

Europa Associates for Community Services, Inc.

A Study into the Failure of a Board to Exercise its Fiduciary Responsibilities

New York State Commission on Quality of Care and Advocacy
for Persons with Disabilities

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EXECUTIVE SUMMARY

This report describes how two consecutive executive directors of Europa Associates for Community Services, Inc., were able to exploit the agency for their own personal purposes, while programmatic deficiencies persisted and a seemingly well-intentioned board of directors failed to take appropriate steps to correct problems when found. In short, it chronicles the failure of the board of directors to meet its fiduciary duty of overseeing this small community-based provider of services to persons with mental retardation and developmental disabilities.

The Commission became familiar with Europa five years ago when it received a complaint alleging the agency was “financially exploiting the mentally retarded population” and was using “unethical treatment in its business practices.” At that time, the Commission found that Europa’s founder and then-executive director, George Gaga, was using agency funds for personal purposes and that the financial and programmatic conditions were so poor that OMRDD put the agency on its “early alert system,” which precludes agencies from expanding until deficiencies are corrected. Based on the Commission’s investigation, Mr. Gaga resigned and the board responded by providing an extensive plan of corrective action to address the numerous problems cited, including improvements in both internal controls and board governance. The board claimed that it viewed the investigation as a “learning process and opportunity to improve and better our services.”

Four years later, in July 2008, the Commission received another complaint alleging that the executive director who replaced Mr. Gaga was also misappropriating agency funds. The complaint prompted this most recent investigation into Europa, which again found programmatic deficiencies and the executive director, Fred Adede, again using agency funds for personal purposes.

Soon after the Commission began its current investigation, the board again removed the executive director and pledged to “continue to operate the agency with best practices.” The board took this action only after the Commission began its review, even though it had known for at least a year that the executive director was using the agency’s debit card to make personal purchases. After Mr. Adede was terminated, the board president took over on an interim basis. At the time, the board president appeared to begin to implement stringent internal controls. However, because of an internal dispute between the board president and the other board members as to what his actual duties and responsibilities were during this transition period, the board president was removed in August 2008 and replaced with yet another acting executive director, Tom Ogindo.

The Commission subsequently received a tip alleging that Mr. Ogindo was an “illegal alien.” In an attempt to verify this allegation, the Commission found that Mr. Ogindo had represented to Europa that he was a U.S. citizen when, in fact, he was not. Because the board failed to properly vet Mr. Ogindo, they were unaware of his illegal status. When informed by the Commission, the board suspended Mr. Ogindo in March 2009 and replaced him on an interim basis with one of the board members, Mr. Boaz Olang.

Like Mr. Ogindo, Mr. Olang wore several hats, including: Acting Executive Director, Program Director, QMRP and Medicaid Service Coordinator Supervisor. Mr. Olang, however, also works full-time at another provider agency which was unaware of his employment at Europa. When this agency was informed by the Commission of Mr. Olang's activities, he voluntarily stepped down from the acting executive director position at Europa. However, he continues to act as Europa's QMRP and MSC supervisor because Europa has no one else qualified to perform the responsibilities of these positions.

In its response to the Commission, Europa said that it "is a viable agency and with impeccable leadership, hard work, support from OMRDD and the Commission, the agency can expand and be stable...the Board wants to restore its integrity and would like your counsel and any technical assistance you may consider necessary to help us move the agency forward in the right direction the right way." Notwithstanding this assertion, and based on its history in dealing with Europa, the Commission has no confidence in the board's ability to correct the underlying problems that plague this agency, and has recommended to OMRDD that it take all steps necessary to facilitate the transition of individuals served by Europa to other more qualified agencies.

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INTRODUCTION

Introduction/Scope of Review

The Commission became familiar with Europa Associates for Community Services, Inc., (Europa) in 2004 when it received a complaint alleging that Europa was “financially exploiting New York State Medicaid funds” and utilizing “unethical treatment in their business practices.” That review found that the then-executive director, George Gaga, was using agency funds for his personal use. The review resulted in Mr. Gaga’s resignation and recommendations for improving board oversight, tightening internal controls and implementing best practices. The number of fiscal and programmatic problems noted at the time caused the Office of Mental Retardation and Developmental Disabilities (OMRDD) to place Europa on its “early alert” list.¹ In June and August of 2008, the Commission received a series of complaints about Europa. Most importantly, allegations were made that the current executive director, Fred Adede, was also using agency funds for his personal use.

The Commission’s current review found that Europa failed to implement its Plans of Corrective Action (POCA) developed in response to previous State audits, including the Commission’s 2004/05 review. Inadequate board oversight and internal control deficiencies remained, which enabled Mr. Adede to use the not-for-profit’s funds for his personal use. Despite promises of corrective action by Europa’s management in 2005, deficiencies in the agency’s programs also persisted.

The Commission conducted a limited fiscal review of the agency’s expenditures for the period January 2005 to the present, focusing on funds used by the executive director for his personal use. A review of Europa’s internal control procedures and a limited review of its programs were also conducted.

On March 5, 2009, the Commission, along with officials from OMRDD, met with the Europa board of directors to share its findings. On March 6, 2009, the Commission sent the board a letter summarizing its findings and requesting a plan of corrective action. The board responded to this letter on March 12, 2009. The board’s response is attached as Appendix 1. On April 14, 2009, a draft report was sent to Europa’s board for their review. The board responded to the draft report on June 1, 2009. Key elements of their response are summarized in this report; the full response is attached as Appendix II.

Background

Europa is a small, not-for-profit corporation located at 22 IBM Road, Poughkeepsie, New York. The agency was established in April 1997 for the purpose of “providing services to persons with mental retardation and developmental disabilities...” The primary objective of the corporation was to enable residents to participate in the community in a manner consistent with their personal goals, preferences, and needs. Europa serves approximately 45 consumers at locations in Poughkeepsie and Peekskill. The services provided include Day Habilitation, Residential Habilitation, and Medicaid Service Coordination. Europa currently employs about 20 full and part-time employees, and its total annual revenues are approximately \$430,000. For

¹ OMRDD’s early alert system prohibits expansion of any program until the alert is lifted.

most of the Commission's review, Europa's executive director was Fred Adede. Mr. Adede was suspended by the board in July 2008 shortly after the Commission began its review. Europa appointed Tom Ogindo as acting executive director, but in response to the Commission's on-going investigation, the board suspended Mr. Ogindo on March 5, 2009, and then terminated him on May 1, 2009. Europa's current acting administrator is Junior Williams.

Europa's Audit History

Over its short history, Europa has been audited by several government agencies based on complaints about the management of the agency, including Dutchess County Adult Protective Services (APS), OMRDD and the Commission. The common thread throughout these reviews has been Europa's failure to take long-term corrective action. Instead, recommendations for improvement have either been only partially implemented, implemented only for short periods of time, or ignored. The following is a summary of the agency's audit history:

- A July 2004 investigation by APS found that Europa mismanaged a consumer's Social Security benefits, VA pension, and ISS money.² This consumer's bills were not paid on time, accrued unnecessary finance charges, and resulted in termination notices from vendors. APS determined that Europa did not maintain accurate accounting records.
- A November 2004 complaint about Europa led to an investigation by the Commission and the resignation of its Executive Director, George Gaga. The Commission found that Mr. Gaga was using agency funds for his personal use, which included payments for a personal loan, using the agency credit card to purchase gas for and make repairs to his personal vehicle, and mishandling petty cash. Some of the questionable transactions dated back to the start of the agency. A review of Europa's programs also found numerous deficiencies regarding the lack of documentation throughout the consumers' individual service plans. There was also little evidence that consumers were advancing or achieving their individual goals.
- In 2006, OMRDD conducted a limited fiscal review of Europa, citing issues regarding board governance and training, lack of financial oversight, personal use of a company debit card, and inadequate documentation related to Medicaid billings. Many of the deficiencies at the agency were the same deficiencies that Europa promised to address in its 2005 POCA provided to the Commission.

COMMISSION FINDINGS

In June and August 2008, the Commission received new fiscal and programmatic complaints regarding Europa. The complaints alleged that the executive director, Fred Adede, was using agency funds for his personal use and that the agency's management and delivery of its day habilitation and residential programs were deficient.

² ISS is a program supporting Individual Support Services funded by OMRDD.

Fiscal Findings

a. Personal Expenditures using Agency Funds

The Commission's current review found that for the period May 2005 through July 2008, Mr. Adede had used Europa's debit card, American Express card, and agency checks for purchases that were personal in nature. The Commission has identified 76 purchases totaling \$19,524 (Exhibit 1) that were personal expenditures and an additional 24 purchases totaling \$1,059 (Exhibit 2) that it suspects were probable personal purchases.³

The majority of the purchases were made in 2006 and 2007 as noted in Chart 1:

Chart 1

Year	No. of Purchases	Amount
2005	5	\$593.82
2006	44	\$13,044.85
2007	41	\$5,938.90
2008	10	\$1,005.54
Total	100	\$20,583.11

The personal purchases made by Fred Adede included the following, many of which were made under the guise of purchasing them for consumer D.K.⁴:

- Eight purchases from Men's Wearhouse (\$3,132.91) for various clothing and accessories.
- Four purchases from Davis Furniture (\$4,184.00) for residential furniture, including a dining room set and a bedroom set.
- Five purchases from Alto Music (\$1,822.09) for professional DJ equipment, including a CD recorder, a DJ light kit, a subwoofer, a cordless microphone, and speaker stands.⁵
- Six purchases from Priceline.com (\$1,534.49) for airline tickets, two of which were for passenger Maureen O. for round-trip flights from Iowa to New York.⁶
- T-shirts printed from a screen print company that Mr. Adede said were for Europa Associates, but which were, according to an employee, never seen in the office.
- Purchases of music CDs and DVDs that Mr. Adede said were for consumers but could not be located at Europa.
- Other various purchases, such as a 50-inch Plasma TV and hotel rooms.

³ Mr. Adede was officially appointed as Europa's executive director in August 2005. Prior to that time, he worked at the agency as a program administrator. As early as May 2005, Mr. Adede had access to Europa's American Express card and was making personal purchases. By the time he was appointed to be the executive director, he had already made at least \$594 in personal purchases.

⁴ The Commission identified about \$4,900 of purchases made that were attributed to D.K., but were in fact personal purchases for Mr. Adede.

⁵ Interviews of Europa staff disclosed that Mr. Adede may operate a private disc jockey business.

⁶ The Commission could find no business relationship between Maureen O. and Europa.

The 24 suspected personal purchases include:

- Varying restaurant purchases that were attributed to “prospective MSC consumers” but never referenced names.
- Other purchases for which no receipt or detail could be located such as, purchases from Lowes, various restaurants, drug stores, Best Buy, and Macy’s.

