



**Justice Center for the  
Protection of People  
with Special Needs**

**KATHY HOCHUL**  
Governor

**DENISE M. MIRANDA**  
Executive Director

August 15, 2023

Gary Marzolf  
63 Elmview Avenue  
Lackawanna, NY 14218-2908

Re: VPCR Case Serial Number 5510142699

Dear Gary Marzolf:

The attached "Notice to Vulnerable Person or Personal Representative of Investigation Determination" was originally mailed July 15, 2023. It was returned as not-deliverable. Accordingly, we are mailing it to you at the address indicated above, along with this correspondence.

Office of General Counsel  
NYS Justice Center for the Protection of People with Special Needs  
161 Delaware Avenue  
Delmar, NY 12054



**Justice Center for the  
Protection of People  
with Special Needs**

**KATHY HOCHUL**  
Governor

**DENISE M. MIRANDA**  
Executive Director

**Notice to Vulnerable Person or Personal Representative of Investigation Determination**  
July 25, 2023

IC-080-C-VM  
Gary Marzolf  
1111 Elmwood Ave  
Rochester, NY 14620-3005

Re: VPCR Case Serial Number: 5510142699  
Incident Number: 101-22723591275  
Incident Reported Date: January 9, 2023  
External Reference Number: 7120154

Dear Gary Marzolf:

On January 9, 2023, the Justice Center received a report alleging that you were subjected to conduct which constituted abuse or neglect accepted by the Vulnerable Persons' Central Register (VPCR). Those allegations were investigated, and we now inform you of the outcome of that investigation.

The findings of the investigation under the Case Serial Number referred to above are as follows:

**Allegation 1**

It was alleged that on or about April 1, 2022 while at Rochester Psychiatric Center, located at 1111 Elmwood Avenue, Rochester, New York, a Custodian, committed Sexual Abuse against/to you.

This allegation has been **SUBSTANTIATED** as Category 1 Sexual Abuse pursuant to Social Services Law § 493(4)(a).

The investigation revealed the subject subjected the service recipient to sexual contact and/or conduct in violation of Article 130 of the New York State Penal Law.

**Allegation 2**

It was alleged that on or about or between October 1, 2021 and April 1, 2022 while at Rochester Psychiatric Center, located at 1111 Elmwood Avenue, Rochester, New York, a Custodian, committed Neglect against/to you.

This allegation has been **SUBSTANTIATED** as Category 2 Neglect pursuant to Social Services Law § 493(4)(b).

The investigation revealed the subject failed to maintain professional boundaries with the service recipient.

A person or facility/provider against whom allegations of abuse or neglect have been

substantiated has the right to request an amendment of this determination within 30 days. If this determination is not challenged, the results will be confirmed in the VPCR. In the event this matter is appealed and the determination is amended, you will receive appropriate notification.

For more information, please contact 1-800-624-4143 and ask to speak with our Individual and Family Support Unit, or email [supportcoordinator@justicecenter.ny.gov](mailto:supportcoordinator@justicecenter.ny.gov).

Please visit the Justice Center website, Prevent Abuse tab at: <https://www.justicecenter.ny.gov/prevent-abuse> for resources on preventing abuse and neglect of people receiving services.

Office of General Counsel  
NYS Justice Center for the Protection of People with Special Needs  
161 Delaware Avenue  
Delmar, NY 12054

Received  
AUG 9 2023  
NYS Justice Center



NEW YORK STATE  
Justice Center for the  
Protection of People  
with Special Needs

**New York State Justice Center**  
**Case Summary Report - Case # 5510142699**  
**Report Generated on 7/24/23**

**CASE DETAILS**

**Case Serial Number:** 5510142699  
**Record Type:** Criminal  
**Case Type:** Abuse and Neglect  
**Law Enforcement Involvement:** Law Enforcement Notification  
**Date Created:** 01/10/2023  
**Date Closed:**  
**Investigation Assigned To:** Justice Center  
**External Reference Number:** 7120154  
**Originating Incident Number:** 101-22723591275

**PROVIDER/LOCATION**

**Provider Name:** Rochester Psychiatric Center  
**Street Address:** 1111 Elmwood Avenue  
**City:** Rochester  
**State:** NY  
**Zip Code:** 146203972

**CASE CLASSIFICATION**

**Abuse:** Sexual Abuse  
**Neglect:** ENG  
**Significant Incident:**  
**Manner of Death:**  
**Financial:**

**OFFENSES**

**NON-CRIMINAL**

**Offense Number:** [REDACTED] **Offense:** [REDACTED] **Date Created:** [REDACTED]  
**Victim Name:** [REDACTED] **Offense Code:** [REDACTED] **Date Occurred:** [REDACTED]  
**Subject Name:** [REDACTED] **Category:** [REDACTED] **Date Determined:** [REDACTED]  
**Recommended Outcome:** [REDACTED]

**Offense Number:** 1-AGWL134  
**Victim Name:** Gary Marzoff  
**Offense:** Fail to maintain appropriate boundaries  
**Subject Name:** [REDACTED] **Offense Code:** Neg-012  
**Recommended Outcome:** Substantiated  
**Date Created:** 05/22/2023  
**Date Occurred:** 10/01/2021  
**Date Determined:** 05/22/2023  
**Description:** the subject failed to maintain professional boundaries with the service recipient.



