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10 **SUPERIOR COURT OF THE STATE OF ARIZONA**

11 **IN AND FOR THE COUNTY OF MARICOPA**

12 STATE OF ARIZONA, *ex rel.*  
13 KRISTIN K. MAYES, Attorney General,

14 Plaintiff,

15 -vs.-

Case No: **CV2024-005359**

**COMPLAINT**

(Endangerment of Vulnerable Adults,  
Consumer Fraud)

16 HERITAGE VILLAGE BLDG2, LLC, a  
17 Delaware limited liability company; MRC  
18 VSL HV MANAGEMENT, LLC, a  
19 Delaware limited liability company; MRC  
20 VSL HV MANAGEMENT II, LLC; a  
21 Delaware limited liability company; MRC  
22 VSL HERITAGE VILLAGE, LLC; a  
23 Delaware limited liability company; MRC  
24 VSL HERITAGE VILLAGE II, LLC; a  
25 Delaware limited liability company;  
26 MADISON REALTY COMPANIES,  
LLC, a Colorado limited liability  
company; RSC INT LLC, a Nevada  
limited liability company; RONALD M.  
STEWART, an individual; ROBERT  
JOHN WALSH, an individual;  
MATTHEW ARNOLD, an individual;  
TRACY LI LANGENDOEN, an  
individual; GARY LANGENDOEN, an  
individual; MELINDA LEIBFRIED, an

1 individual; MOHAMMAD MUNZER  
2 NASSER, an individual; ANA HOSPICE  
3 CARE INC., an Arizona corporation;  
4 JOSEPH LEIBFRIED, an individual;  
5 EDWARD FECHSAR, an individual;  
6 ERIC ELLSWORTH, an individual;  
7 GREGORY BAIRD, an individual;  
8 JOSHUA LANCASTER, an individual;  
9 SAMUEL STOKES, an individual;  
10 MRSC AZ APACHE JUNCTION  
11 MASTER TENANT, LLC, a Delaware  
12 limited liability company; MRSC AZ  
13 MESA MASTER TENANT, LLC, a  
14 Delaware limited liability company;  
15 MRSC AZ APACHE JUNCTION, DST, a  
16 Delaware business trust; MRSC AZ  
17 MESA, DST, a Delaware business trust;  
18 MRSC AZ HOLDINGS I, LLC, a  
19 Delaware limited liability company;  
20 JOHN DOES 1-100;

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Defendants.

1 **INTRODUCTION**

2 1. Heritage Village Assisted Living (“Heritage Village”) is an assisted living facility  
3 located in Mesa, Arizona and currently licensed by the Arizona Department of Health Services  
4 (“ADHS”) under the name Heritage Village Bldg2, LLC. The facility provides long-term care  
5 and assistance with activities of daily living to its residents, all of whom are considered  
6 “vulnerable adults” under Arizona’s Adult Protective Services Act.

7 2. In May 2023, the ARIZONA REPUBLIC launched a series of stories about assisted  
8 living facilities in Arizona, including a searchable database of complaints against the facilities.  
9 Heritage Village featured prominently in the series, which detailed resident-on-resident violence  
10 at the facility and, in a November 2023 article, reported on the brutal rape of a resident by a  
11 Heritage Village employee.

12 3. After the REPUBLIC article detailing the sexual assault committed by a Heritage  
13 Village caretaker, ADHS conducted a series of facility surveys during which it identified dozens  
14 of violations. On or about January 12, 2024, ADHS issued a Notice of Intent to Revoke Health  
15 Care Institution License to Heritage Village, on the grounds that the life, health, and/or safety of  
16 the Heritage Village residents are in immediate danger.

17 4. After reviewing the results of one of the ADHS surveys, the Attorney General  
18 commenced an investigation to determine whether Heritage Village was endangering its residents.  
19 The investigation also sought to determine whether Heritage Village had committed consumer  
20 fraud by holding itself out as a facility capable of providing specialized care to vulnerable adults  
21 while systematically understaffing the facility, thus providing inadequate care that consistently  
22 violated Arizona law and regulations.

23 5. As a result of that investigation, the State learned that approximately 39 of the  
24 residents at the facility are unable to ambulate even with assistance, a condition commonly known  
25 as “bedbound” and/or “chairbound.”

26 6. Under the applicable regulations, assisted living facilities are not allowed to accept

1 or retain bedbound residents unless the resident’s physician certifies in writing that the facility is  
2 capable of providing the resident with the necessary level of care, as set forth in each resident’s  
3 care plan (also known as a service plan). As part of its investigation, the State requested the  
4 written certifications and service plans for all bedbound residents.

5 7. Heritage Village produced approximately 39 written certifications for bedbound  
6 residents. Approximately 31 of those certifications were signed by the medical providers *after*  
7 the date of the State’s demand for production of the records. The service plans for the residents  
8 in many instances were not up to date, and in some instances had only been created *after* the date  
9 of the State’s demand for production.

10 8. Of the written certifications, all but four had been signed by the same three medical  
11 providers. The State subpoenaed those three providers to answer questions under oath about their  
12 certifications.

13 9. All three providers admitted that they signed the forms without understanding what  
14 they were signing, without knowing the requirements that must be met before certification, and  
15 without reviewing the service plans for the residents. One provider admitted she signed the forms  
16 without reading them. One provider admitted he had never been to Heritage Village and did not  
17 know his patients resided there. All of them testified that Heritage Village did not include copies  
18 of the corresponding service plans when it gave the certification forms to the providers for  
19 signature.

20 10. As of March 2024, approximately 25% of the vulnerable adults currently residing  
21 at Heritage Village are bedbound. The vast majority of them still have not had a proper evaluation  
22 by a physician who has reviewed the service plan and ensured the facility is capable of providing  
23 the care set forth in the plan.

24 11. Heritage Village created most of the bedbound certifications in January 2024,  
25 specifically in response to the State’s investigation, and not prior to acceptance or continued  
26 acceptance of the bedbound residents as required by Arizona Law.



1 **Ownership Defendants**

2 16. The “Ownership Defendants” are those individuals and entities believed to have an  
3 ownership interest in the Heritage Village enterprise and/or its assets.

4 17. Defendant Heritage Village Bldg2, LLC (“Defendant Bldg2”) is a Delaware limited  
5 liability company registered to transact business in Arizona. On February 7, 2023, ADHS issued  
6 a license for operation of an assisted living facility to “Heritage Village Bldg 2, LLC dba Heritage  
7 Village Bldg 2, LLC,” which places a space between “Bldg” and “2.” On information and belief,  
8 the licensed entity and Defendant Bldg2 are identical, as no legal entity with a space between  
9 “Bldg” and “2” has ever existed.

10 18. Defendant MRC VSL HV Management, LLC (“Defendant MRC Management”) is  
11 a Delaware limited liability company registered to transact business in Arizona and listed as a  
12 member and manager of Defendant Bldg2. On information and belief, Defendant MRC  
13 Management has an ownership interest in the Heritage Village enterprise.

14 19. Defendant MRC VSL HV Management II, LLC (“Defendant MRC Management  
15 II”) is a Delaware limited liability company registered to transact business in Arizona. On  
16 information and belief, Defendant MRC Management II has an ownership interest in the Heritage  
17 Village enterprise.

18 20. Defendant MRC VSL Heritage Village, LLC (Defendant “MRC Heritage”) is a  
19 Delaware limited liability company registered to transact business in Arizona. On information  
20 and belief, Defendant MRC Heritage has an ownership interest in the Heritage Village enterprise.

21 21. Defendant MRC VSL Heritage Village II, LLC (Defendant “MRC Heritage II”) is  
22 a Delaware limited liability company registered to transact business in Arizona. On information  
23 and belief, Defendant MRC Heritage has an ownership interest in the Heritage Village enterprise,  
24 including but not limited to ownership of the real property comprising the Heritage Village  
25 campus.

26 22. Defendant MRC HV Investors, LLC (Defendant “MRC Investors”) is a Delaware

1 limited liability company registered to transact business in Arizona. On information and belief,  
2 Defendant MRC Investors has an ownership interest in the Heritage Village enterprise.

3 23. Defendant Madison Realty Companies, LLC (“Defendant Madison Realty”) is a  
4 Colorado limited liability company. On information and belief, Defendant Madison Realty has  
5 an ownership interest in the Heritage Village enterprise.

6 24. Defendant RSC INT LLC (“Defendant RSC”) is a Nevada limited liability  
7 company. On information and belief, Defendant RSC has an ownership interest in the Heritage  
8 Village enterprise.

9 25. Defendant Ronald M. Stewart (“Defendant Stewart”) is an individual who, on  
10 information and belief, resides in the state of Washington. On information and belief, Defendant  
11 Stewart has ownership interests in Defendant RSC and the Heritage Village enterprise.

