

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA



JUN 17 2013

PACE Inc.,  
Petitioner,  
v.  
DEPARTMENT OF COMMUNITY  
HEALTH, HEALTHCARE FACILITY  
REGULATION DIVISION,  
Respondent.

Docket No.:  
OSAH-DCH-HFR-DATP-1332779-75-  
Walker

*K. Westray*  
Kevin Westray, Legal Assistant

**INITIAL DECISION**

Petitioner, Pace Inc. (hereinafter “Petitioner” or “Pace”), appeals a determination by Respondent, the Department of Community Health, Healthcare Facility Regulation Division, Specialized Care Unit (hereinafter the “Department”), to revoke the licensee’s permit to operate a Drug Abuse Treatment and Education Program. For the reasons given below, the action of the Department is **REVERSED**.

**I. FINDINGS OF FACT**

1.

The Department conducts inspections of state-licensed Drug Abuse Treatment and Education Programs. The purpose of the inspection is to ensure that a treatment center is providing a secure environment for its clients by complying with the Department’s rules and regulations. *Testimony of Deborah Ferguson.*

2.

Pace is a state-licensed, non-profit entity that provides transitional housing to homeless and addicted individuals. Paul J. Thompson is Pace’s founder and chief executive officer. *Testimony of Paul Thompson; Exhibit R-1.*

3.

Ga. Comp. R. & Regs. r. 290-4-2-.08(1) provides:

- (1) The department is authorized and empowered to conduct on-site inspections of any program to verify compliance with these rules. A program shall permit any authorized department representative to enter upon and inspect any and all program premises which, for the purposes of these rules, shall include access to all parts of the facility, staff, persons in care, and documents pertinent to initial and continued licensure, including but not limited to all clinical records maintained on clients. Failure to permit entry and inspections shall constitute noncompliance or violation of this rule and, subject to notice of an opportunity for a hearing, may result in the denial of any license applied for or the suspension or revocation of a license or provisional license. Inspections are generally unannounced, and may occur at any time the department deems necessary.

Ga. Comp. R. & Regs. r. 290-4-2-.03(1) defines an inspection as follows:

- (1) "Inspection" means any examination by the department or its representatives of a provider, including but not necessarily limited to the premises, staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a provider is operating in compliance with licensing requirements or has violated any licensing requirements. The term inspection includes any survey, monitoring visit, complaint investigation, or other inquiry conducted for the purposes of making a compliance determination with respect to licensing requirements. Such examinations are generally unannounced.

4.

On or about March 29, 2012, Mr. Mark Becker, a Department employee, attempted to conduct a re-licensure inspection at Pace's administrative office, located at 10 Glenlake Parkway, Suite 130, in Sandy Springs, Georgia. Pace's residential facilities are situated at another location. Mr. Becker arrived at the administrative office at approximately 9:00 a.m. When he arrived, he observed that the office was closed and that there were no employees or clients present. *Testimony of Mark Becker; Exhibit R-3.*

5.

Mr. Becker attempted to contact Mr. Thompson via telephone several times between 9:00 a.m. and 10:00 a.m., but was unable to reach him. Mr. Becker had conducted multiple inspections at

Pace's facilities, including Pace's initial licensure inspection, and knew Mr. Thompson. Unable to reach Mr. Thompson, Mr. Becker left the premises without performing the inspection. *Testimony of Mark Becker; Exhibit R-3.*

6.

Mr. Thompson was in a meeting when Mr. Becker attempted to reach him, but he later returned Mr. Becker's calls. Mr. Becker told Mr. Thompson that Pace's administrative office had been closed and he could not perform an inspection. Accordingly, Mr. Becker informed Mr. Thompson that he would be preparing a Summary Statement of Deficiencies. *Testimony of Paul Thompson.*

7.

On March 29, 2012, Jayne Moreland was employed as Pace's office manager. Her job duties included the requirement that she be on-site at the administrative office. However, on the day Mr. Becker appeared for the inspection, Ms. Moreland was ill and not in the office. Eventually, Ms. Moreland left her employment at Pace due to her poor health. *Testimony of Paul Thompson.*

8.

