

1 LEGAL DIVISION
2 Department of Social Services
3 Office of Chief Counsel
4 KATEE JAMES, State Bar No. 248936
5 Senior Staff Attorney
6 744 P Street, MS 19-161
7 Sacramento, CA 95814
8 Telephone Number: (279) 444-7516
9 Facsimile Number: (279) 399-9389

10 Attorneys for Complainant

11 BEFORE THE
12 DEPARTMENT OF SOCIAL SERVICES
13 STATE OF CALIFORNIA

14 IN THE MATTER OF:

15 ROSEVILLE SH LLC and WESTMONT
16 LIVING, INC.
17 dba Meadow Oaks of Roseville
18 930 Oak Ridge Drive
19 Roseville, CA 95661

20 CDSS No. 8119056101

21 **ACCUSATION**
22 (LICENSE REVOCATION)

23 THE TERRACES OPERATIONS LP and
24 WESTMONT LIVING, INC.
25 dba Compass Rose
26 2750 Sierra Sunrise Terrace
27 Chico, CA 95928

28 CDSS No. 8119056101B

29 **ACCUSATION**
30 (LICENSE REVOCATION)

31 DAJONNAE HARRIS

32 CDSS No. 8119056101C

33 **ACCUSATION**
34 (EXCLUSION ACTION)

35 DAJONNAE HARRIS

36 CDSS No. 8119056101D

37 **ACCUSATION**
38 (REVOCATION OF HOME CARE AID
39 REGISTRATION)

40 Respondents.

41 JURISDICTION

42 1. This matter arises under the California Residential Care Facilities for the
43 Elderly Act, Health and Safety Code section 1569 et seq., which governs the licensing
44 and operation of residential care facilities for the elderly and under the Home Care

1 Services Consumer Protection Act, Health and Safety Code section 1796.10 et seq.,
2 which governs the approval and registration of Home Care Aides.

3 2. The regulations which govern the licensing and operation of residential
4 care facilities for the elderly are contained in California Code of Regulations, title 22,
5 section 87100 et seq.¹ The regulations which govern the approval and registration of
6 Home Care Aides are contained in California Code of Regulations, title 22, section
7 130000 et seq.

8 3. The California Department of Social Services ("Department") is the
9 agency of the State of California responsible for the licensing and inspection of
10 residential care facilities for the elderly. The California Department of Social Services
11 ("Department") is the agency of the State of California responsible for the approval and
12 registration of Home Care Aides.

13 4. The Department may prohibit any person from being a licensee, owning
14 a beneficial ownership interest of 10 percent or more in a licensed facility, or being an
15 administrator, officer, director, member, or manager of a licensee or entity controlling a
16 licensee, and may further prohibit any licensee from employing, or continuing the
17 employment of, or allowing in a licensed facility, or allowing contact with clients of a
18 licensed facility by, any employee, prospective employee, or person who is not a client
19 of a residential care facility for the elderly pursuant to Health and Safety Code section
20 1569.58.

21 5. The Department may exclude a resource family parent, applicant, or
22 other individual from presence in any resource family home, from employment in,
23 presence in, and contact with clients of any facility licensed by the department or
24 certified by a licensed foster family agency, and from holding the position of member of
25 the board of directors, executive director, or officer of the licensee of any facility
26

27

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

1 licensed by the Department pursuant to Welfare and Institutions Code section
2 16519.6(g)(1).

3 6. Pursuant to Health and Safety Code sections 1796.25 and 1796.26 and
4 Regulation section 130091, the Department may revoke a Home Care Aide's
5 registration.

6 7. Administrative proceedings before the Department must be conducted in
7 conformity with the provisions of the California Administrative Procedure Act, Chapter 5,
8 Government Code section 11500 et seq.

9 8. Pursuant to Health and Safety Code section 1569.58(f), the Department
10 may institute or continue a disciplinary proceeding against a person following the
11 resignation, withdrawal of employment application, or change of duties, or any
12 discharge, failure to hire, or reassignment of the person by the licensee or if the person
13 no longer has contact with clients of the facility.

