

SUPREME COURT: COUNTY OF NASSAU
STATE OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

-against-

1. DANIEL PERSAUD,
 2. CAROL FRAWLEY,
 3. FULTON COMMONS CARE CENTER, INC.,
- Defendants.
-

FIRST COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendant DANIEL PERSAUD of the crime of ENDANGERING THE WELFARE OF AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE FIRST DEGREE, in violation of Penal Law Section 260.25, committed as follows:

The defendant DANIEL PERSAUD, a licensed practical nurse employed by FULTON COMMONS CARE CENTER, INC. (“FULTON”), a residential healthcare facility, from on or about and between October 1, 2020 and November 26, 2020, in Nassau County, in the State of New York, knowingly acted in a manner likely to be injurious to the physical, mental and moral welfare of a person who was unable to care for herself because of physical disability, mental disease or defect, in that, while she was sitting in her wheelchair, defendant DANIEL PERSAUD,

without any legitimate medical purpose, grabbed the breast of I.F., a resident of FULTON whose full name is known to the Grand Jury.

SECOND COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendant DANIEL PERSAUD of the crime of ENDANGERING THE WELFARE OF A VULNERABLE ELDERLY PERSON, OR AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE SECOND DEGREE, in violation of Penal Law Section 260.32 (4), committed as follows:

The defendant DANIEL PERSAUD, a licensed practical nurse employed by FULTON COMMONS CARE CENTER, INC. ("FULTON"), a residential healthcare facility, from on or about and between October 1, 2020, and November 26, 2020, in Nassau County, in the State of New York, being a caregiver for a vulnerable elderly person or an incompetent or physically disabled person, subjected such person to sexual contact without the latter's consent, in that, while she was sitting in her wheelchair, defendant DANIEL PERSAUD, without any legitimate medical purpose, grabbed the breast of I.F., a resident of FULTON whose full name is known to the Grand Jury.

THIRD COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendant DANIEL PERSAUD of the crime of FORCIBLE TOUCHING, in violation of Penal Law Section 130.52 (1), committed as follows:

The defendant DANIEL PERSAUD, a licensed practical nurse employed by FULTON COMMONS CARE CENTER, INC. ("FULTON"), a residential healthcare facility, from on or

about and between October 1, 2020, and November 26, 2020, in Nassau County, in the State of New York, intentionally, and for no legitimate purpose, forcibly touched the sexual and other intimate parts of another person for the purpose of degrading and abusing such person, and for the purpose of gratifying his sexual desire, in that while she was sitting in her wheelchair, without any legitimate medical purpose, defendant, DANIEL PERSAUD, grabbed the breast of I.F., a resident of FULTON whose full name is known to the Grand Jury.

FOURTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendant DANIEL PERSAUD of the crime of WILFUL VIOLATION OF PUBLIC HEALTH LAWS (ABUSE), in violation of Public Health Law Sections 12-b (2), 2803-d (7); and 10 NYCRR 81.1 (a), committed as follows:

The defendant DANIEL PERSAUD, a licensed practical nurse employed by FULTON COMMONS CARE CENTER, INC. (“FULTON”), a residential healthcare facility, from on or about and between October 1, 2020, and November 26, 2020, in Nassau County, in the State of New York, willfully violated a provision of the Public Health Law, by subjecting a person receiving care or services in a residential healthcare facility to an act of abuse in that defendant DANIEL PERSAUD made inappropriate physical contact with I.F., a patient and resident of FULTON whose full name is known to the Grand Jury, while I.F. was under the supervision of FULTON, which harmed and was likely to harm I.F. when, without any legitimate medical

purpose, defendant DANIEL PERSAUD grabbed I.F.'s breast while she was sitting in her wheelchair.

FIFTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendant DANIEL PERSAUD of the crime of SEXUAL ABUSE IN THE THIRD DEGREE, in violation of Penal Law Section 130.55, committed as follows:

The defendant DANIEL PERSAUD, a licensed practical nurse employed by FULTON COMMONS CARE CENTER, INC. ("FULTON"), a residential healthcare facility, from on or about and between October 1, 2020, and November 26, 2020, in Nassau County, in the State of New York, subjected another person to sexual contact without the latter's consent, in that, while she was sitting in her wheelchair and without her consent, defendant DANIEL PERSAUD, without any legitimate medical purpose, grabbed the breast of I.F., a resident of FULTON whose full name is known to the Grand Jury.

SIXTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. ("FULTON") of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Penal Law Section 175.10, committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services for FULTON, a residential healthcare facility, from on or about and between October 1, 2020, and November 26, 2020, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, with intent to defraud, which included an intent to commit another crime and to aid and

conceal the commission thereof, omitted to make a true entry in the business records of FULTON, an enterprise, in violation of a duty to do so which she knew to be imposed upon her by law or by nature of her position, in that upon being notified of an allegation that licensed practical nurse DANIEL PERSAUD, a FULTON employee under her supervision, sexually abused I.F., a resident of FULTON whose full name is known to the Grand Jury, the defendant CAROL FRAWLEY omitted to prepare a facility investigation report.

SEVENTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. ("FULTON") of the crime of WILFUL VIOLATION OF PUBLIC HEALTH LAWS, in violation of Public Health Law Sections 12-b (2), 2803(d)(1), (3), (7); and 10 NYCRR 81.1(a), committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services of FULTON, a residential healthcare facility, from on or about and between October 1, 2020 and November 26, 2020, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, being an employee of a residential healthcare facility and having reasonable cause to believe that a person receiving care or services had been abused, mistreated, or neglected, willfully violated a provision of the Public Health Law by failing to report to the New York State Department of Health an act of abuse upon I.F., a resident of FULTON whose full name is known to the Grand Jury.

EIGHTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. (“FULTON”) of the crime of ENDANGERING THE WELFARE OF AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE FIRST DEGREE, in violation of Penal Law Section 260.25, committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services of FULTON, a residential healthcare facility, from on or about and between October 1, 2020 and November 26, 2020, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, knowingly acted in a manner likely to be injurious to the physical, mental and moral welfare of a person who was unable to care for herself because of physical disability, mental disease or defect, in that upon being notified of an allegation that licensed practical nurse DANIEL PERSAUD, a FULTON employee under her supervision, sexually abused I.F., a resident of FULTON whose full name is known to the Grand Jury, and despite having information that there were allegations that DANIEL PERSAUD had sexually abused other FULTON residents in the past, the defendant CAROL FRAWLEY failed to report or cause the allegation to be reported to the New York State Department of Health and law enforcement as required by law and permitted DANIEL PERSAUD to continue to work at FULTON and have contact with other vulnerable residents of FULTON.

NINTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC.

("FULTON") of the crime of ENDANGERING THE WELFARE OF AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE FIRST DEGREE, in violation of Penal Law Section 260.25, committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services for FULTON, a residential healthcare facility, from on or about and between December 25, 2021 and January 2, 2022, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, knowingly acted in a manner likely to be injurious to the physical, mental and moral welfare of a person who was unable to care for herself because of physical disability, mental disease or defect, in that upon being notified of an allegation that licensed practical nurse DANIEL PERSAUD, a FULTON employee under her supervision, sexually abused D.N., a resident of FULTON whose full name is known to the Grand Jury, and despite having information that there were allegations that DANIEL PERSAUD had sexually abused other FULTON residents in the past, the defendant CAROL FRAWLEY failed to report or cause the allegation to be reported to the New York State Department of Health and law enforcement as required by law and permitted DANIEL PERSAUD to continue to work at FULTON and have contact with other vulnerable residents of FULTON.

TENTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. ("FULTON") of the crime of WILFUL VIOLATION OF PUBLIC HEALTH LAWS, in violation

of Public Health Law Sections 12-b (2), 2803(d)(1), (3), (7); and 10 NYCRR 81.1(a), committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services for FULTON, a residential healthcare facility, from on or about and between December 25, 2021 and January 2, 2022, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, being an employee of a residential healthcare facility and having reasonable cause to believe that a person receiving care or services had been abused mistreated, or neglected, willfully violated a provision of the Public Health Law by failing to timely report to the New York State Department of Health an act of abuse upon D.N., a resident of FULTON whose full name is known to the Grand Jury.

ELEVENTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. (“FULTON”) of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Penal Law Section 175.10, committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services of FULTON, a residential healthcare facility, on or about January 3, 2022, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, with intent to defraud, which included an intent to commit another crime and to aid and conceal the commission thereof, made

and caused to be made a false entry in the business records of FULTON, to wit: a Fulton Commons Care Center Employee Disciplinary Notice.

TWELFTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. (“FULTON”) of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Penal Law Section 175.10, committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services (“DNS”) of FULTON, a residential healthcare facility, on or about January 3, 2022, in Nassau County and elsewhere in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, with intent to defraud, which included an intent to commit another crime and to aid and conceal the commission thereof, made and caused to be made a false entry in the business records of FULTON, to wit: an undated Fulton Commons Care Center Incident Report regarding D.N., a resident of FULTON whose full name is known to the Grand Jury.

THIRTEENTH COUNT

The Grand Jury of the County of Nassau, State of New York, by this Indictment, accuses the defendants CAROL FRAWLEY and FULTON COMMONS CARE CENTER, INC. (“FULTON”) of the crime of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, in violation of Penal Law Section 175.10, committed as follows:

The defendant CAROL FRAWLEY, the Director of Nursing Services of FULTON, a residential healthcare facility, from on or about January 6, 2022, in Nassau County and elsewhere

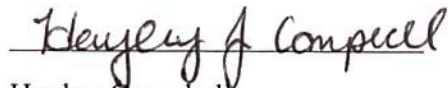
in the State of New York, acting individually and as a high managerial agent acting within the scope of her employment and in behalf of corporate defendant FULTON, with intent to defraud, which included an intent to commit another crime and to aid and conceal the commission thereof, made and caused to be made a false entry in the business records of the New York State Department of Health (“DOH”) in that to conceal her failure to timely report an allegation that a FULTON resident was abused and knowing that her statements to a DOH surveyor investigating allegations of sexual abuse involving licensed practical nurse DANIEL PERSAUD (“PERSAUD”), a FULTON employee under her supervision, and D.N. and C.W., residents of FULTON whose full names are known to the Grand Jury, would be recorded in DOH records, and having previously being notified by FULTON employees of the allegation that PERSAUD sexually abused resident D.N. on December 25, 2021, the defendant CAROL FRAWLEY falsely stated to said DOH surveyor that she had not been made aware of allegations of an incident involving resident D.N. and PERSAUD until she returned from vacation on January 3, 2022, thereby causing a false entry in a DOH Surveyor Notes Worksheet dated January 6, 2022

Dated: November 10, 2022

Mineola, New York

LETITIA JAMES
New York State Attorney General

BY:


Hayley Campbell
Special Assistant Attorney General
Medicaid Fraud Control Unit
28 Liberty Street, 13th floor
New York, NY 10005

PLEASE TAKE NOTICE that in accordance with the provisions of Section 245.20(4) of the Criminal Procedure Law and subject to constitutional limitations, the People hereby demand that you disclose and make available to the New York State Attorney General and permit the prosecution to discover, inspect, copy or photograph, any material and relevant evidence within the defendants' or counsels for the defendants' possession or control that is discoverable under paragraphs (f), (g), (l) and (o) of subdivision one of this section, which the defendants intend to introduce at trial or a pre-trial hearing, and the names, addresses, birth dates, and all statements, written or recorded or summarized in any writing or recording, of those persons other than the defendants, whom the defendants intend to call as witnesses at trial or a pre-trial hearing.