12 26. Defendant Robert John Walsh (“Defendant Walsh”) is an individual licensed to  
13 practice law in the state of Nevada. On information and belief, Defendant Walsh has ownership  
14 interests in Defendant RSC and the Heritage Village enterprise.

15 27. Defendant Matthew Arnold (“Defendant Arnold”) is an individual listed as the  
16 organizer in the articles of organization for Defendant Madison Realty. On information and belief,  
17 Defendant Arnold is a co-manager of Defendant Madison Realty. On information and belief,  
18 Defendant Arnold has an ownership interest in the Heritage Village enterprise.

19 28. Defendant Tracy Li Langendoen (“Defendant T. Langendoen”), formerly known as  
20 Xun Ying Li, is an individual who, on information and belief, resides in the state of California.  
21 On information and belief, Defendant T. Langendoen is a member and co-manager of Defendant  
22 Madison Realty. On information and belief, Defendant T. Langendoen has an ownership interest  
23 in the Heritage Village enterprise.

24 29. Defendant Gary Langendoen (“Defendant G. Langendoen”) is an individual who,  
25 on information and belief, resides in the state of California. Defendant G. Langendoen is listed  
26 as the manager of Defendant Madison Realty. On information and belief, Defendant G.

1 Langendoen has an ownership interest in the Heritage Village enterprise. On information and  
2 belief, Defendant G. Langendoen is the highest-ranking natural person in the Heritage Village  
3 enterprise.

#### 4 **Enterprise Defendants**

5 30. The “Enterprise Defendants” are those Defendants who currently are not known to  
6 the State to have an ownership interest in the Heritage Village Enterprise, but are considered to  
7 be part of the Heritage Village enterprise because they are either entities or a “group of persons  
8 associated in fact” who are involved with providing care to the vulnerable adults residing at  
9 Heritage Village.

10 31. Defendant Melinda Leibfried (Defendant “M. Leibfried”), also known as Linde  
11 Leibfried, is an individual residing in Arizona. Defendant M. Leibfried is licensed in Arizona as  
12 a Certified Assisted Living Facility Manager. On information and belief, Defendant M. Leibfried  
13 is the Executive Director of Heritage Village, and serves in the role of Manager for the facility as  
14 that term is defined in A.A.C. § R9-10-801(5). On information and belief, in 2023 Defendant M.  
15 Leibfried received three separate disciplinary orders imposing stayed suspension and probation  
16 for “incompetency or gross negligence in the performance of administrative duties” from the  
17 Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living  
18 Facility Managers.

19 32. Defendant Mohammad Munzer Nasser (Defendant “Nasser”) is a medical doctor  
20 licensed to practice medicine in Arizona. On information and belief, Defendant Nasser serves as  
21 the Medical Director for Heritage Village.

22 33. Defendant ANA Hospice Care Inc. (Defendant “ANA Hospice” or “Ability  
23 Hospice”) is an Arizona corporation doing business under the registered trade name “Ability  
24 Hospice.” Defendant ANA Hospice holds a license issued by ADHS to provide hospice care in  
25 Arizona, which it does under the trade name Ability Hospice. On information and belief,  
26 Defendant ANA Hospice sometimes uses the unregistered trade name “Ability Home Health &



1 Hospice.”

2 34. Defendant Joseph Leibfried (Defendant “J. Leibfried”) is an individual residing in  
3 Arizona. Since 2022, Defendant J. Leibfried has been the Director of Defendant ANA Hospice.  
4 On information and belief, Defendant J. Leibfried is the spouse of Defendant M. Leibfried.

5 35. Defendant Edward Fechsar (Defendant Fechsar) is an individual listed as an officer  
6 of Defendant ANA Hospice.

7 36. Defendant Eric Ellsworth (Defendant Ellsworth) is an individual listed as an officer  
8 of Defendant ANA Hospice. On information and belief, Defendant Ellsworth is a medical doctor  
9 licensed to practice in Arizona.

10 37. Defendant Gregory Baird (Defendant Baird) is an individual listed as an officer of  
11 Defendant ANA Hospice.

12 38. Defendant Joshua Lancaster (Defendant Lancaster) is an individual listed as an  
13 officer of Defendant ANA Hospice.

14 39. Defendant Samuel Stokes (Defendant Stokes) is an individual listed as an officer of  
15 Defendant ANA Hospice.

16 **Notice Defendants**

17 40. The “Notice Defendants” are those Defendants who currently are not known to the  
18 State to have an ownership interest in the Heritage Village enterprise or to be participants in the  
19 Heritage Village enterprise. These Defendants are named in this suit because the State believes  
20 their property interests may be adversely impacted by the relief sought by the State against the  
21 Ownership Defendants and Enterprise Defendants. These parties are named solely to provide  
22 notice and an opportunity to be heard regarding the impact of this action on their interests.

23 41. Defendant MRSC AZ Apache Junction Master Tenant, LLC (Defendant “MRSC  
24 Apache Junction”) is a Delaware limited liability company registered to do business in Arizona.  
25 Defendant Madison Realty is listed as a manager and member of Defendant MRSC Apache  
26 Junction. Defendant MRSC Apache Junction is licensed by ADHS to operate two Arizona

1 assisted living facilities under the trade names “Visions Senior Living at Apache Junction 1” and  
2 “Visions Senior Living at Apache Junction 2.”

3 42. Defendant MRSC AZ Mesa Master Tenant, LLC (Defendant “MRSC Mesa”) is a  
4 Delaware limited liability company registered to do business in Arizona. Defendant Madison  
5 Realty is listed as a manager and member of Defendant MRSC Mesa. Defendant MRSC Mesa is  
6 licensed by ADHS to operate two Arizona assisted living facilities under the trade names “Visions  
7 Senior Living at Mesa 1” and “Visions Senior Living at Mesa 2.”

8 43. Defendant MRSC AZ Apache Junction, DST (Defendant “Apache Junction DST”)  
9 is a Delaware Statutory Trust registered to do business in Arizona. On information and belief,  
10 Defendant Madison Realty is the sole member of the signatory trustee of Defendant Apache  
11 Junction DST.

12 44. Defendant MRSC AZ Mesa, DST (Defendant “Mesa DST”) is a Delaware Statutory  
13 Trust registered to do business in Arizona. On information and belief, Defendant Madison Realty  
14 is the sole member of the signatory trustee of Defendant Mesa DST.

15 45. Defendant MRSC AZ Holdings I, LLC (Defendant “MRSC Holdings”) is a  
16 Delaware limited liability company. On information and belief, Defendant MRSC Holdings has  
17 a property interest that may be impacted by this action.

18 46. Defendants JOHN DOES 1-100 are fictitiously named individuals and entities  
19 currently unknown to the State who are a part of or have an ownership interest in the Heritage  
20 Village enterprise. If and when the actual identities of these individuals and entities become  
21 known to the State, they will be joined to this action to provide notice and an opportunity to be  
22 heard regarding the remedies sought by the State.

### 23 **JURISDICTION AND VENUE**

24 47. The State brings this action pursuant to the Adult Protective Services Act (“APSA”);  
25 A.R.S. §§ 46-451 to 46-474, and the Arizona Consumer Fraud Act (“ACFA”), A.R.S. §§ 44-1521  
26 to 44-1534.

1 48. This Court has subject-matter jurisdiction pursuant to A.R.S. § 12-123.

2 49. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

3 50. The State’s claims set forth herein are not barred by any statute of limitations  
4 pursuant to A.R.S. § 12-510.

5 **HERITAGE VILLAGE LICENSURE BACKGROUND**

6 51. Heritage Village is a long-term care facility located in Mesa, Arizona. It is licensed  
7 by ADHS under license number AL12412C as an Assisted Living Center, as that term is defined  
8 in A.R.S. § 36-401(A)(8). Heritage Village is licensed to provide directed care services (the  
9 highest level of care) as that term is defined in A.R.S. § 36-401(A)(16). The license authorizes  
10 Heritage Village to operate 192 beds across eight different buildings, with a maximum of 24 beds  
11 per building.

12 52. Heritage Village advertises for sale and sells residential long-term care services for  
13 vulnerable adults. This advertisement occurs by means of, *inter alia*, a web site  
14 ([www.heritagevillageassisteliving.com](http://www.heritagevillageassisteliving.com)) that solicits potential residents and their families to visit  
15 the Heritage Village campus, as well as face-to-face sales pitches.

16 53. Prior to the current license, which consolidates all of the Heritage Village buildings  
17 under one license number, Heritage Village operated each building under a separate license, which  
18 were granted to specific-purpose limited liability companies named after each building number.  
19 On or about February 7, 2023, Heritage Village consolidated all of the buildings under one single  
20 license, issued to Building 2. The 2023 license was issued to “Heritage Village Bldg 2, LLC dba  
21 Heritage Village Bldg 2, LLC.” On information and belief, no entity named “Heritage Village  
22 Bldg 2, LLC” with a space between the abbreviation “Bldg” and the number “2,” has ever existed  
23 in Delaware or Arizona.

