Father Grace taking a swing at more free time



Father Grace stays active playing golf three times a week. Photo/Provided

By Kathryn Reed

Father Grace is finally slowing down.

He told Barton Memorial Hospital this month to no longer call him in an emergency. For decades the staff would call him at all hours of the night if a patient requested to see him or someone had a taken a turn for the worse.

But he's not done with the South Lake Tahoe medical facility. He plans to keep popping in to see if there are patients who might want his counsel – even if they aren't Catholic.

John Grace will be 93 years old on Sept. 18. Most of those

years have been spent in the basin. He moved here in 1956. This was when about 100 people lived in town during the winter.

He moved from Ireland to Sacramento in 1948 at a time when the United States needed Catholic priests and it was near impossible to get a job in his native country.

And while he is in a serious business, he seldom doesn't have a smile and he knows how to have fun.

Not long after he arrived in Tahoe he was driving down Echo Summit into the basin when two elephants came running toward his vehicle. Not knowing what to do he drove between them. He told parishioners about this and they apparently worried Grace might have gotten into the communal wine.

Then word got out there had been a circus in Nevada that was using the elephants to pull a truck and the chains broke loose. So, there really were elephants roaming in the Sierra Nevada.

Grace has always been about doing what's right for the community. It didn't take him long to realize South Lake Tahoe needed a hospital. It was 50 years ago this year that the hospital's doors opened.

Grace signed the paperwork establishing Barton as a nonprofit organization. He was also part of the committee that applied for the federal grant that provided matching funds for the construction of the hospital.

"When the hospital opened I started visiting the patients and have been doing so ever since," Grace told *Lake Tahoe News*. "That is a calling of a priest; to take care of the sick. They are the people who need you. As a priest that is one of your callings. If don't do that, you are not doing your duty."

He used to be on the hospital's board of directors. But when

they started meeting on Sunday mornings he had to resign. He joked it was their way to get him off the board. At that time his Sunday mornings were reserved for delivering Mass at St. Theresa Catholic Church.

It was in 1997 that he stopped being the full time clergy at the local church.

“I wanted to get away from administration work. I retired as pastor, which meant I didn’t do any administration. I assisted with Masses on Sunday,” Grace said.

But to this day he is not fully retired. The people won’t let him. He continues to perform weddings, funerals and baptisms when families ask him to. He is now on the third generation for some families when it comes to baptisms.

Grace, still with a bit of an Irish accent, jokes that he fell through the cracks and that’s why the bishop left him in South Lake Tahoe.

Part of the truth is he didn’t mind the snow and others did. He would be the one firing up the old Dodge to plow the parking lot before services.

Grace is responsible for the church, Grace Hall and the K-6 school getting built.

Doug Morris has known Grace since moving here in 1962 as a high school sophomore. His dad was the minister at the Presbyterian Church. This was during the time of Vatican II and students from various religious backgrounds were brought together to discuss the changes in the Catholic Church.

After getting married, Morris converted to Catholicism. Now he sees Grace on a regular basis – at the hospital where he is a volunteer for the auxiliary and on the golf course each week.

Golfing is how Grace would spend his one day off from the church.

“It was relaxing. It got me out, away from the desk, and meeting people,” Grace said.

Today he is on the course three days a week. It might be Lake Tahoe Golf Course or Edgewood Tahoe, and usually Genoa in the winter.

“He’s a little competitive. He likes to have a good score,” Morris said.

It’s not unusual for Grace to be playing and for people to come up to him and reflect on a time he helped them.

Golf is such a part of who he is that St. Theresa School named a tournament after him. Sept. 12 was the second annual Father Grace Golf Tournament, which is a fundraiser for the school.

Federal land managers not well liked in Nev.

By Sean Whaley, Las Vegas Review Journal

STATELINE – Representatives of Nevada’s diverse collection of cities and counties don’t always find common ground, but the federal government’s control of so much of the state’s public lands struck a nerve at a summit here Friday.



Much of Nevada is owned by the federal government. Photo/LTN file

Officials representing rural counties, small cities and the biggest jurisdictions took the opportunity to vent on the federal land control issue at the Local Government Summit sponsored by the Nevada Association of Counties and the Nevada League of Cities at Lake Tahoe.