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Offense Number: 1-AGWLY36  
 Victim Name: Gary Marzolf  
 Subject Name: [REDACTED]  
 Recommended: Substantiated  
 Outcome: [REDACTED]

Offense: Nonconsensual sex contact-adult  
 Offense Code: SXA-003  
 Category: [REDACTED]

Date Created: 05/22/2023  
 Date Occurred: 04/01/2022  
 Date Determined: 05/22/2023

Description: the subject subjected the service recipient to sexual contact and/or conduct in violation of Article 130 of the New York State Penal Law.

**PROSECUTION**

Case Serial Number: 5310144992 Status: Closed Date Created: 01/10/2023  
 Case Type: Abuse and Neglect Sub-Status: Held in Abeyance Date Closed: 06/28/2023

**RELATED INCIDENTS**

Incident Serial Number: 101-22726241806 Status: Closed Date Discovered: 01/08/2023  
 Abuse and Neglect Sub-Status: Linked Date Occurred To: 01/08/2023  
 Agency Involved: OMH Referral No Date Reported: 01/13/2023  
 Recommended: [REDACTED] Date Closed: 01/24/2023

Incident Type: Abuse and Neglect  
 Incident Narrative: 911 Currently Needed? No  
 911 or Law Enforcement contact made prior to report? No  
 If 911 or Law Enforcement was contacted, who responded? No  
 Reporter's Role and Agency: [REDACTED]  
 How did Reporter become aware of the incident? [REDACTED]  
 Location of Incident: F3 1111 Elmwood Avenue Rochester, NY 14620  
 Date and Time of Incident: Exact date/time of relationships unknown; [REDACTED]

SOA: OMH  
 Suspect(s) and title: [REDACTED]  
 Victim and DOB: [REDACTED] Gary Marzolf (former recipient)

Incident: [REDACTED] from Rochester Psychiatric Center told him that [REDACTED] was  
 telling [REDACTED] about her relationship with [REDACTED] going into detail about making the re- [REDACTED] perceived [REDACTED]  
 [REDACTED] was trying to pursue a relationship with [REDACTED] was consoling her by telling her [REDACTED] This type of behavior from [REDACTED] would include [REDACTED]  
 [REDACTED] behaving in a similar way with [REDACTED] floor to be near him.



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There are cameras in several locations in the facility.

Reason for Closure:	Linked	Status:	Closed	Date Discovered To:	01/10/2023
Incident Serial Number:	101-22724497081	Sub-Status: Referral Recommended:	Linked No	Date Occurred To: Date Reported: Date Closed:	01/10/2023 01/10/2023 01/11/2023
Incident Type: Agency Involved:	Abuse and Neglect OMH				
Incident Narrative:	<p>911 currently needed? No          911 or law enforcement contact made prior to report? No          If 911 or law enforcement was contacted, who responded? N/A          Reporter's Role and Agency: [REDACTED]          How did Reporter become aware of the incident: [REDACTED]          Location of Incident: Rochester Psychiatric Center and community of Buffalo NY: 1111 Elmwood Avenue Rochester NY, 14620          Date and Time of Incident: 10/01/2021 through 01/10/2023          SOA: OMH          Suspect(s) and Title: [REDACTED]          Victim and DOB: Gary A. Marzolf Jr. 04/29/1968</p>				

Incident: [REDACTED] he used to be a resident of Rochester Psychiatric Center; he was there for a year and a couple months became new to the floor that he was on and she immediately singled him out as someone she could relate and talk to. Frequently, while [REDACTED] sitting on the couch playing video games, [REDACTED] would come sit next to him and talk about how she was a heroin addict and how she had been raped as a child. At some point, [REDACTED] was set to be transferred to Hutchings Psychiatric Center (Syracuse NY) and [REDACTED] her phone number and began referring to him as her boyfriend. [REDACTED] because of where he was in life, decided to keep in contact with [REDACTED]

[REDACTED] was transferred again to the Buffalo Psychiatric Center and continued to be in contact with [REDACTED] In October of 2022, [REDACTED] was discharged from the Buffalo Psychiatric Center; he is currently residing at the Grant Street Residence (656 Grant Street, Buffalo NY, 14213/OMH). [REDACTED] then began getting hotel rooms in Buffalo and she and [REDACTED] would spend time together on the weekends. [REDACTED] when began discussing getting married and she became possessive; she was obsessed and would not stop calling [REDACTED] While at the hotel rooms, [REDACTED] would engage in sexual intercourse. [REDACTED] preferred violent sex acts and confessed to having sex with her own brother, which made [REDACTED] uncomfortable; he would often engage in non consensual sexual activity because he felt obligated to do so, after [REDACTED] spent so much money on a hotel. [REDACTED] would also manipulate the reporter by telling him how much she had spent, and then question why he was not performing. [REDACTED] would frequently encourage [REDACTED] drink alcohol at the hotels, which caused him to relapse. [REDACTED] also sent the [REDACTED] numerous provocative pictures of herself containing nudity. [REDACTED] also encouraged [REDACTED] keep their relationship a secret so that she would not be fired.

