

## ARBITRATION

ESTATE OF DIANE FRANKLIN, by Jacqueline Carney,  
Executrix,

Plaintiff,

vs.

OSPREY/PANTOPS PLACE, LLC, trading as  
COMMONWEALTH SENIOR LIVING AT CHARLOTTESVILLE,  
and COMMONWEALTH ASSISTED LIVING, LLC,  
Defendants.

VIDEOTAPED DEPOSITION OF MONICA ADCOCK

September 21, 2016  
10:31 a.m.

Taken at:

WILLIAMS MULLEN  
321 East Main Street, Suite 400  
Charlottesville, Virginia 22902

REPORTED BY: Lisa M. Blair, RMR

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Richmond, Virginia 23233  
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## EXHIBITS

(None)

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17 ALSO PRESENT:  
18 Alex Powers, Video Works  
19 Ashley Showalter  
20  
21  
22  
23  
24  
25

1 THE VIDEOGRAPHER: This is the beginning of  
2 the deposition of Monica Adcock, and we are on the  
3 record at 10:31 a.m. Counsel may proceed.

4  
5 MONICA ADCOCK, a Witness, called by  
6 the Plaintiff, first being duly sworn, testified as  
7 follows:  
8

## EXAMINATION BY MR. GAVIN:

9  
10  
11 Q. Good morning again.

12 A. Good morning.

13 Q. My name is Charles Gavin. I go by Chuck.  
14 And I represent the Estate of Diane Franklin, the  
15 plaintiff in this case.

16 I'm going to be asking you some questions  
17 today about what happened with regard to  
18 Ms. Franklin's incident. All your questions are to be  
19 answered under oath. Do you understand the  
20 significance of what "under oath" means?

21 A. Yes.

22 Q. We're sort of like a mini courtroom, just  
23 in a conference room. So you're under the same oath  
24 here that you would be if you were in a courtroom,  
25 okay?

1 A. Yes, sir.

2 Q. If you don't understand my question, just  
3 ask me to repeat it or rephrase it, and I'll try to do  
4 my best. If you need a break, please just let us  
5 know, okay?

6 I'm going to jump around a little bit and  
7 take some things out of order, and because your  
8 answers to the questions might affect the rest of the  
9 deposition that I do, okay?

10 A. Okay.

11 Q. So the first thing I'm going to do is ask  
12 you to look at that document in front of you that has  
13 a logbook on the front of it. Do you recognize that  
14 document?

15 A. Yes.

16 Q. Is that the logbook that was in effect at  
17 the time of Ms. Franklin's incident?

18 A. Yes.

19 Q. All right. And it appears to me from the  
20 reports that you were the person that was in charge of  
21 conducting the investigation initially; is that  
22 correct?

23 A. Yes.

24 Q. So as part of that investigation, did you  
25 look into the various versions of the logbook as they

1 originally were, as they were changed, and then as  
2 they were revised?

3 A. Originally, yes, on that Monday.

4 Q. So on Monday, what was the first version  
5 of the logbook that you saw? Was it page 109 in  
6 here -- and you can flip to page 109 -- 110, or 111?

7 A. So it was page 110.

8 Q. All right. So that's the first version  
9 that you saw?

10 A. That I saw.

11 Q. And just for the record, that 110 has a  
12 blank entry on December 11th, and a scribbled-out  
13 entry on December 12th; is that correct?

14 A. That's correct.

15 Q. So that's the way you would have seen it  
16 when you first conducted your investigation?

17 A. Yes.

18 Q. At some point in time were you aware that  
19 it was changed to the version on 109?

20 MR. PACE: Object to the form. You can  
21 answer, if you can.

22 A. Please repeat the question. I'm sorry.

23 Q. At some point did you discover or did you  
24 learn that the logbook entries had changed to the  
25 version that exists on page 109?

1 A. No. The first version I saw was on page  
2 110, and then I was made aware that a correction had  
3 been made to that, to 110.

4 Q. All right. And what was the correction  
5 that was made to 110?

6 A. It was the Friday, December 11.

7 Q. All right. So what was the correction  
8 that was made?

9 A. The correction was made that it was -- it  
10 was an error where it had been written in. There was  
11 a check on Friday in Ms. Franklin's spot.

12 Q. So how was the correction made?

13 A. The correction -- I did not see how the  
14 correction was made, but I was made aware that they  
15 had changed it. *who is they*

16 Q. Was the correction that was made what is  
17 reflected as page 109?

18 A. So the only sheet that I saw at the time  
19 was 110.

20 Q. Did you ever see 109?

21 A. I did not see 109.

22 Q. Were you aware that a new entry had been  
23 made after you first saw the first sheet on 110?

24 MR. PACE: Object to form.

25 A. Was I aware that a correction had been

1 made?

2 Q. Correct.

3 A. Yes.

4 Q. And who made the correction?

5 A. Diane.

6 Q. Did you authorize her to do it?

7 A. I told her to -- she said I wrote in the  
8 wrong spot. I said to make sure that she put what  
9 actually did occur. So my instructions were not to  
10 white out. They were just to show that there had been  
11 a correction.

12 Q. So you instructed her to reflect that  
13 Ms. Franklin had, in fact, been checked on, on Friday,  
14 based on what Ms. Ross told you?

15 MR. PACE: Object to the form. I think  
16 you're saying the opposite of what she said.

17 Q. All right.

18 A. No, sir. She let me know that she wrote  
19 her check-in time for a different resident in the  
20 wrong spot, that it was in Ms. Franklin's spot. I  
21 asked her to please correct that. What I did not tell  
22 her to do was to white it out. I just asked her to  
23 make a correction to that.

24 Q. Did Ms. Ross say what unit she thought  
25 she was writing in?

1 A. Yes. She thought she was — I don't — I  
2 don't — cannot recall the room number.

3 Q. I want you to go back to page 110 real  
4 quick for me.

5 A. Okay. Yes, sir.

6 Q. If you see line 112 and you look at the  
7 line 112, which is the one below Ms. Franklin's in  
8 111, you see two entries on the 10th and 11th at 9:30  
9 and 10:00; is that correct?

10 A. Yes.

11 Q. Now, flip back to page 109. Would you  
12 agree that there are no entries on page 109 for unit  
13 112 on Thursday the 10th and December the 11th?

14 A. Correct.

15 Q. Do you know why that is the case?

16 A. No.

17 Q. If you look at page 110, on December 10th  
18 in Ms. Franklin's line, which is 111, there is a  
19 number that just says 10. It doesn't have a minute  
20 marker behind it. As part of your investigation, did  
21 you ever ask anyone why that was written that way?

22 A. No.

23 Q. Do you know who wrote that number?

24 A. No.

25 Q. Did you ask Shadell Hughes if she wrote

1 Q. What county is that in?

2 A. Fluvanna.

3 Q. What's your education, Ms. Adcock?

4 A. I am a licensed practical nurse and an  
5 assisted living administrator.

6 Q. Where did you get your LPN degree?

7 A. Halifax School of Practical Nursing.

8 Q. Did you practice nursing before your  
9 administrator role?

10 A. Yes, sir.

11 Q. Where did you practice?

12 A. I've been practicing nursing in South  
13 Boston, Virginia.

14 Q. At a particular facility?

15 A. Yes. I worked at — my entire nursing  
16 career, or are you just asking —

17 Q. Just South Boston.

18 A. Okay. I've worked at Somerset Assisted  
19 Living.

20 Q. All right. Was that immediately prior to  
21 Commonwealth Senior Living?

22 A. Yes.

23 Q. How long did you work at Somerset?

24 A. Since 2005.

25 Q. When did you start at Commonwealth Senior

1 that number?

2 A. Yes.

3 Q. What did she say?

4 A. Yes.

5 Q. Did you ask her when she wrote it?

6 A. She stated at 10:00.

7 Q. On Thursday?

8 A. Yes, sir.

9 Q. If you would look at page 112 for  
10 Ms. Franklin's line, which is 111, would you agree  
11 that there is a blank in her space for December 13th,  
12 which is a Sunday?

13 A. Yes.

14 Q. All right. So after this happened, if  
15 you were looking at the log, would you agree with me  
16 that the first time you saw the log, the log would  
17 have reflected empty spaces for December 11th,  
18 December 12th, and December 13th?

19 A. Yes.

20 Q. All right. Now we're going to start.  
21 Tell me what your address is.

22 A. My home address?

23 Q. Yes.

24 A. Four Swan Court, Palmyra, Virginia,  
25 22963.

1 Living?

2 A. They acquired that building, and I  
3 started working for them in 2013, September of 2013.

4 Q. So that's 2005 to 2013. When you were at  
5 Somerset between 2005 and 2013, what was your role?

6 A. Director of nursing.

7 Q. Did you have any role in management?

8 A. Yes, sir.

9 Q. What was that role?

10 A. I managed the entire medical team.

11 Q. Did you have any administrative duties?

12 A. I did assist, as needed, with the  
13 administrator and assistant administrator.

14 Q. Prior to Somerset in 2005, what was your  
15 job prior to that?

16 A. I was a charge nurse.

17 Q. What's a charge nurse?

18 A. That's just a nurse that's in charge over  
19 top of the nursing assistants and other nurses.

20 Q. And where was that?

21 A. That was at MeadowView.

22 Q. Where is MeadowView?

23 A. Clarksville, Virginia.

24 Q. All right. Am I gathering correctly that  
25 the job at Commonwealth Senior Living was the first

time that you were more in an administrative role versus a nursing role?

