

Arapahoe County Sheriff's Office

Benjamin Offei

The lawsuit alleges that Nexion Health Inc. not only hired Benjamin Offei in 2014 shortly after he was fired for two sexual harassment allegations at a Minnesota hospital, but the nursing center also falsely accused the woman of stealing narcotics and fired her in retaliation for reporting the rape.

Denver attorneys Diane King and Hunter Swain filed the lawsuit Friday in U.S. District Court in Denver. The suit, which seeks compensation for back pay, future pay, compensatory and punitive damages, and attorneys fees. The Denver Post is not naming the plaintiff in the lawsuit because she is a victim of a sexual assault.

Phone calls to Nexion and nursing home officials were not immediately returned Monday. Nexion has 26 skilled nursing homes in Colorado, Louisiana and Texas. Nexion's website says one of its core values is to ensure a safe environment for staff and residents.

The victim said Offei sexually assaulted her twice at the 14699 E Hampden Ave location in Aurora. On Jan. 13, 2015, he sexually assaulted her and then on Jan. 15, 2015, he raped her at work, the lawsuit says. The lawsuit accuses Nexion of discrimination and retaliation against the nurse.

Offei was convicted in August of 2016 of two counts of sexual assault in Arapahoe County District Court in connection with his attack on the nurse. On Oct. 19, he was sentenced to one year of time already served, but remains jailed on intensive probation, which will run for between 10 years and life.

The U.S. Equal Employment Opportunity Commission issued a statement that there was reasonable cause to believe that CCNC subjected the nurse to physical and verbal sexual abuse and retaliated against her with discipline, a transfer and firing.

Saint Paul Medical Center fired Offei shortly before CCNC hired him in late 2014, the lawsuit says. CCNC administrator Betsy Reid and Offei were personal friends, the lawsuit says. Reid either knew or should have known that Offei had been fired in Minnesota because of allegations of sexual impropriety with co-workers.

Reid did not immediately return a call for comment Monday.

At CCNC, Offei supervised about 30 nurses and nurses aides including the victim, who was also hired in late 2014.

Shortly after Offei was hired, he began consistently subjecting the victim and several other subordinates to sexual harassment and touching. In another instance he allegedly intentionally brushed up against an employee's body with his erect penis. He boasted about having sex with a nurse while at work at the Saint Paul hospital.

In December of 2014 and January of 2015, shortly before the sexual assaults on the nurse, five nursing assistants complained to Human Resources Director Sheila Sandoval about the unwanted harassment including on woman who said Offei asked if he could perform oral sex on her. The other complaints alleged Offei subjected them to lewd, unwanted sexual behavior including sexual comments and touching. Sandoval told the women that she would not take action unless they complained in writing, the lawsuit says. Fearing retaliation, none of the five women filed written reports, it says.

“(All but one of the nursing assistants) who complained to Sandoval about the hostile work environment created by Offei was fired for pretextual reasons within weeks of her complaint,” the lawsuit says. The one exception was a woman who died unexpectedly in March of 2015.

“Despite being on notice of Offei’s unwelcome sexual behavior toward his subordinates and the unreasonable risk of harm he posed to employees whom he supervised, defendants chose to take no action whatsoever, and continued employing Offei as (the victim’s) direct supervisor,” the lawsuit says.

On Jan. 13, 2015, Offei summoned the victim to his office and sexually assaulted her, the lawsuit says.

She did not report the assault because she knew how the nursing assistants had been treated and didn’t want to be fired. She did, however, warn her co-workers, the lawsuit says. Two days later he called her to his office again and raped her, the lawsuit says. He then ordered her to clean up, the lawsuit says.

“Hysterical, (the victim) hid in the janitor’s closet crying,” the lawsuit says. She then reported the assault to four other supervisors including Reid, who “reluctantly called police.”

CCNC suspended Offei and he later resigned. But CCNC did not report Offei to the Colorado Board of Nursing, which didn’t learn of the rape until Offei’s jury conviction when a TV reporter called.

The night the victim was raped, while she was still in the hospital recovering, CCNC reported to the police that the victim had stolen narcotic medication from the facility. A police officer searched the victim’s purse for drugs and found none, the lawsuit says. On the day she was raped, the nurse had given the medication to two patients but was raped before she could complete her report on the medication distribution.

The following day, nursing home supervisors retaliated against the nurse by suspending her for two work days. She also was cited for improperly signing out the medication even though the process she followed was routine practice at the nursing home, the lawsuit says.

When she returned to work on Jan. 20, she asked to be transferred to another floor because she was traumatized by the attack. She wasn't transferred until five days later and was not given orientation about her new duties. The nursing home began scrutinizing every aspect of her work. She received a written disciplinary letter on Jan. 29 after the family of a resident complained about a rash. But the rash was not her fault, and she told her supervisors she believed the discipline was in retaliation for her complaining about being raped, the lawsuit says.

