

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 13, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Deb Schorr
Larry Hudkins
Bob Workman

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 6, 2009, and approval of the minutes of the public hearing regarding Keno Fund Projects and Lancaster County's Proposed Budget for Fiscal Year 2009-2010 held on Tuesday, August 25, 2009.**

MOTION: Stevens moved and Schorr seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 13, 2009.**

MOTION: Hudkins moved and Workman seconded approval of the claims. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- 3) **PUBLIC HEARINGS:**

- A. **An application for an Amusement License from Cornhusker Council Boy Scouts to hold an event from October 28 to October 31, 2009, at the Cornhusker Council Outdoor Education Center, located at 600 S. 120th Street, Walton, Lancaster County, Nebraska. (See New Business Item 4A for a Special Events Permit application relating to the Amusement License application.)**

The Chair opened the public hearing.

3) **PUBLIC HEARINGS CONTINUED:**

Joy Citta, Chair; Jason Anderson, Staff Advisor; and Dan Delaney, Producer/Director of the Haunted Woods, were sworn in.

Citta explained they were applying for an amusement license and a special events permit for the Haunted Woods event. She said it is the third year of the event, and they expect around 200 participants with 500 guests per night. Citta said it is all on-site, and security will be provided by trained adult staff members.

The Chair closed the public hearing.

- B. **An application for a Catering License in connection with a Class Y (Farm Winery) Liquor License for WunderRosa, L.L.C., d/b/a WunderRosa Winery, located at 2361 Wittstruck Road, Roca, Lancaster County, Nebraska. (See New Business Item 4B for correlating resolution.)**

The Chair opened the public hearing.

Linda Wunderlich, owner of WunderRosa, L.L.C., was sworn in.

Wunderlich explained she is applying for a catering license so she can hold events at her winery. She confirmed that eight of her staff members have completed the hospitality training.

The Chair closed the public hearing.

4) **NEW BUSINESS:**

- A. **An application for a Special Events Permit from the Cornhusker Council Boy Scouts to operate the 2009 Haunted Woods from October 28 to October 31, 2009, at the Cornhusker Council Outdoor Education Center, located at 600 S. 120th Street, Walton, Lancaster County, Nebraska.**

MOTION: Stevens moved and Workman seconded approval of the Special Events Permit and the Amusement License applications. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- B. **A resolution in the matter of a Catering License in connection with a Class Y (Farm Winery) Liquor License for WunderRosa, L.L.C., d/b/a WunderRosa Winery, located at 2361 Wittstruck Road, Roca, Lancaster County, Nebraska. (R-09-0083)**

MOTION: Stevens moved and Workman seconded approval of the resolution. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

4) **NEW BUSINESS CONTINUED:**

- C. **An application for a Special Designated License from WunderRosa, L.L.C., to provide liquor beverage service for a rehearsal dinner on Thursday, November 12, 2009, from 3 p.m. to 11 p.m. at 2361 Wittstruck Road, Roca, Lancaster County, Nebraska.**

MOTION: Workman moved and Stevens seconded approval of the Special Designated License application. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- D. **An application for a Special Designated License from Ken's Liquor, Inc., to provide liquor beverage service for a wedding reception on Saturday, November 14, 2009, from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.**

MOTION: Stevens moved and Schorr seconded approval of the Special Designated License application. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- E. **A resolution in the matter of striking uncollectible property tax from the tax list. (R-09-0084)**

MOTION: Workman moved and Stevens seconded approval of the resolution.

Hudkins questioned if all steps have been taken to collect the uncollectible taxes. Tom Fox, Deputy County Attorney, said Doug Cyr from his office reviewed and signed the document.

Stevens stated there were two classes of property listed: real estate, with mostly mobile homes, and personal property.

Workman noted the minimal amounts; he felt it was appropriate to remove them from the books.

ROLL CALL: Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- F. **A resolution in the matter of County maintenance of roads in Long View Estates and Long View Estates 1st Addition. (R-09-0085)**

MOTION: Stevens moved and Hudkins seconded approval of the resolution. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- G. **An agreement with Love Chiropractic, to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Love Chiropractic, will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-09-0535)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of the agreement. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- H. **A utility relocation agreement between Lancaster County and Lincoln Electric System, in the amount of \$31,753, to relocate utility facilities to accommodate the grading of S. 98th Street; Project No. C55-KP-412(2). (C-09-0536)**

