



Nancy Bargmann, Director
Department of Developmental Services
1600 Ninth Street, Room 240, MS2-13
Sacramento, CA 95814

November 10th, 2016

Dear Ms. Bargmann,

The purpose of this letter is to request that the Department of Developmental Services review the response by the San Gabriel Pomona Regional Center (SGPRC) to a Welfare and Institutions Code (WIC) §4731 complaint filed by the undersigned on behalf of Gerardo Argila.

This request is made under the provisions of WIC §4731(c) and is filed within fifteen working days of receipt of the SGPRC's proposed resolution.

Summary

On February 4, 2013 SGPRC supervisor Joslyn Culpepper conducted a "home visit" to Gerardo's residence. Gerardo is a developmentally disabled Deaf man who communicates almost exclusively in American Sign Language (ASL); the undersigned is Gerardo's conservator. During the course of this "home visit," Ms. Culpepper conducted a search of Gerardo's residence. Subsequently Ms. Culpepper proceeded to question Gerardo in an aggressive and inappropriate manner. Ultimately Gerardo became terrified and was physically trembling.

The SGPRC alleges that Ms. Culpepper's actions were appropriate and consistent with WIC regulations.

The undersigned now seeks a determination by the Department of Developmental Services which may establish limits on the kind of "home visit" described in this complaint and prevent SGPRC personnel from conducting future "home visits" in a punitive or abusive manner.

Statement of Facts

1. On February 4, 2013 SGPRC supervisor Joslyn Culpepper conducted a "home visit" to the residence of Gerardo Argila, as described above. Gerardo occupied this residence with his brother, Cavan Argila, also a client of the SGPRC.

Both Gerardo and Cavan occupied this residence as tenants, without SGPRC funding. Both Gerardo and Cavan received Supported Living Services (SLS) provided by Support Services for the Deaf under the provisions of AB 637.

2. On May 7, 2013 SGPRC Executive Director R. Keith Penman sent a letter to the undersigned regarding this matter (Attachment 1).
3. On September 26, 2016 the undersigned filed a WIC §4731 complaint on behalf of Gerardo Argila (Attachment 2). This complaint seeks to learn by what authority a search of Gerardo's residence, including his closets and bathroom, was conducted. Also, the appropriateness of communication with Gerardo which resulted in Gerardo becoming so fearful as to physically tremble (Attachment 2, p. 2).
4. On October 24, 2016 the Law Office of Enright & Ocheltree responded to the WIC §4731 complaint on behalf of the SGPRC (Attachment 3).
5. On November 4, 2016 Rosella Alm, an advocate who was present at the February 4, 2013 meeting, prepared a letter describing her recollections of that meeting (Attachment 4).

Basis for Review by the Department of Developmental Services

The undersigned requests a determination by the Department of Developmental Services which may establish limits on the kind of "home visit" described in this complaint and prevent SGPRC personnel from conducting future "home visits" in a punitive or abusive manner.

This request for review by the Department of Developmental Services is based on the following:

1. The response by the SGPRC (Attachment 3, ¶1.) cites regulatory authority under WIC §4648.1. Does "monitoring services and supports" (WIC §4648.1(a)) allow for a search of clients' premises?
2. The response by the SGPRC (Attachment 3, ¶1.) alleges that permission to search Gerardo's living space was requested through certified ASL interpreter Edie Price.

In fact, Ms. Price was not permitted to interpret for Gerardo as the SGPRC provided its own unnamed interpreter (Attachment 2, Letter to Claudia Hemenway, p. 1; Attachment 4, Letter from Rosella Alm, ¶2).

Gerardo, a conserved person, could not willingly grant consent for a search of his premises by SGPRC personnel. In addition to inadequate communication provided by an unqualified ASL interpreter, Gerardo was intimidated by the SGPRC's authority. The undersigned, as Gerardo's conservator and authorized representative with the SGPRC, should have been contacted prior to conducting a search of Gerardo's premises.

3. The response by the SGPRC (Attachment 3, ¶2.) alleges that communication was provided by a certified ASL interpreter. In fact, as noted above, the SGPRC's representative insisted that an unnamed interpreter, who was unable to effectively



communicate with Gerardo, provide interpreter services.