24 54. Prior to the issuance of the 2023 license, Building 2 of Heritage Village operated  
25 under license AL10534C, issued in 2017. That license expired on August 31, 2022 and was closed  
26 by ADHS due to non-payment of licensure fees on October 1, 2022. From September 1, 2022 to

1 February 7, 2023, Heritage Village operated Building 2 without a valid license. ADHS ultimately  
2 imposed a civil penalty of \$12,900 against Heritage Village for operating Building 2 and several  
3 other buildings without a license for over five months.

4 55. When issuing the 2023 license, ADHS created a new facility ID number rather than  
5 retain the existing facility number for Building 2.

6 56. As a result of consolidating the licenses from eight different buildings into a single  
7 Building 2 license, and giving Building 2 a new facility ID number and license number, prior  
8 negative information about Heritage Village in the ADHS database was separated from the current  
9 active license for the facility. If a member of the public looking for current information searches  
10 the phrase “Heritage Village” and restricts the search to active licenses (which is the default search  
11 setting), only one record appears: the current license for Defendant Bldg2. However, changing  
12 the search parameters to include closed licenses reveals 11 additional results for Heritage Village,  
13 including the prior license for Building 2.

14 57. As a result, a person searching the ADHS database in March 2024 looking for the  
15 active Heritage Village license would find the consolidated 2023 license only. The database  
16 would report Heritage Village as having 56 total citations from ADHS (48 of which were  
17 discovered between December 6, 2023 and January 22, 2024), with civil penalties imposed for a  
18 total of \$13,900.

19 58. A search of the closed licenses associated with Heritage Village would reveal a total  
20 of 113 additional citations across all buildings, with an additional \$14,750 in civil penalties  
21 imposed. By consolidating the licenses into a single license, these additional citations and  
22 penalties were effectively hidden from Arizona consumers searching for information about the  
23 quality of care at Heritage Village.

24 59. On or about January 12, 2024, ADHS issued a “Notice of Intent to Revoke Health  
25 Care Institution License and Notice of Right to Request Administrative Hearing” to Defendant  
26 Bldg2.

1           60.     On or about February 9, 2024, Defendant Bldg2 filed a Request for Administrative  
2 Law Judge Hearing and a Request for Informal Settlement Conference.

3           61.     On or about February 15, 2024, the Office of Administrative Hearings issued a  
4 Notice of Hearing and Appointment of Administrative Law Judge for the Heritage Village matter.  
5 That Notice set a hearing date of March 29, 2024 before Hon. Kay Abramsohn, appointed as the  
6 administrative law judge for the hearing.

7                                     **ADHS CITATIONS OF HERITAGE VILLAGE**

8           62.     On or about December 5 and 6, 2023, ADHS conducted a compliance inspection of  
9 the Heritage Village facility. During that inspection ADHS found 36 deficiencies. During three  
10 additional inspections conducted in January 2024, ADHS found an additional 12 deficiencies. In  
11 notifying Defendant Bldg2 of its intention to revoke the license, ADHS noted that the type,  
12 severity, and number of violations “results in a direct risk to the life, health, and safety” of Heritage  
13 Village residents.

14           63.     During the December 2023 inspection, ADHS discovered that a Heritage Village  
15 resident had suffered a fall at the facility, resulting in an injury requiring hospitalization. Heritage  
16 Village did not document the fall as required by law. When asked to produce the facility’s incident  
17 reporting policy, Heritage Village failed to do so, despite being required to produce the policy  
18 within two hours of the ADHS request. *See A.A.C. § R9-10-803(E)(1)*

19           64.     During the December 2023 inspection, ADHS discovered that a caregiver employed  
20 by Heritage Village had never completed an approved caregiver training program as required by  
21 law. The only evidence of the caregiver’s formal training was an online certificate from  
22 something called “Caregiver Training University” dated more than two months after the employee  
23 began working at Heritage Village. Examination of work schedules revealed this unqualified  
24 caregiver mainly worked alone, at night.

25           65.     During the December 2023 inspection, ADHS discovered that at least one caregiver  
26 had not received a certification of training for cardiopulmonary resuscitation (“CPR”) specific to

1 adults, as required by law. Instead, the caregiver had only a certificate from an online CPR course  
2 that did not include a demonstration of the caregiver's ability to perform CPR.

3 66. During the December 2023 inspection, ADHS discovered that at least one employee  
4 and at least one resident had no medical documentation of freedom from infectious tuberculosis,  
5 as required by law.

6 67. During the December 2023 inspection, ADHS discovered that the forms for  
7 documenting the services provided to at least three residents were completely blank for multiple  
8 day and night shifts, including no recorded services at all for three residents during the period  
9 from December 1-6, 2023. ADHS noted that it had already cited Heritage Village for this type of  
10 violation in October 2023, and in November 2023 sent Heritage Village a written demand to come  
11 into compliance with the service documentation requirements. Heritage Village did not come into  
12 compliance.

13 68. During the December 2023 inspection, ADHS found a plastic box full of  
14 medications that had been prescribed for a former resident. The plastic box was located in a public  
15 area, where any visitor to the facility would be able to read the labels to learn private health  
16 information about the former resident and/or steal the drugs. This action violated both state and  
17 federal law, as well as common sense notions about safe storage of prescription medication.

18 69. During the December 2023 inspection, ADHS discovered that at least three  
19 residents had no documentation on file designating representatives to make decisions on behalf of  
20 those residents, as required by law.

21 70. During the December 2023 inspection, ADHS discovered that the files of at least  
22 two residents contained no documentation that vaccines for influenza and pneumonia had been  
23 made available to the residents, as required by law.

24 71. During the December 2023 inspection, ADHS discovered that at least two residents  
25 had no documentation that Heritage Village had provided skin care services for prevention of  
26 pressure sores and infections, as required by law.

1           72.    During the December 2023 inspection, ADHS discovered that some residents had  
2 no bell, intercom, or other mechanical means to alert Heritage Village caregivers of emergencies  
3 such as falls, as required by law. One resident informed ADHS that their remote call pendant had  
4 been taken by Heritage Village staff to replace a battery, but the call pendant was never returned  
5 to the resident.

6           73.    During the December 2023 inspection, ADHS discovered that the door alarm on a  
7 door leading to a back patio—a safety measure designed to alert staff when a dementia patient  
8 wanders outside—was rendered useless because the door was propped open with a chair. In  
9 addition, the gate on the fence surrounding the patio area was unlocked, meaning a resident could  
10 wander completely outside the facility without any alert to caretakers.

11          74.    During the December 2023 inspection, ADHS discovered that at least four residents  
12 did not receive some of their prescribed medications because the medications were not available  
13 at the facility. Some residents went days or weeks without taking their daily medications because  
14 Heritage Village did not have the medication available. At least one resident was given pills that  
15 were double the prescribed dosage, because the larger dose pills were the only ones available at  
16 the facility.

17          75.    During the December 2023 inspection, ADHS discovered at least one resident  
18 whose doctor had submitted an order to stop taking the current dosage of a medication and start  
19 taking a higher dosage. In reviewing the limited records for the resident’s drug administration,  
20 ADHS discovered that rather than stopping the original dosage, caretakers at Heritage Village  
21 administered both dosages, resulting in a dose 150% higher than prescribed by the resident’s  
22 doctor.

23          76.    During the December 2023 inspection, ADHS discovered that Heritage Village did  
24 not provide a current drug reference guide or a current toxicology reference guide for use by staff,  
25 as required by law. Heritage Village did make drug reference guides available, but those reference  
26 books were out of date. In place of a current toxicology reference guide Heritage Village directed

1 staff to a web site operated by the National Library of Medicine called Toxnet, but that web site  
2 is no longer operational, with most of the information disbursed among multiple other products  
3 and services of the National Library of Medicine.

4 77. During the December 2023 inspection, ADHS discovered that Heritage Village  
5 failed to comply with regulations regarding food service for residents. Meal menus were posted  
6 in areas off-limits to residents, rather than in a conspicuous location as required by law. Heritage  
7 Village also failed to serve snacks to residents, instead placing snacks in a location where residents  
8 could help themselves (except for the bedbound residents, who were unable to reach the snack  
9 locations without assistance and who numbered in the dozens at the time of the inspection).

10 78. During the December 2023 inspection, ADHS discovered that a resident had  
11 suffered a fall requiring hospitalization on October 7, 2023. Although the resident's medical  
12 record noted that the resident was "out of the facility," Heritage Village did not document the  
13 October 7 fall and did not immediately contact the resident's representative, as required by law.  
14 The resident returned to Heritage Village on October 21, 2023, and then suffered another fall  
15 resulting in injury just nine days later.