MOTION: Stevens moved and Workman seconded approval of the agreement. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- I. **A grant contract with Cedars Youth Services for the operation of a juvenile pre-trial diversion program. The County will provide funding in the amount of \$175,605. Term of the agreement is July 1, 2009, to June 30, 2010. (C-09-0537)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- J. **A grant contract with Cedars Youth Services, Inc., to provide funding for the juvenile pre-trial diversion and restitution program in the amount of \$64,154. Term of the contract is from July 1, 2009, to June 30, 2010. (C-09-0538)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- K. **A contract with FirstCall Network, Inc., for the Lancaster County Reverse 911 System. The County will pay for the services according to the amount listed in the contractor's proposal. Term of the contract is one year from the date of the execution of the contract. (C-09-0539)**

MOTION: Stevens moved and Hudkins seconded approval of the contract. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- L. **Recommendation of the Purchasing Agent and County Engineer to award a bid to Pioneer Overhead Door, Inc., for overhead door repairs in the amount of \$6,818. (B-09-0086)**

MOTION: Schorr moved and Hudkins seconded approval of the recommendation. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- M. **Recommendation of the County Engineer to award a bid to Pavers, Inc., for asphaltic pavement repair in the amount of \$48,750.80. (B-09-0087)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Hudkins seconded approval of the recommendation. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- N. **An addendum to an agreement with Great Plains Appraisal, Inc., under County Contract No. C-08-0647, for services of qualified professional appraisers to assist the Lancaster County Assessor/Register of Deeds office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2008 tax year and any other TERC cases between 2003 and 2007 that had not been completed. The addendum authorizes Great Plains Appraisal to also process the TERC appeals for the 2009 tax year. (C-09-0540)**

MOTION: Hudkins moved and Stevens seconded approval of the addendum. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- O. **A master group application for an administrative service agreement with Blue Cross and Blue Shield of Nebraska for the provision of claim administration services on behalf of Lancaster County's self-funded group health care program. (C-09-0541)**

MOTION: Hudkins moved and Stevens seconded approval of the application. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- P. **Liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,886.71. The policy period begins on November 1, 2009, and ends on November 1, 2010.**

MOTION: Schorr moved and Stevens seconded approval of the insurance coverage. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- 5) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

- A. **Receive and place on file the following:**
1. **County Assessor/Register of Deeds monthly report for September, 2009**
 2. **Clerk of the District Court monthly report for September, 2009**
 3. **County Records & Information Management monthly report for September, 2009**

5) **CONSENT ITEMS CONTINUED:**

- B. **Setting of a public hearing for Tuesday, November 3, 2009, at 9:30 a.m., in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding the proposed sale of County surplus real estate generally located at the vacated alley adjacent to 1700 W. 3rd Street, Sprague, Lancaster County, Nebraska, legally described as the North Half of the vacated alley adjacent to Lot 5, Block 7, Village of Sprague, Lancaster County, Nebraska.**

MOTION: Stevens moved and Schorr seconded approval of the consent items. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

6) **PENDING:**

- A. **A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093) (Item placed on pending on November 4, 2008.)**

Stevens said the Rosencrans applied for a special permit under the new guidelines. He questioned whether the item should be removed from Pending and whether or not to waive the fee.

Kerry Eagan, Chief Administrative Officer, said it would be appropriate to move the item off Pending. He added that the fee waiver could be discussed at the next staff meeting. He said the appropriate procedure was to schedule the item at a future meeting, give notice to the applicants, and possibly send it to the Planning Commission to merge with the special permit request.

MOTION: Stevens moved and Workman seconded to move the item off Pending. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

7) **PUBLIC COMMENT:**

Mrs. Patrick J. Henry spoke of her opposition to the sale of Lancaster Manor and the moral obligation of the County to protect the interest of those least able to provide for themselves.

Kim Kaspar, President of the American Federation of State, County & Municipal Employees (AFSCME), passed out articles on nursing home issues (Exhibit A). She spoke of the loss of control of Lancaster Manor once it is sold.

Schorr encouraged Kaspar to tour Homestead Rehabilitation Center, the facility run by Hunter Management in Lincoln.

Melvin Moore discussed the stress brought on to residents by the sale of Lancaster Manor.

7) **PUBLIC COMMENT CONTINUED:**

Lynn Smith, whose mother and aunt are residents of Lancaster Manor, spoke of her opposition to the sale of Lancaster Manor. She expressed her discomfort with Hunter Management as a possible buyer for the Manor.

Hudkins asked to correct the record regarding Melvin Moore's testimony during the August 11 meeting, saying Moore did not use his full five minutes to speak.