Furthermore, the events recounted in the response by the SGPRC (Attachment 3, ¶2. are not consistent with the recollections of Rosella Alm who was present at the "home visit" in question (Attachment 4).

4. Shortly after the "home visit" in question, SGPRC Executive Director R. Keith Penman sent a letter to the undersigned (Attachment 1) seemingly acknowledging inappropriate conduct by Ms. Culpepper. However, Mr. Penman did not address the issue of policy regarding the conduct of "home visits" as requested by the undersigned.

We now request that the Department of Developmental Services offer its authoritative opinion on the matter in question.

Very Truly Yours

A handwritten signature in black ink, appearing to read "C. Argila", written over a horizontal line.

Carl Argila

Attachments

1. Letter from R. Keith Penman (5/7/2013) including attached letters to Claudia Hemenway (4/11/2013 and 4/23/2013).
2. Welfare and Institutions Code §4731 Complaint (9/26/2016) including attached letter to Claudia Hemenway (7/15/2013).
3. Response to 4731 Complaint for Gerardo Argila (10/24/2016).
4. Letter from Rosella Alm (11/4/2016).

Attachment 1

SAN GABRIEL/POMONA REGIONAL CENTER

May 7, 2013

Dr. Carl A. Argila,
P.O. Box 1219
Pico Rivera, CA 90660-1219


Dear Dr. Argila:

Our Director of Adult/Residential Services, Claudia Hemenway, shared your letters dated April 11, 2013 and April 23, 2013 with me and provided me information regarding the case status of your sons, Cavan and Gerardo Argila.

Please be advised that I have spoken with Ms. Culpepper regarding the conduct you described in your letters. I want to assure you that I have addressed this issue accordingly and that Ms. Hemenway has implemented all the necessary measures, including case transfers to another unit and a new service coordinator, in consideration of your request.

Thank you for bringing your concerns to our attention. I am confident that the changes made to Cavan and Gerardo's cases will result in a constructive working relationship with our Regional Center.

Sincerely,



R. Keith Penman
Executive Director

RKP:ws/s
SG/PRC
5/7/13

761 Corporate Center Drive, Pomona, California 91768
(909) 620-7722

www.sgprc.org

Program of San Gabriel/Pomona Valleys Developmental Services, Inc.



April 11th, 2013

Claudia Hemenway
Director of Adult/Residential Services
San Gabriel/Pomona Regional Center
761 Corporate Center Drive
Pomona, California 91768

Re: Cavan Argila / UIC 7317917
Gerardo Argila / UCI 7316579

Dear Ms. Hemenway,

As you know my children, Cavan and Gerardo, have been SG/PRC clients for approximately twelve years. Over these years we have maintained an excellent working relationship with the assigned service coordinators and with SG/PRC management. Unfortunately, recent events have made it necessary for us to request a change in my children's case management and supervision.

As my children's authorized representative, and in accordance with WIC §4647(b), I am requesting that a new service coordinator be assigned to their cases. I am also requesting that Cavan's and Gerardo's cases be transferred to a different adult services unit. Briefly, we are concerned about Ms. Joslyn Culpepper's objectivity in managing or supervising my children's cases. We believe that a change in case management and supervision would allow us to forge a constructive working relationship with the SG/PRC.

Thank you for your understanding.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'C. A. Argila', with a horizontal line extending from the end of the signature.

Carl A. Argila

April 23th, 2013

Claudia Hemenway
Director of Adult/Residential Services
San Gabriel/Pomona Regional Center
761 Corporate Center Drive
Pomona, California 91768

Re: Cavan Argila / UIC 7317917
Gerardo Argila / UCI 7316579

Dear Ms. Hemenway,

As you know my children have been clients of the SGPRC for the past twelve years. Over these years we have prided ourselves in maintaining an impeccable working relationship with our service coordinators and SGPRC management. Recently, however, we have experienced difficulties which require your attention and intervention.

The purpose of this letter is to request your action regarding three issues:

- Reconvening Gerardo's IPP meeting of 4/11/2013 which was aborted,
- Resolving the matter of a diversion plan report for Gerardo, and
- Transferring Cavan's and Gerardo's cases to a different unit.

The remainder of this letter provides you with additional information regarding these issues.