16 79. During the December 2023 inspection, ADHS discovered that hot water  
17 temperatures in areas used by residents were not maintained between 95°F and 120°F, as required  
18 by law. ADHS tests revealed multiple sinks dispensing water at temperatures above the legal  
19 limit, including several with temperatures in the range of 130°F to 139°F, a range that can easily  
20 cause serious burns and injuries to elderly residents.

21 80. During the December 2023 inspection, ADHS discovered numerous environmental  
22 hazards at Heritage Village, including uncovered garbage receptacles, uncovered soiled linens,  
23 unsecured oxygen containers, and toxic cleaning chemicals stored in unlocked cabinets.

24 81. During the December 2023 inspection, ADHS discovered that at least three  
25 residents had no service plan detailing the resident's needs and care requirements, as required by  
26 law. ADHS also discovered at least five residents had service plans created more than 14 days



1 after the residents were accepted at the facility, and at least three residents had service plans that  
2 were not updated with the frequency required by law.

3 82. During the December 2023 inspection, ADHS discovered that the service plans of  
4 at least ten residents that were not signed by the resident or the resident’s representative, as  
5 required by law.

6 83. During the December 2023 inspection, ADHS discovered that at least eight  
7 residents were “unable to ambulate even with assistance” but their records did not contain forms  
8 from their primary care providers certifying that the facility was able to care for the residents  
9 within the scope of their service plans, as required by law.

10 84. Follow-up inspections conducted by ADHS during January 2024 revealed that  
11 multiple previous citations had not been corrected, including deficient training of caretakers,  
12 improper administration of medications, and lack of proper documentation of services and resident  
13 incidents.

14 85. During the January 9, 2024 inspection, ADHS discovered that Heritage Village had  
15 failed to notify Adult Protective Services about mandatory reporting incidents, including an  
16 incident of resident-on-resident violence and an incident of caregiver-on-resident abuse.

17 86. During the January 9, 2024 inspection, ADHS discovered that Heritage Village had  
18 attempted to prevent residents from entering one resident’s room by placing a “Dreambaby Lever  
19 Door Child Safety Lock” on the outside handle facing the hallway. This left the resident secluded  
20 and trapped inside the bedroom with no means of egress, in violation of law and all common sense  
21 notions of emergency preparedness.

22 **SIMILAR ACTIONS OF NOTICE DEFENDANTS**

23 87. The Notice Defendants are part of the enterprise that operates the Visions Senior  
24 Living facilities in Apache Junction and Mesa. On information and belief, the Notice Defendants  
25 are controlled by the same beneficial owners who control Ownership Defendant entities, with  
26 Defendant G. Langendoen being the highest-ranking natural person in the enterprise. Any order

1 barring the Ownership Defendants from owning or operating assisted living facilities in Arizona  
2 will require the Notice Defendants to divest their interest in the Visions Senior Living facilities.

3 88. Operating under the same ownership and leadership as the Heritage Village  
4 enterprise, the Visions facilities have also engaged in conduct similar to the Heritage Village  
5 enterprise conduct that led to the initiation of this action.

6 89. During a September 21, 2023 survey of the Visions Apache Junction facility, ADHS  
7 cited the facility for, *inter alia*, hiring a caregiver with an expired fingerprint card, accepting a  
8 resident who required a level of care the facility was not licensed to provide, and failure to clean  
9 and disinfect some resident bedrooms, at least two of which appeared to have feces smeared on  
10 the walls.

11 90. In December 2023, ADHS issued a \$500 civil penalty to the manager of the Visions  
12 Apache Junction facility for failure to maintain a service plan for a resident.

13 91. In April 2023, ADHS imposed civil penalties on the Visions Mesa facility for failure  
14 to conduct quarterly employee disaster drills and semi-annual resident evacuation drills. In the  
15 order imposing the penalty, ADHS noted that the Visions Mesa facility had been cited for  
16 inadequate emergency drills in July 2021. During a December 2023 survey the facility could not  
17 provide evidence that it had conducted any emergency drills during the 18 months after the  
18 previous citation.

19 92. In December 2021, Sunwest Bank filed a Verified Complaint against Defendant  
20 Mesa DST (Maricopa County Superior Court No. CV2021-054363) for breach of a loan  
21 agreement, where the loan was secured by current and future rents generated by the Visions Mesa  
22 facility. Sunwest Bank alleged that despite a provision in the loan agreement prohibiting  
23 distributions of excess cash flow while the loan is in default, Defendant Mesa DST made  
24 prohibited distributions of at least \$169,945 to the “Parent Trust, investors, affiliates and third  
25 parties.” This case resulted in the appointment of a receiver to collect rents and prevent the  
26 Visions Mesa owners from making further prohibited distributions of cash to themselves.

1           93.    According to reports filed by the receiver in the Sunwest Bank lawsuit, at the time  
2 the owners of the Visions Mesa facility also owned multiple “related Utah facilities” that were  
3 also in receivership.

4           94.    Taken together, the allegations regarding the Visions facilities in Apache Junction  
5 and Mesa indicate that the controlling owners placed the lives of the residents in danger, loaded  
6 the facilities with unsustainable debt, defaulted on the debt while moving cash from the facility to  
7 their own pockets, and faced simultaneous receiverships for facilities in both Arizona and Utah.

8           95.    All residents of the facilities controlled by the Notice Defendants will enjoy reduced  
9 physical danger and higher quality of life if the facilities are placed under new ownership.

10   **CIVIL INVESTIGATION AND COVER-UP**

11           96.    After the ADHS citations became public, the Attorney General initiated a broad-  
12 based civil investigation of Heritage Village’s operations, with a special focus on the bedbound  
13 residents.

14           97.    As noted by ADHS, under its current license Heritage Village is unable to accept or  
15 retain any bedbound residents at all, unless each resident has the individual approval of a medical  
16 provider who has assessed the resident, assessed the resident’s service plan, and certified that the  
17 facility is capable of meeting the resident’s needs.

18           98.    In December 2023, the Attorney General acting on behalf of the State sought  
19 information about the facility’s compliance with applicable statutes and regulations and  
20 demanding a response by January 5, 2024. At the request of counsel for Heritage Village, the  
21 State agreed to extend the deadline and allow for rolling production of documents, with priority  
22 given to producing a list of bedbound residents, along with the service plans and medical  
23 certifications for each of them. On January 16, 2024, counsel for Heritage Village committed to  
24 providing those documents within one week.

25           99.    Two weeks later, on January 31, 2024, Heritage Village produced the bedbound  
26 certification forms signed by medical providers, but still did not produce the corresponding service

1 plans.

2 100. The failure to timely produce the bedbound certifications and service plans was  
3 consistent with prior efforts by Heritage Village to delay production of documents while creating  
4 a record that seems to demonstrate cooperation. For example, Heritage Village produced copies  
5 of staff schedules as demanded, but printed the schedules in a way that made it impossible to read  
6 the names of the staff members who worked particular shifts. Despite promises to produce new  
7 copies of the staff schedules with readable information, Heritage Village never did so.

8 101. Heritage Village finally completed the production of the requested bedbound  
9 resident documentation in February 2024, and the reason for the delay became clear. Heritage  
10 Village had not produced the documents sooner because most of the documents did not already  
11 exist and needed to be created. Approximately two-thirds of the certification forms were signed  
12 by medical providers after the January 16, 2024 production promise.

13 102. Although the certification forms stated that the signing medical providers had  
14 evaluated the service plans for the bedbound residents, several of the service plans produced by  
15 Heritage Village were created after the signature dates on the certification forms.

16 **MEDICAL PROVIDER TESTIMONY ABOUT BEDBOUND CERTIFICATIONS**

17 103. The vast majority of the bedbound certification forms were signed by just three  
18 medical providers, and each provider signed most documents on a single date. Heritage Village  
19 sent the providers a stack of forms and asked for signatures on all of them immediately.

20 104. As part of the ongoing civil investigation, the State subpoenaed the three providers  
21 to obtain their sworn testimony about how they came to sign the bedbound certification forms.

22 105. The first witness (“Witness 1”) is a family nurse practitioner employed by a third-  
23 party health care company. [See Excerpts from Examination Under Oath for Witness 1, attached  
24 hereto as **Exhibit 1**, at 4:20-25; 13:1-3; 13:19-25.] Witness 1 serves as the primary care provider  
25 for approximately 70 of the residents at Heritage Village, which represents approximately half of  
26 the current residents at the facility. [See **Ex. 1** at 17:14-18:2.] Since May 2022, Witness 1 has

1 performed patient care rounds at Heritage Village two days per week, and her company maintains  
2 an office on the Heritage Village campus where she also sees residents. [See **Ex. 1** at 16:11-17:1;  
3 53:6-23.] Witness 1 signed 12 bedbound certification forms, all on January 22, 2024.

