



July 31, 2015

Ms. Ann Hill, Executive Director  
Creative Lifestyles, Inc.  
67 Bruckner Boulevard  
Bronx, NY 10454

Certified: 7004 1160 0006 4493 7772

Ms. Denise Turner-Gootzeit, President  
[REDACTED]

Certified: 7004 1160 0006 4493 7765

Re: Notification of Fine

Dear Executive Director and Board President:

This letter constitutes formal notification to you of our intent to impose a \$2500.00 fine on your agency. Pursuant to Mental Hygiene Law section 16.17(g), the Commissioner may impose a fine upon a finding that the holder of an operating certificate has failed to comply with the terms of the certificate or with the provisions of any applicable statute, rule or regulation. As you know, this process was explained in the OPWDD Accountability Initiative Memorandum dated June 1, 2011, copy enclosed.

This action is based on your agency's failure and refusal to return Shontae Brown to her residence at 1815 White Plains Road, Bronx NY following a recent hospitalization. It is our understanding that Shontae continues to remain hospitalized, although ready for discharge, based on your agency's failure and refusal to return her to her residence. In addition, although your agency has expressed a desire to discharge Shontae from her current residence, the agency has failed to comply with the process set forth in the OPWDD regulations at 14 NYCRR section 633.12. Additionally, your agency has not developed an appropriate discharge plan for Shontae. Therefore, the fine to be imposed is \$2500.00 as of today. We intend to impose additional fines until Shontae is returned to her residence.

You have the right to an administrative hearing to appeal the imposition of this fine. You also have the right to be represented by an attorney at such hearing. If you want a hearing, you have 30 days from service of notice of this proposed action. Your request must include a declaration of the issues alleged to be involved, and documentation of the agency's position as to each identified issue. Send your request to:

Kerry Delaney  
Acting Commissioner  
NYS OPWDD  
44 Holland Avenue  
Albany, NY 12229

Your written request for a hearing must include a copy of this letter. You should also submit a copy of your request to me.

If you decide not to request a hearing, please remit payment of your fine immediately. The money should be sent in a lump sum payment. A check is the only acceptable form of payment. The check should be payable to OPWDD and forwarded to the following address:

OPWDD  
Attn: Roger Bearden, General Counsel  
Counsel's office – 3<sup>rd</sup> floor  
44 Holland Ave.  
Albany NY 12229-0001

Finally, please be aware that the imposition of this fine does not preclude OPWDD from taking further adverse action if your agency fails to immediately return Shontae to her residence or fails to maintain compliance with OPWDD regulations.

Sincerely,



Megan O'Connor-Hebert  
Deputy Commissioner  
Division of Quality Improvement

Enclosure

cc: Board of Directors  
Kerry Delaney, Acting Commissioner  
Helene DeSanto, Deputy Commissioner  
Roger Bearden, General Counsel  
Tamika Black, Deputy Director, DQI  
Abiba Kindo, Associate Deputy Commissioner  
Donna Limiti, DDRO Region 4 Director  
Cheryl Mugno, Deputy Counsel  
Brian O'Donnell, Regional Director, DQI  
Winfred Ernest, Area Director, DQI