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Original Filed
JUN 15 2021

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

**STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

FIKIRTE TIGABU ASEGED
DOB 03/06/1978,

Defendant.

NO. **21110491-32**

CERTIFICATION FOR
DETERMINATION OF
PROBABLE CAUSE

I, TIMOTHY D. SCOTT, am a Supervisory Special Agent with the Washington State Attorney General's Office (AGO) Medicaid Fraud Control Division (MFCD). I assisted former Sr. Investigator Dave Fenn, the primary investigator assigned to this case, on portions of this investigation and personally participated in several interviews. The facts identified in this document are based on my knowledge, observations, interviews I participated in with Sr. Investigator Fenn and my review of information documented by Sr. Investigator Fenn after his review of records and regulations pertaining to the subject matter of this investigation. Based on my knowledge of this investigation, I believe probable cause exists that Fikirte Tigabu Aseged, on February 27, 2019, committed the crime of Assault in the Third Degree, RCW 9A.36.031(1)(d), and Reckless Endangerment, RCW 9A.36.050, in Spokane County, Washington.

This case contains the following information on which the Certification for Determination of Probable Cause is made.

1 **APPLICABLE STATUTES AND REGULATIONS**

2 Only accepted individuals or groups can receive Medicaid funds. Acceptance requires
3 the provider to agree to abide by all rules and regulations of the program, WAC 182-502-0005
4 (Core Provider Agreement). One type of provider within the program is the Supported Living
5 Agency as defined and governed under WAC 388-101. Under WAC 388-101 Supported Living
6 Agencies are part of the Certified Community Residential Services and Support program.
7 Supported Living Agencies and their staff provide instruction, supports, and services to clients
8 living in homes that are owned, rented, or leased by the client or their legal representative.
9 Further, the instruction, supports, and services to be provided to each client is based on a
10 "functional assessment" completed by the agency for use in developing an "Individual
11 instruction and support plan" for each individual client. Embassy LLC, dba: Aacres #3 was in
12 February 2019 a certified Supported Living Agency as certified by the Washington State
13 Department of Social and Health Services (DSHS), Residential Care Services (RCS).

14 DSHS has several specialized divisions and units. One of the units is RCS, a unit that
15 licenses and regulates long-term care facilities such as nursing homes, adult family homes,
16 assisted living facilities, and certifies and regulates supported living agencies throughout the
17 State of Washington. RCS Complaint Investigators or Community Complaint Investigators
18 investigate complaints received regarding incidents that have occurred involving Supported
19 Living Agency staff for administrative violations of the Washington Administrative Code
20 (WAC).

21 **CASE BACKGROUND**

22 On August 16, 2019, Sr. Investigator David Fenn was assigned this investigation based
23 on a DSHS-RCS, referral to MFCDD on August 7, 2019, regarding Embassy LLC, doing business
24 under their contract with DSHS known as Aacres #3, in Spokane WA. RCS received an initial
25 intake report by Ashley Wheeler, program director with Aacres #3, dated February 27, 2019.
26 Ms. Wheeler reported the unexpected death of a supported living client, M.W., age 64, who had

1 | been residing at one of their contracted housing units, Aacres #3, located at 1918 E Sharp
2 | Avenue, Spokane, Washington. M.W. died at Holy Family Hospital in Spokane while waiting
3 | to be given a colonoscopy. RCS later learned that M.W.'s death may have been the result of
4 | neglect based on their investigation and the findings of Dr. Sally Aiken, Spokane County
5 | Medical Examiner. The RCS investigation resulted in Aacres #3 being cited administratively
6 | due to their findings that M.W. was given cleaning vinegar instead of colonoscopy preparation
7 | medication by Ms. Fikirte Tigabu Aseged (AKA: Fifi Aseged), Name one of the Aacres #3 staff
8 | assigned to provide care for M.W.

9 | Sr. Investigator Fenn reviewed the Spokane County Medical Examiner case report, #19-
10 | 0641, as it relates to M.W. Dr. Sally Aiken reported that M.W.'s cause of death was "Superficial
11 | Necrosis and diffuse acute inflammation of esophagus, stomach, and small bowel due to
12 | accidental ingestion of household vinegar in place of bowel preparation solution."