4 106. The second witness (“Witness 2”) is a physician’s assistant employed by a third-  
5 party mobile medicine company. [See Excerpts from Examination Under Oath for Witness 2,  
6 attached hereto as **Exhibit 2**, at 4:16-17.] Witness 2 has been seeing patients at Heritage Village  
7 since April 2022, and currently provides primary care for approximately 40 residents. [See **Ex. 2**  
8 at 13:22-14:13.] Witness 2 signed 12 bedbound certification forms, eight of which were signed  
9 on June 22, 2023, and four of which were signed on January 22, 2024.

10 107. The third witness (“Witness 3”) is a physician employed by Defendant Ability  
11 Hospice as Medical Director. [See Excerpts from Examination Under Oath for Witness 3,  
12 attached hereto as **Exhibit 3**, at 4:15-24; 7:7-21.] Since October 2022, Witness 3 has conducted  
13 virtual visits with patients through an online video link, but has never visited the Heritage Village  
14 facility and does not necessarily know whether his patients are residents at Heritage Village or  
15 another care facility. [See **Ex. 3** at 11:23-13:21.] Witness 3 signed nine bedbound certification  
16 forms, seven of which were signed on January 19, 2024, and two of which were signed on January  
17 22, 2024.

18 108. Together these three witnesses signed at least 33 bedbound consent forms. All three  
19 witnesses testified that they harbored incorrect understandings of what they were signing. All  
20 three witnesses testified that they were not aware of the regulations that govern the bedbound  
21 certifications. All three witnesses said that they never reviewed the service plans for any of the  
22 patients for whom they signed bedbound certification forms.

23 109. Witness 1 testified that despite treating numerous bedbound patients at Heritage  
24 Village since May 2022, she had never been asked to sign a bedbound certification form until  
25 January 2024. [See **Ex. 1** at 18:17-19:21.] Witness 1 also testified that she was not familiar with  
26 the applicable regulation and that nobody had ever explained to her what requirements must be

1 met before signing the form. [See **Ex. 1** at 24:5-18.] Witness 1 testified that she had never been  
2 given copies of her patients' service plans so she could evaluate the scope of services as required  
3 by law, and therefore had never reviewed the scope of services for any of the bedbound patients.  
4 [See **Ex. 1** at 31:1-15.]

5 110. Witness 2 testified that although she has signed bedbound certification forms for  
6 Heritage Village and other facilities, she was not aware of the requirements for the certification  
7 because, "I honestly don't really read it. I just sign it." [See **Ex. 2** at 23:12-24:1.] Witness 2 also  
8 testified that she believed the certification forms only confirmed the fact that the patients were  
9 bedbound, rather than certify that the facility can meet the patients' needs. [See **Ex. 2** at 24:2-12.]  
10 Witness 2 testified that she does not review service plans before signing bedbound certification  
11 forms, and in fact she has never even seen a service plan for any Heritage Village resident. [See  
12 **Ex. 2** at 25:2-26:4.]

13 111. Witness 3 testified that although he had signed the bedbound certification forms for  
14 Heritage Village, he had never reviewed any patient service plans and was not sure what a service  
15 plan is. [See **Ex. 3** at 21:2-8.] Witness 3 testified that he believed the bedbound certification  
16 forms were intended to grant permission to Heritage Village to confine the patients to a bed or  
17 wheelchair, rather than certifying that the patients' needs could be met by Heritage Village. [See  
18 **Ex. 3** at 19:1-12.] When asked how he was able to certify that the patients' needs could be met  
19 by Heritage Village when he had never visited Heritage Village, never spoken to Heritage Village  
20 employees, and never reviewed the patient service plans, Witness 3 responded, "It looks like I  
21 shouldn't have, quite frankly." [See **Ex. 3** at 22:16-23:3.]

22 112. Based on the testimony of these three witnesses, at least 33 bedbound residents at  
23 Heritage Village have still never received a proper medical evaluation to determine whether  
24 Heritage Village can meet their needs. When faced with a choice between bringing the facility  
25 into substantial compliance with Arizona law or merely generating paperwork that creates an  
26 illusion of compliance, Heritage Village chose the latter option.

1 113. Despite their long history of failing to comply with state law, including over 170  
2 ADHS citations and tens of thousands of dollars in previous civil penalties, Heritage Village  
3 continues to put the health, safety, and well-being of their vulnerable adult residents at risk.

4 114. Because Heritage Village refuses to comply with resident care laws and regulations,  
5 ADHS has initiated proceedings to revoke the Heritage Village license. Although Heritage  
6 Village has operated in the past with expired licenses, a formal revocation of the license would  
7 require all current Heritage Village residents to transfer to new facilities. This could pose a  
8 monumental challenge, as it may be extremely difficult to find available rooms in other facilities  
9 that are both capable of caring for the residents and affordable enough for the family members  
10 who are paying for the long-term care.

11 115. For these reasons, the State is filing this action to protect the residents who are  
12 endangered by Heritage Village's ongoing failure to comply with applicable laws, and to prevent,  
13 restrain, and remedy the abuse, neglect, and exploitation of these vulnerable adults.

14 **COUNT 1 – ENDANGERMENT OF VULNERABLE ADULTS**

15 **(ALL OWNERSHIP AND ENTERPRISE DEFENDANTS)**

16 116. The allegations in paragraphs 1 through 115 are restated and incorporated as if fully  
17 set forth herein.

18 117. All residents of Heritage Village are over the age of 18.

19 118. All residents of Heritage Village are vulnerable adults because they are unable to  
20 protect themselves from abuse, neglect, or exploitation due to physical and/or mental impairments.

21 119. The bedbound residents of Heritage Village are particularly vulnerable, because  
22 they are unable to ambulate even with assistance, and therefore rely entirely on Heritage Village  
23 to meet their daily needs and protect them in emergency situations such as building fires.

24 120. The acts and omissions of Ownership Defendants and Enterprise Defendants have  
25 resulted in abuse of Heritage Village residents, including but not limited to injuries caused by  
26 negligent acts or omissions, unreasonable confinement, and sexual assault.

1 121. The acts and omissions of Ownership Defendants and Enterprise Defendants have  
2 resulted in neglect of Heritage Village residents, including but not limited to the failure to provide  
3 adequate supervision and other services necessary to maintain the minimum physical and mental  
4 health of residents.

5 122. The acts and omissions of Ownership Defendants and Enterprise Defendants have  
6 resulted in exploitation of Heritage Village residents, including but not limited to charging large  
7 fees to residents for care services that Defendants never provided and/or never intended to provide.

8 123. Heritage Village's ongoing and repeated failure to comply with the laws and  
9 regulations designed to protect their vulnerable adult residents creates an immediate and ongoing  
10 endangerment to the lives and health of the residents.

11 124. Ownership Defendants and Enterprise Defendants are legal entities and natural  
12 persons associated in fact as the Heritage Village enterprise, which is involved with providing  
13 care to vulnerable adults. All Ownership Defendants and Enterprise Defendants have either been  
14 employed to provide care for vulnerable adults, or assumed a legal duty to provide care for  
15 vulnerable adults by seeking licensure to operate the enterprise from ADHS and/or entering into  
16 contractual agreements with the residents or legal representatives of the residents.

17 125. All Ownership Defendants and Enterprise Defendants, acting together as the  
18 Heritage Village enterprise, have endangered the lives and health of vulnerable adults, and they  
19 continue to do so despite repeated citations and penalties imposed by ADHS.

20 126. The State, acting on behalf of all vulnerable adults currently residing at Heritage  
21 Village and those who might do so in the future, is entitled to appropriate orders from the Court  
22 pursuant to the Adult Protective Services Act to prevent, restrain, and remedy the endangerment  
23 of vulnerable adults by all Ownership Defendants and Enterprise Defendants.

24 **COUNT 2 – CONSUMER FRAUD**

25 **(ALL OWNERSHIP DEFENDANTS, M. LEIBFRIED, NASSER)**

26 127. The allegations in paragraphs 1 through 126 are restated and incorporated as if fully



1 set forth herein.

2 128. Ownership Defendants and Defendants M. Leibfried and Nasser have acted and  
3 continue to act in concert, on a for-profit basis, to advertise and sell residential long-term care  
4 services and/or health care services to vulnerable adults.

5 129. In advertising and selling services to vulnerable adults and their family members,  
6 Heritage Village claims to provide “Memory Care,” a term with no definition in any Arizona  
7 statute or regulation.