On April 2, 2012, the Department sent Mr. Thompson a Summary Statement of Deficiencies stating that Pace had failed to allow the Department to conduct an inspection. Attached to the Summary Statement of Deficiencies was a letter from Deborah Ferguson, Director of Specialized Health Care for the Healthcare Facility Regulation Division at the Department of Community Health. Ms. Ferguson's letter stated that Mr. Thompson needed to formulate a "Providers (sic) Plan of Correction" and return it within ten business days of his receipt of the letter. *Testimony of Deborah Ferguson; Exhibit R-4.*

9.

On May 2, 2012, Ms. Ferguson sent Mr. Thompson another letter indicating that the Department had not received the required Plan of Correction. The letter directed that the Plan of Correction had to be submitted no later than May 16, 2012. *Exhibit R-6.*

10.

Mr. Thompson completed a Plan of Correction and submitted it to the Department. The Plan of Correction stated as follows:

The PACE Inc. office will be open and occupied by a staff member during the hours of 9:30 a.m. and 1:30 p.m. Monday through Friday. In the event of emergency, unforeseen issues with clients, or any other immediate situation that requires the immediate attention of the office staff, the phone will be set to be roll over to the PACE Inc. Director for him to answer. This will remain active until the office is occupied again, and the Director has turned this feature off. In the event the Director is out of town, the Director will ensure that the office is staffed during the stated times, for the duration of his leave.

The Plan of Correction was signed, with express permission, by Mr. Thompson's wife and dated April 11, 2012. The Department stamped the document as received on May 8, 2012. *Testimony of Paul Thompson; Exhibit R-5.*

11.

Although the Plan of Correction was stamped received in May of 2012, no one forwarded the Plan to Mr. Becker. Mr. Becker contacted Mr. Thompson to ask why he had not submitted the Plan of Correction, and Mr. Thompson told Mr. Becker that he had sent it to the Department months ago. Eventually, Mr. Becker received the Plan of Correction. In a letter dated August 7, 2012, Ms. Ferguson indicated to Mr. Thompson that the Department had accepted the Plan of Correction and that a follow-up inspection to ensure compliance might be conducted.<sup>1</sup> *Testimony of Paul Thompson; Exhibit R-7.*

12.

On or about July 17, 2012, Paul Thompson hired Gregory Cousar-Roper, a student at Atlanta Intercontinental University, as an intern. Mr. Cousar-Roper agreed to work for 30 hours a week on-site at Pace's administrative office. Mr. Thompson trained him as to Pace's intake and operational procedures. During the training, Mr. Thompson informed Mr. Cousar-Roper that the Department was permitted to perform unannounced inspections. *Testimony of Paul Thompson.*

13.

On August 8, 2012, Department staff attempted to conduct a re-licensure survey at Pace's administrative office. *Testimony of Deborah Ferguson; Exhibit R-1.*

14.

Pace's administrative office is located in a suite that shares lobby and conference room space with other tenants of the building. On August 8, 2012, Mr. Cousar-Roper arrived at Pace's

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<sup>1</sup> Ms. Deborah Ferguson testified that given the Department's acceptance of the Plan of Correction, the March incident would not be at issue, save for the failure to perform the inspection the following August.

administrative office at about 9:30 a.m. to open the office. Waiting in the lobby were two Department employees, Mr. Mark Becker and Ms. Ronnette Davis-Frank. Mr. Becker was the inspection team leader as Ms. Ronnette Davis-Frank was relatively new to the Department. Mr. Becker and Ms. Davis-Frank told Mr. Cousar-Roper that they were there to conduct an inspection. *Testimony of Gregory Cousar-Roper; Testimony of Mark Becker; Testimony of Ronnette Davis-Frank.*

15.

Mr. Cousar-Roper unlocked the office door and put his belongings on a table. He returned to the lobby and took the inspectors into Pace's administrative office. Department Rules and Regulations do not require that a supervisor be present during an inspection, and Ms. Davis-Frank has completed inspections during which the facility did not have a supervisor participating.<sup>2</sup> *Testimony of Gregory Cousar-Roper; Testimony of Ronnette Davis-Frank.*

16.

The inspectors inquired as to Mr. Thompson's whereabouts. They related to Mr. Cousar-Roper that Mr. Thompson had failed to appear at a previous inspection, and seemed irritated that he was not present. They told Mr. Cousar-Roper that the Department could issue a citation or take Mr. Thompson's license for failure to comply with an inspection. *Testimony of Gregory Cousar-Roper; Exhibit R-11.*

17.

