

The Metro Section

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Group Home Where Man Died in Fire Was Closed to New Arrivals

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A man who died in a fire on Sunday at a Brooklyn home that is supposed to care for mentally ill people should never have been placed there, according to state records.

The victim, Charles Dunbar, 51, was sent to the Brooklyn Manor Home for Adults months after the State Health Department placed it on a "do not refer" list because of what it said were gross violations, including unsanitary conditions, failure to keep accurate records, employee assaults on residents and chronically ill residents left unsupervised.

Mr. Dunbar was sent by the city to Brooklyn Manor, at 2830 Pitkin Avenue in East New York, from the Wards Island homeless shelter in July 2004 despite the fact that the State Health Department had declared it unfit for such placements in March 2004. The city, which monitors the homeless shelter, said it had no formal policy in place to pass on information about state warning. The organization that runs the daily operations of the Wards Island shelter said it did not receive the warning until late July.

Jim Anderson, a spokesman for the Department of Homeless Services, said the city had since changed its procedures to ensure that such situations would not happen again.

Andrew Martin, a spokesman for Volunteers of America, which has the contract to run the Wards Island shelter, said Mr. Dunbar was moved last July 16, before the organization learned that Brooklyn Manor was on the list.

Rob Kenny, a spokesman for the State Health Department, said, "We are investigating all aspects of the case."

For years, many homes like Brooklyn Manor have become what state investigators and others regard as dirty and dangerous outposts for those forced out of the state's psychiatric hospitals or simply cast out from their family homes. The state has repeatedly catalogued a grim array of horrors at the homes, but for years failed to investigate virtually all of the hundreds of deaths that occurred in the homes, many of them involving people in their 20's and 30's.

The idea of placing homeless men and women in the homes, then, has alarmed

some lawyers and experts who work with the homeless and the mentally ill.

The Fire Department's preliminary investigation indicated that the deadly fire started in Mr. Dunbar's bedroom where he was smoking. The flames were largely confined to his room and quickly extinguished by firefighters.

Some residents described a chaotic evacuation in which their first notification that anything was wrong came from radio and television reports. However, others at the home said that most people were in the dining area at the time of the fire, around 5 p.m., which helped make for a relatively calm evacuation.

Smoking is prohibited in the rooms, and officials at the home said it was impossible to ensure that the rules were always followed. Those officials, as well as a lawyer for the home, defended it as a safe and caring facility.

Still, while investigators continue to unravel the details of the fire and the response by employees, some lawyers and others who work with the homeless and mentally ill say the incident should bring prompt action by the state to take control of Brooklyn Manor.

"There has been a long history of halfhearted and failed attempts by the state to bring enforcement proceedings against Brooklyn Manor," said Jeanette Zehhof, Deputy Director of MFY Legal Services, Inc., an advocacy group for the mentally ill. "It's time to empower residents to bring a proceeding on their own behalf."

Mr. Kenny said the state could take control of the home without a court order if investigators found the residents to be in "imminent danger."

Health officials originally suspend-

with the home. Throughout the 1990's, state inspectors cited its operator, Benito Fernandez, and his associates for mishandling or misappropriating the residents' money and for poor conditions at the facility.

The manager of Brooklyn Manor, Diane Walker, is also fighting an attempt by the state to remove her from her job. Ms. Walker said she thought the criticism was unfair but planned to keep doing her job. "If I couldn't take the heat, I wouldn't be here," she said. "This is our family. This is our life."

The state tried to have Brooklyn Manor's license revoked, an effort that failed. In the summer of 2003, a judge ruled that despite the myriad problems chronicled by state investigators, because those investigators had failed to list proposed remedies in their reports, the inspections were technically invalid.

That court decision was used by Brooklyn Manor recently to fight its placement on the "do not refer" list as well, a battle it also won. The facility was removed from the list on January 20, 2005.

State officials said they are currently investigating how many people were sent to the facility while it was on the list and whether any of those referrals could lead to disciplinary action against the senders or Brooklyn Manor. The city says three people were sent there from Wards Island.

Jeffery Sherrin, a lawyer who represents Brooklyn Manor, said: "This is a tragic, unfortunate event. I just hope that one person's tragedy isn't used as an excuse for sensationalism."

Little is known about Mr. Dunbar's life before he entered New York's homeless system. He never had any visitors at Brooklyn Manor, according to his roommate, Arthur James, 64.

He suffered from arthritis and a condition that led to seizures, but administrators at the home would not provide details about his illness. He also drank frequently, and was partial to vodka and beer, according to Mr. James.

He lived in a place that in some ways defies categorization. Although the mandate of adult homes like Brooklyn Manor is to care for the mentally ill, they are not treatment facilities. In fact, Brooklyn Manor is populated by a wide mix of people, from those who have substance-abuse problems to those with emotional problems to those with clinically diagnosed mental illnesses.

Outposts for those forced out of psychiatric hospitals.

ed referrals to Brooklyn Manor after a report by investigators in February 2004 showed it was failing its residents in a variety of ways. The report, though, did not find them to be in "imminent danger."

However, that report was not the first time the state had found fault