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No. \_\_\_\_\_

STATE OF TEXAS,  
*Plaintiff,*

v.

GOD'S INTERCESSORY  
PRAYER WARRIORS  
MINISTRIES, INC.,  
d/b/a OASIS VILLAGE, and  
BERTHA McCOY, Individually,  
*Defendants*

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

17th JUDICIAL DISTRICT

FILED  
TARRANT COUNTY  
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THOMAS A. WILDER  
DISTRICT CLERK

**PLAINTIFF'S ORIGINAL PETITION  
FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES  
AND FOR EX PARTE TEMPORARY RESTRAINING ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the STATE OF TEXAS ("STATE"), Plaintiff, acting by and through its Attorney General GREG ABBOTT and at the request of the TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES ("DADS"), files this Original Petition against, GOD'S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC., d/b/a OASIS VILLAGE, and BERTHA McCOY, Individually, Defendants, and for cause of action, would respectfully shows the Court as follows:

**I. PARTY PLAINTIFF**

1.1 This suit is brought in the name of the STATE OF TEXAS by and through its Attorney General, Greg Abbott, and under the authority of the Constitution, statutes, and laws of the State of Texas.

1.2 This suit is also brought at the request of the Commissioner of the Texas Department

of Aging and Disability Services (“DADS”), as authorized by chapter 247 of the Texas Health and Safety Code.

## II. PARTY DEFENDANTS

2.1 Defendant GOD’S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC., is a Texas “not-for-profit” corporation which does business as and owns and operates an assisted living facility known as “OASIS VILLAGE” and is located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105 (“the facility”). **Defendant GOD’S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC. may be served with process by serving its President or Director and Registered Agent for Service, Bertha McCoy at her place of business 5120 Nolan Street, Fort Worth, Tarrant County, Texas 76119 or at her residence 3420 Shady, Fort Worth, Tarrant County, Texas 76119.**

2.2 Defendant BERTHA McCOY, Individually, is the principal, Director or President of Defendant GOD’S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC., d/b/a OASIS VILLAGE and is a controlling person as defined in Chapter 247 of the Texas Health and Safety Code. **Defendant Bertha McCoy, Individually, may be served with process at her place of business, 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, her place of business, 5120 Nolan Street, Fort Worth, Tarrant County, Texas 76119 or at her residence, 3420 Shady, Fort Worth, Tarrant County, Texas 76119.**

## III. DISCOVERY CONTROL PLAN

3.1 Discovery in this suit is intended to be conducted under Discovery Level 2 pursuant to TEX. R. CIV. P. 190.1 and 190.3. However, due to the nature of this lawsuit, the STATE reserves

the right to request a tailored discovery plan pursuant to TEX. R. CIV. P. 190.4 at a later date.

#### IV. AUTHORITY

4.1 Plaintiff has authority to bring this action in this Court under Chapter 247 of the Texas Health and Safety Code and the authority granted to the Attorney General of Texas pursuant to TEX. HEALTH & SAFETY CODE §§ 247.044(c)-(d) and 247.045(d).

#### V. VENUE

5.1 Venue is proper in Tarrant County pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) and TEX. HEALTH & SAFETY CODE § 247.044(e) because the facility is located in Tarrant County and since all or a substantial part of events or omissions giving rise to this claim occurred in Tarrant County.

#### VI. PURPOSE OF SUIT

6.1 The purpose of this suit is to obtain a temporary restraining order, an injunction, and to collect civil penalties from Defendants because Defendants have violated minimum standards applicable to assisted living facilities in Texas, threatening the health and safety of residents who depend on Defendants for basic amenities of a decent human existence. The State seeks: (1) a temporary restraining order, (2) a temporary and permanent injunction, and (3) civil penalties, pursuant to chapter 247 of the Texas Health and Safety Code,

6.2 To protect the residents of Defendant's facility, the State is seeking a temporary restraining order along with a temporary injunction and a permanent injunction to enjoin Defendants from operating their assisted-living facility, OASIS VILLAGE, located 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, from admitting residents to the facility, as well to enjoin the

Defendants from the future operation of this or any other assisted-living facility and from admitting any residents to any unlicensed facility under their ownership, direction or control within the State of Texas.

6.3 A Temporary Restraining Order is necessary in this case because, in response to a received complaint, a detailed investigation was conducted by DADS surveyors to determine whether any resident abuse, exploitation and/or neglect had occurred at Defendants' OASIS VILLAGE facility, in violation of the Texas Health & Safety Code. The investigation yielded strong evidence corroborating the complaint that resident abuse, exploitation, and/or neglect has occurred, and is likely to continue to occur, at the Defendants' facility. DADS has strong reason to believe that Defendants physically, verbally, and mentally abuse and threaten the residents of OASIS VILLAGE in clear violation of Chapter 247 of the Texas Health & Safety Code, which continues to constitute an immediate threat to resident health and safety and which violative acts are likely to continue unless Defendants are immediately restrained and enjoined.

6.4 On or about December 3, 2007, the operation of the OASIS VILLAGE facility was suspended and the facility closed by DADS by way of a Commissioner's Order for Emergency Suspension of License and Closing Order issued pursuant to TEX. HEALTH & SAFETY CODE § 247.042. However, the sixteen residents at this facility were relocated by Defendants before DADS had an opportunity to simultaneously serve the Suspension Order and effect an orderly relocation of residents due to violations of prescribed standards under the Texas Health & Safety Code that created an immediate threat to the health and safety of the residents. Said Commissioner's Order expired, according to law, following ten (10) days after its effective date. TEX. HEALTH & SAFETY

CODE § 247.042(c). DADS has reason to believe Defendants are again operating OASIS VILLAGE.

## VII. PARTICULAR APPLICABLE LAW

7.1 An “assisted living facility” is an establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services. TEX. HEALTH & SAFETY CODE § 247.002 (1).

7.2 “Personal care services” means: the assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person’s personal life, regardless of whether a guardian has been appointed for the person. TEX. HEALTH & SAFETY CODE § 247.002(5).

