



MPW – Trumbull County Cloak and Dagger

A letter from Trumbull County Commissioner, Niki Frenchko, details an apparent racketeering scheme orchestrated by Medical Properties Trust intended to draw taxpayer money.

PLEASE READ IMPORTANT DISCLAIMER – PAGE 3

October 11, 2024 – On October 8, 2024, Viceroy’s counsel received a letter from Trumbull County Commissioner, Niki Frenchko, requesting the release of Medical Properties Trust (MPT/MPW)’s discovery information in the public interest of their community. We have attached the letter to this report.

The letter also details what appears to be a racketeering scheme orchestrated by MPW, whereby MPW appears to be covertly hiring lobbyists, attorneys, and healthcare executives, and threatening to shut down its own hospitals, in order to draw (more) money from taxpayers.

- When the Trumbull Memorial hospital announced its closure, **a newly formed public interest group called Warren City Hospital sought public funds to halt the closure.**
- Warren City Hospital nevertheless sent Steward President, Cindy Russo, and Chief Medical Officer to speak on their behalf seeking access to public funding instead of the group’s public facing leaders. The group claimed in August 2024 to have only \$10m in funding¹.
- Warren City Hospital was also represented by lobbyist Jack Diamond and Delta Health’s Tom McNaull, who claimed they were working for free, and refused to disclose the identity of their client^{2,3}.
- McNaull, Diamond and Russo were extremely sensitive to any criticism of MPT. They presented restructuring forecasts in their bid to access public funds with cherry-picked financial data and unrealistic projections including an unexplained 15% increase in revenue.
- McNaull and Diamond advised that MPW’s lease base of \$70m and yearly lease payments of \$7m was not negotiable, and that MPT they should be treated with respect, not contempt.
- Steward representatives actively defended MPW’s property value and rent from criticisms, despite Steward’s lawyers simultaneously stating that MPW’s high rent crippled Steward.
- MPW would not sell the hospital for less than \$70m, and simultaneously claimed it was in threat of imminent closure (this is true, MPW was the threat).
- A local bank executive appraised the Trumbull Memorial Hospital property at \$10-15m, not taking into account the significant renovation and maintenance needs. The MPW hospitals in Ohio are in a state of disrepair and structural degradation. Hospitals are reliant on portable air conditioners, space heaters and portable morgues provided by the Ohio Department of Health.
- The hospital’s new operators installed by MPW, Insight Health, have a checkered track record that includes a civil RICO suit by Allstate, a DOJ disability access suit and a data breach class action. We have written about Insight in more detail here.
- The Warren City Hospital group expressed its support for the program on its website⁴.

The MPW playbook has been to prop up operators in service of its inflated asset values. When those operators inevitably fail, they are replaced with a new batch of disgraced, MPW-funded fronts, whose only purpose is to preserve the fake value of MPW’s property.

Behind closed doors, the Warren City Hospital group was represented by a group consistently advocating for MPW’s benefit. After Warren County officials called out this charade, Insight Health was installed as the operator despite their ineligibility as a bidder for these operations in the Steward bankruptcy.

MPW’s message to local officials is clear: “Look the other way, or we’ll steamroll you.”

¹ <https://www.wfmj.com/story/51150467/local-group-makes-push-to-save-trumbull-regional-medical-center>

² <https://www.linkedin.com/in/jack-t-diamond-85676a6/s>

³ <https://www.linkedin.com/in/tommcnaull/> McNaull is the former Managing Director and Founder of MedStar Health, a company that faced several lawsuits for employment violations, kickbacks, data breaches and a DOJ lawsuit alleging violations of the disability act

⁴ <https://warrencityhospital.org/local-groups-optimistic-about-insights-plans-for-trumbull-hillside/>



We do not believe this is an isolated case of interference. A similar story played out in with the Glenwood Regional Medical Center where American Healthcare Systems executives claimed MPW would be covering the maintenance expenses on the facilities and prohibited them from visiting the hospital.

We urge the HELP committee, union representatives, state regulators, enforcement agencies, and local representatives to take a proactive approach in protecting their interests and blocking this deal.