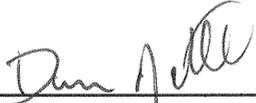
Heier directed the video to be played of the August 11 meeting, stating there would be no further comment on it.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, October 15, 2009, beginning at 8:30 a.m., in Room 113 on the first floor of the County City Building.**
- B. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at www.lancaster.ne.gov. Click on 5 City-TV Video On Demand.**

9) **ADJOURNMENT**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners Meeting at 10:13 a.m. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 13, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Bob Workman
Deb Schorr

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:13 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, October 6, 2009.**

MOTION: Schorr moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of five additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

MOTION: Stevens moved and Schorr seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

BryanLGH Medical Center
Lincoln Action Program, Inc.
Lincoln Medical Education Partnership
Saint Paul United Methodist Church
Southeast Nebraska Mobile Diagnostic Service, Inc.

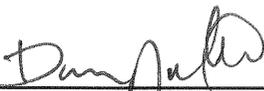
MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

4) **CERTIFICATION OF 2009-2010 TAX LEVIES**

MOTION: Workman moved and Schorr seconded approval of the tax levies. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization Meeting at 10:15 a.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



DE3

JOHN KASS: Corrupt fugitive Marco Morales is finally

Chicago Tribune



THURSDAY, OCTOBER 1, 2009 | The Midwest's largest reporting team | 24 hours at chicagotribu

THE CITY & SUBURBS, \$1.75 ELSEWHERE (6880 YEAR NO. 274 © CHICAGO TRIBUNE

TRIBUNE WATCHDOG
COMPROMISED CARE



Nearly 10 percent of Illinois' men-
tally ill nursing home patients live in
homes tied to Bryan Barrish and his
partner. CHRIS WALKER/TRIBUNE PHOTO

Nursing homes a risky business

Dozens of mentally ill felons are housed in facilities tied to 2 executives

By David Jackson and Gary Marx
TRIBUNE REPORTERS

When Christopher Shelton moved into Maplewood Care nursing home in Elgin, he was just 21 years old and a violent rap sheet testified to his explosive temper. Though in the prime of life, he had a disposition that manifested him-

President Obama won't arrive in Copenhagen until Friday, but the rest of Chicago's ambassadors are already making a full-court press for the games

Closing the de



Oprah Winfrey arrives at Mayor Richard Daley's welcome dinner Wednesday night for Chicago 2016 supporters in Copenhagen.

By Philip Hersh and Kathy Bergen
TRIBUNE REPORTERS

COPENHAGEN — Two of Chicago's busiest hitters arrived Wednesday, and first lady Michelle Obama wasted no time in captivating some of the International Olympic Committee members who will decide a 2016 Summer Olympic host city race considered too close to call.

As she passed through the lobby of the Copenhagen Hotel, where

Where you can watch the big announcement

The host city for the 2016 Olympics will be announced just before noon Chicago time Friday. A listing of the "watching events" in the Chicago area is on PAGE 6

Olympic memories are few, fleeting

History says once the athletes return home, what seemed the



but a disability that qualified her for nursing home care, mental illness. To keep Shelton and others like him segregated from older, more vulnerable residents, Maplewood officials reserved rooms on the home's second floor for psychiatric patients.

It was a barrier easily breached. In January, two months after Shelton's arrival, staff reported finding a terrified 65-year-old woman draped over the edge of her bed, crying and moaning in pain. Shelton was hiding in her bathroom.

Third of three parts According to police records and a state investigative report, Shelton had made his way down to the first floor and raped the woman as she pleaded for him to stop.

The incident shines a light on a sometimes humorous business in Illinois: nursing homes that take in mentally ill or injured and others on society's margins.

Maplewood is part-owned by two longtime nursing home executives, Bryan Barrish and Michael Giannini, who have extensive experience housing felons like Shelton.

Yet the facility didn't adequately check Shelton's criminal background, a state health department investigation found. Facility officials also told state investigators that Shelton and the woman had engaged in "consensual" sex — a claim rejected by police, prosecutors and emergency room staff.

In a state that relies heavily on nursing homes to house patients with psychiatric disorders, Barrish and Giannini are key figures. They and their companies have an ownership stake or consulting role in 13 Illinois nursing facilities stretching from Elgin to the North Side of Chicago and back inland.

Those facilities hold just over 2 percent of the state's nursing home population, the most recent state records show, but they include nearly 10 percent of Illinois' mentally ill nursing home patients and, as of June, almost 6 percent of the 3,000 felons living in the state's

Please turn to Page 10

of the Copenhagen marathon, where the IOC members are staying, she gave two thumbs up and a hug to one of the first members she encountered, Nicole Hoewertz of Aruba.

Not only that, Hoewertz said later but the first lady congratulated her on having been named Tuesday as secretary to Aruba's council of ministers.

It is that sort of preparation and attention to detail as much as the case she makes for her city that the Chicago 2016 bid committee hopes will make her a key player in Copenhagen. The second big name to arrive Wednesday, Oprah Winfrey, also hopes to influence the

most important point on the globe for three weeks likely will become another dot again. PAGE 23

IOC's voting, which she called "a decision that could be a landmark in Chicago history."