**A. That's correct.**

**Q. Did you receive any particularized training for your administrator's role versus the nursing role?**

**A. Yes, I did.**

**Q. What kind of training did you receive?**

**A. I had to do -- to learn every department and what their roles are, to show competency in the regulations for assisted living, registered medication aides regulations, and that I could perform those duties, as well as budgeting and finance.**

**Q. Where did you get your training?**

**A. The training was within the company.**

**Q. So it was on site?**

**A. Yes, sir.**

**Q. Did you get any particular degrees, certificates?**

**A. I had to take a state board.**

**Q. When did you pass your state board?**

**A. I took my state board in March of 2014.**

**Q. And again, when did you start with Commonwealth Senior Living?**

**A. September of 2013.**

**Q. So what did you do at Commonwealth Senior Living between September of 2013 and March of 2014?**

**A. I had to apply to be an acting assisted living administrator under the guidance of a preceptor.**

**Q. When did you start your role as executive director for Commonwealth Senior Living?**

**A. That would have been when I passed the exam in March 2014.**

**Q. What was your role called before you passed the board?**

**A. Acting assistant living administrator.**

**Q. Were you participating in management?**

**A. Yes, sir.**

**Q. What did you do prior to passing the board from a management perspective?**

**A. I did the role of the administrator under the guidance of the preceptor.**

**Q. Who was the preceptor?**

**A. Theresa Taplin.**

**Q. Is Theresa still there?**

**A. No, sir.**

**Q. What did you do differently in your role under the preceptor, versus what you did in your role after you passed the board?**

**A. The role under the preceptor was she was monitoring and guiding me along the way.**

**Q. But did you do anything differently? Did you do the same functions --**

**A. Yes, sir.**

**Q. -- that you do now?**

**So really your job description didn't change, it's just that you passed the board; is that correct?**

**A. Yes, sir.**

**Q. And you're no longer working there; is that right?**

**A. Correct.**

**Q. Why did you leave?**

**A. Personal family issues.**

**Q. I didn't ask for this in my discovery.**

**Did you ever receive any disciplinary report or action as a result of Ms. Franklin's incident?**

**A. No.**

**Q. In your role as -- I'm calling it administrator. Is it easier to say administrator or executive director?**

**A. Either. Executive director is fine.**

**Q. I'm just going to call it administrator.**

**A. Okay.**

**Q. In your role as administrator, who did you report to?**

**A. I report to the regional, who was the regional assigned at that time.**

**Q. Who was the regional?**

**A. Currently?**

**Q. No, at that time.**

**A. At that time, Christine Driscoll.**

**Q. Did you know Christina?**

**A. Yes.**

**Q. Did you have to get permission from Christina to make any decisions at your facility?**

**A. Yes.**

**Q. What type of decisions would you have to get her permission on?**

**A. It would have to be something that would be not clearly guidelines for rate increases or something pertaining to the budget, something pertaining to a human resource issue.**

**Q. But as far as daily operations at the facility, that would be your responsibility?**

**A. Yes.**

**Q. Hiring, firing?**

**A. With the guidance of the human resource department.**

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- 1 Q. Program implementation?  
 2 A. Correct.  
 3 Q. Personnel issues that didn't require  
 4 human resources?  
 5 A. Yes.  
 6 Q. Staffing?  
 7 A. Yes.  
 8 Q. Did you have managers that reported to  
 9 you?  
 10 A. Yes.  
 11 Q. Who were they? And let me put a context  
 12 as to time, which is right around June of 2015, who  
 13 were your managers?  
 14 A. Don Manteris was the maintenance  
 15 director. Holly Drobinski was the activities or  
 16 community -- I can't remember what -- we changed her  
 17 title. She was the activities director. Terri  
 18 Ball-Gropp was the sales and marketer. Tiffany  
 19 Nichols was our business office manager. And Ben was  
 20 our dining service director.  
 21 Q. Were any of those managers that you just  
 22 named responsible for anything that happened at the  
 23 receptionist desk, the front desk? Who would have  
 24 supervision over the receptionist area?  
 25 A. The business office manager.

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- 1 Q. And that would be Tiffany?  
 2 A. That's correct.  
 3 Q. All right. So all the other persons that  
 4 you mentioned -- Holly, Ben -- they would have no  
 5 responsibility over the reception area?  
 6 A. No. When they're manager on duty on the  
 7 weekend, they're there if there is an incident that  
 8 arises.  
 9 Q. A manager on duty, does a manager on duty  
 10 have specific assigned jobs that it's required to do,  
 11 that he or she is required to do?  
 12 A. They're to be available for the team.  
 13 They will be available for the company or guests that  
 14 come in for tours. They manage and oversee the  
 15 community during the time, and to be available by  
 16 call, by phone, if necessary, when they're not in the  
 17 building.  
 18 Q. Do you know whether or not any one of the  
 19 managers that would be served as the manager on duty  
 20 would have the responsibility of checking in with the  
 21 receptionist to make sure that the check-in program  
 22 was being maintained accurately?  
 23 A. Not unless it was for a particular  
 24 reason.  
 25 Q. So if there was no other manager on duty,

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- 1 and the business manager wasn't on duty, the  
 2 compliance with the program would be solely left to  
 3 the receptionist; is that fair?  
 4 A. No. The manager on duty would come and  
 5 check and see if something was suspicious or not being  
 6 done correctly. They did oversee to make sure that  
 7 people's duties were being performed.  
 8 Q. Well, I'm a little confused now, because  
 9 I thought you first said that a manager on duty would  
 10 not have any responsibility, and now I'm gathering  
 11 that you're saying that they may have a  
 12 responsibility.  
 13 So just so we can clear it up, would a  
 14 manager on duty have a responsibility to make sure  
 15 that the receptionists are performing their job  
 16 correctly?  
 17 A. They are to oversee someone when they're  
 18 there, but the main responsibility of who to follow up  
 19 with that is the supervisor for that department.  
 20 Q. Which would be who?  
 21 A. Which would be the business office  
 22 manager.  
 23 Q. Which was, when you started, Tiffany?  
 24 A. Yes, sir.  
 25 Q. Now, Ms. Drobinski has told us that you

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- 1 had what she called stand-up meetings?  
 2 A. Yes, sir.  
 3 Q. What's a stand-up meeting?  
 4 A. A stand-up meeting is an opportunity for  
 5 all of the managers to come together to discuss the  
 6 events of the day, what each person will be doing, any  
 7 concerns, any things that we need to address, as well  
 8 as the upcoming week. And then they communicate that  
 9 to their team.  
 10 Q. How often would you have these stand-up  
 11 meetings?  
 12 A. Daily.  
 13 Q. And when did that start?  
 14 A. We would start routinely. We would try  
 15 to start every day at 9:30. If there was something  
 16 that had come up that wasn't suspected, we would do it  
 17 at a different time, but we would meet daily.  
 18 Q. And who would participate in the stand-up  
 19 meetings?  
 20 A. All of the managers.  
 21 Q. Including Tiffany?  
 22 A. That's correct.  
 23 Q. Including Holly?  
 24 A. Yes, sir.  
 25 Q. And I'm using them by their first names.

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- 1 I'm sorry. I'll try to call you by Monica, if that's  
2 okay.
- 3 A. Yes, sir, that's fine.
- 4 Q. All right. With the stand-up meetings,  
5 you said that they happen daily in the morning. My  
6 question was really when did they start in the  
7 beginning? Did they start as soon as you took  
8 ownership of the role of administrator?
- 9 A. They – I can't recall exactly when we  
10 exact started, but it was very soon after I came  
11 aboard, yes, sir.
- 12 Q. Were you – were you conducting stand-up  
13 meetings as of June of 2015?
- 14 A. Yes, sir.
- 15 Q. And reference has been made to a stand-up  
16 log. Did you have someone taking minutes at the  
17 stand-up meeting?
- 18 A. Yes.
- 19 Q. Who would take minutes?
- 20 A. Tiffany.
- 21 Q. And would Tiffany then generate a written  
22 report?
- 23 A. No. We – no, sir.
- 24 Q. What would she do when she took minutes?
- 25 A. She would write on a specific form, and

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- 1 then we would keep it in a book.
- 2 Q. And it's called a log?
- 3 A. Yes.
- 4 Q. And who maintained the log?
- 5 A. Tiffany.
- 6 Q. And did she maintain that in her office?
- 7 A. It was back in the reception area in the  
8 office.
- 9 Q. When is the last time you saw the log?
- 10 A. The last day that I was at Commonwealth.
- 11 Q. So it continued to be used up until the  
12 time that you left?
- 13 A. Yes, sir.
- 14 Q. When did you leave?
- 15 A. August the 12th.
- 16 Q. All right. If you would look in the  
17 white book right there, flip to tab 2. Tab 2 contains  
18 several pages, greater than 60, but do you recognize  
19 these documents?
- 20 A. Yes, sir.
- 21 Q. Are they generally the package of  
22 information that you had in Diane Franklin's file  
23 which contained her application, her general  
24 documents; is that correct?
- 25 A. Yes, sir.

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- 1 Q. And if you flip to page 45, is that your  
2 signature there?
- 3 A. Yes, it is.
- 4 Q. And if you flip over to page 55, that  
5 appears to be the resident handbook, is that correct,  
6 or a page in the resident handbook?
- 7 A. Yes, sir.
- 8 Q. And the daily check-in, is that the daily  
9 check-in that was in effect when Ms. Franklin was  
10 staying there?
- 11 A. Yes, sir.
- 12 Q. Can you tell me what your understanding  
13 of this program was?
- 14 A. We were – these residents were  
15 independent living. We did not provide care, per se.  
16 We would just – for this was just to – we asked the  
17 resident to please call in by this time. And in the  
18 event that they did not call in, we would call them.  
19 If there was no answer, we would go and check their  
20 apartment.
- 21 Q. What was your understanding as to when  
22 that go and check their apartment would take place?
- 23 A. We would do that – we would go in and  
24 check on them by 12. If they were not there, we would  
25 not put anything down, because we did not visibly see

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- 1 them.
- 2 Q. Where is there any document that says  
3 they would go and check on them by 12, if they had not  
4 called in by 10:30?
- 5 A. That is not on here. Sometimes we would  
6 wait until the end of the day, but it is in their  
7 policy.
- 8 Q. And you're pointing to here. Are you  
9 referring to page 55?
- 10 A. No. I'm referring to what we would do,  
11 what our policy was.
- 12 Q. What was your policy?
- 13 A. That if the resident – to call the  
14 resident by 10:30. If they did not, to call them.  
15 And if they were not in their apartment – if we  
16 didn't get an answer by them, then to go check them by  
17 12.
- 18 Q. So if they didn't call in by 10:30, there  
19 was no requirement to actually go physically check on  
20 them until 12; is that what you're saying?
- 21 A. Yes.
- 22 Q. And where is that written, or is it  
23 written anywhere?
- 24 A. In our policy.
- 25 Q. What policy are you referring to?