“Run the BLM out of Nevada?” asked Las Vegas City Councilman Steve Ross. “I’m in favor of that. Do I hear a second?”

He got more than a few nods and vocal signs of support from the approximately 100 attendees, a demonstration of just how unhappy many local officials are with the federal agency.

Read the whole story

Feds not leaving medical marijuana alone

By Liz Halloran, NPR

When the Obama administration recently announced it wouldn’t challenge the decision by Colorado and Washington voters to

fully legalize marijuana, criticism rained down.

The administration's position, complained one Colorado congressman, was tantamount to allowing states to opt out of the federal law banning pot possession, cultivation and sale.

Other anti-legalization activists predicted that the administration was waving the white flag in the war on drugs.

The first claim is essentially true: The states will be creating their own regulatory regimes.

As for the idea of a surrender in the war on drugs, the reality is a little more complicated.

Read the whole story

Meyers on road to revitalize community

By Kathryn Reed

MEYERS – Make it look pretty and be functional were the overwhelming sentiments of people who want to make Meyers be more than it is today.

Since the last meeting in February about the future of this South Shore enclave the advisory board has come up with a draft area plan for Meyers. Comments about the document were sought Sept. 11. The deadline to comment is Oct. 11.

The five main areas are: land use, environmental conservation, implementation, transportation and recreation. Twenty-five projects have been indentified. On Wednesday people were asked

to pick their top three.



Jennifer Quashnick writes a comment Sept. 11 about the Meyers Area Plan while talking to Lyn Barnett. Photo/Kathryn Reed

One item that keeps coming up is having some sort of sign to let people know they are entering Meyers. It could be placed at the bottom of Echo Summit headed west or possibly at the corner of highways 50 and 89 to capture more people.

Making the sign interactive would also embrace Meyers' theme of being the gateway to all things recreation. A swing could part of it and definitely the ability to climb on it.

Others suggested the sign be made out of old skis or have something to do with Snowshoe Thompson.

When it comes to deciding what to do with the area, many want to remove the bug station and make the rights-of-way along the highway narrower so the area looks more inviting for people to stop instead of speed through.

Caltrans is supposed to put in two sidewalks on Highway 50 next summer – one by Pioneer Trail and the other near the bug station. This will be the first step in linking both sides of the highway in a safer manner.

Cluster parking that would tie into the trails is another

idea.

Putting in bike paths that connect to Washoe Meadow State Park and Tahoe Paradise Park as well as the commercial core have been repeatedly mentioned.

Doing more with the community park was talked about. Making it more inviting, less dumpy and turning it into an area to have community events are suggestions.

Letting people know about the trails – where they are and where they go – was encouraged.

Tapping into the history of the area was broached, especially with the Celio ranch having just celebrated its 150 anniversary.

Putting in low level bollard lights to make the area more friendly in the dark, adding landscaping, and possibly putting in stampede concrete in the center of the highway are other ideas.

Once all of the comments are submitted and environmental review is done the final plan will come out. The goal is for the El Dorado County Board of Supervisors and Tahoe Regional Planning Agency Governing Board to take action on the Meyers Area Plan in the first quarter of 2014.

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Notes:

• The draft Meyers Area Plan is online.

• Comments may be submitted online via the above website or to Adam Lewandowski at alewandowski@trpa.org or P.O. Box 5310, Stateline, NV 89449.

• The deadline to submit comments is Oct. 11.

Second homeowners seek all inclusive planned resorts

By Lauren Schuker Blum and Candace Jackson, Wall Street Journal

What attracts this generation of wealthy second-home buyers: ziplines, kids clubs and grilled cheese.

For decades focused on golf, skiing or hunting, today's master-planned resorts are being reimagined as fancy family camps, a trend that's helping revive a number of struggling high-end second-home communities. Developers say they're aiming to please everyone from toddlers to great-grandparents by merging luxurious trappings with amenities like bowling alleys, soda shops and video arcades. It's all designed to woo wealthy buyers on the hunt for a perfect family vacation.



