



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

GRETCHEN WHITMER  
GOVERNOR

ORLENE HAWKS  
DIRECTOR

June 20, 2019

Marcia Curtiss  
Homestead Management  
Suite 115  
21800 Haggerty Rd.  
Northville, MI 48167

RE: License #:	AL410007172
Investigation #:	2019A0356029
	Whispering Woods #3

Dear Mrs. Curtiss:

Attached is the Special Investigation Report for the above referenced facility. Due to the severity of the violations, disciplinary action against your license is recommended. You will be notified in writing of the department's action and your options for resolution of this matter.

Please review the enclosed documentation for accuracy and contact me with any questions. If I am not available and you need to speak to someone immediately, please contact the local office at (616) 356-0100.

Sincerely,

Elizabeth Elliott, Licensing Consultant  
Bureau of Community and Health Systems  
Unit 13, 7th Floor  
350 Ottawa, N.W.  
Grand Rapids, MI 49503  
(616) 901-0585

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS  
SPECIAL INVESTIGATION REPORT**

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AL410007172
<b>Investigation #:</b>	2019A0356029
<b>Complaint Receipt Date:</b>	04/19/2019
<b>Investigation Initiation Date:</b>	04/19/2019
<b>Report Due Date:</b>	06/18/2019
<b>Licensee Name:</b>	Homestead Management
<b>Licensee Address:</b>	Suite 115, 21800 Haggerty Rd., Northville, MI 48167
<b>Licensee Telephone #:</b>	(616) 949-9500
<b>Administrator:</b>	Kat Hartley
<b>Licensee Designee:</b>	Marcia Curtiss
<b>Name of Facility:</b>	Whispering Woods #3
<b>Facility Address:</b>	3980 Whispering Way, SE, Grand Rapids, MI 49546-5804
<b>Facility Telephone #:</b>	(616) 949-9500
<b>Original Issuance Date:</b>	01/22/1993
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	04/25/2019
<b>Expiration Date:</b>	04/24/2021
<b>Capacity:</b>	20
<b>Program Type:</b>	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL, AGED

**II. ALLEGATION(S)**

	<b>Violation Established?</b>
The facility maintenance worker engaged in sex with Resident A in her room at the facility.	Yes
Additional Findings	Yes

**III. METHODOLOGY**

04/19/2019	Special Investigation Intake 2019A0356029
04/19/2019	Special Investigation Initiated - Telephone Bryan Kahler, APS Worker, Kent Co. DHHS.
04/19/2019	APS Referral assigned to B. Kahler, Kent Co. DHHS.
04/19/2019	Contact - Telephone call received Audra Rein, facility nurse and Kat Hartley, Administrator.
04/22/2019	Contact - Telephone call made Marcia Curtiss, Licensee Designee.
04/23/2019	Inspection Completed On-site w/B. Kahler, APS.
04/23/2019	Contact - Face to Face Audra Rein, Kat Hartley, Miranda Cockrell, Frenchelle Sanders, Resident A, Ilyamupu Simasiku.
04/23/2019	Contact - Document Sent Two new complaints are filed re: this same allegation.
04/23/2019	Contact - Face to Face Bryan Kahler states GRPD is involved and a detective has been assigned.
04/24/2019	Contact - Telephone call made Former DCW, Toccara Means calls with same complaints.
05/23/2019	Contact - Document Received Resident Docs and GRPD/police reports.

06/10/2019	Contact-Telephone call made Guillermo "Willie" Zepeda
06/12/2019	Contact—Telephone call made Relative #1
06/18/2019	Exit Conference Licensee Designee, Marcia Curtiss

**ALLEGATION: The facility maintenance worker engaged in sex with Resident A in her room at the facility.**

**INVESTIGATION:** On 04/19/2019, I received an APS (Adult Protective Service) Centralized Intake Referral. The APS referral reports at 9:00AM this morning, Resident A was assaulted by a male maintenance worker by the name of "Willie". The complainant reports Willie was caught today in Resident A's room with his zipper down and his pants unbuckled by a direct care worker (DCW) at the facility. The complainant reports Willie left the scene immediately once the DCW gained access to Resident A's room. Law enforcement has not been notified and there is no plan to have Resident A taken to the hospital. It is unknown how many times Resident A has been assaulted by Willie as this has been going on for over a month. The complainant reports Willie's supervisor Cody and a nurse named Audra have been informed about the assaults and no action has been taken to protect Resident A. This APS referral is open and active for investigation to APS Worker Bryan Kahler.