8 130. On information and belief, during the process of advertising and selling “memory  
9 care” services Heritage Village does not provide definitions of “supervisory care services,”  
10 “personal care services,” or “directed care services,” all of which are defined terms under Arizona  
11 law. On information and belief, Heritage Village does not group its services into those three  
12 legally-defined categories.

13 131. Ownership Defendants and Defendants M. Leibfried and Nasser failed to disclose  
14 to residents or their representatives the extent of the enterprise’s noncompliance with Arizona  
15 statutes and regulations intended to protect vulnerable adults residing in assisted living facilities.  
16 This includes, but is not limited to, Heritage Village’s failure to inform residents or their  
17 representatives that it did not allow for independent medical certifications for bedbound residents  
18 by making resident service plans available to reviewing providers – or that many residents did not  
19 even have service plans that could be reviewed.

20 132. The Heritage Village web site presents potential residents and their families with  
21 numerous positive reviews copied and pasted from other unidentified sites on the internet, without  
22 attribution and without including any negative reviews. On information and belief, some of the  
23 positive reviews posted on the Heritage Village web site are from people with close business or  
24 personal connections to the Heritage Village enterprise, including but not limited to Joe Leibfried  
25 (believed to be Defendant J. Leibfried), Mike Leibfried, George Conney, and Lynn Conney. The  
26 web site omits any information that would explain the connection of these individuals to Heritage

1 Village.

2 133. By consolidating all prior licenses under one new license, and by changing the entity  
3 name on the license to create a new facility number, Heritage Village concealed and suppressed  
4 more than 100 citations from public view by making those citations invisible when searching the  
5 public database for active licenses only.

6 134. Heritage Village's extensive history of citations and penalties for failing to comply  
7 with Arizona law, as well as the irregular licensing history of the facility effectively concealing  
8 the vast majority of the citations and penalties from prospective residents, are material facts to  
9 anyone considering moving to Heritage Village or placing a loved one in the facility.

10 135. Republication of positive reviews while omitting negative reviews, as well as  
11 having people connected with the facility submit positive reviews while concealing their  
12 connection to the facility, are material facts to anyone considering moving to Heritage Village or  
13 placing a loved one in the facility.

14 136. Ownership Defendants and Defendants M. Leibfried and Nasser intended for  
15 potential residents and their families to rely on the concealment, suppression, and omission of  
16 these negative facts.

17 137. Ownership Defendants and Defendants M. Leibfried and Nasser used deceptive and  
18 unfair trade practices that unjustly enriched the enterprise at the expense of Heritage Village's  
19 vulnerable adult residents.

20  
21 **WHEREFORE** Plaintiff State of Arizona prays for:

- 22 a. Upon proper application and hearing, an order appointing a receiver to take  
23 control of the Heritage Village enterprise, protect the vulnerable adults currently  
24 residing at the facility, and bring the facility into compliance with all applicable  
25 laws and regulations;
- 26 b. An order holding Ownership Defendants and Enterprise Defendants liable for

- 1 abuse, neglect, and exploitation of vulnerable adults in violation of APSA;
- 2 c. An order holding Ownership Defendants and Defendants M. Leibfried and
- 3 Nasser liable for consumer fraud in violation of ACFA;
- 4 d. An order requiring Ownership Defendants and Enterprise Defendants to pay
- 5 restitution to current and former Heritage Village residents and/or their families,
- 6 in an amount to be determined at trial;
- 7 e. An order requiring Ownership Defendants and Enterprise Defendants to pay
- 8 civil penalties in an amount to be determined at trial;
- 9 f. An order requiring Ownership Defendants and Does 1-100 to divest themselves
- 10 of any direct or indirect interest in the Heritage Village enterprise pursuant to
- 11 A.R.S. § 46-455(H)(1);
- 12 g. An order prohibiting Ownership Defendants and Enterprise Defendants from
- 13 engaging in any activities or investments involving the provision of care to
- 14 vulnerable adults in the State of Arizona, pursuant to A.R.S. § 46-455(H)(2),
- 15 including an order to divest themselves of any direct or indirect interest in any
- 16 health care facility or assisted living facility controlled by Notice Defendants in
- 17 the State of Arizona;
- 18 h. An order requiring Ownership Defendants and Enterprise Defendants to pay all
- 19 costs and expenses of the State's investigation of the conduct described herein;
- 20 i. An order directing the Attorney General to list the disposition of this matter in
- 21 the Elder Abuse Central Registry;
- 22 j. An order referring the Court's findings to the Arizona Department of Economic
- 23 Security as substantiated findings of abuse, neglect, and exploitation for the
- 24 purpose of placing all Defendants who are natural persons and Does 1-100 on
- 25 the Adult Protective Services Registry pursuant to A.R.S. § 46-459; and
- 26 k. Such other relief as the Court deems just and proper

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DATED this 15th day of March, 2024.

**KRISTIN K. MAYES**  
ATTORNEY GENERAL

By: /s/ Shane M. Ham  
Shane M. Ham  
Assistant Attorney General  
*Attorneys for Plaintiff State of Arizona*

**EXHIBIT 1**

EXCERPTS FROM  
EXAMINATION UNDER OATH  
“WITNESS 1”

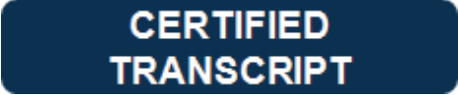
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In Re the Matter of: )  
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EXAMINATION UNDER OATH OF [REDACTED]

PHOENIX, ARIZONA  
February 20, 2024

Prepared by:  
Deborah L. Tucker, RPR  
Certified Reporter  
Certification No. 50464



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[REDACTED]  
the witness herein, having been first duly sworn by the  
Certified Reporter, was examined and testified as follows:

EXAMINATION

BY MR. HAM:

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[REDACTED]  
Q. What is your occupation?  
A. I'm a family nurse practitioner.  
Q. What exactly is a family nurse practitioner?  
A. It is a care provider. It's an advanced license  
from an R.N. into an advanced practice nurse. And in the  
state of Arizona I can practice medicine.

14:16:39 1 Q. Okay. And can you tell me the name of your  
14:16:43 2 current employer?

14:16:44 3 A. [REDACTED].

14:16:46 4 [REDACTED]

14:16:50 5 [REDACTED]

14:16:57 6 [REDACTED]

14:17:02 7 [REDACTED]

14:17:05 8 [REDACTED]

14:17:07 9 [REDACTED]

14:17:09 10 [REDACTED]

14:17:13 11 [REDACTED]

14:17:15 12 [REDACTED]

14:17:15 13 [REDACTED]

14:17:18 14 [REDACTED]

14:17:19 15 [REDACTED]

14:17:20 16 [REDACTED]

14:17:21 17 [REDACTED]

14:17:24 18 [REDACTED]

14:17:25 19 Q. And then what does [REDACTED] do?

14:17:27 20 A. We provide medical care services to different  
14:17:32 21 populations. For instance, I work in the primary care  
14:17:39 22 side like you normally would go and see your own primary  
14:17:42 23 care doctor. And I'm on the grounds of Heritage Village,  
14:17:46 24 so I round as a mobile primary care provider in Heritage  
14:17:52 25 Village and two other assisted living facilities.



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[REDACTED]

Q. In the average week, how many days are you on site at Heritage Village?

A. Can you please clarify for me? On site seeing their patients or just on site on the campus?

Q. On site visiting with patients.

A. I am currently rounding two days a week.

Q. And do you go to Heritage Village on other days besides those two days a week?

A. I do not. My office is located on the grounds of Heritage Village, and I do see patients from outside the facility two days a week.

Q. Where on the grounds of Heritage Village is your office located?

A. We are just -- so, the same building as their main office, just one door to the, I guess, left of their

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14:23:34 24  
14:23:35 25

main office.

Q. Okay. How many patients at Heritage Village do you currently see?

A. I don't -- I can't give you an exact number. I can give you a ball park.

Q. Okay. What's the ball park?

A. I would say I see about 70 patients at Heritage Village.

Q. And if I understand correctly, there are currently around 150 residents at Heritage Village. Does that seem accurate to you?

A. That seems accurate.

Q. So, approximately half of them are under your

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14:24:56 19  
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direct care?  
A. Correct.  
[REDACTED]  
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(Deposition Exhibit 1 was marked for  
identification.)  
BY MR. HAM:  
Q. Okay. I have just handed you what has been  
marked as Exhibit Number 1 for this examination. It is a  
stack of documents that have been stapled together. Are  
you familiar with these documents?  
A. Yes.  
Q. What are they?

14:25:16 1 A. These are documents that I was asked to sign by  
14:25:23 2 Heritage Village on all of their bedbound or wheel-bound  
14:25:27 3 patients.

14:25:27 4 Q. And what is a bedbound patient and what is a  
14:25:31 5 wheel-bound patient?

