

PUBLIC SAFETY

HARD-HITTING NEWS



JOE GARCIA/STAFF

Driver Mike Martinez looks as though reality is sinking in after being involved in an auto accident just after 10 Thursday morning at North Alamo and Third streets. The impact forced Martinez's 1979 Chevrolet Nova to strike the San Antonio Express-News building. No injuries were reported in the incident.

Nursing home chief wins case

Jury's \$3 million award will likely be reduced

By ADOLFO PESQUERA
EXPRESS-NEWS STAFF WRITER

A Bexar County jury awarded a former nursing home administrator \$3 million Thursday after finding that Vencor Inc., the nation's largest network of nursing homes, maliciously fired her because she suffered a mild stroke from which she was making a full recovery.

However, state law caps the award at a lesser amount, her attorney said.

A lifelong habit of professional behavior pre-determined Jeannie Warren's reaction when she was fired on Boss's Day in October 1997, slightly two months after her stroke. She had a gift bag with a candle, picture frame and greeting card waiting for Vencor senior vice president Rick Gurka when he flew into town on what she thought was a routine visit.

"I don't believe in making a show of anger and saying nasty things. What good does it do? I handed him the gift bag and said, 'Here's your Boss's Day gift.' Then I left the room," Warren said.

Vencor's position was that Warren was fired because she didn't get authorization to pay the medical director for Normandy Terrace, the nursing home she was managing.

The medical director, a pulmonologist, hadn't been paid in a year and was owed \$24,000.

"It was just a matter of integrity," Warren testified. "It's due. You pay your bills."

Defense attorney Carrie Hoffman also claimed Warren lied to Gurka, claiming she had no knowledge that she had authorized the payment.

Alex Katzman, Warren's attorney, argued she had approved more than 1,200 invoices during the year she was put in charge of Normandy Terrace. The doctor's bill was a routine operations expense she easily could've forgotten about, he said.

Warren was in line to become director of all Texas operations when in early 1997 Gurka told her to take over Normandy Terrace on an emergency basis.

The facility had severe problems, including nursing staff shortages, a defective fire alarm system and an inoperative backup generator for the facility's ventilator patients, Warren said.

Doctors had lost confidence in the facility and were removing their patients. One doctor testified Gurka held a meeting with the doctors to reassure them that Vencor was committed to turning the situation around and to tell them Warren had "carte blanche" on management

and financial issues.

But on Aug. 3, 1997, she suffered a stroke. She returned to work toward the end of the month, but on Sept. 6 Gurka forced her to take a one-month leave without pay. He then did an investigation of her medical condition, according to testimony.

"You don't kick someone when they're down," said co-counsel Jeff Davis. "You don't investigate your employee's medical condition with the strategy of finding some way to get rid of them."

Jurors awarded Warren \$1 million in compensation for lost wages and \$2 million in punitive damages. However, state labor laws cap jury awards at \$300,000, Katzman said.

"The priority to me is that my integrity as a human being and as an administrator is vindicated," said Warren, who has been in the health-care industry for 25 years. She's presently director of a nursing home in El Paso.

Louisville, Ky.-based Vencor operates a network of nursing homes and hospitals in 46 states. The company reported year-end net losses of \$573 million and revenues of \$3 billion in 1998. After its common stock nose-dived from a high in 1998 of \$12.87 per share to 9 cents in June, the stock was taken off the market June 8.

Reynosa's ex-mayor in hiding

Man flees to Texas after warrant issued

ASSOCIATED PRESS

McALLEN — A former mayor of Reynosa, Mexico, who disappeared while being investigated on charges of misusing his authority, says he hasn't been given a chance to defend himself.

Luis Gerardo Higareda Adam is accused by the Tamaulipas attorney general's office of embezzlement, misuse of power and falsification of documents while he was head of Reynosa's water department.



HIGAREDA

He fled to the Rio Grande Valley with his family to avoid an arrest warrant and fight the charges against him in the Tamaulipas state congress and the Mexican supreme court.

In an interview with the (McAllen) Monitor, Higareda said he hasn't been given the chance to defend himself and hasn't seen specific examples of his alleged crimes.

"The only thing I'm asking for is this: that people proceed according to the laws," said Higareda, who was Reynosa's youngest mayor. "As a human being, independent of being mayor, I have a right to defend myself."

Higareda, 34, was suspended temporarily as mayor last Friday in a special session of the Tamaulipas Congress, but Higareda said several rules were broken in the state's investigation, and that could help overturn the charges against him.

Higareda rose quickly through the ranks of the Institutional Revolutionary Party (PRI), which has maintained its power in Tamaulipas and Mexico for 70 years.