13 | Following the complaint, RCS investigators interviewed several staff members who were
14 | working at the Sharp #2 home and learned M.W.'s colonoscopy preparation solution was found
15 | in the refrigerator still half-full, although Ms. Aseged reported administering the solution to
16 | M.W. that morning. Additionally, RCS Investigators learned an empty bottle of cleaning vinegar
17 | was located at approximately 6:00 AM on the morning of February 27, 2019, in the recycle bin
18 | outside.

19 | On September 30, 2019, Tamra Dailing, House Manager for Aacres #3, met with Sr.
20 | Investigator Fenn and me at our office in Spokane for a pre-arranged, recorded interview. In her
21 | role as house manager at Sharp #1 & #2 addresses in Spokane, Tamra said that she would oversee
22 | medication was given properly; money was accounted for, did shopping, made sure meal plans
23 | were being followed and trained new personnel.

24 | Tamra said that the unit designated as Sharp #2 where M.W. resided was a three-bedroom
25 | unit, although due to the size of the rooms and only one bathroom, only two clients lived in that
26 | unit. Tamara explained M.W. was wheelchair bound, on water restriction, and was

1 developmentally delayed and obese. Tamra said M.W. started having some rectal bleeding,
2 which prompted Aacres #3 staff to take her to the doctor, who later scheduled a colonoscopy
3 procedure.

4 On February 26, 2019, the day prior to the colonoscopy procedure, Tamra said she was
5 at the Sharp #2 residence and explained the preparation solution procedure to both staff
6 members, Medkes Gebissa and Fifi, who were working with M.W. the night before the
7 colonoscopy, which was scheduled for the morning of February 27, 2019.

8 Tamra said Fifi did have some questions, and she said she answered all of Fifi's
9 questions, and it appeared Fifi understood how to give the colonoscopy preparation solution.
10 Tamra said she also went over the instructions listed on paperwork provided by the pharmacy.
11 Tamra said while she was explaining the procedure to Fifi, the prep bottle was on the table in
12 front of them, along with the paperwork for the procedure. Tamra said Fifi was taking the lead
13 as far as administering the colonoscopy preparation to M.W. Tamra said that Fifi asked many
14 questions and when she left, she believed Fifi understood the procedure.

15 Tamra said she saw a gallon bottle of vinegar by the coffee pot in the kitchen that
16 someone had purchased earlier to clean the coffee pot.

17 Tamra said when she came to work the next day, she met Holly Ogle at M.W.'s residence.
18 She said Holly told her the night staff might have given M.W. vinegar instead of all of the
19 preparation solution. Tamra said Holly told her she had checked the recycle bin located outside
20 and found an empty vinegar bottle, then found the preparation solution in the refrigerator, which
21 was half-full. Tamra said this conversation happened after M.W. was at the hospital for the
22 colonoscopy. Tamra said while she was speaking with Holly, someone called Tamra and asked
23 about a Do Not Resuscitate for M.W. At that point, Tamra said she called her supervisor to let
24 her know what was going on and she was told M.W. had passed away.

25 On September 26, 2019, Medkes Gebissa met with Sr. Investigator Fenn and me. Ms.
26 Gebissa told us she has lived in Washington State for over five years. Ms. Gebissa said she knew

1 and worked with M.W. for the last two years. Ms. Gebissa said on February 26, 2019, she saw
2 the colonoscopy preparation solution in a bottle on the table by Tamra Dailing and Fifi. Tamra
3 was discussing with Fifi the steps needed to administer the preparation solution. Ms. Gebissa
4 said at one point during this discussion, she did ask Fifi if she understood what Tamra was
5 explaining, and Fifi said she did. Ms. Gebissa said Tamra told her that Fifi would be handling
6 the medication for M.W. and all she had to do was to take care of the activities of daily living
7 for M.W.

8 Ms. Gebissa told us she observed Fifi administer the first half of the preparation solution
9 to M.W. around 4:30 to 5:00 PM. She said the preparation solution bottle was not in the
10 refrigerator at that point and was on the table where she first saw it. Ms. Gebissa said she picked
11 up the bottle and read the information; however, she did not read the doctors instructions. Ms.
12 Gebissa said those instructions were on a paper, which Fifi and Tamra had reviewed. Ms. Gebissa
13 said Fifi poured the liquid from the preparation solution bottle into M.W.'s cup and she spoke
14 with M.W. while she drank the several cups of preparation solution. Ms. Gebissa said Fifi
15 marked a half designation line on the preparation bottle to show when the first half of the solution
16 was gone, with the remainder to be given around 3:00 AM. Ms. Gebissa said Fifi then placed the
17 preparation solution into the refrigerator.