Reconvening Gerardo's IPP Meeting

A written request for an IPP meeting regarding Gerardo was given to Ms. Joslyn Culpepper on 3/19/2013; the IPP meeting was scheduled for 4/11/2013. Prior to the IPP meeting we were advised by Ms. Culpepper that Gerardo's "participation" at this meeting was required.

It should be noted that, over the past twelve years, Gerardo has never actively participated in any IPP meeting or IPP review. Statements from Gerardo's staff, our certified ASL interpreter and Aaron Christian verify that Gerardo was not present at IPP meetings or appeared briefly and then left.

On April 11th, Gerardo was present at the IPP meeting. He indicated that he was agitated and anxious and wanted to leave. Ms. Culpepper indicated that if Gerardo left, the meeting would be terminated. Gerardo's support staff removed him from the room and Ms. Culpepper declared that the meeting was over.

In view of the fact that Gerardo never actively participated in IPP meetings, I find the events of April 11th suspicious; the April 11th meeting was the first IPP meeting which I had requested. All prior IPP meetings were SGPRC review meetings. Therefore, it seems to me that the requirement for Gerardo's participation in IPP meetings is different based on who requests the meeting.

Attached is a letter from Gerardo's psychiatrist at UCLA indicating that Gerardo's ability to participate in IPP meetings is limited and that participation may be detrimental.

I am requesting that the IPP meeting of April 11th be reconvened as soon as possible without Gerardo's physical presence.

Resolving the Matter of a Diversion Plan Report

For nearly one year we have worked with the SGPRC to implement a Regional Center created Diversion Plan for Gerardo. This Diversion Plan, dated 9/14/2013, was prepared by Aaron Christian and was submitted to and accepted by the court.

On 3/11/2013 a status report for the court was prepared by Ms. Joslyn Culpepper. Ms. Culpepper's report contained inaccurate information, incomplete information and attempted to renege on the Diversion Plan of 9/14/2013 which had been accepted by the court. Fortunately, Ms. Culpepper's report was never received by the court and so we continue to follow the Diversion Plan of 9/14/2013.

We expect that Gerardo's next court appearance would be his last provided we submit to the court an honest and complete status report. Since Aaron Christian has been involved with this case since its inception, and since the court is familiar with Mr. Christian, I am requesting that Mr. Christian prepare the final status report for the court and appear at Gerardo's next hearing.

Transferring Cavan's and Gerardo's Cases

I sent you a letter on 4/11/2013 requesting that my children's cases be transferred to a different adult services unit. I made this request for the following reasons. First, Ms. Culpepper has told me that she has difficulty work with me. Second, as mentioned above, Ms. Culpepper has prepared a report, intended to be submitted to a court, which contained incomplete and inaccurate information and which might have caused harm to my son Gerardo. For these reasons I question Ms. Culpepper's objectivity in working with my children's cases in either a direct or supervisory capacity

Of even more concern, however, are the events of 2/4/2013. On that day Ms. Culpepper conducted a "home visit" at my children's residence. I will be providing the SGPRC with additional documentation regarding Ms. Culpepper's "home visit," however for the purpose of this letter you should be aware of the following.

Ms. Culpepper conducted a search of my children's residence, entering their bedrooms, looking in closets, cabinets and even examining the contents of drawers in their bathroom. Ms. Culpepper was accompanied by a non-certified ASL interpreter who was not capable of communicating effectively either with my children or their deaf support staff. This created additional stress and misunderstanding. Ms. Culpepper communicated with my son Gerardo in a confrontational manner which terrified him. Ms. Culpepper refused to cease her communication with Gerardo even when advised by Gerardo's support staff. My son Gerardo was physically trembling before Ms. Culpepper allowed Gerardo to go to his room. At the conclusion of Ms. Culpepper's "home visit," my son Cavan advised her that he did not want any more visits to his residence.

The behavior exhibited by Ms. Culpepper on 2/4/2013 is, in my opinion, so egregious as to call into question Ms. Culpepper's capability to act in any capacity what-so-ever vis-à-vis my children's cases.

Thank you for taking the time to consider the information contained in this letter. I would be willing to meet with you for a face-to-face conference. Please keep in mind that the SGPRC has not yet completed the requested IPP for Gerardo within the required thirty day timeline.