On 04/19/2019, Bryan Kahler, Kent County Department of Health and Human Services Adult Protective Services worker (DHHS-APS) contacted me with additional information. Mr. Kahler stated a second APS complaint came in from Kat Hartley, facility Administrator with the following additional information gathered by Ms. Hartley and the facility nurse Audra Rein from Resident A on 04/19/2019: *"Guillermo Zepeda, who goes by Willie, does maintenance at the facility. This morning, moaning was heard coming from (Resident A's) room. When maintenance went into her room, Willie was on top of (Resident A), their clothes were off and they were having sex. Grand Rapids PD was contacted and Willie was escorted off the property. (Resident A) reported they have been having sex since around Christmas. Willies goes into (Resident A's) room about twice a week and talks to her about sex. At first (Resident A) says "no," but eventually gives in. (Resident A) has not told anyone this was occurring because she knew it was wrong and was afraid she would get kicked out of the facility. (Resident A) also reported she is afraid of Willie but there are no reports (at the facility) of him threatening her. (Resident A) is in the process of being taken to Butterworth Hospital to be examined."*

On 04/19/2019, I interviewed Audra Rein, facility nurse and Kat Hartley, Administrator via telephone. Ms. Rein stated at approximately 9:17AM DCW Frenchelle Sanders contacted Ms. Rein and Ms. Hartley to report she heard some

suspicious noises coming from Resident A's room and asked building supervisor Miranda Cockrell to get someone from maintenance to open Resident A's door as it was locked. Ms. Rein stated Resident A's door was unlocked by maintenance person, Joe Johnson and Ms. Sanders saw maintenance worker, Guillermo "Willie" Zepeda on top of Resident A in the middle of a sex act. Ms. Rein stated Mr. Zepeda fled the scene and his whereabouts are unknown at this time. Ms. Rein stated the Grand Rapids Police, APS, Resident A's doctor, Resident A's son, Corporate, Reliance case management and Licensing have all been notified per protocol. Ms. Rein stated she had no prior knowledge that anything of this nature was going on or she would have done something about it. Ms. Rein stated Resident A has been sent to the hospital for evaluation and treatment. Ms. Hartley concurred with the information provided by Ms. Rein.

On 04/19/2019, I received and reviewed an Incident Report (IR) dated 04/19/2019 and written by Ms. Rein, signed by Ms. Hartley and documents the name of the DCW assigned to the resident as Frenchelle Sanders. The date of the incident is identified as 04/19/2019 at 9:17AM and the location of the incident was identified as "Resident's Room". The IR documents the following information: *"Resident was witnessed laying on her bed with her pants and underwear down and her blouse and bra open with a male staff member laying on top of her with his pants and underwear down. Staff immediately separated staff from resident. Staff sent home. Dr. Saleh Dyke called and notified. Resident sent to Butterworth ER for eval and treat."*

On 04/23/2019, Mr. Kahler and I conducted an inspection at the facility and met with Ms. Rein and Ms. Hartley to gather updated information. Mr. Kahler stated Resident A does not have a legal guardian through the Probate Court. Ms. Rein stated Resident A has early onset dementia and has a Power of Attorney who is Relative #1. Ms. Rein told Mr. Kahler and I about an incident that occurred between Mr. Zepeda and Resident A that resulted in Cody VanHolstyn, the maintenance supervisor, requesting that Mr. Zepeda stay out of Resident A's room. Ms. Rein stated during the fall of 2018, Resident A's dog ran away so Mr. Zepeda brought in his dog and gave it to Resident A. Ms. Rein stated when Resident A's dog re-appeared and Resident A got rid of Mr. Zepeda's dog, he became angry and went to Resident A's room to discuss it with her. Ms. Rein stated it was at that point that Mr. VanHolstyn told Mr. Zepeda to stay out of Resident A's room and that the other maintenance workers should complete any work needed in Resident A's room. Ms. Rein stated Resident A requests maintenance work to be done in her room often. Ms. Rein stated Ms. Sanders told her (Ms. Rein) that she (Ms. Sanders) notified Mr. VanHolstyn in March 2019 that Mr. Zepeda had been going into Resident A's room but that Mr. VanHolstyn never responded. Ms. Rein stated she sees Resident A everyday and she (Resident A) has never said anything about Mr. Zepeda coming to her room or engaging in sexual acts with her. Ms. Rein stated Ms. Sanders has never told her (Ms. Rein) that Mr. Zepeda was spending inordinate amounts of time in or around Resident A's room. Ms. Rein stated on 04/19/2019, initially, Resident A told Ms. Rein nothing happened between herself and Mr. Zepeda and she refused to go to the hospital. Then, Ms. Rein stated Resident A told her she and Mr. Zepeda

engaged in sexual acts on 04/19/2019 but not intercourse. Ms. Rein stated when the police came out to interview Resident A she reported the sex between Mr. Zepeda and herself was consensual but also said she told him “no, no, no.” Ms. Rein stated Resident A told the police that she performs oral sex on Mr. Zepeda and he sucks her breasts. Ms. Rein stated at the culmination of the police interview, Resident A agreed to go to the hospital for evaluation and treatment. Ms. Rein stated the police forensic team came in and gathered Resident A’s bedding. Ms. Hartley concurred with the updated information provided by Ms. Rein.