1 **A. The actual policy that I have to go by to**  
2 **implement the program.**

3 **Q. Well, I'm unfamiliar with this policy.**  
4 **Where was it located?**

5 **A. It was located in my office.**

6 **Q. And do you remember what it looked like?**

7 **A. Yes, sir.**

8 **Q. Was it on Commonwealth Assisted Living**  
9 **stationery?**

10 **A. So it was guidelines for the executive**  
11 **director duties to implement.**

12 **Q. Do you remember who generated the policy?**

13 **A. The policy was given to me by the**  
14 **regional -- the company.**

15 **Q. Why don't you flip over to tab 15. I'll**  
16 **represent to you that's the only policy I've seen. Is**  
17 **that the policy you're referring to?**

18 **A. Yes, sir.**

19 **Q. Can you identify just for the record what**  
20 **15 is titled?**

21 **A. This is the resident check-in -- check**  
22 **system in independent living.**

23 **Q. So this is a policy that you were aware**  
24 **of from the beginning?**

25 **A. Yes.**

1 **24-hour period. After 10:30 they knew they were to go**  
2 **and start calling each one. Of course we didn't -- to**  
3 **call each person that didn't come in. If they didn't**  
4 **get an answer, to check on them within that day frame.**

5 **Q. But having looked at this, are you --**  
6 **does it refresh your recollection that you saw any**  
7 **document, or you generated any document that said it**  
8 **was okay to follow up by 12:00 at the apartment**  
9 **itself?**

10 **A. No.**

11 **Q. You said that Christina Driscoll actually**  
12 **trained you; that's correct?**

13 **A. Yes, sir.**

14 **Q. Actually, you said someone else trained**  
15 **you, but Christine Driscoll hired you?**

16 **A. So no, sir. Theresa Taplin is who**  
17 **trained me.**

18 **Q. Were you aware that Ms. Driscoll created**  
19 **the language that's in the plan, the check-in program?**

20 **A. I was aware she had part of it, yes, sir.**

21 **Q. Did you ever have any conversations with**  
22 **her about it? When I say "it," I'm talking about the**  
23 **program, the check-in program.**

24 **A. Yes.**

25 **Q. What kind of conversation did you have?**

1 **Q. All right. We're going to get back to**  
2 **this, but I would ask you to take a second and review**  
3 **this, if you would, and just tell me where it is that**  
4 **you see a provision in this policy that says that it's**  
5 **okay to check, or wait until 12 o'clock to actually go**  
6 **and check on the resident.**

7 **A. (Witness perusing document).**

8 **It doesn't. The only statement it has is**  
9 **the policy that -- making sure that residents are**  
10 **checked once at least -- at least once per 24-hour**  
11 **period.**

12 **Q. So where did the 12:00 time frame come**  
13 **from? Was that something that you just interpreted to**  
14 **be in compliance with the policy, or was that a**  
15 **directive from someone else?**

16 **A. No, sir. After -- after the incident we**  
17 **worked to improve the system, and that was something**  
18 **implemented. I just had my time frame confused.**

19 **Q. Okay. I'm not trying to confuse you.**

20 **A. No. It was through -- you know, up until**  
21 **this point we felt the system was working very well,**  
22 **and then we've made improvements since then.**

23 **Q. Well, I guess I'm back to my question,**  
24 **because I'm not sure that --**

25 **A. So I didn't have a time set within the**

1 **A. When the -- we discussed which one we**  
2 **would be implementing. I discussed with her which one**  
3 **of these choices we would implement for the community.**

4 **Q. So was it your suggestion to her that you**  
5 **utilize the daily check-in program, or was it a**  
6 **direction from her to you saying, we're going to do**  
7 **this?**

8 **A. It was -- this policy was already in**  
9 **effect.**

10 **Q. Okay. Did you guys discuss, you know,**  
11 **what times you would use, how it would be implemented?**

12 **A. No.**

13 **Q. If you would, take a look at tab three,**  
14 **Monica.**

15 **A. Yes, sir.**

16 **Q. This was produced to me as an e-mail from**  
17 **Christina, and I see that you are part of the copy.**  
18 **Do you remember receiving this e-mail, which evidently**  
19 **included the edited version of the handbook?**

20 **A. I don't recall.**

21 **Q. Do you ever remember any discussions or**  
22 **e-mails, trading back and forth about how the program**  
23 **should be implemented, how training should be**  
24 **utilized? Do you remember any e-mails like that from**  
25 **anybody else that was copied on this e-mail like**

1 Mr. Parker or Mr. Ix?

2 A. No.

3 Q. Do you remember any discussion that ever  
4 took place between you and Christina and/or Mr. Dix --  
5 or Mr. Ix or Mr. Parker about how you were going to  
6 implement the program?

7 A. We discussed which choice we would use.

8 Q. What do you mean by which choice?

9 A. When you look back on there, there's a  
10 several different. We decided to use the phone  
11 intercom check-in.

12 Q. Okay. And who was part of that  
13 decision-making process?

14 A. Myself and Christina.

15 Q. So when it came to actually implementing  
16 the plan, was that solely your responsibility, or did  
17 Christina also help you with that assignment.

18 A. It was my responsibility.

19 Q. So how did you go about doing it?

20 A. Once it was approved to do the phone  
21 intercom check-in, we followed the handbook of what  
22 was stated in there for the resident, and I met with  
23 Tiffany, who is our business office manager. We  
24 discussed it. We met and talked with the managers  
25 about what would be implemented, and then we devised a

1 form to go buy it. And then Tiffany became -- was  
2 over the concierge. And she monitored and trained,  
3 and everyone was trained on how to follow through with  
4 it.

5 Q. So you delegated the role of the  
6 implementation of the program to Tiffany?

7 A. So I implemented the program and trained  
8 her, and then she made the format and I approved it.

9 Q. What did you do to train Tiffany?

10 A. We went over the policy, and then I  
11 explained to her how it would take place and the  
12 training that we would do, and then also the form -- I  
13 approved the form that she devised.

14 Q. Not to jump ahead, but if you would take  
15 a look at that -- not in the tab, but that document  
16 that's turned over there, do you recognize that  
17 document, ma'am?

18 A. Yes.

19 Q. Is that the logbook?

20 A. Yes.

21 Q. We talked about this before, but if you  
22 flip to the very first page, page 76, is that the form  
23 you approved?

24 A. Yes.

25 Q. Was there any -- was there ever any

1 different form?

2 A. So as we -- as you can go through, this  
3 is the form. And then we had more people that were  
4 under the new contract, and then we started adding the  
5 names.

6 Q. So you added additional information to  
7 this form, but this is the form that was used?

8 A. Yes, sir.

9 Q. And there was never any other form, other  
10 than this form?

11 A. Prior to the incident, yes.

12 Q. When you said training, did you generate  
13 any training manuals -- any training materials for  
14 Tiffany to use?

15 A. Regarding this, no.

16 Q. Did you have any training manuals that  
17 had been given to you about how to implement the  
18 program?

19 A. I had the policy to go by.

20 Q. So all you had was the policy?

21 A. Yes, sir.

22 Q. Did you ever participate in any  
23 session -- training session or otherwise -- about  
24 other programs that were similar to this program?

25 A. No.

1 Q. Did you ask at any point in time  
2 management -- Christina, or someone else -- to approve  
3 your training materials or any training materials that  
4 you prepared for Tiffany?

5 A. No.

6 Q. Did you ask them to approve your idea for  
7 implementation of the plan?

8 A. Yes.

9 Q. And what did they say?

10 A. I asked them to approve -- could we do  
11 the call check-in, and that we made a form.

12 Q. And who said yes, it's okay?

13 A. I don't recall.

14 Q. At that point in time did you tell them  
15 that it was going to be your personal decision that a  
16 physical check of the resident would not be required  
17 until noon?

18 A. No.

19 Q. When you said you trained Tiffany -- I  
20 think you said it -- but you didn't have any materials  
21 that you used to actually train Tiffany, correct?

22 A. I went by the policy.

23 Q. Do you know if Tiffany generated any  
24 materials that she would use to train the receptionist  
25 on the program?



1 A. No. It was actually verbal hands-on  
2 visual.

3 Q. So no receptionist ever sat down with  
4 Tiffany, to your knowledge, in a one-on-one and was  
5 explained this program?

6 A. Yes, sir. That was part of their  
7 training.

8 MR. PACE: And just for the record, I know  
9 you're just asking up until the incident, not any  
10 remedial things that were done after.

11 MR. GAVIN: Correct.

12 Q. Did you ever see any materials that  
13 Tiffany generated that she would share with the  
14 receptionist about the importance of the program?

15 MR. PACE: Object to form. You can answer.

16 A. This was -- she would sit down with them  
17 one-on-one when they were training and go over all of  
18 our policies, which showed them the book, explained to  
19 them how to do it, they had to show us that they could  
20 do it, and it was told to them the importance of doing  
21 it.

22 Q. All right. You're assuming Tiffany told  
23 them, because you didn't participate in these training  
24 sessions, correct?

25 A. I did not participate in the training

1 sessions; however, I did visually see the employees  
2 acting out and doing the role sufficiently,  
3 effectively. Also going and checking rooms when  
4 people did not answer the phone on several occasions.