In March, the Tamaulipas comptroller audited the city's water commission, which Higareda ran from 1995-1998 before taking office as mayor in January.

On June 14, the comptroller filed a complaint with the attorney general concerning \$8.26 million pesos (\$874,000) missing from the water commission.

In the complaint, the comptroller charged that 15 companies listed as service providers in water commission records either didn't exist or denied working for the water commission.

Several former employees of the water commission were arrested, and Higareda met twice with officials of the attorney general's office to answer 300 questions about the money.

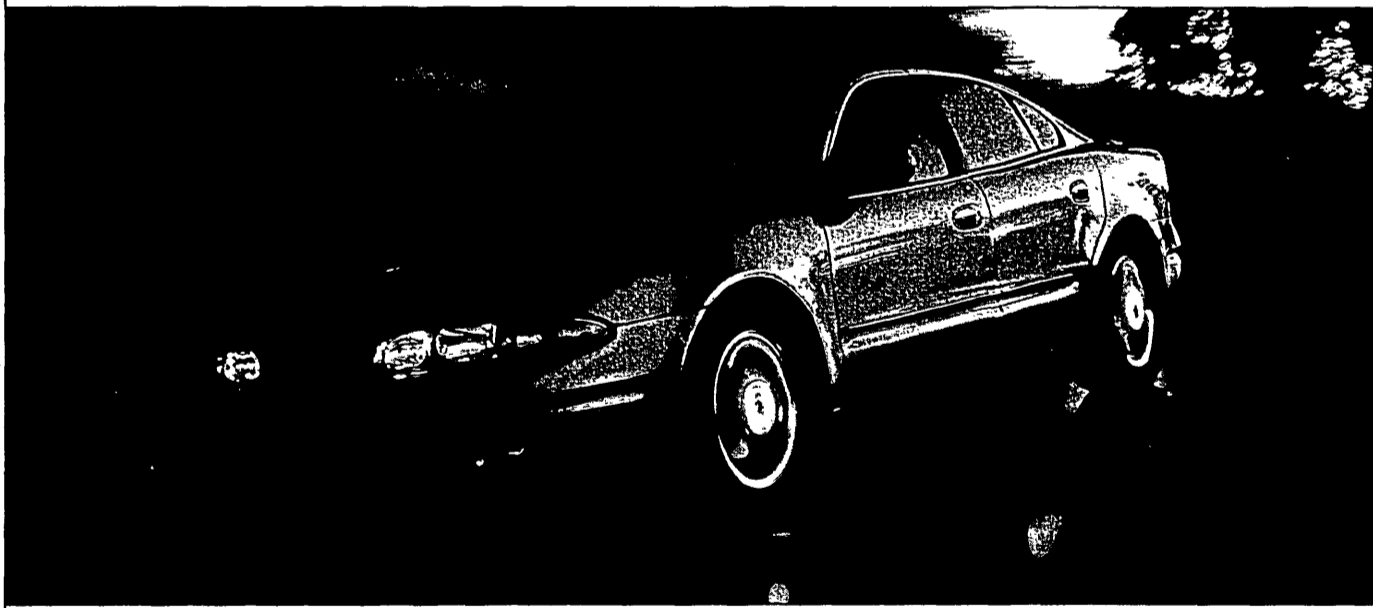
Higareda didn't appear a third time, when the attorney general included him among the suspects in his investigation. On July 9, the Reynosa City Commission granted his request for two weeks off to settle his legal problem.

Higareda was suspended as mayor by the Tamaulipas Congress pending its investigation.

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FEATURE	1999 OLDSMOBILE ALERO GL3	1999 HONDA ACCORD LX	1999 TOYOTA CAMRY LE	1999 NISSAN ALTIMA GXE
ENGINE	3.4L V6	2.3L 4 CYL.	2.2L 4 CYL.	2.4L 4 CYL.
AUTOMATIC TRANSMISSION	STANDARD	OPTIONAL - \$800	STANDARD	OPTIONAL - \$800
4-WHEEL DISC BRAKES	STANDARD	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
ABS (ANTI-LOCK BRAKES)	STANDARD	OPTIONAL - \$600	OPTIONAL - \$550	OPTIONAL - \$499
ALL-SPEED TRACTION CONTROL SYSTEM	STANDARD	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
ROADSIDE ASSISTANCE	STANDARD	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
TOTAL MSRP (Including optional equipment) (TAX, TITLE, LICENSE, REGISTRATION AND OTHER OPTIONAL EQUIPMENT EXTRA)	\$19,985	\$21,005	\$21,193	\$20,207

*Price comparisons based on MSRP of comparably equipped models. Level of equipment varies.



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