On 04/23/2019, Mr. Kahler and I interviewed Mr. VanHolstyn at the facility. Mr. VanHolstyn stated he had no prior knowledge about anything of this nature going on prior to hearing about it on Friday, 04/19/2019. Mr. VanHolstyn stated Ms. Sanders told him in December 2018 that Resident A “felt uncomfortable” around Willie but he never got a reason as to why she may have felt uncomfortable. Ms. VanHolstyn stated in December 2018, he asked Mr. Zepeda to stay out of Resident A’s room and let the other maintenance personnel attend to any of her repair requests. Mr. VanHolstyn states there is no truth to the reported information that he knew Mr. Zepeda was going to Resident A’s room for sex.

On 04/23/2019, Mr. Kahler and I interviewed Ms. Sanders at the facility. Ms. Sanders stated she’s seen Mr. Zepeda hanging around the building much more than any other maintenance person for the past several months, possibly since December 2018. Ms. Sanders stated Mr. Zepeda was “sitting up in (Resident A’s) room all the time not doing any work” and “I called Audra (Ms. Rein) and Cody (Mr. VanHolstyn) and told them.” Ms. Sanders stated Resident A told her that she was “uncomfortable” with Mr. Zepeda. Resident A never said she and Mr. Zepeda were having sex but just that she was “uncomfortable with him.” Ms. Sanders stated she reported this to Mr. VanHolstyn and Ms. Rein sometime in December 2018. Ms. Sanders stated she “overheard” Mr. Zepeda in Resident A’s room everyday for the past 1-2 months (March and April 2019). Ms. Sanders stated on 04/19/2019, she could hear kissing coming from Resident A’s room so she and the building supervisor, Miranda Cockrell listened at the door and heard Resident A moaning. Ms. Sanders summoned the maintenance person Joe Johnson and he unlocked and opened the door and “we all saw them” engaged in sex. Ms. Sanders stated Mr. Zepeda had his pants down and he was having sex with Resident A.

On 04/23/2019, Mr. Kahler and I interviewed Ms. Cockrell at the facility. Ms. Cockrell stated Friday, 04/19/2019 was the first time she ever heard about Mr. Zepeda engaging in sexual acts with Resident A. Ms. Cockrell confirmed that a sexual act was taking place between Resident A and Mr. Zepeda in Resident A’s room on 04/19/2019 and stated she witnessed the sexual act. Ms. Cockrell stated when the previous nurse (prior to Ms. Rein) Leslie Redmon was here, staff told Ms. Redmon that Mr. Zepeda was “kickin his feet up” in Resident A’s room and Ms. Redmon told Mr. Zepeda that it was “inappropriate” and not to do it anymore. Ms. Cockrell stated she thought staff told Ms. Rein and Mr. VanHolstyn about their concerns but doesn’t know that for sure.

On 04/23/2019, Mr. Kahler and I interviewed DCW Ilyamupu Simasiku at the facility. Ms. Simasiku stated she has observed Mr. Zepeda in the building more often than any other maintenance worker walking around and he is always fixing something in Resident A's room. Ms. Simasiku reported she heard Ms. Sanders tell Mr. VanHolstyn approximately one month ago to keep Mr. Zepeda out of this building because he sits in Resident A's room all the time. Ms. Simasiku stated Resident A has never complained to her about Mr. Zepeda or said anything about what he does while in her room.

On 04/23/2019, Mr. Kahler and I interviewed Resident A in her room at the facility. Resident A stated she engaged in sexual intercourse with Mr. Zepeda approximately 5 times but is not sure how long this has been going on. Resident A stated whenever she told Mr. Zepeda "no" he would not engage in any sexual activity with her. Resident A stated she has never told anyone about she and Mr. Zepeda's relationship prior to this past Friday. Resident A stated she was never forced into doing anything sexual with Mr. Zepeda and the sexual activity she did engage in was consensual. Resident A stated Ms. Sanders kept trying to "get me to tell" but "it's over with and I don't want the police contacted." Resident A confirmed that she went to the hospital for evaluation and treatment.