Martis Camp has evolved into more than a golf course with big homes. Photo/Provided

"These days, you can't just offer a Jack Nicklaus golf course and instantly be successful," says Chris Fair, president of Resonance Consultancy, which advises developers of destination

homes and resort communities.

The shift comes after several difficult years in some second-home markets. Residential resorts made up some of the hardest hit real estate during the downturn: Some residential golf communities sold lots for $1.

At Martis Camp – a 2,177-acre resort in Truckee that developer DMB/Highlands Group started in 2006 – amenities aimed at families have helped to ramp up sales in recent years, says Brian Hull, the club's director of sales. There is a family barn that features a bowling alley, a 44-seat movie theater, a swimming area, soda fountain, indoor basketball courts and an outdoor amphitheater. A soccer field, a softball diamond and a barbecue area are nearby. And for the artistically inclined, there's a "folk school" with classes in photography and pottery.

Last year, the club sold 117 properties for $115 million, a step up from the 73 properties it sold in 2010 for $72 million. So far this year, the developer has sold 103 properties for $128 million.

Read the whole story

Nevada toys with Internet gaming beyond state line

By Cy Ryan and Richard N. Velotta, Las Vegas Sun

The road to Nevada offering online poker to residents of other states is long and tortuous and gaming regulators took a step in that journey Wednesday when the state Gaming Control Board

conducted a workshop meeting on a proposal for companies to offer progressive jackpots across state lines.

The state's largest slot machine manufacturers – International Game Technology and Bally Technologies – petitioned the Nevada Gaming Commission to amend regulations to allow multijurisdictional progressive prizes.

Gaming Control Board Chairman A.G. Burnett concurred that adoption of the amendments to the regulation could be viewed as a first step toward developing online poker across state lines.

"You might say we'd be sticking our toe in the water," Burnett said of the proposal.

Read the whole story

S. Tahoe balances budget without using reserves

By Kathryn Reed

For the first time in five years South Lake Tahoe's budget is balanced without using reserves, cutting staff or cutting services.

The $1 million ongoing deficit has been wiped off the books at least for the 2013-14 budget that will be presented to the City Council on Sept. 17.

"It's because we have a different budget philosophy," City Manager Nancy Kerry told *Lake Tahoe News*. "I was able to strip $1 million from the budget."

A thorough scrubbing of the budget has been done. Budgeting is now based on expected expenses, not expected revenues. For example departments that every year budgeted $5,000 for supplies but only spent $2,000 will now get a line item of $2,000 for supplies.



South Lake Tahoe City Manager Nancy Kerry reviews budget documents. Photo/Kathryn Reed

While these excesses in the past were carried over each year in the unassigned excess reserve account, it also meant the budget did not reflect true costs. This excess is on top of the 25 percent reserve the council established in 2004. (In 2003 the city had zero dollars in reserves.)

There is still a balance in this excess reserve account. The city has allocated $700,000 from it to buy a building and vacant parcel in the industrial area with the goal of moving the fleet yard on Rufus Allen Boulevard there. This in turn would provide more recreation opportunities in that area. The property is in escrow.

The city's total budget is about $90 million, with approximately $30 million being the general fund. The general fund is where payroll and the day-to-day bills get paid.

About $20 million – or 64 percent – of the general fund pays for salaries, pensions, health care and other benefit costs.

Police services cost the most, taking up 27 percent of the general fund, fire at 15 percent, and public works-general government at 8 percent.

Kerry said it makes sense for the city's greatest expense to be people because the city is in the business to provide services to the public and it takes people to provide those services.

While revenues are doing better, the approach is to be conservative and have a true midyear review in March. If there is "extra" money, then the council can decide if it wants to hold onto it or spend it.

The council will be asked to start thinking now about what it would want to do if it even had a small pot of cash like a couple hundred thousand dollars to spend in six months. Public input will be sought how to spend that money.

Not everything costs millions of dollars. A few years back the city spent about $30,000 to put in the popular dog park.

Hal Cole and Brooke Laine are on the council's budget committee. Their ideas include dedicating money to improve the look of Highway 50, putting a percentage toward recreation infrastructure, and money for roads.

"We need to look at our core values and needs," Laine told *Lake Tahoe News*.

She would rather have the discussion early about what to do with "extra" money than wait. This allows for a more thoughtful discussion.