14:25:32 6 A. A bedbound patient would be somebody that would  
14:25:37 7 require the support of, like, a lift or three or more  
14:25:43 8 people to transfer.

14:25:45 9 A wheelchair bound patient is somebody that  
14:25:49 10 can transfer with maybe one-person assistance into a  
14:25:53 11 wheelchair for mobility, to move around the facility.

14:25:57 12 Q. Okay. Had you ever signed forms like these forms  
14:26:04 13 before the date that you signed these?

14:26:06 14 A. No.

14:26:07 15 Q. This is your first time signing these forms?

14:26:09 16 A. This is my first time signing these forms.

14:26:11 17 Q. So, you had started doing rounding at Heritage  
14:26:17 18 Village in May of 2022, but they had never asked you to  
14:26:20 19 sign any of these bedbound consent forms until January of  
14:26:24 20 2024?

14:26:25 21 A. Correct.

14:26:25 22 [REDACTED]

14:26:30 23 [REDACTED]

14:26:35 24 [REDACTED]

14:26:41 25 [REDACTED]

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[REDACTED]

Q. And you had never signed any like this for Heritage Village either?

A. No.

Q. Okay. You see the title of the documents there on Exhibit 1 it says "Bedbound Consent," and then underneath that it says "AZ Regulation R9-10-814(B)? Do you see that?

A. Yes.

Q. Are you familiar with that regulation?

A. I am not, no.

Q. Has anybody ever explained to you what the requirements are for signing off on one of these forms that you see in Exhibit 1?

A. No, they have not.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14:40:15 1 Q. Okay. And then Point Number 2, it says, "Reviews  
14:40:20 2 the assisted living facility's scope of services."

14:40:24 3 Have you ever been given any of the scope of  
14:40:26 4 service documents from the assisted living facility to  
14:40:26 5 review?

14:40:31 6 A. I have not.

14:40:32 7 Q. Okay. And then the last one says, "Signs and  
14:40:37 8 dates a determination stating that the resident's needs  
14:40:39 9 can be met by the assisted living facility within the  
14:40:43 10 assisted facility's scope of services and, for a retention  
14:40:48 11 of a resident, are being met by the assisted living  
14:40:48 12 facility."

14:40:51 13 So, I understand your testimony is that you  
14:40:53 14 did not review the facility's scope of services?

14:40:56 15 A. I did not.

14:40:56 16 [REDACTED]  
14:41:00 17 [REDACTED]  
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[REDACTED]

BY MR. HAM:

Q. Do you see any of the Heritage Village residents outside of the Heritage Village campus?

A. I have on occasion, yes, where they've come in to see me in clinic on clinic days.

Q. In general, would those patients come to your Tempe clinic?

A. No, the Mesa where I'm on grounds. We have a doctor's office on the grounds of Heritage Village.

Q. So, if I understand your testimony then, you're saying that sometimes instead of you visiting them in their rooms they come to your office on the Heritage Village campus?

A. Yes.

Q. Do they ever -- Have you ever seen any Heritage Village patients outside of the Heritage Village campus, which I'm defining to include your office there?

A. No. So, like, meaning do they come over to Tempe to see me? No, they do not.

[REDACTED]

[REDACTED]

**EXHIBIT 2**

EXCERPTS FROM  
EXAMINATION UNDER OATH  
“WITNESS 2”



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In Re the Matter of:	)	
	)	CLU-INV-2023-0056
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Heritage Village.	)	
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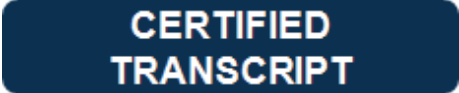
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EXAMINATION UNDER OATH OF [REDACTED]

PHOENIX, ARIZONA

February 21, 2024

Prepared by:  
Deborah L. Tucker, RPR  
Certified Reporter  
Certification No. 50464



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[REDACTED]  
the witness herein, having been first duly sworn by the  
Certified Reporter, was examined and testified as follows:

EXAMINATION

BY MR. HAM:

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Can you tell me, what is your current occupation?

A. I'm a physician assistant doing mobile medicine.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Q. When did you first start having interactions with Heritage Village?

A. April of '22.

Q. How did that come to be?

09:49:42 1 A. So, basically, my company assigns each provider  
09:49:48 2 different facilities and depending on how many patients  
09:49:52 3 you desire to see. So, Heritage Village was actually  
09:49:55 4 close to my home and so it was an easy transition.

09:50:01 5 So, initially I saw some of the patients at  
09:50:04 6 Heritage Village. And then -- for [REDACTED] And then I had  
09:50:08 7 transitioned to seeing all of the patients at Heritage  
09:50:11 8 Village for [REDACTED].

09:50:12 9 Q. How many of the residents at Heritage Village are  
09:50:17 10 patients of [REDACTED]?

09:50:19 11 A. I don't know that. The number has gone down  
09:50:23 12 significantly. Estimate, maybe around 40 patients right  
09:50:29 13 now.

09:50:30 14 [REDACTED]

09:50:37 15 [REDACTED]

09:50:39 16 [REDACTED]

09:50:40 17 [REDACTED]

09:50:42 18 Q. How often are you on site at Heritage Village?

09:50:45 19 A. Once a week.

09:50:50 20 Q. Is it the same day every week?

09:50:52 21 A. Yes.

09:50:52 22 [REDACTED]

09:50:53 23 [REDACTED]

09:50:54 24 [REDACTED]

09:51:04 25 [REDACTED]

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[REDACTED]

Q. Okay. In total, for these four facilities, [REDACTED], [REDACTED], [REDACTED], and Heritage Village, how many total bedbound consent forms do you think you've signed?

A. I wouldn't have a clue. It's one of those situations that I go through, I look at the name and say, yep, they're in a wheelchair or bed all the time, and I just sign it.

Q. Are the bedbound consent forms that you've signed for other facilities substantially similar to the ones that are here in Exhibit 1 --

A. Yes.

Q. -- in terms of the wording of them?

A. I wouldn't know for sure. I honestly don't

10:03:49 1 really read it. I just sign it.

10:03:52 2 Q. Okay. When you say you don't really read it, you  
10:03:57 3 just sign it, what do you believe are the criteria  
10:04:01 4 necessary for you to sign the form?

10:04:04 5 A. Basically, that -- that these are my patients,  
10:04:09 6 and I verify that they're either in a bed or in a  
10:04:15 7 wheelchair continuously, but they're non-ambulatory.

10:04:20 8 Q. So, as far as you're concerned, when you sign one  
10:04:22 9 of these forms all you're really saying is that you are  
10:04:26 10 confirming the patient is unable to ambulate even with  
10:04:28 11 assistance?

10:04:29 12 A. Correct.

10:04:29 13 [REDACTED]

10:04:33 14 [REDACTED]

10:04:35 15 [REDACTED]

10:04:42 16 [REDACTED]

10:04:43 17 [REDACTED]

10:04:44 18 [REDACTED]

10:04:48 19 [REDACTED]

10:04:49 20 [REDACTED]

10:04:51 21 [REDACTED]

10:04:55 22 [REDACTED]

10:04:58 23 [REDACTED]

10:05:02 24 [REDACTED]

10:05:05 25 [REDACTED]

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[REDACTED]

Q. It says, "I certify that the resident needs can be met by this assisted living facility."

So, just on that phrase there then, I understand your testimony that you are not really certifying that their needs can be met so much as you're certifying your confirmation that they are indeed bedbound?

A. Yes.

Q. And then the sentence goes on to say, "within the scope of service, open parentheses, as per service plan, close parentheses," do you see that?

A. Correct.

Q. What do you believe "scope of service" means?

A. That the facility can meet the needs of this patient.

Q. And when it says "as per service plan," what does that mean?

A. Each patient has a service plan that is written by the facility signed by the family members.

Q. And do you review these service plans before signing the forms?

A. I do not.

Q. Have you ever seen any of the service plans for any of your patients at Heritage Village?

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A. No.

Q. Do you have any input whatsoever as to what the service plans say?

A. I don't.

[REDACTED]



**EXHIBIT 3**

EXCERPTS FROM  
EXAMINATION UNDER OATH  
“WITNESS 3”

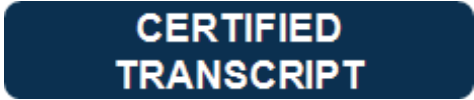
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In Re the Matter of:	)	
	)	CLU-INV-2023-0056
	)	
Heritage Village.	)	
	)	
	)	

EXAMINATION UNDER OATH OF [REDACTED]

PHOENIX, ARIZONA  
February 23, 2024

Prepared by:  
Deborah L. Tucker, RPR  
Certified Reporter  
Certification No. 50464



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[REDACTED]  
the witness herein, having been first duly sworn by the  
Certified Reporter, was examined and testified as follows:

EXAMINATION

BY MR. HAM:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. What is your current occupation?