Very Truly Yours,



Carl A. Argila

Attachment

Attachment 2

**WELFARE AND INSTITUTION CODE §4731 COMPLAINT FORM
INVESTIGATION REQUEST
DS 255 (New 8/2007) (Electronic Version)**

A consumer, or any representative, acting on behalf of any consumer or consumers, may file a W&I Code Section 4731 complaint against a regional center, developmental center, or any private service provider receiving Lanterman Act funds. This form is voluntary and may be used as guidance in writing your complaint letter.

Name of Person filing Complaint	Relationship to Consumer	Telephone Number	
CARL ARGILA	FATHER	800-903-6903	
Address (Mailing Address)	(City)	(State)	(Zip)
P. O. BOX 1219	PICO RIVERA	CA	90660
Name of Consumer	Birth Date (Month, Date, Year)		
GERARDO ARGILA	9/17/1975		
Regional Center/Developmental Center			
SAN GABRIEL POMONA REGIONAL CENTER			

Describe your complaint including the following as applicable: (a written statement may be attached or used instead of the form)

- A statement of facts upon which the alleged rights violation is based;
- The party allegedly responsible;
- A proposed solution to the problem.

Please see attached statement.

Submit your complaint to the Director of the regional center or developmental center from which you or the consumer receives services.

7006 2150 0000 5544 8056

Signature

Date

Confidential Client Information
W & I Code, 4514 and 5328

9/26/2016



WELFARE AND INSTITUTION CODE §4731 COMPLAINT
Investigation Request
Gerardo Argila (Consumer)

A statement of facts upon which the alleged rights violation is based

On February 4, 2013 SGPRC supervisor Joslyn Culpepper conducted a "home visit" to Gerardo's residence. During the course of this "home visit," Ms. Culpepper conducted a search of Gerardo's residence. Subsequently Ms. Culpepper proceeded to question Gerardo in an aggressive and inappropriate manner. Ultimately Gerardo became terrified and was physically trembling. (See attached letter to Claudia Hemenway)

The party allegedly responsible

Joslyn Culpepper and SGPRC supervision.

A proposed solution to the problem

We are requesting that the following questions be answered by the SGPRC Executive Director:

- (1) By what authority did Ms. Culpepper conduct a search of Gerardo's residence on 2/4/2013? Is it SGPRC policy that employees conduct such searches? If so, under what circumstances would such searches be authorized?
- (2) What SGPRC policies or procedures protect clients from the type of inappropriate communication exhibited by Ms. Culpepper, causing Gerardo to become so fearful that he was physically trembling? Does this situation rise to the level of client abuse? If so, as a "mandated reporter," was this matter referred to Adult Protective Services for further investigation?
- (3) Ms. Culpepper stated that "my management wants this case to be in compliance..." but was unable to say what was *not* in compliance. What "compliance" was Ms. Culpepper attempting to verify on 2/4/2013?



July 15th, 2013

Claudia Hemenway
Director of Adult/Residential Services
San Gabriel/Pomona Regional Center
761 Corporate Center Drive
Pomona, California 91768

Re: Cavan Argila / UIC 7317917
Gerardo Argila / UCI 7316579

Dear Ms. Hemenway,

The purpose of this letter is to assure that the San Gabriel/Pomona Regional Center (SGPRC) is aware of the events which took place on February 4, 2013, when representatives of the SGPRC visited Cavan's and Gerardo's residence. Also, I am requesting a response to a number of questions related to this incident.

On February 4, 2013 SGPRC supervisor Joslyn Culpepper and service coordinator Sarah Garcia conducted a "home visit" at Cavan's and Gerardo's residence. Ms. Culpepper and Ms. Garcia were accompanied by an unnamed person identified as an American Sign Language (ASL) interpreter.

The following persons were present at this meeting and provided me with the information contained in this letter:

Rosella Alm – Advocate
Edward Kwoh – Case Manager
Ilber Pineda – Senior Support Staff
Edie Price – Certified ASL Interpreter

(1) Language Accessibility

As you know my children, Cavan and Gerardo, are Deaf and communicate only in American Sign Language. Also, all of our support staff and supervisory staff are Deaf.