To date, Mr. Adede has reimbursed Europa \$13,813.95, which includes \$2,487.72 of leave accruals. Most of this repayment (\$8,567.61) occurred after the Commission began its investigation on July 1, 2008. Based on the Commission’s analysis, it appears that Mr. Adede still owes the agency about \$6,769.

Europa Response: *Once the board learned of Mr. Adede’s use of the agency debit card, they took “dramatic measures” including: terminating his employment after making sure that they recovered a substantial amount of money; contracting with a CPA firm to do annual audits and to assist with relevant financial reports; and, establishing a limit on the amount on the debit card.*

Commission Reply: *Although the board states that they “recovered a substantial amount of money” from Mr. Adede, most of the funds returned by Mr. Adede were returned prior to the board taking action. As noted in this report, \$5,019 was returned by Mr. Adede on July 7, 2008, six days after the Commission began its investigation. As this report also notes, a substantial amount of funds (\$6,769) appear still due Europa. The board has been silent about whether they intend on seeking reimbursement related to this amount. Finally, although the board states that it took “dramatic measures and ensured that Mr. Adede reimbursed almost all of the monies used,” it wasn’t until the joint meeting in March 2009 between the Commission, OMRDD and the board that the board became aware of the amount actually taken by Mr. Adede.*

b. Falsification/Alteration of Documents

During its initial unannounced visit to Europa, Commission staff observed Mr. Adede altering records to make it appear as if the personal purchases were made for legitimate business purposes.⁷ The alterations took the form of changing delivery addresses, deleting key information on receipts, backdating, and attributing expenditures to specific consumers when there was no evidence the consumer received, requested, or needed these items. Many of the altered documents were “debit/credit card request” forms, which were internal Europa documents used to seek supervisory approval for a specific purchase. In total, the Commission obtained more than 50 request forms that appear to have been altered; most were provided on July 1, 2008, the day of the Commission’s unannounced visit and the remainder were provided on July 9, 2008. For example:

- In four instances, purchases from Davis Furniture had the delivery location on the original receipt “whited out” and replaced with an IRA consumer’s address. The original receipts, which the Commission obtained directly from the furniture store, revealed that the delivery address was Fred Adede’s personal residence (Exhibit 3).

⁷ Europa’s bookkeeper acknowledged that Mr. Adede gave her the documents on the day of the Commission’s visit and she had not seen them prior to this time.

Further, the Commission visited the consumer for whom the purchases were made (D.K.) and could not find the furniture at that location.⁸

- Two transactions had receipts attached for the same charge with two different descriptions. A May 3, 2008 charge for \$45.57 at Chili's Grill & Bar had the detailed receipt attached and the description of the charge was written by Mr. Adede as being for a "birthday present for MSC consumer and her daughter." The same charge, but this time with only the charge receipt, was attributed by Mr. Adede as being for a "prospective new MSC consumer" (Exhibit 4).
- In two instances involving Priceline.com purchases, Mr. Adede had supplied a copy of the receipt with the passenger name "whited out." Further investigation found that the passenger was Maureen O.⁹
- In other examples, purchases were described on the request forms by Mr. Adede as being for specific consumers. Further investigation and interviews found that consumers did not receive the goods, nor did they request them. For instance, a purchase in February 2008 at a local restaurant was supposedly a birthday present for a Europa consumer. However, the Commission's review found that the consumer's birthday was in September.

Europa Response: Europa did not respond to this section of the Commission's report.

c. Personal Use of the Agency's Tax Exempt Status

The Commission also found that in at least 10 instances, Mr. Adede used Europa's sales tax exemption to avoid paying sales tax when he purchased the non-business related goods. For example, the purchases for Davis Furniture, Alto Music, and the 50" Plasma TV were all made using Europa's sales tax exemption. In total, over \$9,000 was purchased without paying the appropriate sales tax, which the Commission estimates to be about \$733.

Europa Response: Europa did not respond to this section of the Commission's report.

Programmatic Findings

The Commission's programmatic review focused on Europa's services to the single individual receiving residential services, its Day Habilitation program, and whether the agency implemented its Plan of Corrective Action (POCA) in response to the Commission's 2005 review findings.

a. Europa's Residential Program

As noted earlier, the Commission's fiscal review found that Mr. Adede was claiming to have purchased items for D.K., when in fact, the items were purchased for his (Mr. Adede's) personal use. As a result, the Commission decided to conduct a review of the services provided to D.K. when he was a Europa client. D.K. is a Willowbrook Class individual who resided from March 2003 through May 2007 in the only IRA operated by Europa. The Commission found that D.K. did not receive any of the items reportedly purchased for his use by Europa, and he

⁸ The Davis Furniture purchases were made in June 2007 even though the IRA individual, D.K., was discharged from the residential program one month earlier in May 2007. See Exhibit 3.

⁹ According to agency officials, Maureen O. has no connection to Europa.

may not have received some of the services documented as being provided by Europa. Specifically, the Commission found that:

- Contrary to OMRDD regulations (NYCRR Part 671.7) and OMRDD ADM #2003-03), D.K.'s Residential Habilitation Plan (Res. Hab.) was not reviewed every six months. Specifically, from March 2003 to May 2007, D.K.'s plan was reviewed on 3/17/03, 4/13/04, 7/25/05 and 8/17/06. In addition, neither his opinion nor his signature were included in the plans.
- Although D.K.'s individual circumstances changed, the goals as reflected in his plan remained the same. For example:
 - a. According to D.K.'s service coordination (Eagle Case Management) record, a semi-annual review of D.K.'s ISP resulted in a change to his Res. Hab. Plan to provide "more emphasis on finances." However, Europa never updated the plan to account for this change.
 - b. D.K.'s Res. Hab. Plan was not changed in January 2007, when according to his service coordination record, a discussion among D.K., his MSC, CAB and Europa staff resulted in a budgeting contract between D.K. and Europa. The contract discussed how D.K.'s personal allowance and grocery shopping money would be dispersed.
 - c. Although D.K. was discharged to an OASAS program on May 11, 2007, there was no discharge plan.

The Commission's review, including interviews with D.K. and his service coordinator, also found apparent discrepancies between what Europa claimed it was providing to D.K. and the actual supports delivered. For example:

- In accordance with his Res. Hab. Plan, staff documented that they provided support six days a week. However, both D.K. and his service coordinator reported that the services were supplied Monday through Friday because D.K. routinely traveled to NYC almost every weekend to visit his family.
- Residential Habilitation staff documented that they were assisting D.K. with preparing a simple meal, house cleaning, personal hygiene, medication administration and transportation to community activities.¹⁰ However, D.K. and his service coordinator described staff preparing meals and then telling him to warm them up and to pick up the food when they went shopping.

Europa Response: *Europa states that they reviewed and "dealt with" Mr. Adede's falsification and misrepresentation of the consumer's name, but does not detail how they dealt with it. Additionally, they state that because D.K. was a Willowbrook client, D.K.'s trust fund was administered by someone else and the funds erroneously taken from D.K.'s account to purchase the stove were reimbursed.*

Commission Reply: *Europa failed to address the deficiencies noted in the Commission's report regarding their handling of D.K.'s residential (IRA) and residential habilitation services. Additionally, Europa's response regarding D.K.'s trust fund misses the point. The*

¹⁰ D.K. and his service coordinator discussed his independence in using transportation for support meetings and other community activities and OMRDD's DDP Personal Abilities Profile completed on 3/24/2005 notes D.K. as independent in using transportation

Commission's report notes that Europa purchased items (with Europa funds) that were purportedly for D.K.'s use, but that D.K. never received the benefit of these purchases. Finally, review of D.K.'s banking records does not reflect any reimbursement to his account for the stove or any of the repairs done on his IRA apartment.

b. Europa's Day Habilitation Program

Europa's 2005 POCA stated that "Each Day Habilitation Plan has been updated to address individual consumers' interest and valued outcomes as specified in their ISP or addendum" and that the Director of Programs "will ensure that Day Habilitation supervisors will implement individual consumer programs according to regulations." However, Europa could not provide any ISP or Day Habilitation Plan for the consumers receiving services the days of the Commission's visits on July 17 and 18, 2008. Additionally, the Commission's review found that, at the time of the site visit, there appeared to be no individualization of activities for the people receiving day habilitation services. Also, staff was not provided specifics for activities or preferences for each individual. For example:

- Five individuals receiving day habilitation services were present on the morning of the Commission's first visit. Two individuals were watching staff color, one person was looking at magazines, one was sitting on the love seat sucking their thumb and one was sitting on the couch twirling a string. Ms. Josiah, the day hab supervisor, was asked why individuals were not participating in any activities. She explained that "they had not been asked what they wanted to do and everyone had to agree on an activity. It is difficult to get them to agree."
- Copies of each person's day habilitation plan were requested. Ms. Josiah provided their Individual Summary Sheet which she stated was what staff "go by for programming." These check sheets contained vague descriptors of each individual's activities and did not provide staff with the individual's preferences for each activity from which to choose. For example: "Engage Gary in preferred social/leisure;" "Take and prompt Joe to actively participate in volunteer activity;" "Staff will engage Paul in social and rec. activities of choice;" "Staff will work with Donald on preferred leisure/rec. activity;" and "Staff will work with Elizabeth on simple exercises."
- July's Daily Activity Calendar and Recreation Schedules for July 14 -18, 2008 listed the same activities for everyone, except for a half-hour period from 9:30-10:00 a.m. each day, as follows:
 - Daily Activity Schedule: 14th Bowling Poughkeepsie, 15th Shopping at K-Mart, 16th Picnic at River, 17th DVD Movies Rental and Make Your Own Popcorn, 18th Meals on Wheels.
 - Day Habilitation Recreation Schedule: "Monday – Friday (Same every day) 9-9:30am Social Group, 9:30-10 Choose Activity from Individual Plan, 10-10:30 Break, 10:30-12N Follow Daily Activity Schedule on Board (noted above), 12n-12:30 Lunch, 12:30-2pm Follow Activity on Daily Schedule (noted above), 2-3pm Leisure activity and Chore"

Other concerns arose during the site visit to the day habilitation program:

- In an attempt to redirect a gentleman from speaking with the Commission, Europa staff was observed grabbing the individual's arm and pulling him away. Staff did not appear to understand that people have the right to speak and interact with others, and that grabbing their arms to remove them from the room is a form of restraint.
- The Day Habilitation program is certified for 12 individuals. However, the room is very small (approximately 10 ft x 8 ft), making it questionable whether there is enough space for the individuals to receive services that would promote independence in daily living.
- The fire door in the Day Habilitation room would not close properly, the inside latch was loose and there was a two-inch gap between the base of the door and the threshold making easy access for rodents. Europa has since corrected this problem.

