



**Office for People With
Developmental Disabilities**

KATHY HOCHUL
Governor

WILLOW BAER
Acting Commissioner

December 2, 2024

VIA USPS CERTIFIED MAIL & EMAIL

Stephanie Turco, Executive Director
Gateway Community Industries, Inc.
1 Amy Kay Parkway
PO Box 5002
Kingston, New York 12401

Charles Cullen, President, Board of Directors
[REDACTED]
[REDACTED]

Re: Notification of Intent to Impose a Fine

Dear Ms. Turco and Mr. Cullen:

This letter constitutes formal notification that the New York State Office for People With Developmental Disabilities (OPWDD) is imposing a fine in the amount of \$15,000 on your agency, Gateway Community Industries, Inc. for failure to ensure safe and sanitary living conditions for person's residing in several of the agency's residential facilities.

On 10/16/2024, the Justice Center (JC) visited the agency's certified residences, [REDACTED] to assess the implementation of the corrective actions associated with incident number 2023-020478, which occurred in July 2023. The incident included significant environmental concerns regarding mice infestations and mold. During the JC's visits on 10/16/2024, the same unsanitary conditions were observed. Rodent feces and small bugs were observed throughout the home; on the floors and on the beds of person's receiving services. Bed linens were yellow in color, sheets were stained and there was a strong urine odor. The refrigerator contained food covered in mold, including chicken and fruit. Further at [REDACTED] the water temperature at one of the faucets was above 112 degrees. The JC informed the agency of the above site visit findings and the JC's recommendations for immediate actions in a letter dated 10/16/2024. In the letter, the JC recommended the agency take immediate action to rectify these concerns, which included the following:

- Acquire an outside cleaning service to complete a deep clean of all residential areas;
- Hire a new pest control vendor to review ways to prevent rodents and bugs in the home; and

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- Clean out the refrigerators and discard items that are not edible, including expired food and food that is not properly labeled and stored.

A site survey was completed at [REDACTED], NY, on 10/18/2024. The Bureau of Program Certification (BPC) declared Immediate Jeopardy for the agency not maintaining a safe and sanitary environment. In the residence, surveyors found many health and safety concerns including rodent droppings, bed bugs, soiled/scratched walls, a broken window with glass shards and a peeling kitchen floor. Due to the unsafe conditions, persons residing in the home needed to be relocated for remediation efforts for rodents, bedbugs, and unsanitary conditions to be resolved.

A site survey was completed at [REDACTED], NY, on 10/16/2024. BPC declared Immediate Jeopardy due to the presence of mice and mice droppings being observed in the residence. The home was also found to be unclean and smelled of urine. Due to the unsafe conditions, persons residing in the home needed to be relocated for remediation efforts for the mice infestation and unsanitary conditions to be resolved. BPC also conducted a site survey at [REDACTED], NY, on 10/23/2024, and found the home to be unclean and having a foul odor.

During the visits conducted by the JC and BPC on 10/16/2024, 10/18/2024 and 10/23/2024 as described above, it was determined that the agency failed to systemically remediate the unsanitary conditions found in the 7/2023 incident. This failure resulted in the persons residing at [REDACTED] having to be relocated until the unsafe conditions at the homes were abated. Based on the egregious and pervasive findings of the site surveys at the residences referenced above, the agency was issued three 45-day Statement of Deficiencies.

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 operating certificate or with the provisions of any applicable statute, rule, or regulation.

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 are requesting a hearing, you have 30 days from service of notice of this proposed action to submit your request. 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:
Kerri Neifeld, Commissioner
NYS Office for People With Developmental Disabilities 44 Holland Avenue
Albany, NY 12229

In accordance with 14 NYCRR 602.5, your written request for the hearing must include a copy of this letter and a declaration of the issues alleged to be involved and documentation of your position of each issue. If you decide not to request a hearing, please remit payment of your fine immediately. Payment should be made within 30 days of receipt of this notification. Payment must be made by check payable to OPWDD and be for the total amount of the fine. Partial payment will not be accepted without written authorization from OPWDD.

You may send your payment to:
Eileen Haynes, General Counsel

NYS Office for People With Developmental Disabilities Counsel's Office-3rd Floor
44 Holland Avenue
Albany, NY 12229

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

cc:

Board of Directors

Willow Baer, Acting Commissioner

Brian O'Donnell, Statewide Director, DQI, Bureau of Program Certification

Mary Jane Vogel, Deputy Director, Division of Quality Improvement

Meg Adams, Director, Incident Management Unit

Richard Cicero, Director of Internal Controls

Abiba Kindo, Deputy Commissioner, Service Access, Program Implementation & Stakeholder Support

Ann Marie Peterson, Associate Commissioner, Service Access, Program Implementation & Stakeholder Support

Eileen Haynes, General Counsel

Earl Jefferson, Director, Central Operations

Josh Olsen, Deputy Counsel, Counsel's Office

Angela Hernandez, Senior Attorney, Counsel's Office

Erica Pandolfo, Deputy Counsel, Counsel's Office