The ASL "interpreter" provided by the SGPRC for this home visit was not certified and proved to be incapable of effectively communicating with my children or with our Deaf staff. As a result, communication was confused, limited and fraught with misunderstanding. While this limited Ms. Culpepper's ability to gather information, a more serious matter was the impact which limited communication accessibility had on Cavan and Gerardo. Unable to understand what was being asked of them, Cavan and Gerardo became increasingly frustrated and, in Gerardo's case, fearful.

On numerous past occasions I have advised the SGPRC that Deaf persons require communication access provided by qualified, certified interpreters. I have advised SGPRC management that non-certified interpreters were being utilized with SGPRC clients (letters to Carol Tomblin 3/3/2011 and 4/25/2011).

(2) Searching Clients' Residence

During the course of this "home visit," Ms. Culpepper entered my children's bed rooms, bathroom and kitchen. Ms. Culpepper looked into closets, examined the contents of bathroom drawers and kitchen cabinets. No explanation was given as to why Ms. Culpepper felt the need to search my children's residence or what she was looking for.

I found Ms. Culpepper's search of my children's residence to be an unwarranted and humiliating intrusion into their privacy and an assault on their dignity as independent individuals. In my opinion, this action by Ms. Culpepper belies a belief that, as disabled persons, my children aren't entitled to the same level of privacy as non-disabled persons.

(3) Inappropriate Communication/Interaction with Clients

Without a qualified ASL interpreter it was difficult for Ms. Culpepper to communicate with my children. Never-the-less, Ms. Culpepper persisted in asking questions which were not understood. This situation was particularly distressful for my son Gerardo. Ms. Culpepper clearly was not sensitive to Deaf culture in the manner she interacted with Gerardo and her use of pointing finger gestures.

Our support staff advised Ms. Culpepper that her communication with Gerardo was inappropriate. Ms. Culpepper stated "I want to know what his answers are to my questions." Ms. Culpepper persisted in her questioning of Gerardo even after Rosella Alm advised her that Gerardo was not capable of understanding her questions and that Gerardo had erupted at a prior SGPRC meeting.

My son Gerardo became terrified and was physically trembling before Ms. Culpepper allowed Gerardo to go to his room.

At the conclusion of Ms. Culpepper's "home visit," my son Cavan advised her that he did not want any more visits to his residence.

I am requesting that the SGPRC provide me with answers to the following questions:



- Does the SGPRC acknowledge that Deaf clients have a legal right to communication accessibility provided by ASL interpreters who are qualified and certified?
- By what authority did Ms. Culpepper conduct a search of my children's residence on 2/4/2013? Is it SGPRC policy that employees conduct such searches? If so, under what circumstances would such searches be authorized?
- What SGPRC policies or procedures protect clients from the type of inappropriate communication exhibited by Ms. Culpepper on 2/4/2013? Causing my son to become so fearful that he was physically trembling concerns me greatly; does this situation rise to the level of client abuse?

Thank you for taking the time to address these issues.

Very Truly Yours,

Carl A. Argila

Attachment 3

ENRIGHT & OCHELTREE, LLP

Judith A. Enright
Julie A. Ocheltree
Noelle V. Bensussen
Aaron Abramowitz

13400 RIVERSIDE DRIVE, SUITE 207
SHERMAN OAKS, CALIFORNIA 91423

Telephone (310) 274-1830
Facsimile (310) 273-7635

October 24, 2016

Via Certified US Mail and Email

Carl Argila
P.O. Box 1219
Pico Rivera, CA 90660

Re: Response to 4731 Complaint for Gerardo Argila

Dear Mr. Argila:

I write as the designee of R. Keith Penman, the Executive Director of the San Gabriel / Pomona Regional Center ("SGPRC"), in response to your September 28, 2016, 4731 Complaint letter ("Complaint"). The issues are addressed in the order that you stated them.

1. Authority to Conduct Home Visit

Welfare and Institutions Code §4648.1 specifically provides for the monitoring of vendored living arrangements, which include inspections without notice. As to SG/PRC's inspection of Gerardo and Cavan's living spaces, staff requested, through the assistance of a certified ASL interpreter, Edie Price, permission to search parts of the apartment from Gerardo and Cavan. Both Gerardo and Cavan provided their assent to the inspection.

