

Hearing Date is set

Date: May 5, 2017

Time: 1:30 PM

Judge Carol Murphy

## Superior Court of Washington- County of Thurston

Jennifer E. Roach _____ Plaintiff/Petitioner  vs. <u>DSHS- APS</u> , Defendant/Respondent AG, Seth Dickey _____ Attorney for Defendant/Respondent	Case number: 16-2-02391-34  <b>Petition for Judicial Review</b>  Petitioner's Opening Brief
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\*Please note: Pertinent Clerk's Papers are attached for the judge's and AG's convenience- Attached Items C & D. The brief itself is the correct length. The CPs are thousands of pages.

### Summary:

DSHS has no authority to place Jennifer Roach, who has NEVER been “used” by a nursing facility or skilled nursing facility, on their state wide abuse Aging and Disability (ADS) Database which is authorized by WAC 388-71-01202 and covers ONLY those “used” by said facilities. This, in itself, should be enough to remove Jennifer Roach from the ADS Database. **It is abuse of process.**

**WAC 388-71-01202--When does the department make a substantiated initial finding of an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults?**

The Judge shouldn't have to go any further. This alone should be enough to get Ms. Roach off the Aging and Disability (ADS) Database, but the following arguments are provided so that a complete statement is in the court records for everyone to see that Ms. Roach NEVER abused Larry.

## **Motion:**

I move for a court order: to force DSHS to remove Ms. Roach from the Aging and Disability (ADS) Database AND to provide Ms. Roach a letter from DSHS to Ms. Roach apologizing and stating that it was a total mistake for Ms. Roach to have been placed on the ADS and was due entirely because of the fault of DSHS and their violation of the law and rules regulating the ADS Database.

According to WAC 388-71-01275-

(3) A final finding may be removed from the department's registry under the following circumstances:

(b) The finding is rescinded following judicial review;

Please rescind "The finding" in accordance with WAC 388-71-01275

Additionally force Mr. Dickey to request an investigation as to why DSHS is violating the law and so aggressively trying to prosecute Ms. Roach. I believe that there is some foul play involved and it will help disclose some reasons for APS allowing abuse of seniors under guardianship.

**WAC 388-71-01202--When does the department make a substantiated initial finding of an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults?**

If, after review of the results of the investigation, the department determines that an individual used by such nursing facility or skilled nursing facility to provide services to vulnerable adults, has abandoned, abused, neglected, or financially exploited a vulnerable adult, or has misappropriated a vulnerable adult's property, the department will make a substantiated initial finding to that effect. However, a substantiated initial finding of neglect will not be made if the individual demonstrates that the neglect was caused by factors beyond their control.

## **Short list of Errors:**

- WAC 388-71-01202- Persons not "used by" said nursing facility or skilled nursing facility are outside DSHS jurisdiction: that includes Ms. Roach. DSHS legal representative and OAH judge erred in placing Ms. Roach, who has NEVER worked with or in or "used by" a nursing facility or skilled nursing facility, on the ADS database. In short APS legal representative lied (perjured himself) in order to keep me from knowing that the Aging And Disability (ADS) database did not apply to my

case.

-DSHS and OAH erred in not allowing Ms. Roach a “Fair Hearing.”

-DSHS and OAH erred in applying Summary Judgment when there were hundreds of pages of opposing evidence from the opposing parties. DSHS legal Representative perjured himself again as he stated that since DSHS agreed with the VAPO judge he could ask for Summary Judgment. Black's law Dictionary states that for Summary Judgment to apply that the OPPOSING SIDES must be in agreement. Mr. Edwards could not have passed the bar without knowing that basic legal information.

-DSHS and OAH erred applying Collateral Estoppel to my case as it clearly states in the law (AND the OAH and DSHS legal Representative clearly stated) that Collateral Estoppel could NOT be used in cases where denying a person a hearing would hurt them. Ms. Roach has lost 2 jobs and had her reputation ruined by being placed on the ADS Database.

## **Introduction:**

*Special notice: If this court or the AG agent cannot or does not want to understand Ms. Roach's use of Engineering English, the court must, by law, provide Ms. Roach with an interpreter to translate to legalese.\**

\*It is not legal to deny a person essential legal information just by stating “we can't provide legal advice.” That is legalese for “we aren't going to tell you the truth about the law, so we can screw up your life.”

