

CSD 1000 [12/01/03]

Name, Address, Telephone No. & I.D. No.

Docket #356 Date Filed: 1/5/2023

Dr. Sarah Rogers
5346 Grandridge Road
El Cajon, CA 92020

FILED *bc*

2023 JAN -5 PM 1:51

CLERK
U.S. BANKRUPTCY CT.
SO DIST. OF CALIF.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

In Re

BANKRUPTCY NO. 22-02384-11

BORREGO COMMUNITY HEALTH FOUNDATION,
Debtor and Debtor in Possession

[add if filing in response to hearing]

Date of Hearing:

Time of Hearing:

Name of Judge: Honorable Laura S. Taylor

Tax I.D. (EIN) #: 33-0440021 / S.S. #: XXX-XX- _____ Debtor.

OBJECTION to the auction/sale of property and assets of the Borrego Community Health Foundation (BCHF), specifically the auction/sale of the Borrego Medical Clinic property located at 4343 Yaqui Pass Road, Borrego Springs, CA 92004, parcel created by the San Diego County Assessor/Recorder/County Clerk, Assessor (ARCC) Parcel Number #2002710500, parcel ID 582891.

Built in 1982, the Borrego Medical Clinic was and is the only medical clinic within a 75-mile radius of the unincorporated community of Borrego Springs, CA 92004. The creation of the clinic was achieved by donations from residents in association with the Scripps Foundation.

In 1991, the Scripps Foundation donated the Borrego Clinic to BCHF by a Grant Deed and Quit Claim Deed record, which is attached with the ARCC Parcel Description.

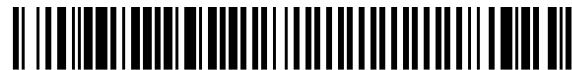
The transfer at Zero Cost as a gift was based on a promise by BCHF to provide medical services in the Borrego Springs community. That transfer was thereon relied upon by the community of Borrego Springs. Allowing the sale of the Borrego Medical Clinic would constitute an unjust enrichment to the BCHF. The foregoing demonstrates elements of Constructive Fraud.

We request that the court return ownership of the Borrego Clinic to either the Borrego Valley Endowment Fund (BVEF) (originally a committee of BCHF in 1991, at the time of the gifting), or a non-profit entity of Borrego Cares Committee as recipient of the Borrego Clinic deed.

Background information and context for this objection: the gift of the clinic from Scripps Clinic and Research Foundation to BCHF predates the hiring of former (now deceased) CEO Bruce Hebets in 1994, as well as BCHF expansion into other locations, as well as the evolution of fraud and questionable business practices of BCHF from 1994 to present.

As a former Trustee for BCHF, I worked for 2 years within the Board of Directors to resolve and discontinue questionable business practices. When it was evident that no significant improvements were to be made by BCHF, I filed complaints with the CA Attorney General. When it became evident that the Board Chair, certain Board members, the CEO and CFO refused to take necessary actions, I resigned. Following the initial investigation of BCHF by State and FBI investigators, I joined a small cadre of medical professionals to form the Borrego Cares Committee. Over a 2 year span, we met with two different BCHF Board Chairs and the new CEO about needed medical services in Borrego Springs. However, no improvements resulted and BCHF surprised the community with the opening of a new, 41,000 square foot state-of-the-art clinic in Coachella in July 2022, creating additional debt for BCHF.

Dr. SARAH ROGERS, on behalf of Borrego Cares Committee
Sarah Rogers, PsyD, Commander (ret.) USNR



220238423010500000000004

bj

450

DOC #: 1991-0183443
23 APR -1991 11:27 AM

Recording requested by,
and when recorded mail Deed
and Tax statements to:
Scripps Clinic and Research Foundation
10666 North Torrey Pines Road
La Jolla, CA 92037

SAN DIEGO COUNTY RECORDER'S OFFICE
ANNETTE EVANS, COUNTY RECORDER
RF: 3.00 FEES: 5.00
SF: 1.00 NA
Att. Robert L. Erra

HPN-200-271-05-00

GRANT DEED AND QUITCLAIM DEED

The undersigned Grantor declares that the documentary transfer tax is \$ zero, because this conveyance is a gift. The real property transferred by this deed and described below is located in San Diego County, State of California, as Tax Parcel numbered 200-160-21.