Europa Response: *The board strongly disagreed with the Commission's assertion that day habilitation files and ISP's were not on-site when the Commission conducted its initial review.*

Commission Reply: *Europa failed to address the deficiencies regarding their Day-Habilitation services, contract nurse, medications and staff trainings noted in the Commission's report. Regarding the availability of records, Europa staff did not produce any ISP or Day Habilitation plans during the Commission's site visit in July 2008. The Commission discussed with the staff the requirement that these plans be on-site and available for staff reference. This discussion did not result in copies of the plans being provided to the Commission. That the plans were available for the subsequent OMRDD audits in September 2008 does not excuse the failure of staff to produce these plans during the Commission's site visit.*

c. Implementation of 2005 POCA

The Commission's review of Europa's implementation of their own 2005 Plan of Correction Action (POCA) in response to the Commission's review found that no documentation could be provided to support that certain corrections had occurred. Specifically:

- **Europa POCA:** Director of Programs (Tom Ogindo) will make weekly program briefings to the Executive Director and work closely with a member of the board of directors in charge of Quality Assurance.
Current Finding: Mr. Ogindo could not provide any requested documentation of this occurring.
- **Europa POCA:** Agency is working with Taconic DDSO and local multicultural providers to collaborate on tech support on QA.
Current Finding: Mr. Ogindo could not provide any requested documentation of this occurring. The Commission met with the Taconic DDSO and found that they were unaware of any technical assistance requested by or provided to Europa.
- **Europa POCA:** Taconic DDSO provided MSC auditors who review files twice a year and PRN
Current Findings: There was no review of Service Coordination services conducted during our current review. Although follow-up materials were requested, no documentation was provided when requested. The Taconic DDSO reported they were not aware of any MSC being assigned to conduct periodic audits.

Europa Response: *The agency is working with the local DDSO and other multi-cultural agencies to collaborate on technical support and quality assurance issues.*

Commission Reply: *The Taconic DDSO Executive Director and Deputy Director advised the Commission in August 2008, that they did not have any documentation of Europa requesting or receiving technical assistance from their office. Europa was unable to supply any documentation that they had requested and received such assistance from the DDSO.*

d. Other Program Concerns

- As part of the Commission’s review of the day habilitation program, questions were raised about the services provided by one of Europa’s contract nurses. The review and interviews with Europa staff and the contract nurse raised question about the accuracy of the nurse’s submitted payment voucher and verbal reports of work completed for Europa. Specifically, Europa contracts with an independent nurse to observe staff medication administration, review records and ensure that medication doses are correct.¹¹ Europa’s contract nurse, Ms. Margaret Ayuko, documented that she observed Europa staff administering medication on four separate occasions in January 2008 (January 3, 9, 10, and 11). However, Europa’s billing records from June 2007 through August 2008 did not note any payments to Ms. Ayuko. The Commission contacted Ms. Ayuko to determine the reason for the discrepancy. Ms. Ayuko reported that she did observe the “pourings” in January 2008 and provided other services to Europa, such as reviewing two Medication Administration Records (MARS) each month to ensure that medications were correct, that individuals’ are not experiencing any side effects, and reviewing individuals for the possibility of being able to self-medicate. Ms. Ayuko also said that she did a lot of work during the year with D.K.¹² Ms. Ayuko stated that she had not billed the agency for her services yet because “my computer crashed and I haven’t written out a voucher for the work I’ve done for them, so they haven’t paid me yet. I’m just going to hand write out my voucher; it’s taking too long for me to reconstruct it on my computer.” Although Ms. Ayuko claimed that she had performed other services for D.K. for the period January 2007 to May 2007, there were no nurse’s notes in D.K.’s files and D.K.’s service coordinator told the Commission that he had never heard of Ms. Ayuko.
- During its review of the day habilitation records, the Commission identified that J.S.’s group day habilitation plan dated May 19, 2008 contained the signature of Tom Ogindo dated May 21, 2008. Mr. Ogindo’s signature, however, did not match Mr. Ogindo’s signature found in other Europa documents. Upon questioning, Mr. Ogindo confirmed that the signature in question was not his signature and could not explain how the day habilitation plan was signed by someone else, as he writes all the plans. Mr. Ogindo could not identify who signed his name on J.S.’s plan.

¹¹ Europa faxed the Commission a copy of Ms. Ayuko’s last two contracts (August 2006-August 2007 and August 2007-August 2008). Neither contract was signed by an Europa representative, although there was a line requiring Fred Adede’s signature.

¹² During the telephone interview, Ms. Ayuko initially called D.K. by another first name, but someone in the background corrected her and she called him by his correct name.

- The Commission found that Europa did not have a complete, accurate listing of the necessary and completed trainings of its staff. Europa’s then-Director of Programs, Tom Ogindo (who was also the Medicaid Service Coordinator (MSC) supervisor and a MSC for two individuals), was responsible for ensuring that training records are up to date. However, the Commission found that Mr. Ogindo was unsure of the required annual trainings for MSC or MSC supervisors and admitted that he had not completed any training in 2008. Mr. Ogindo also said that he was working on completing the training records, but at the time did not have a way of knowing what training was either completed or needed by any of the staff.¹³
- On December 1, 2008, during a final site visit to Europa, the Commission found that the agency did not have current scripts for the two individual’s medications, which they were dispensing at the day habilitation site.¹⁴ Upon request, current scripts were obtained by the day habilitation director from the pharmacy via fax. Specifically, we found that:
 1. Although G.S.’s medication was available, the most current Mellaril script on hand was dated May 29, 2008 and had no refills.
 2. G.S.’s Medication Administration Record (MAR) for July 2008 through December 2008 was inaccurate. The order had been transcribed onto the MAR as “Thioridazine 25mg take 1tab 2x a day and 2tabs at bedtime and 1 tab daily for agitation (emphasis added).” However, his script was for “Mellaril 25 mg 1tab po bid and 2 tabs every HS,” there was no order for 1tab daily for agitation.
 3. On July 8, 2008, D.L.’s MAR was not updated to include “NACL 500 mg TID with Meals” when it was ordered.
 4. There was no copy of the script to stop giving the NACL medication when the order was changed on November 13, 2008 to BID and no longer included the hours of Day Hab.
 5. There doesn’t appear to have been any medication orders in effect for D.L. for the four day period September 14 - 17, 2008. On September 18, 2008 D.L.’s physician wrote orders for his medications, including his Carafate (Sucralfate), covering the time period of September 18, 2008 to March 18, 2009. However, his prior orders stop date was September 13, 2008.
 6. Staff person P.A. failed to sign for D.L.’s NACL on September 5, 2008, leaving a blank. D.L.’s Sucralfate was initialed indicating he was present at Day Hab when the medications were passed.

Europa Response: Europa did not respond to this section of the report.

BOARD GOVERNANCE

Long standing problems noted at Europa have gone uncorrected because the agency’s board has not effectively carried out its oversight responsibilities. The lack of oversight has been cited, not only by the Commission and OMRDD, but acknowledged by Europa’s board.

¹³ Since the writing of this report, Europa has updated its training requirements and Mr. Ogindo has completed his required training.

¹⁴ Gary S. and Donald L.

In February 2006, the board noted that “Whereas there has been no meeting for along (sic) time and whereas previous Minutes were not available and whereas the DDSO has issued Europa with an early alert and it was further noted that the Agency was cited for not having a real board;” it was resolved “To restructure it’s (sic) membership with an official structure...” which “should henceforth be able to operate in such a manner not to have the past problems.” Although the board’s intent was to prevent “past problems” from reoccurring, Mr. Adede had already spent about \$600 of agency funds for personal purposes.

The following year the board learned apparently for the first time (based on the OMRDD review) that Mr. Adede was using the corporate debit card to make personal purchases. As a result, the board president made a motion (July 20, 2007 board meeting) “to resolve that no personal purchases are to be made with the agency debit card/funds under any circumstances.” The board further resolved that the board chairman and treasurer would review monthly bank statements or other financial documents to ensure compliance with the recommendations. It appears that the board failed to follow its own recommendations. From July 2007 to March 2008, Mr. Adede continued to use agency funds for his personal use. Twenty-six purchases totaling \$2,600 were made by Mr. Adede during this period. Further, no independent action was taken by the board to determine whether Mr. Adede used corporate funds beyond the amounts identified by OMRDD.

In early 2008, Europa’s independent auditor, as part of his annual audit of the financial statements, notified the board that approximately \$9,500 was “due from employee” as of the end of 2006. In response, Mr. Adede wrote to the board’s chairman on March 31, 2008 stating that he “realized that I did make some personal emergency purchases using the Europa Associates, Inc. debit card and I forgot to refund the money to the Agency.” No immediate action was taken by the board. One month later (April 27, 2008) the board met to discuss the auditor’s findings and directed Mr. Adede to determine the exact amount he owed the agency and to “straighten up the financials with the accountant and report back to the board by the next board meeting to be held in July, 2008.” Again, no independent action was taken by the board to determine the amount of funds taken by Mr. Adede. Instead, they relied on him to determine the amount of funds used for his personal purposes. Additionally, although the board directed Mr. Adede to start paying back the funds he owed the agency, he did not do this until the Commission became involved in its investigation in July 2008, four months after the board had been notified of the issue by Europa’s independent auditor.

Once the Commission’s investigation began on July 1, 2008, the board acted quickly to address certain problems. Effective July 13, 2008, Europa’s board suspended Mr. Adede. The board president, Robert Collier, assumed the role of acting executive director.

Mr. Collier took immediate and decisive action to tighten internal controls at Europa, including taking control of all debit and gas cards; instituting tighter controls on petty cash; requiring proper receipts for every disbursement; and enforcing the ban on the personal use of company-paid cell phones. Mr. Collier also began to question each employee regarding their experience and training; started to look into enhancing the program space for the agency’s Day Habilitation program and offices; and began to take measures to ensure that the consumers were receiving adequate and quality services.¹⁵

¹⁵ Mr. Collier also began to report to the Taconic DDSO, on a weekly basis, Europa’s progress in implementing tighter internal controls and oversight of the programs.

At an August 14, 2008 meeting, the board acknowledged its failure to properly oversee the agency and again resolved to take appropriate actions to correct the problems. According to the minutes, the board “accepted that there has been laxity by executive members in attending, monitoring and overseeing the day today (sic) activities of the agency. It was therefore resolved that board members from now on take the full responsibility of monitoring all the necessary transactions of the agency.”

Two weeks into his term, the board removed Mr. Collier from the day-to-day operations and replaced him as president, because as reported in the minutes of the board’s meeting on August 28, 2008, he allegedly committed “serious violations,” including placing himself on the payroll; changing the signatories on the bank accounts “without board minutes;” co-opting the bookkeeper as the second signatory on agency accounts; keeping the agency’s laptop at his personal residence; and not applying for new debit cards per the board’s directive.