18 We asked Ms. Gebissa if she ever saw a vinegar container while working at the Sharp #2
19 home that evening, and she said she did not. Ms. Gebissa said that she did in fact see the
20 preparation solution in the refrigerator, along with other food items when she went to retrieve
21 her water bottle.

22 Ms. Gebissa said around five to ten minutes prior to 3:00 AM, she went into M.W.'s
23 room to wake her up for the second round of colon prep. Ms. Gebissa and Fifi moved M.W. into
24 the bathroom. Fifi brought a bottle to the bathroom door, poured fluid out of the bottle into
25 M.W.'s cup and handed it to M.W. Ms. Gebissa said Fifi handed 3 to 4 cups of the fluid to M.W.
26 while she was in the bathroom. Ms. Gebissa said she was cleaning in the bathroom at the time

1 with bleach to disinfect and did not notice anything that smelled like vinegar. One thing she did
2 notice about M.W. during this time was she was not drinking the fluid as fast as she had earlier.

3 On October 1, 2019, Brenda Kramer met with Sr. Investigator Fenn and I at our office.
4 Ms. Kramer told us she works for Aacres and Inland Northwest Behavioral Health. Ms. Kramer
5 said on Tuesday, February 26, 2019, her assigned shift was 6:00 AM to 2:00 PM. She said Vicki
6 Heitner was the other staff person working with her that day. Ms. Kramer said that M.W. did
7 have quite a few medical issues. Ms. Kramer said she was aware of the upcoming colonoscopy
8 procedure for M.W. Ms. Kramer told us she was the one who had purchased the cleaning vinegar
9 to use on the coffee pot at Sharp #2. She said that she bought the vinegar the day prior to M.W.'s
10 procedure and did use around 12 oz. of the vinegar that day to clean the coffee pot. She said she
11 ran several pots of water through the coffee pot after using the vinegar.

12 Ms. Kramer said that after she was finished cleaning the coffee pot, she placed the bottle
13 of vinegar behind the coffee pot, against the wall. Ms. Kramer said that she never put the vinegar
14 in the refrigerator.

15 Ms. Kramer said that Fifi was one of the Aacres staff that came to relieve her for the
16 afternoon shift on February 26, 2019. Ms. Kramer said that Medkes came later. She said Vicki
17 Heitner stayed at Sharp #2 after the next shift arrived to explain the upcoming medical procedure
18 to Fifi.

19 Ms. Kramer said that she told Vicki and Fifi that she had used cleaning vinegar to clean
20 the coffee pot and pointed out where she left the vinegar. Ms. Kramer said she left the paperwork
21 out with the instructions on how to prepare M.W. for the colonoscopy preparation and wrote
22 some directions on a white dry erase board in the home as well. Ms. Kramer said that she also
23 used a yellow highlighter on some of the information on the colonoscopy paperwork.

24 Ms. Kramer said she could not remember who had mixed the preparation solution, but it
25 had to be her or Vicki. The preparation solution was stored in the refrigerator. Ms. Kramer said
26 that she never took the preparation solution out of the refrigerator while she was there. She said

1 she showed Fifi the preparation solution paperwork and pointed out the directions as well on the
2 white board. Ms. Kramer said she did not go into detail about the instructions with Fifi and said
3 Vicki was taking care of that.

4 Ms. Kramer said the next day, which was her day off, she came in to go with M.W. to
5 her colonoscopy procedure. She said when she arrived at the Sharp #2 home around 6:00 AM
6 M.W. was already up in her wheelchair and was ready to go. Ms. Kramer said Holly Ogle was
7 there as well and was cleaning M.W.'s bed. Ms. Kramer said that she went into the kitchen and
8 opened the refrigerator and saw the colon preparation solution bottle was still half full. Ms.
9 Kramer said that she called Aacres staff and informed them M.W. did not complete all of the
10 preparation solution. Ms. Kramer said at that point, she attempted to call the doctor's office
11 where M.W. was going to have the procedure done. She said Holly either called or texted Fifi to
12 ask about the preparation solution. Fifi said she had given all of the preparation solution. Ms.
13 Kramer said while this was going on, Holly told her she was going to go outside and spread some
14 deicer on the walk and used an empty vinegar bottle to do so. Ms. Kramer said she questioned
15 her about the empty vinegar bottle and told her she had bought it yesterday and only used half
16 of it to clean the coffee pot.