On Friday the IOC will choose Chicago, Rio de Janeiro, Tokyo or Madrid.

Hoewertz said she had narrowed her choices to two but would not name them. She planned to meet Thursday with Michelle Obama, President Luiz Inacio Lula da Silva

Please turn to Page 4



NATION & WORLD



PHIL WALTERS/GETTY PHOTO

Waves of anguish

The death tolls from underwater quakes and tsunamis that struck Indonesia and the Solomon Islands continued to climb into the hundreds Wednesday as survivors coped with the aftermath and Indonesia faced another shock. PAGE 14

BUSINESS

Post office deal stalls

A British developer defaulted Wednesday on a deal to buy the old Chicago post office building but says he still intends to acquire it. PAGE 23

CHICAGOLAND

Chicago gun ban will be reviewed

Gun rights advocates hailed the U.S. Supreme Court's decision to review a challenge to Chicago's handgun ban while city officials said they were not surprised. PAGE 6

WEATHER

7 A.M. 48
 1 P.M. 62
 4 P.M. 58
 MORE, BACK OF SEC. 3

October
LUXE HOME OPEN HOUSE
 SATURDAY, 10AM - 3PM
 First Floor • The Merchandise Mart
SHOP, EAT, DRINK AND LEARN AT MC LUXURY KITCHEN & BATH BOU

KEYNOTE PRES
NICOLE FACCIU
 Designer and Ho-Red, Her, & Gree 10:30 - 11:30AM North lobby. First

FIRST 100 PEOPLE ARRIVE will receive gift at the lecture

Visit luxehome.com to register for free or for more details

IN CELEBRATION OF NATIONAL KITCHEN AND BATH SHOW

SPONSORED BY
 TRADITIONAL HOME
 SHOWN AT LUXE

JOHN KASS:

Corrupt fugitive Marco Morales is finally back

PAGE 2

THURSDAY, OCTOBER 1, 2009 | The Midwest's largest reporting team
 75¢ CITY & SUBURBS, \$1.25 ELSEWHERE—163RD YEAR NO. 274 © CHICAGO TRIBUNE

1 24 hours at chicagotribune.com

TRIBUNE WATCHDOG COMPROMISED CARE

President Obama won't arrive in Copenhagen until Friday, but the rest of Chicago's ambassadors are already making a full-court press for the games

Closing the deal

Nearly 10 percent of Illinois' mentally ill nursing home patients live in homes tied to Bryan Barrish and his partner. CHRIS WALKER/TRIBUNE PHOTO

UNTIL OLYMPIC DECISION

DAY

Nursing homes a risky business

Dozens of mentally ill felons are housed in facilities tied to 2 executives

By David Jackson and Gary Marx

TRIBUNE REPORTERS

Oprah Winfrey arrives at Mayor Richard Daley's welcome dinner Wednesday night for Chicago 2016 supporters in Copenhagen.

By Philip Hersh and Kathy Bergen

TRIBUNE REPORTERS

Where you can watch the big announcement

The host city for the 2016 Olympics will be announced just before noon Chicago time Friday. A listing of the "watching events" in the Chicago area is on PAGE 4

When Christopher Shelton moved into Maplewood Care nursing home in Elgin, he was just 21 years old and a violent rap sheet testified to his explosive temper. Though in the prime of life, he had a disability that qualified him for nursing home care: mental illness. To keep Shelton and others like him segregated from older, more vulnerable residents, Maplewood officials reserved rooms on the home's second floor for psychiatric patients. It was a barrier easily breached. In January, two months after Shelton's arrival, staff reported finding a terrified 69-year-old woman draped over the edge of her bed, crying and moaning in pain. Shelton was hiding in her bathroom. Third According to police records and a parts state investigative report, Shelton had made his way down to the first floor and raped the woman as she pleaded for him to stop. The incident shines a light on a sometimes hazardous business in Illinois: nursing homes that take in mentally ill criminals and others on society's margins. Maplewood is part-owned by two longtime nursing home executives, Bryan Barrish and Michael Giannini, who have extensive experience housing felons like Shelton. Yet the facility didn't adequately check Shelton's criminal background, a state health department investigation found. Facility officials also told state investigators that Shelton and the woman had engaged in "consensual" sex - a claim rejected by police, prosecutors and emergency room staff. In a state that relies heavily on nursing homes to house patients with psychiatric disorders, Barrish and Giannini are key figures. They and their companies have an ownership stake or consulting role in 13 Illinois nursing facilities stretching from Elgin to the North Side of Chicago and Rock Island. Those facilities hold just over 2 percent of the state's nursing home population, the most recent state records show, but they include nearly 10 percent of Illinois' mentally ill nursing home patients and, as of June, almost 6 percent of the 3,000 felons living in the state's