Two years ago, Viceroy correctly advised regulators that Steward was heading for bankruptcy. This public health crisis was entirely avoidable. The bankruptcy court has set the stage for another round of MPW tenant bankruptcies and the healthcare fallout that entails.

The requested discovery information from the commissioner is confidential under a protective order. Viceroy cannot release information to the county without MPW's consent or the court's approval.

Our MPW investigations can be found [here](#).



Attention: Whistleblowers

Viceroy encourage any parties with information pertaining to misconduct within Medical Properties Trust, its affiliates, or any other entity to file a report with the appropriate regulatory body.

We also understand first-hand the retaliation whistleblowers sometimes face for championing these issues. Where possible, Viceroy is happy act as intermediaries in providing information to regulators and reporting information in the public interest in order to protect the identities of whistleblowers.

You can contact the Viceroy team via email on viceroy@viceroyresearch.com.

About Viceroy

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Richard M. Elias
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231 S. Bemiston Ave.,
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October 8, 2024

Dear Atty. Richard Elias,

I am writing to request the release of Medical Properties Trust discovery information order to help my community navigate an emergent public health crisis.

By means of background, I am elected commissioner of Trumbull County, Ohio, where we have six regional medical properties affected by the Steward bankruptcy, all owned by Medical Properties Trust (MPT). The Trumbull Memorial Hospital campus is in my back yard; the impact of its potential closure would be far reaching and devastating. The hospital houses the county's only regional accredited chest pain center, its only cardiac catheterization lab with operating room back up; our only inpatient mental health facility, and only Level III Trauma Emergency Department. Trumbull Regional Medical Center also houses a residency program operated by Western Reserve Health Education, which provides primary care and family medicine, and includes some services for sliding scale fees. Trumbull County has tremendous access-to-care issues identified recently by our Board of Health director and Mental Health Recovery Board director. For example, hospital records last year reveal over 1,700 emergency room visits with mental health as the primary presentation. Recent population to primary care provider ratios are 2,210:1 in the county, 1,330:1 in Ohio, and 1,330 in the US, with other primary care provider ratios being 2,030:1 in the county, 710:1 in Ohio, and 760: in the US. Additionally, and critically, Trumbull County has no regional public transportation services available to transport residents to neighboring countries for care, and low-to-moderate income households make up two-thirds of our population of 200,000. A hospital closure would result in an uptick of ambulance and air ambulance rides, and enormous medical debt would follow. Trumbull Memorial and Hillside Rehabilitation Hospital employ roughly 1,500 workers, so the closure of either could plunge a substantial portion of our working age population into poverty.

When Trumbull Memorial Hospital announced its closure, a newly formed coalition operating under the title Warren City Hospital group approached my Board of Commissioners as well as

Warren City Council to appropriate public funds in a desperate attempt to halt the closure of our hospitals. My board conditionally committed \$3 million, contingent upon it being statutorily permissible based on the funding source, and upon review and approval of the financial plans and lease/purchase cost to ensure sustainability of operations. The City of Warren also committed \$3 million.

Statutory counsel instructed the Board of Trumbull County Commissioners to proceed with extreme caution and to perform due diligence, in order to avoid a potential tax payer lawsuit, which brought me to submit this request.

Shortly thereafter, a private meeting was held where efforts to garner financial commitments from local foundations ensued. But the consultant and attorney who directed the Warren City hospital group sent the President and Chief Medical Officer from Steward to speak on their behalf. The two did not give information about the operating or financial plans, leases or MPT negotiation details. The effort to obtain additional funds was unsuccessful that day, due to an air of secrecy, which contributed to distrust among some attendees.

In order to quell the concerns and suspicions of the public and stakeholders, elected officials and local bank representatives were invited to the internal Warren City Hospital group meetings helmed by Jack Diamond, who co-owns an established health care and lobbying law firm in Akron, Ohio and an Atlanta, Georgia based operations expert named Tom McNaull, who runs a consulting company called Delta Health. Diamond and McNaull's presentation featured financial projections that were based on pre-COVID revenue and cherry-picked, more profitable years, which also included revenue from a facility that was not in the purported bid. Proceeds were also boosted by an inexplicable 15 percent across the board revenue increase that had no apparent basis in reality. The projections also showed yearly lease payments of around \$7 million, which were projected to consume nearly all of the hospitals earnings at some points.