What Kerry is proposing is to change the way the city operates. Instead of spending everything in the good years and struggling in the lean years, be prudent every year. This also means using the public's money for public projects – this includes infrastructure, recreation and then people.

“Employees need to realize that investing in the public is investing in themselves,” Kerry said.

That doesn’t mean the employees aren’t being considered. In the budget is money for a full time fire chief, after having funded this position on a part-time basis the last fiscal year.

Property, hotel and sales taxes are the city’s three main revenue sources.

Property taxes have taken a serious hit as the value of housing has gone down. However, the median price of a single-family residence in South Lake Tahoe has increased 23 percent from July 2012 to July 2013. The city is forecasting 1 percent to 2 percent increases in property taxes through 2018.

While occupancy has been higher at South Shore hotels for the past two summers, national indicators are that the economy is still sluggish. That is why the city is not banking on transient occupancy taxes dramatically increasing. But they are on an upward momentum. The budgeted increase is 1 percent for a total of $4.85 million.

The expenses that are nearly crippling the city are what it has to pay for employee pension and health benefits. And that doesn’t even take into account the city’s $53.6 million unfunded pension liability or $45 million unfunded health care liability.

The city pays $3.6 million a year into the California Public Employee Retirement System. As of Oct. 1, 2012, all employees pay their share of PERS – which ranges between 7 percent and 9 percent of their salary.

Public entities are not allowed to change the formula for current employees. This must be done by the Legislature. Change is slow, and what change has occurred affects new hires who have not been part of CalPERS before. And it is not

reasonable for entities to abandon CalPERS.

Kerry is proposing the adoption of a pension trust fund to help balance the good and bad investment years. This philosophy has a lot to do with seeing the employer rate jump 155 percent from 2004 to today.

“The real problem is health care,” Kerry said.

There are 785 people receiving health benefits from the city. Only 170 of them are active employees. Half of that total number never worked for the city. This is because years ago a city manager thought it a good idea to give spousal benefits to retirees that continued even after the employee died.

The city is self-insured. This means it pays all the medical bills. It comes out to more than $4 million a year. (This is 13 percent of the general fund.) Employees don’t pay any sort of monthly premium for their health care. They have a $750 deductible with a maximum annual payment of $4,000.

To begin to solve the problem the city is having Medicare-eligible retirees use Medicare supplements as their secondary insurance rather than the city’s plan as their secondary insurance; the goal is early retirees who are not 65 will be able to have health plans through the Affordable Health Care Act; and the city will look at options that could include having a provider and not being self-insured.

Kerry warns that without those three changes the city may have to only offer catastrophic health care benefits.

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This is a copy of Kerry’s budget message that will be discussed Tuesday at the council meeting, which starts at 9am at Lake Tahoe Airport.

Caregiver abuse cases puts Calif. patients at risk

By Ryan Gabrielson, Center for Investigative Reporting

California regulators routinely have conducted cursory and indifferent investigations into suspected violence and misconduct committed by hundreds of nursing assistants and in-home health aides – putting the elderly, sick and disabled at risk over the past decade.

In 2009, the state Department of Public Health quietly ordered its investigators to dismiss nearly 1,000 pending cases of abuse and theft – often with a single phone call from Sacramento headquarters. The closing of cases en masse came after officials determined their swelling backlog had become a crisis.

Four years later, state investigators are opening and closing investigations into suspected abuse without ever leaving their desks, the Center for Investigative Reporting and KQED have found. In some instances, caregivers who have sexually assaulted or abused patients have retained their licenses and moved to other facilities.



Brian Woods, former director of the Department of Public Health's West Covina office, says don't count on the government.
Photo/Adithya Sambamurthy/Center for Investigative Reporting

An estimated 160,000 nursing assistants and in-home health aides are employed throughout California. These workers – all regulated by the Department of Public Health – are certified to work in hospitals, nursing homes, mental health facilities, developmental centers and private homes.

Since the mass dismissal of cases in 2009, the overwhelming majority of allegations of abuse and misconduct have been closed without action. The state also has dramatically reduced the number of license revocations for aides suspected of abuse and misconduct.