5 Q. Do you know whether Tiffany went over the  
6 policy with the employees?

7 A. She explained it to them, yes, sir.

8 Q. If you would flip back to tab 15, I'd  
9 like to spend a little bit more time on the policy.

10 If you look in the very first paragraph,  
11 it indicates that the purpose of the policy is to  
12 determine the safety and the well-being of the  
13 residents; would you agree that's what it says?

14 A. Yes.

15 Q. The last sentence says that there should  
16 be community procedures that are reviewed. Did you  
17 ever draft any community procedures with respect to  
18 the program?

19 A. We had just started this. And Tiffany  
20 and I would discuss, how is it? Is everything working  
21 appropriately?

22 Q. But --

23 A. And then updated and approved, we started  
24 adding the names as we went along, in addition.

25 Q. I guess my question is: Did you draft

1 any community procedures that govern the program?

2 A. Meaning?

3 Q. A written document?

4 A. About how we would annually update and  
5 check?

6 Q. About how the program would be  
7 maintained, monitored, rules regarding 12:00, 1:00.  
8 Were there ever any written community procedures  
9 drafted by you?

10 A. Prior to this incident, no.

11 Q. Were there any written community  
12 procedures drafted, to your knowledge, by Tiffany?

13 A. No.

14 Q. All right. The policy has, as you  
15 mentioned, several different ways that this check-in  
16 could be accomplished. And I'm assuming, based on  
17 your previous testimony, that the only one that was  
18 available was C?

19 A. Correct.

20 Q. The last sentence of that C says if a  
21 resident does not answer, each apartment will be  
22 physically checked.

23 Was it your understanding that it was  
24 acceptable to have a delay between the failure of the  
25 resident to answer and the time that the apartment

1 would be physically checked?

2 A. Once they called and did not receive an  
3 answer, at that time they would go and check.

4 Q. And that call was supposed to take place  
5 not long after 10:30; is that correct?

6 A. Correct.

7 Q. So based on -- and I'm just looking at  
8 the call log and the number of residents that  
9 participated. But based on that, if the residents  
10 hadn't called in by 10:30, wouldn't it be fair to say  
11 that every resident that was participating in the  
12 program could have been called back by 11? That would  
13 give 30 minutes.

14 A. Not necessarily.

15 Q. Do you remember how many, at the greatest  
16 time when the most residents were participating in the  
17 program, how many residents would that be?

18 A. At the greatest time --

19 Q. At the time where the most number of  
20 residents would be participating in the program, how  
21 many residents would that be?

22 A. It could be anywhere between 40, but at  
23 the time of this, 25.

24 Q. 25. So you think it would take more than  
25 30 minutes to make the 25 phone calls of every person

1 to check on them?

2 A. Yes, sir.

3 Q. What's a fair time, in your opinion, on  
4 how long it would take to call residents that hadn't  
5 checked in?

6 A. It's circumstantial. Each person that  
7 they called, if they had not checked in or they did  
8 not answer, then they would have to go and get the key  
9 and physically go to their apartment on whatever floor  
10 and check on them, then come back and continue with  
11 the phone process.

12 Q. I'm just talking about the call. How  
13 long do you think it would take your receptionist to  
14 call all of the people around December of 2015 that  
15 were on the list, if they had not checked in at 10:30?

16 A. It could take a couple of hours.

17 Q. To make calls?

18 A. Because if they don't get one, then they  
19 stop and they check on that person, and come back and  
20 call more.

21 Q. So you're saying they make a second call?

22 A. No. They continue down the roster after  
23 they check on someone they do not hear from.

24 Q. All right. If you would flip to page  
25 144, which is the next page in that policy,

1 A. Correct.

2 Q. And what you're saying is that Tiffany  
3 would give them reminders or would suggest to them  
4 different things that they should be doing, but there  
5 was no formal training session, other than the first  
6 training session that Tiffany would have with them?

7 A. Other than the ongoing coaching.

8 Q. So when this policy says, be able to  
9 demonstrate understanding, then that would be purely  
10 the subjective opinion of Tiffany, correct?

11 A. Yes; and the visibility that I could see  
12 that they were doing the position correctly.

13 Q. And as far as a periodic refresher, the  
14 only periodic refreshment that they would have  
15 received would have been a comment from Tiffany; is  
16 that correct?

17 A. Or coaching.

18 Q. When you say coaching, what do you mean  
19 by coaching?

20 A. That would be her continuing to -- they  
21 already understood and how to follow through with it.  
22 It would be her going and encouraging, following up,  
23 making sure it's done. If not, speaking with them,  
24 reiterating, making sure there's a clear  
25 understanding.

1 paragraph 2 says that any of the associates that are  
2 involved in the program should receive training, be  
3 able to demonstrate understanding, and receive  
4 periodic refreshers to ensure their competency. Do  
5 you agree that's what it says?

6 A. Yes.

7 Q. As far as the receptionists go, what  
8 training did the receptionists receive, other than the  
9 training that you believe that Tiffany gave to them  
10 one-on-one when they were hired?

11 A. It was an ongoing process.

12 Q. I guess that's not the answer to the  
13 question. Was there any specific training -- other  
14 than the time when Tiffany trained them one-on-one  
15 when they were hired about the program, was there any  
16 other training that was provided to the receptionist?

17 A. Yes. There was coaching.

18 Q. So there was coaching in the form of  
19 what?

20 A. There were documentations of several  
21 reminders, anything in particular that they needed to  
22 know. And she would need one-on-one with them to talk  
23 to them if there was any concerns.

24 Q. Okay. So Tiffany would monitor their job  
25 functions and their performance?

1 Q. Well, you would agree that safety is  
2 important at the facility, wouldn't you?

3 A. Yes.

4 Q. So the failure of a receptionist to  
5 comply with the program would be a big deal, wouldn't  
6 it?

7 A. Yes.

8 Q. Because if they don't follow up and make  
9 that physical check, somebody could die; is that  
10 correct?

11 MR. PACE: Object to the form.

12 Q. Isn't that true?

13 A. Our goal was to check to see if they  
14 needed assistance, and then to call if they needed  
15 assistance.

16 Q. But if somebody --

17 A. Not provide it.

18 Q. I'm sorry. I didn't mean to talk over  
19 you.

20 A. I'm sorry.

21 Q. But if somebody didn't make that check,  
22 somebody could die in that apartment?

23 MR. PACE: Object to the form. You can  
24 answer, if you can.

25 A. I mean, it's a possibility.

1 Q. And if somebody doesn't check on that  
2 apartment, if they don't die, their condition could  
3 get much worse, couldn't it?

4 MR. PACE: Object to the form. You can  
5 answer.

6 A. Yes.

7 Q. This policy next says that every step of  
8 the check-in process must be documented clearly, all  
9 right?

10 First of all, do you agree that's what it  
11 says?

12 A. Yes.

13 Q. Did you have a way in the logbook to  
14 differentiate the residents that were still in the  
15 facility on the weekends versus out, or was the only  
16 place that it was recorded would be on the logbook?

17 A. So it would record on the logbook if they  
18 were out. It would be written in their spot.

19 Q. So there was -- I'm gathering there was  
20 not a separate logbook that solely dealt with  
21 residents that were out of the facility versus in the  
22 facility; yes or no?

23 A. I'm sorry?

24 Q. Was there a separate book?

25 A. Only -- only in the communication log.

1 Q. Was it a separate list? When you say the  
2 communication log, what do you mean?

3 A. Their shift-to-shift report.

4 Q. Okay. But was there a separate logbook  
5 that maintained when residents were out of the  
6 facility?

7 A. No, sir.

8 Q. If you'd go back to page 143 at C. If  
9 I'm reading this correctly, it says at the designated  
10 time, the front desk associate will compare the list  
11 of those that have checked in to the current unit  
12 roster and the residents out of the building list and  
13 then call those residents.

14 So when it says compare, that means to me  
15 that there should be two different lists; is that your  
16 interpretation of the policy?

17 A. No.

18 Q. So your interpretation of the policy was  
19 that both the resident -- the out-of-facility list  
20 could be the same list as the call log list?

21 A. Yes.

22 Q. If you look at the call log, the very  
23 front page, it's page 75, as I see it; is that  
24 correct?

25 A. Yes, sir.

1 Q. There's an entry on there that says it  
2 must be done every day for the highlighted apartments  
3 before 10:30, or the resident must be called and  
4 checked on; is that what it says?

5 A. Yes, sir.

6 Q. Is that something that you drafted?

7 A. No.

8 Q. Do you remember who generated that  
9 language?

10 A. Tiffany.

11 Q. Do you remember when it was first  
12 implemented?

13 A. Very shortly after I was -- I don't  
14 recall.

15 Q. So this language would have been on the  
16 front of the logbook at the time that Ms. Franklin was  
17 a resident at the facility?

18 A. Yes.

19 Q. Would there be any reason why a  
20 receptionist would think that it would be okay to make  
21 a follow-up phone call as late as 3:00 in the  
22 afternoon?

23 A. Yes.

24 Q. And what would be that reason?

25 A. If that person were not in, or they did

1 not see that person throughout the day, then  
2 sometimes, yeah -- and in the afternoon we'd check if  
3 there wasn't anything in the slot.

4 Q. But wouldn't they be required to follow  
5 up right after 10:30 by a call and then a physical  
6 check?

7 A. Sometimes residents weren't in their  
8 apartments, so there wasn't anything signed.

9 Q. But wasn't it still their duty to follow  
10 up and track that down immediately after 10:30?

11 A. It wasn't anything signed if they didn't  
12 see the person. If they followed up and went and  
13 checked on them and they didn't see them in the  
14 apartment, they didn't sign anything, because they  
15 didn't see them, but they did follow up on them.

16 Q. So are you saying that if somebody did  
17 not call at 10:30, and the receptionist went to  
18 physically check on them, but was unable to locate  
19 them, then it was okay for the receptionist just to go  
20 back to her desk and check later?