SCRIPPS CLINIC AND RESEARCH FOUNDATION, a California nonprofit public benefit corporation, (as "GRANTOR") hereby grants to BORREGO COMMUNITY HEALTH FOUNDATION, a California nonprofit public benefit corporation, (as "GRANTEE") the following described real property located in the unincorporated area known as Borrego Springs, County of San Diego, State of California:

Parcel 1 of Parcel Map No. 10960, in the County of San Diego, State of California, filed in the office of County Recorder of San Diego County on February 5, 1981.

This grant is subject to all covenants, conditions, restrictions, reservations, easements, rights and/or rights of way of record.

In addition, GRANTOR hereby remises, releases, and quitclaims to GRANTEE all of GRANTOR's right, title and interest in and to the following:

All fixtures, appurtenances, personal property, trade fixtures, furnishings, equipment and all other items of any nature contained in or on the real property described above, together with all easements, rights of way, rights and other interests benefiting or affecting said real property.

Dated: 3/21, 1991

SCRIPPS CLINIC AND RESEARCH FOUNDATION

By: *[Signature]*
President

By: *[Signature]*
Secretary

STATE OF CALIFORNIA)
COUNTY OF San Diego)

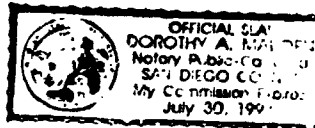
On March 21, 1991 before me, the undersigned, a Notary Public in and for said State, personally appeared Charles C. Edwards, M.D. and David L. Mitchell, personally known to me ~~or proved to me on the basis of satisfactory evidence~~ to be the persons who executed this instrument as the President and Secretary, respectively, of the Corporation that executed this instrument, and which Secretary acknowledged to me that such Corporation executed this instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature: *[Signature]*
Notary Public

(S E A L)

c:/misc/841
3/15/91



OFFICE RECORDS, SAN DIEGO COUNTY, ANNETTE J. EVANS, RECORDER

4343 Yaqui Pass Rd, Borrego Springs, 92004 is a parcel created by San Diego County Assessor/Recorder/County Clerk (ARCC).
 The Assessor's Parcel Number (APN) is #2002710500. The total assessed value is \$1,857,997.

Parcel Information

2002710500
 APN Assessor Map Book Number: 200, Page Number: 27, Block Number: 1,
 Parcel Number: 05, Subunit Number: 00

APN	820027105
Parcel ID	582891
Parcel Type	Regular parcel with APN number
Situs Jurisdiction	Unincorporated
Situs Community	BORREGO SPRINGS
Situs Street	YAQUI PASS RD
Situs Address Number	4343
Situs From Number	4343
Situs Zip	92004
Legal Description	PAR 1*(EX ST)\
Assessed Land Value	\$483,241
Assessed Improvement Value	\$1,374,756
Assessed Total Value	\$1,857,997
Average	< 0.5 acres
Dwelling Units	0
Additional Area	0
Fractional Interest	single interest
Tax Status	Taxable
Tax Rate Area Number	58011
Nucleus Land Use Zone	UNZONED
Nucleus Land Use Code	790 : INSTITUTIONAL: MISC INST
Assessor Info Zone	0
Assessor Land Use Zone	MISC. INSTITUTIONAL-GENERIC
Subdivision Map Number	PM10960
Subdivision Name	PARCEL MAP NO 10960
Effective Year Built	82

Borrego Cares Committee Membership

Dr. Carrolee Barlow, MD, PhD, former CEO of the Parkinson's Institute and Clinical Center, is a renowned expert in neuroscience, neurodegeneration, the treatment of rare and neurological diseases, and the clinical development of new therapies.