7.3 Chapter 247 authorizes DADS to adopt rules necessary to implement Chapter 247 and to adopt rules prescribing minimum standards to protect the health and safety of an assisted living facility resident. TEX. HEALTH & SAFETY CODE §§ 247.025, 247.026. The adopted rules promulgating minimum licensing standards applicable to Texas assisted living facilities are found in 40 TEX. ADMIN. CODE § 92 *et seq.* The “Residents Bill of Rights” provided for in TEX. HEALTH & SAFETY CODE § 247.064 is set forth in 40 TEX. ADMIN. CODE § 92.125(a).

7.4 No assisted living facility may abuse, exploit, or neglect any resident. TEX. HEALTH & SAFETY CODE ANN. §247.043. Each resident in an assisted living facility has the right to be treated

with respect, consideration, and in recognition of his or her dignity and individuality, without regard to race, religion, national origin, sex, age, disability, marital status, or source of payment. This means that the resident has the right to be free from abuse, neglect, and exploitation. 40 TEX. ADMIN. CODE § 92.125(a)(E)(ii).

7.5 A person is a “controlling person” if the person, acting alone or with others, has the ability to directly or indirectly influence, direct, or cause the direction of the management, expenditure of money, or policies of an assisted living facility or other person. TEX. HEALTH & SAFETY CODE § 247.005(a).

7.6 A person may not establish or operate an assisted living facility without a license issued under Chapter 247. TEX. HEALTH & SAFETY CODE § 247.021(a).

7.7 Upon petition and on a finding by the Court that a person is violating the standards or licensing requirements provided under Chapter 247, a District Court may, by injunction: (1) prohibit a person from continuing a violation of the standards of licensing requirements provided under Chapter 247; (2) restrain the establishment or operation of an assisted living facility without a license; or (3) grant any other injunctive relief warranted by the facts. TEX. HEALTH & SAFETY CODE § 247.044(b).

7.8 A person who violates Chapter 247 of the Texas Health & Safety Code or who fails to comply with a rule adopted under Chapter 247 of the Texas Health & Safety Code and whose violation has been determined by DADS to threaten the health and safety of a resident of an assisted living facility is subject to a civil penalty of not less than \$100 nor more than \$10,000 for each act of violation, plus investigation costs and attorney’s fees. Additionally each day of a continuing violation constitutes a separate ground of recovery. TEX. HEALTH & SAFETY CODE § 247.045(b).

7.9 The State is exempt from filing a bond. TEX. CIV. PRAC. & REM. CODE § 6.001.

### VIII. FACTUAL ALLEGATIONS AND VIOLATIONS

8.1 Specific pleading of the facts at issue requires description of conditions and occurrences of an intimate and private nature involving individuals who are not parties to this suit. Disclosures of their identities would subject them and their families to needless and painful public scrutiny into their privacy without serving the ends of justice. Therefore reference to residents herein will be made to residents by designated number to protect their privacy. *See* TEX. HEALTH & SAFETY CODE § 247.064 and 40 TEX. ADMIN. CODE §§ 92.106 and 125(a)(2).

8.2 Defendants' OASIS VILLAGE facility is licensed by DADS under Texas law as an assisted living facility with a maximum capacity for twenty-eight (28) residents. Defendants' current facility identification number is 100511 license number 120231 was issued on February 8, 2007 and expires on February 8, 2008.

8.3 On or about November 29, 2007, DADS surveyors conducted a complaint investigation at Defendants OASIS VILLAGE assisted living facility that BERTHA McCOY, the owner/manager of the facility, physically, verbally, and mentally abused and threatened the facility's residents. The surveyors met and conferred with BERTHA McCOY advising her of the nature of the complaint's allegations. The surveyors then conducted a thorough investigation of the facility and alleged resident abuse, exploitation and neglect, both in person and through confidential interviews with both residents and staff.

8.4 DADS surveyors discussed individual residents with Ms. McCoy and how she handles behavior problems. BERTHA McCOY admitted that Resident #1 was afraid of the threat of the "hammer." BERTHA McCOY further admitted that she uses the hammer to threaten and

control Resident #1 when she feels threatened by him. Further, BERTHA McCOY admitted that she does put residents outside to cool off when they are “violent.”

8.5 DADS surveyors observed BERTHA McCOY with Resident # 3 in one of the facility offices. Resident #3 asked to go to the store and BERTHA McCOY refused, patted her nose with her fingers, then stated in a derogatory manner, “Momma smells urine,” and instructed the resident to go take a bath. When Resident # 3 stated he was a Shriner and requested “some respect,” BERTHA McCOY stated, “You can go be a Shriner in \_\_\_ (name of city) where your own sister does not want you. No one there wants you.”

8.6 DADS surveyors interviewed Resident #1 at Oasis Village, who contended that BERTHA McCOY had hit him, threw cold water on him, and made him walk outside in the cold in only his underwear as punishment for private behavior she considered inappropriate.

8.7 DADS surveyors interviewed Resident # 2, who contended that BERTHA McCOY had once accused him of slamming some chairs on a table while cleaning, told him to leave the building, and he was not allowed to take his jacket. Resident # 2 stated he spent that night in the hospital lobby and slept in a chair, and that BERTHA McCOY had threatened to shoot him and had tried to kick him on different occasions. Resident # 2 also said he witnessed BERTHA McCOY slapping Resident # 1 on more than one occasion for private behavior she considered inappropriate.

8.8 DADS surveyors interviewed Resident # 8, who contended that he had seen BERTHA McCOY with a hammer in her hand threatening to hit Residents # 1 and # 5. Resident # 8 then indicated that because Resident # 1 and # 5 are incontinent, they are forced to sleep on the bed frame without a mattress and also that BERTHA McCOY locked both residents out of the facility as punishment for incontinence.

8.9 DADS surveyors interviewed Resident # 6, who indicated she was reluctant to speak with the surveyor because she knew BERTHA McCOY “had a hammer.” Resident # 6 contended that BERTHA McCOY threatens to throw residents out of the facility, that she is afraid of BERTHA McCOY, and that BERTHA McCOY shoves her around when she is mad at her. Resident # 6 also said that Residents # 1, # 2, and # 5 were forced to remove their mattresses because of incontinence and that BERTHA McCOY yells and curses at these residents. DADS surveyors inspected Resident # 1's room noting the beds had a strong urine odor, that there were not springs on the beds, and that the mattresses were placed directly upon metal bed frames.