I have tried to accommodate as best I can by using the few terms I have picked up these last 4 years fighting APS abuse of seniors and those who try to help them. If anything in this brief is not up to the standard of court jargon, provide me a free translator. To penalize me for language is a violation of my Constitutional Right to a fair hearing.

This case has become an example of the absolute gross mismanagement and incompetence of DSHS's ability to actually find abuse and protect the elderly: a perfect example of their lack of ability to do their job of investigating and reporting real abuse and their more preferred tendency to believe the best liar and go full force into prosecuting the innocent at the peril of the very vulnerable

adults that they are supposed to protect. This case will become a National example of APS negligence, incompetence and ignorance. As is more typical than not, APS has helped the real abuser abuse the Vulnerable Adult, while attempting to destroy the reputation of the innocent person who tried to help stop the abuse. There are a number of legislators and government screw up watchdogs very interested in this case.

There has never been anyone less abusive being accused of abuse. Has anyone else been placed on the DSHS abuse ADS Database while actually being able to prove innocence? Do you see the problem? I should not have to “prove innocence”, but I did and they still put me on the database and APS agents are still helping abuse the Vulnerable Adult, Larry.

Why has Ms. Roach been placed on the state wide abuse Aging and Disability (ADS) Database when she has NEVER worked in or with or been “used” by a nursing facility? The DSHS legal Representative acted obsessed with placing Ms. Roach on the ADS and NEVER (even though asked) let Ms. Roach know the WAC that applied to the Database.

What rewards do DSHS employees get for filling it's Database with innocent people?

Ms. Roach only learned the name of the Database AFTER being illegally placed on it and getting a copy of the Facsimile (Attached item A) from the Senior Center who immediately canceled all her classes. It was still months later that she finally discovered the WAC that covers the ADS Database.

Now upon hearing this the assistant AG in this case, Seth Dickey, should under his duty as an AG representative have this case closed immediately in favor of Ms. Roach in order to save tax dollars. (Mr. Dickey was already informed of this and should have interceded last fall, but refused.) Also, I believe it is also his duty to request an investigation as to why APS/DSHS and OAH are violating the law and the rights of the public by denying the accused a hearing and illegally placing people on the DSHS ADS Database which is ONLY for those “ used by such nursing facility or skilled nursing facility.”

**Larry while Ms. Roach was helping him for \$100 a day or half minimum wage.**

**Sept 2012**



**Below, Larry after APS helped place Larry into a dementia/lock down ward at Park Vista for asking to go home and demanding his rights.**

Larry is charged \$87,000 in guardianship fees and \$60,000 in legal fees to “protect” his \$55,000 a year pension by his professional guardian in one year. Larry's \$300,000 in savings has been drained, so the guardian placed a reverse mortgage on Larry's house (while Larry was forced to stay in the dementia ward) to fund the guardianship. New APS agents (according to the records) have been involved with Larry's case for the last 2 years and have ignored the abuse.

The professional guardian spends Larry's money in legal fees to defend his right to abuse Larry.

**This photo is NOT Larry leaning to the side. It is a stop action. His body is gyrating out of control. His arms and legs moving constantly from the over-dosing. His long nails, long hair and beard where because the staff where unable to safely get near him with anything sharp, because his body wouldn't stop moving. It's called dyskinesia from high levels of levodopa. The only way he could keep his arms from flailing around was to lock his fingers together. He's excessively thin because his excessive head movement made it difficult to eat. Bruising on his hands also.**



## **Errors:**

-DSHS erred as it has no jurisdiction over Ms. Roach. WAC 388-71-01202 does not apply as Ms. Roach has NEVER worked at or “used by” a nursing facility.

-Even if WAC 388-71-01202 is ignored, the APS agent NEVER substantiated any of the supposed abuse. The APS agent erred even suggesting that Ms. Roach was abusive.

-APS legal representative, Michael Edwards, also withheld pertinent evidence, never stating which WAC he was using to have authority to place anyone on a state wide ADS database although he was asked several times. He perjured himself by stating that Ms. Roach did belong on the ADS database.

