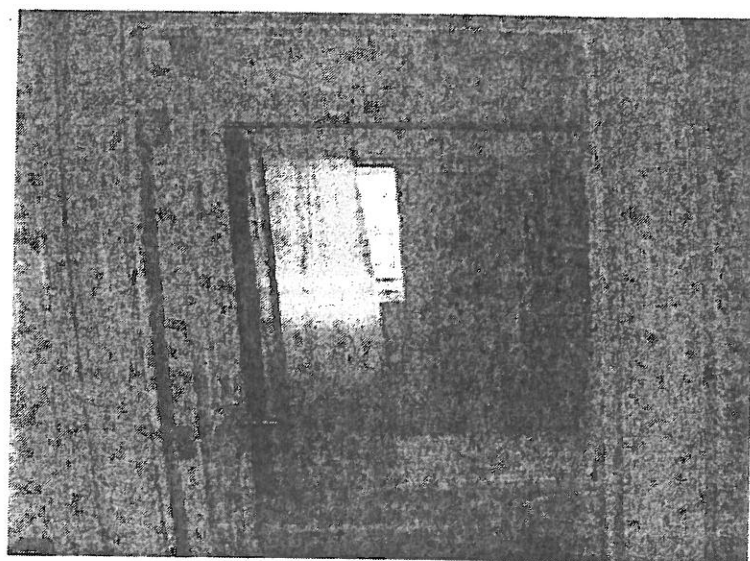
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