8.10 DADS surveyors were also able to confirm these allegations by confidential interview with other staff of OASIS VILLAGE. It was confirmed that BERTHA McCOY threatened to hit Resident # 1 with the hammer she was holding if he did not “behave,” that BERTHA McCOY grabbed and pushed Residents # 2 and # 5 if they talked back, that BERTHA McCOY often spoke to the residents in a degrading and mentally abusive manner, withheld meals as punishment, and that she forced residents to sleep on metal bed frames, without mattresses.

8.11 DADS surveyors were also able to confirm by confidential interview with other staff of OASIS VILLAGE that BERTHA McCOY kicked Resident # 2 and locked him outside overnight, that BERTHA McCOY had taken away a resident's meal tray because she was mad at him, and that Resident # 5 slept on a metal bed frame with only a blanket because BERTHA McCOY would not let him bring his mattress back inside.

8.12 As a result of this investigation, DADS determined that the Defendants' OASIS VILLAGE Assisted Living Facility failed to treat residents with respect, consideration, and recognition of the dignity and individuality, and failed to ensure residents are free from abuse in

violation of the “Residents Bill of Rights”, 40 TEX. ADMIN. CODE § 92.125(a)(3)(E)(ii). Because of these violations by the Defendants, residents have suffered emotional harm and are at risk for physical harm and continued emotional harm. Further, DADS determined that the violations by the Defendants continue to constitute an immediate threat to resident health and safety. DADS has also noted a substantiated and cited history of complaints and incidents involving Defendants’ OASIS VILLAGE facility.

8.13 In support of this petition, the State relies upon and adopts by reference for all purposes the attached exhibits as follows:

A. Exhibit A is a true copy of the affidavit from DADS Social Services surveyor Stephanie Ann Williams, LBSW, dated December 7, 2007 describing her November 29, 2007 and November 30, 2007 investigation of complaints about the Defendants’ OASIS VILLAGE facility.

B. Exhibit B is a true copy of the affidavit from DADS Registered Nurse surveyor Sharon Montani, R.N., dated December 7, 2007 describing her investigation of complaints about Defendants’ OASIS VILLAGE facility.

C. Exhibit C is a true copy of the DADS Assisted living Facility license number 120231 dated February 8, 2007 issued to Defendant GOD’S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC., for the operation of OASIS VILLAGE, facility ID 1000511, at 2740 Avenue K, Fort Worth, Tarrant County, Texas 76105.

D. Exhibit D is a true copy of the letter dated December 17, 2007 from Kenneth L. Owens, General Counsel of DADS, which refers this matter related to Defendants’ OASIS VILLAGE facility, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas 76105 to the Attorney General.

## IX. DISCOVERY REQUESTS

9.1 **INSTRUCTIONS:** You must respond to the request for disclosure within fifty (50) days of service of this request. You must produce all the requested documents within fifty (50) days after service of this request. You must admit or deny each request for admission in writing within fifty (50) days after service.

9.2 **Delivery.** All of the responses, documents, discovery and items specified below are to be produced within fifty (50) days after the date of service of process of this discovery request at the Consumer Protection Division, Office of the Attorney General, 1412 Main Street, Suite 810; Dallas, Texas 75202. All of the documents and discovery items specified below are to be organized and labeled to correspond with each particular request.

9.3 **Definitions.** “You,” “Your,” “ facility,” “Oasis Village,” and “Defendants” means God’s Intercessory Prayer Warriors Ministries, Inc. , d/b/a/ Oasis Village and Bertha McCoy, Individually, and any partnerships or corporations wholly or partially owned by any Defendant and their subsidiaries, merged or acquired predecessors; affiliates; successors; divested facilities; divisions, or subsidiaries; present and former partners, officers, agents, employees; and all persons acting or purporting to act on behalf of Defendants or persons exercising or purporting to now or at one time exercise discretion, make policy and decisions, or participate in any of the foregoing functions on behalf of Defendants.

9.4 “DADS” means the Texas Department of Aging and Disability Services, formerly known as the Texas Department of Human Services.

9.5 The terms “document” or “documents” mean and include without limitation, any

writing, letter, memorandum, correspondence, note, receipt, canceled check, invoice, ledger, sheets, carbon or photographic reproduction of any of the foregoing, photograph, film, or magnetic recording or any other tangible object which permanently or semi-permanently records information for later use.

9.6 “Related to,” “Relating to” and “evidencing” means and includes any and all information that in any manner or form is relevant in any way to the subject matter in question, including without limitation, all information that, directly or indirectly, contains, records, reflects, summarizes, evaluates, refers to, indicates, comments upon or discusses the subject matter or that in any manner states the background of, or were the basis or bases for, or that record, evaluate, comment upon, relate to, or were referred to, relied upon, utilized, generated, transmitted, or received in arriving at your conclusion(s), opinion(s), estimate(s), position(s), decision(s), belief(s), or assertion(s) concerning the subject matter in question.

9.7 The terms “incident in question” or “occurrence in question” or “violations in question” mean and refer to any and all events and/or acts that were cited as violations of the Texas Health and Safety Code by DADS on or about November 29, 2007, and which are further described in Plaintiff’s Original Petition and attached Exhibits A and B, which are a copies of Affidavits of DADS surveyors generated from the DADS survey on or about November 29, 2007.

9.8 As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively, as required by the context to bring within the scope of these requests for production any answer, response or document that might be deemed outside its scope by another construction.

9.9 “Possession, custody and control” as used herein means possession, custody and

control, including constructive possession.

9.10 **Electronic Data.** If the requested information is stored only on software or otherwise is “computer-based information,” you are directed either to produce the raw data along with codes and programs necessary for translating it into usable form by The Office of the Attorney General of Texas, or to produce the information in a finished usable form. In either case, you must include all necessary glossaries, keys, indices, and software necessary for interpretation of the material.

9.11 **Time Period.** The time period covered by this Discovery Request, unless specified otherwise, is from January 2006 through the present.

9.13 **Claims of Privilege.** If you claim any document which is requested in this Discovery Request is privileged from exposure or otherwise beyond the scope of discovery, for each such document:

- A. Identify the document, specifying the date or approximate date of preparation, the nature of its content, the name of the author, and the name and business address of its custodian.
- B. Specify the exact nature of the privileged claim, referring to the specific rule, statute, or law relied on by you in asserting the privilege.

