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STATE SETTLES WITH OPERATORS OF BROOKLYN ADULT HOME

Operators Barred From Adult Homes To Pay Restitution to Residents

State Attorney General Eliot Spitzer and State Health Commissioner Dr. Antonia C. Novello today announced the settlement of a lawsuit charging that the former operators of Seaport Manor Home for Adults failed to provide for the health, safety and welfare of the residents, while forcing them to live in deplorable conditions.

Under the settlement, Seaport Manor operators Martin Rosenberg and Baruch Mappa are permanently barred from owning, controlling, operating or administering a licensed adult care facility, or halfway house, hostel or other residential facility or program serving persons with mental disabilities. Seaport Manor administrator Elizabeth Rosenberg is barred from operating or serving as an administrator, consultant or employee of an adult care facility.

Operators Rosenberg and Mappa will pay \$100,000 in restitution to the Seaport residents who lived at Seaport Manor in the spring of 2002 and, if any residents cannot be located, to non-profit organizations benefitting residents of adult care facilities in New York City. In addition, Rosenberg and Mappa will pay \$49,000 in penalties and interest to the Department of Health.

In a suit filed in December of 2002, the Attorney General's office alleged that despite repeated demands by state officials to correct the myriad of deficiencies and horrendous living conditions at Seaport Manor – a 346-bed adult home in Canarsie – the violations continued. In one instance, the operators failed to properly investigate and document the death of a resident who died when her clothing caught fire. On numerous occasions state agencies found that common areas and residents' rooms were infested with mice, cockroaches and flies. The operators also failed to ensure residents received medication in the proper dosage and at the scheduled times.

Inspections by the State Health Department resulted in Seaport being cited with 122 violations of state public health law and regulations. Officials concluded that lack of supervision, inadequate medical care and substandard conditions at the Manor

threatened the safety of its residents. The defendants were responsible for the operation of Seaport Manor until June of 2002 when conditions became so dangerous that the state obtained a court-appointed receiver to operate the facility while the remaining residents were placed in other adult homes.

A trial court initially dismissed the lawsuit ruling that the Department of Health's previous enforcement actions, including a 2002 administrative settlement, precluded the suit. The Appellate Division reinstated the suit but limited its scope to the three month period from the administrative settlement until the operators were removed and a temporary operator installed.

The Attorney General thanked the Commission on Quality of Care for the Mentally Disabled, the Office of Temporary Disability Assistance, and MFY Legal Services for their assistance in this matter.

The case was litigated by Assistant Attorneys General Mary Fisher Bernet of the Attorney General's Office's Litigation Bureau; Jane Azia, now chief of the Internet Bureau, Thomas Conway, chief of the Consumer Frauds Bureau, along with Investigators John Serapica and Milton Branch of the Investigations Bureau, under the direction of Deputy Attorney General Debra Cohn and Assistant First Deputy Attorney General Francine James.