

# TALE OF ABUSE

## B'klyn home in crash horror has history of scandal

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THE HORRIFYING van crash that took five lives was just the latest tragedy to strike the Brooklyn Manor Home for Adults, a facility with a two-decade history of scandal and allegations of patient abuse and neglect.

Operated for 20 years until two weeks ago by millionaire businessman Benito Fernandez, the 216-bed East New York home has been slammed by the state for unsanitary conditions, fire code violations, forgery of records and theft of patient funds.

On July 1, Fernandez voluntarily gave up operation of Brooklyn Manor under pressure by the state Health De-

partment, but he will retain ownership of the four-story home for disabled adults on Pitkin Ave.

"Our inspectors found residents walking around with a foul odor, with urine soaked clothes, damaged rooms, no daily assistance with their upkeep, no coordination, and no case management," said Rob Kenny, spokesman for the state Department of Health.

Fernandez — who is married to former Brooklyn state Sen. Nellie Santiago — received \$211,000 a month in state and federal funds to provide room and board for residents who got \$150 a month in spending money. Medications and all other services were typically paid for under the Medicaid program.



Santiago



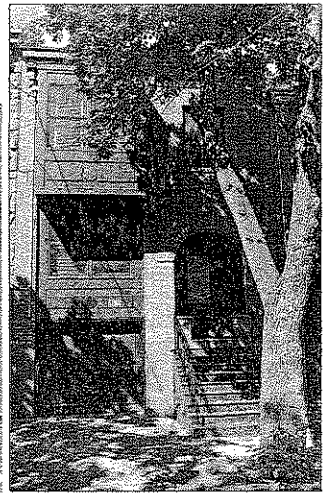
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Residents of Brooklyn Manor (above) live like paupers, while the owner's family enjoy stylish digs in Albany (inset).

Meanwhile, over the years, state inspectors reported patients disappearing for weeks at a time, drinking on the premises, violent fights among residents, and inadequate facilities for some patients, including a double amputee.

Patients suffering from dementia were housed with others with a history of violence, and there was inadequate policing of liquor on the premises, another violation, according to Health Department records.

In one case, a patient died of a seizure because he failed to take his medication, officials said. In another case, a patient



who served time for manslaughter assaulted another patient with a garbage can, according to department inspectors.

Fernandez, whose business interests have also included hotels, real estate, food distribution and a minor league basketball team, could not be reached for comment yesterday.

But his long-time attorney Jeffrey Sherrin, said, "The (Health) department has made allegations, but in all of the history the department has never been able to sustain any of the charges; and it's not simply a matter of who is a better lawyer."

"It's a shame that for whatever reasons the Department of Health was never willing to recognize the real commitment that Mr. Fernandez had to his residents and his home," said Sherrin, who successfully defended Fernandez during several attempts by the state to force his ouster from the home.

The most recent was a suit brought by the state last year after investigators looking into a fatal fire at the facility found numerous fire code violations.

The fire was caused by a patient who was smoking in bed.

The probe found that the patient was dead in his bed before the fire broke out, and was drunk at the time of his death.

"Brooklyn Manor has a long history of numerous egregious violations," said Jeanette Zelhof, deputy director of MFY Legal Services, a nonprofit advocacy group that has waged a long campaign for a change in management of the home.

"They go back years and include his [Fernandez'] wife," said Zelhof.

Santiago once worked as administrator of the home until the state Department of Social Services alleged she ordered employees to forge records on workers training, prescriptions and medical tests and ran a home that had insufficient security and an undertrained staff.

Santiago, a Democrat, represented Cypress Hills and Bushwick for 10 years until 2002 when she lost a primary battle.

Thirteen years ago, Fernandez and Santiago's license to run the home was suspended for a year by state authorities who cited mice, roaches, abusive staff and an employee who forced patients to have sex with him.

"They said there was an infestation of flies, it was three flies," said Sherrin. "You have people who have made sensational allegations, but any time they've been put to the test they've failed."

After the fire last year, the Health Department again moved to have Fernandez' license revoked.

But an administrative law judge, presiding over closed hearings, ruled that the evidence was insufficient for revocation. Sherrin said that recently, "Fernandez decided 'enough is enough' and decided to get out of the business."

Fernandez, who also owns the Albany Patrooms, a minor league basketball team, turned the operation over to Leon Hoffman, a respected operator of other adult homes.

Hoffman "is not answering questions," said an employee of the home who identified herself as Maylon.

