



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

December 12, 2022

Nicholas Burnett  
Flatrock Manor, Inc.  
2360 Stonebridge Drive  
Flint, MI 48532

RE: License #: AL250388516  
Investigation #: 2023A0569007  
Burton West

Dear Mr. Burnett:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available, and you need to speak to someone immediately, please contact the local office at (517) 643-7960.

Sincerely,

A handwritten signature in blue ink that reads "Kent W. Gieselman". The signature is written in a cursive style with a long horizontal flourish at the end.

Kent W Gieselman, Licensing Consultant  
Bureau of Community and Health Systems  
611 W. Ottawa Street  
P.O. Box 30664  
Lansing, MI 48909  
(810) 931-1092

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AL250388516
<b>Investigation #:</b>	2023A0569007
<b>Complaint Receipt Date:</b>	10/21/2022
<b>Investigation Initiation Date:</b>	10/24/2022
<b>Report Due Date:</b>	12/20/2022
<b>Licensee Name:</b>	Flatrock Manor, Inc.
<b>Licensee Address:</b>	7012 River Road Flushing, MI 48433
<b>Licensee Telephone #:</b>	(810) 964-1430
<b>Administrator:</b>	Morgan Yarkosky
<b>Licensee Designee:</b>	Nicholas Burnett
<b>Name of Facility:</b>	Burton West
<b>Facility Address:</b>	1345 Connell St. Burton, MI 48529
<b>Facility Telephone #:</b>	(810) 877-6932
<b>Original Issuance Date:</b>	06/28/2018
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	12/24/2020
<b>Expiration Date:</b>	12/23/2022
<b>Capacity:</b>	15
<b>Program Type:</b>	DEVELOPMENTALLY DISABLED MENTALLY ILL

**II. ALLEGATION(S)**

	<b>Violation Established?</b>
<b>On 10/17/22 Robert Weatherspoon, staff person, physically assaulted Resident A.</b>	Yes

**III. METHODOLOGY**

10/21/2022	Special Investigation Intake 2023A0569007
10/21/2022	APS Referral Complaint received from APS.
10/24/2022	Special Investigation Initiated - Letter Email to ORR.
10/26/2022	Inspection Completed On-site
11/28/2022	Contact - Telephone call made Attempted contact with Robert Weatherspoon, staff person.
11/30/2022	Contact - Document Received Police report received.
12/07/2022	Contact - Telephone call made Attempted contact with Robert Weatherspoon. Left voicemail requesting return phone call.
12/07/2022	Contact - Telephone call received Contact with Robert Weatherspoon.
12/07/2022	Contact - Telephone call made Attempted contact with Tarion Mosley, staff person. Left voicemail to return phone call.
12/12/2022	Contact - Telephone call made Attempted contact with Tarion Mosley, staff person. Left voicemail to return phone call.
12/12/2022	Exit conference Exit conference with Nick Burnett, licensee designee, and Morgan Yarkosky, administrator.

## **ALLEGATION:**

**On 10/17/22 Robert Weatherspoon, staff person, physically assaulted Resident A.**

## **INVESTIGATION:**

This complaint was received from the adult protective services central intake department. The complainant reported that Resident A received medical treatment on 10/17/22 following an incident at this facility. The complainant reported that Robert Weatherspoon, staff person, physically assaulted Resident A by “body slamming” Resident A, and then choking Resident A. The complainant reported that Resident A also had cut himself with glass.

An incident report (IR) was submitted to the department on 10/17/22. The IR was completed by Tarion Mosley, staff person and “shift lead”. The IR documents that Resident A became upset when he could not do his laundry, so he went into the laundry room and took clothes out of the washing machine and dryer and threw them around the laundry room. The IR documents that Mr. Weatherspoon then asked Resident A to help him pick the clothing up. The IR documents that Resident A then became agitated and asked Mr. Weatherspoon to talk to Resident A in his bedroom. The IR documents that Mr. Weatherspoon then went to Resident A’s bedroom, and then “ran past” Mr. Mosley and “ran into the kitchen”. The IR documents that breaking glass was heard from Resident A’s bedroom, and Resident A came out of his bedroom with a piece of glass. The IR documents that Resident A had broken a pickle jar that he had in his room and was using a piece of glass to cause “superficial cuts” to his left arm. The IR documents that Mr. Mosley continued to verbally redirect Resident A to calm him down. The IR documents that police were then called to the facility. The IR documents that Resident A then dropped the glass from his hand and the police arrived. The IR documents that Resident A had stated to the police that he had asked Mr. Weatherspoon to talk to him in his bedroom, and once they were in Resident A’s bedroom, Resident A spit at Mr. Weatherspoon and punched Mr. Weatherspoon in his nose. Resident A stated that Mr. Weatherspoon then punched Resident A in Resident A’s head, grabbed Resident A’s shirt and “body slammed” Resident A to the floor, then started choking Resident A. The IR documents that the police determined, based on the injuries observed on Resident A, that Resident A needed to be transported to the hospital for treatment. The IR documents that Mr. Weatherspoon was then placed under arrest and transported to the Genesee County jail. The IR documents that the corrective measures taken by staff were to use verbal redirection and to contact the police for assistance. The IRs also documents that staff will continue to follow Resident A’s plan of service to ensure Resident A’s safety.