21 A. We were only to check on them in their  
22 apartment. If they were not in their apartment and  
23 they weren't there, how they knew was there wouldn't  
24 be anything signed.

25 Q. The entries that are on that call log, is

1 there a way to differentiate between whether or not a  
2 resident is calling in and saying I'm good, or whether  
3 a receptionist has not received a call, and is calling  
4 back to the resident to see if they're okay?

5 **A. On this current log, no.**

6 **Q. Do you know whether it was, in fact, the**  
7 **case where the receptionist would have to routinely**  
8 **call the residents, or was it more often the case that**  
9 **the residents would just call in to front desk and**  
10 **then they would note their time?**

11 **A. On several occasions they did check on**  
12 **residents.**

13 **Q. Say prior to December of 2015, are you**  
14 **aware of how many times a receptionist made a physical**  
15 **check on a resident?**

16 **A. Several times a week I would see them**  
17 **going to make checks.**

18 **Q. When you say you would see them, where**  
19 **were you in a position to see them? Is your office**  
20 **close to the receptionist's desk?**

21 **A. Yes, sir.**

22 **Q. So how did you know they were going to**  
23 **check on a resident?**

24 **A. They would come to the key log box that**  
25 **we had and get the key. And they would say, I'm going**

1 **to check on whoever the apartment number or resident**  
2 **was. They did not answer their phone.**

3 **Q. Did you look at the logbook daily?**

4 **A. No, sir.**

5 **Q. Did you look at it ever?**

6 **A. Yes.**

7 **Q. How often would you look at it?**

8 **A. At least weekly.**

9 **Q. When you looked at it, would you look to**  
10 **see whether or not calls were being made?**

11 **A. Yes.**

12 **Q. Were you looking to see whether there**  
13 **were empty blanks where no calls had been made?**

14 **A. Yes.**

15 **MR. PACE: Object to the form.**

16 **Q. Did you ever comment to Tiffany about**  
17 **problems that you saw with compliance of the program?**

18 **A. They weren't necessarily problems. They**  
19 **said they always had an explanation. They weren't**  
20 **there that day. They didn't see them in their**  
21 **apartment.**

22 **Q. I guess my question is: Did you ever at**  
23 **any point see problems with the way the logbook was**  
24 **being maintained by the receptionist?**

25 **A. No.**

1 **Q. So you never said at any point to**  
2 **Tiffany: Tiffany, they're not complying with the**  
3 **program; you need to do something about it?**

4 **A. No. I was seeing that it was being done**  
5 **appropriately. I didn't see a problem.**

6 **Q. I'll get to this in a little bit, Monica,**  
7 **but I saw a shift report that indicated that the**  
8 **logbook was now in a binder. What was it originally?**  
9 **What was the original form? Was it just looseleaf**  
10 **paper?**

11 **A. They actually had it in with numbers that**  
12 **I can recall, and they actually made a special binder**  
13 **for it.**

14 **Q. All right. But when --**

15 **A. As it was growing and becoming larger.**

16 **Q. But when it started was it just a sheet**  
17 **on a clipboard, or how did it originally start, or do**  
18 **you know?**

19 **A. I don't recall.**

20 **Q. That would have been Tiffany's**  
21 **responsibility?**

22 **A. Yes, sir.**

23 **Q. Did you ever make a comment in the book**  
24 **itself? Did you ever make an entry or writing in the**  
25 **book itself, the logbook?**

1 **A. Not that I recall.**

2 **Q. Take a look at the logbook at page 105.**  
3 **The only reason I ask this is because you clearly have**  
4 **a left-handed writing style, and this appears to be**  
5 **left-handed. Is that your writing?**

6 **A. No, sir.**

7 **Q. Do you know whose it is?**

8 **A. No, sir, I do not.**

9 **Q. Is this something that you would have**  
10 **seen, these comments, as part of your weekly review of**  
11 **the logbooks?**

12 **A. Yes.**

13 **Q. Now, the logbook says that -- or the**  
14 **program says that the highlighted people need to be**  
15 **called and checked on. Who was responsible for the**  
16 **highlights?**

17 **A. Tiffany would update it.**

18 **Q. So who would tell Tiffany the folks that**  
19 **need to be highlighted versus the folks that do not**  
20 **need to be highlighted?**

21 **A. I would.**

22 **Q. So you would relay that information to**  
23 **Tiffany, Tiffany would then highlight it in the**  
24 **logbook. Was that done weekly?**

25 **A. It was done as someone moved in.**

1 Q. So once that initial communication had  
2 been made that they should be highlighted, then that  
3 was the standing order, for lack of a better term?  
4 A. Yes.  
5 Q. So they would remain highlighted?  
6 A. That's correct.  
7 Q. Was Tiffany the only person, prior to the  
8 incident, that had responsibility for overseeing the  
9 logbook?  
10 A. Prior to the incident, yes.  
11 Q. Did you at any time assign it to anyone  
12 else, that responsibility?  
13 A. To the assistant business officer manager  
14 that filled in her place when she was out.  
15 Q. And that's Diane Ross?  
16 A. That's correct.  
17 Q. We'll get to that in a while.  
18 The shift reports -- and if you look at  
19 tab 14, do you recognize these documents in this tab?  
20 A. Yes, sir.  
21 Q. What are they?  
22 A. They're the shift report -- communication  
23 report between the receptionist.  
24 Q. And if you notice, they're not  
25 chronological with every day. There are some June 16,

1 another one June 21st, another one June 23rd, another  
2 one June 25th. As part of your weekly review of the  
3 logbook, would you also review the shift reports?  
4 A. Yes.  
5 Q. And is that something that you did  
6 weekly?  
7 A. Yes.  
8 Q. Would you do it daily or just weekly?  
9 A. Just weekly.  
10 Q. In reviewing these shift reports, did any  
11 of them strike you -- or give any indication to you  
12 there was a problem with the program?  
13 A. No.  
14 Q. Would you look at page 119. This appears  
15 to be a shift report from a Ms. Rush. Was she a  
16 receptionist at the time?  
17 A. Yes, sir.  
18 Q. Was she a receptionist that would have  
19 had a responsibility to maintain the logbook?  
20 A. Yes; if she worked the day shift, yes.  
21 Q. The first entry under her notes section  
22 says, Did all required residents check in yesterday?  
23 If so, please fill out the missing times. I  
24 highlighted them on the sheet for 6-20.  
25 Wouldn't that indicate to you that some

1 had been missed on the prior day?  
2 A. Not necessarily. It could have been they  
3 were out, and they did not actually see them when they  
4 went to the apartment.  
5 Q. Well, if that was the case, wouldn't that  
6 have been documented in the logbook?  
7 A. No.  
8 Q. So is there ever a reason to not put any  
9 entry in the logbook, because they're either in the  
10 facility or out. So would there ever be a reason to  
11 not have an entry on a particular date in the logbook?  
12 A. They would put that down if they -- if  
13 they would not write anything until they actually went  
14 to the apartment and saw the person. If they went to  
15 the apartment and weren't there, they would not put  
16 anything down and communicate that.  
17 Q. Communicate it to who?  
18 A. To the oncoming.  
19 Q. All right. So I would call that a pass  
20 it on. Was there a duty among the receptionists to  
21 pass on information from one shift to the next about  
22 residents?  
23 A. Yes.  
24 Q. Was that a policy that you had, or just  
25 something that Tiffany implemented by word of mouth?

1 A. This is something we implemented with  
2 their shift-to-shift reports.  
3 Q. I don't know that I got an answer back to  
4 that original question, though, which was: Is there  
5 ever a reason, or would there ever be a reason that  
6 there would not be some type of entry by the end of  
7 the day for a resident?  
8 A. Yes; if that person had not been in that  
9 apartment the entire time, and had not notified us  
10 that they would be out of the facility.  
11 Q. And would that be the only incidence?  
12 A. That would be the only time that there  
13 should be a blank, yes, sir.  
14 Q. So in that case the resident would be  
15 totally unaccounted for, because you wouldn't have  
16 checked them, you wouldn't know that they were out.  
17 So that resident would be totally unaccounted for; is  
18 that what you're saying?  
19 MR. PACE: Object to the form. You can  
20 answer.  
21 A. So yes. We would go to the apartment.  
22 That was the only place that we let them know we would  
23 be checking on them. If they weren't there, they did  
24 not write that they saw them, because the time that  
25 they wrote was the actual time that they visibly saw

1 the person.

2 Q. So are you saying that it's possible and  
3 it was okay for the receptionist to not rely on a call  
4 from the resident, but to just see them in the lobby  
5 and then write down a check?

6 A. Yes.

7 Q. Was there a way that they differentiated  
8 that procedure in the logbook, a visual inspection or  
9 otherwise?

10 A. No.

11 Q. I'm going to ask you to flip over to the  
12 next page, which is 120. This appears to be a shift  
13 report from June 23rd, 2015; is that correct?

14 A. Yes, sir.

15 Q. And you were reviewing these reports as  
16 part of your weekly monitoring of activities in the  
17 facility around June 23rd, 2015?

18 A. Yes.

19 Q. If you look at the note from Tiffany N.,  
20 is that Tiffany Nichols?

21 A. Yes.

22 Q. Was there any other Tiffany that worked  
23 at your facility at that time?

24 A. Not that I recall.

25 Q. There is a note in here under the notes

1 writing?

2 A. Yes.

3 Q. So wouldn't it be fair to say that  
4 Tiffany knew that the call log was not getting done  
5 based on that comment that she noted right behind?

6 A. Yes, and that she's following up on it.

7 Q. Did she ever report to you that there  
8 were problems with the maintenance of the program by  
9 the receptionist?

10 A. No.

11 Q. In your stand-up meetings, did Tiffany  
12 ever say to you that the call logs -- or that the  
13 calls were not being made in a timely manner?

