

**ROB BONTA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



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July 12, 2023

Johanna M. Williams  
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*Sent via email*

RE: Eskaton Fair Oaks, Eskaton Greenhaven, and Eskaton Manzanita Sale

Dear Ms. Williams:

The Department of Justice is reviewing the notice of the proposed sale of Eskaton's Fair Oaks, Manzanita, and Greenhaven skilled nursing facilities pursuant to Corporations Code section 5914 et seq. Corporations Code section 5916 requires my office to conduct one or more public meetings regarding the transaction before issuing a written decision. The statute further directs, in pertinent part, that:

At least 14 days before conducting the public meeting, the Attorney General shall provide written notice of the time and place of the meeting through publication in one or more newspapers of general circulation in the affected community and to the board of supervisors of the county in which the facility is located. This notice shall be provided in English and in the primary languages spoken at the facility and the threshold languages for Medi-Cal beneficiaries as determined by the State Department of Health Care Services for the county in which the facility is located.

(Corp. Code, § 5916.)

Department of Justice regulations further direct, in pertinent part, that:

At least 14 days prior to the public meeting, the applicant shall provide notice of the time and place of the meeting through publication in a newspaper of general circulation in the affected community, at the public entrances, on the bulletin boards designated for legal or public notices of any health facility or facility that provides similar health care that is affected by the agreement or transaction, prominently on the website available to the public of any health facility or facility that provides similar health care that is affected by the agreement or transaction, and on the website available to the employees of any health

facility or facility that provides similar health care that is affected by the agreement or transaction. The notice of the time and place of the meeting shall be provided in English and in the primary languages spoken at the health facility or facility that provides similar health care and the threshold languages for Medi-Cal beneficiaries, as determined by the State Department of Health Care Services for the county in which the health facility or facility that provides similar health care is located.

(Cal. Code Regs, tit. 11, § 999.5, subd. (e)(3)(A).)

Government Code sections 6000–6008 define a “newspaper of general circulation.” Eskaton has indicated that the primary language spoken at Eskaton’s Fair Oaks, Manzanita, and Greenhaven skilled nursing facilities is English. The threshold languages identified by the Department of Healthcare Services for the county of Sacramento, where Eskaton’s Fair Oaks, Manzanita, and Greenhaven skilled nursing facilities are located, are Arabic, Cantonese, Farsi, Hmong, Russian, Spanish, and Vietnamese.<sup>1</sup>

The Attorney General will require a public meeting at each facility to ensure that all affected parties have the opportunity to participate. Per our previous conversations, the public meetings at Fair Oaks, Manzanita, and Greenhaven will be held on August 7, 2023.

At your earliest convenience, please review the attached draft of the public meeting notice and notify us if you have any edits or concerns. **Once finalized, please arrange for the notice to be translated into the languages identified above and provide a copy of the translated text to the Department of Justice on or before July 21, 2023.** (Cal. Code Regs, tit. 11, § 999.5, subd. (e)(3)(A).) The Department of Justice will post the notice, including translated text, online by July 24, 2023.

**Please post the public meeting notice, including translated text, in newspapers of general circulation in both counties, on bulletin boards designated for legal or public notices and at the public entrances of Eskaton’s Greenhaven, Fair Oaks, and Manzanita skilled nursing facilities, and prominently on the Eskaton website available to employees and the public.** (Cal. Code Regs, tit. 11, § 999.5, subd. (e)(3)(A).) To be most effective, postings should be completed prior to July 21, 2023. This will allow time to resolve any unforeseen issues that may arise. **The public meetings will need to be rescheduled if notice is not provided in a newspaper of general circulation on or before July 24, 2023.** (Corp. Code, § 5916.)

**The Department of Justice further requests that Eskaton provide a court reporter at each public meeting, interpreters fluent in Spanish for the public meetings at Greenhaven, Fair Oaks, and Manzanita.** This will ensure meaningful public participation and an adequate

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<sup>1</sup> See, e.g., California Health & Human Services Agency, Open Data Portal, Quarterly Certified Eligible Counts by Month of Eligibility, County, and Threshold Language <<https://data.chhs.ca.gov/dataset/quarterly-certified-eligible-counts-by-month-of-eligibility-county-and-threshold-language>> as of January 2022.

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record of the proceedings in the event of the unforeseen. (Corp. Code, § 5919, subd. (c); see also generally Cal Const., Art. I, § 7; Code Civ. Proc., § 1094.5 et seq.)

Please notify me immediately if you have any concerns with this approach. Please send me the newspaper's original proof of publication at your earliest convenience. Thank for your attention to this matter.

Sincerely,

*Heidi Lehrman*

HEIDI L. LEHRMAN  
Deputy Attorney General

For ROB BONTA  
Attorney General

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