Recently, [REDACTED] tried to break things off with [REDACTED]; however, she threatened to kill herself if he did. [REDACTED] stated that he feels mentally damaged because of all of this; he feels manipulated, used and hurt as well. [REDACTED] did everything that a staff member could ever do to take advantage of



a patient.

Approximately a month and a half ago (sometime in November of 2022) [redacted] was moved off the unit [redacted] Rochester Psychiatric Center because she had got close to Unknown (recipient). The other recipients suspected that she and the unknown recipient were dating and reported her. [redacted] complained about this [redacted] and mentioned quitting. It is unknown if [redacted] is still employed at Rochester Psychiatric. There are cameras at Rochester Psychiatric and [redacted] was aware of the relationship between [redacted] Rochester Psychiatric was unaware that this was occurring [redacted] was provided with the email for submitting evidence (webmaster@justicecenter.ny.gov) and will be sending in the provocative pictures [redacted]

Safeguards: None

Reason For Closure: Linked to duplicate report.

Incident Serial Number: 101-22724819936

Status: Closed

Date Discovered: 01/11/2023

To:

Date Occurred To: 01/05/2023

Date Reported: 01/11/2023

Date Closed: 01/24/2023

Incident Type: Abuse and Neglect

Agency Involved: OMH

Sub-Status: Referral

Linked

No

Recommended:

Incident Narrative:

911 Currently Needed? No

911 or Law Enforcement contact made prior to report: No

If 911 or Law Enforcement was contacted, who responded: N/A

Reporter's Role and Agency:

How did Reporter [redacted]

Location of Incident: Rochester Psychiatric Center, Regional Forensic Unit, F3 - 1111 Elmwood Avenue, Rochester, NY 14620

Date and Time of Incident: October 2021 thru on/about 1/5/2023, times unknown

SOA: OMH

Suspect(s) and Title: [redacted]

Victim and DOB: Gary Marzolf (4/29/1968)

Incident: On 1/10/2023, Gary Marzolf (former recipient) [redacted] that he was involved in a relationship with a staff member (at Rochester Psychiatric Center), from October 2021 thru five days ago (of 1/10/2023). Gary was discharged in April 2022. It's not clear why Gary reported this [redacted] when he did. Gary said he made this report already. Risk Management is aware that there was a report.

Gary relayed that he wanted [redacted] to know that he was involved in a relationship with [redacted] doesn't think Gary said the word "sexual" in describing the relationship. [redacted] does have Gary's voicemail saved. Gary said he is aware that there had been a rumor that [redacted] is pregnant by someone named [redacted] Gary indicated he thinks the rumor is probably true. Gary didn't specify who actually is [redacted]



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[redacted] affiliated with Gary. [redacted] it's not known for sure who the [redacted] is who Gary was referring to though. Gary said that Amy quit her job although [redacted] doesn't have direct knowledge of whether this is true or not.

It was noted that after jail, Gary was sent to Rochester Psychiatric Center and then he was discharged from there to Hutchings Psychiatric Center. It's believed Gary may be in the Buffalo area (as of 1/30/2023), as the number he called from was a 716 area code (Buffalo area).

Gary didn't provide specific details about his relationship with [redacted]. There is a concern [redacted] regarding what Gary is reporting given his history. He had previously stalked a girlfriend for quite a long time.

[redacted] is not aware of any witnesses who may have seen/heard Gary and [redacted] having inappropriate interactions during his time at Rochester Psychiatric Center. There are cameras on the unit except for the patient bedrooms due to privacy. Risk Management and the Safety Office have access to the camera footage [redacted] doesn't know how far back the footage goes.

Most of the time, Gary was on regular 30-minute checks for supervision while he was at Rochester Psychiatric Center. [redacted]

Notifications. [redacted] Risk Management may have notified Administration.

Safeguards/Protections: Not yet [redacted] conveyed the information to Risk Management and then the Justice Center when she learned about it. [redacted] will have to link back with Risk Management and their legal department regarding whether they need to contact [redacted] and tell her. Gary didn't make any threats in his voicemail; he reported it in a very matter of fact way.

[redacted] also provided information on Gary's history and said [redacted] has concerns regarding the information Gary relayed on her voicemail. First, it is inappropriate for a staff member to have a romantic relationship with a patient. Two, because of Gary's history, [redacted] concerned about how he may behave toward [redacted] Gary had previously stalked an ex-girlfriend). Three [redacted] concerns around Gary's mental health. What he left [redacted] voicemail could be true, but [redacted] has no way of knowing. Given Gary's history, it's possible it's not true.