The board confirmed Tom Ogindo as the acting executive director of Europa effective August 10, 2008. Tom Ogindo served as the only executive in the agency. He was the Director of Programs, Service Coordination Supervisor, and acting Executive Director. That appointment concerned the Commission for two reasons. First, by Mr. Ogindo’s own admission, he knew that the former executive director, Mr. Adede, was making questionable purchases but never reported it to the board, allegedly because of fear of reprisal. Second, Mr. Ogindo had been a long-term employee of Europa and the director of programs which have had and continue to have serious deficiencies.

Europa Response: *The board agreed with the Commission that the long-standing problems have gone uncorrected because the agency’s board has not effectively carried out its oversight responsibilities. However, they also state that because the current board is relatively new, “the most we...can do is correct the past the best way possible, prevent the ugly past from happening again, and move forward.” As such, the board pledged to, among other actions, appoint qualified and professional board members, engage a consultant to address the programmatic and fiscal issues, attend board training, and establish an advisory board to advise the board on issues related to policy matters, fiscal and risk management.*

Commission Reply: *Although Europa states that the “new” board intends to correct many of the problems noted over the past five years, the Commission has no confidence that this will be successful for the following reasons:*

- a. The Europa response mirrors previous responses. As noted in this report, Europa has a history of admitting that errors occur when they are identified by an outside source, pledging to correct the problems, but never actually implementing any meaningful corrective action.*
- b. The current board consists of five members, two of whom are new members. Many of the problems admitted to by Europa have come under the watch of the majority of the current board, who admit that there was a lack of board oversight. That majority includes the current board president and board treasurer. In a December 2008 board meeting, the board, in discussing how to recover the funds taken by Mr. Adede, acknowledged that that the previous board was “dysfunctional.”*

- c. *The current board appointed Tom Ogindo as executive director without properly vetting his credentials. When Mr. Ogindo's educational credentials were questioned, instead of seeking an independent verification from the University of Nairobi, the board asked Mr. Ogindo to verify his own credentials.*
- d. *There appears to be little stability at the highest levels of the agency since the Commission began its most recent review. After Mr. Ogindo was suspended and eventually let go, the board appointed Mr. Boaz Olang (one of the new board members) as acting executive director. Mr. Olang currently has a full-time position at another OMRDD program – Guest House Community Services.*
- e. *The Commission subsequently learned that Mr. Olang failed to inform Guest House that he was also the acting executive director at Europa. How Mr. Olang allocated his time between both agencies is unknown. However, when Guest House's executive director learned of this, he questioned whether this was a conflict of interest. Mr. Olang has since resigned his position as acting executive director for Europa, but remains as the agency's QMRP and MSC supervisor. Although Mr. Olang tendered his resignation to Europa's board effective May 22, 2009, the board's response to the Commission, dated May 30, 2009, says that Mr. Olang is the acting executive director.*
- f. *Although the current board states that they have "recovered over 90% of what we and our CPA determine he (Fred Adede) owed," the Commission estimates that approximately \$6,769 is still owed to Europa. There does not appear to have been any further effort to recoup these funds. For example, the current board has not asked Mr. Adede to sign a promissory note for the outstanding amount he owes or referred him to local enforcement agencies for the possible criminal acts perpetrated against Europa.*
- g. *Although the current board states that "the most we...can do is correct the past the best way possible...", it appears that violations of corporate policies continue. For example:*
- *Checks exceeding \$1,000 are being written without two signatures (Exhibit 8).*
 - *As of May 31, 2009, Mr. Ogindo remained as the signatory on Europa's pay checks even though he was terminated on May 1, 2009.*
 - *Mr. Olang is signing checks even though there is no mention in the board minutes of an approved change in signatories.*
 - *Mr. Olang is the only signatory on a check written to himself (Exhibit 8).*
 - *The board cannot be properly monitoring the agency's financial performance as some deposits and expenses listed on the bank statements are not recorded in Europa's books and records.*
- h. *The Commission noted numerous deficiencies in the programs operated by Europa, yet the agency failed to respond in any substantive manner to these findings. Rather, their only response was that they were working with the local DDSO to enhance the quality of their services.*

MOST RECENT EXECUTIVE DIRECTOR

During its investigation, the Commission received a complaint that alleged that Mr. Ogindo was a “known illegal alien in the State.” The complainant questioned the fact that “Illegal aliens (were) cashing Medicaid check.” In an attempt to verify this allegation, the Commission interviewed Mr. Ogindo on December 3, 2008, and obtained information from various sources regarding Mr. Ogindo’s background.

a. Immigration Status

Mr. Ogindo told the Commission that he came to the United States in late 1992 to seek political asylum. He states that he applied for citizenship, but for a number of reasons, his application has been delayed. For instance, Mr. Ogindo stated that the attorney initially dealing with his application (a Mr. Ginsberg) was charged with filing false immigration applications and that his application got mixed-up in this process. He also claims that much of the paperwork that he had to apply for political asylum status was lost in a fire in 1997.

Mr. Ogindo’s personnel file at Europa included an Immigration and Naturalization Service I-9 Employment Eligibility Verification form (Exhibit 5). On that form, Mr. Ogindo represented that he was a citizen or national of the United States. The I-9 form requires the employer to certify that the proper documents were reviewed and to the “best of my knowledge the employee is eligible to work in the United States.” Mr. Ogindo’s form however, was not signed by anyone at Europa.

***Europa Response:** The board agreed with the Commission findings that “Mr. Ogindo lied about his claim that he is a US Citizen or a national on the I-9 Employment Eligibility Verification form when he applied for a job with the agency.” However, the board further believes that Mr. Ogindo presented personal identity and employment eligibility documents that met the employer’s employment eligibility verification requirements and thus, there appeared to be “no reason at the time of his employment for anyone to suspect that Mr. Ogindo might have been presenting false information on the I-9 form.”*

***Commission Reply:** The Commission disagrees with Europa’s contention that there was no reason to question Mr. Ogindo’s status. As the I-9 Form reflects, while Mr. Ogindo purportedly presented his NYS drivers license and Social Security card, no one at Europa certified that the documents were examined, thus making it questionable whether anyone at the agency actually reviewed the documents.*

b. Other Issues

In reviewing Mr. Ogindo’s background, the Commission also noted several discrepancies with either job applications or resumes that he submitted to various employers - - all licensed agencies providing services to persons with mental retardation and developmental disabilities. The discrepancies are as follows:

1. The personnel file at one licensed OMRDD agency contained a certificate representing that Mr. Ogindo received a NYS “High School Equivalency Diploma” in July 1990. A check with the NYS Education Department found that no such certificate was issued and no education credentials were on file for Mr. Ogindo. When asked about the certificate, Mr. Ogindo refused to discuss the matter unless his lawyer was present during the interview.
2. In 2003, Mr. Ogindo presented Europa Associates with a copy of a bachelor’s degree from the University of Nairobi, Kenya, which was dated November 1989. He did not make reference to this degree in two previous employment applications, merely stating that his educational qualifications included high school diplomas. The bachelor’s degree reflects a middle name of “Mboya” which does not appear on any other document in other personnel files obtained by the Commission. The Commission contacted the University of Nairobi to verify Mr. Ogindo’s credentials and was advised that he did not earn a bachelor’s degree from the University (Exhibit 6). Subsequent to the March 5, 2009 board meeting, the Commission received a letter from the University of Nairobi dated March 16, 2009, stating that Mr. Ogindo does have a bachelor’s degree from its University (Exhibit 7).¹⁶
3. In his application to Europa, Mr. Ogindo omitted that he worked at another agency between 1993 and 1996. In reviewing his personnel file from this agency, the Commission learned that Mr. Ogindo voluntarily left the agency because he inappropriately used a consumer’s phone card to make calls to Kenya. In a sworn statement, Mr. Ogindo acknowledged that what he did was “both wrong and illegal.” Over a four month period, approximately \$1,200 was inappropriately charged to the consumer’s phone card.
4. In one application, Mr. Ogindo stated that he graduated from the St. Thomas Middle School in the U.S. Virgin Islands with a high school diploma. Mr. Ogindo told the Commission this was not true.
5. Another application reflected that Mr. Ogindo graduated from the New Rochelle High school. Mr. Ogindo stated this was also false.
6. Mr. Ogindo would not attest to the validity of his previous work experience for two employers, Catherine Health Care or Munda & Munda Associates.

Europa Response: Upon learning that Mr. Ogindo may not have had the proper credentials to be either a Qualified Mental Retardation Professional (QMRP) or a Medicaid Service Coordinator supervisor, the board asked Mr. Ogindo to write a letter to the University of Nairobi requesting copies of his transcripts. The university subsequently faxed the Commission a letter confirming that Mr. Ogindo earned a Bachelor of Arts in 1989. As such, the board believes that “Mr. Ogindo’s credentials, training and experience, meet OMRDD qualification and experience requirements for being a QMRP, MSC coordinator or supervisor.”

Commission Reply: The Commission still questions whether the documentation provided to date substantiates that Mr. Ogindo meets the required credentials to act as a QMRP or MSC supervisor for the following reasons:

¹⁶ Mr. Ogindo had been Europa’s QMRP and supervisory Medicaid Service Coordinator, both of which require at least a Bachelors degree.

- a. *The March 16, 2009 response from the University of Nairobi confirms that a Mr. Ogindo Tom Mboya was conferred with a Bachelor of Arts degree in November 1989; however, the university did not provide independent verification, e.g., date of birth, that this person is the same Tom Odhiambo Ogindo that was employed by Europa, even though requested to do so by the Commission.*
- b. *The Commission questions why if Mr. Ogindo received a Bachelor's degree from the University of Nairobi, he would not list that on his resume, instead of recording that he earned a GED from the State of New York.*
- c. *Even if Mr. Ogindo did receive a degree from the University of Nairobi, the university is not accredited in New York and Mr. Ogindo's transcripts do not reflect that he meets the qualifications to be a QMRP.¹⁷*

¹⁷ According to NYCRR Part 671.99(u), a Qualified mental retardation professional (QMRP) is a party who has at least one year's experience in providing services to persons with developmental disabilities and who is qualified under one of the following categories: applied behavioral specialist, human services practitioner, psychologist, registered nurse/licensed practice nurse or a person with a master's in social work.

RECOMMENDATIONS

1. The board should implement policies and procedures to ensure that all agency costs are reasonable, allocable and related to the care of the individual's served or agency operations and comply with all applicable laws, rules, regulations and administrative directives.