And it mostly has stopped referring cases to the California Department of Justice for possible prosecution of crimes, according to state prosecutors and the Department of Public Health.

In addition, the department's Southern California investigations office, which once had 11 full-time examiners, is nearly empty. Internal documents show abuse cases from Los Angeles, San Diego, Santa Barbara and Riverside mostly now go to Sacramento headquarters. There, investigators rarely receive approval from supervisors to visit nursing and group homes where abuse and neglect have been alleged.

For some who have worked in the system, the state has abandoned its duty to protect the vulnerable.

"I would tell anybody, do not count on the government taking

care of you," said Brian Woods, former director of the Department of Public Health's West Covina office.

From 2004 to 2008, the state's health regulators accumulated more than 900 cases in Southern California, including alarming allegations that involve suspicious deaths.

"I was appalled," said Marc Parker, who was the public health department's investigations chief for much of the past decade. "There were hundreds and hundreds and hundreds of unassigned, uninvestigated complaints in file drawers."

Then, on top of their normal workload, investigators were ordered by supervisors in Sacramento to begin clearing the backlog at a rapid pace, until they were nearly all dismissed by 2011. On average, cases had lingered for two years before they were cleared.

Little is known about theses cases because they were not fully investigated. But internal case logs kept by the state in Sacramento offer a chilling, yet faintly detailed outline of allegations – including suspicious deaths, severe injuries, numerous sexual assaults, egregious neglect and theft of belongings.

One log entry lists a caregiver who allegedly "hit, peed on and seduced" a patient, but does not list a facility, city or county. Another notes a nursing assistant at an unnamed Los Angeles facility who was accused of exposing himself and asking for oral sex from a resident. Both caregivers still are working at the facilities.

More than 230 log entries simply read "physical or sexual abuse" and little else beyond a date and county where the alleged incident took place.

Public health regulators have all but stopped alerting the California attorney general's office of patient deaths alleged to involve abuse. The attorney general has an entire division

– the Bureau of Medi-Cal Fraud and Elder Abuse, which has 41 lawyers – that specializes in prosecuting such cases. By law, health regulators are required to report all suspected crimes to the division.

From 2007 to 2009, the department referred a total of 88 deaths to state prosecutors for investigation into elder abuse, according to figures from the attorney general. During the following three years, that number dropped to 14.

Regulators sent two death cases to prosecutors in 2011 and three in 2012.

One case that has remained unsolved is the suspicious death in 2006 of Elsie Fossum, a 95-year-old woman who lived at Claremont Place Assisted Living in Southern California. Fossum was a teacher and librarian in eastern Los Angeles County for most of her life and moved into Claremont two years before she died.

Although she had been found severely injured on the floor of her bedroom, the California Department of Public Health dismissed it as an accidental fall from bed. The department closed the abuse allegation in February, classifying it as unsubstantiated.

With injuries to her mouth so severe that she stopped eating and drinking, Fossum died of dehydration in a hospice three weeks after she was found injured. A nursing assistant at the facility who was caring for Fossum at the time of her injuries – and who had made repeated disparaging remarks about the elderly woman, according to state records – quit soon after the injuries and took a similar job at a nearby facility.

Now, seven years after Fossum died – and following questions from reporters – the Los Angeles County Sheriff’s Department has opened a criminal inquiry into the death. The case remains unsolved, and the nursing assistant, Sabrina Bengoa, has not been charged with a crime. She did not respond to requests for

comment by phone or at her home.

“When you’ve got agencies looking at it, you figure they’re going to find something if something’s there,” said Jim Fossum, Elsie’s nephew, who lives in Brainerd, Minn. “Not that they’d just put the thing away and forget about it, essentially.”

Records show the public health department rarely takes action even in the face of damning evidence. Under the administrations of Govs. Arnold Schwarzenegger and Jerry Brown, the number of nursing assistants and in-home health aides removed from the job for crimes against the sick and vulnerable has declined sharply.

In 2006, the department revoked or denied a caregiver’s certification in 27 percent of complaints it investigated. That figure shrank to 7 percent three years later as regulators eliminated the backlog.

Meanwhile, the number of cases closed without action has soared. Statewide, public health investigators in 2012 finished 81 percent of their cases without taking action against an accused caregiver, up from 58 percent in 2006.

