



**Office for People With
Developmental Disabilities**

**Andrew M. Cuomo, Governor
Kerry A. Delaney, Acting Commissioner**

September 16, 2015

**USPS Certified Mail 7008 0500 0001 5731 9952
7008 05000 0001 5731 9969**

Mr. Donald Lash, Executive Director
Sinergia, Inc.
2082 Lexington Avenue
4th Floor
New York, NY 10035

Len Torres, Ed. D., PRESIDENT
[REDACTED]

Re: Notification of Fine

Dear Mr. Donald Lash and Mr. Torres:

This letter constitutes formal notification of our intent to impose a \$2000.00 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. This process was explained in the OPWDD Accountability Initiative Memorandum dated June 1, 2011, copy enclosed.

This action is based on the agency's continued failure to properly enter and update information into the OPWDD Incident Management Reporting Application (IRMA), failure to thoroughly investigate reportable incidents and continued non-compliance with regulatory requirements for incident reporting under 14 NYCRR Part 624.

The following outstanding incidents have no evidence in IRMA of a thorough investigation, with all required components, being conducted and submitted to OPWDD:

<u>Incident Number</u>	<u>Date of Incident (Reported)</u>	<u>Type</u>
2015-005048	2/24/15	Allegation of Abuse
2015-005243	2/23/15	Allegation of Abuse-Neglect

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

Executive Office

44 Holland Avenue, Albany, New York 12229-0001 | 866-946-9733 | www.opwdd.ny.gov

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 – 3rd 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 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
Leslie Fuld, Director, DQI/IMU