Please turn to Page 10

COPENHAGEN - Two of Chicago's heaviest hitters arrived Wednesday and first lady Michelle Obama wasted no time in captivating some of the International Olympic Committee members who will decide a 2016 Summer Olympic host-city race considered too close to call. As she passed through the lobby of the Copenhagen Marriott, where the IOC members are staying, she gave two thumbs up and a hug to one of the first members she encountered, Nicole Hovertsz of Aruba. Not only that, Hovertsz said later, but the first lady congratulated her on having been named Tuesday as secretary to Aruba's council of ministers. It is that sort of preparation and attention to detail as much as the case she makes for her city that the Chicago 2016 bid committee hopes will make her a key player in Copenhagen. The second big name to arrive Wednesday, Oprah Winfrey also hopes to influence the ,

Olympic memories are few, fleeting

History says once the athletes return home, what seemed the most important point

Ray

This is Google's cache of http://www.aperfectcause.com/artman/publish/article_1489.asp. It is a snapshot of the page as it appeared on 6 Sep 2009 20:18:25 GMT. The current page could have changed in the meantime. [Learn more](#)

[Text-only version](#)



Monday, October 12, 2009

APC Home
 Registration
 Search Tools
 The Crisis
 A Perfect
 Cause
 Predators in
 Nursing
 Homes
 Search for
 Predators
 Walk-Away
 Deaths
 How To
 Preventions /
 Signs of
 Regulations
 APC Forum

[NEWS](#) : [STATE](#) : [ILLINOIS](#)

ACCOUNTABILITY

PAVILLION INDICTMENT MAY JUST SCRATCH SURFACE

The Forest Park Review

SETH STERN

Sep 21, 2005

[Email this article](#)
[Printer friendly page](#)

Posted by: Arlene
 Urbalejo

The troubles facing the Pavillion of Forest Park Nursing Home, it appears, are not limited to the indictments on multiple felony counts of neglect served up last week by a Cook County Grand Jury.

The home is also dealing with a wrongful death civil suit brought in response to the same case by the family of the 48-year-old cancer patient who died on September 11, 2002 after allegedly arriving at Loyola Medical Center with her back covered in bedsores.

"There were bedsores that went to the bone all up and down her back and thighs...the entire backside of her was one giant bedsore," said Attorney Thomas Gamache of the Chicago law firm Slavin and Slavin, which will be handling the case. He said that he will be able to present pictures of the wounds to back up the claims.

Gamache said the family would prefer not to be named.

Linda Flaherty, director of Risk Management for Care Centers, owners of the Pavillion, told the Review last week that the company will take a defense position against all charges.

This week, she referred the Review to Attorney Michael Siegel, who declined to comment further.

The suit, first brought in 2003, names the Pavillion of Forest Park as well Forest Park L.L.C. and Care Centers, Inc., the licensee and owner of the home. It also names Dr. Jason Garti, a former medical director at Pavillion who was also named in the indictment, and two nurses who treated the patient.

It alleges that the patient had no sores on her body upon entering the home, but developed the sores due to neglect during her time there.

The suit accuses the home of failing to implement several preventative and treatment options for the sores including failing to document the wounds, failing to reposition the patient so the wounds would not occur and failing to give the patient the medication that had been prescribed. The suit and alleges violations of the Nursing Home Care Act, the Wrongful Death Act, and the Illinois Survival Act.

The indictments, first returned by the grand jury Sept. 7, bring similar charges, stating that Care Centers and Forest Park, L.L.C. "recklessly failed to provide adequate medical care which resulted in the deterioration of the physical condition of (the patient)."

A guilty finding could result in the closure of the nursing home.

Care Centers, is owned by several members of the Rothner family, who own several nursing homes throughout the state. According to campaign disclosure records, CEO Eric Rothner has made over \$28,000 in political contributions since 2000.

1. One who defends a cause

FP residents report similar experiences

2. One who pleads on behalf of another

The Illinois Department of Public Health's web site lists just under 20 complaints about the Pavillion that have been filed so far this year.

According to some Forest Park residents, though, these formal complaints do not represent all of those who have been unsatisfied with the care their loved ones received.

Francise Alexander of Forest Park said that her father, Alonzo Alexander, was admitted to the Pavillion in 2004 after having a leg amputated in 2003. She said that she visited her father on October 3, 2004 and noticed that he seemed unresponsive and kept complaining that he was cold.