On 04/24/2019, I interviewed DCW Toccara Means via telephone. Ms. Means stated Resident A said things to her beginning in November 2018 such as "that man, that man, I don't like that man in my room, I don't want that man in my room" but, Ms. Means stated she never reported this information to Ms. Rein, Ms. Hartley or Mr. VanHolstyn because "I didn't know, who 'that man' was and thought it was part of her dementia and not reality.

On 05/23/2019, I received and reviewed the Grand Rapids Police Report dated 04/19/2019, 10:44 hrs., Reporting Officer Chase Ungrey. The police report documents the following information: *'Frenchelle could hear (Resident A) and Willie "making out" and "laughing." Frenchelle and Miranda advised that this was not the first time they have seen Willie go into (Resident A's) apartment alone. Frenchelle stated that she and Miranda had Joe Johnson come unlock the door. Frenchelle advised that she was the first in the door and could see both Willie and (Resident A) laying side by side on the bed with their pants and underwear off. Frenchelle and Miranda then kicked Willie out of the apartment and off the property.'* Ofc. Ungrey then interviewed Resident A and documented the following information: *'Upon arrival, I met with (Resident A) who has dementia. I asked (Resident A) if she could explain what happened today between her and Willie Zepeda. (Resident A) stated that she does not always "like it" not "wants to do it" but stated that "it" happened today. I clarified with (Resident A) that her stating "it" meant intercourse and she advised that was what she meant. (Resident A) explained that she does not always like having intercourse but today she wanted to have intercourse. I asked (Resident A) if she consented to having intercourse today and she advised that she did. I asked (Resident A) multiple times if she was "okay" with having intercourse today*

*with Willie and she advised that she was. (Resident A) reiterated that she does not always like to have intercourse but today she wanted to. (Resident A) advised that she allowed Willie to penetrate her. After further speaking to (Resident A), she advised that Willie has her perform oral sex but that Willie did not penetrate her vagina. It should be noted that according to Frenchelle, (Resident A) has told her that she “gets him off and he gets her off.” (Resident A) was unable to clarify what she meant by Willie “getting her off” and visa versa. (Resident A) explained that this act of intercourse occurred on the bed side. (Resident A) was transported by EMS to Butterworth Hospital to be examined.’ Ofc. Ungrey documented: ‘Given the circumstances of consent and (Resident A’s) dementia, I contacted Sgt. Baragas, IBO (Forensic Technicians) was contacted to examine the bed as well as (Resident A’s) clothing she was wearing at the time. I stayed on scene and assisted IBO.’ A follow up report was completed on 04/22/2019 by Reporting Officer, Gregory Hillary and documents the following: ‘I changed from CSC to Sex Offense other (could also be non-crime report). I do read this report as an actual crime given the consent. However, if family or guardian ask for additional investigation the case can be assigned. It does not appear given victim statement that she is unable to make decision to have consensual sex.’*

On 06/10/2019, I interviewed Mr. Zepeda via telephone. Mr. Zepeda acknowledged working at the facility and completing repairs in Resident A’s room. Mr. Zepeda stated Resident A always asked for things to be fixed/repared in her room so not only did he complete maintenance tasks in her room but so did the other maintenance workers. Mr. Zepeda stated Mr. VanHolstyn never told him (Mr. Zepeda) to stay out of Resident A’s room. Mr. Zepeda denied ever having sex with Resident A and stated he did not do any of the things reported.

On 06/18/2019, I conducted an Exit Conference with Marcia Curtiss, Licensee Designee via telephone. Ms. Curtiss acknowledged the established rule violation and stated she will submit an acceptable corrective action plan including all the steps taken since this incident occurred to ensure resident safety and compliance with this rule. Ms. Curtiss stated she will contact the facility attorney for preparation of this recommendation.

<b>APPLICABLE RULE</b>	
<b>R 400.15305</b>	<b>Resident protection.</b>
	(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.
<b>ANALYSIS:</b>	The complainant reports Mr. Zepeda was caught in Resident A’s room with his zipper down and his pants unbuckled by a direct care worker (DCW) at the facility. The complainant reports Ms.

Rein and Mr. VanHolstyn knew about assaults on Resident A and did nothing to protect her.

Ms. Rein and Ms. Hartley stated that on 04/19/2019, Mr. Zepeda was caught with Resident A in a sex act in Resident A's room. Ms. Rein and Ms. Hartley denied knowing anything about a sexual relationship between Resident A and Mr. Zepeda prior to 04/19/2019.

Ms. VanHolstyn stated he asked Mr. Zepeda to stay out of Resident A's room in December 2018 because he was told by staff that Resident A was uncomfortable with Mr. Zepeda. Mr. VanHolstyn stated he had no prior knowledge of Mr. Zepeda having a sexual relationship with Resident A.