-Ms. Roach proved beyond a shadow of a doubt that she did not abuse the Vulnerable Adult, Larry, but OAH and DSHS Appeal threw out Ms. Roach's Final Arguments and denied her a hearing for the sole purpose of NOT allowing her to submit evidence. Abuse of Process.

-The OAH and DSHS review judges erred in that Ms. Roach was denied Due Process therefore violating her Constitutional rights. Violations of the Fifth and Fourteenth Amendments.

--The OAH judge erred in not charging Michael Edwards, DSHS legal representative with perjury for lying about the use of Collateral Estoppel and Summary Judgment.

-The OAH and DSHS review judges erred in that they allowed Mr Edwards to have ALL of Ms. Roach's evidence thrown out using Collateral Estoppel which cannot be used to throw out any evidence in any situation or hurt someone (Attached item C). It is a clearly legal fantasy.

--The OAH and DSHS review judges erred in that they allowed Mr. Edwards’ statement that both the VAPO judge and DSHS are in agreement so that he can insist on Summary Judgment when the law clearly states that Summary Judgment can only be used when OPPOSING parties are in full agreement. (Attached item C) Yet there were hundreds of pages of documents presented in DISagreement.

-The DSHS review judge erred in referring to the VAPO at all because the OAH judge disallowed any discussion of the VAPO and stated that she didn’t care why it was placed on Ms. Roach.

--The DSHS review judge erred when stating that she is “bound” by the Finding of Facts and

Conclusion of law of the Kitsap Superior court judge as no such law exists that if one has a temporary VAPO on them that they MUST go on the state wide PERMENENT abuse list.

-The DSHS review judge erred in assuming that there was a Finding of Facts and Conclusion of law written by the Kitsap Superior court judge as the Kitsap Superior Court Judge never at any time wrote anything other than her signature on the VAPO concerning abuse by Ms. Roach.

-Even though Ms. Roach is impoverished by DSHS action, she was not allowed a defense lawyer, thus penalizing her for being a victim of DSHS abuse and misconduct.

--The OAH and DSHS review judges erred in allowing DSHS/APS (a non-judicial branch of the government) to inflict criminal punishment on WA state citizens.

-Ms. Roach has suffered personal and financial injury and also injury to her Parkinson School For Change, a 501(c)3 non-profit (which she created) because of DSHS misconduct. Being placed on the DSHS database has already cost Ms. Roach 2 jobs.

-The OAH judge exhibited obvious bias in the case and was warned by Ms. Roach several times, but in the end still judged against the law by her own standards and denied Ms. Roach a hearing thus violating the US Constitutional Right of a fair hearing which has been touted again and again from the very start of the unethical prosecution of Ms. Roach while accusations were NEVER substantiated.

--The OAH judge erred in quoting Loretta Sutherland who committed perjury during the OAH. She quoted Loretta Sutherland's statement from the hearing she threw out. Why can she use Summary Judgment to throw out a hearing and then quote a lie from the hearing to prove Ms. Roach is guilty?

## **History:**

Ms. Roach, Larry's personal Assistant, was accused of abuse after she and Larry were staying at Larry's friend's, Richard Sutherland's, house in Port Orchard for what was supposed to be a few weeks. At that time we did not know that he was a sociopath, but it quickly became apparent as he decided that he wanted an early retirement paying himself \$280 a day to be Larry's permanent "care-giver." The only problem was that Larry didn't need a permanent care giver. He just needed a few

weeks to recover from hydrocephalus surgery and wanted to go home and didn't want to live in Port Orchard.

A few months earlier, Sutherland had written a Trust for Larry giving himself all of Larry's assets (not what Larry wanted) but Larry trusted Sutherland so much that he signed it without reading it and Sutherland proceeded to get rid of all obstacles to Larry's money which included Ms. Roach.

In the end Sutherland tried to bribe Ms. Roach with Larry's money, but when that didn't work he lied to the APS agent and she believed him or was paid off. (There was a \$2000 account cashed out by Sutherland. Ms. Roach pointed that out to the APS agent and that's when she filed to have Ms. Roach placed on the state wide ADS abuse database. That's why it is thought that she might have been paid off. It appears that the accusations were made to cover-up the agent's misconduct.)