[redacted] additional information which was used to create incident 101-22724885983

<b>Reason For Closure:</b>	Linked	<b>Status:</b>	Closed	<b>Date Discovered</b>	01/09/2023
<b>Incident Serial Number:</b>	101-22723591275	<b>Sub-Status:</b>	Assigned	<b>To:</b>	
<b>Incident Type:</b>	Abuse and Neglect	<b>Referral</b>	No	<b>Date Occurred To:</b>	01/09/2023
<b>Agency Involved:</b>	OMH	<b>Recommended:</b>		<b>Date Reported:</b>	01/09/2023
				<b>Date Closed:</b>	01/11/2023



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**Incident Narrative:**

911 currently needed? No  
911 or law enforcement contact made prior to report? No  
if 911 or law enforcement was contacted, who responded? N/A  
Reporter's Role and Agency: [REDACTED]  
How did Reporter become aware of the incident?  
Location of Incident: Rochester Psychiatric Center: 1111 Elmwood Avenue, Rochester NY 14620, unknown unit or floor  
Date and Time of Incident: unknown  
SOA: OMH  
Suspect(s) and Title: [REDACTED]  
Victim and DOB: Gary Marzols, 4/25/1968  
Incident: On 1/9/2023 at 9:40 am, Gary Marzols (recipient) informed [REDACTED] that he had been dating and in a sexual relationship with [REDACTED] while he was inpatient at Rochester Psychiatric Center and continued the relationship until December 2022, when he broke it off. [REDACTED] initiated the relationship and would sit with Gary for most of her shift. Gary was discharged from Rochester in April 2022, unknown specific date. The relationship continued, [REDACTED] would come to Buffalo, and they would stay in hotels and do cocaine together. Gary ended the relationship in December 2022, unknown specific date. [REDACTED] threatened Gary that there would be self-harm if he broke it off or ended the relationship. Gary has explicit photos of [REDACTED] on his cell phone. [REDACTED] currently still works at Rochester Psychiatric Center. It is unknown the specific dates and times the relationship started and how long it had been going on.  
Safeguards: None.  
Notifications: [REDACTED]

**Reason For Closure:** Case Record Created

**INVESTIGATION SUMMARY**

**BACKGROUND:**

**Facility:** Rochester Psychiatric Center (RPC) is a 180-bed facility that provides individualized psychiatric treatment and rehabilitation services. RPC is located at 1111 Elmwood Avenue in Rochester, New York and operates under the auspices of NYS OMH.  
**Victim(s):** Gary Marzolf  
[REDACTED]  
Mr. Marzolf is 55 years old. He is diagnosed with schizoaffective disorder, alcohol use disorder and borderline personality disorder. He was in treatment at RPC from 7/9/19-4/1/22.

**Content of Event:**

Reported 1/9/23. On 4/1/22 at Rochester Psychiatric Center, [REDACTED] kissed PRS Gary Marzolf and touched his genitals over his clothing. She also gave Mr. Marzolf her phone number and made plans to engage in a romantic and sexual relationship, which continued as Mr. Marzolf transferred to other facilities. Mr. Marzolf was admitted to RPC on 7/9/19 and transferred to Hutchings Psychiatric Center on 4/1/22. Mr. Marzolf then transferred to Buffalo Psychiatric Center on 8/4/22 and then to supportive housing through BPC on 10/6/22. [REDACTED] was having a [REDACTED] it was also reported that [REDACTED]



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relationship with [REDACTED] No video footage.

ATTACHMENTS, DOCUMENTS AND EVIDENCE:

Attachments: Individualized Plan/Clinical [REDACTED]

Discharge Summary Marzolf 4.1.22 Mr. Marzolf will form inappropriate bonds with female floor staff. He has a history of inappropriate boundaries with his therapist and stalking history. At time of discharge, no paranoid thoughts, or delusions.
Impact Statement Marzolf 1.10.23 Mr. Marzolf reported continued anxiety, paranoia, and sadness. He expressed guilt and responsibility for [REDACTED] emotions and behaviors. He relapsed and was caused to be secretive and uncooperative with providers.
Psychiatric Evaluation Marzolf 4.2.22 Mr. Marzolf has difficulty with boundaries and wants personalized attention and exhibits verbally abusive and aggressive behaviors.
Psychiatric Evaluation Marzolf 10.12.22 At Hutchings, Mr. Marzolf exhibited anxiety and tantrum behavior and felt entitled and manipulative toward staff. His memory for recent and remote events is intact and he exhibits some grandiosity.
Core History Marzolf 10.12.22 Diagnoses include schizoaffective disorder, alcohol use disorder and borderline personality disorder. History of unstable relationships and stalking, sexual abuse by women. Pg. 9, Leaves Grant St at 8am and returns at 10pm.
Core History Marzolf 4.1.22 Pg 8., Records indicate significant substance abuse history. No recent substance use. Pg. 10, Mr. Marzolf does not report having a significant other.

