



**LEGAL  
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FOR IMMEDIATE RELEASE

**MFY Legal Services Sues NYS Department of Health  
to Ensure Protection of Disabled Adult Home Residents**

*Brooklyn Man Seeks Protection after Threats, Intimidation and  
Theft of Funds by Garden of Eden Home for Adults*

NEW YORK, NY, September 20, 2011—MFY Legal Services filed a special proceeding charging that the New York State Department of Health (DOH) failed to comply with its obligation to enforce laws and regulations protecting adult home residents from psychological abuse and financial exploitation. The special proceeding, used to challenge administrative agency decisions, was brought on behalf of Deepak Mirani, a 55-year-old disabled resident of the Garden of Eden Home for Adults in Brooklyn.

When Mirani was faced with a disruption in his Supplemental Security Income (SSI) benefits in 2010, a common problem for people with disabilities, his case manager at the home failed to obtain the support he needed. Instead, the home threatened Mirani with eviction and being blacklisted from any other housing if he refused to sign an agreement allowing the home to deduct money from his \$178-per-month personal needs allowance, which residents receive to cover all expenses beyond room and board. Such deductions are prohibited by law.

Staff at the home who threatened Mirani knew that his disability causes anxiety and that he was seriously disturbed by these threats. Garden of Eden continued to pocket nearly half of Mirani's personal needs allowance for ten months until MFY Legal Services got involved in the case. Thereafter, the home's administrator, Martin 'Jay' Amsel, summoned Mirani to a closed-door meeting with other staff members, threatened him with eviction again, and returned a portion of the money that had been illegally confiscated by the home.

As many adult home residents do, Mirani reported the illegal contract and the threats to the DOH in March, 2011. The DOH investigated and ordered the home to take corrective action, including assisting him with his benefits, but has done nothing to enforce the home's compliance. The DOH would not credit Mirani's complaints that the facility's administrators used threats of unlawful eviction, intimidation, and other verbal abuse because the home did not give Mirani a written notice of eviction.

“DOH materials submitted in support of the action state that the facility's administrator admitted to committing a Class A misdemeanor on two separate occasions but that the DOH has taken little or no action to punish the home,” said Barbara Graves-Poller, the MFY attorney representing Mirani. “We see this kind of intimidation and psychological abuse happening to residents at many adult homes. The DOH knows that residents are dependent on the home for food, shelter and other

critical needs and are therefore particularly susceptible to coercion. Their failure to act in this case and others like it is truly shocking.”

MFY is asking the court to compel DOH to enforce its order, review the evidence that the DOH ignored when it investigated the complaint, and find that the DOH’s penalty on the home as not commensurate with the home’s willful misconduct.

MFY Legal Services, Inc. is a non-profit organization providing civil legal services to people with psychiatric disabilities, tenants, consumers, low-wage workers and other New Yorkers who cannot afford to hire an attorney.