Mr. Cousar-Roper contacted Mr. Thompson to tell him about the inspection and placed the call on speakerphone. Mr. Thompson is an adjunct Professor of Psychology and was teaching a college course when Mr. Cousar-Roper called. He stated that he would go to the administrative office following class. He directed Mr. Cousar-Roper to filing cabinets where needed documents could be located, and specifically told him to give the inspectors any document that they requested. The inspectors heard Mr. Thompson tell Mr. Cousar-Roper to cooperate with the inspectors by obtaining any requested items. *Testimony of Mark Becker; Testimony of Gregory Cousar-Roper; Testimony of Ronnette Davis-Frank; Testimony of Paul Thompson; Exhibit R-11.*

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<sup>2</sup> Although Ms. Davis-Frank agreed at the hearing that it was not necessary to have a supervisor present during an inspection, during an interview conducted by the Office of Inspector General, Ms. Davis-Frank stated that she had believed that Mr. Cousar-Roper's presence as the staff member in charge of the inspection was in and of itself a violation.

18.

The inspectors requested several files, and Mr. Cousar-Roper was able to obtain these files for the inspectors. All the while, the inspectors appeared to be irritated that the only individual on site was an intern, and remarked several times that Mr. Thompson should have been present. Mr. Cousar-Roper assured the inspectors that he could help them. *Testimony of Mark Becker; Testimony of Gregory Cousar-Roper; Testimony of Ronnette Davis-Frank.*

19.

The parties moved into a nearby conference room because there would be more space to review the documents. The inspectors told Mr. Cousar-Roper to leave the area until they needed him. Shortly thereafter, the office receptionist informed Mr. Cousar-Roper that Pace would be charged an hourly fee for using the conference room. Mr. Cousar-Roper informed the inspectors that they would need to move back into the administrative office. *Testimony of Gregory Cousar-Roper.*

20.

The inspectors and Mr. Cousar-Roper began to move the documents and chairs back into the administrative office. Ms. Ronnette Davis-Frank stopped in the lobby area to speak to the receptionist, while Mr. Becker and Mr. Cousar-Roper moved through the hallway between the conference room and the administrative office. Mr. Becker appeared to become very irate during the move. He yelled at Mr. Cousar-Roper that he was not going to wait, "this is a violation" and "against the law." Mr. Cousar-Roper became fearful and asked Mr. Becker to calm down. Mr. Becker continued to yell and spat in Mr. Cousar-Roper's face. Mr. Cousar-Roper was holding a chair in his hand; Mr. Becker pushed him such that Mr. Cousar-Roper fell backwards and the chair fell out of his hands. Ms. Davis-Frank was in another location and did not see Mr. Becker push Mr. Cousar-Roper or hear Mr. Becker shout at him. *Testimony of Gregory Cousar-Roper; Testimony of Ronnette Davis-Frank; Exhibit R-11.*

21.

Mr. Cousar-Roper was shocked and frightened by Mr. Becker's behavior. He told the inspectors he was closing the office and that they would have to continue the inspection when Mr. Thompson arrived. He called Mr. Thompson to tell him that he was leaving; Mr. Thompson urged Mr. Cousar-Roper to stay until he arrived, but Mr. Cousar-Roper stated he was to shaken

to stay on the premises. Mr. Cousar-Roper was crying while he spoke to Mr. Thompson. As Mr. Cousar-Roper exited the building, he saw the inspectors and told Mr. Becker that his behavior had been both unprofessional and disrespectful. *Testimony of Gregory Cousar-Roper; Testimony of Paul Thompson; Exhibit R-11.*

22.

After Mr. Cousar-Roper confronted the inspectors, both Mr. Becker and Ms. Ronnette Davis-Frank apologized to Mr. Cousar-Roper. Ms. Becker extended his hand to Mr. Cousar-Roper and said that he was sorry and that things could have been handled differently. Ms. Ronnette Davis-Frank believed that Mr. Cousar-Roper had become frustrated with the inspection and decided not to assist the inspectors. *Testimony of Mark Becker; Testimony of Gregory Cousar-Roper; Testimony of Ronnette Davis-Frank; Exhibit R-11.*

23.

When Mr. Thompson arrived at Pace's administrative offices later that morning, the inspectors were no longer present. *Testimony of Paul Thompson.*

24.