Subject Records

[REDACTED]

Demonstrative Evidence

Photo 6 2.21.23 Taken by Inv. Dye. Depicts the journal [REDACTED] kept to give to Mr. Marzolf. The front says, "You've been missed Art" and "Signed, sealed, delivered"
Video Footage 5.18.23 Taken by Inv. Dye. Depicts journal entries written by [REDACTED] Pg. 20 states "I can't wait to hold you so tight...even tighter than the store room."
Photo 11 5.22.23 Taken by Inv. Dye. Depicts fortune cookie paper sayings given to Mr. Marzolf from [REDACTED]
Photo 10 5.22.23 Taken by Inv. Dye. Depicts two cards given to Mr. Marzolf from [REDACTED]
Photo 9 5.22.23 Taken by Inv. Dye. Depicts the inside of a greeting card given to Mr. Marzolf [REDACTED]
Photo 8 5.22.23 Taken by Inv. Dye. Depicts outside of greeting card given to Mr. Marzolf from [REDACTED]
Letters Various letters, poems, and songs given to Mr. Marzolf by [REDACTED]



Photo 7 2.21.23	Taken by Inv. Dye. Depicts the back of the journal kept to give to Mr. Marzolf. The back reads "Adventure".
Photo 5 2.21.23	Taken by Inv. Dye. Depicts an envelope mailed to Mr. Marzolf at Hutchings Psychiatric Center from [redacted] address on 4/25/22.
Photo 4 2.21.23	Taken by Inv. Dye. Depicts an envelope mailed to Hutchings Psychiatric Center from [redacted] address on 6/29/22.
Photo 3 2.21.23	Taken by Inv. Dye. Depicts artwork that [redacted] made Mr. Marzolf. The art depicts words and dates taped together referencing freedom.
Photo 2 2.21.23	Taken by Inv. Dye. Depicts artwork that [redacted] made Mr. Marzolf. The art depicts words and dates taped together.
Photo 1 2.21.23	Taken by Inv. Dye. Photo depicts artwork that [redacted] made for Mr. Marzolf. The words [redacted], "Art", "Art is free", and "Free" are shown.
Marzolf Phone Records	Records show significant phone contact between Mr. Marzolf and [redacted] starting 10/8/22.
[redacted] Phone Records	Records show significant phone contact between [redacted] phone number and Mr. Marzolf's number, starting 10/8/22. Records also show contact with Hutchings Psychiatric Center from 4/1/22-4/6/22.
Phone Subscriber Information 1	There is no subscriber information listed. The phone was not activated until 10/8/22.
Phone Subscriber Information 2	There is no subscriber information listed.
Provider Records	
Hutchings Patient Rights Policy	Pg. 4, Patient's mail is sent and received without restriction. Mail is not censored or opened. On each unit patients have access to make private calls.
Security Hospital Treatment Aide Job Description	SHTA conduct treatment plan activities, implements goals, encourages participation, reports on patient progress and behavior and models acceptable behaviors and verbal skills.
[redacted]	[redacted]
Rochester Psychiatric Center Rules of Conduct	Pg. 5, Employees shall not form social or sexual relationships for two years following termination of treatment services at RPC. Shall not arrange post-discharge plans outside the treatment relationship. Pg. 6, Not visit patients at other facilities.
Testimonial Evidence	
[redacted]	Audio recording [redacted] See summary below.
[redacted]	Audio recording [redacted] See summary below.
[redacted]	Audio recording [redacted] See summary below.
[redacted]	Audio recording [redacted] See summary below.
[redacted]	Audio recording [redacted] See summary below.
[redacted]	Audio recording of victim interview. See summary below.
Gary Marzolf 2.10.23	WebEx recording [redacted] See summary below.
[redacted]	[redacted]
Correspondence	
E-mail Correspondence	E-mail from [redacted] attorney stating she denies the allegations and declines to be interviewed.



