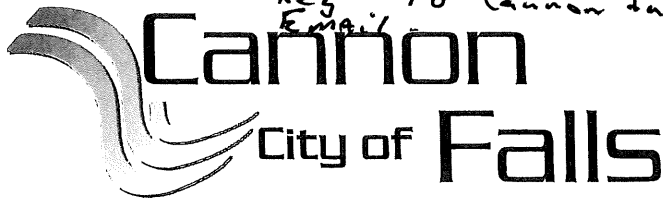


Sent 11-3-22

Cent. Return
Reg - To Rock
Reg To Cannon Falls
Email



Valley View Recovery Center
1673 Echo Ridge Street S.W.
Rochester, MN 55902

Dear Jacob McGuire;

During the November 1, 2022 City Council meeting, Councilmembers held a discussion on Valley View Recovery Center's Conditional Use Permit which is held for your business. The Conditional Use Permit calls out certain criteria to be valid and maintained.

Upon inspection to this point Valley View Recovery Center has not installed screening as required by the Conditional Use permit. It has come to our attention that Code 152.279, (attached for your convenience), has not been met.

Also, we have been informed and received from the Department of Human Services information that a correction order dated March 3, 2022 was issued and a Maltreatment Investigation memorandum was issued on July 15, 2022. There are four conditions that need to be maintained for the CUP. One of which is that all state statutes and regulations governing the use are strictly adhered to by the facility.

We invite you to come in and meet with the City Council on December 6th, 2022 at 5:30 in the Council Chambers to discuss this oversight and how we can rectify it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neil Jensen'.

Neil Jensen
Cannon Falls City Administrator

VALLEY VIEW RECOVERY CENTER
Findings of Facts
B-2 Highway Business District

Criteria: **The use is consistent with the purposes of the zone in which the applicant intends to located the proposed use.**

Finding #1: 152.648 Conditional Use. (F) Hospitals

Criteria: **Side yards are double the minimum requirements established for the district and are screened in compliance with 152.279 of this chapter.**

Finding #2: 152.279 REQUIRED LANDSCAPE SCREENING.

(A) *Screening.* All commercial industrial or institutional uses shall provide screening along the boundary of any abutting residential district or when the side or rear of the use is separated from any residential district by a public-right-of-way. All screening required by this section shall be subject to 152.186 of this chapter (traffic visibility) and is to consist of a green belt strip as provided:

- 1) A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of 20 feet in width and a sufficient density to provide a visual screen and reasonable buffer. The planting strip shall be designed to provide a visual screening to a minimum height of six feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- 2) A fence may also be installed, but not in lieu of the green belt planting strip. The fence shall be constructed of masonry, brick or wood, except as otherwise provided herein. The fence shall provide a solid screening effect and shall be a minimum of six feet in height but shall not exceed eight feet in height. The grade for determining height shall be in the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator.

Criteria: **The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.**

Finding #3: Pre-existing street that will meet the needs of the facility.

Criteria: **All state statutes and regulations governing the use are strictly adhered to and all required operating permits are secured.**

Finding #4: All permits and licenses required for this facility are included in the Planning Commission packet.

Criteria: **Adequate off-street loading space if provided in compliance with 152.255 through 152.264 of this chapter.**

Finding #5: Attachment.



March 3, 2022

Jacob McGuire, Authorized Agent

Valley view Recovery Center

1673 Echo Ridge St. SW

Rochester, MN 55902-2880

License Number: 1104338

CORRECTION ORDER

Dear Jacob McGuire:

The Department of Human Services Licensing Division received information regarding the provision of substance use disorder treatment at Valley View Recovery Center, located at 31591 64th Ave, Cannon Falls, MN 55009-4296. A review of the information was conducted to determine compliance with state and federal laws and rules governing the provision of substance use disorder treatment under Minnesota Statutes, chapter 245G. As a result, a Correction Order is being issued.

A. Reason for Correction Order

Pursuant to Minnesota Statutes, section 245A.06, if the Commissioner of the Department of Human Services (DHS) finds that an applicant or license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the Commissioner may issue a Correction Order to the applicant or license holder.

The following violation(s) of state or federal laws and rules were determined as a result of this licensing review. Corrective action for each violation is required by Minnesota Statutes, section 245A.06 and is hereby ordered by the Commissioner of Human Services.