9.14 **Lost or Destroyed Documents.** If any document for which production is requested has been lost or destroyed, for each such document:

- A. State the circumstances relating to loss or destruction of such documents;
- B. The approximate date of the loss or destruction;
- C. A reasonably complete description of the contents of said documents; and,
- D. Each and every person who has or may potentially have knowledge of relevant facts

concerning the circumstances of said document's loss or destruction, and said person's last known address.

9.15 **REQUEST FOR DISCLOSURE.** Pursuant to TEXAS RULE OF CIVIL PROCEDURE 194, Defendants are requested to disclose to Plaintiff, the State of Texas, within fifty (50) days of service of this request, the information described in TEX. R. OF CIV. P. 194.2(a)-(l).

9.16 **REQUEST FOR PRODUCTION.** Pursuant to TEXAS RULE OF CIVIL PROCEDURE 196, Plaintiff, the State of Texas, in the above-entitled and numbered cause, requests that Defendants produce for inspection and copying the information, documents, and things described in the subsequent paragraphs number 9.17 through 9.41.

9.17 **Produce.** Produce a copy of all correspondence between you and/or your employees, agents, or servants, and the following:

- A. DADS;
- B. Physicians and/or other health care professionals concerning the violations in question;
- C. Your Board of Directors, employees, officers and/or health care providers;
- D. Any other third party.

9.18 Produce a copy of any and all notes, correspondence or other documents/documentation relating to the violations in question and/or DADS, generated or received by you, your agents or employees in the normal course of affairs, before receiving formal notice by Plaintiff of the instant suit.

9.19 Produce a copy of any and all photographs, slices, videotapes, and/or motion pictures and digital images which relate or depict any aspect of the violations in question.

9.20 Produce a copy of any and all incident reports or any other kind of report concerning the violations in question.

9.21 Produce a copy of any and all documents concerning any in-house investigations conducted by or on your behalf or in which you participated in, in the ordinary course of business, concerning the violations in question cited by DADS, including but not limited to all plans of correction, and other documents, reports, correspondence, photographs, graphs, and/or videotapes generated or obtain in connection thereto. This request is limited to those documents generated or obtained prior to your formal notification by Plaintiff, State of Texas of the instant suit.

9.22 Produce a copy of any and all documents referred to or otherwise used to refresh recollections about the violations in question, in providing answers to oral or written discovery questions or requests in this case.

9.23 Produce copies of your organizational charts, any and all assumed name certificates currently in effect, and all documents of title and/or signifying right of possession of the premises operated as Oasis Village.

9.24 Produce a copy of any and all books, treatises, journals, abstracts and/or articles you or your agents, employers of representatives have consulted, reviewed and/or referred to in relation to the violations in question.

9.25 Produce a copy of any personnel handbook which you distributed or handed out to any personnel who were involved in the incidents in question.

9.26 Produce a copy of any and all of your written rules, regulations, policies or procedures concerning your supervision or regulation of the care and treatment of residents by your nurse, nurse

practitioners, health care providers, agents, servants or employees.

9.27 Produce a copy of all documents relating to complaints, criticisms or claims against you relating to the care provided by and/or at your facility.

9.28 Produce a copy of all written rules, regulations, policies, procedures, protocols and comprehensive assessments and plan of care relating to employee safety and control, discipline or punishment of assisted living facility residents..

9.29 Produce a copy of all regulations, policies, procedures or protocols of your facility concerning control, discipline or punishment of assisted living facility residents.

9.30 Produce a copy of all records of any regular or special meetings of any agents, employees, committee or subcommittee thereof that occurred from November 1, 2007 to the present regarding the incident/violations in question.

9.31 Produce a copy of all documents, including work schedules, duty rosters (including assignments) and/or time cards of each and every nurse, nurse practitioner, health care provider, attendant, and/or any other kind of personnel on duty who provided care and/or treatment at Oasis Village as employed by you from January 2007 through the present.

9.32 Produce a copy of the full and complete contents of the personnel file of each of your employees who provided services relating to the violations in question. This request includes, but is not limited to, the following: evaluations, applications for employment, contracts, agreements, reprimands, criticisms, incident reports, disciplinary records, licensing documents, attendance records of in-service training programs, and continuing education information.

9.33 Produce a copy of all billing and accounting records or documents of your facility

during the six months prior and the six months following the violations in question.

9.34 Produce a copy of your list of medical terminology abbreviations used by you in the care of residents in your facility.

9.35 Produce a copy of each and every facility standard, protocol, suggestion, recommendation, rule, regulation, guideline, memorandum, procedure, policy, manual, reference guide, practice, custom, correspondence, letter, note and any and all other written documents which were in effect at the time of the incident in question, whether written by you or furnished to you by another person, concerning in any way whatsoever control, discipline or punishment of assisted living facility residents.

9.36 Produce a copy of a list of all in-service education programs offered for all of your employees from three years prior to the violations in question up to and including November 2007.

9.37 Produce a copy of the true and correct schematics of your facility as it existed in November of 2007. If then schematics are not available, then produce the blueprints.

9.38 Produce a copy of all facility records, including but not limited to the comprehensive evacuation plan, for each resident affected by the incidents/violations in question.

9.39 Produce a copy of all bills, invoices, or any other financial statements, documents and/or records reflecting the amounts charged to and paid by residents at your facility from January 2007 through December 2007. This request includes but is not limited to all bills, ledgers, statements, correspondence, checks and receipts.

9.40 Produce a copy of your income tax returns, and profit and loss statements from January 2006 through the present.

9.41 Produce a copy of any and all correspondence between you and any governmental agency.

9.42 **REQUEST FOR ADMISSIONS.** Pursuant to TEXAS RULE OF CIVIL PROCEDURE 198, for each of the request for admissions following in paragraphs 9.43 through 9.46, admit or deny the truth of each request.

9.43 Admit that you did operate a licensed assisted living facility under the name of Oasis Village in Tarrant County, Texas, during all or part of the year 2007.

9.44 Admit that DADS surveyors conducted an investigation of Oasis Village in November, 2007 which resulted in findings of licensing violations.

9.45 Admit that Exhibits A and B attached hereto are true and correct copies of the Affidavits of DADS Surveyors concerning your licensing violations or about November 29, 2007.