Having followed the fates of MPT properties across the country, I expressed concern that any hospital operation would be doomed to fail within a few years because the terms of MPT's triple net lease require tenants to assume the cost of all property improvements, and because seven years of rent payments to MPT have left the hospital with at least \$25-\$30 million of urgently needed repairs and capital improvements. The emergency room is currently renting portable air conditioners, and patient rooms have been using space heaters for the past several years. The morgue was recently reported at reaching a temperature of 90 degrees, causing an emergency for our county coroner, who is now performing autopsies in a portable refrigerated morgue, generously loaned to Trumbull County from the Ohio Department of Health. These are just a few examples from constituents, family and friends who work at the hospital; indeed, a facilities expert could likely fill pages with urgent maintenance needs simply to keep compliance with health and building codes.

When I said during a commissioner's board meeting that Steward's rent was the primary reason that the hospital failed, a commissioner responded that it was not the lease, it was Steward's management. But one cannot be separated from the other. As media reports and congressional

hearing transcripts have explained, MPT's leases were the mechanism that enabled Steward's management to overpay themselves while failing to pay physicians, vendors and businesses that once maintained the properties. When I suggested basing the lease on a current appraised value, Jack Diamond said the lease base he presented was non-negotiable and that everyone had already agreed to the lease base of around \$70 million, with a few years of abated or reduced rent, while the tenant improves the property. When I said that buying the property outright for a fair market value was the only sustainable, viable option that was met with fierce opposition. Tom McNaull advised me that MPT did not like me saying anything bad about them publicly, and he also told me that he had been to their headquarters in Birmingham, Alabama. Both Jack Diamond and Tom McNaull told us they were working to save our community hospital "for free", but refused to answer direct questions as to who their client was. After being threatened verbally and via email for raising valid concerns relative to the lease in a television news interview, and blamed for the potential closure of the Ohio and Pennsylvania properties due to my comments, I was sidelined, and not invited back to meetings at the behest of Attorney Diamond and the Steward President. I began to wonder if MPT sent them to our community to prey on our vulnerability and desperation, and noticed the pattern of intimidation tactics employed against critics.

We were repeatedly told that the hospital was in threat of imminent closure because no one made an offer to buy it, and that its owner, MPT, will not sell to a new buyer for anything less than the \$70 million. Basic supply and demand law dictates that both things cannot be true—and indeed, after the keys were handed over to Insight, a Michigan based operator with an extraordinarily troubling track record, it emerged that another company had been valiantly attempting to purchase the hospital outright for months, only to be wholly ignored by both the Steward estate \$125,000 a month investment bankers.

MPT's new hospital operator, Insight, did not bid on the properties, and would not have qualified as a buyer under the Steward bankruptcy proceedings. Insight's original hospital, Southeastern Michigan Surgical Hospital, was recently the subject of a civil RICO lawsuit, brought by Allstate Insurance Company, which accused the hospital of deliberately recruiting physicians with criminal and/or extreme disciplinary records to orchestrate a complex insurance fraud. Now Insight is being subsidized by MPT. Their government affairs liaison has already expressed interest in obtaining the same local funds my Board resolved to allocate for saving the hospital with the Warren City Hospital group. MPT seemingly selects operators who lack capital in exchange for advancing the charade that its hospitals are worth multiples of their appraised value.

Numerous financial analysts, including the firm MPT sued, have written reports suggesting that the transactions through which MPT is transferring the operations of its bankrupt Steward hospital are driven primarily by the desire to perpetrate an elaborate fraud. MPT disclosed that they are subsidizing the hospitals new operators to the tune of up to \$80 million in aggregate — which sounds generous until you remember that MPT also showered such subsidies on Steward. Meanwhile, none of our workers or patients ever saw a cent of those subsidies, which largely ended up lining the pockets of wealthy executives and insiders.