2. Procedures Regarding Inappropriate Communications

On the date of the inspection Joslyn Culpepper conducted appropriate questioning of Gerardo and Cavan through the assistance of a certified ASL interpreter. Both Gerardo and Cavan were calm and compliant until Mr. Argila entered the residence. At which point both Gerardo and Cavan began to melt down. Ms. Culpepper followed proper procedures in both documenting the event and completing her inspection. Regional Centers are mandated reporters pursuant to Penal Code §11164 and Welfare and Institutions Code §15630. None of the actions from Ms. Culpepper's inspection rose to the level of requiring reporting pursuant to statutory requirements.

3. Compliance

The inspection is part of SG/PRC's ordinary course of business to ensure compliance with all applicable statutes and regulations pertaining to vendors and care providers.

ENRIGHT & OCHELTREE, LLP

Carl Argila

10/24/2016

Page 2

Specifically, SG/PRC was inspecting to check compliance with California Code of Regulations Title 17 §§58600 et seq.

We presume that our inquiry and response herein is sufficient to address the issues alleged in the Complaint. To the extent that either you disagree with any of the findings or opinions expressed herein, you may, of course, bring said disagreement to the attention of the Department of Developmental Services.

If you elect to do so you may send your letter to:

Nancy Bargmann, Executive Director
Department of Developmental Services
Office of Human Rights and Advocacy Services
1600 Ninth Street, Room 240, MS 2-13
Sacramento, California 95814

Very truly yours,

ENRIGHT & OCHELTREE, LLP



Aaron Abramowitz

cc:

Attachment 4

4th November 2016

To Whom It May Concern,

RE: Gerardo Argila and Cavan Argila complaint of invasion of privacy
4th February 2013

On that date I was present for this "home visit." Also present were Cavan Argila, Gerardo Argila, Edward Kwoh and Edie Price. Ms. Culpepper was accompanied by the Argila men's Service Coordinator a Ms. Garcia and a man that Ms. Culpepper identified, but did not name, as an American Sign Language (ASL) interpreter.

Although Gerardo and Cavan had a certified ASL interpreter present and available to interpret for Ms. Culpepper and Ms. Garcia, Edie Price, Ms. Culpepper refused to utilize Ms. Price's services. She adamantly insisted that the man with her do the interpreting.

Ms. Culpepper spoke too fast for the man who was supposed to interpret for her. She confused both Cavan and Gerardo, and appeared to confuse the interpreter.

Gerardo Argila was terrified because Ms. Culpepper appeared to be screaming at him and his brother. It must be remembered that in addition to being mentally impaired, Gerardo is totally deaf, and he felt threatened when Ms. Culpepper's was gesturing, had her mouth open and appeared to him to be angry, and she was pointing fingers at him. He was trembling and afraid of her.

Cavan also was traumatized by Ms. Culpepper's incredibly rude behavior. Ms. Culpepper primarily concentrated her demands and what appeared to be threats on Gerardo. Ms. Culpepper knew that Gerardo was the more vulnerable, less sophisticated of the two brothers. Cavan felt the pressure too, and looked at her as a bird does, paralyzed with fear when a snake appears.

Ms. Culpepper accepted a nod of his head on the part of Gerardo as license to do a full inspection of the premises.

She took off down the short hallway. She questioned the number of toothbrushes in the bathroom: (only one). There were new ones in a drawer, as the old ones were worn out. She questioned whose clothes belonged to whom. Neither Gerardo nor Cavan could answer her questions. The "interpreter" that came with her could not communicate with Cavan and Gerardo in the simplified version of ASL that they use. Ms. Culpepper was not patient enough to get even one answer to one question.

As the meeting ended Mr. Argila, Senior arrived. Gerardo and Cavan spoke in ASL and told him what had transpired. The young men did not "melt down" – they communicated to their father what had happened.

A handwritten signature in cursive script that reads "Rosella A. Alm-Ahearn".

Rosella A. Alm-Ahearn
2636 Stonehaven Pl.
West Covina, CA 91792-1942

7006 2150 0000 5544 8063

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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P. O. Box 1219

Pico Rivera, CA 90660

Nancy Bargmann, Director
Department of Developmental Services
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