



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
PO BOX 2675  
HARRISBURG, PENNSYLVANIA 17105-2675

ADULT RESIDENTIAL LICENSING

PHONE: (717) 783-3670

FAX: (717) 783-5662

APR 23 2012

Barbara G. Graybill, Esquire  
Thomas, Thomas & Hafer, LLP  
305 North Front Street  
PO Box 999  
Harrisburg, Pennsylvania 17108

RE: Rose Tree Place (S00141)  
500 Sandy Bank Road  
Media, Pennsylvania 19063

Dear Ms. Graybill:

This is to acknowledge receipt of your request to appeal the Department's decision to impose a fine on behalf of Rose Tree Place (S00141) for your personal care home. Your request has been forwarded to the Department of Public Welfare, Bureau of Hearings and Appeals. You will be contacted regarding the date and time of the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'RM', with a long horizontal line extending to the right.

Ronald Melusky  
Director

cc: Connie Walsh, Office of General Counsel

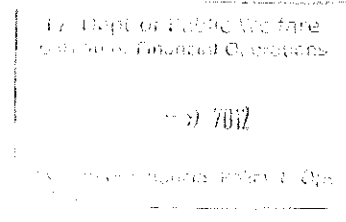
Street Address:  
305 North Front Street, Harrisburg, PA 17101  
Mailing Address:  
P.O. Box 999, Harrisburg, PA 17108  
Phone: 717.237.7100 Fax: 717.237.7105

Barbara G. Graybill  
(717) 255-7237  
bgraybill@tthlaw.com

April 9, 2012

**Via Hand Delivery**

Bureau of Financial Operations  
Financial Reporting and Payments Section  
Forum Place, 1<sup>st</sup> Floor  
555 Walnut Street  
Harrisburg, PA 17101



Re: Rose Tree Place/Appeal of Fine  
Assessment # S00141

**RECEIVED**

APR 10 2012

**Adult Residential Licensing**

Dear Sir/Madam:

Please be advised that our office represents Watermark Operator, LLC, d/b/a Rose Tree Place, a personal care home licensed by the Department of Public Welfare. By this letter, we are appealing the Department of Public Welfare's ("Department" or "DPW") Personal Care Home Invoice referenced above. We have also attached a copy of the invoice for your review and convenience.

Additionally, in accordance with 55 Pa. Code §2600.263, we are remitting the "assessed penalty, not to exceed \$500" to be deposited into an escrow account with the State Treasurer. We understand that by submitting the enclosed check in the amount of \$500.00 along with this letter constitutes an appeal of the fines assessed on the attached invoice. We also respectfully request a hearing before the Bureau of Hearings and Appeals in this matter as we believe that the determination by the Department dated March 9, 2012 to impose the fines is incorrect and that the bases for the fines were corrected in a timely manner. Furthermore, as of the date of the March 9, 2012 determination from DPW, all outstanding deficiencies for Rose Tree Place were corrected, negating the need to impose these fines.

Please also consider this letter as a formal request to enter my and Anthony T. Lucdio, Esquire's appearance as counsel for Watermark Operator, LLC, d/b/a, Rose

Tree Place. On the basis of this notice, we request a copy of each document hereafter issued to be directed as follows:

Barbara G. Graybill, Esquire  
Anthony T. Lucido, Esquire  
THOMAS, THOMAS & HAFER, LLP  
305 North Front Street  
PO Box 999  
Harrisburg, PA 17108

If you wish to discuss this matter, I can be reached at the number above.

Sincerely,

  
Barbara G. Graybill

BGG/jlw:1073306.1

Enclosures

cc: David Barnes, CEO, Watermark Operator, LLC (w/enc.)  
Rick Kamminga, COO, Watermark Operator, LLC (w/enc.)  
Rose Tree Place (w/enc.)

# Personal Care Home Invoice

PA Department of Public Welfare  
 Bureau of Financial Operations  
 Financial Reporting and Payments Section  
 Forum Place, 1st Floor  
 555 Walnut Street  
 Harrisburg, PA 17101-

Assessment #: S00141  
 Invoice Date: 03/09/12  
 Due Date: 04/09/12

Bill To:  
 WATERMARK OPERATOR LLC  
 2020 WEST RUDASILL ROAD  
 TUCSON, AZ 85704-

Re:  
 ROSE TREE PLACE  
 500 SANDY BANK ROAD  
 MEDIA, PA 19063-

Contact Name Mr. David Barnes

License Number 13281

Fine/Appeal	Description - 55 Pa.Code § 2800.	From:	To:	Fine Imposed	Line Total
Class III Fine	187a	5/24/2011	11/18/2011	\$57,996.00	\$57,996.00
Class III Fine	187b	5/24/2011	7/18/2011	\$17,820.00	\$17,820.00
Class II Fine	187d	6/24/2011	11/18/2011	\$96,660.00	\$96,660.00
Class III Fine	225c	5/24/2011	1/5/2012	\$73,548.00	\$73,548.00
Class III Fine	227c	5/24/2011	1/12/2012	\$75,816.00	\$75,816.00
				Invoice Total	\$321,840.00
				Total Payments	\$286,244.00
				Total Due	\$26,596.00

Please remit this portion with payment to ensure proper credit

WATERMARK OPERATOR LLC  
 2020 WEST RUDASILL ROAD  
 TUCSON, AZ 85704-

Assessment #: S00141  
 Invoice Date: 03/09/12  
 Due Date: 04/09/12

Re: ROSE TREE PLACE  
 500 SANDY BANK ROAD  
 MEDIA, PA 19063-

Total Due \$26,596.00

Remit to:  
 Bureau of Financial Operations  
 Financial Reporting and Payments Section  
 Forum Place, 1st Floor  
 555 Walnut Street  
 Harrisburg, PA 17101

Payment Enclosed

Please make checks payable to: Commonwealth of Pennsylvania