Client File

Citation: Minnesota Statutes, section 245G.15, subdivision 1.

Violation: The license holder failed to ensure the rights in Minnesota Statutes, section 144.651 were followed for a client receiving residential substance use disorder treatment services.

Licensing Division

Office of Inspector General

651-431-6002

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<http://www.dhs.state.mn.us/licensing>



AMENDED MALTREATMENT INVESTIGATION MEMORANDUM
Office of Inspector General, Licensing Division
Public Information

Minnesota Statutes, section 626.557, subdivision 1 states, "The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment."

NOTICE: The Amended Maltreatment Investigation Memorandum supersedes a version dated June, 29, 2022, which must be destroyed. The original version contained a mistake on Page 4, which did not impact or change the disposition, and was corrected in the amended copy.

Report Number: 202203845

Date Issued: June 29, 2022

Name and Address of Facility Investigated:

Date Reissued: July 15, 2022

Disposition: Inconclusive

Valley View Recovery Center
31591 64th Avenue
Cannon Falls, MN 55009

License Number and Program Type:

1104338-SUD (Substance Use Disorder)

Investigator(s):

Beth Virden
Minnesota Department of Human Services
Office of Inspector General
Licensing Division
PO Box 64242
Saint Paul, Minnesota 55164-0242
651-431-6572

Suspected Maltreatment Reported:

It was reported that a staff person (SP) engaged in inappropriate relations with three vulnerable adults (VA1-VA3), including kissing and maintaining personal relationships.

- The SP was initially hired to work the overnight shift, which was at times single-staffed. The clients were to remain in their bedrooms during the night. They could leave their rooms to use the restroom, smoke a cigarette, etc., but they were to return to their respective bedrooms as soon as able.
- P3 said that facility administrators became aware of concerns clients were staying up past curfew, and as such, they watched the facility's camera footage to determine what was happening. P3 also watched the cameras and had immediate concerns that the SP was allowing clients to be up at night and do activities, such as their assigned chores. P3 met with the SP and after discussion, it was decided the SP would move to the evening shift, which was double-staffed.
- P3 said that after the SP's move to the evening shift, there were some concerns about the SP buying cigarettes for clients. The clients' "shopping day" was scheduled for every Friday, but the clients were asking the SP to shop on other days, or to buy them cigarettes with reimbursement. P3 met with the SP about expectations, and what was allowed and not.
- P2 and P3 also became aware of a time when a former client, believed to be VA1, called the staff phone and asked to speak with the SP. The SP was not working at that time, and so the call ended. About a week later, staff told the SP, "I forgot to tell you [VA1] called." The SP became "super upset and was crying." P2 and P3 met with the SP about his/her response to the client's missed call. The SP said that s/he was crying about something that happened at home earlier that day, not about missing the client's call. P3 reminded the SP about the importance of keeping his/her home- and work-life separate.
- P3 said that another time, while reviewing cameras, s/he saw an incident that "looked a little off." P3 saw the SP enter the lobby while talking on his/her cellphone. The SP then hung up, and appeared "smiley and giddy." Next, the SP stepped outside into the parking lot. "Just then [VA1] pulled up, got out of [his/her] car, came out, hugged [the SP], and then drove off." The SP then returned inside. P2 and P3 met with the SP about this. The SP said that s/he did not know VA1 was going to drive up at that moment. The SP had, instead, stepped outside to meet a different client when VA1 pulled up. The SP denied being on the phone with VA1 or knowing VA1 was going to stop by. P2 and P3 reminded the SP about boundaries.
- Then, P3 received a call from P1. P1 wanted to come forward with concerns about the SP's conduct. The SP had previously told P1 that s/he kissed VA1 and VA2 while they were receiving services at the facility; that s/he gave VA2 a cellphone; and that s/he started a relationship with VA3 while VA3 was receiving services at the facility. The SP was planning to move to another state with VA3 in the future.
- P2 said that staff searched VA2's room and property, and did not find a cellphone; however, they found "calling cards." VA2 told staff that the SP never gave him/her a cellphone, but that the SP had given him/her the calling cards to use when s/he discharged from the facility. (Note: Clients were not allowed to possess a cellphone while in treatment.)
- P3 said that his/her direction when it came to boundaries, and what s/he repeatedly told the SP and all other staff, was that the clients were "clients

facility and a resident, patient, or client of that facility. Sexual contact is defined by Minnesota Statutes, section 609.341, as the intentional touching of the intimate parts with sexual or aggressive intent. 'Intimate parts' includes the primary genital area, groin, inner thigh, buttocks, and breast).