The Department of Public Health is fixing how it handles allegations against nursing assistants, Anita Gore, an agency spokeswoman, said in a prepared statement. “Organization and operation of the Investigations Section, including Southern California, are currently being addressed.”

State officials said they can’t explain why there has been a steep drop in the number of abuse deaths forwarded to law enforcement.

“We don’t understand that decline in numbers,” said Dr. Ron Chapman, director of the Department of Public Health. “It’s very concerning to me, and we’re looking into it.”

Chapman said the backlog of cases was “inexcusable (and) should not have occurred.”

“We’ve made lot of progress since then,” he said. “So today, any complaints that come in, they get screened within 48 hours, and we’re not building a backlog today.”

Mark Zahner – California’s chief prosecutor on elder abuse cases until August – said he had not asked the Department of Public Health why there are now so few cases. In an interview in April, he said he did not believe state regulators were withholding death cases.

“It would be weird,” Zahner said, “because I don’t see how that would do anybody any good.”

Nevertheless, Paul Greenwood, head of the San Diego County district attorney’s elder abuse unit, said public health regulators long have refused to provide his office cases to prosecute. The drop in abuse death cases sent to state prosecutors is shocking, Greenwood said, and worrisome.

“I don’t know how many nursing homes there are in California or how many deaths a year there are in the facilities, but the number is going to be huge,” Greenwood said. “And to think there are only two suspicious deaths, I just frankly cannot believe that.”

Phoning it in

The Department of Public Health is in charge of keeping dangerous people out of the health care business.

In a well-run department, when there is an allegation of abuse, inspectors immediately should open a case, visit the facility, collect law enforcement records, interview people at the scene and make a determination about what happened. If they uncover abuse, the department is required to revoke the certification of any accused caregiver and report the matter

to law enforcement and the attorney general's office.

Parker, the former investigations chief, said his boss, Evon Lenerd, wanted complaints closed efficiently and quickly. Lenerd ordered Parker's staff to conduct nearly all investigations by phone, without visiting care facilities where abuse allegations have arisen.

But Parker said investigators find the most severe problems when they walk through health care facilities. They often find new cases that haven't been reported.

"Good investigators have big eyes," said Parker, who retired in December 2011.

Closing cases by phone is "just ridiculous," he said. "They're missing huge amounts of information. The job is not being done."

Listen to an insider's view

Marc Parker, the public health department's former investigations chief, talks about closing cases over the phone.

Lenerd, head of the professional certification branch, declined several interview requests.

The Department of Public Health denies directing investigators to close cases primarily by phone. "If preliminary phone calls and other reviews during a desk investigation determine a field component is warranted, then a field investigation is conducted," wrote Gore, the department spokeswoman.

She wrote that investigations have been delayed due to a "change in resources."

In July, the California State Auditor criticized the Department of Public Health for being slow to investigate allegations of misconduct at state institutions for the

developmentally disabled.

Also, the department never has released a report detailing its enforcement activities, which state law mandates. Therefore, the auditor wrote, “the effectiveness of its enforcement practices, particularly those related to developmental centers, remains uncertain.”

Investigative shortcomings, however, extend everywhere Californians receive care.

Internal state records and court files obtained by the Center for Investigative Reporting show the Department of Public Health has failed repeatedly to strip nursing assistants of their certification until years after confirming they had harmed patients.

Despite evidence of serious crimes, one of the least-active offices is the department’s southern branch, established to pursue allegations from Bakersfield to the Mexican border. Just off Interstate 10 in the suburbs east of Los Angeles, the investigations section is on the ninth floor of an office tower encircled by chain restaurants and retail.

The branch once employed 11 full-time investigators. It appeared deserted when reporters visited on a weekday afternoon in late July. No investigators were present; rows of cubicles sat empty. Another visit months earlier revealed a single person working in the office.

Chapman, the public health director, said there are supposed to be investigators working in Southern California. “As far as I know, there’s staff down south,” he said.

Even when employees filled the office, Southern California cases received little attention for years. A department examination in 2010 — written by Kim Krazynski, then the branch’s new investigations director — detailed disarray. She compared the branch to an engine to explain the problems’

severity.