Ms. Sanders and Ms. Cockrell stated on 04/19/2019, they witnessed Mr. Zepeda engaged in a sexual act with Resident A in her room at the facility.

Ms. Simasiku stated Resident A has never complained to her about Mr. Zepeda or said anything about what he does while in her room. Ms. Simasiku acknowledged she has noticed Mr. Zepeda spending a lot of time in this building.

Ms. Means stated that prior to the 04/19/2019 incident Resident A had complained to her and other staff that she didn't want "that man" in her room. Ms. Means stated she did not report this to anyone because she did not know who "that man" was and thought the claim was a result of Resident A's dementia.

Resident A confirmed she engaged in sexual intercourse with Mr. Zepeda but is not sure how long this has been going on. Resident A stated she did not tell anyone about she and Mr. Zepeda's relationship prior to 04/19/2019.

Officer Chase Ungrey's report documents that Resident A reported to him on 04/19/2019 that she and Mr. Zepeda had sex on 04/19/2019 and also described another sexual encounter with him. Resident A reported to Ofc. Ungrey the sex was consensual.

Mr. Zepeda denied having sex with Resident A and stated none of the reported incidents occurred.

Based on investigative findings, there is sufficient evidence to support a rule violation that Resident A was not properly

	protected on 04/19/2019 when Mr. Zepeda engaged in a sexual act with Resident A in Resident A's room at the facility. Therefore; a violation of this applicable rule is established.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

### ADDITIONAL FINDINGS

**INVESTIGATION:** On 04/22/2019, I interviewed Licensee Designee Marcia Curtiss via telephone. Ms. Curtiss stated Mr. Zepeda's hire date was May 2018 and after this incident, a full review of all staff background checks was conducted. Ms. Curtiss reported it was discovered that upon hiring Mr. Zepeda in May 2018 his fingerprints were not completed, and no background check was done.

On 06/18/2019, I conducted an Exit Conference with Marcia Curtiss, Licensee Designee via telephone. Ms. Curtiss acknowledges the established rule violation and states she will submit an acceptable corrective action plan including all the steps taken since this incident to ensure compliance with this rule. Ms. Curtiss states she will contact the facility attorney for preparation of this recommendation.

<b>400.734(b)</b>	<p><b>This amended section is effective January 9, 2009 except Section 734b(1)(e)(iv) after the word "or" which will not be effective until October 31, 2010</b></p> <p><b>Employing or contracting with certain employees providing direct services to residents; prohibitions; criminal history check; exemptions; written consent and identification; conditional employment; use of criminal history record information; disclosure; failure to conduct criminal history check; automated fingerprint identification system database; report to legislature; costs; definitions.</b></p>
	<p>(2) Except as otherwise provided in subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents after April 1, 2006 until the adult foster care facility conducts a criminal history check in compliance with subsections (4) and (5). This subsection and subsection (1) do not apply to an individual who is employed by or under contract to an adult foster care facility before April 1, 2006. Beginning April 1, 2009, an individual who is exempt under this subsection shall provide the department of state police a set of fingerprints and the department of state police shall input those fingerprints into the automated fingerprint identification</p>

	<p>system database established under subsection (12). An individual who is exempt under this subsection is not limited to working within the adult foster care facility with which he or she is employed by or under independent contract with on April 1, 2006. That individual may transfer to another adult foster care facility that is under the same ownership with which he or she was employed or under contract. If that individual wishes to transfer to an adult foster care facility that is not under the same ownership, he or she may do so provided that a criminal history check is conducted by the new facility in accordance with subsection (4). If an individual who is exempt under this subsection is subsequently convicted of a crime or offense described under subsection (1)(a) to (g) or found to be the subject of a substantiated finding described under subsection (1)(i) or an order or disposition described under subsection (1)(h), or is found to have been convicted of a relevant crime described under subsection (1)(a), he or she is no longer exempt and shall be terminated from employment or denied employment.</p>
<b>ANALYSIS:</b>	<p>A review of Mr. Zepeda's records by facility staff shows that a background check was never completed by the licensee for Mr. Zepeda (hire date of May 2018). The failure to complete a criminal background check for Mr. Zepeda was confirmed by Licensee Designee, Marcia Curtiss.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**IV. RECOMMENDATION**

Upon receipt of an acceptable corrective action plan, I recommend the revocation of this license.

*Elizabeth Elliott*

06/18/2019

Elizabeth Elliott, Licensing Consultant      Date

Approved By:

*Jerry Hendrick*

06/18/2019

Jerry Hendrick, Area Manager      Date