The next day Mr. Thompson and Mr. Cousar-Roper met to discuss the incident. Mr. Thompson became alarmed when he heard about what had transpired. He asked Mr. Cousar-Roper to write down everything that had occurred while it was fresh in his mind. Mr. Cousar-Roper prepared a written statement. *Testimony of Gregory Cousar-Roper; Testimony of Paul Thompson; Exhibit R-11.*

25.

After speaking further with Mr. Cousar-Roper, Mr. Thompson felt he needed to report the incident to Ms. Ferguson. Two days after the incident, Mr. Thompson sent Ms. Ferguson a letter filing a formal complaint against the Specialized Health Care Unit.<sup>3</sup> He attached Mr. Cousar-Roper's written statement, and requested a formal response to the complaint. When he filed the complaint, Mr. Thompson did not contemplate that the Department would be taking any action against Pace. *Testimony of Paul Thompson; Exhibit R-10.*

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<sup>3</sup> Mr. Thompson believed that he and Mr. Becker had an amicable relationship. Prior to this incident, Mr. Thompson had commended Mr. Becker for his professionalism. *Exhibit R-19.*

26.

Mr. Cousar-Roper completed his internship with Pace in October of 2012. He has since graduated from American Intercontinental University and is applying to law school. *Testimony of Gregory Cousar-Roper.*

27.

Mr. Becker has been an inspector with the Department for 11 years. While acting as his supervisor over the past few years, Ms. Ferguson had received complaints about Mr. Becker alleging that he was rude, misinterpreted regulations, and bullied providers. *Testimony of Deborah Ferguson.*

28.

Following the receipt of Mr. Thompson's letter, Ms. Ferguson spoke to Mr. Becker and Ms. Davis-Frank regarding the Pace incident. She referred the matter to the Office of Inspector General for investigation. On August 22, 2013, Ms. Ferguson sent Mr. Thompson a letter stating that she had concluded that "the intern did not demonstrate the knowledge of the business necessary to provide the information regarding [the] facility's compliance with licensure requirements." Neither Ms. Ferguson, nor anyone from the Office of Inspector General, ever spoke to Mr. Cousar-Roper about what had happened during the attempted inspection. *Testimony of Gregory Cousar-Roper; Testimony of Deborah Ferguson; Exhibit R-12.*

29.

On August 28, 2012, the Department sent a letter to Mr. Thompson citing another deficiency. The letter indicated that "facility staff had not assisted with the survey process and had asked the surveyors to leave the premises."<sup>4</sup> The letter directed that it was "imperative that you take immediate steps to correct the cited deficiencies and maintain compliance with the Rules and Regulations for Drug Abuse Treatment and Education Program," and requested Mr. Thompson submit a Plan of Correction. On September 6, 2013, Mr. Thompson sent the Department a Plan of Correction. He also submitted a written response to Ms. Ferguson's letter indicating that he

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<sup>4</sup> The Statement of Deficiencies contained a number of errors on its face. As detailed by the prior Plan of Correction submitted to the Department, Pace's business hours were 9:30 a.m.-1:30 p.m., not 9 a.m.-2 p.m. The Statement of Deficiencies incorrectly indicated that the previous Plan of Correction had initially been rejected by the Department. It also specified that the Department had received Pace's Plan of Correction on August 7, 2012, when in fact the Department had file-stamped the Plan of Correction on May 8, 2012. *Testimony of Mark Becker; Exhibits R-2; R-5.*



did not agree with her conclusions regarding what had transpired and requesting a formal response to the discrepancies. *Testimony of Paul Thompson; Exhibits R-8; P-14.*

30.

On September 19, 2012 the Department issued a Notice of Intent to Revoke Permit to Pace. Given that the Department initially had solicited a Plan of Correction regarding the incident, Mr. Thompson was surprised that the Department was seeking revocation. He requested a hearing to contest the sanction. *Testimony of Paul Thompson; Exhibits R-16.*

31.