She said that after noticing blood on the sheet that covered her father, her fiancé pulled the sheet back and saw that his big toenail was bleeding excessively. Her father, a diabetic, died the next day of pneumonia at Loyola Medical Center at age 72.

Alexander said she believes that negligence on the part of Pavillion's staff led to her father's death, as open wounds left untreated in diabetics are often fatal. She said that those who treated her father at Loyola shared her concerns.

She said her father, who also developed bedsores at the home, was often not given the medicine prescribed to him, as medicine ordered as part of his daily regime was often divided between several patients. She reported regularly encountering the smell of urine and rotting food at the home and hearing patient's calls for treatment go unanswered by staff.

Another Forest Park resident, Eudora Beckley, said her grandmother died three days after being admitted to Pavillion in March, 2004. She said that family members who visited reported finding her grandmother's mouth filled with fluid, and believe that she likely choked to death.

The listed cause of death was a stroke, and Beckley said the family could not afford an autopsy to verify whether this was the case. She said her grandmother, who suffered from Alzheimer's disease, had never suffered heart problems in the past.

Local activists say problem is systematic

Allegations of neglect in nursing homes have in the past often been blamed on understaffing and low pay. A police report filed at the Forest Park Police Department on Sept. 10 indicated that when officers responded to a call reporting a death at the home, they discovered that the floor where the man had died had only one nurse working, and that audible call alarms for treatment went unanswered.

That case was transferred to the Medical Examiners office, where a representative said the matter was still pending investigation.

Flaherty said last week that the home does not normally release figures on staffing and wages, but that the home complies with all state standards including the requirement for at least 2.5 hours of care per day per resident.

Several local activists, however, said that the state is actually a large part of the problem, and that its requirements are wildly insufficient. They called for funding to be directed towards long term care options other than institutions.

"The whole idea of using a factory mentality to providing care to people who need help...doesn't seem to work and has a tendency to breed contempt – unfortunately that translates to the devaluation of the old and disabled," said Dianne Coleman of the Progress Center for Independent Living.

According to a study by the disability rights organization ADAPT, Illinois places about 80 percent of its long term care funding in nursing homes and other institutions. The study ranks Illinois as the fifth worst state in funding of treatment options for the elderly and disabled.

[Top of Page](#)

* Please post your comments in our forum *

info@AperfectCause.org

**A Perfect Cause
Is formerly a 501(c)(3)
Not-for-Profit Organization**

**ISP Services provided by:
[Our Supporters at Blue Spring](#)**

Copyright © 2001-2008
All rights reserved.



[Web Master](#)



Chicago Tribune Illinois nursing home safety reports

<http://nursinghomes.apps.chicagotribune.com/>

Somerset Place

5009 N. Sheridan, Chicago IL, 60640 • 773-561-0700

397 residents lived at this facility¹

0 drug violations TKT⁴

397 were diagnosed with a mental illness¹

368 were under **65** years of age¹

62 were felons²

1 was a registered sex offender²

✘ Medicare not ac

✔ Medicaid accept

Overall Rating:

★★

Nurse staffing rating

Not available

Star ratings provided by

The number of hours licensed nurses spent with each resident per day is **unavailable**. The state-wide average is **one**

1 Source: Illinois Department of Public Health, last updated Dec. 31, 2006.

2 Source: Illinois Department of Public Health, provided to the Tribune in June 2009.

3 Source: Medicare's Nursing Home Compare, downloaded August 2009.

4 Source: Illinois Department of Public Health, Tribune research, TKT⁴.

Pharmaceutical Violations

Source: Illinois Department of Public Health, Tribune research, TKT⁴.

TK TK TK Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labc veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure c dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat TK TK TK. Ownership of some facilities ma these reports.

Date	Crime	C
July 15, 2008	Simple battery	
May 21, 2008	Simple battery	
May 19, 2008	Drug abuse violations, possession: crack	
April 10, 2008	Criminal sexual assault, non-aggravated	

Fines assessed by the Illinois Department of Public Health

Source: The Chicago Reporter, Jan. 1, 2005, through March 31, 2009.

This information was compiled by The Chicago Reporter from the Illinois Department of Public Health's records. The amount listed is the original amount levied, not necessarily the amount paid, as IDPH often reduces fines after they are collected. Each fine includes the department's case-tracking number, and the full quarterly reports contain additional detail on these cases. The maximum fine assessed by the department is \$10,000 per violation. Ownership of some facilities may have changed during the time period.