The APS agent also lied to the court saying that she had found that Ms. Roach had abused Larry but produced no evidence of such. That caused Ms. Roach to have a VAPO placed on her as the judge then threw out all 50 eye-witness declarations signed with a perjury statement in favor of Mr. Roach. Then the judge stated that any man near a younger woman would certainly appear to get better (Ms. Roach is over 50.) She also stated that Ms. Roach "dared to charge the exorbitant rate of \$100 a day for care-giving" which is half minimum wage. The only possible excuses for these bizarre statements were that she trusted the APS agent to have done a thorough investigation, but it never happened and/or that she is a friend to Richard Sutherland, a sociopath. [Friends of sociopaths become controlled by them and will lie for them without really making the full association of what they are doing. The judges extreme anger at the hearing is a strong indication of being controlled by a sociopath.]

In the short there were 44 lies and the judge placed an unheard of 5 year restraining order on Ms. Roach in order to justify doing such. I know that Judges don't want to hear about other Judges lying, but the documented lies are already on-line. In short, the public wants to know about judicial misconduct even if their peers are afraid. I and others are dead set on exposing judicial corruption in the elderly law courts. It will happen whether I do it or not now. The people are watching. It is a hot topic this year and will continue to be so until it is stopped. The legislative Aging and Disability Committee set stopping abuse under guardianship as a top priority.



Immediately after the VAPO hearing the APS agent helped force Larry into a dementia ward because he was complaining that he had a right to live in his home and would escape the Stafford Suites Assisted Living. RCW 11.92.190 states that Larry has a legal right to move home, but the APS agent stated to me when I complained about Larry's isolation; "We can't let Larry talk to his friends as that would make him sad." [Her blatant abuse I use as an example when I speak that the capitol to support the first Anti-isolation bill in WA state. I quote that ignorant, abusive APS agent. I was on the Committee which wrote House Bill-1402 and it should be law by the time of this hearing.]

The APS agent felt justified at pushing Larry into the dementia ward as she herself had given him the MMSE and thought it meant that he had dementia. MMNE is an 11 question exam to help doctors determine if further testing is needed. It does NOT diagnose dementia.\* Anyone who thinks that they can diagnose dementia with an 11 question exam needs to be tested for dementia. Thus Larry has been forced into dementia wards for the last 4 years any time he demands that he has rights. (\* A doctor does hours of testing to diagnose dementia including brain scans and blood tests.)

On May 1, 2015 after hearing of the severe over-drugging Larry was receiving at the hands of his court appointed guardian, I went to court to fight the abuse again. Larry was seen being so badly over-drugged (See page 5) that his arms and legs were flailing all over and his trunk and head gyrating. He could hardly speak, but he told his visitor through a halting and staggered voice, "I'm a bird in a gilded cage." Even that heavily drugged, he knew he was in the lock down/ dementia ward because of his money. The visitor was lucky to get to see Larry, because the guardian was isolating him and not allowing him visitors, but the new staff didn't know that yet. (Turnover at Park Vista is very high.) His guardian was and is robbing him blind and APS does nothing to help Larry. He had broken his hip by trying to walk with the drugs causing his body to move around uncontrollably. The last remarks in the APS case, "Larry states he wants to return home" then case closed. It is illegal to hold anyone in an facility against their will (RCW 11.92.190), but the APS agent (according to her files) helped force him in there. This sure seems to be a case of APS cover-up: accuse the innocent in order to hide their own abuse of a vulnerable adult.

Michael Edwards, APS legal representative, was given the complete files with eye-witness reports of the over-drugging and Larry being illegally held in a dementia ward and Edwards would do nothing. He violated the law by not reporting suspected abuse as he is a mandated reporter and here I had

proof, yet he ignored Larry's extreme case of abuse to try to instead convince the court that \$100 a day I charged was too much money for care-giving. When he couldn't prove that half minimum wage was too much for care-giving. He started saying that it was TOO much for Larry to afford, but I proved that Larry saved money by hiring me and that Larry would have paid over \$170 a night just to have someone help with his C-PAP. (That's part of the abuse now. They won't let him use his C-PAP. He has severe sleep apnea. He stops breathing 80 time an hour.)

Even after learning that Larry was currently paying \$200 a day in guardianship fees, \$100 a day in legal fees (to the same guardian's office) and paying \$200 a day to be forced into a dementia ward, Michael Edwards still lied to the court and convinced the judge that she should deny me a hearing. He was obsessed with the idea of winning his case at any cost. The ONLY way he could win was to have ALL my evidence thrown out which is exactly what he did.