14 A. No.

15 Q. Would that have been her responsibility  
16 to tell you that?

17 A. Yes.

18 Q. But as a failsafe to that you were also  
19 monitoring the logbooks yourself?

20 A. Yes.

21 Q. All right. If you would look at the next  
22 page, 121, this appears to be a note from Tiffany  
23 Nichols; is that accurate?

24 A. Yes.

25 Q. And if you look down about two-thirds

1 section under the second shift that says, The call log  
2 has not been getting done, which I am guilty of as  
3 well. I made a binder that is next to the shift log.

4 Do you remember reviewing that shift  
5 report?

6 A. I don't recall.

7 Q. If you had reviewed that, wouldn't that  
8 have given you an indication that there was a problem  
9 with the compliance aspect of the program?

10 A. I saw no indication of it being an issue.

11 Q. When you say you saw no indication of it,  
12 if you had read this shift report, wouldn't that be a  
13 written indication of it?

14 A. I just don't recall this.

15 Q. Do you recognize Tiffany's writing?

16 A. On some forms, yes.

17 Q. The note above it says, I'd like to first  
18 start off by saying a big thank you.

19 Do you recognize that as Tiffany's  
20 writing?

21 A. Yes.

22 Q. There's a notation right after that  
23 comment that I just read to you that says, Please be  
24 sure we are doing this weekends too.

25 Do you recognize that as Tiffany's

1 through the note section there is an asterisks. And  
2 it says, The call check-in log is located next to the  
3 computer. Please do daily.

4 Is that the kind of refresher that you're  
5 talking about; in other words, was Tiffany actually  
6 pulling the receptionists aside, to your knowledge,  
7 and selling them, or was she just putting refreshers  
8 in these notes that were included in the shift  
9 reports?

10 A. She did both.

11 Q. If you look over at page 123, this is  
12 another shift report. It appears to be from Ashley  
13 Evans, which Ashley Evans is a receptionist?

14 A. Yes, sir.

15 Q. Was she a receptionist that would have  
16 had a role to complete the logbook?

17 A. Yes.

18 Q. Right around the time that we're talking  
19 about, June 5th to December of last year?

20 A. It was predominantly done on the first.  
21 As the second shift she would follow up, if necessary.

22 Q. There's an asterisks at the bottom that  
23 says, We really need to stay on top of the resident  
24 call log and keep our emergency contact list updated.

25 Is that part of the shift report that you

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1 would have viewed weekly?

2 A. Yes.

3 Q. Do you remember ever following up with  
4 Ashley on why she would write that note?

5 A. No.

6 Q. Would you agree that that would give you  
7 some indication that there might be a problem with  
8 compliance with the program?

9 A. I discussed it with Tiffany several times  
10 how things worked.

11 Q. When you say you discussed it with  
12 Tiffany several times how things worked, what do you  
13 mean?

14 A. I would just ask her are there any  
15 problems that she's having? Is there anything that we  
16 need to discuss?

17 Q. And did Tiffany ever say, you know,  
18 Crystal is not missing calls or Shadell is not missing  
19 calls? Would she ever say anything that presented any  
20 evidence of a problem to you with compliance with the  
21 program?

22 A. No. She would let me know that she did  
23 reminders, coaching, training.

24 Q. If you look over at page 124, there is a  
25 note in there from Ashley Evans. And on the left it

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1 only times that you were made aware that a problem may  
2 have existed with compliance of the program would have  
3 been when Tiffany alerted you to it; is that fair?

4 A. Yes, or I noticed something in the  
5 handout, but yes.

6 Q. Do you remember any particular time that  
7 Tiffany alerted you to a particular problem --

8 A. No.

9 Q. -- with compliance of the program. Do  
10 you remember any time that you looked at the logbook  
11 and specifically said, this is a problem?

12 A. No.

13 Q. I want to take a look at the logbook real  
14 quick and just sort of scan through it, if you'd set  
15 that book aside. I'm just going to start at the  
16 beginning, and I'm starting with unit 327. And I flip  
17 through to unit 327 and I see that on page 78, if  
18 you'll flip to page 78, that there are two blanks for  
19 May 3rd and for May 9th. Ms. King was the only  
20 resident in the program at that time; is that correct?

21 MR. PACE: I'd just ask that we agree to  
22 keep other residents' names --

23 Q. No problem. The resident of 327 was the  
24 only resident in the program?

25 A. Yes, sir.

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1 says, Crystal, please don't forget to complete the  
2 call check-in log.

3 Would you agree that's an indication that  
4 maybe Crystal is forgetting to complete the check-in  
5 log?

6 MR. PACE: Object to form. You can answer.

7 A. She wasn't always on days. This was a  
8 reminder. We always put reminders in for someone that  
9 wasn't routinely on days.

10 MR. GAVIN: We've been going a little while.  
11 Do you want to take a break?

12 A. I'm fine.

13 MR. GAVIN: Okay. Well, I'm just going to  
14 take a break and get some more water.

15 THE WITNESS: Yes, sir, okay.

16 MR. GAVIN: Go off for a second.

17 THE VIDEOGRAPHER: Off the record at 11:40  
18 a.m.

19 (Whereupon, a recess was taken).

20 THE VIDEOGRAPHER: We're now on the record  
21 at 11:44 a.m.

22 BY MR. GAVIN:

23 Q. Monica, we're back after a short break.  
24 I'm going to continue with where I was.

25 As I understand, the only problems or the

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1 Q. But on that week there were two blanks.  
2 Do you remember trying to account for those two  
3 blanks?

4 A. I don't recall.

5 Q. If you flip to the next week, which is  
6 page 79, there is one blank for May 10th for that  
7 resident on May 10th; is that correct?

8 A. Yes.

9 Q. Any explanation for that blank line?

10 A. No.

11 Q. If you had looked at those two weeks,  
12 wouldn't that -- in your weekly review of the  
13 reports -- wouldn't that have presented an issue for  
14 you to investigate as to why these lines were blank?

15 A. Yes.

16 Q. Do you remember conducting an  
17 investigation?

18 A. I remember questioning. They did not see  
19 that particular person for that day was the  
20 explanation.

21 Q. If you look at the next page, page 80,  
22 for resident 327 there is a blank for May 17th and  
23 May 19th. Any explanation as to why they would be  
24 blanks?

25 A. I don't recall.

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Q. Wouldn't it be fair to say that just looking at those three weeks for that one resident, who was the only resident in the program, that calls were being missed as early as May?

MR. PACE: Object to the form. You can answer.

A. No, sir, because if they weren't in their apartment, then we would not have written anything, and residents would not always notify us that they were going out. So if they knew that they were out, they would make an indication that they were out of the facility. But if they did not, and the resident did not call, and we called them and went to their apartment and they weren't there, then there would be no indication here.

Q. Would there have been a policy if you went to the apartment -- and I'm not saying you. I'm being generic. If one of your receptionists had went to the apartment and had not got an answer, and I guess assuming had got a key and checked in the apartment, and there still wasn't anyone there, so they made the assumption that they were out of the facility, they wouldn't have written it in the book at all that they were out. Would they have called a family member to follow up to see whether or not the

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Q. Now let's move to Ms. Franklin's sheet, which is next. It starts at page 81. There's a question mark on May 27th. Well, let's flip to the May 30th. Is there any kind of an entry for May 30th?

A. Yes. On page 81?

Q. Yeah, for Ms. Franklin, who is in unit 111?

A. Yes.

Q. On May 30th, Saturday?

A. Yes.

Q. Are we looking at the same one?

MR. PACE: You're not looking at Ms. Franklin. She's in 111, further up the page.

A. Oh, I'm sorry. I'm sorry. Excuse me. I was still at the other resident. I'm so sorry.

No, sir.

Q. What about the next day, May 31st?

A. No, sir.

Q. How about go to the week of May 31st through June 6, and if you look down at resident 327, do you see the calls that are made there?

MR. PACE: Object to the form. You can answer.

A. Yes.

Q. Do you know whether those were calls made

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family member or an emergency contact would know of their whereabouts?

A. No. These were independent living residents, and a lot of them specifically did not want their family called or notified. We would not have done that. We would have waited.

Q. So you would have just waited and left it blank in the logbook?

A. Yes.

Q. All right. If you look -- going back to page 79, I see there is an entry for a new resident, the second resident, 214. And there is a check-in almost every day for her for that week. And then I go to the next week, which is on page 80, and I don't see a single check-in. And then I go to the next week, which is page 81, and then she's back to being checked up again.

Is your recollection that the resident of 214 was out the entire week of May 17 through May 23rd?

A. I have no recollection of that.

Q. Would you agree that there is no entries in 214 for any date during that week of May 17 through May 23rd?

A. Yes.

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from the resident to the facility, or from the receptionist to the resident?

A. I don't know.

Q. Do you see that in that week, four of the six are after 11:00?

A. Yes, sir.

Q. Do you see one as late as 4:28 on June 5th?

A. Yes.

Q. Is there any entry at all for June 4th?

A. No. There's a mark through there.

Q. Is there a reason why an entry would be made as late as 4:28 in the afternoon?

A. If the resident had been out all day and had just come in, that would be the reason for that.

Q. If you flip to page 83, I'm looking at Ms. Franklin's line, which is unit 111. Would you agree that there's blanks for June 10th and June 13th?

A. Yes.

Q. Do you have any explanation?

A. No.

Q. Would you flip to page 84 and look at June 14th? Is there a blank or any entry for Ms. Franklin's unit 111?

A. No.



1 Q. Just from my observation, is there a  
2 pattern appearing that it's more of a problem on the  
3 weekends that these entries are not being made versus  
4 other days of the week?

5 A. It's known that a lot of the residents go  
6 out — are out during the weekends, more so than  
7 during the week.

8 Q. Do you know what Ms. Franklin was doing?

9 A. I don't recall.

10 Q. Did you know whether the receptionists  
11 were ever instructed on whether Ms. Franklin would be  
12 leaving the facility often or staying in her  
13 residence?