A. Physician.

Q. Do you hold a license to practice medicine in  
Arizona?

A. Yes.

Q. What kind of license do you hold?

A. Medical doctor, allopathic medicine.

Q. How long have you been licensed to practice in  
Arizona?

A. 20, 21 -- almost 21 years. 2003.

[REDACTED]

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[REDACTED]

Q. I'm going to be asking you some questions about documents you signed regarding the residents at the Heritage Village Assisted Living facility. Are you familiar with that facility?

A. I do take care of Hospice patients at that facility.

Q. How long have you been doing that?

A. I think October of 20-- October of '22, I think is the date that I started doing that.

Q. October of 2022?

A. Um-hum. 2022, yes, um-hum. I would have to check to know for sure, but that's roughly it.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Q. And what is the company that you work for?

A. Ability Hospice.

Q. Is that the only company that you work for?

A. No. I work for [REDACTED], is my primary employer.

Q. Can you explain a little bit about the relationship between your job with [REDACTED] and your job with Ability Hospice?

A. They're separate, separate employment. So, I work for [REDACTED], is my primary role. As a secondary employment, second job, so to speak, I work as a medical director for Ability Hospice.

Q. Okay. So you are -- Your title with Ability Hospice is Medical Director?

A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

09:42:24 1 [REDACTED]

09:42:30 2 [REDACTED]

09:42:45 3 [REDACTED]

09:42:48 4 [REDACTED]

09:42:50 5 [REDACTED]

09:42:54 6 [REDACTED]

09:42:56 7 [REDACTED]

09:42:56 8 [REDACTED]

09:42:59 9 [REDACTED]

09:43:02 10 [REDACTED]

09:43:05 11 [REDACTED]

09:43:08 12 [REDACTED]

09:43:09 13 [REDACTED]

09:43:09 14 [REDACTED]

09:43:11 15 [REDACTED]

09:43:18 16 [REDACTED]

09:43:18 17 [REDACTED]

09:43:19 18 [REDACTED]

09:43:24 19 [REDACTED]

09:43:29 20 [REDACTED]

09:43:30 21 [REDACTED]

09:43:30 22 [REDACTED]

09:43:31 23 Q. Okay. And you said that you first began

09:43:35 24 interacting with Heritage Village in October of 2022?

09:43:39 25 A. Well, so my interaction with Heritage Village is

09:43:42 1 pretty limited. My interaction with them is basically  
09:43:46 2 seeing patients virtually. We -- With Hospice, you're  
09:43:51 3 required to do a face-to-face visit with them. And we do  
09:43:59 4 that as required by the Hospice regulations.

09:44:02 5 So, I've never actually been to Heritage  
09:44:04 6 Village. I've seen individuals, but I don't know where  
09:44:07 7 they are.

09:44:07 8 The nurse will message me and say, "Can you  
09:44:10 9 do a face-to-face with this patient?"

09:44:12 10 They give me the patient's name, and I'll  
09:44:16 11 say, "Sure. Let's do it at noon," or whatever. And I do  
09:44:16 12 those usually on my lunch time when I'm at work with  
09:44:19 13 [REDACTED].

09:44:20 14 And then they'll get on the video and  
09:44:21 15 they'll say, "Oh, this is Mrs. [REDACTED]." And I'll talk to  
09:44:25 16 Mrs. [REDACTED] for a few minutes and see how she's doing, see  
09:44:28 17 if she has any concerns. And then we'll end the visit.

09:44:32 18 So, I don't actually know where that patient  
09:44:34 19 is necessarily. So, that's . . .

09:44:39 20 Q. When you say you don't know where the patient is  
09:44:42 21 necessarily, you mean you don't know if they're at  
09:44:45 22 Heritage Village or you don't know what building and bed  
09:44:48 23 they're in?

09:44:48 24 A. I don't know what facility they're at. I mean, I  
09:44:51 25 don't know where these patients are necessarily. They may

09:44:54 1 be at Heritage Village. They may be elsewhere. They  
09:44:57 2 don't really say, "Hey, I'm here at Heritage Village. I'm  
09:44:59 3 doing this visit with you."

09:45:01 4 So, wherever they happen to be is where I do  
09:45:04 5 the visit, so& . . .

09:45:05 6 Q. I see. So, the folks at Ability ask you to do a  
09:45:10 7 Zoom meeting with a patient?

09:45:11 8 A. Correct.

09:45:12 9 Q. And you don't really know where the patient is  
09:45:14 10 located, you just do the Zoom meeting?

09:45:16 11 A. Yeah. They'll say, you know, "Can you do this  
09:45:19 12 for these two patients tomorrow at noon?"

09:45:21 13 I'll say, "Sure."

09:45:22 14 And then they'll patch me in. And it  
09:45:25 15 appears that they're in some sort of assisted living  
09:45:27 16 facility because they're in, you know, kind of a  
09:45:30 17 residential-appearing place based on the background. But  
09:45:33 18 they don't say, "I'm here at Heritage Village."

09:45:35 19 I believe we have patients elsewhere, as  
09:45:39 20 well, so I don't know where they're streaming from, so to  
09:45:42 21 speak.

09:45:42 22 [REDACTED]

09:45:45 23 [REDACTED]

09:45:47 24 [REDACTED]

09:45:47 25 [REDACTED]



09:53:32 1 Q. And so what did you understand that you were  
09:53:35 2 certifying when you signed the forms?

09:53:40 3 A. That this individual was a fall risk and that --  
09:53:46 4 that in order to have them confined to a bed or confined  
09:53:55 5 to a wheelchair, they needed a doctor's signature. And so  
09:54:00 6 that's . . .

09:54:02 7 Q. And who was it that told you that this was the  
09:54:04 8 purpose for the form?

09:54:05 9 A. I recall the e-mail saying that these forms  
09:54:10 10 needed to be signed to meet regulations, or something to  
09:54:13 11 that effect. So, I can't remember, again, who the e-mail  
09:54:16 12 was from.

09:54:16 13 [REDACTED]

09:54:23 14 [REDACTED]

09:54:27 15 [REDACTED]

09:54:31 16 [REDACTED]

09:54:32 17 [REDACTED]

09:54:32 18 [REDACTED]

09:54:35 19 [REDACTED]

09:54:37 20 [REDACTED]

09:54:37 21 [REDACTED]

09:54:42 22 [REDACTED]

09:54:44 23 [REDACTED]

09:54:49 24 [REDACTED]

09:54:50 25 [REDACTED]

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[REDACTED]

Q. And those needs are as per the service plan as said here in parentheses?

A. Yeah. And I'm not sure what that service plan is, so . . .

Q. Have you ever seen any service plans for any of the patients at Heritage Village?

A. No, I haven't.

Q. And you've said already that you've never been to Heritage Village?

A. No.

Q. You've never spoken to anyone at Heritage Village?

A. Not that -- Beyond what we do -- If someone's at Heritage Village and someone's there on our end from Ability Hospice, but an employee of Heritage Village that I'm aware of, I do not.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Q. When I say whether you've spoken to anyone at Heritage Village, what I mean is, have you spoken to anyone who is employed by Heritage Village?

A. Not that I'm aware of.

Q. Okay. So, how were you able to determine, if you had never been there and never spoken to any of the employees and never reviewed any of the service plans, how were you able to certify that Heritage Village was able to meet the patient's needs within the scope of service defined in the service plans?

A. It looks like I shouldn't have, quite frankly. I thought this was part of our -- this was part of our Ability Hospice, kind of, contract with them, or whatever. But now that you put it in that light, I probably should

09:58:05 1 not have signed this, quite frankly --

09:58:07 2 Q. Okay.

09:58:08 3 A. -- without having more information.

09:58:11 4 Q. Did anyone explain to you the purpose for the  
09:58:17 5 form?

09:58:18 6 A. Not specifically beyond what this is. They said,  
09:58:21 7 you know, "These" -- "These are our patients. We need to  
09:58:25 8 have an order on file that they can be confined to a bed."

09:58:29 9 And so I said "Okay."

09:58:31 10 Q. Did anyone make an offer to you to provide  
09:58:34 11 additional information about the patients that you didn't  
09:58:38 12 already have?

09:58:38 13 A. No.

09:58:39 14 Q. Have you ever had access to the medical record  
09:58:43 15 system at Heritage Village?

09:58:45 16 A. No.

09:58:45 17 [REDACTED]

09:58:45 18 [REDACTED]

09:59:04 19 [REDACTED]

09:59:04 20 [REDACTED]

09:59:07 21 [REDACTED]

09:59:09 22 [REDACTED]

09:59:10 23 [REDACTED]

09:59:12 24 [REDACTED]

09:59:15 25 [REDACTED]