9.46 Admit that the statements of violations attached as Exhibits A and B are true and correct.

#### **X. REQUEST FOR EX PARTE TEMPORARY RESTRAINING ORDER**

10.1 State's application for a temporary restraining order is authorized by section 247.044(c) of the Texas Health & Safety Code.

10.2 Pursuant to § 247.043 of the Texas Health & Safety Code, the State requests that the Court grant a temporary restraining order, temporary injunction, and permanent injunction enjoining Defendants, their officers, agents, servants, and employees from operating their assisted-living facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as well as enjoining the Defendants from future operation of this or any other assisted-living facility

in the State of Texas<sup>1</sup>.

10.3 Notice of this filing was not given to the Defendant. It is paramount for DADS inspections and visits to be unannounced in order to ensure that a person operating a facility in violation of the law does not temporarily remove residents from the facility's premises in anticipation of an upcoming inspection or other authorized action. Accordingly, imminent and irreparable harm will result to DADS's ability to conduct an effective investigation or take other authorized action if the Court were to require advance notice be given to Defendant.

## XI. PRAYER

For these reasons, the State respectfully requests the following injunctive relief, and that it recover judgment against the Defendants jointly and severally for, and:

11.1 That a temporary restraining order be issued without notice against Defendants GOD'S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC., d/b/a OASIS VILLAGE, and BERTHA McCOY, Individually, restraining Defendants, their officers, agents, servants, and employees from:

A. Interfering with or denying DADS or other agents of the State access to the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, or any other facility within the State of Texas owned or operated by Defendants, for the purpose of conducting an investigation or taking other appropriate action pursuant to Chapter 247 of the Texas

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<sup>1</sup> The State has statutory authority to seek and the Court has statutory authority to issue temporary restraining orders as well as other injunctive relief warranted by the facts. TEX. HEALTH & SAFETY CODE § 247.044. The Texas Supreme Court has stated that the State does not need to prove immediate and irreparable injury when seeking injunctive relief pursuant to an authorized statute. *State v. Texas Pet Foods*, 591 S.W.2d 800,805 (Tex. 1979). Moreover, the Court does not have to balance the equities when the State litigates in the public's interest and seeks injunctive relief that is prescribed by statute. *Ibid* at 805. Injunctive relief may be granted to the State upon a showing of only a violation of a statute. *Gulf Holding Corp. V. Brazoria County*, 497 S.W.2d 614 at 619 (Tex. Civ. App. -Houston [14<sup>th</sup>] 1973, writ re'f'd n.r.e.).

Health & Safety Code.

B. Removing any residents from the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, without the authorization and direct supervision of DADS or other agents of the State.

C. Operating the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as an assisted living facility.

D. Admitting residents to the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as an assisted living facility.

E. Operating, owning or controlling, in whole or part, any assisted living facility within the State of Texas.

F. Admitting residents requiring personal care services to any unlicensed assisted living facility within the State of Texas.

G. Preventing or hindering DADS agents or any other agent of the State from effectuating an orderly transfer of the residents from the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105 to other licensed facilities or their families if relocation is required;

H. Preventing or hindering an unlicensed home and community support services agency from providing services to any resident of Defendant's facility;

I. Failing to treat residents with respect, consideration, and recognition of the dignity and individuality, to ensure residents are free from abuse in violation of the statutory "Residents Bill of Rights".

J. Failing to care for residents on a temporary and emergency basis while DADS agents supervise and effectuate the transfer of the residents to other facilities;

K. Failing to follow any instructions given by DADS agents to Defendant and her agents in order to temporarily care for residents while DADS agents supervise and effectuate the transfer of the residents to other facilities;

L. Withholding from residents, or their representatives, any property or records to which the residents are entitled; and

M. Transferring, spending, hypothecating, concealing, encumbering or removing from the jurisdiction of this Court any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal or mixed, wherever situated, belonging to or owned by, in possession of, or claimed by Defendants, insofar as such property relates to, arises out of or is derived from the business operation of the Defendants facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105 save and except for reasonable and necessary expenditures in the ordinary course of business.

11.2. That, after notice and hearing, a temporary injunction and, after final hearing a permanent injunction be issued against Defendants GOD'S INTERCESSORY PRAYER WARRIORS MINISTRIES, INC., d/b/a OASIS VILLAGE, and BERTHA McCOY, Individually, and their officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with the Defendants who receive actual notice of the order, enjoining them from the following:

A. Interfering with or denying DADS or other agents of the State access to the facility,

OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, or any other facility within the State of Texas owned or operated by Defendants, for the purpose of conducting an investigation or taking other appropriate action pursuant to Chapter 247 of the Texas Health & Safety Code.

B. Removing any residents from the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, without the authorization and direct supervision of DADS or other agents of the State.

C. Operating the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as an assisted living facility.

D. Admitting residents to the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as an assisted living facility.

E. Operating, owning or controlling, in whole or part, any assisted living facility within the State of Texas.

F. Admitting residents to any unlicensed assisted living facility within the State of Texas.

G. Preventing or hindering DADS agents or any other agent of the State from effectuating an orderly transfer of the residents from the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105 to other licensed facilities or their families if relocation is required;

H. Preventing or hindering an unlicensed home and community support services agency from providing services to any resident of Defendant's facility;

I. Failing to treat residents with respect, consideration, and recognition of the dignity and individuality, to ensure residents are free from abuse in violation of the statutory “Residents Bill of Rights”.

J. Failing to care for residents on a temporary and emergency basis while DADS agents supervise and effectuate the transfer of the residents to other facilities;

K. Failing to follow any instructions given by DADS agents to Defendant and her agents in order to temporarily care for residents while DADS agents supervise and effectuate the transfer of the residents to other facilities; and

L. Withholding from residents, or their representatives, any property or records to which the residents are entitled.

11.3 That civil penalties to be awarded of not less that \$100 nor more than \$10,000 per each act of violation per day, plus investigation costs and attorney’s fees, costs of court and for such other and further relief to which it is justly entitled.