14 A. No.

15 Q. If you flip to page 84, that's the week  
16 of June 14 through June 20. For Ms. Franklin's unit  
17 of 111, I count three missing entries; would you  
18 agree?

19 A. Yes.

20 Q. So, I mean, by my calculations, in the  
21 first 25 days that Ms. Franklin was there, there are  
22 nine blanks where she wasn't called.

23 A. It doesn't necessarily mean that she  
24 wasn't called. It just means they didn't see her.

25 Q. If they didn't see her, wouldn't that

1 A. Correct.

2 Q. And I think you said earlier that the out  
3 log was maintained as part of this log?

4 A. Yes.

5 Q. Let's just assume that Ms. Franklin was  
6 in her residence on June 14th, June 18th, and June  
7 20th, and calls weren't made. Wouldn't that be a big  
8 problem?

9 MR. PACE: Object to form. You can answer.

10 A. Can you explain?

11 Q. If Ms. Franklin was in her residence on  
12 June 14th and a call was not made, she could have been  
13 in the apartment unsafe, not well, and in a very  
14 dangerous condition; agreed?

15 A. Yes. She also had her bell button to  
16 push as well that she wore.

17 Q. Well, what if she had a stroke and  
18 couldn't get to the bell button; agreed?

19 A. Yes.

20 Q. And that would directly affect her  
21 safety; agreed?

22 A. Yes.

23 Q. As you look through the logbook, even as  
24 the residents fill up, did you notice that calls were  
25 being made very late in the day?

1 create a problem?

2 A. She at that time was driving, and she  
3 would leave and not always report to the front desk.

4 Q. With these times, to your knowledge, was  
5 Ms. Franklin ever told that if she was leaving, she  
6 needed to report to the front desk?

7 A. I didn't hear anyone tell that. She was  
8 informed that upon her move-in.

9 Q. With nine missed blanks in 25 days,  
10 wouldn't — if you review these shift reports, why  
11 wouldn't that generate some curiosity in your mind  
12 that there may be a problem with the compliance with  
13 the check-in report?

14 MR. PACE: Object to form. You can answer.

15 A. As I discussed, Tiffany and I discussed  
16 the reports and asked her were things going well, was  
17 there a clear understanding; and she said yes. And on  
18 a routine basis, I saw them making the calls, going to  
19 the apartments and checking on residents. I saw it  
20 every day that I was there someone just about had to  
21 be checked on, and that the duty was being performed.

22 Q. I guess I'm looking at page 84, line 111,  
23 and I'm trying to determination for myself: How would  
24 you make that conclusion? There is no entry as to  
25 whether she's out or not, correct?

1 MR. PACE: Object to form. You can answer  
2 if you can.

3 A. Am I noticing that calls are being  
4 made —

5 Q. Did you ever observe that calls are being  
6 made very late in the day?

7 Let me just give you an example. Just  
8 flip to page 90.

9 A. Okay.

10 Q. And I'm looking at resident line 207.  
11 The only reason it struck me is because it's in red.  
12 There's a call check-in at 5:30 p.m.

13 MR. PACE: Object to form. And the reason I  
14 keep objecting is because you say the call was made at  
15 5:30. This time could indicate whether they called  
16 us, we called them, we saw them physically, we went to  
17 their apartment and checked and found them. That's  
18 what the time represents. And you've pointed out over  
19 and over again, there is no indication in this whether  
20 it was they called us, we called them, we saw them in  
21 the lobby or in the dining room, etcetera.

22 Q. If the resident had called in — I'm  
23 using this particular example — if the resident had  
24 called in prior to 10:30, that would have been noted,  
25 correct?

- 1 A. Yes.
- 2 Q. So it's fair to say that the resident
- 3 called in by 10:30?
- 4 A. Correct.
- 5 Q. So you don't know when a receptionist may
- 6 have called to the resident number 207 on Thursday,
- 7 the 30th of August; you just know that at some point
- 8 in time at 5:30 p.m. she was finally accounted for?
- 9 A. That's correct.
- 10 Q. When were you first made aware that
- 11 Tiffany was leaving for maternity? I guess you saw it
- 12 coming?
- 13 A. Yes, sir.
- 14 Q. Well, when did she decide to leave?
- 15 A. I can't say the exact date, but it was --
- 16 the actual date that she went out on maternity leave?
- 17 Q. Uh-huh.
- 18 A. She went out on maternity leave -- it was
- 19 in November. I just don't remember the date. I'm
- 20 sorry.
- 21 Q. When she left, did you have a discussion
- 22 with upper management about whether or not she needed
- 23 to be officially replaced, or were you trying to hold
- 24 her job for her to come back?
- 25 A. So it was a determination made. She had

- 1 applied for the proper FMLA procedures, and it was
- 2 approved that she could have her maternity leave and
- 3 come back to her position. In the meantime, we would
- 4 have an adequate person trained.
- 5 Q. Okay. Now, the adequate person, I'm
- 6 gathering, was Diane Gentry Ross?
- 7 A. That's correct.
- 8 Q. So was a decision made that Diane Gentry
- 9 Ross would be a manager?
- 10 A. Yes.
- 11 Q. And did she receive, for example, an
- 12 increase in pay?
- 13 A. She was an interim at that time.
- 14 Q. But as an interim did she receive an
- 15 increase in pay of what she had been making purely as
- 16 a receptionist?
- 17 A. No.
- 18 Q. Did she get assigned an official title of
- 19 interim office manager?
- 20 A. Yes.
- 21 Q. Was she introduced to the stand-up
- 22 meetings?
- 23 A. Yes.
- 24 Q. So when did she start participating in
- 25 the stand-up meetings?

- 1 A. She started immediately, some while
- 2 Tiffany was still there and training her.
- 3 Q. What type of training are you saying that
- 4 Diane Ross received?
- 5 A. Very intense training. It was even --
- 6 she spent several weeks with her overseeing her,
- 7 training her, showing her how to do the duties.
- 8 Q. All right. So are you saying that the
- 9 training was conducted by Tiffany?
- 10 A. Yes.
- 11 Q. So she didn't go to any off-site
- 12 management training; she just was trained by Tiffany?
- 13 A. Correct.
- 14 Q. But you're saying that Tiffany conducted
- 15 extensive training for her?
- 16 A. Yes, sir.
- 17 Q. Do you know whether Tiffany used any
- 18 written materials?
- 19 A. She went by the policies and procedures
- 20 for her position that we had there.
- 21 Q. Do you know whether Tiffany showed her
- 22 the policy which is part of tab 15 in the book?
- 23 A. I don't know.
- 24 Q. Did she sign off on any of the training
- 25 that she received?

- 1 A. No. I don't recall.
- 2 Q. Did Tiffany create an itemization or a
- 3 list indicating what training was provided?
- 4 A. She fixed her a go-to book, a manual to
- 5 go by.
- 6 Q. Were you familiar -- how were you
- 7 familiar with Ms. Ross?
- 8 A. Very well. She -- prior to her doing it,
- 9 she was the first shift concierge that did the log
- 10 check-in.
- 11 Q. Did she have any type of management
- 12 experience in her past, to your knowledge?
- 13 A. Yes.
- 14 Q. Where?
- 15 A. She had worked in a bank, and was in some
- 16 form of a management role there.
- 17 Q. Was she still performing the role of
- 18 receptionist as of December 1st, 2015, or was she
- 19 strictly an office manager?
- 20 A. She did dual roles.
- 21 Q. So she was charged with both overseeing
- 22 the office and participating at the front desk?
- 23 A. Yes, with the assistance of myself, and
- 24 then some receptionists would come in on days to
- 25 assist for her to be able to complete her other

1 duties.

2 Q. I think we established earlier that  
3 Ms. Nichols, Tiffany, would have been your manager  
4 that oversaw and was responsible for the maintenance  
5 of the logbook I assume up until she left for  
6 maternity leave?

7 A. Yes.

8 Q. When Ms. Ross came on to be interim  
9 manager, did you tell her that she was also charged  
10 with the responsibility of overseeing the logbook?

11 A. Yes.

12 Q. Did you give any kind of written  
13 communication to her about that, or did you just tell  
14 her?

15 A. Verbal.

16 Q. So as far as you understood, she had  
17 responsibility for the logbook?

18 A. Yes.

19 Q. If she was not there because she wasn't  
20 working, then who would have had responsibility for  
21 the logbook in her absence?

22 A. Then I would have fallen into that role,  
23 if she was not in that position.

24 Q. So the person that would have been  
25 checking up on the logbook would have been you, or

1 A. Yes. So when this was reviewed before I  
2 saw this sheet, there was something there for Friday.

3 MR. PACE: That's what Holly testified to  
4 earlier.

5 Q. I'm sorry.

6 A. When I started my investigation on Monday  
7 and asked for the form, this is the form that I  
8 received. And I was made aware that Friday they  
9 signed in the wrong spot for Ms. Franklin, and they  
10 corrected it.

11 Q. Well, I'll have to rely on the record at  
12 this point. I'm not sure what she said.

13 A. So she had told me, she said, Do you want  
14 me to correct it? I said, It needs to be factual of  
15 what actually --

16 Q. Let me ask you a different way, because  
17 the record will say whatever you said. If there were  
18 three days that were blank, wouldn't you think that it  
19 would be incumbent upon a supervisor to conduct an  
20 investigation as to why those three days were blank  
21 consecutively?

22 A. Yes.

23 Q. Is it your belief, Ms. Adcock, that the  
24 tragedy of Ms. Franklin -- and it was a tragedy, we  
25 all agree with that --

1 would it have been a manager on duty, for example?

2 A. Or a manager on duty if there was a  
3 question at hand.

4 Q. Okay. So it's Diane Ross, primary  
5 responsibility. If Diane is not working, then it  
6 either falls to you or to the manager on duty?

7 A. Yes.

8 Q. All right. I think we went over very  
9 early that -- if you'll flip to page 110 -- and I  
10 think 110 is what you described as being an account of  
11 the logbook when you first saw the logbook at the  
12 initiation of your investigation?