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5.17.23	Documentary Evidence	Patient Movement Chart Marzolf Mr. Marzolf transferred to Hutchings on 4/1/22, to Buffalo Psychiatric Center on 8/4/22 and Grant St residence on 10/6/22.
Evidence:	Photo Disc	Disc of 27 facial and body photos of subject, clothed and unclothed
Other	Paper mementos	Journal, letters, mailing envelopes, art work
INTERVIEW(S):	[REDACTED]	<p>01/30/2023</p> <p>NYSIC Inv. Dye and Inv. Benjamin interviewed [REDACTED] Rochester Psychiatric Center</p> <ul style="list-style-type: none"> <li>• In sum and substance [REDACTED] stated the following:</li> <li>• [REDACTED] On 1/10/23, Mr. Marzolf left [REDACTED] a voicemail stating that he was in a relationship with [REDACTED] from October 2022 until 1/5/23. He also stated that he heard she was engaging with another patient and had quit [REDACTED]</li> <li>• [REDACTED] did not return his call and has not spoken to him directly. From his voicemail, [REDACTED] did not get any indicators that Mr. Marzolf was displaying any apparent mental health concerns.</li> <li>• Mr. Marzolf has a history of psychosis and delusions, especially regarding women and relationships.</li> <li>• Mr. Marzolf is intelligent and charismatic and often pushes for information. There have been several female staff members in his history with whom boundaries became a concern because they shared too much personal information with him.</li> <li>• Mr. Marzolf displayed concerning and threatening behavior toward his ex-girlfriend which led to his psychiatric stay and criminal involvement.</li> <li>• Mr. Marzolf also has a significant history, since childhood, of being romantically involved with female authority figures. It became a major goal in his treatment to end his cycle of engaging in inappropriate relationships.</li> </ul> <p>(continued)</p> <ul style="list-style-type: none"> <li>• Mr. Marzolf expects that someone will abuse his trust and take advantage of him. He also has a history of tumultuous relationships.</li> <li>• If Mr. Marzolf were to have engaged in a relationship with a staff member, it would be damaging to him psychologically due to his history. This could result in a major setback of progress and would be another example of someone using their power over him. Thus, a breakup would be very distressing to him as well.</li> </ul>
[REDACTED]	01/30/2023	



[REDACTED]

Gary Marzolf

02/10/2023

NYSJC Inv. Dye and Inv. Gerken interviewed Mr. Marzolf at Buffalo Psychiatric Center (ROCCA). He was interviewed as a victim.

- In sum and substance, he stated the following:
- He met [REDACTED] at Rochester Psychiatric Center (RPC) around December 2021.
- He and [REDACTED] became close when [REDACTED] began to disclose personal information about [REDACTED] to Mr. Marzolf.
- Mr. Marzolf reported that this made him feel comfortable and more trusting of her.
- Mr. Marzolf and [REDACTED] spent a lot of time together. [REDACTED] would make sure she was assigned to the program designations he had.
- When Mr. Marzolf won his hearing to transition to "Track 2" (approximately January/February 2022), [REDACTED] gave him her phone number written on a piece of paper with intentions to maintain a relationship once he discharged.
- While at RPC, he and [REDACTED] discussed sexual intentions with one another. Mr. Marzolf reported this made him uncomfortable, but he did not have any ability to physically distance himself from her.
- On his last day at RPC (4/1/22), [REDACTED] offered to help Mr. Marzolf pack his things.
- [REDACTED] brought Mr. Marzolf to the storage room and told him there were no cameras. Mr. Marzolf understood that meant an opportunity to be physical.
- In the storage room, Mr. Marzolf reported that he and [REDACTED] shared an embrace and brief kiss. The kiss was brief and closed mouth because Mr. Marzolf was nervous.

Gary Marzolf

02/10/2023

(continued)

- Mr. Marzolf reported that [REDACTED] also "brushed" his genitals and grabbed his butt over his clothing. He reported pushing [REDACTED] away because he did not want to jeopardize his transfer.

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- When Mr. Marzolf transferred to Hutchings, he and [REDACTED] kept contact via phone. Mr. Marzolf called [REDACTED] from the unit phone. [REDACTED] also wrote him letters.
- While at Hutchings, he and [REDACTED] talked about their intentions to have [REDACTED] move to Buffalo with him, and to eventually marry.
- Mr. Marzolf transferred to Buffalo Psychiatric Center (BPC) and they continued to keep in touch via phone until Mr. Marzolf transferred to Grant St residential.
- While at Grant St, he was able to use his cell phone to contact her. [REDACTED] then began visiting Mr. Marzolf on weekends.
- In November 2022, [REDACTED] took a Greyhound bus to Buffalo. They met at the Marriott and Hyatt hotels, which [REDACTED] paid for. While at the hotels, they engaged in sexual intercourse.
- [REDACTED] also influenced Mr. Marzolf to engage in alcohol use, which is part of his substance abuse history.
- Mr. Marzolf stated that he has significant trouble forming relationships, and his relationship with [REDACTED] has set him back tremendously in his treatment progress. It has affected his sobriety and trust.

Gary Marzolf

02/10/2023

(continued)

- Mr. Marzolf presented addressed envelopes containing letters from [REDACTED], art she made him, photos she sent via phone, a journal she kept, and other mementos.

01/30/2023

NYSJC Inv. Dye and Inv. Benjamin interviewed [REDACTED] Rochester Psychiatric Center. [REDACTED] interviewed as a witness.