DSHS legal representative, Michael Edwards, should be charged with a misdemeanor for failure to report.

#### **RCW 74.34.053**

##### **Failure to report—False reports—Penalties.**

(1) A person who is required to make a report under this chapter and who knowingly fails to make the report is guilty of a gross misdemeanor.

(2) A person who intentionally, maliciously, or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult is guilty of a misdemeanor.

On top of all this there doesn't seem to be anyone at DSHS who can read law. Apparently they hire those people who couldn't make it in the real law world. Now I know that any judge would want to know what law was APS using to accuse me, yet the OAH judge didn't ask and when I asked DSHS Edwards, he didn't know or lied that he didn't know. He didn't even know the name of the list when I asked him that so I could look it up. He said, "I think they just call it the abuse registry."

Anyone in their right mind (This could be stated as "any reasonable person.") with the slightest bit of common sense would say; "How can a person be placed on a state wide abuse list without a hearing or a defense lawyer? What state in their right mind would let the word of a social worker (whether called an agent or not) be the only reason someone is placed on a state wide abuse list that effects their means of earning a living?" The only answer to these question is by breaking the law, by not

knowing the law and by ignorance about the US Constitution.

A fifth grader can tell you everyone deserves a hearing, yet the APS legal rep, the OAH judge and the DSHS Appeal judge all state: Saddam Hussein gets a hearing but Ms. Roach does not.

After being placed on the ADS database, Ms. Roach finally found out that hearing or no, she cannot legally be placed on any DSHS ADS Database, because she has never worked for any facility governed by DSHS licensing. It makes sense that DSHS can regulate the hiring of employees for facilities which they license. It does not make sense that an “agent” can use their own word to place any person on a state wide abuse with or without evidence. DSHS needs to be investigated.

Since when can APS bypass the law and ruin people? (This is a Nationally recognized problem. APS screws up a lot. WA state alone has lost billions in law suits because of APS conduct.) According to the current DSHS procedures which has no bases in law, an agent can place any person on the state wide abuse list for anything, even having the wrong color skin or hair. If the accused doesn't reply in 30 days then they are on a permanent list that can ruin them for life. (I know someone who was put on the same ADS Database, because the DSHS agent claimed that she was “putting babies in Containers” at her day care business. She NEVER took care of babies. She ran an after school day care business. They denied her a license and now she is loosing her house.)

The “Confidential Letter” that anyone can request doesn't say a thing about what the accused did wrong. It is a horrible accusing letter (Attached item A) and mine states that I abused Larry for 6 years before I even met him. It doesn't say I am accused of charging half minimum wage. It doesn't say I am accused of signing him out of the hospital when he wanted out of the hospital and it doesn't say I am accused of “denying him medications” that the doctors (during the hearing) testified that he wasn't supposed to be taking at that time. The amount of abuse that I am accused of wouldn't warrant anyone being placed on a state wide abuse list, yet DSHS and allies are so out of order that I and probably thousands of others have lost income because of gross misconduct and incompetence. I have enough fodder already for the biggest lawsuit against the DSHS and the state ever. Let's stop this charade and let me get on with fighting to protect the elderly.

I sit on committees with APS heads Carol Sloan and Vicki Gawlik and DSHS assistance Secretary Bill Moss. All they can say is: “you'll get a fair hearing.” They absolutely don't know how to control

or stop this gross misconduct of DSHS employees. Bill Moss has thanked me several times for speaking in Olympia on behalf of the abused elderly. Placing me on the abuse list embarrasses him.

I request a order to remove me from their state wide abuse Aging and Disability (ADS) Database immediately, a list which I NEVER should have been placed on in the first place.

## **Argument:**

### **Part I:**

Again- DSHS has no jurisdiction in this case and cannot for any reason put a person (Ms. Roach included) on the State Wide Abuse Registry (ADS) Database UNLESS they have worked in, with, or “used by” a **nursing facility or skilled nursing facility!**

### **WAC 388-71-01202--When does the department make a substantiated initial finding of an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults?**

If, after review of the results of the investigation, the department determines that an individual used by such nursing facility or skilled nursing facility to provide services to vulnerable adults, has abandoned, abused, neglected, or financially exploited a vulnerable adult, or has misappropriated a vulnerable adult's property, the department will make a substantiated initial finding to that effect. However, a substantiated initial finding of neglect will not be made if the individual demonstrates that the neglect was caused by factors beyond their control.