Europa Response: *Europa has resolved to engage the services of a consultant to address the programmatic and fiscal findings of the Commission. The consultant will help the board review and formulate internal controls that will ensure agency compliance with policies and regulations as is required by governmental regulatory and funding agencies.*

2. The board should conduct an internal review to identify any amounts incurred on behalf of Mr. Adede for his personal benefit. The board should seek restitution from Mr. Adede for these costs.

Europa Response: *Europa did not provide a response regarding taking any further action to recoup the amounts still owed by Mr. Adede.*

3. The board should seek training to ensure that it becomes familiar and understands all its fiduciary duties and responsibilities as board members.

Europa Response: *Europa stated that the board will be "trained and retrained."*

4. The board must ensure that the individual's receiving services are provided with timely, accurate and appropriate habilitation and individualized service plans. Europa should obtain technical assistance in developing, reviewing and implementing service plans for a period of time that covers one full annual cycle of reviews for each individual receiving services – day habilitation, residential habilitation and/or Medicaid Service Coordination.

Europa Response: *Europa states that they are cooperating with the Taconic DDSO on an on-going basis and its expected outcome should be improvement in the quality of care for agency consumers.*

5. The board should provide written confirmation of the completion of action items contained in their Plans of Corrective Actions submitted to the Director of the Taconic DDSO. Specifically, the names of staff and the dates and details on how the corrective action was implemented should be provided.

Europa Response: *Europa did not respond to this recommendation.*

6. The board should have a registered nurse conduct a review of the medication administration system and medication reviews reportedly completed by Ms. Margaret Ayuko to ensure that the individuals receiving services are being provided with appropriate safeguards regarding their medications. In addition, Ms. Ayuko should meet with the registered nurse for an evaluation of her understanding and knowledge of the

relevant OMRDD regulations and the duties which registered nurses are required to fulfill.

Europa Response: *Europa did not respond to this recommendation.*

7. The board should establish policies and procedures to verify the credentials and eligibility of staff to work. This should include a review of Mr. Ogindo's eligibility to work in the United States. The board should report its findings and any action taken regarding Mr. Ogindo to the Commission and the Director of the Taconic DDSO.

Europa Response: *Europa did not respond to this recommendation.*

Personal Purchases of Fred Adede

1	Hotwire on-line travel	credit card	05/15/2005	\$ 78.48
2	Alto Music	credit card	06/17/2005	\$ 267.36
3	Home Depot	credit card	06/19/2005	\$ 51.48
4	Fordham Communications	credit card	06/26/2005	\$ 155.00
5	Best Buy	debit card	04/03/2006	\$ 1,028.95
6	VIM New York NY	debit card	04/17/2006	\$ 127.93
7	Econolodge Poughkeepsie	debit card	04/24/2006	\$ 100.00
8	Econolodge Poughkeepsie	debit card	04/24/2006	\$ 75.00
9	Men's Wearhouse	debit card	04/27/2006	\$ 855.72
10	USPS	debit card	06/09/2006	\$ 14.40
11	Men's Wearhouse	debit card	06/16/2006	\$ 632.44
12	Hotels.com	debit card	06/30/2006	\$ 304.53
13	Men's Wearhouse	debit card	07/03/2006	\$ 526.99
14	Seiko the Company Store Wrentham MA	debit card	07/03/2006	\$ 137.17
15	Uno Chicago Grill Wrentham MA	debit card	07/05/2006	\$ 45.07
16	BJ Wholesale	debit card	07/14/2006	\$ 35.00
17	Men's Wearhouse	debit card	07/31/2006	\$ 41.99
18	Alto Music	debit card	07/31/2006	\$ 1,199.98
19	US DHS Sevis	debit card	08/10/2006	\$ 130.00
20	Men's Wearhouse	debit card	08/17/2006	\$ 29.99
21	Alto Music	debit card	09/18/2006	\$ 81.09
22	Alto Music	debit card	09/18/2006	\$ 48.66
23	Holiday Inn Express Edison NJ	debit card	09/19/2006	\$ 85.10
24	Hudson Valley Screenprint	debit card	09/25/2006	\$ 365.15
25	Davis Furniture	Check 1073	10/04/2006	\$ 1,476.00
26	Men's Wearhouse	debit card	10/10/2006	\$ 120.00
27	Alto Music	Check 1074	10/13/2006	\$ 225.00
28	Lowes	debit card	10/16/2006	\$ 44.89
29	Davis Furniture	Check 1075	10/31/2006	\$ 630.00
30	JC Penney	debit card	11/03/2006	\$ 249.31
31	BJ Wholesale	debit card	11/06/2006	\$ 760.00
32	BJ Wholesale	debit card	11/06/2006	\$ 100.00
33	JC Penney	debit card	11/06/2006	\$ 171.30
34	Best Buy	debit card	11/13/2006	\$ 31.99
35	Best Buy	debit card	11/13/2006	\$ 794.97
36	Hudson Valley Screenprint	debit card	11/27/2006	\$ 365.15
37	Priceline.com	debit card	12/05/2006	\$ 228.15
38	Macys	debit card	12/07/2006	\$ 78.50
39	Paypal	debit card	12/07/2006	\$ 234.88
40	Men's Wearhouse	debit card	12/08/2006	\$ 307.39
41	The Summit Iowa City IA	debit card	12/11/2006	\$ 9.98
42	Paypal	debit card	12/18/2006	\$ 1,124.05

Exhibit 1 (cont.)

43	Priceline.com	debit card	03/07/2007	\$ 258.78
44	Plaza Diner Edison NJ	debit card	04/11/2007	\$ 34.09
45	Priceline.com	debit card	04/12/2007	\$ 305.51
46	Kabab Palace	debit card	04/23/2007	\$ 22.17
47	Men's Wearhouse	debit card	04/26/2007	\$ 618.39
48	Priceline.com	debit card	04/30/2007	\$ 229.05
49	Priceline.com	debit card	04/30/2007	\$ 225.55
50	Lord & Taylor	debit card	05/01/2007	\$ 171.79
51	Crowne Plaza Cedar Rapids IA	debit card	05/15/2007	\$ 25.19
52	HyVee Gas Coralville IA	debit card	05/15/2007	\$ 40.02
53	Taste Of Italy Allentown PA	debit card	05/30/2007	\$ 24.00
54	Kidsworld Bronx NY	debit card	06/12/2007	\$ 153.75
55	Virgin Atlantic	debit card	06/15/2007	\$ 200.00
56	Bugaboo Creek	debit card	06/18/2007	\$ 88.47
57	Davis Furniture	Check 1096	06/29/2007	\$ 1,299.00
58	Davis Furniture	Check 1097	07/31/2007	\$ 779.00
59	Return of Niel S.'s apartment deposit	Check 1092	10/01/2007	\$ 400.00
60	Pan African Allstars	debit card	10/05/2007	\$ 94.21
61	Brazilian Grill, Mount Vernon NY	debit card	10/15/2007	\$ 38.36
62	US Immigration	debit card	10/15/2007	\$ 49.95
63	2CO.com	debit card	10/18/2007	\$ 72.26
64	Casa Latina Supermarket	debit card	10/18/2007	\$ 20.13
65	Amtrak	debit card	11/09/2007	\$ 186.00
66	Palace Diner	debit card	11/09/2007	\$ 15.95
67	Best Buy	debit card	11/13/2007	\$ 52.99
68	Brazilian Grill, Mount Vernon NY	debit card	11/26/2007	\$ 28.85
69	Hawthorne Suites Franklin, MA	debit card	11/28/2007	\$ 108.60
70	Micheals Meat Market, New York NY	debit card	01/07/2008	\$ 129.00
71	Eveready Diner Hyde Park	debit card	01/28/2008	\$ 9.04
72	Stop & Shop	debit card	02/12/2008	\$ 7.39
73	Priceline.com	debit card	03/21/2008	\$ 287.45
74	East Park Pharmacy	debit card	03/31/2008	\$ 50.00
75	Walmart Rapid City SD	debit card	03/31/2008	\$ 84.50
76	Chilis	debit card	05/05/2008	\$ 45.57

76 Purchases Totaling \$19,524.05

Highly Suspect Purchases by Fred Adede

1	Pavilion on the Hudson	credit card	06/11/2005	\$ 41.50
2	Hometown Buffet	debit card	04/03/2006	\$ 25.93
3	Hometown Buffet	debit card	07/14/2006	\$ 15.76
4	Palace Diner	debit card	07/18/2006	\$ 28.17
5	Lowes	Check 1067	07/19/2006	\$ 65.58
6	Red Lobster	debit card	12/18/2006	\$ 41.04
7	Westchester Diner	debit card	12/22/2006	\$ 51.65
8	Bugaboo Creek	debit card	03/13/2007	\$ 36.95
9	Bugaboo Creek	debit card	04/03/2007	\$ 47.26
10	Molloy Pharmacy Hyde Park	debit card	04/09/2007	\$ 3.10
11	Price Chopper	debit card	04/13/2007	\$ 63.25
12	Best Buy	debit card	04/27/2007	\$ 21.61
13	Eckerd Drug	debit card	05/21/2007	\$ 31.98
14	McDonalds	debit card	06/01/2007	\$ 14.15
15	Tlg*greatfn	debit card	06/11/2007	\$ 11.99
16	CVS Pharmacy	debit card	07/02/2007	\$ 47.03
17	Cs3web.net	debit card	08/31/2007	\$ 4.95
18	Palace Diner	debit card	09/10/2007	\$ 5.57
19	Price Chopper	debit card	09/18/2007	\$ 30.05
20	Brazilian Grill, Mount Vernon NY	debit card	10/04/2007	\$ 29.00
21	www.segpayeu.com	debit card	12/31/2007	\$ 49.95
22	Dutchess Surgical As.	debit card	01/24/2008	\$ 40.00
23	Macys	debit card	03/28/2008	\$ 65.00
24	Best Buy	debit card	05/05/2008	\$ 287.59

24 Highly Suspect Purchases Totaling \$1,059.06

ORIGINAL

DAVIS FURNITURE CO., INC.
 654-690 MAIN ST. • POUGHKEEPSIE, NY 12601
 PHONE (845) 473-1990 • FAX (845) 471-0749
 OPEN MONDAY - SATURDAY 10-5:30 • CLOSED SUNDAYS

769 for etagrell w/ tax
store credit to be applied from previous sale

ACCOUNT NUMBER [redacted] PHONE 705-4079 DATE 6-29-07
 SOLD TO Frederick Adede
 104 N Hamilton

DELIVERY INFORMATION
 1299 - stored credit

QTY.	NUMBER	DESCRIPTION	PRICE	AMOUNT
1	D 501-501	SOB		1299
6	- ol chairs			

587128 *Price includes Delivery and tax*
order#

NO CASH REFUNDS ON SPECIAL ORDERS.
 STORE CREDIT ONLY.
 NO REFUNDS ON LAYAWAYS AFTER 10 DAYS.
 DELIVERY DATES VARY ON ALL SPECIAL ORDERS.