- In sum and substance [REDACTED] stated the following:
  - Mr. Marzolf and [REDACTED] briefly worked together and became very close.
  - Mr. Marzolf liked to play video games, and [REDACTED] would often try to make sure she was assigned to that program so that she could spend time with him.
  - After Mr. Marzolf was discharged, [REDACTED] told [REDACTED] that they were in a relationship that had started while Mr. Marzolf was at RPC.
  - [REDACTED] confided a lot of information about their relationship [REDACTED]
  - Mr. Marzolf and [REDACTED] hugged a few times in the locker area, and they would talk about getting married
  - [REDACTED] expected phone calls from Mr. Marzolf when he transferred to Hutchings and gave Mr. Marzolf her phone number before he left.
  - Mr. Marzolf knew [REDACTED] work schedule and would call her cell phone during work and leave messages for her. [REDACTED] would leave the unit to check her phone for messages.
  - When Mr. Marzolf transferred to Buffalo, their relationship continued.
  - [REDACTED] said that Mr. Marzolf changed when he "got out of Buffalo" and was not caring enough and wanted to use drugs and alcohol.

[REDACTED]	<ul style="list-style-type: none"><li>• [REDACTED] has a history of drug use and said she was worried Mr. Marzolf would pressure her to use.</li></ul>
01/30/2023	<p>(continued)</p> <ul style="list-style-type: none"><li>• [REDACTED] would take the bus to Buffalo to visit Mr. Marzolf. She would give him her credit card information and he would purchase a hotel room.</li><li>• [REDACTED] he and [REDACTED] would talk often. There were several times [REDACTED] would cry.</li><li>• One time, she was upset because Mr. Marzolf had not reached out to her in a few days and said that she wanted their relationship to work. [REDACTED] observed [REDACTED] upset.</li><li>• [REDACTED] is the only staff on the unit that would share personal information with clients.</li><li>• [REDACTED] that she has been in and out of hospitals, that she cuts for self-harm [REDACTED] her ex-husband and relationships.</li><li>• [REDACTED] did tell [REDACTED] that Mr. Marzolf was "impotent" and discussed how his drug use affected that.</li><li>• [REDACTED] did not have any knowledge of Mr. Marzolf and [REDACTED] having a physical relationship while Mr. Marzolf was at RPC.</li><li>• [REDACTED] also became close and spent a lot of time together. [REDACTED] would give [REDACTED] coffee and other items that staff are not supposed to give.</li></ul> <p>NYSIC Inv. Dye interviewed [REDACTED] at Rochester Psychiatric Center.</p>
02/23/2023	<ul style="list-style-type: none"><li>• In sum and substance, [REDACTED] stated the following:</li><li>• SHTA staff should not share personal information, including phone numbers, with patients.</li><li>• Patients do not spend time in their rooms and must ask staff if they need to go to their room.</li><li>• SHTA staff would only enter a patient's room to complete rounds, or if completing searches.</li><li>• [REDACTED] stated that [REDACTED] did not work on the F3 floor when Mr. Marzolf was a patient and did not observe any interactions between Mr. Marzolf and [REDACTED]</li><li>• [REDACTED] spent a lot of time conversing with [REDACTED]</li><li>• [REDACTED] did not recall any phone calls coming into the patient phones for [REDACTED] said that would not be allowed.</li><li>• [REDACTED] spoke often about a long-distance boyfriend she had and said that she would visit him in Buffalo.</li><li>• [REDACTED] expressed that this boyfriend made her reconsider being a [REDACTED]</li><li>• It was normal for [REDACTED] to be emotional at work.</li></ul> <p>NYSIC Inv. Dye interviewed [REDACTED] at Rochester Psychiatric Center.</p>
03/30/2023	<ul style="list-style-type: none"><li>• In sum and substance, [REDACTED] stated the following:</li><li>• Patients cannot enter their rooms throughout the day. During the day, they do different program and</li></ul>

- group activities.
- The storage room on the floor does not have cameras, and patients can enter if staff is with them.
  - [redacted] confirmed that SHTA's are thoroughly trained in boundaries policies.
  - It is against policy to engage in romantic or sexual relationships with patients during and after their treatment. SHTA do not have any responsibility for follow up with patients after discharge.
  - [redacted] never observed any inappropriate interactions between [redacted] and Mr. Marzolf.
  - Prior to her leaving RPC, [redacted] often spoke about having a boyfriend who lives in Buffalo. She wanted to quit her job because of her boyfriend.
  - [redacted] and her boyfriend often broke up and got back together. She never mentioned a name.
  - [redacted] did not observe [redacted] rely on the patients for support or comfort.
  - [redacted] did not have any information or concern that [redacted] was inappropriate with [redacted]

- [redacted] 02/24/2023
- NYSJC Inv. Dye interviewed [redacted] via WebEx
- In sum and substance [redacted] stated the following:
  - On 1/9/23, Mr. Marzolf disclosed [redacted] that he had been having a relationship with [redacted] starting at Rochester Psychiatric Center.
  - Mr. Marzolf reported that while at Grant St, he would meet [redacted] at hotels and use cocaine and alcohol with her.
  - Mr. Marzolf has a history of drug and alcohol use.
  - When he entered Grant St, he was stable and doing very well.
  - When he started meeting [redacted] in Buffalo, he relapsed. Mr. Marzolf also started breaking curfew rules and declining.
  - Mr. Marzolf was granted "general leave" permission to spend two overnights a week away from Grant St.
  - Mr. Marzolf reported to staff that he was leaving on weekends to meet his girlfriend in a hotel. He never gave a name until his disclosure.