Respectfully submitted,

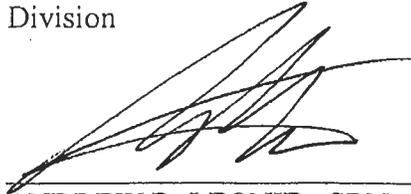
GREG ABBOTT  
Attorney General of Texas

KENT C. SULLIVAN  
First Assistant Attorney General

JEFF L. ROSE  
Deputy First Assistant Attorney General

PAUL D. CARMONA

Chief, Consumer Protection & Public Health  
Division



ANDREW D. LEONIE - SBN: 12216500  
PATRICIA STEIN - SBN: 24033222  
MADALYN S. WELLS - SBN: 24027430  
Assistant Attorneys General  
Consumer Protection & Public Health Division  
1412 Main St., Ste. 810  
Dallas, Texas 75202  
T:(214) 969-7639 F:(214) 969-7615

ATTORNEYS FOR PLAINTIFF  
THE STATE OF TEXAS

LIST OF ATTACHED EXHIBITS:

- EXHIBIT A Copy of the affidavit from DADS Social Services surveyor Stephanie Ann Williams, LBSW, dated December 7, 2007.
- EXHIBIT B Copy of the affidavit from DADS Registered Nurse surveyor Sharon Montani, R.N., dated December 7, 2007.
- EXHIBIT C Copy of the DADS Assisted living Facility license number 120231 dated February 8, 2007.
- EXHIBIT D Copy of the referral letter dated December 17, 2007 from Kenneth L. Owens, General Counsel of DADS, to Attorney General Abbott.

# EXHIBIT A

STATE OF TEXAS        }  
                                  }  
COUNTY OF TARRANT   }

**AFFIDAVIT OF STEPHANIE ANN WILLMS, LBSW**

Before me the undersigned authority, appeared Stephanie Ann Willms, personally known to me and through her Texas Driver's License, who, being by me duly sworn, deposed as follows:

"My name is Stephanie Willms. I am of sound mind, over the age of eighteen and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and state that such facts are true and correct.

I am a Licensed Baccalaureate Social Worker. I received a Bachelor's Degree in social work from Stephen F. Austin State University in 2002 and I received a Masters Degree in social work from Stephen F. Austin State University in 2005. I have been licensed as a social worker in the State of Texas 2002. I have been employed since February 1, 2006, as a Social Work Surveyor with the Texas Department of Aging and Disability Services, Regulatory Services Division ('DADS').

One of the responsibilities of DADS is to regulate licensed assisted living facilities to ensure they are operating in compliance with the licensing standards set forth in Chapter 247, Texas Health and Safety Code and the regulations set forth in 40 Texas Administrative Code Chapter 92. As part of my training to become a surveyor for DADS, I was specifically trained to identify state licensing standard violations. I have conducted approximately 180 surveys, complaint investigations and incident investigations during my employment with DADS wherein I have rendered my opinion as to a facility's compliance with the state licensing standards.

In the course of my duties with DADS, I was assigned to conduct a complaint investigation at Oasis Village, a licensed assisted living facility located at 2740 Avenue K, Fort Worth, Tarrant County, Texas (the 'Facility'). The purpose of my visit was to determine the veracity of the complaint as well as to ensure the Facility's compliance with State Licensing Standards set forth in Chapter 247, Texas Health and Safety Code and regulations set forth in 40 Texas Administrative Code Chapter 92. The Facility is licensed by DADS and is, therefore subject to the aforementioned standards and regulations.

On November 29, 2007 at approximately 9:10 a.m., I arrived at the Facility to conduct the assigned complaint investigation visit. I was accompanied by another DADS surveyor, Sharon Montani. We were met at the front door by Direct Care Staff, Edna Jackson. Bertha McCoy, the Owner/Manager arrived at the front entrance a few moments later. After introductions were made, Ms. Montani conducted the initial tour and I conducted the entrance conference with Mrs. McCoy.

Oasis Village 43

During the entrance conference, I advised Mrs. McCoy that the purpose for our visit was a complaint investigation. I advised her of the nature of the complaint's allegations. Mrs. McCoy stated she had some problems with employees recently. She also acknowledged some of the residents become agitated at times and they are not permitted in the office when agitated.

At approximately 9:45 a.m., Mrs. McCoy and I discussed individual residents and how she handles behavior problems. Mrs. McCoy stated to me that Resident #1 was afraid of the threat of the 'hammer'. She explained Resident #1's aunt had told her Resident #1 was afraid of hammers due to an incident in his past. Mrs. McCoy told me she uses the hammer to threaten and control Resident #1 when she feels threatened by him.

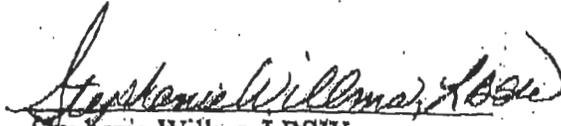
At approximately 11:00 a.m., I observed a hammer on the floor of the office where Mrs. McCoy and I were meeting. When I asked Mrs. McCoy if she held a hammer when she threatened Resident #1, she stated 'no'. I then asked Mrs. McCoy about residents being put outside as a form of punishment. Mrs. McCoy told me she does put residents outside to cool off when they are 'violent', but added that the residents are not allowed outside the fence.

At approximately 1:10 p.m. on November 29, 2007, I observed Mrs. McCoy with Resident #3 in one of the offices at the Facility. Resident #3 asked Mrs. McCoy if he could go to the store. Ms McCoy told Resident #3 'I will not allow you to walk to the store by yourself.' Then, in front of me, Mrs. McCoy patted her nose with her fingers and stated, 'Momma smells urine' and instructed Resident #3 to go take a bath. Resident #3 replied, 'I am a Shriner, I can walk to the store.' The owner asked what he meant and Resident #3 stated, 'I would like some respect.' Mrs. McCoy then stated, 'You can go be a Shriner in \_\_\_\_\_ (name of city) where your own sister does not want you. No one there wants you.'