PLEASE TAKE FURTHER NOTICE that in accordance with the provisions of Section 250.20 of the Criminal Procedure Law, I hereby demand from you and each of you that if you intend upon the trial of this Indictment to offer, for any purpose whatever, testimony which may tend to establish your presence elsewhere than at the scene of the crime or crimes with which you are charged, at the time of their commission, you must, within eight days from the date of service of this Demand, serve upon the New York State Attorney General, and file with this Court, a copy thereof, a "notice of alibi" which shall set forth in detail the place or places where you claim to have been together with the names, residential addresses and places of employment and the addresses thereof of the witnesses upon whom you intend to rely to establish your presence elsewhere than at the scene of the crime or crimes at the time of their commission.

If at a trial of this action the defendants call such an alibi witness without having served a notice of alibi pursuant to the demand, or, if having served such a notice defendants call a witness not specified therein, a motion will be made pursuant to the provisions of Section 250.20 of the Criminal Procedure Law to exclude any testimony of such witness relating to the alibi defense.

LETITIA JAMES
New York State Attorney General
New York, New York

IND. NO. 1454 N-22

SUPREME COURT: COUNTY OF NASSAU: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

1. DANIEL PERSAUD,
2. CAROL FRAWLEY,
3. FULTON COMMONS CARE CENTER, INC.,

Defendants.

LETITIA JAMES
New York State Attorney General

INDICTMENT FOR:

- COUNT 1 ENDANGERING THE WELFARE OF AN INCOMPETENT OR
 PHYSICALLY DISABLED PERSON IN THE FIRST DEGREE, PENAL LAW
 §260.25
 (Defendant 1)
- COUNT 2 ENDANGERING THE WELFARE OF A VULNERABLE ELDERLY PERSON,
 OR AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE
 SECOND DEGREE, PENAL LAW §260.32 (4)
 (Defendant 1)
- COUNT 3 FORCIBLE TOUCHING, PENAL LAW §130.52 (1)
 (Defendant 1)
- COUNT 4 WILFUL VIOLATION OF PUBLIC HEALTH LAWS (ABUSE), PUBLIC
 HEALTH LAW §§12-b (2), 2803-d (7); AND 10 NYCRR 81.1 (a)
 (Defendant 1)
- COUNT 5 SEXUAL ABUSE IN THE THIRD DEGREE, PENAL LAW §130.55
 (Defendant 1)

- COUNT 6 FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, PENAL LAW §175.10
(Defendants 2 and 3)
- COUNT 7 WILFUL VIOLATION OF PUBLIC HEALTH LAWS, PUBLIC HEALTH LAW §§12-b (2), 2803(d)(1), (3), (7); AND 10 NYCRR 81.1(a)
(Defendants 2 and 3)
- COUNT 8 ENDANGERING THE WELFARE OF AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE FIRST DEGREE, PENAL LAW §260.25
(Defendants 2 and 3)
- COUNT 9 ENDANGERING THE WELFARE OF AN INCOMPETENT OR PHYSICALLY DISABLED PERSON IN THE FIRST DEGREE, PENAL LAW §260.25
(Defendants 2 and 3)
- COUNT 10 WILFUL VIOLATION OF PUBLIC HEALTH LAWS, PUBLIC HEALTH LAW §§12-b (2), 2803(d)(1), (3), (7); AND 10 NYCRR 81.1(a)
(Defendants 2 and 3)
- COUNT 11 FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, PENAL LAW §175.10
(Defendants 2 and 3)
- COUNT 12 FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, PENAL LAW §175.10
(Defendants 2 and 3)
- COUNT 13 FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, PENAL LAW §175.10
(Defendants 2 and 3)

A TRUE BILL
Foreman

Anita Schlegel