In addition, the APS agent violated other laws concerning the ADS database. There were no substantiated findings presented to Ms. Roach or the court.

Substantiate from Black's Law Dictionary: “To establish the existence or truth of a fact especially by competent evidence.”

The APS agent made statements of accusations, but no substantiated findings. Matter of Fact the APS legal Representative, Edwards, had to invent the proof later. The 16 points against Ms. Roach where not the original agents “findings” of February 27, 2013, but were revised by Edwards on November 25, 2014. Then Mr. Edwards lied about what certain documents meant in order to “substantiate” the findings. He purposely twisted the meaning of medical documents and the law to fit his desire to convict Ms. Roach.

Also the agent violated WAC 388-71-0150 which states (Attached item B) that she will notify the

alleged perpetrator in writing within 10 working days. APS records state (untruthfully) that the agent substantiated her findings in October of 2013, but Ms. Roach's letter is dated February 27, 2013, four months later.

## Part II-

Perjury and errors about the law

I explained thoroughly (Attached item C) for the DSHS Appeals court that Summary Judgment and Collateral Estoppel did not apply in this case. They didn't care about what was legal. They just go along with what their DSHS legal Representative states is true, but he lied.

## Part III-

Ms. Roach NEVER abused Larry.

I have argued before the OAH judge (Attached item D) all 16 points that DSHS legal representative Edwards brought against me as amended Nov 25, 2014. I proved beyond a shadow of a doubt that Ms. Roach did not abuse Larry. In fact the evidence proved that he was physically improving and was saving money by hiring Ms. Roach.

Every time a court or review department has written a review or decision for Ms. Roach they have added new accusations about Ms. Roach. There is no new evidence, but this is the way DSHS wins cases. They try to wear out the accused by submitting at each phase new accusations. The accused has to then prove the new accusations are not true. This is illegal to keep making new accusations and make the accused responsible for proving innocence. Also this way the court gets overloaded with information and just rules the easiest way which is always against the accused.

The assumption that DSHS is always right and has done their job is a hideous mistake that the courts are often making. DSHS “agents” are social workers and DSHS legal representatives are lawyers who couldn't get a job elsewhere. What lawyer would want to work for \$55,000 per year working for DSHS: one of the most troubled agencies in the country unless they had no other choice?

**Why would a judge rule against the accused?-** because of bias built into the system.

I had to write bias reports about the OAH judge several times. I believe it was unintentional bias as

she tried to correct the issue each time, but I will remind the new court how unintentional bias works.

I will be going against the AG's office. Whoever is the judge in this case already knows those who represent that AG's office. You may even take your children to the same school or have coffee together. As lawyers you dress alike and you talk alike and you act alike. You use vocabulary that common, even well educated, people like myself do not use. Just the fact that I am not used to saying "Your Honor" But say "Yes Sir" or "Yes Mame" will make you think negatively of me. I will be different than the AG representative and different than the judge in this case. I will be assumed guilty just because a government agency has made claims against me and supposedly that government agency has checks and balances which would never allow an innocent person to be accused so long.

I must remind you that **DSHS gets sued for Millions** because of the botched up work of it's agents and employees. I have lasted this long because I cannot abide by a government body which lies about and cheats the poor. I am a good person fighting for good and I don't give up. I can't afford a lawyer and DSHS employees have taken advantage of that by lying about the law.

This kind of misconduct is being exposed all over the country and it's starting to take effect. Lawyers and government employees are going to jail. Federal agencies and Federal laws are starting to crack down on state corruption and misconduct.

## **Conclusion:**

No "reasonable person" would ever have put Ms. Roach on the abuse ADS Database or even accuse Ms. Roach of abuse. This is just another DSHS blunder. Ms. Roach should Immediately be removed from the ADS database and have a letter from DSHS stating the facts that Ms. Roach NEVER qualified to be placed on the list and it was only due to misconduct by DSHS employees that she ever was placed on the list.

