Ex-Operators in Adult Home Are Barred in Settlement

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The former operators of one of New York's largest and most troubled homes for the mentally ill — a place once deemed by the state to be a "new warehouse for the insane" — have been permanently barred from running facilities for people with mental disabilities, state officials announced yesterday.

Eliot Spitzer, in his role as state attorney general, had sued the operators of the home, the Seaport Manor Home for Adults, in Canarsie, Brooklyn, saying that they had consistently neglected the home's residents and misappropriated their money.

Under the terms of a legal settlement reached with Mr. Spitzer's office, Martin Rosenberg and Baruch Mappa, who for years operated Seaport Manor, are barred from owning or operating homes or programs serving people with mental disabilities.

In addition, the former operators must pay $100,000 in reimbursement costs, to be divided among some 300 former residents of Seaport Manor who were there during a three-month period in 2002.

The lawsuit by Mr. Spitzer, the governor-elect, charged that the men had wrongly taken hundreds of thousands of dollars a year from government subsidies meant for the care of the residents at Seaport Manor — at least in part to pay Mr. Rosenberg's daughter, Elizabeth, up to $180,000 a year in salary and $250,000 in retirement benefits to serve as the home's administrator.

Mr. Spitzer's lawsuit, filed in December 2002, had sought $12 million to reimburse people who lived at the home from 1998 through 2002. But an appellate court limited the time span to three months.

Mr. Spitzer started an investigation of the 346-bed Seaport Manor after it was the subject of an April 2002 article in The New York Times.

The article, part of a series exposing widespread abuse in adult homes for the mentally ill, described how from 1995 through 2001 at least 79 Seaport Manor residents died, including at least three who committed suicide. Many died under questionable circumstances — the average age at death was 58, and some bodies had begun to decompose before they were found — but the state had rarely investigated.

State health officials started disciplinary proceedings against the Seaport Manor operators after the article was published. The operators settled the charges by surrendering their license, and the home was closed in February 2003.

"We're pleased we were able to put this settlement together and attempt to compensate the residents of Seaport Manor," said Brad Maione, a spokesman for Mr. Spitzer.

Lisa Newcomb, executive director of the Empire State Association of Adult Homes and Assisted Living Facilities, said: "The overwhelming majority of adult home providers are honorable, hard-working people striving to supply quality care. And we believe that this settlement reinforces existing and important powers that the Health Department has in order to weed out any bad actors."

Justice Ira B. Harkavy of State Supreme Court in Brooklyn had first dismissed Mr. Spitzer's lawsuit on the ground that its allegations had been the subject of previous enforcement actions, including a 2002 settlement with the Department of Health.

An appellate court reinstated the suit but limited it to the three months between the earlier settlement and when the operators were removed.

Seaport Manor occupied a five-story brick building at 615 East 104th Street since 1975,

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It took on hundreds of patients from the nearby Kingsboro Psychiatric Center in East Flatbush, until it ultimately grew to be larger than Kingsboro.

Seaport Manor became notorious for its poor conditions. A 1997 study by the State Office of Mental Health referred to Seaport Manor as "the new warehouse for the insane."

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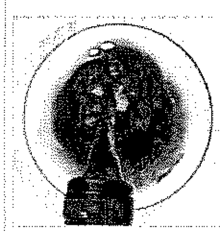

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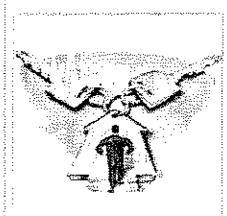

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