It was not determined whether neglect occurred (the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to food, clothing, shelter, health care, or supervision which is reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult and which is not the result of an accident or therapeutic conduct).

Action Taken by Facility:

The facility completed an internal review, and determined that policies and procedures were adequate and followed. The facility provided additional training to all staff persons regarding boundaries and maintaining appropriate relations. The SP was no longer employed.

Action Taken by Department of Human Services, Office of Inspector General:

No further action taken.

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CFS By Location

From 04/01/2022 to 10/25/2022

Location: 31591 64th Ave
Apt #: ALL

Incident Nr	Time Reported	Activity	Location
202200004688	09/09/2022 9:05:17	Apprehen/Dention Order	31591 64th Ave
202200004691	09/09/2022 10:17:26	Apprehen/Dention Order	31591 64th Ave
	Total	2	
202200004882	09/19/2022 13:38:47	Attempt To Locate	31591 64th Ave
	Total	1	
202200002227	04/25/2022 15:36:27	Drugs/Drug Related	31591 64th Ave
	Total	1	
202200002745	05/22/2022 16:34:12	Lockout	31591 64th Ave
	Total	1	
202200001828	04/02/2022 22:40:15	Medical Assists	31591 64th Ave
202200004147	08/09/2022 22:14:01	Medical Assists	31591 64th Ave
202200004199	08/11/2022 23:52:27	Medical Assists	31591 64th Ave
202200004778	09/14/2022 9:55:59	Medical Assists	31591 64th Ave
	Total	4	
202200004741	09/12/2022 14:10:14	Mental Illness	31591 64th Ave
	Total	1	
202200004730	09/11/2022 22:54:27	Misc Animal Complaints	31591 64th Ave
	Total	1	
202200003849	07/22/2022 14:33:22	Misc Civil Matters	31591 64th Ave
	Total	1	
202200002224	04/25/2022 10:14:36	Misc Officer Actions	31591 64th Ave
	Total	1	
202200002640	05/17/2022 11:10:19	MN Adult Abuse Reportin	31591 64th Ave
202200002658	05/18/2022 13:54:52	MN Adult Abuse Reportin	31591 64th Ave
202200002660	05/18/2022 15:03:41	MN Adult Abuse Reportin	31591 64th Ave
202200002661	05/18/2022 15:20:07	MN Adult Abuse Reportin	31591 64th Ave
202200002662	05/18/2022 15:38:37	MN Adult Abuse Reportin	31591 64th Ave
202200004785	09/14/2022 15:16:29	MN Adult Abuse Reportin	31591 64th Ave
202200005365	10/13/2022 9:27:28	MN Adult Abuse Reportin	31591 64th Ave
	Total	7	

CFS By Location and Apt. # From 04/01/2022 to 10/25/2022

Location: 31591 64th Ave
Apt #: ALL

<u>Incident Nr</u>	<u>Time Reported</u>	<u>Activity</u>	<u>Location</u>
202200004694	09/09/2022 13:45:43	Recovered Stolen Property 1	31591 64th Ave
	Total		
202200002817	05/26/2022 12:59:35	Registration 1	31591 64th Ave
	Total		
202200002015	04/13/2022 16:56:03	Suicides Attempted/Threats	31591 64th Ave
202200005094	09/29/2022 10:27:11	Suicides Attempted/Threats 2	31591 64th Ave
	Total		
202200003000	06/05/2022 2:06:01	Suspicious Pers/Activity	31591 64th Ave
202200005548	10/23/2022 17:22:10	Suspicious Pers/Activity 2	31591 64th Ave
	Total		
202200003853	07/22/2022 23:15:36	Threats 1	31591 64th Ave
	Total		
202200001843	04/04/2022 9:55:47	Warrant Arrest	31591 64th Ave
202200001845	04/04/2022 14:28:08	Warrant Arrest	31591 64th Ave
202200003328	06/21/2022 14:54:04	Warrant Arrest	31591 64th Ave
202200003893	07/25/2022 10:08:25	Warrant Arrest	31591 64th Ave
202200004308	08/18/2022 15:29:14	Warrant Arrest 5	31591 64th Ave
	Total		
	GrandTotal	32	