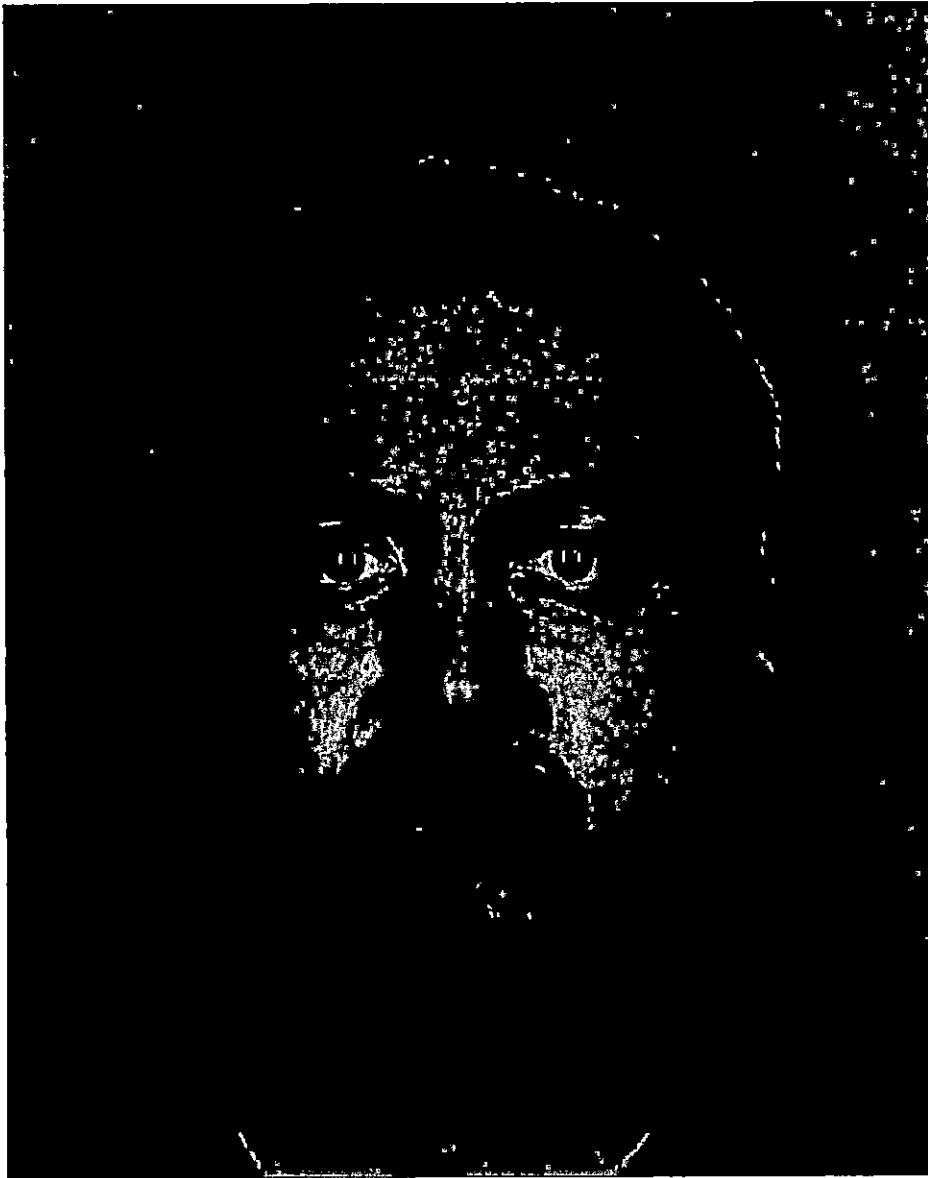
Five days later, nursing home staff sent her a final warning letter that said she did not give medications to patients in a timely fashion. But the victim had been overloaded with work and CCNC was understaffed, the lawsuit says. The nurse was fired by CCNC while on suspension.

The woman who fired the rape victim later committed suicide after she was caught falsifying information submitted by CCNC to the Colorado state government, the lawsuit says.

The actions taken against the rape victim followed a pattern of retaliation in which CCNC fired the four women who had previously accused Offei of sexual harassment and abuse and also retaliated against two other nurses. It also follows a pattern of CCNC condoning "widespread sexual assault."

After the rape victim's firing, Joseph Collins, a nursing aide, assaulted one of the center's elderly patients. Collins later sexually assaulted another elderly patient. In a third incident, he was caught by a CCNC employee watching pornography in a patient's room while the patient was asleep, the lawsuit says.

Even though CCNC knew about the incidents, he continued to work at the nursing home for months without being punished. CCNC did not report the incidents to police, the lawsuit says.



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Alex Martinez-Morales

In the summer of 2015, nurse Alex Martinez-Morales was arrested on four counts of sexual assault on a 13-year-old girl who had been volunteering at CCNC. Martinez later pleaded guilty to a felony child exploitation charge.

CCNC also failed to report the offenses by Collins or Martinez to the state board of nursing. Again, the board learned about the instances instances from a TV reporter.

TAGS: RAPE, SEXUAL ASSAULT

Kirk Mitchell