13 MR. GAVIN: Am I right on that, Ben?

14 MR. PACE: On the Monday, yeah.

15 MR. GAVIN: On the Monday.

16 A. Yes, sir.

17 Q. All right. So when you saw it on Monday,  
18 it would have had a blank for December 11th, a  
19 scribble for December 12th, and a blank for December  
20 13th?

21 A. Yes.

22 Q. If any one of your managers had seen  
23 those three consecutive entries or non entries,  
24 wouldn't that have created a problem that needed  
25 investigation by one of your supervisors?

1 A. Yes, sir.

2 Q. -- was solely the responsibility of the  
3 receptionists?

4 MR. PACE: Object to the form. It calls for  
5 an opinion, but you can answer.

6 A. No.

7 Q. If it wasn't solely their responsibility,  
8 I assume that some responsibility lies with  
9 management; would that be fair to say?

10 A. Well, the incident -- the responsibility  
11 was for them to check her room to see if she was  
12 there. That was the responsibility. To prevent the  
13 incident was -- I mean, they were just to go and  
14 check. And according to what we had, Thursday there  
15 was a signature, Friday there was a signature, Sunday  
16 Holly asked because she had not seen Ms. Franklin and  
17 saw a lot of papers outside. And she did go up as a  
18 manager and inquire about it.

19 Q. I need to explore that again, then. Are  
20 you saying that when you saw the logbook for the first  
21 time there was an entry for Friday?

22 A. I was told via phone that there was an  
23 entry for Friday.

24 Q. When you --

25 A. On the day that I was notified of the

1 incident.

2 Q. When you saw it, was there an entry for  
3 Friday?

4 A. When I asked -- before I was given the  
5 form, I was told on Monday, I've made an error. I  
6 signed in that I saw Ms. Franklin Friday, and actually  
7 it was supposed to be for another apartment. I said,  
8 Well, then, I need the actual what we really saw.  
9 Please correct that.

10 Q. Who told you that?

11 A. Diane.

12 Q. Okay. Well, at that point in time Diane  
13 didn't have the responsibility for the logbook, unless  
14 she was serving as the receptionist; wouldn't that be  
15 correct?

16 A. So once again, she was working that day,  
17 as well as Shadell. So she filled in the sheet,  
18 because if she happened to answer the phone and that  
19 particular resident was calling in, then she would  
20 have signed the book.

21 Q. Do you remember Ms. Ross's statement that  
22 you took on December 15th?

23 A. Not completely without reviewing it.

24 Q. Let's take a look at that real quick, if  
25 you would flip to tab 7.

1 manager on duty during the time of the event.

2 Q. She gave a written, typed-out statement.  
3 Did she also fill out one of these investigation  
4 interview questionnaires?

5 A. Because I had her written statement, I  
6 don't recall sitting down with her. I can't remember.  
7 I'm pretty sure, since I had that, that would suffice.

8 Q. Okay. Now I'm going to turn to the  
9 statement. It appears that Ms. Ross says under the  
10 what happened section, the last sentence, I did not  
11 check the call log to follow up on Shadell to see if  
12 everyone was calling in and signing the log. This is  
13 the duty of the receptionist.

14 If she was a manager, why wouldn't it  
15 have been her duty to follow up on the logbook to make  
16 sure that everybody was calling in?

17 A. She's referring to that isolated  
18 incident.

19 Q. Well, whether it's isolated or not,  
20 wouldn't it have been her duty as the interim manager  
21 to follow up on the logbook to make sure that the  
22 calls are being made?

23 A. Yes.

24 Q. I'm almost complete, Ms. Adcock.  
25 If Diane was not working on Friday the

1 The assumption I guess to me at the very  
2 beginning of tab 7, which is page 132 on the stamp --  
3 well, first of all, is that your signature at the  
4 bottom?

5 A. Yes, sir.

6 Q. All right. So this is a summary of the  
7 investigation that you took for Ms. Ross?

8 A. Yes.

9 Q. All right. You called her at that point  
10 in time a receptionist, but you've indicated today  
11 that she was actually an interim manager. Now, did  
12 you consider, for purpose of this investigation, a  
13 manager or a receptionist?

14 A. She was as an interim manager --

15 Q. All right. I know --

16 A. -- who would fall back into the  
17 receptionist role. She -- I mean, that was no --

18 Q. Well, I saw that you treated the  
19 employees -- "treat" is a bad word. The interview  
20 questionnaires that you used for the employees were  
21 different than the ones that you provided or that  
22 Holly provided. Were the managers not required to  
23 participate in one of these official questionnaires?

24 A. As the manager on duty, that's why Holly  
25 filled out the form she did. She was the actual

1 12th -- let me just confirm that.

2 MR. PACE: I think Friday was the 11th, and  
3 Diane was working.

4 Q. If you would flip to tab 10, Mr. Pace is  
5 correct, and I was not. Saturday is the 12th. If you  
6 look at the work schedule for Diane Ross for that  
7 week, I see that she worked Tuesday, Wednesday,  
8 Thursday, and Friday. I saw a report somewhere  
9 indicating she was actually out Wednesday I guess for  
10 sickness, but she worked Thursday and Friday. She was  
11 off on Saturday; is that correct?

12 A. Yes.

13 Q. And then she was off on Sunday?

14 A. Yes.

15 Q. So specifically to Saturday the 12th, if  
16 she was not there, who would have had responsibility  
17 for maintenance of the logbook, or oversight of the  
18 logbook?

19 A. So this is the responsibility of the  
20 receptionist to fill out the logbook. If there is any  
21 question, the manager on duty will ask at that time,  
22 but is there someone standing over them the entire day  
23 24-7 monitoring them doing the logbook? No. There is  
24 a weekly review. There is an oversight. They go in  
25 periodically and look behind to make sure the logbook

1 is being done, but every single day 24-7 standing over  
2 them to make sure that they're completing it, no, sir.

3 Q. What about once per 24 hours, not every  
4 minute? What about once for 24 hours?

5 A. Daily there is not -- they're to go and  
6 check if there is something that is questionable.

7 Q. So what I'm hearing you say -- and I want  
8 to make sure that we're clear on this -- for  
9 Saturday -- and that's Saturday, because Diane Ross  
10 was not working, the sole responsibility for  
11 compliance of the program would have been left with  
12 the receptionist, unless the receptionist saw a need  
13 to call the manager on duty for a particular problem?

14 A. Correct.

15 Q. So there was no manager on duty or  
16 manager that had any oversight responsibilities of the  
17 program on that Saturday, unless a receptionist  
18 created a problem or raised a problem to that manager  
19 on duty?

20 A. Correct.

21 Q. And the same would apply for that Sunday?

22 A. Yes.

23 Q. If there had been a problem raised by a  
24 receptionist on that Saturday the 12th and that Sunday  
25 the 13th, who would it have been escalated to, you or

1 A. Yes, sir.

2 Q. And then the other question -- we talked  
3 a lot about blanks in the logbook. For any particular  
4 blank in the logbook, you don't have any knowledge why  
5 it's present. You can only state why -- what would be  
6 an acceptable explanation to you for why it was blank?

7 A. Yes. That's correct.

8 Q. So for all those blanks that you-all went  
9 over, you don't specifically know what happened with  
10 that resident on that day?

11 A. No.

12 Q. And it's possible that they just didn't  
13 call and we didn't follow up; that's a possibility?

14 A. Yes.

15 Q. Because you don't know from personal  
16 knowledge whether that happened or not?

17 A. Correct.

18 MR. PACE: All right. Thank you. I just  
19 wanted to make that clear, Chuck.

20 MR. GAVIN: I don't have anything else.

21 THE WITNESS: Okay. Thank you.

22 MR. GAVIN: Thank you, Ms. Adcock.

23 THE VIDEOGRAPHER: Off the record at 12:16  
24 p.m.  
25

1 to Holly?

2 A. To Holly.

3 MR. GAVIN: All right. Monica, thank you  
4 for answering my questions.

5 THE WITNESS: Yes, sir. Thank you.

6 MR. PACE: Just real quick -- and I'm just  
7 doing this for your benefit, too, in case you had any  
8 questions about it.

9  
10 EXAMINATION BY MR. PACE:

11  
12 Q. Asked you a little bit earlier about the  
13 residents leaving the facility?

14 A. Yes, sir.

15 Q. Isn't it true that they're not required  
16 to tell you if they were leaving, because they were  
17 independent?

18 A. That's correct.

19 Q. And it's in the resident handbook that  
20 they're encouraged -- we request that you call the  
21 front desk with this information. Family and friends  
22 are often concerned if we cannot locate you. That's  
23 on page 58, which is page 10 of the resident handbook.

24 Was that your understanding of how that  
25 worked?

1 AND FURTHER THIS DEPONENT SAITH NOT  
2 (The deposition concluded at 12:16 p.m.)  
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COMMONWEALTH OF VIRGINIA,  
CITY OF RICHMOND, to wit:

I, Lisa M. Blair, a Notary Public  
for the State of Virginia at Large, do hereby certify  
that the foregoing deposition of MONICA ADCOCK was  
duly sworn to before me at the time and place set out  
in the caption hereto.

Further, that the transcript of  
the deposition is true and correct, and that there  
were 0 exhibits filed with me during the taking  
hereof.

Given under my hand this 1st  
day of October, 2016



Notary Public for the  
State of Virginia at Large

My Commission expires:  
October 31, 2016  
Notary registration #: 253150

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COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_ to wit:

I, MONICA ADCOCK, do hereby  
certify that I have read the foregoing pages of  
typewritten matter numbered 1 through 85, and that the  
same contains a true and correct transcription of the  
deposition given by me on the 21st day of September,  
2016, with the exception of the noted corrections, to  
the best of my knowledge and belief.

\_\_\_\_\_  
Date MONICA ADCOCK

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
My commission expires  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Notary registration #: \_\_\_\_\_