Thank you,

Completed and accurate to the best of my ability this 10<sup>th</sup> day of April, 2017

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Jennifer E. Roach

# Attached item A

## **ADS database document**

“Confidential Document” (which anyone can ask DSHS for) stating that Ms. Roach abused Larry since 2003 or 6 years before she met him.

Copy of Original, but with Date of Birth redacted.

Aging &  
Disability

## FACSIMILE *COVERSHEET*

DATE: 9 / 01 / 2016

TO: Michelle Burke  
Edmonds Senior Center

Fax: ( 425 ) 954 - xxxx

Total number of pages: 1  
(including this page)

FROM: Diane Rosie

ADSA HCS Public Disclosure Coordinator  
Home & Community Services Division  
Phone: (360) 725-2537 Fax: (360) 725-2257

**"CONFIDENTIAL DOCUMENTS"** – Please deliver to addressee.

You requested a search of the Aging and Disability Services (ADS) database (previously known as the Adult Protective Services (APS) database) and **verification of substantiated final findings of abuse, abandonment, financial exploitation, or neglect of a vulnerable adult** since October 2003.

1. Jennifer Roach (DOB: [REDACTED]) = Final Findings of neglect, mental abuse, financial exploitation and exploitation of person effective **05/16/2016**.

If you have questions, please let me know.

### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mailing address: PO BOX 45600  
OLYMPIA WA 98504-5600

Campus address: MAIL STOP 45600  
UPS/Visitors: 4450 10<sup>TH</sup> AVENUE SE  
LACEY WA 98503

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# Attached item B

WACs Concerning:

the Aging and Disability Services (ADS) database

## Chapter 388-71 WAC

### HOME AND COMMUNITY SERVICES AND PROGRAMS

[Complete Chapter](#) | [Show Dispositions](#)

#### PART B—NOTIFICATION AND ADMINISTRATIVE APPEAL OF A SUBSTANTIATED FINDING

- 388-71-01202** When does the department make a substantiated initial finding of an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults?
- 388-71-01205** When does APS notify the alleged perpetrator of a substantiated initial finding?
- 388-71-01210** How may APS give the alleged perpetrator notice of the substantiated initial finding?
- 388-71-01215** When is notice to the alleged perpetrator complete?
- 388-71-01220** What proves that APS provided notice of the substantiated initial finding to the alleged perpetrator?
- 388-71-01225** What information must not be in the APS finding notice to the alleged perpetrator?
- 388-71-01230** Will APS notify anyone other than the alleged perpetrator of the substantiated initial finding of abandonment, abuse, financial exploitation or neglect?
- 388-71-01235** Can an alleged perpetrator challenge a substantiated initial finding of abandonment, abuse, financial exploitation or neglect?
- 388-71-01240** How does an alleged perpetrator request an administrative hearing to challenge a substantiated initial finding of abandonment, abuse, financial exploitation or neglect?
- 388-71-01245** What laws and rules will control the administrative hearings held regarding substantiated initial findings?
- 388-71-01247** What additional rules apply to administrative hearings held regarding substantiated initial findings made against a nursing assistant employed in a nursing facility or skilled nursing facility?
- 388-71-01250** How is confidential information protected in the appeal process?
- 388-71-01255** How does the administrative law judge make a decision regarding the substantiated initial finding?
- 388-71-01260** When is the alleged perpetrator notified of the administrative law judge's decision?
- 388-71-01265** What if the alleged perpetrator or the department disagrees with the decision?
- 388-71-01270** What happens if the administrative law judge rules against the department?
- 388-71-01275** When does the APS substantiated initial finding become a final finding?
- 388-71-01280** Does the department disclose information about final findings of abuse, abandonment, neglect and financial exploitation?
- 388-71-01281** To whom does the department report a final substantiated finding against a nursing assistant employed in a nursing facility or skilled nursing facility?

## **WAC 388-71-01202**

### **When does the department make a substantiated initial finding of an individual used by a nursing facility or skilled nursing facility to provide services to vulnerable adults?**

If, after review of the results of the investigation, the department determines that an individual used by such nursing facility or skilled nursing facility to provide services to vulnerable adults, has abandoned, abused, neglected, or financially exploited a vulnerable adult, or has misappropriated a vulnerable adult's property, the department will make a substantiated initial finding to that effect. However, a substantiated initial finding of neglect will not be made if the individual demonstrates that the neglect was caused by factors beyond their control.