“If a single factor is malfunctioning, the engine will misfire and organizational performance will suffer,” Krazynski wrote. “In the case of the Southern Region Office, all components that make up the engine are either malfunctioning or are completely absent.”

One misfire came in March 2008, when nursing aide Jason Joslin physically abused one or more patients at a Riverside County health care facility, according to internal case logs. The department opened an investigation immediately. Details of the case were not available.

No action followed until November 2011, when the state spiked Joslin’s California certification and decided to add his name to the federal exclusion list, maintained by the U.S. Department of Health and Human Services’ inspector general to alert the public to bad caregiver.

The revocation came too late.

Joslin moved to Seattle in March 2010 and quickly obtained a temporary nursing assistant license from Washington state, regulatory records show. By August of that year, Joslin was fully credentialed in his new state.

Joslin did not respond to written interview requests sent by email and social media.

His license is active through mid-January 2014, and his record appears clear. The Department of Public Health has not yet included Joslin on the exclusion list.

Criminal convictions

Not even criminal convictions ensure swift action.

On Oct. 5, 2007, a 59-year-old female patient was lying awake on her bed at the Del Rio Sanitarium in Bell Gardens when

Ricky Diocampo assaulted her. Diocampo, a nursing assistant, pushed his hands under the woman's clothes to fondle her breasts and genitals, investigation records show.

The patient is diagnosed with schizoaffective disorder, a debilitating mental illness that causes delusions and mood swings. Because of her mental health condition, she cannot legally consent to sex.

On that October day, a third person was in the bedroom. Another employee stood in a corner on a ladder, painting ceiling trim, when he made eye contact with Diocampo. His presence didn't deter the nursing assistant, records show.

Seven weeks after the assault was witnessed, the state Department of Public Health assigned the case to investigator Reginald Mitchell, who also was the investigator on the Elsie Fossum case.

A year passed before the attorney general's office filed three criminal charges against Diocampo, who was arrested and spent four days in jail. Two of the counts – for sexual assault and battery of an institutionalized person – require convicts to register as a sex offender. The third count was for abuse of a dependent adult.

Diocampo, under an agreement with the Los Angeles County district attorney's office in 2009, pleaded guilty to the patient abuse charge. He received two years of probation and wasn't designated a sex offender.

Diocampo remained an authorized California nursing assistant and home health aide for three months after his conviction, when his certificate expired. Such a deficiency can be explained to employers as a paperwork error with the state.

The criminal proceedings did nothing to spur Mitchell, the public health investigator, to strike Diocampo's certification, according to department case logs and email

correspondence.

Mitchell did not check on the sexual assault case for almost two years after Diocampo pleaded guilty. A new supervisor took over the Department of Public Health's office in West Covina in early 2011 and asked Mitchell for an update on his oldest open investigations – nine cases from 2006 and 2007.

Regarding the Diocampo case, Mitchell responded in a March 23, 2011, email that he was "waiting on a return call back" from the attorney general's office.

The state revoked Diocampo's certification five weeks later.

No significant regulatory hurdles blocked Diocampo from working with vulnerable patients during the three-and-a-half-year investigative delay. It is unknown whether he was employed at health care facilities during that period.

He was convicted of domestic violence in Los Angeles County in April 2012. Diocampo did not respond to calls and notes left at his home requesting an interview.

Diocampo is now on the federal exclusion list. Prospective employers quickly would learn that Diocampo is barred from working at health care facilities, should he apply in the future.

The public health department's handling of these cases is unacceptable, said Parker, the former investigations chief. However, he added, with investigators today working cases primarily by phone, many abuses by nursing aides likely are closed with no action or never discovered.

Parker's 2011 retirement after two decades with the department was an earlier exit than intended, he said, but he couldn't abide by cursory reviews of violent crimes.

"I couldn't stop what was happening," he said, "and I couldn't protect the public."

Debt remains from Nev. Fire Safe Council

By Andrew Doughman, Las Vegas Sun

Firefighters and small businesses in Nevada and California have a simple request for the federal government.

Pay up.

They cleared brush, chopped down trees, and then submitted invoices in expectation that they'd be paid soon after. But that was more than two years ago, and they're collectively still owed $2.56 million.