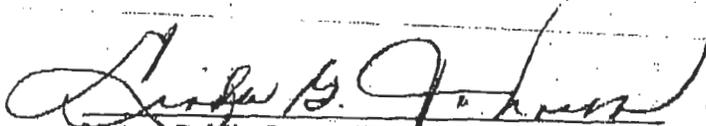
I was present at a confidential telephone interview on November 30, 2007 at approximately 11:00 a.m. with a Facility employee. This employee stated he/she observed Mrs. McCoy kick Resident #2, and on another occasion, Mrs. McCoy locked Resident #2 out of the house overnight. He/she stated there had been incident when Mrs. McCoy took a resident's meal tray away because she was mad at him, and that Mrs. McCoy did this to punish the resident, who had to wait until the next meal to eat. He/she also stated he/she had seen Resident #5 sleeping on a metal bed frame with only a blanket because Mrs. McCoy would not let him bring his mattress back in the Facility.

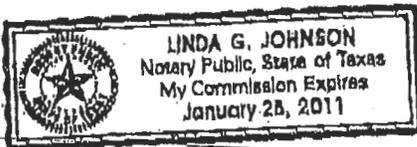
In another confidential interview on November 30, 2007 at approximately 9:30 a.m., another Facility employee told me Mrs. McCoy threatened Resident #1 with a hammer. He/she stated Resident #1 was arguing with a staff member and Mrs. McCoy grabbed the hammer and threatened to hit Resident #1 with the hammer if he did not 'behave'. This employee also told me Mrs. McCoy grabbed Residents #2 and #5 by the front of the shirt and pushed them if they talked back to her. The employee stated Mrs. McCoy often spoke to the residents in a degrading manner saying things like, 'I'm the only one that will take care of you. Your own people don't want you.' He/she told me Mrs. McCoy withheld residents' meals from them as punishment if residents 'don't behave', and that Mrs. McCoy forced residents to sleep on metal bed frames, without mattresses.

As the result of my investigation, I determined the Facility failed to treat residents with respect, consideration, and recognition of their dignity and individuality, and failed to ensure residents are free from abuse. Additionally, based upon the facts gathered during the course of this investigation and based upon my experience and training as a Social Worker Surveyor, it is my conclusion that the conditions which exist at Oasis Village Assisted Living Facility constitute an immediate threat to the residents' health and safety. As the result of the Facility's failures, residents have suffered emotional harm and are at risk for physical harm and continued emotional harm."

  
Stephanie Willms, LBSW

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority by  
Stephanie Ann Willms on this 7<sup>th</sup> day of December, 2007.

  
Notary Public-State of Texas



Oasis Village 45

# EXHIBIT B



The interviews and observations I made, which support my opinion that the Facility is operating in substantial violation of the State Licensing Standards and that the cited violations create an immediate threat to the health and safety of the residents are as follows:

On November 29, 2007 at approximately 9:20 a.m., I arrived at the Facility to conduct the assigned complaint investigation. I was accompanied by DADS Social Worker surveyor Stephanie Willms. After introducing ourselves and explaining the purpose of the visit to the Owner/Manager, Bertha McCoy, I proceeded to conduct resident interviews while Ms. Willms completed the entrance conference with Mrs. McCoy.

I reviewed Resident #1's record and found he was 52 years old with diagnoses including Paranoid Schizophrenia, Hypertension, Diabetes Mellitus, and a history of Alcohol Abuse. I also reviewed a rental agreement dated January 11, 2007, signed by Resident #1 on his own behalf. At approximately 9:22 a.m., I interviewed Resident #1. Resident #1 told me Mrs. McCoy hit him, threw cold water on him, and made him walk outside in the cold in only his underwear as punishment for masturbating. Resident #1 stated he had been made to sleep on his metal bed frame without a mattress when he had an incontinent episode, and that he observed Mrs. McCoy threaten residents with a hammer.

At approximately 9:40 a.m., I interviewed Resident #2. Resident #2 asked me for assistance to transfer out of the Facility because Mrs. McCoy had made him stay out of the Facility overnight. Resident #2 told me he had been placing chairs on the table in the dining room in preparation for sweeping and mopping the floor. He stated Mrs. McCoy accused him of slamming the chairs on the table and ordered him to leave the building. Resident #2 stated it was cold outside and he was not allowed to take his jacket. Resident #2 told me he spent the night in an area hospital lobby and slept in a chair. He told me Mrs. McCoy had tried to kick him and had threatened to shoot him on different occasions. He also told me he had witnessed Mrs. McCoy slapping Resident #1 on more than one occasion for masturbating.

I interviewed Resident #8 on November 29, 2007 at approximately 9:55 a.m. Resident #8 told me he had seen Mrs. McCoy with a hammer in her hand threatening to hit Resident #1 and Resident #5. Resident #8 told me that Resident #1 and Resident #5 wet the bed and are forced to sleep on the bed frame without a mattress. Resident #8 told me Mrs. McCoy locked Resident #1 and Resident #5 out of the facility as punishment for wetting the bed.

I interviewed Resident #9 at approximately 10:05 a.m. Resident #9 told me he was afraid of what would happen to him if he answered my questions. He stated he was afraid he would be made to move out and he did not have anywhere else to go.

At approximately 10:10 a.m., I interviewed Resident #3. Resident #3 told me he had seen the Mrs. McCoy holding a hammer and threatening to hit Resident #1 and Resident #5. Resident #3 told me he watched Mrs. McCoy draw back the hammer as if to strike the other residents, and that he was scared and thought Mrs. McCoy was going to 'knock them in the head'. Resident #3 told me of other incidents where he witnessed Mrs. McCoy hit Resident #5 and grab Resident #5 by the front of his shirt. Resident #3 also told me he knew of residents

who were forced to remove the mattresses from their beds due to urinary incontinence. Resident #3 then told me he was afraid of Mrs. McCoy and he did not want to say any more.

I reviewed Resident #7's record and noted she was 46 years old with a diagnosis of Schizophrenia and a history of multiple suicide attempts. I interviewed Resident #7 at approximately 12:00 p.m. in her room, with the door closed, and away from Mrs. McCoy. Resident #7 stated she was scared of Mrs. McCoy and she whispered her responses to me throughout our interview. Resident #7 told me Mrs. McCoy did not like for the residents to talk about her. Resident #7 told me that Mrs. McCoy had grabbed her by the neck of her blouse and raised her hand as if she were going to hit her. She told me the Mrs. McCoy did not actually hit her but, at the time, she believed she was going to be struck. I noted Resident #7 glanced frequently at the door and became increasingly afraid and anxious during the interview. I then asked Resident #7 about the hammer and she told me she had seen Mrs. McCoy holding the hammer as if she were going to hit residents. At that point, Resident #7 told me she was too scared to answer any more of my questions.