In addition to the complaint filed by Mr. Thompson, the Department has received a number of written complaints from Drug Abuse Treatment and Education Programs regarding Mr. Becker's conduct during inspections.<sup>5</sup> On October 11, 2012, Mr. Brian Looby, Chief of Specialized Programs and Ms. Ferguson's supervisor, wrote a memorandum directed to Ms. Ferguson. The stated purpose of the memorandum was "to outline consistent complaints the Division of Healthcare Facility Regulation (HFR) has received from Drug Abuse Treatment and Education Programs regarding surveyor Mark Becker, and corrective actions." The memorandum details that "[m]ultiple entities have alleged that Mr. Becker conducts himself in an intimidating/bullying manner." Further, Mr. Looby found that Mr. Becker's credibility to be "questionable" because he has "[d]eliberately [attributed] inaccurate and/or incorrect statements to program personnel." Mr. Looby found this to be "consistent with my experience with Mr. Becker when I questioned him about a previous complaint made against him." He recommended that Ms. Ferguson explore the need for additional training for Mr. Becker. *Testimony of Deborah Ferguson; Exhibit R-15.*

32.

During his testimony, Mr. Becker claimed he could not recall this meeting with Mr. Looby. *Testimony of Mark Becker.*

33.

Based on Mr. Looby's memorandum, Ms. Ferguson developed a Corrective Action Plan for Mr. Becker that included retraining regarding the inspection process. The retraining was to be

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<sup>5</sup> Written complaints received by the Department regarding Mr. Becker's conduct include those from the Georgia Association of Recovery Residences, the Alpha Recovery Centers, Traditions Recovery Center, and CEPTA Mental Health and Substance Abuse Services. Several of these complaints appear to be in the same time frame as the incident at Pace. *Exhibits P-36; P-37; P-38.*

supervised by State Training Coordinator Marsha Frick. In 2012 Ms. Frick began meeting with Mr. Becker and reviewing his work. During one of their meetings, Ms. Frick noted that Mr. Becker “clearly became angry ... stomped his feet and stormed off.” She was “shocked” and noted that “if he exhibited this behavior in a facility, I can now understand the complaints.” Mr. Becker believes that he and Ms. Frick have gotten “frustrated” with one another but have been able to talk out any difficulties and work together. Despite the complaints, Mr. Becker believes that his behavior has been professional. *Testimony of Deborah Ferguson; Testimony of Mark Becker; Exhibit P-25.*

34.

At present time, Mr. Becker no longer is conducting inspections of Drug Abuse Treatment and Education Programs. *Testimony of Deborah Ferguson.*

35.

Paul Thompson holds a B.S. and a Master’s Degree in Health Sciences. He is currently working on obtaining his doctoral degree. *Testimony of Paul Thompson.*

36.

Prior to founding Pace, Mr. Thompson worked for Georgia Power. While at Georgia Power, Mr. Thompson began to drink heavily and use drugs. After several attempts at treatment, he finally was able to overcome his addiction. *Testimony of Paul Thompson.*

37.

Following his recovery, Mr. Thompson decided that he wanted to develop a program to assist other addicted individuals. In 2001, Mr. Thompson founded Pace, an acronym for People Accepting Challenges Everyday. He registered Pace as a non-profit 501(c)(3) corporation. *Testimony of Paul Thompson.*

38.

Pace operates on a sliding scale. Mr. Thompson does not receive a salary, but supports himself through real estate investments he has made. Pace employs a clinical director, medical director, licensed counselors and counselors in training. All of these professionals are dedicated to the Pace mission; some are volunteers and others have accepted salaries well below average in order to work at Pace. When there is a shortfall, Mr. Thompson often uses personal funds to meet expenses. He has invested more than \$250,000 of his own funds into the program. *Testimony of Paul Thompson.*

39.

Heather Richards is a former Pace client. She entered the program on July 5, 2011 and lived on-site for four months. While receiving treatment, she saw Mr. Thompson frequently and spoke to Mr. Thompson on a daily basis. The treatment she received was instrumental in her recovery from an addiction to prescription medication and she believes Pace “saved my life.” *Testimony of Heather Richardson.*

40.

David Michael Connell is also a former Pace client. Mr. Connell has been an addict since he graduated from high school. He has spent time in jails and hospitals because of his addiction. After a crisis center referred him to Pace, he spent 42 months in residential treatment. This treatment “saved my life.” During this time, Mr. Connell observed that Mr. Thompson was “always around” and very involved with the residents. *Testimony of David Michael Connell.*

## II. CONCLUSIONS OF LAW

### A. Standard of Review

1.

The Department bears the burden of proof to show that its proposed imposition of sanctions is appropriate. The standard of proof is preponderance of the evidence. Ga. Comp. R. & Regs. r. 616-1-2-.07 & .21.