Lake Christopher in South Lake Tahoe has trees removed in 2011. Photo/LTN file

Meanwhile, lawmakers such as Sen. Harry Reid, D-Nev., have decried the role of climate change in the wildfires ravaging the West and Sen. Dean Heller, R-Nev., has called for more fire prevention funding in a year when such funds seem to have dried up.

But those who have already performed the work are hoping that

their simple request to be compensated for it will become a priority for the government.

“It’s work completed, and I haven’t been paid, so yeah, it’s not good,” said James Piercy, owner of Arbor Care, a Lake Tahoe small business that did some of the brush work in the Tahoe basin. “For the last two years, we called them on a weekly basis following up in what the status of payment was going to be and they strung us along forever, and this year we just pretty much gave up on trying to call them.”

Read the whole story

State honoring S. Lake Tahoe disabled advocate

By Kathryn Reed

Becoming an advocate for the disabled wasn’t something David Kelly aspired to be. There is not one defining moment that led him on this 30-plus year mission.

“I saw what I thought was people being treated unfairly,” Kelly said. That was in South Lake Tahoe in the early 1980s. The 70-year-old has been on a mission ever since to fight for equality.

He’s never received a dime for his efforts – of which he is extremely proud.



David Kelly with his son, Jason. Photo/Provided

“I do it because it needs to be done,” Kelly told *Lake Tahoe News*.

Today, the state of California is recognizing his efforts. The South Lake Tahoe resident has been named one of the state’s 50 Notable People in the Disability Community. The Department of Rehabilitation on its website is honoring the 50 people with their profile being the main feature for one week, and then remaining there. Kelly’s week starts Sept. 12.

People selected are “individuals who inspire others by their advocacy, leadership, accomplishments, achievements, and/or dedication to the disability movement and to employment, independence, and equality of Californians with disabilities,” according to the state website.

John Pillsbury, who works for the Department of Rehabilitation and is the secretary of the Tahoe Area Coordinating Council for the Disabled, of which Kelly chairs, nominated Kelly.

“I am continuously moved by his honesty and courage to move on issues to help our residents,” Pillsbury told *Lake Tahoe News*. “He has a done a great job. He does the right thing.”

Kelly has post polio syndrome. He has far exceeded the life expectancy many doctors told him he would have. He is a fighter. And “no” is not a word in his vocabulary even when people say it to him.

Former South Lake Tahoe City Councilmember Kathay Lovell remembers having an immediate connection with Kelly. In large part this had to do with Lovell's dad having polio and never thinking of him as handicapped – the word that was in vogue when she was growing up.

"I find David to be an incredibly astonishing man. He has accomplished many things in our community," Lovell told *Lake Tahoe News*. "He has persevered to do projects that by anyone else's imagination were probably impossible to do."

Kelly is the man behind Tahoe Senior Plaza, Kelly Ridge (named in his honor), and Sky Forest Acres. These three developments are affordable housing for seniors and those with disabilities.

"A lot of people were involved, but without Dave they would not have gotten off the ground," Pillsbury said.

Kelly is not done. He is working on creating another affordable housing complex in the city.

Other goals are to develop a shelter and build transitional housing for the disabled.

He will be in Minden on Friday because he received a call from a concerned citizen about the plans to change things at the courthouse there that could affect the disabled.

A couple phone calls a week come in from people asking for his advice or help with matters. While he is not an attorney, he knows the law, people to call and how to make change happen.

"My biggest gripe with politicians is they make up laws and not one of them is disabled. They don't see what is really needed," Kelly said. "They have all the best intentions in the world, but half of them are not needed or are useless laws. They should have rethought how the law is used. It makes it harder on businesses, harder on recreation and harder on

everybody.”

Kelly was one of the first people to criticize disabled attorney Scott Johnson when he came through town suing businesses. He said that is not the way to bring about change. It’s the way to make money.

Besides being chairman of TACCD, Kelly is also on several other boards related to the disabled.

And while Kelly has received numerous awards in his lifetime, to be named one of the top 50 advocates for the disabled in California is the crowning achievement. He said he is humbled to be in the company of the 49 others.