It is abundantly evident that the only way the hospital can change hands to a quality operator and successfully sustain operations is to sell at a realistic market value. A local community bank executive who attended some of the group meetings with stakeholders speculated that the hospital would appraise in the neighborhood of between \$10 million and \$15 million— I believe the value to be even less, given the major element disrepair and the location. He also asked pressing questions about the financials presented to us, and about the lease, and how the capitalization rate was derived.

In revisiting the \$310 million transaction through which MPT acquired its two hospitals in my county, I have come to wonder if there is any basis whatsoever for the roughly \$80 million monetary value it assigned to the Ohio facilities. That is because the same transaction assigned a \$7.9 million value to a Youngstown hospital Steward shut down just months after the transaction closed; a \$54 million value to a hospital in Easton, Pennsylvania that Steward threatened to shut down less than three years after it closed, and which MPT ultimately sold for roughly \$15 million; and a \$115 million value to three Florida hospitals the estate just sold to Orlando Health for \$439 million, apparently turning a massive profit in spite of the hospitals' well-publicized state of disrepair and structural degradation. I understand that the discovery documents that have been filed under seal contain critical information about MPT's underwriting process that might illuminate my county's current predicament with regard to negotiations with MPT.

In sharing all of this, I hope you can appreciate that as an elected official, I am concerned with the impact of losing our hospital, and concerned about committing funds without MPT sharing information related to appraised value, or sharing any information at all with the Trumbull County Board of Commissioners, Warren City Council, or the foundations they want to access for the purpose of making informed decisions about committing scarce resources. It also causes pause for me that they wouldn't simply sell to our community for a fair market amount, so we can cut the cord from these vultures.

I read the case text on the Medical Properties Trust v. Viceroy Research, LLC case (2:23-cv-00408-RDP), and I am requesting any discovery information about MPT's operations, determination of value, how they have been working with distressed tenants, and depositions you have related that can help us better navigate the Northeastern Ohio Steward properties, which I intend to share with Pennsylvania officials; Sharon Regional is in the adjacent Pennsylvania County.

It is my view that our hospital, our community, and the public health of the citizens of Warren, Ohio and Trumbull County at large have sacrificed too much already in furtherance of financial fraud, and it is time to demand that our tax dollars and insurance premiums start being used to pay doctors, nurses, security guards, janitors and surgical techs, instead of the inflated rent payments, management fees and debt service on which we have been forced to squander our revenues while physicians and local businesses work get stiffed, jeopardizing the existence of our much needed residency program.

I have also notified the Ohio Attorney General's office to see if there is anything their office can do related to the predatory nature of MPT's sale lease back scheme, and to keep a watchful eye on Insight, due to their sorted past. Our entire nation is on the cusp of a healthcare disaster. National and state regulations need to be implemented immediately to head off more Prospect, Alecto and Steward situations. For that reason, I am requesting the balance of the discovery in order to work with legislators to craft policies to protect our health system, and integrity of hospital services across the country.

Thank you for your consideration of my request. Time is of the essence. Records can be sent via mail or email or flash drive. I would also be able to answer any clarifying questions related to my request.

Respectfully,



Niki Frenchko, MPA, LSW, REALTOR
Trumbull County Commissioner
330.717.6454
nikifrenchko@gmail.com

Enclosures: [3]

- Email thread, Jack Diamond & Steward President cautioning me not to speak ill of MPT, and sidelining me for speaking critically of MPT
- ATF report about Insight
- Email from anonymous concerned citizen about Insight

