

May 21, 2004

Fire Marshall Dennis Lockhard
City of Newport Beach

COMPLAINT

This letter is a formal complaint for violation of the Certificate of Occupancy and Fire Clearance in the residential property located at:

1810 West Oceanfront, Newport Beach (949) 675-8988

On this RESIDENTIAL property, a multi-million dollar a year business (Narconon) is operating with a City Business license classified as a 'Specialty Hospital'. This business is also licensed by the California Department of Alcohol and Drug Programs (ADP) as a Residential Treatment Center. This is on a residentially-zoned property. The Certificate of Occupancy on file with the city of Newport Beach requires a maximum occupant load of 9 persons per each of the three floors 27 TOTAL [including staff and patients]. This is being violated.

NATURE OF THE BUSINESS

This business does not simply house patients. This business provides comprehensive programs ON SITE including counseling sessions, detoxification, recovery and treatment planning, group sessions, educational sessions, and other services. This requires STAFF. In addition, this business requires staff for food services/preparation, supervision, office and reception, business/records, accounting, and housekeeping/maintenance. By their own verbal marketing on the telephone with Dr. Orozco on October 9, 2003, they claimed 32 residential beds for patients AND 34 staff. They boast a one-to-one counseling process for patients [on the telephone and on their website].

VIOLATION OF OCCUPANCY/FIRE CLEARANCE

In November 2003 you notified the California Department of Alcohol and Drug Programs (ADP), of the correct occupancy of 27 persons (staff and patients).

Contrary to the Certificate of Occupancy and Fire Clearance, ADP and Narconon have authorized 27 total PATIENT beds—not counting staff in this total. Attached are documents verifying ADP and Narconon's placement of 27 beds for patients only.

It is a requirement of a Residential Treatment Center to provide all services by employees ON SITE. Attached is the current list of STAFF employed by this business. This 'Facility Staffing Data Sheet' is the official staffing document from Narconon to ADP. It includes such positions as Withdrawal Specialist, Senior Director for Production, Registrar, Administrator Assistant, Course Supervisor, Receptionist, Sauna In-Charge Coordinator, Building Maintenance, Ethics Officer, and the list goes on and on. The basement of this triplex property (four floors) is used for office space for employees, telephones, copy and fax machines, computers, etc. [According to ADP documents, the largest room in the basement should be a 'recreation room' for patients- however, it instead houses the main office of this multi-million dollar business.] Special note- with claims of a one-to-one counseling process, there is not a single 'counselor' listed on the Staffing sheets? Total employees = 29 persons. Also, verified by the 'Facility Staffing Data Sheet' from ADP- EACH of employees work FULL TIME, 160 hrs. per month, in this facility. So, with the 27 ADP has allowed for patients to LIVE on the property, and 29 staff members working there FULL TIME ---this means there is a total of 56 PERSONS on the property on a daily basis. (Again, it begs the question- where are the counselors in this total?) This BUSINESS is operating with more than DOUBLE the limit in the Occupancy Certificate and Fire Clearance.

The Certificate of Occupancy and current Fire Clearance (both attached) FOR 27 PERSONS (total staff and clients) is being VIOLATED.

In addition, we are providing a videotape documenting two additional disturbing facts. First, vans are being used to bring individuals to the property early morning (8:45am) and taking them off the property at night (8:45pm). Are these individuals in ADDITION to the already existing 27 patients and 29 staff? Who's responsibility is it to find out? Finally, the video also demonstrates that additional individuals are coming to this location by crossing the alleyway from a second property at 1811 W. Balboa Blvd. This second property leased by Narconon contains 18 additional beds. With these MULTIPLE METHODS for bringing more clients to the property, it is difficult to estimate just how far OVER (Occupancy and Fire Clearance) Narconon is running this BUSINESS. We find this a repeated and flagrant abuse of the Occupancy and Fire Clearance defined by the Fire Marshall.

This business, Narconon, has been in violation of Occupancy at least twice before. Most recently, October 22, 2003, a complaint was filed with your office. Within hours of the complaint being filed in your office, Narconon was observed removing patients; and beds were being broken down and moved to the property across the alley and in trucks. When an ADP inspector arrived four hours after the complaint was filed, she found beds in the truck, but no excess beds IN the property. However, a homeowner and resident in the neighborhood took pictures and can verify comments made by Narconon staff/patients and activities witnessed. Also, in January 2000, ADP records indicate Narconon was violating total beds with 37 beds in the property.

The Certificate of Occupancy and Fire Safety Clearance provide requirements to assure safety of all individuals on the property and those in the immediate neighborhood. We seek your leadership and authority to establish compliance by this business operation. Thank you for your prompt investigation and resolution into this complaint.

Sincerely,

Dr. Linda Orozco
1805 W. Balboa Blvd.

Attached: NB City Certificate of Occupancy & Fire Safety Clearance
ADP License and Certification
ADP Staffing List for Narconon & Job Descriptions Sheets
Copy of violation of Occupancy Citation (ADP)- 2000
Videotape

cc. Law Offices of Pillsbury Winthrop
Rebecca Lira, Deputy Director, California Department of Alcohol & Drug Programs
Neighborhood Coalition