ALL claims and returned goods MUST be accompanied by this bill.

RECEIVED BY [redacted] Thank You
 66217

ALTERED

DAVIS FURNITURE CO., INC.
 654-690 MAIN ST. • POUGHKEEPSIE, NY 12601
 PHONE (845) 473-1990 • FAX (845) 471-0749
 OPEN MONDAY - SATURDAY 10-5:30 • CLOSED SUNDAYS

769 for etagrell w/ tax
store credit to be applied from previous sale

ACCOUNT NUMBER [redacted] PHONE 705-4079 DATE 6-29-07
 SOLD TO [redacted]
 21 Charles Street Apt 3D
 Poughkeepsie

DELIVERY INFORMATION
 1299 - stored credit

QTY.	NUMBER	DESCRIPTION	PRICE	AMOUNT
1	D 501-501	SOB		1299
6	- ol chairs			

587128 *Price includes Delivery and tax*
order#

NO CASH REFUNDS ON SPECIAL ORDERS.
 STORE CREDIT ONLY.
 NO REFUNDS ON LAYAWAYS AFTER 10 DAYS.
 DELIVERY DATES VARY ON ALL SPECIAL ORDERS.

ALL claims and returned goods MUST be accompanied by this bill.

RECEIVED BY *Credit from return* Thank You
 66217 *with sets*

Receipt obtained directly from the vendor shows the delivery address and name as being Mr. Adede. 104 N. Hamilton was Mr. Adede's personal residence.

The altered receipt provided by Mr. Adede shows the delivery address and name as being for a consumer. The consumer's name was redacted for confidentiality purposes.

Debit/Credit Card Request Form

Date Requested: 5/3/08 Date Needed: _____
 Payee: Chili's Amount: \$ 45.57
 Address: _____ Telephone # () _____

 Tax ID# of Payee, if not a corporation or payment not for inventory: _____
 Return to: _____ Hold for Pick-up by: _____
 US First Class Mail: _____ Other: _____
 Description: prospective new MSC Consumer
 Requested by: C Stephens Payment Approved by: White
 Date: 5/3/08 Date: 5/3/08
 Account Name Program Account Number

Westchester
PAID

Debit/Credit Card Request Form

Date Requested: 05/03/08 Date Needed: 05/03/08
 Payee: Chili's Grill Amount: \$ 45.57
 Address: Poughkeepsie NY 12601 Telephone # () _____

 Tax ID# of Payee, if not a corporation or payment not for inventory: _____
 Return to: _____ Hold for Pick-up by: _____
 US First Class Mail: _____ Other: _____
 Description: Birthday Present for Mr Consumer and his daughter [REDACTED]
 Requested by: _____ Payment Approved by: White
 Date: _____ Date: 05/03/08
 Account Name Program Account Number

CHILI'S-Poughkeepsie 957
 MERCHANT ID
 05/03/08 19:32:44 T002
 ANGELA E CHK #263
 CHARGE 1

VISA
 xxxxxxxxxxxxx6701
 ADEDE/FREDRICK O

AUTH # 023219

CHARGE AMOUNT 45.57

TIP AMOUNT _____

TOTAL 45.57

GUEST COPY
 WE WELCOME YOUR COMMENTS!
 PLEASE CALL US AT 1-800-983-4637
 OR VISIT US AT WWW.CHILIS.COM

*Prospect
New
MSC*

Chili's
 Grill & Bar
 Poughkeepsie
 #260 ANGELA E T002
 05/03/08 18:39:00 #0007
CHECK #0200

YOUR OPINION MATTERS

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 and sweepstakes details.

2 GRILLED RIBS	32.93
KID CORN DOG	4.23
2 COFFEE	3.98
ICE CREAM SCOOP	1.23
Subtotal	42.17
Sales Tax	3.43
TOTAL	45.57

THANK YOU!!!
 We welcome your comments
 (800) 983-4637
www.chilis.com

Immigration and Naturalization Service		Employment Eligibility Verification	
<p>Please read instructions carefully before completing this form. The instructions must be available during completion of this form. ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.</p>			
<p>Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.</p>			
Print Name: Last <u>OGINDO</u> First <u>TOM</u> Middle Initial <u>D.</u> Maiden Name _____		Address (Street Name and Number) _____ Apt. # _____	
City <u>PEEKSKILL</u> State <u>NY</u> Zip Code <u>10566</u> Date of Birth (month/day/year) <u>12/22</u>		Social Security Number <u>[REDACTED]</u>	
<p>I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.</p>		<p>I attest, under penalty of perjury, that I am (check one of the following):</p> <input checked="" type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien # A _____) <input type="checkbox"/> An alien authorized to work until ____/____/____ (Alien # or Admission #) _____	
Employee's Signature <u>[Signature]</u> Date (month/day/year) <u>9/7/01</u>			
<p>Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.</p>			
Preparer's/Translator's Signature _____		Print Name _____	
Address (Street Name and Number, City, State, Zip Code) _____		Date (month/day/year) _____	
<p>Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).</p>			
<p>List A</p> <p>Document Title: _____</p> <p>Issuing authority: _____</p> <p>Document #: _____</p> <p>Expiration Date (if any): ____/____/____</p> <p>Document #: _____</p> <p>Expiration Date (if any): ____/____/____</p>	<p>OR</p>	<p>List B</p> <p><u>New York State</u></p> <p>1. <u>[REDACTED]</u></p> <p>2. <u>[REDACTED]</u></p>	<p>AND</p> <p>List C</p> <p><u>Social Security card</u></p> <p>No: <u>0</u></p> <p><u>[REDACTED]</u></p>
<p>CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) ____/____/____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)</p>			
Signature of Employer or Authorized Representative _____		Print Name _____ Title _____	
Business or Organization Name _____		Address (Street Name and Number, City, State, Zip Code) _____ Date (month/day/year) _____	
<p>Section 3. Updating and Reverification. To be completed and signed by employer.</p>			
A. New Name (if applicable) _____		B. Date of rehire (month/day/year) (if applicable) _____	
<p>C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility</p>			
Document Title: _____		Document #: _____ Expiration Date (if any): ____/____/____	
<p>I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.</p>			
Signature of Employer or Authorized Representative _____		Date (month/day/year) _____	

UNIVERSITY OF NAIROBI

PO BOX 29019-00100

NAIROBI KENYA



UNIVERSITY OF NAIROBI
OFFICE OF THE DEPUTY VICE-CHANCELLOR
(ACADEMIC AFFAIRS)

Telegram: Varsity
Telex: 28520 Varsity KE
Fax: 214328
E-mail: dvc@uonbi.ac.ke
Website: www.uonbi.ac.ke

Telephone: 020-320-318262
P.O. Box 30197-00100 GPO
Nairobi
Kenya

15 December, 2008

Michelle Tate
Bureau of Fiscal Investigations/Coast Effectiveness
NYS Commission on Quality of Care and Advocacy for Persons with Disabilities

Fax: (518) 388-2859

Dear Ms. Tate

VERIFICATION OF CERTIFICATE – MR. TOM ODHIAMBO OGINDO

Reference is made to your email dated 05 December, 2008 on the above subject.

This is to inform you that Mr. Tom Odhiambo Ogindo does not appear in our convocation list of those conferred with the degree of Bachelor of Arts on 18 November, 1989.

Yours sincerely

F.K. ARAIGUA (MR.)
SENIOR ASSISTANT REGISTRAR (EXAMINATIONS)

FKA/wnk

FROM :UNIVERSITY OF NAIROBI

FAX NO. :254 20 2245566

Mar. 23 2009 01:50PM F1



UNIVERSITY OF NAIROBI
OFFICE OF THE DEPUTY VICE-CHANCELLOR
(ACADEMIC AFFAIRS)

Telegram: Varsity
Tele: 28520 Varsity KB
Fax: 214325
E-mail: dvc@uonbi.ac.ke
Website: www.uonbi.ac.ke
16 March, 2009

Telephone: 0254-020-816262
P.O. Box 30197-00100 GPO
Nairobi
Kenya

Michelle Tate
Bureau of Fiscal Investigations/Coast Effectiveness
NYS Commission on Quality of Care and Advocacy for Person with Disabilities

Fax: (516) 388 - 2850

Dear Ms. Tate

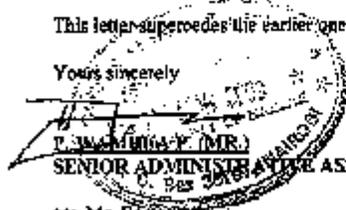
VERIFICATION OF CERTIFICATE - MR. OGINDO, TOM MBOYA (TOM ODHIAMBO OGINDO)

Reference is made to your email dated 05 December, 2008 and our reply dated 15 December, 2008 on the above subject.

This is to inform you that the above person contacted us on the same and gave us the names he used when he was in the University of Nairobi. We have confirmed that Mr. Ogindo Tom Mboya (Mr. Tom Odhiambo Ogindo) was a registered student in the Faculty of Arts, University of Nairobi. Mr. Ogindo was registered for the degree of Bachelor of Arts. On successful completion of the course he was conferred with the degree of Bachelor of Arts, Second Class Honours, Lower Division at a congregation held on 28 November, 1989.

This letter supersedes the earlier one.