A police report was received from the city of Burton Police Department on November 30th, 2022. The police report was completed by officer Robert Fitzpatrick. Ofc. Fitzpatrick stated in the report that he was dispatched to this facility in reference to a complaint of physical assault. Ofc. Fitzpatrick stated that he interviewed Resident A,

and that Resident A gave the following statement: “[Resident A] stated he and the staff member Robert Weatherspoon got into an argument over laundry. [Resident A] stated that the argument continued, and they went to his room. [Resident A] stated while they were in his room, he spat in Weatherspoon’s face. [Resident A] stated Weatherspoon punched him in the left side of his face with a closed fist. [Resident A] stated he punched Weatherspoon in the face. [Resident A] stated that racial slurs were being exchanged between the two. Weatherspoon body-slammed [Resident A] into the ground. Weatherspoon grabbed a hold of [Resident A]'s neck and squeezed tight. [Resident A] stated that he was unable to breathe, and was trying to tap out, but Weatherspoon kept his grip. [Resident A] said that Weatherspoon stated, "wait till I get on the third shift you're a dead white boy" then released the grip from his neck. [Resident A] stated he was in fear for his life and thought that he was going to die. [Resident A] stated that he grabbed a pickle jar and smashed it. [Resident A] picked up a shard of glass and began to cut his left arm. [Resident A] said he has been getting abused there and nobody would listen to him, so what is the sense of living? [Resident A] also stated if he had to come back to the facility that he would slice his throat”.

Ofc. Fitzpatrick stated in his report that he then interviewed Mr. Weatherspoon. Ofc. Fitzpatrick stated that Mr. Weatherspoon stated the following: “Weatherspoon stated that they did get into an argument over laundry. Weatherspoon stated that he was trying to redirect [Resident A] and his attitude. Weatherspoon said that is when [Resident A] spat in his face, then punched him in his nose. Officer Fitzpatrick observed that Weatherspoon’s nose ring was bleeding. Weatherspoon stated he left the room. Officer Fitzpatrick asked Weatherspoon if there was anything else that happened in the room and he replied no. Weatherspoon stated that other staff witnessed what happened. Officer Fitzpatrick walked out into the foyer where other staff members were. All other staff members stated they did not see the altercation”. Ofc. Fitzpatrick stated in the report that “Officer Fitzpatrick observed a very small cut above the left eye on [Resident A]. [Resident A]'s glasses were broken and had been taped back together. Officer Fitzpatrick observed red blotches and a scratch on [Resident A]'s neck. Officer Fitzpatrick observed reddening of the eyes. [Resident A] stated his throat did hurt as well as his neck and he felt dizzy. [Resident A] also stated his back was hurting from when he was body slammed. Officer Fitzpatrick observed a little bit of blood around Weatherspoon's nose ring. Weatherspoon was taken into custody with handcuffs, double locked and tension checked. Weatherspoon was walked out to car 7 where he was searched for weapons, and none were found. Weatherspoon was placed in the passenger side backseat with cameras on. Officer Fitzpatrick read Weatherspoon his rights and asked if he understood them. Weatherspoon stated he did understand his rights and was invoking his right now to speak. Weatherspoon was advised he was under arrest for aggravated assault strangulation and a warrant. Officer Birchmeier transported Weatherspoon to the Genesee County Jail where he was lodged on his charges of aggravated assault strangulation and his warrant. Officer Fitzpatrick transported [Resident A] to Hurley Medical Center. During triage, [Resident A] was having difficulty breathing and his lips were turning blue. [Resident A's] SPO2 was at 86% on room air. [Resident A] was given oxygen with no change. [Resident A] stated he

was having extreme difficulty breathing and tightness in the chest. [Resident A] was evaluated and the cause for the trouble breathing was COPD exacerbation”.

An unannounced inspection of this facility was conducted on 10/26/22. Resident A was alert and oriented to person, place, and time. Resident A was appropriately dressed and groomed with no visible injuries. Resident A stated that he has “anger issues” and needs to work on his issues, but what Mr. Weatherspoon did during this incident “wasn’t right”. Resident A stated that he had been waiting to do his laundry, and other residents kept getting their laundry done ahead of him. Resident A stated that he became upset, so he went into the laundry room, took the clothes out of the dryer, and threw them on the floor. Resident A stated that Mr. Weatherspoon became upset with Resident A, but Resident A stated that he did not remember what Mr. Weatherspoon was saying to him. Resident A stated that he told Mr. Weatherspoon that he wanted to talk to Mr. Weatherspoon in his bedroom and Mr. Weatherspoon followed Resident A to his bedroom. Resident A admitted that he did spit at Mr. Weatherspoon and called Mr. Weatherspoon some racial slurs. Resident A stated that Mr. Weatherspoon then punched Resident A in the side of Resident A’s head with a closed fist. Resident A stated that Mr. Weatherspoon then “body slammed” Resident A to the floor. Resident A stated that Mr. Weatherspoon then got on top of Resident A and started choking Resident A. Resident A stated that Mr. Weatherspoon then got off Resident A and left his bedroom. Resident A stated that no other staff or residents observed the incident in his bedroom. Resident A stated that he was so upset after Mr. Weatherspoon left his bedroom, that he grabbed a pickle jar that he had on his dresser and smashed it on the floor. Resident A stated that he then got a piece of the glass and cut his arm with the glass. Resident A stated that he was taken to the hospital after the police arrived at the facility for treatment. Resident A stated that he has not had any problems with any of the other staff in this facility and that “they are all pretty cool”. Resident A stated that Mr. Weatherspoon has not returned to the facility since this incident occurred, and Resident A believes that Mr. Weatherspoon was terminated.

