

SANTA BARBARA NEWS-PRESS

Athletic club did not have proper permit

HILDY MEDINA, NEWS-PRESS STAFF WRITER

October 14, 2005 2:00 AM

Two months after a 4-year-old boy drowned at Cathedral Oaks Athletic Club, officials from the state's Community Care Licensing Division determined that the private facility broke the law by operating without a child care license and ordered it to shut down its kids' Activity Camp.

The Goleta facility provided child care through its summer Activity Camp program for children ages 4 to 10 without having a proper license, according to a complaint investigation report dated Oct. 11.

The private club was cited for not having the license and for operating its camp without one, the state report said.

It is unknown how long the club operated children's activities without a license. The club's spokesman and attorney, John Levitt, could not be reached Thursday.

For the facility to obtain a child care license, it would have to undergo an extensive examination of its staff, finances, programs and periodic inspections of its indoor and outdoor facilities, among other requirements, according to the state's licensing regulations.

The citations do not carry penalties, but the facility could be fined \$200 a day if it reopens the camp without approval.

The lack of sanction worried the family of Jonathan Gottesman, the boy who drowned.

"If the agency doesn't have teeth to enforce the law," said Oded Gottesman, his father, "I don't see why it wouldn't do it again."

The family is pursuing legal action against the club, according to their attorney.

The club told state officials it has no children's camps open now, and a person who answered the phone at the club indicated no camps were currently operating.

The day Jonathan drowned, 13 children reportedly were enrolled in the camp, which offered art projects, outdoor sports and swimming.

The Aug. 15 drowning sent shock waves through the community. Six weeks later, another blow came when a sheriff's coroner's report revealed that the club's surveillance camera captured the image of Jonathan submerged and motionless in the pool for at least five minutes before anyone noticed, even though two lifeguards were on duty and other children swam nearby.

On the day of the drowning, at least 16 people, mostly children, were in the shallow end of the outdoor pool, including a camp counselor and two swimming instructors. Another counselor on the pool deck alerted a lifeguard.

Efforts to revive the child were unsuccessful, and he was pronounced dead a little over an hour after being pulled from the water.

It was Jonathan's first day at the camp.

"If you're going to go out there and advertise for kids as young as 4 years old, then you need to comply with whatever licensing requirements there are," said Lawrence Grassini, the attorney for the Gottesman family.

"This isn't some obtuse statute that we're saying they violated; this is common sense."

Mr. Gottesman said he assumed the Cathedral Oaks Athletic Club was licensed to run such a program because of its advertising.

"They advertised all over the place, in all the local newspapers, they mailed brochures," said Mr. Gottesman.

"The assumption is that it would be unlikely that an illegitimate business would dare advertise for years without being caught."

It was not the first time a child was pulled from the pool and given CPR.

On June 17, 2000, during a birthday pool party, then-6-year-old Rebecca Lynch was found by her twin brother floating face down and unresponsive, according to a statement provided by Sean Lynch to Mr. Grassini.

Sean, 11, said he started yelling his sister's name when he saw her floating in the water.

"I was getting a little worried, I looked over at a lifeguard, and I remember seeing her eyes, but she was looking down toward the deep end of the pool," said Sean.

"I couldn't tell if she even saw me. I went underwater and looked at Becky. Her eyes were closed and her mouth was open. She wasn't holding her nose like she always does. I came back up and I was still yelling."

The boy finally got the attention of a man who was on the deck. The man jumped in the water, pulled Rebecca out and began performing CPR.

She was revived and taken to the hospital for observation.

"This should not have happened again at the same club," said Michal Lynch, Sean and Rebecca's mother. "I think we need to seriously look at the procedures for hiring lifeguards. I don't know how those lifeguards could possibly have done that job because they didn't do it right."

Mr. Grassini said he hopes the Sheriff's Department will rethink its decision to not pursue a criminal

investigation against the club.

"This isn't just ordinary negligence. Certainly a club that has been around this long, we don't know how many years it's been operating without a license, I would think that's a criminal case," said Mr. Grassini.

"Maybe a little different training, which probably would've been required by the licensing authority, might have saved the boy's life."

The coroner's office classified the death as accidental on Aug. 16 and continues to stand by its finding, said Sgt. Erik Raney, a sheriff's spokesman.

If the Sheriff's Department finds that the club violated any criminal statute, it will "absolutely open a criminal investigation," Sgt. Raney said.

e-mail: hmedina@newspress.com

All Content Copyright © 2005 Santa Barbara News-Press / Ampersand Publishing, LLC unless otherwise specified.