Yours sincerely

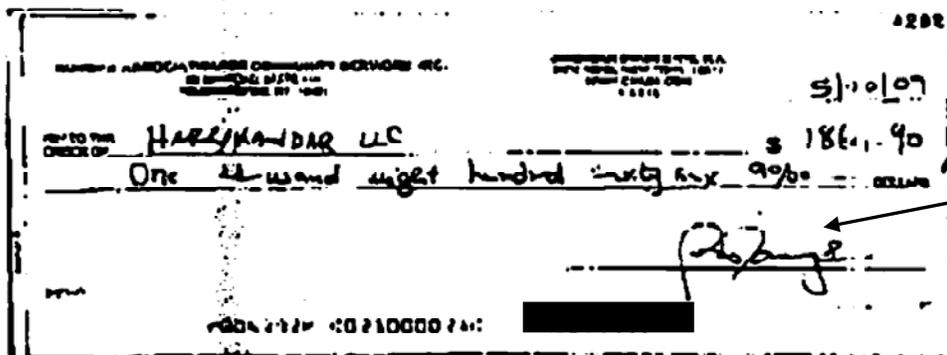


P. MACHARIA P. (MR.)
SENIOR ADMINISTRATIVE ASSISTANT (EXAMINATIONS)

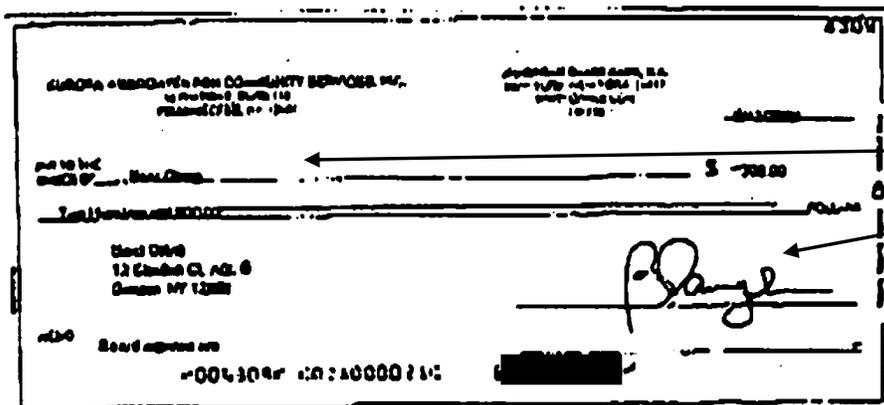
cc: Mr. Boaz Ombi
Fax: 914 736 2617

PWP/wnk

Recent Internal Control Weaknesses



One signature, even though Europa policy is to have two signatures when expenses exceed \$1,000.



Mr. Olang signing a check payable to himself.

Mr. John Rybaltowski
Coordinator
Bureau of Fiscal Investigation
CQC
401 State Street
Schenectady, NY. 12306.

March 12th. 2009.

Mr. Rybaltowski,

RE: **Commission Findings**

The Commission's historical review was quite extensive, dating back to 2004. However, the current board have been investigating each and every incident. And in most cases appropriate action was taken.

Fiscal findings/Resolutions

1. Personal expenditures, use of Agency funds, falsification/alteration of documents, personal use of Agency's tax exempt status by Mr. Fred Otiende has been dealt with. a) Mr. Otiende was made to pay back 95% of Agency funds he used. At this writing, without receipt held by CQC, the balance is debatable. b) Mr. Otiende is no longer a problem since he was terminated.

2. Credit card - credit line has been reduced to \$ 5,000.00. Non emergency purchases over \$ 500 requires board authorization.

Programmatic Findings/Resolutions

Europa's Residential and Day Habilitation programmes, Implementation of 2005 POCA and other Program concerns need revisitation. The board will initiate better methods of observation, documentation and record keeping; monthly reviews and analysis of each program and Europa POCA's.

Board of Governance

The present board, no doubt inherited insurmountable regulatory problems dating back to 2004. But we are committed to turn things around in Europa. We are sacrificing our time, energy and intellect to investigate, analyse, and extract deficiencies in new management.

Since there is plenty to be done, we ask for time and a little patience as long as there is no harm done to consumers.

a) Suspended Acting Executive Director

Mr. Tom Ogindo was suspended on March 5th, 2009, pending i) verification of his college degree from Nairobi university. He has sent a notarized letter asking for either transcript or another copy of his degree from the university. We felt anything short of that can not be honored because of privacy act or HIPPA.

We also found out that Mr. Ogindo was not the only signatory as a Medicaid Service Coordinator in Europa. Subsequently, Medicaid recuperation of money is only speculative and rush. further, we are positive that Mr. Ogindo's degree will prove to be authentic and money will remain in Europa account.

Mr Ogindo is in the process of re-newing his work papers which had expired. By the way, neither Ogindo nor Odede were signing checks this week at Europa. This was malicious propaganda by a devious mind.

In conclusion, we urge the Commission to grant us ample time to receive from Nairobi University. Tom Ogindo graduated 20 years ago when records were filed manually. Ample time is needed to search the Archives for those records. This is a reasonable request since Consumers are not at risk. Thanks for your understanding and cooperation. Submitted before March 13th inst.

Cordially yours,

Dr. George B. Maduruh, President
for Europa Board Members
20 Sunnybrook Cir.
Highland, NY. 12528

cc - All Board Members

EUROPA ASSOCIATES OF COMMUNITY SERVICES
22 IBM Road, Suite 110, Poughkeepsie, NY 12601 Phone: 845-473-4643
Fax: 845-473-8853

Dr. George Maduruh, President EACS Inc.

May 30, 2009

John Rybaltowski
Coordinator
Bureau of Fiscal Investigations
NY Commission on Quality of Care
401 State Street
Schenectady, NY 12305

Dear Mr. Rybaltowski,

The Board of Europa Associates wishes to once again present you with additional elaborate response to different issues in your report.

Also, we wish to thank you for educating, challenging and motivating us to do better by the factual findings and allegations in your in-depth report following your audit. We view your report as a wake up call for us to provide a different kind of Board governance and leadership this agency needs.

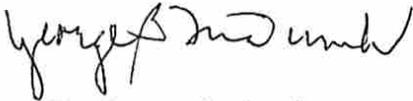
Subsequently, it is our hope that our response will inform the Commission and OMRDD of the actions we have taken, or intend to take, since our joint meeting of March 5, 2009 at Taconic DDSO, to correct the deficiencies in the agency cited in your and OMRDD audit reports. We are aggressively and diligently taking appropriate steps to address "first things first." We've made some good progress and hope to continue doing so. We believe that Europa is a viable agency and with impeccable leadership,

hard work, support from OMRDD and the Commission, the agency can expand and be stable.

In conclusion, the Board wants to restore its integrity and would like your counsel and any technical assistance you may consider necessary to help us move the agency forward in the right direction the right way. Please find our response to the audit in the succeeding pages.

Thank you very much for your understanding and support.

Sincerely, yours,



Dr. George Maduruh
Board President
20 Sunnybrook Circle
Highland, NY 12528
Phone: 845-691-9279
Email: drgeorgemaduruh@aol.com

cc: Whom it may concern
Board File and Members

BOARD OF DIRECTORS RESPONSE TO CQC AUDIT

I. Acting Executive Director – Mr. Tom Ogindo

a. Questionable Degree Credential from University of Nairobi

In the commission's report, the commission claimed that Mr. Ogindo did not earn a degree from University of Nairobi in 1989 as was presented to Europa Associates with his employment application in 2003. As such, the commission argued that Mr. Ogindo did not have required credentials to be a Medicaid Service Coordinator and/or MSC Supervisor. Therefore, all MSC services delivered and Medicaid billing documentations that he signed were at risk of disallowance by Medicaid.

Upon learning of these disturbing claims and the potential threat to the agency's fiscal viability, the board decided to launch aggressive investigations to verify Mr. Ogindo's claimed credentials from the University of Nairobi, Kenya. On March 9, 2009 the board requested Mr. Ogindo to write a letter to the university requesting copies of his transcripts as the university's confidentiality policy prohibits release of a student's academic records to anyone or any organization without the student's "signed release of information" form or letter. Mr. Ogindo agreed and sent a notarized letter to the university on March 9, 2009.

Nairobi University's Response:

1. On March 23, 2009 a letter from Nairobi University confirming that Mr. Tom Mboya Ogindo was a student at the university and that he graduated in 1989 with a bachelor's degree, was faxed directly to Michelle Tate of CQC and copy faxed to Mr. Boaz Olang, board secretary. The letter clarified and corrected the miscommunication from the university earlier to the commission in response to inquiry made on December 5, 2008.
2. The university released to Mr. Ogindo original copies of his transcripts of which Mr. Ogindo has provided the agency with copies.

1

In Addition to the above authentic and verifiable proof that confirms that Mr. Ogindo earned a degree from the University of Nairobi in 1989, we have also reviewed the "Commencement Booklet" and further confirmed that Mr. Ogindo is listed as a degree candidate and that a degree was conferred with all the privileges and rights appertaining thereof.

Conclusion:

Based on the facts and evidence available to us, the Board wishes to strongly reject the allegation and/or claim by the Commission that Mr. Ogindo does not have a degree from Nairobi University. The board therefore does not see why the agency is or can or should be at risk of Medicaid disallowance since Mr. Ogindo has all required credentials. Mr. Ogindo's credentials, training and experience meet OMRDD qualification and experience requirements for being a QMRP, MSC coordinator or supervisor.

It is the Board's hope that the Commission and OMRDD will be satisfied with our findings, evidence provided from University, and conclude that the issue of "disallowance" can be removed off the table.

b. Questionable Citizenship/Eligibility for Employment

The board agrees with the Commission's findings that Mr. Ogindo lied about his claim that he is a US citizen or a national on the I-9 Employment Eligibility Verification form when he applied for a job with the agency.

At the time of employment, we believed that Mr. Ogindo presented personal identity and employment eligibility documents that met the employer's employment eligibility verification requirements. There seemed to be no reason at the time of his employment for anyone to suspect that Mr. Ogindo might have been presenting false information on the I-9 form. Hence, there was no need for questioning the authenticity of his documents or doing a thorough background check as that might

have been construed to mean that he was being discriminated against because of race, color, accent or other features. Europa is an equal opportunity employer and does not practice discrimination of any kind. This is clearly stated in the agency policy and procedure manual and we believe that the proper procedures were followed when Mr. Ogindo was hired.

Board Action

When the Commission made the board aware of Mr. Ogindo's alleged illegal status on March 5, 2009, the board immediately suspended him, giving him five days from March 9, 2009 to prove his citizenship/eligibility for employment in the US. It was made clear that failure to respond would lead to termination with or without further notice.

Mr. Ogindo did not respond to the charges against him and was terminated. A formal termination on May 1, 2009 was sanctioned at a board meeting held at the end of April, 2009.

Note: Mr. Ogindo has not had physical contact with the agency or transacted any business on behalf of the agency since March 9, 2009. Also, Mr. Ogindo no longer has any agency property or keys.

II. Board Governance

The board agrees with Commission's conclusion that the long standing problems at Europa have gone uncorrected because the agency's Board has not effectively carried out its oversight responsibilities.

Even though the current Board is relatively new and has inherited a mess that had been created and perpetuated by previous Boards, we accept the blames and take partial responsibility for Board's failure to provide leadership that would have prevented the numerous illegal practices, immoral and unethical behaviors of

the past EDs that resulted in mismanagement of agency fiscal resources and programmatic discrepancies the Commission has accurately cited.

The Board also agrees that the two former executive directors (Mr. Gaga and Mr. Adede) behaviors could have been prevented had the Board put controls and been actively involved in monitoring the operations and supervision of the executive director. It is clear to the Board that the catalogue of problems the Commission has detailed in the report can be largely blamed on poor Board governance and that all are preventable and/or correctable. The mistakes are obvious and cannot be denied or defended. The most we, the current Board, can do is: correct the past the best way possible, prevent the ugly past from happening again, and move forward. This much we can pledge.