[Statutory Authority: RCW **74.08.090**, **74.09.520**. WSR 16-05-022, § 388-71-01202, filed 2/8/16, effective 4/1/16.]

## **WAC 388-71-01205**

### **When does APS notify the alleged perpetrator of a substantiated initial finding?**

(1) APS will notify the alleged perpetrator in writing within ten working days of making a substantiated initial finding of abandonment, abuse, financial exploitation or neglect of a vulnerable adult.

(2) The time frame for notification can be extended beyond ten working days to include the time needed to translate the notification letter or make provisions for the safety of the alleged victim.

[Statutory Authority: RCW **74.08.090**, **74.09.520**. WSR 16-05-022, § 388-71-01205, filed 2/8/16, effective 4/1/16. Statutory Authority: RCW **34.05.020**, **74.08.090**, **74.39A.050**, chapter **74.34** RCW. WSR 04-19-136, § 388-71-01205, filed 9/21/04, effective 10/22/04.]

## **WAC 388-71-01245**

### **What laws and rules will control the administrative hearings held regarding substantiated initial findings?**

Chapters **34.05** and **74.34** RCW, chapter **388-02** WAC, and the provisions of this chapter govern any administrative hearing regarding a substantiated initial finding. In the event of a conflict between the provisions of this chapter and chapter **388-02** WAC, the provisions of this chapter shall prevail.

[Statutory Authority: RCW **74.08.090**, **74.09.520**. WSR 16-05-022, § 388-71-01245, filed 2/8/16, effective 4/1/16. Statutory Authority: RCW **34.05.020**, **74.08.090**, **74.39A.050**, chapter **74.34** RCW. WSR 04-19-136, § 388-71-01245, filed 9/21/04, effective 10/22/04.]

# Attached item C

**(Replications of pertinent Clerk's papers for the convenience of the Judge.)**

Documents for DSHS Appeals about violations of the law by their APS Legal Representative and the OAH Judge and their incorrect judgments.

Part I-

The documents for DSHS Appeal of the OAH hearing (or non-hearing) and decision.

Page 1) "This judgment is wrong" is the intro page for the DSHS Appeal filed Jan 2016

This page was printed on their Appeal sheet which I cannot find. I have 10 boxes court papers and a stress disorder from all this which makes it very hard to keep paperwork in order.

Page 2-16) "Introduction for WHY give Ms. Roach the right to a fair hearing."

Pages 1-15= For DSHS Appeal of OAH decision submitted Jan 2016.

Part II-

The documents for Petition for Reconsideration of the Review Decision

Cover page and

Pages 1-4 of 82

Attached Item A pages 1-7 of 7

The remaining pages are this document's Attached item D

# Attached item C : Part I

## **(Replications of pertinent Clerk's papers for the convenience of the Judge.)**

This Judgment is wrong because all the EVIDENCE shows clearly that I am innocent of abuse and in fact it was the exact opposite. The VA regained his health with my help while I charged half minimum wage.

All I want is that the EVIDENCE be considered and that the judgment about whether I am guilty or innocent be based on the EVIDENCE.

The evidence has not been looked at- EVER. It was thrown out. 6 days of hearing and 400 pages of backing documentation thrown away because of the misinterpretation of the law. Even the APS agent told me point blank while she was "investigating" the case: "I don't want to hear about any evidence showing you are innocent" and then a month later she filed to put me on the state wide abuse list.

Summary of why the evidence should not have been thrown out:

1. Collateral estoppel cannot be used to hurt the person it is used against
2. The VAPO Appeal was unpublished and cannot be used for any other judgment including against me
3. Summary Judgment is what "reasonable person" would look at. Any one taking the rights of a US citizen away without a hearing cannot be considered a "reasonable person. "

# Attached item C : Part II

**(Replications of pertinent Clerk's papers for the convenience of the Judge.)**

# Attached item D

**(Replications of pertinent Clerk's papers for the convenience of the Judge.)**

**Final Argument about the False Accusations**

**of Jennifer E. Roach**

Presented for the OAH hearing in October 2015.

(The one that was thrown out in December 2015.)