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JUSTICE COURT
LAS VEGAS NEVADA
BY _____ DEPUTY SG

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8 IN THE JUSTICE COURT, LAS VEGAS TOWNSHIP

9 CLARK COUNTY, STATE OF NEVADA

10 STATE OF NEVADA,)

11 Plaintiff,)

12 v.)

13 LUZVIMINDA ROSARIO JOSE,)
14 ID NO. 2800469)

15 Defendant.)

Case No.: 13F09043X

Dept. No.: 2

16 CRIMINAL COMPLAINT

17 The State of Nevada, by and through legal counsel, CATHERINE CORTEZ MASTO,
18 Nevada Attorney General, and MARK KEMBERLING, Chief Deputy Attorney General, under
19 penalty of perjury, and within his knowledge, information and belief, complains and charges
20 LUZVIMINDA ROSARIO JOSE with having committed the offenses of NEGLECT OF AN
21 OLDER PERSON, a gross misdemeanor violation of NRS 200.5099(2) and 200.5092(4), one
22 (1) count; NEGLECT OF A VULNERABLE PERSON, a gross misdemeanor violation of NRS
23 200.5099(2) and 200.5092(4), one (1) count; and PERFORMANCE OF ACT OR NEGLECT
24 OF DUTY IN WILLFUL OR WANTON DISREGARD OF SAFETY OF PERSON OR
25 PROPERTY, a gross misdemeanor violation of NRS 202.595(1), one (1) count.

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COUNT ONE
NEGLECT OF AN OLDER PERSON
Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)

Defendant did then and there, while having assumed the responsibility for the caring for an older person, including the provision of food, shelter, clothing or services necessary to maintain the physical or mental health of that older person, did fail to do so in the following manner:

On or about May 7, 2012, defendant, while acting as the operator-administrator of a facility for the dependent located at 6012 Shady Bay Street, Las Vegas, Nevada, did permit or allow an older person (R.T. a female over 60 years of age) to be placed in a situation where she could suffer physical pain or mental suffering as a result of abuse or neglect. Defendant failed to ensure that the facility was property licensed, inspected and/or certified for safety, health and legal requirements, including facility egress, thereby creating a neglectful living condition. Furthermore, defendant denied to a regulatory agency and law enforcement agency R.T. was residing at the facility, maintained R.T. in a locked room, and denied health oversight officials access to the locked room. Defendant also failed to ensure that R.T. was receiving continuous care from a qualified caregiver, and that R.T. was able to ambulate or exit the facility in a timely manner.

All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and 200.5092(4).

COUNT TWO
NEGLECT OF A VULNERABLE PERSON
Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)

Defendant did then and there, while having assumed the responsibility for the caring for an older person, including the provision of food, shelter, clothing or services necessary to maintain the physical or mental health of that older person, did fail to do so in the following manner:

On or about May 7, 2012, defendant, while acting as the operator-administrator of a facility for the dependent located at 6012 Shady Bay Street, Las Vegas, Nevada, did permit or allow an older person (M.H., a female with multiple sclerosis) to be placed in a situation where

1 she could suffer physical pain or mental suffering as a result of abuse or neglect. Defendant
2 failed to ensure that the facility was properly licensed, inspected and/or certified for safety,
3 health and legal requirements, including facility egress, thereby creating a neglectful living
4 condition. Furthermore, defendant denied to a regulatory agency and law enforcement
5 agency M.H. was residing at the facility, maintained M.H. in a locked room, and denied health
6 oversight officials access to the locked room. Defendant also failed to ensure that M.H. was
7 receiving continuous care from a qualified caregiver, and that M.H. was able to ambulate or
8 exit the facility in a timely manner.

9 All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and
10 200.5092(4).

11 **COUNT THREE**
12 **PERFORMANCE OF ACT OR NEGLIGENCE OF DUTY IN WILLFUL OR WANTON**
13 **DISREGARD OF SAFETY OF PERSONS OR PROPERTY**
14 **Gross Misdemeanor - NRS 202.595(1)**

14 Defendant did then and there perform an act and neglected a duty imposed by law in
15 willful or wanton disregard of the safety of persons or property in the following manner:

16 On or about May 7, 2012, defendant, while acting as the operator-administrator of a
17 facility for the dependent located at 6012 Shady Bay Street, Las Vegas, Nevada, did fail to
18 follow duties imposed on her as facility operator-administrator. Defendant failed to ensure that
19 the facility was properly licensed or certified to provide care to unrelated elderly or vulnerable
20 persons. Defendant failed to ensure that the facility met the necessary safety and health code
21 requirements. Defendant failed to ensure that the residents could safely ambulate or be
22 removed in the event of a fire or other necessary situation. Defendant also failed to ensure
23 there was adequate levels of proper caregivers for the 24-hour, 7-day per week facility.

24 All of which constitutes a gross misdemeanor violation of NRS 202.595(1).

25 All of which is contrary to the form, force, and effect of statutes in such cases made and
26 provided, and against the peace and dignity of the State of Nevada.

27 Said complainant therefore requests that a Summons in Lieu of Arrest Warrant be
28 issued in order that the defendant, LUZVIMINDA ROSARIO JOSE, may be dealt with

1 according to the laws of the State of Nevada. Said complainant makes this declaration
2 subject to the penalty of perjury.

3 Dated this 10th day of JUNE, 2013.

4 CATHERINE CORTEZ MASTO
5 Attorney General

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7 By: Mark Kemberling
8 MARK KEMBERLING
9 Chief Deputy Attorney General

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