At approximately 1:15 p.m., I observed Mrs. McCoy and Resident #3. Resident #3 was attempting to obtain permission to go to the store. Mrs. McCoy told Resident #3 he could not go. I observed Mrs. McCoy tap her nose with her fingers and tell Resident #3 in a derogatory manner, 'Momma smells urine. Go take a bath.' Resident #3 replied, 'I am a Shriner.' Mrs. McCoy replied, 'Meaning what?' to which Resident #3 stated, 'I would like some respect.' Mrs. McCoy then stated, 'Well, you can go be a Shriner in \_\_\_\_ (name of city) where your own sister does not want you. No one there wants you.'

I interviewed Resident #6 on November 29, 2007 at approximately 1:30 p.m. Resident #6 appeared reluctant to speak with me and said it was because she knew Mrs. McCoy 'had a hammer'. Resident #6 told me Mrs. McCoy threatens to throw residents out of the Facility and she is afraid of her. Resident #6 further stated Mrs. McCoy shoves her around when she 9 Mrs. McCoy) is mad at her. Resident #6 told me Residents #1, #2, and #5 are forced to remove their mattresses from their beds because they wet on them, and that Mrs. McCoy yells and curses at Residents #1, #2, and #5.

At approximately 4:20 p.m., I observed the beds in Resident #1's room. I noted the beds had a strong urine odor. I further observed that there were no springs on the beds and the mattresses were placed directly upon metal bed frames.

At approximately 4:30 p.m., I again spoke with Mrs. McCoy. Mrs. McCoy told me there was not a urine odor in the Facility. She stated Resident #5 wets the bed and she makes him remove his mattress from the bed. She also told me Resident #1 'masturbates all night' and the Facility smells like a 'whorehouse'.

On November 30, 2007, at approximately 11:09 a.m., I was present at a confidential telephone interview of an employee of the Facility. During the interview he/she stated the residents at the Facility are threatened and that Mrs. McCoy kicks and pushes them. He/she said Mrs. McCoy punished one man by taking his food tray and making him wait until the next meal to eat, and that he/she had seen Mrs. McCoy kick Resident #2 and threaten to hit Resident #1 and

Resident #4 with a hammer. He/she also stated Mrs. McCoy has the residents go and get the hammer for her at times. He/she said he/she observed Resident #5 sleeping on his metal bed frame without a mattress, Mrs. McCoy locked residents out of the facility overnight and that he/she has observed Resident #2 sleeping outside on the swing. He/she further stated Mrs. McCoy grabbed Resident #2 by his shirt and yelled at the residents.

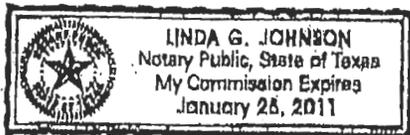
I was also present during the confidential, telephone interview of another Facility employee on November 30, 2007 at approximately 9:30 a.m., the employee stated he/she had observed Mrs. McCoy threaten to hit Resident #1 with a hammer and observed Mrs. McCoy grab Resident #2 by the front of his shirt and yell at him. He/she stated Mrs. McCoy tells the residents no one wants them, observed mattresses being left outside overnight and residents sleeping without mattresses on their beds. He/she also said meals are withheld from residents as punishment by Mrs. McCoy. He/she stated he/she had seen Mrs. McCoy grab Resident #2 by the front of his shirt and shove or push Resident #2 and #5 if they talked back to her.

As the result of my investigation, I determined the Facility failed to treat residents with respect, consideration, and recognition of their dignity and individuality, and failed to ensure residents are free from physical and mental abuse. Additionally, based upon the facts gathered during the course of this investigation and based upon my experience and training as a Registered Nurse Surveyor, it is my conclusion that the conditions which exist at Oasis Village Assisted Living Facility constitute an immediate threat to the residents' health and safety. As the result of the Facility's failures, residents have suffered emotional harm and are at risk for physical harm and continued emotional harm."

Sharon Montani  
Sharon Montani, R.N.

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority by Sharon Montani on this 7<sup>th</sup> day of December, 2007.

Linda G. Johnson  
Notary Public-State of Texas



# EXHIBIT C

# TEXAS DEPARTMENT of AGING and DISABILITY SERVICES

Date: 02/08/2007 License #: 129231

Vendor /Facility ID: 100511

## THIS IS TO CERTIFY THAT

GOD'S INTERCESSORY PRAYER WARRIORS MINISTRIES INC.

(Owner)

OASIS VILLAGE

(Name of Facility)

having complied with Health and Safety Code Chapter 247 and all Minimum Standards is hereby licensed to

operate a

ASSISTED LIVING FACILITY TYPE AT LARGE

located at

2740 AVENUE K FORT WORTH 76105 TARRANT

Unless revoked for due cause this license will expire

02/08/2008

Capacity

28



Commissioner

Adelaide Horn

Oasis Village 50

MUST BE POSTED IN CONSPICUOUS PLACE ON PREMISES  
Non-Transferable

# EXHIBIT D



COMMISSIONER  
Adelaide Horn

December 17, 2007

The Honorable Gregg Abbott  
Attorney General of Texas  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

Attention: David Morales

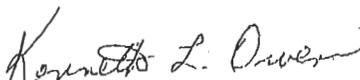
Dear General Abbott:

**Re: Unlicensed Facility: Oasis Village, 2740 Avenue K, Tarrant County, Fort Worth,  
Texas 76105, Facility ID #100511**

The Texas Department of Aging and Disability Services has determined that the above-named referenced unlicensed facility is operating or has operated in violation of Chapter 247 of the Health and Safety Code. Please file suit for temporary restraining order, injunctive relief, civil penalties and any other remedy which may be appropriate.

Pertinent information for the handling of this matter is enclosed. Should you have any questions or require additional information, please contact Paul Campbell, Enforcement Attorney, at (817) 792-7228.

Sincerely,

  
Kenneth L. Owens  
General Counsel  
Legal Services

KO:lh

Enclosure

Oasis Village 40

TEXAS ATTORNEY GENERAL  
07 DEC 19 AM 10:52  
CONSUMER DIV./AUSTIN