Amount of fine, date of occurrence	Explanation of violation
\$25,000 1st quarter of 2009	<ul style="list-style-type: none"> • Failure to assure that five of 30 residents were not given psychotropic medication without their informed consent • Failure to assure facility's policy is followed for obtaining a resident signature and for depositing the funds for one of 30 sampled residents • Failure to ensure that the survey results are posted in a place readily accessible to residents • Failure to ensure that residents promptly receive mail that is delivered to the facility • Failure to assure that two of 30 sampled residents were free of physical abuse • Failure to assure that staff immediately report allegations of mistreatment or abuse • Failure to assure that alleged violations were thoroughly investigated and appropriate disciplinary action was taken • Failure to implement policies and procedures that protect resident from abuse • Failure to assure that staff are adequately trained in responding to behavioral emergencies • Failure to have staff on each shift in sufficient numbers to meet the needs of the residents • Failure to adequately supervise staff to prevent rough handling • Failure to assure staff report all alleged violations and take all necessary corrective action on the results of the investigation • Failure to maintain and respect resident's private space by entering resident's room without permission • Failure to use regular dishware and assist resident with clothing



The 8 Ways Health Insurance Reform Would Benefit You: #4 No denial of coverage
 based on pre-existing conditions **Get the facts**
PAID FOR BY AMERICANS FOR STABLE QUALITY CARE

Home > News

'Not management'

Owners -- but not in charge

Topics

- Organized Crime
- Medical Services
- Sexual Assault

[See more topics >](#)

Ads by Google

Find Local Nursing Homes
 Free Assistance Finding the Right Skilled Nursing Facility Near You.
 APlaceForMom.com

Get Nursing Home Ratings
 Instantly compare nursing homes. See rankings, problems, complaints.
 www.healthgrades.com

By David Jackson
 Tribune reporter

October 1, 2009

E-mail Print Share Text Size

Bryan Barrish and Michael Giannini take pride in their Elgin nursing home, Maplewood Care.

"We've owned that facility for 17 years and have 203 beds in that facility," Barrish said, "and over that time we've had well over 1,250,000 patient-days."

But when it comes to days like the one in January when a 21-year-old felon allegedly raped a 69-year-old woman, the complexity of Maplewood's business model allows Barrish to assert: "I have nothing to do with day-to-day operations at Maplewood Care and neither does Mike."

They are the owners who aren't in charge.

State records show Barrish and Giannini have an ownership or consulting role in 13 Illinois nursing homes. Each facility is run

by a separate corporation, whose ownership is divided among family, business associates and trusts, state records show. Each corporation has a board of directors whose names are not public.

Each facility hires its own administrator to run day-to-day operations. For nursing home services from bookkeeping to dietary consulting, the facilities hire SIR Management Inc., a firm created 18 years ago by Barrish, Giannini and longtime nursing home partner Eric Rotherner.

Attorneys for the three have said in court documents that SIR "manages" the homes, and three of the homes last year paid SIR a combined \$1 million in "management fees," according to facility cost reports filed with the Illinois Department of Healthcare and Family Services.

But when the homes face lawsuits alleging negligence, Barrish said, SIR is "dismissed (from the suits) every time, because we are not management."

An attorney for Barrish and Giannini cautioned the Tribune against mentioning SIR in an article about the alleged rape at Maplewood Care.

"Any reference to SIR would be disingenuous, unfair and defamatory," Howard Hoffman said by e-mail. "SIR merely provides consulting services to many long-term care facilities and has no operational responsibilities as to any of them."

After a reporter noted that SIR's Web site said it "manages the operation" of nursing homes owned by Barrish and Giannini, SIR's site was changed.

"Maybe we've used the term inappropriately," Giannini told a reporter. "But the definition of the management was consultant. It wasn't as defined by Webster's dictionary."

SIR also figured in a painful episode that threatened the future of the two men's business.

In 2002, Giannini and Barrish paid a \$2 million settlement to the U.S. Justice Department after pleading guilty to felony money-laundering charges. Authorities alleged that they joined a 1995 conspiracy to make false claims for incontinence supplies. Also pleading guilty was Salvatore Galioto, who was listed as an organized crime associate in a 1997 Chicago Crime Commission chart.

Barrish said the plea was "a business decision," asking: "Do we fight it and risk 2,000 employees, 2,000 residents and partners and their future or do we make this agreement and be able to survive?"

Federal authorities could have excluded the partners from participating in federally funded health care programs for five years, court records show. But the lead prosecutor wrote a letter citing their cooperation in the case and urging that they not be barred. The two men reached agreements in which they gave up operational control over most of their nursing homes for five years, and ceded their positions directing SIR Management Inc.

Court records show Barrish and Giannini's wives took their places on SIR's board. The men entered into oral employment contracts with SIR that enabled them to "be employed so long as ... each desired," their attorney wrote in 2006 court papers.