The New Board: Has accomplished the following:

- Terminated Mr. Fred Adede, former ED who misused the agency funds for personal expenditure and has recovered over 90% of what we and our CPA determine he owed.
- Terminated Mr. Tom Ogindo, program director and acting executive director, as he was not able to prove his US citizenship.
- Voted to remove the recent chairman, Mr. Bob Collier, from chairmanship position because of disregarding Board decisions and acting unilaterally to serve his personal interest. For example, Mr. Collier while still the chairman of the board, put himself on the agency payroll as an employee and was paid 80 hours during one pay period without authorization of the Board. Mr. Collier also decided on his own to make the agency Bookkeeper on of the bank signatories instead of the acting ED as the Board has passed during Board meeting chaired by Mr. Collier. When confronted to explain his actions, he failed to convince the Board and was determined that he deliberately chose to serve his interest not the agency. His leadership capability became questionable. He then decided to abscond several Board meetings. The

Board finally voted to remove him from the board, a practice consistent with Board membership policy and procedures.

- Revised and approved Employee Policy and Procedure Manual in October, 2009. The Board will ensure that manual is used strictly as guide to handling all personnel related matters in the best interest of the agency without violating labor or human rights laws. The Board will ensure that all agency employees, particularly the ED, will be held responsible and accountable for their actions.
- Held Board election in February, 2009 and elected new Board Chair, Dr. George Maduruh, Treasurer, Ms. Elaine Forbes, Secretary, Mr. Boaz B. Olang, and Assistant Chairman, Mr. Joab Agar.
- Frequent Board meetings to attend to regular Board business and urgent matters facing the agency. Each member of the Board has sacrificed their time to attend the meetings, visit the agency and talk to staff and support the acting executive director.
- Appointed Mr. Boaz Olang the acting ED before new director is hired. Mr. Olang is highly qualified and experienced in leadership and management at executive level. He has several years of experience working with OMRDD licensed agencies serving the developmentally disabled population. He is currently working as Operations and Quality Assurance Manager. He is working hard to restore integrity in the operations management and encouraging professionalism in conducting agency business. We are in the process of recruiting a new executive director.

Moving forward:

The new Board is aware of the serious consequences of Board's failure to govern effectively. It is the Board's resolve and hope that the past will not be repeated. We are committed to eradicating the problems of the past and moving the agency forward in the right direction the right way.

- a) **Board members qualification and experience:** Current board members are professionals with diverse experience and skills and have proven track record of integrity and accomplishments. There is also a sense of diligence demonstrated by the sacrifices made and hands on participation by all board members to ensure the agency's day to day operations is managed effectively and that consumer health and safety are not compromised nor the quality of programs and services diminished.
- b) **Engagement of Consultant:** The board has resolved to engage the services of a consultant (Mr. Jim Shea) to work with the interim executive director and new executive director to address the programmatic and fiscal citations by the commission and OMRDD that have not been resolved. It is estimated that consultant will start reviewing the citations from 2005-2008 and help with the formulation and implementation of POCA. The consultant will also help the board review and formulate internal controls that will ensure agency compliance with policies and regulations as is required by governmental regulatory and funding agencies.
- c) **Board Training:** To enhance member's ability to govern effectively, all members will be trained and retrained. We have recognized the need for training and all members will attend the trainings offered by the CCNYS. Some members have already attended some or all of the trainings. Two board members are experienced and have adequate training and are or have been active Board members in OMRDD licensed agency. Another board member has been and is active member of not-for-profit organization Board. We believe that the diversity of experience, knowledge and skill the members bring to Europa Board will strengthen Board governance, improve supervision of executive management, as we continue to proved and deliver quality programs service to our consumers and their families
- d) **Establishment of Advisory Board:** It is our intention to establish and incorporate a new "Advisory Board" to advise the Executive Board and Management on issues related to policy matters, fiscal and risk management,

quality assurance, operations management, etc. We hope to identify willing individuals with vast knowledge and experience in these areas to join and form the Advisory Board.

III. Fiscal and Programmatic Findings

A. Fiscal Findings

- a) The Commission established that Mr. Adede may have used a total of \$20,000 in agency funds for personal purchases.

Board Response: The board investigated and established that Mr. Adede made some unauthorized use of agency's debit card to make personal purchases. The Board also established that some of the purchases made using the debit card may have been legitimately used for agency purposes but lacked proper supportive documentation and procedure. The Board took drastic measures and ensured that Mr. Adede reimbursed almost all of the monies used. The Board found that Mr. Adede had reimbursed some of the money used in 2006 and he subsequently made substantial reimbursement of about \$7,000 in July 2008. The board recovered more than \$6,000 from Mr. Adede after his suspension. As indicated by the commission, the board determined that Mr. Adede may have used some money for agency purposes and he has indicated so. The Board still awaits verification of documents held by the Commission.

- b) Action Taken by the Board:

- The Board terminated Mr. Adede's employment with the agency after making sure that they recovered a substantial amount of money.
- Contract the CPA firm of SEDORE & CO to do annual audits and to assist with relevant financial reports.
- Intends to retain SEDORE & CO to develop risk management and enhance the current financial policy and procedure manual.
- Is in the process of hiring a qualified bookkeeper who will produce accurate financial reports to the Board.
- The Board established a limit on the amount on the debit card.

B. Programmatic Findings:

1. The Board reviewed the status of DK's residency at Europa IRA, and dealt with Mr. Adede's falsification and misrepresentation of consumer's name.
2. The Board established that neither Mr. Adede nor the agency was responsible for DK's trust fund. DK's trust fund was administered by a committee established for Willow Brook consumers in cases where trust funds were used to purchase anything, a committee meeting was always held and DK's MSC and trust fund representatives made those decisions, not Europa.
3. The commission established in 2005 that the agency erroneously used DK's money to purchase a stove for his apartment and recommended that the agency reimburse DK. Reimbursement was subsequently made and therefore the stove was bought by the agency funds, not DK. The agency is not aware of any repair work at the apartment paid by DK's money.
4. Europa's Day Habilitation Program
 - a) **Commission's Findings:** Europa could not produce any ISP or Day Habilitation plan for consumers receiving services.
 - b) **Response:** The Board strongly disagreed with this finding. All consumers receiving Day Habilitation services at Europa's Dayhab had Day Habilitation plans and ISPs on the date of the CQC audit. OMRDD bureau of program audit have routinely done audits and recertification of agency's programs and at no time, have they found that the Dayhab consumers lacked plans. OMRDD fiscal auditors reviewed the agency's programs in September 2008, just the same period of the CQC audit and found the above documents in order.

IV. Implementation of 2005 POCA

1. EACS Agency is working with TDDSO and local multicultural provider agencies to collaborate on tech support and QA issues.
2. The board confirmed that it has been working with DDSO in enhancing quality of their services. This cooperation is on going and their expected outcome should be improvement in quality of care for agency consumers. Mr. Ogindo informed CQC auditors that the agency received tech support from TDDSO in areas of trainings. Because the agency worked with Karen Coleman (MSC supervisor Taconic DDSO) and Kim Verma (MSC supervision Taconic DDSO) in early 2005 to enhance quality of agency's service coordination program, the two staffs from the DDSO audited Europa's MSC file, advised MSC staff as needed through phone consultation until they felt that the agency was competent to handle its programs. CQC can contact Karen who still works with the DDSO. Kim has since left the DDSO. The DDSO continues to help the agency with training of direct care staff. The agency also worked with Dave Rider, an employee of Taconic DDSO in addressing internal control issues raised in OMRRD Fiscal audit of 2006. Other DDSO staff has assisted the agency with support in Day Habilitation and Home Residential Habilitation and Billing issues. The Commission found evidence of inter-agency cooperation.

March 8, 2009

To The Office of Registrar [Academic]
University of Nairobi
P.O Box, 30197
Nairobi, Kenya.

Dear, Sir/ Madam,

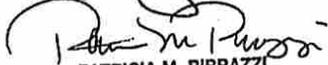
Re: AUTHORIZATION TO RELEASE MY ACADEMIC TRANSCRIPTS.

I'm requesting your office to release copies of my academic transcript to the bearer of this letter Mr. Patrick Aghan. I was a student in faculty of Arts from 1986 to 1989, graduating with Bachelor of Arts degree on, November 28, 1989. My name is OGINDO, TOM MBOYA.

Your prompt response to this request will be highly appreciated.

Sincerely,


Tom Ogindo

 3/9/09.
PATRICIA M. PIRRAZZI
Notary Public, State of New York
No. 01P18045388
Qualified in Putnam County
Commission Expires July 31, 2010

FROM : UNIVERSITY OF NAIROBI

FAX NO. : 254 20 2245566

Mar. 23 2009 01:52PM P1



UNIVERSITY OF NAIROBI
OFFICE OF THE DEPUTY VICE-CHANCELLOR
(ACADEMIC AFFAIRS)

Telegram: Varsity
Telex: 28520 Varsity KE
Fax: 214325
E-mail: dvo@uonbi.ac.ke
Website: www.uonbi.ac.ke
16 March, 2009

Telephone: 0254-020-318262
P.O. Box 30197-00100 GPO
Nairobi
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Michelle Tate
Bureau of Fiscal Investigations/Coast Effectiveness
NYS Commission on Quality of Care and Advocacy for Person with Disabilities

Fax: (518) 388 - 2850

Dear Ms. Tate

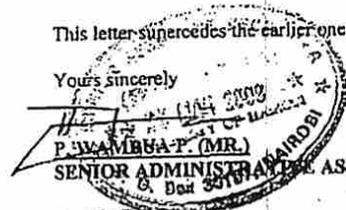
VERIFICATION OF CERTIFICATE - MR. OGINDO, TOM MBOYA (TOM ODHIAMBO OGINDO)

Reference is made to your email dated 05 December, 2008 and our reply dated 15 December, 2008 on the above subject.

This is to inform you that the above person contacted us on the same and gave us the names he used when he was in the University of Nairobi. We have confirmed that Mr. Ogindo Tom Mboya (Mr. Tom Odhiambo Ogindo) was a registered student in the Faculty of Arts, University of Nairobi. Mr. Ogindo was registered for the degree of Bachelor of Arts. On successful completion of the course he was conferred with the degree of Bachelor of Arts, Second Class Honours, Lower Division at a congregation held on 28 November, 1989.

This letter supercedes the earlier one.

Yours sincerely



P. WAMBAA P. (MR.)
SENIOR ADMINISTRATIVE ASSISTANT (EXAMINATIONS)

cc: Mr. Boaz Ochi
Fax: 914 736 2617

PWP/wnk.

//