Niki Frenchko

From: Kasik, Sheri <Sheri.Kasik@steward.org>
Sent: Friday, September 6, 2024 2:31 PM
To: Russo, Cindy; John Demmler; tmcnaull@deltahealth.care; John Woods; John Guarnieri; Goldstein, Lawrence; Lawrence Goldstein; ecolbert@warren.org; DENNIS MALLOY; Anthony Payiavlas; Gray Goncz; Sarah Lowry; Pogacnik, Leonard R.; dfranklin@warren.org; Mauro Cantalamessa; Niki Frenchko; Denny Malloy; jtdiamond@bmdllc.com; Howe, Kimberly; Koontz, Jeffrey A.; Victoria Ferrise; Dan Pecchia; Russo, Cindy; John Demmler; John Woods; John Guarnieri; Goldstein, Lawrence; Lawrence Goldstein; ecolbert@warren.org; DENNIS MALLOY; Anthony Payiavlas; Gray Goncz; Sarah Lowry; Pogacnik, Leonard R.; dfranklin@warren.org; Mauro Cantalamessa; Niki Frenchko; Denny Malloy; jtdiamond@bmdllc.com; Howe, Kimberly; Koontz, Jeffrey A.; Victoria Ferrise; Dan Pecchia
Cc: Cherie K. Rininger; Kelli Keagy; trolfe@warren.org; 'Valerie Stevenson'; Cherie K. Rininger; Kelli Keagy; 'Valerie Stevenson'
Subject: Follow Up - TRMC Next Steps Meeting Today

On Behalf of Cindy Russo, President – Trumbull Regional Medical Center

In our meeting this morning it was referenced that MPT had expressed a desire not to include the Ohio hospitals in the agreement with Steward based on some “bad press” they were getting from this community. Denny then referenced “today’s headlines” as an example. I had not seen the news he was referring to till after the meeting. For others that have not seen it I have included the link

<https://www.wfmj.com/story/51368362/trumbull-county-commissioner-concerned-with-trust-in-steward-landlord>

As we all know this is a very volatile situation and regardless of our individual feelings about MPT they are the owners of the various properties included in the bid. Without a relationship with them that allows for continued negotiations concerning the properties our plans cannot move forward.

We collectively agreed we would represent ourselves with a unified voice and that Tom McNaull and Jack Diamond’s firm would be the spokesperson for any communications. We MUST all respect the agreement we made as there is so much at stake.

Thank you.

Sheri Kasik | Executive Assistant | Operations Coordinator
Cindy Russo – President
1350 E. Market St | Warren, Ohio 44483
Cell: 330.233.0311 | Office: 330-841-9929 | Fax: 330-841-9281 **Trumbull Regional Medical Center - A Steward Family Hospital**



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Niki Frenchko

From: Jack T. Diamond <jtdiamond@bmdllc.com>
Sent: Friday, September 6, 2024 3:49 PM
To: Kasik, Sheri
Cc: Russo, Cindy; John Demmler; tmcnaull@delahealth.care; John Woods; John Guarnieri; Goldstein, Lawrence; Lawrence Goldstein; ecolbert@warren.org; DENNIS MALLOY; Anthony Payiavlas; Gray Goncz; Sarah Lowry; Pogacnik, Leonard R.; dfranklin@warren.org; Mauro Cantalamessa; Niki Frenchko; Denny Malloy; Howe, Kimberly; Koontz, Jeffrey A.; Victoria Ferrise; Dan Pecchia; Cherie K. Rininger; Kelli Keagy; trolfe@warren.org; Valerie Stevenson
Subject: Re: Follow Up - TRMC Next Steps Meeting Today

Thanks for the reminder and we also must be careful about opening up any unintended violations of the sunshine laws regarding public records and public meetings.

I think it is important that we stick to having no more than one elected official from any government organization in any meeting or conference.

Sent from my iPhone

On Sep 6, 2024, at 2:31 PM, Kasik, Sheri <Sheri.Kasik@steward.org> wrote:

****External User****

On Behalf of Cindy Russo, President – Trumbull Regional Medical Center

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We MUST all respect the agreement we made as there is so much at stake.

Thank you.

Sheri Kasik | Executive Assistant | Operations Coordinator

Cindy Russo – President

1350 E. Market St | Warren, Ohio 44483

Cell: 330.233.0311 | Office: 330-841-9929 | Fax: 330-841-9281 **Trumbull Regional Medical Center - A**

Steward Family Hospital

<image001.png>

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