2.

In this case, the Department notified Petitioner that it intended to impose a sanction of revocation. Pursuant to O.C.G.A. §§ 31-2-8(c) and 50-13-13, Petitioner contests this proposed action. The administrative hearing is *de novo* and the undersigned must make an independent determination on the basis of the evidence presented at the hearing. Ga. Comp. R. & Regs. r. 616-1-2-.21(1), (3). See also Longleaf Energy Assocs., LLC v. Friends of the Chattahoochee, Inc., 298 Ga. App. 753, 769 (2009), *cert. denied*, 2009 Ga. LEXIS 809 (Sept. 28, 2009) (ALJ must consider the applicable facts and law anew, without according deference or presumption of correctness to the decision of the agency).

**B. The Violations**

3.

Ga. Comp. R. & Regs. r. 290-4-2-.08(1) gives the Department the authority to investigate licensees. Department representatives must be allowed access to “premises, staff, persons in care and documents pertinent to initial or continued licensing so that the department may determine whether a provider is operating in compliance with licensing requirements or has violated any licensing requirements.” Ga. Comp. R. & Regs. r. 290-4-2-.03(1); *see also* O.C.G.A. § 26-5-13 (“Each licensee shall permit the authorized department representatives to enter upon and inspect any and all premises upon or in which a program is to be conducted for which a license has been applied so that verification of compliance with all relevant laws or regulations can be made.”)<sup>6</sup>

4.

When the Department finds that a licensee has violated any pertinent rules and regulations it may suspend or revoke a license. Prior to an order being entered suspending or revoking a license, the license holder shall be afforded an opportunity for a hearing. O.C.G.A. § 26-5-14. *See also* Ga. Comp. R. & Regs. r. 290-4-2-.08(1) (Failure to permit entry and inspection may result in suspension or revocation of a license.)

**III. DECISION**

After hearing the testimony of the witnesses in this case, and evaluating their credibility, it is the undersigned’s conclusion that Pace did not violate Ga. Comp. R. & Regs. r. 290-4-2-.08(1) by preventing access to its premises and documents. As explicitly directed by Mr. Thompson, Mr. Cousar-Roper cooperated fully with the investigators. On the day of the inspection the investigators admitted that they had begun to review files and documents provided by Mr. Cousar-Roper. The undersigned determines that neither Mr. Cousar-Roper nor Mr. Thompson’s actions caused the termination of the inspection.

The evidence supports Mr. Cousar-Roper’s testimony that it was Mr. Becker’s behavior that was unreasonable during the inspection. After the incident, Mr. Cousar-Roper immediately told Mr. Thompson what had occurred and memorialized the incident in writing. Unlike Department

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<sup>6</sup> Pursuant to Ga. Comp. R. & Regs. r. 290-4-2-.03(d), “‘Department’ means the Department of Human Resources or its successor.” The Department of Community Health is Respondent in this case. *See also* O.C.G.A. § 26-5-3 (1) governing Drug Abuse Treatment and Education Programs.

witnesses Mr. Cousar-Roper's testimony was not impeached during the hearing, and the undersigned finds that he was a credible witness. Further, Mr. Thompson filed a complaint only a few days after the inspection, well before he had any indication that the Department would be seeking a sanction in this case.

In contrast, Petitioner presented substantial evidence that Mr. Becker had behaved unprofessionally in multiple settings. His supervisor, Mr. Looby, called Mr. Becker's credibility into question. Even the Department's own trainer, Marsha Frick, was "shocked" by Mr. Becker's behavior and noted that "if he exhibited this behavior in a facility, I can now understand the complaints." Contrary to the Department's assertions, there is no indication that Pace demonstrated a wanton disregard for Department Rules and Regulations. Given the circumstances in this case, the undersigned finds no basis to revoke Pace's license.<sup>7</sup>

**IT IS HEREBY ORDERED THAT** the Department's action to revoke Pace's license is **REVERSED.**

**SO ORDERED, this 16th day of June 2013.**

  
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**RONIT WALKER**  
**Administrative Law Judge**

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<sup>7</sup> Of course, Pace must comply with the Plan of Correction submitted to the Department, and any applicable Rules and Regulations regarding inspections. It is imperative that the Department be able to perform unannounced inspections as provided by regulation and statute.