14 9. Pursuant to Health and Safety Code sections 1569.52, the Department
15 may institute or continue a disciplinary proceeding against a licensee following the
16 suspension, expiration, or forfeiture of a license.

17 10. Pursuant to Health and Safety Code sections 1569.51(b) and 1569.58(e)
18 the standard of proof to be applied in this proceeding is the preponderance of evidence.

19 **THE PARTIES**

20 11. Senior Staff Attorney **KATEE JAMES** of the Legal Division of the
21 Department files this Accusation on behalf of Complainant **PAMELA DICKFOSS**,
22 Deputy Director of the Community Care Licensing Division of the Department, pursuant
23 to Government Code section 11503.

24 12. Respondents **ROSEVILLE SH LLC** and **WESTMONT LIVING, INC.** are
25 licensed by the Department to operate a residential care facility for the elderly located at
26 930 Oak Ridge Drive, Roseville, California ("facility 1"). The facility was initially licensed
27 on February 29, 2016. A copy of Respondents **ROSEVILLE SH LLC** and **WESTMONT**

1 **LIVING, INC.'s** most recent license setting forth the capacity, limitations, and effective
2 dates accompanies this Accusation as **ATTACHMENT A** and is incorporated by
3 reference.

4 13. Respondents **THE TERRACES OPERATIONS LP and WESTMONT**
5 **LIVING, INC.** are licensed by the Department to operate a residential care facility for
6 the elderly located at 2750 Sierra Sunrise Terrace, Chico, California ("facility 2"). The
7 facility was initially licensed on April 11, 2006. A copy of Respondent **THE TERRACES**
8 **OPERATIONS LP and WESTMONT LIVING, INC.'s** most recent license setting forth
9 the capacity, limitations, and effective dates accompanies this Accusation as
10 **ATTACHMENT A** and is incorporated by reference.

11 14. Respondent **DAJONNAE HARRIS** is/was employed by and has/had
12 contact with the clients of the residential care facility for the elderly.

13 15. Respondent **DAJONNAE HARRIS** was approved by the Department to
14 be a registered home care aide. Respondent was initially approved on or about April 4,
15 2016.

16 16. Respondents **ROSEVILLE SH LLC, THE TERRACES OPERATIONS**
17 **LP and WESTMONT LIVING, INC.**, by virtue of licensure, must operate in accordance
18 with the statutes and regulations governing the licensing and operation of residential
19 care facilities for the elderly. Respondent **DAJONNAE HARRIS**, by virtue of presence
20 in or contact with clients of a residential care facility for the elderly, is subject to the
21 jurisdictional provisions of Health and Safety Code sections 1569.17 and 1569.58 and
22 by virtue of registration as a Home Care Aide, must show her qualification for
23 registration in accordance with the statutes and regulations governing the approval and
24 registration of Home Care Aides. Copies of the applicable statutes and regulations
25 accompany this Accusation as **ATTACHMENT B** and are incorporated by reference.

26 //

27 //

1 **FACTUAL ALLEGATIONS**

2 **SUBJECT MATTER:** LACK OF CARE AND SUPERVISION/FAILURE TO
3 OBSERVE CLIENT'S CHANGE IN CONDITION

4 **APPLICABLE LAW:** Health and Safety Code sections 1569.269(a)(6), 1569.50 and
5 1569.58
6 Regulation sections 87464(f)(1) and 87466

7 **ALLEGATIONS:**

8 17. On or about June 30, 2018, Respondents **ROSEVILLE SH LLC,**
9 **WESTMONT LIVING, INC. and DAJONNAE HARRIS** failed to provide the care and
10 supervision necessary to meet the needs of client #1 and failed to observe client #1's
11 change in condition at facility 1. Client #1 was left unattended for a prolonged period of
12 time outside in the sun and heat. This resulted in client #1 suffering dehydration and
13 heat stroke and ultimately led to the client's death from heat stroke and prolonged
14 exposure to sun and heat.