The partners said those years-ago events have no bearing on facilities they now partly own.

Top news stories

- Fare hike plan: \$3 train rides
- Sidekick users lose personal data
- Jackson to ride bus with Fenger students Tuesday

INTRODUCING FREE UNLIMITED CALLS AROUND THE WORLD -- JUST TO SAY HELLO
 Now call the U.S. for only \$24.99/mo plus more than 60 countries for FREE

Today's offerings

good2gether Do Good
 We connect people with causes, and you'll find thousands of ways to help make a difference in your communities.

HALF PRICE CHICAGO Half Price Chicago
 Oceanique -- Indulge in an eclectic seafood meal worth \$50, spend \$25. Great for date night!

Chicago Shopping Deals
 Sports, dining, travel, & entertainment.

CHRONICLES OF THE CURSED Chronicles of the Cursed
 Hades has risen. Dare to face the nightmare? Buy your tickets now to Chicago's premier haunted experience.

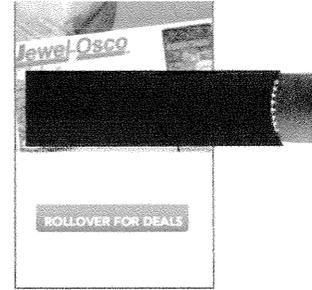
Jewel-Osco
 Delicious savings are just around the corner.

"This was an isolated incident," Giannini said. "We were asleep at the wheel."

Copyright © 2009, Chicago Tribune

Recommended for you:

- Chicago 2016: Questions rise from rubble (Chicago Tribune)
- WiMax's arrival has me asking: Why-Fi? (Chicago Tribune)
- Another boy critically beaten, this time on North Side (Chicago Breaking News)
- Provena to make case for keeping its tax exemption to Illinois' top court (Chicago Tribune)
- Dog-fighting operation in suburban day-care home (Chicago Breaking News)



E-mail
 Print
 Digg
 Twitter
 Facebook
 StumbleUpon
 Share

COMMENTS (5) | Add Comment

Exporter the ASCIS man shoes in www.tntshoes.com

Lily05Tom (10/11/2009, 9:50 PM)

Report Comment

Every 5 years someone decides to write about the conditions of the nursing homes. We have the same quality in the nursing homes as we have in past governor's? What has to happen for real, effective change to take place?

The news keeps reporting and yet nothing every changes. Why can other states have facilities that are in top condition and the residents are treated well and Illinois, all you hear it that they are understaffed and underpaid. I think not, if there was no money to be made these owners would not be in business?

jmleady2004@yahoo.com (10/01/2009, 3:13 PM)

Report Comment

If ther bear no responsibility as owners, why are they laughing all ythe way to the bank? The ultimate responsibility to the safely and welfare of those residents falls on their heads. Mike used to work for the State, he should know this...

jmleady2004@yahoo.com (10/01/2009, 3:09 PM)

Report Comment

See All comments

Also on chicagotribune.com



Photos in the news



Mugs in the news



Celebrity sightings



Your travel photos



Get your Bears on

Home

- Tips
- Skilling's weather
- Traffic
- Obits
- Blogs
- Columnists
- Photos
- Video
- Archives
- E-edition
- TV listings
- Movie listings
- Event tickets

Classified

- Apartments
- Celebrations
- Cars
- Dating
- Deals
- Garage sales
- Jobs
- Homes
- Mortgages
- Office/Retail
- Pets
- Public records
- Obituaries
- The Yard

About

- Feedback
- Contact Us
- Tips
- Newspaper issue?
- Want to advertise?
- RSS feeds
- Newsletters/alerts
- Mobile/iPhone
- Find us online
- Photo store
- Tribune store
- News in Education in our community
- Read the Trib on Kindle

Perks

- ChicagoPOINTS
- Tribune events
- Contests & Sweeps
- Coupons
- Puzzles

News

- Breaking
- Chicagoland
- Your neighborhood
- Triblocal
- Nation/World
- Business
- Health
- Watchdog
- Find data
- Obits
- Topics

Sports

- Bears
- Bulls
- Blackhawks
- Cubs
- White Sox
- College
- High school
- Fire
- Golf
- Scores
- Columnists
- Michael Jordan

PARTNERS: | Chicago Magazine | ChicagoNow | CLTV | Metromix | RedEye | Triblocal | WGN-AM | WGN-TV | Vivelò Hoy | Baltimore Sun | Daily Press | Hartford Courant | Los Angeles Times | Orlando Sentinel | Sun Sentinel | The Morning Call | Chicago Tribune, 435 N. Michigan Avenue, Chicago, IL 60611 | Terms of service | Privacy | Feedback |

A Tribune Web site