Dr. Paul Tierstein, MD, is the Chief of Cardiology and Director of Interventional Cardiology for Scripps Clinic, as well as director of the Scripps Prebys Cardiovascular Institute for Scripps Health.

Dr. Sarah Rogers, PsyD, retired Naval Officer and former Director for the US Department of Defense Ombudsman Program.

Dr. Hugh Greenway, MD, is the Chair of the Bighorn Mohs Surgery and Dermatology Center at Scripps Clinic and Program Director for Cutaneous Oncology for the Scripps MD Anderson Cancer Center for Southern California.

Dr. Laura Goetz, MD, is a Lieutenant Colonel, US Army Reserve Medical Corps, former Staff General Surgeon Kaiser Permanente and Site Director for University of CA-East Bay General Surgery Residency, and currently is Adjunct Professor of Prevention Programs at Translational Genomics Research Institute.

Dr. Nicholas Schork, PhD, is Adjunct Professor of Population Sciences as well as Molecular and Cellular Biology at City of Hope, Adjunct Professor of Psychiatry and Biostatistics at the University of CA, and is Deputy Director and Distinguished Professor of Quantitative Medicine at The Translational Genomics Research Institute.

Mr. Lee Rogers, MBA, is a retired engineer and Naval Officer and former Chief of Staff for Space and Naval Warfare Systems Command.

Mr. Patrick Meehan, is a music industry and business executive, owner and editor of the Borrego Sun Newspaper.

January 3, 2023

Honorable Judge Laura Taylor
J. Weinberger US Courthouse, 325 West F Street
Department/Chamber 3 – Room 129
San Diego, CA 92101

Honorable Judge Taylor,

I am writing regarding Case No. 22-02384-11, concerning the auction/sale of property and assets of the Borrego Community Health Foundation (BCHF). We object to the auction/sale of the Borrego Clinic property and request your consideration to separate the Borrego Medical Clinic building from the auction/sale of assets proposed.

Built in 1982, the Borrego Medical Clinic is the only medical clinic within a 75-mile radius of the isolated and unincorporated desert community of Borrego Springs, CA. The town includes Disadvantaged and Severely Disadvantaged designated populations, with more than half of the residents aged 55 and older. The creation of the clinic was achieved by donations from residents in association with the Scripps Foundation.

In 1991, the Scripps Foundation donated the Borrego Clinic to BCHF. The Grant Deed and Quit Claim Deed record of this gift is attached (enclosure (1)). This gift of the clinic predates the hiring of former CEO Bruce Hebets in 1994, as well as BCHF expansion into other locations. Currently, the 40-year old building is in need of electrical and plumbing upgrades, equipment replacement and this clinic offers the fewest services of all BCHF clinics.

As a former Trustee for BCHF, I worked for 2 years within the Board of Directors to resolve and discontinue questionable business practices. When it was evident that no significant improvements were to be made by BCHF, I filed complaints with the CA Attorney General. When it became evident that the Board Chair, certain Board members, the CEO and CFO refused to take necessary actions, I resigned.

Following the initial investigation of BCHF by State and FBI investigators, I joined a small cadre of medical professionals to form the Borrego Cares Committee. A list of Borrego Cares members is attached (enclosure (2)). Over a 2 year span, we met with two different BCHF Board Chairs and the new CEO about needed medical services in Borrego Springs. However, no improvements resulted and BCHF surprised the community with the opening of a new, 41,000 square foot state-of-the-art clinic in Coachella in July 2022. Dedicated to Bruce Hebets, the clinic is within a few miles of emergency and urgent care services – none of which exists in Borrego Springs.

We request that the court return ownership of the Borrego Clinic to our community. Please designate either the Borrego Valley Endowment Fund (BVEF) or a non-profit entity of Borrego Cares as recipient of the Borrego Clinic deed.

On behalf of the Borrego Cares Committee,



Dr. Sarah Rogers, CDR (ret.) USNR, PsyD

Enclosures:

- (1) Grant Deed and Quit Claim Deed
- (2) Borrego Cares Membership List