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City Attorney Files Lawsuit to Protect Elderly and Dependent Adults

City Attorney seeks at least \$1 million each from property owners, manager, and operator

City Attorney Mara W. Elliott announced today that the City has filed suit against the property owners, manager, and operator of a squalid independent living facility in the College area.

This civil action is intended to force the facility to close its doors until it is brought into compliance with the law. The lawsuit seeks to stop the parties from engaging in unfair competition, from using or maintaining a substandard property in violation of local and state laws, and maintaining the facility as a public nuisance, which threatens the health, safety, and welfare of its occupants and the public.

“My Office is committed to stopping the abuse and exploitation of elderly and dependent adults who rely on independent living facilities for housing,” said City Attorney Mara W. Elliott. **“In addition to filing criminal charges where appropriate, we will use consumer protection laws to compel the operators and landlords to treat these vulnerable residents properly -- or else shut their doors.”**

The complaint, filed in San Diego Superior Court Tuesday, seeks a minimum of \$1 million each from Mark Rogers, the operator of the facility at 5128 Ewing Street, property owners Yuk Yuen Yu and Beatrice Yu, and property manager Michelle Lin.

On Sept. 12, 2019, Rogers was charged with 22 misdemeanor counts related to the condition of the property, and ordered by a judge to cease operating an independent living facility in the City of San Diego. The case is awaiting trial.

Meanwhile, Rogers continues to operate other similar facilities outside of the City of San Diego. In 2018, four instances of elder abuse were reported by his clients to the El Cajon Police Department.

The City Attorney’s complaint charges each of the defendants with multiple violations of the California Unfair Competition Law for operating an unlicensed care facility, leasing a property with substandard conditions, and operating a business without the required Business Tax Certificate.

The City is also asking the court to grant an injunction that would permanently prevent the defendants from maintaining the property in violation of state and local laws. If the defendants fail to bring the property up to code, the City is requesting authorization to do the necessary work, and recover the costs from the defendants.

The Ewing Street home – which the City alleges is being illegally operated as an unlicensed care facility – was built in 1950 as a three-bedroom, one-bathroom house. It was later expanded, legally, to nine bedrooms and three bathrooms. The Yus purchased the property in 1991.

Violations at the property first came to the City’s attention in March 2010, when the parties were cited for building code violations. At that time, Rogers was leasing the home from the Yus and sub-letting rooms to clients.

In the past six years, San Diego Police were called to the home nearly 300 times, mostly for calls related to disturbing the peace, suicide threats, and psychiatric evaluations. According to the lawsuit, officers have spent more than 625 hours responding to calls at that address.

In the past year alone, City and County inspectors and investigators have visited the property at least 11 times. During those visits they found bed bugs, cockroaches, and mice throughout the home, an illegal water heater that was venting noxious fumes into the living area, missing or inoperable smoke and carbon monoxide detectors, unsafe electrical wiring, and mattresses and trash piled in the yard.

On one visit, residents – who were observed to be unclean and foul-smelling – complained that they hadn’t been able to wash their clothes because the washing machine was broken. The inspector found the washer was merely unplugged, and Rogers admitted to unplugging it because the residents were “wasting too much water.”

Conditions in the home were so filthy that one man who had a sore on his toe developed an infection that led to the amputation of his foot. Another man was found in April by inspectors lying naked, disheveled, and unresponsive in bed, resulting in hospitalization. During another inspection five months later, the same man was found again in dire condition. He was removed and hospitalized a second time.

The City Attorney’s Office is committed to protecting our elderly residents. Elder abuse victims often live in desperation, unwilling or unable to seek assistance. They may fear retaliation from their abusers, homelessness, and embarrassment.

The lawsuit was filed on behalf of the People of the State of California, by Deputy City Attorney Paul F. Prather of the Nuisance Abatement Unit of the Criminal and Community Justice Division of the City Attorney’s Office.

To report elder abuse and adult dependent care emergencies, dial 911. For non-emergencies, contact the [San Diego Police Department](#) or another local law enforcement agency. Community members may report code, health and safety, and environmental violations to the City Attorney’s [Nuisance Abatement Unit](#) at 619-533-5655.

The City Attorney’s Nuisance Abatement Unit was established in 1984 to address nuisance properties and blight throughout the City of San Diego. This unit works in partnership with the Code Enforcement Division of the City’s Development Services Department, the San Diego Police Department, other local agencies, and the community to identify and aggressively address problem properties.

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