[redacted] 05/17/2023

Attempts were made via phone and letters to interview [redacted] obtained counsel and declined to be interviewed, denying the allegations. See [E-mail Correspondence 5.17.23].

RECOMMENDATION SUMMARY

[redacted]

[REDACTED]

It is recommended that the allegation of Sex Abuse against [REDACTED] for subjecting PRS Gary Marzolf to sexual contact and/or conduct in violation of Article 130 of the New York State Penal Law be substantiated based on the following:

1. [REDACTED] Gary Marzolf (victim) was in treatment as an inpatient at Rochester Psychiatric Center from 7/1/19-4/1/2022.
2. There is sufficient evidence to support that [REDACTED] had subjected PRS Marzolf to sexual contact and/or conduct in violation of Article 130 of the NYS Penal Law, while he was receiving treatment at RPC.
3. PRS Marzolf reported that on his last day at RPC [REDACTED] kissed him and touched his genitals in the storage room.
4. [Video Footage S.18.23] depicts journal entries written by [REDACTED] describing romantic feelings and plans for Mr. Marzolf, specifically referencing having physical contact in the storage room.
5. [REDACTED] also disclosed to [REDACTED] that she was in a relationship with PRS Marzolf and would visit him in Buffalo. [REDACTED] were also told by [REDACTED] that she had a boyfriend in Buffalo. [REDACTED] reported that PRS Marzolf spent weekends in a hotel with his girlfriend [REDACTED].
6. It can be concluded that [REDACTED] had sexual contact with PRS Marzolf while he was receiving inpatient services at RPC and was therefore unable to consent [REDACTED] was employed by RPC at the time of the contact which was for sexual gratification.
7. [REDACTED] had completed Ethics Training and training on Employee Staff Conduct.
8. Sexual abuse is supported by a preponderance of the evidence.

It is recommended that the allegation of neglect-failure to maintain appropriate boundaries against [REDACTED] with respect to Gary Marzolf be substantiated based on the following:

1. [REDACTED] Gary Marzolf (victim) was in treatment as an inpatient at Rochester Psychiatric Center from 7/1/19-4/1/2022.
2. [REDACTED] was completed Ethics Training and training on Employee Staff Conduct.
3. Under the Rules of Conduct Policy, employees are not to form social relationships or engage in a sexual relationship for at least two years following treatment at RPC.
4. [REDACTED] breached her duty to maintain professional boundaries with PRS Gary Marzolf when she engaged in sexual contact while he was an inpatient at RPC and continued that relationship once discharged in violation of the two-year ban required under policy.
5. Journal entries discuss romantic feelings and discuss plans with PRS Marzolf.
6. [REDACTED] also disclosed [REDACTED] that she was in a relationship with Mr. Marzolf and would visit him in Buffalo. [REDACTED] were also told by [REDACTED] that she had a boyfriend in Buffalo. [REDACTED] reported that PRS Marzolf spent weekends in a hotel with his girlfriend [REDACTED].



7. [redacted] gave PRS Marzolf her phone number and they discussed plans to have a relationship, which they maintained during his time in other psychiatric facilities. [Video footage 5.18.23] depicts journal entries written by [redacted] describing romantic feelings and plans for PRS Marzolf, specifically referencing having physical contact in the storage room. [redacted] Phone Records show phone contact between [redacted] and PRS Marzolf while he was at Hutchings Psychiatric Center and Buffalo Psychiatric Center. [redacted] also disclosed to [redacted] that she was in a relationship with PRS Marzolf and would visit him in Buffalo. [redacted] reported that PRS Marzolf spent weekends in a hotel with his girlfriend [redacted] that she had a boyfriend in Buffalo. [redacted]
8. Phone records [redacted]
9. The breach in [redacted] duty to maintain a professional relationship with PRS Marzolf led to serious and protracted impairment of Mr. Marzolf. According to Marzolf has history of being romantically involved with female authority figures. It became a goal in his treatment to end his cycle of inappropriate relationships. [Impact Statement Marzolf 1.10.23] states that PRS Marzolf reported anxiety and paranoia, that he relapsed and has been uncooperative with providers. [redacted] reported that PRS Marzolf started to decline in his treatment after meeting [redacted] in Buffalo. PRS Marzolf needed to be transferred to a higher level of care as a result.
10. Based on the above neglect is supported by a preponderance of the evidence.

AREAS OF SYSTEMIC CONCERN

	SPECIFIC ITEM(S) IDENTIFIED
Program/Services/Treatment	
Personnel	
Training	X
Policies/Procedures	
Incident Management	
Physical Plant/ Environmental	
Documentation	
Safety/Basic Needs/Patient Rights	