17 Ms. Kramer's attempts to call the doctor's office were unsuccessful. She said she went
18 to the hospital with M.W. and Vicki, and she was with M.W. during her initial check-in. Ms.
19 Kramer said M.W. was doing okay at that point and was answering all of the questions from
20 hospital staff. She said after the registration procedure, they wheeled her back into one of the
21 rooms to prepare M.W. for the procedure.

22 Ms. Kramer said that M.W. told her, "This is a really shitty day." Ms. Kramer said M.W.
23 kept slurring her words. She said when Vicki walked back in she told her there is something
24 wrong with M.W. Hospital staff checked M.W.'s pulse and then took her into the ER. M.W. later
25 passed away in the ER.

26

1 On December 10, 2019, I assisted Sr. Investigator Fenn and other MFCD staff in serving
2 a Spokane County Superior Court search warrant at Embassy Management, LLC, in Spokane.
3 As a result of that search, Sr. Investigator Fenn obtained internal investigation documents,
4 including staff statements, which had not been released to RCS investigators. He discovered a
5 written statement by Holly Ogle in which she documented on the morning of February 27, 2019,
6 she came to work close to 6:00 AM. Her other staff member, Brenda Kramer noticed that not all
7 of the colonoscopy preparation solution had been given. Ms. Ogle wrote she checked the
8 instructions on the white board and discovered the morning meds had not been given to M.W.
9 Ms. Ogle wrote she called Fifi and asked why the colon preparation solution (PEG) had not been
10 given. Ms. Ogle wrote, "Fifi assured me that the PEG solution was given. That they emptied it."
11 Ms. Ogle wrote after the phone call she went out to the recycle bin and found an empty gallon
12 vinegar bottle. Ms. Ogle indicated she called Fifi back, asked why the solution was not given,
13 and she noted "Fifi then assured me that they gave her something."

14 In reviewing Fikirte Aseged's personnel records, Sr. Investigator Fenn learned Fifi had
15 completed a mandatory 75 hour DSHS/DDA approved Long Term Care Worker training to be a
16 Certified Home Care Aide on April 8, 2016. Embassy Management, LLC assigned her as a Direct
17 Support Professional and provided a three-page job description document that outlined the
18 essential duties and functions. Fikirte Aseged's signature is on the last page of this document,
19 dated October 11, 2017.

20 On July 24, 2019, Adult Protective Service (APS) Supervisor Kim Densley and APS
21 Investigator Susan Oliver interviewed Fifi. Fifi stated to APS investigators she had not read the
22 directions for M.W.'s colonoscopy preparation, which were written on a white board in the
23 home. Fifi told investigators, "Normally it's used for notice...and most of the time we look at
24 it." She also said, "I don't know how we missed that day. Nobody told me the directions were
25 on the board." Fifi said that she did read the written directions from the doctor and some of the
26 directions were highlighted. Fifi admitted she had read the label on the colon preparation solution

1 prior to giving M.W. her first half bottle around 5:00 PM. However, when asked if she read the
2 label on the bottle at 3:00 AM before giving M.W. her final dose of the colon preparation
3 solution, Fifi said “no” and said, “I assumed it was the same” and “I just grabbed the bottle, I
4 was rushing.”

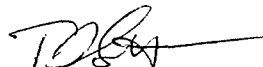
5 Fikirte Aseged declined to speak with Sr. Investigator Fenn about the incident.

6 Based on the foregoing, I believe that Fikirte Tigabu Aseged, DOB 03/06/1978 and
7 Social Security Number [REDACTED] has, in Spokane County, State of Washington, committed
8 the crime of Assault in the Third Degree, RCW 9A.36.031 (1)(d) a Class C Felony and Reckless
9 Endangerment, RCW 9A.36.050 a Gross Misdemeanor.

10 Sr. Investigator Fenn has confirmed Fikirte Tigabu Aseged’s address as [REDACTED]

11 [REDACTED]
12 I certify under penalty of perjury under the laws of the state of Washington that the
13 foregoing is true and correct.

14 DATED this 15th day of June 2021, at Spokane, Washington.

15 
16 Timothy D. Scott, Supervisory Special Agent
17 Medicaid Fraud Control Division
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