15 18. On or about April 23, 2018, Respondents **THE TERRACES**
16 **OPERATIONS LP and WESTMONT LIVING, INC.** failed to provide the care and
17 supervision necessary to meet the needs of client #2 and failed to observe client #2's
18 change in condition at facility 2. Client #2 was left unattended for a prolonged period of
19 time outside in the sun and heat. This resulted in client #2 being found unresponsive
20 and suffering symptoms of prolonged exposure to sun and heat.

21 **SUBJECT MATTER:** CONDUCT INIMICAL

22 **APPLICABLE LAW:** Health and Safety Code sections 1569.50(c) and
23 1569.58(a)(2)

24 **ALLEGATIONS:**

25 19. Respondents **ROSEVILLE SH LLC, THE TERRACES OPERATIONS**
26 **LP, WESTMONT LIVING, INC. and DAJONNAE HARRIS** engaged in conduct that is
27 inimical to the health, morals, welfare, or safety of either an individual in or receiving

1 services from the facility, or the people of the State of California as alleged in
2 paragraphs 17 through 18, above, and incorporated here by reference.

3 **CAUSE FOR LICENSE REVOCATION AND ORDER OF EXCLUSION**

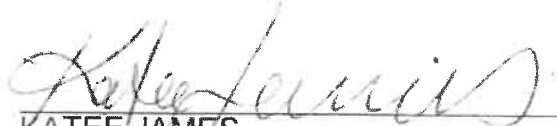
4 20. The facts alleged in paragraphs 17 through 19, individually and/or jointly,
5 provide cause, pursuant to Health and Safety Code section 1569.50(a)-(b) to revoke
6 Respondents **ROSEVILLE SH LLC's, THE TERRACES OPERATIONS LP's and**
7 **WESTMONT LIVING, INC.'s** licenses to operate facility 1 and facility 2; and pursuant
8 to Health and Safety Code sections 1569.17 and 1569.58 and Welfare and Institutions
9 Code section 16519.6(g)(1) to prohibit Respondent **DAJONNAE HARRIS** from being a
10 licensee, owning a beneficial ownership interest of 10 percent or more in a licensed
11 facility, or being an administrator, officer, director, member, or manager of a licensee or
12 entity controlling a licensee, and, further, from employment in, presence in, and contact
13 with clients of, any facility licensed by the Department or certified by a licensed foster
14 family agency, or any resource family home, for the remainder of Respondent's life.

15 21. The facts alleged in paragraphs 17 through 19, individually and/or jointly,
16 constitute conduct by Respondents **ROSEVILLE SH LLC, THE TERRACES**
17 **OPERATIONS LP and WESTMONT LIVING, INC.** which is inimical to the health,
18 safety, morals or welfare of clients receiving care from the facility, or to the people of the
19 State of California. These facts provide cause, pursuant to Health and Safety Code
20 sections 1569.50(c) and 1569.58 and Welfare and Institutions Code section
21 16519.6(g)(1), to revoke the licenses to operate facility 1 and facility 2, and to prohibit
22 Respondent **DAJONNAE HARRIS** from being a licensee, owning a beneficial
23 ownership interest of 10 percent or more in a licensed facility, or being an administrator,
24 officer, director, member, or manager of a licensee or entity controlling a licensee, and,
25 further, from employment in, presence in, and contact with clients of, any facility
26 licensed by the Department or certified by a licensed foster family agency, or any
27 resource family home, for the remainder of Respondent's life.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

26. WHEREFORE, Complainant requests that Respondent **DAJONNAE HARRIS's** registration as a Home Care Aide be revoked.

DATED: JUL 03 2019



KATEE JAMES
Senior Staff Attorney
Legal Division
California Department of Social Services