Mr. Weatherspoon stated on 12/7/22 that he was working on helping another resident with his laundry on the day of this incident. Mr. Weatherspoon stated that he was sitting on a living room couch with another resident when he observed Resident A go into the laundry room. Mr. Weatherspoon stated that after Resident A left the laundry room, he went into the living room and found all the clothing in the washer and dryer had been removed and thrown on the floor. Mr. Weatherspoon stated that he calmly told Resident A that he needed to pick the clothing back up, but that Mr. Weatherspoon would help Resident A. Mr. Weatherspoon stated that he then reported the incident to Mr. Mosley and went to the laundry room to help Resident A. Mr. Weatherspoon stated that Resident A then asked Mr. Weatherspoon to go to his bedroom to talk to him. Mr. Weatherspoon stated that this is normal for Resident A to want to speak to staff in his bedroom so other residents couldn’t listen to the conversation and Resident A was not acting agitated in any way, so he went to Resident A’s bedroom. Mr. Weatherspoon stated that as soon as he entered Resident A’s bedroom, Resident A took his shirt off and spit at Mr. Weatherspoon. Mr. Weatherspoon stated that Resident A then punched him in his nose, causing Mr. Weatherspoon’s nose ring to bleed. Mr. Weatherspoon

stated that he tried verbally redirecting Resident A to deescalate him, but Resident A keep trying to hit Mr. Weatherspoon and started calling Mr. Weatherspoon racial slurs. Mr. Weatherspoon stated that he the used the CPI (physical management techniques) he was trained to use, and he grabbed Resident A by his arms to hold his arms down. Mr. Weatherspoon stated that Resident A was still struggling, so they lost their balance and fell to the floor. Mr. Weatherspoon stated that he immediately got up off Resident A and went to the kitchen to get away from Resident A in hopes that Resident A would calm down. Mr. Weatherspoon stated that when he left Resident A's bedroom, Resident A had broken a pickle jar and used a piece of the glass to cut his arm. Mr. Weatherspoon stated that he stayed in the kitchen until police arrived. Mr. Weatherspoon stated that he never body slammed Resident A and that he did not choke Resident A. Mr. Weatherspoon stated that he had only worked at this facility for a month and loved working with the residents. Mr. Weatherspoon stated that he entered the health care field to help others and make a difference and he would never hurt a resident. Mr. Weatherspoon stated that the assault charge is still pending, and that he must go to court for the charge this month.

<b>APPLICABLE RULE</b>	
<b>R 400.15308</b>	<b>Resident behavior interventions prohibitions.</b>
	<b>(1) A licensee shall not mistreat a resident and shall not permit the administrator, direct care staff, employees, volunteers who are under the direction of the licensee, visitors, or other occupants of the home to mistreat a resident. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm or the deliberate infliction of pain by any means.</b>
<b>ANALYSIS:</b>	Resident A stated that Mr. Weatherspoon punched Resident A in the side of Resident A's head and then "body slammed" Resident A to the floor on 10/17/22 following an incident in the laundry room of this facility. Resident A stated that Mr. Weatherspoon then started choking Resident A when he was on the floor. Mr. Weatherspoon stated that they fell while he was trying to physically manage Resident A because Resident A had physically attacked him by spitting at Mr. Weatherspoon and punching Mr. Weatherspoon in the nose. Resident A admitted to spitting at Mr. Weatherspoon and calling Mr. Weatherspoon racial slurs. The police report documents that Ofc. Fitzpatrick observed Resident A with a cut over his eye, broken glasses, and red marks on his neck indicating that Resident A's



	statement was credible. Ofc. Fitzpatrick then arrested Mr. Weatherspoon and a charge of physical assault is still pending. Resident A's statement has been consistent as documented in the IR, police report, and when interviewed on 10/26/22. Based on the documentation reviewed, observations made, and statements given, it is determined that there has been a violation of this rule.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

An exit conference was conducted with Nick Burnett, licensee designee, and Morgan Yarkosky, administrator, on 12/12/22. The findings in this report were reviewed.

#### IV. RECOMMENDATION

I recommend that the status of this license remain unchanged with the receipt of an acceptable corrective action plan.



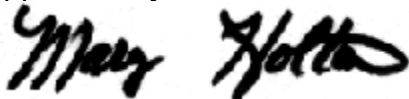
12/12/22

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Kent W Gieselman  
Licensing Consultant

Date

Approved By:



12/12/22

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Mary E. Holton  
Area Manager

Date