



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

November 15, 2024

Monica Flagg
Elite Alternatives, Inc.
3330 Primary Rd.
Auburn Hills, MI 48326

RE: License #: AS630012584
Investigation #: 2024A0612040
Gilsam Group Home

Dear Ms. Flagg:

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 (248) 975-5053.

Sincerely,

A handwritten signature in cursive script that reads "Johnna Cade".

Johnna Cade, Licensing Consultant
Bureau of Community and Health Systems
Cadillac Place
3026 W. Grand Blvd. Ste 9-100
Detroit, MI 48202
Phone: 248-302-2409

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS630012584
Investigation #:	2024A0612040
Complaint Receipt Date:	09/25/2024
Investigation Initiation Date:	09/25/2024
Report Due Date:	11/24/2024
Licensee Name:	Elite Alternatives, Inc.
Licensee Address:	3330 Primary Rd Auburn Hills, MI 48326
Licensee Telephone #:	(248) 852-2065
Administrator:	Monica Flagg
Licensee Designee:	Monica Flagg
Name of Facility:	Gilsam Group Home
Facility Address:	1896 Gilsam Rochester Hills, MI 48309
Facility Telephone #:	(248) 852-1367
Original Issuance Date:	01/15/1998
License Status:	REGULAR
Effective Date:	08/25/2024
Expiration Date:	08/24/2026
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
Resident A is having a sexual relationship with direct care staff Eric Brooks II.	Yes
Additional Findings	Yes

III. METHODOLOGY

09/25/2024	Special Investigation Intake 2024A0612040
09/25/2024	Special Investigation Initiated - Letter I made a referral to Oakland Community Health Network – Office of Recipient Rights via email.
09/25/2024	APS Referral Referral received from Adult Protective Services (APS). APS denied the referral for investigation.
10/01/2024	Inspection Completed On-site I completed an unscheduled onsite investigation. I interviewed home manager Terri Speed.
10/02/2024	Contact - Telephone call made Telephone interviews completed with Resident A's Power of Attorney and Rochester Hills Deputy C. Corey.
10/02/2024	Contact - Telephone call made Telephone call placed to direct care staff Victoria Wysinger and Lauren Miles. There was no answer. left voicemail requesting a return call.
10/02/2024	Contact - Telephone call made Telephone interviews completed with direct care staff Victoria Wysinger, Lauren Miles, and Maria Thornton.
10/08/2024	Contact - Telephone call made Telephone interview completed with direct care Eric Brooks II.

10/08/2024	Contact - Document Received I received a copy of the Gilsam staff schedule via text message.
10/09/2024	Contact - Telephone call made Telephone interview completed with Rochester Hills Police Detective A. Duffey.
10/11/2024	Contact - Document Received Email received from Recipient Rights Specialist Rishon Kimble and APS worker Carmen Smith.
11/07/2024	Contact - Telephone call made Telephone interview completed with Dr. Khalifa.
11/07/2024	Contact - Document Received Dr. Khalifa appointment record.
11/07/2024	Exit Conference I placed a telephone call to license designee, Monica Flagg to conduct an exit conference.

ALLEGATION:

Resident A is having a sexual relationship with direct care staff Eric Brooks II.

INVESTIGATION:

On 09/25/24, I received a referral from Adult Protective Services (APS). The referral indicated that APS denied the case and did not assign it for investigation. The referral indicated Resident A resides at Gilsam Group Home. Resident A is diagnosis with cerebral palsy. Resident A is having sex with direct care staff Eric Brooks II. It started on her birthday, they are in love, and in a relationship. Mr. Brooks is off the schedule pending an investigation. Resident A told direct care staff Lauren Miles that she was bleeding after sex which is why it is believed there was penetration. Resident A has never had sex before. Resident A was asked if she was forced, she said no. Resident A is alert and oriented, she does not have a guardian.

On 09/25/24, I initiated my investigation by making a referral to Oakland Community Health Network – Office of Recipient Rights via email. The allegation will be investigated by Recipient Rights Specialist Rishon Kimble. On 09/26/24, I received written notification that the investigation was opened by APS and the assigned APS worker is Carmen Smith.

On 10/01/24, I completed an unscheduled onsite investigation. I interviewed home manager Terri Speed. There were no direct care staff and/or residents home at the time of my onsite investigation.

On 10/01/24, I interviewed home manager Terri Speed. Ms. Speed stated at 6:15 am she received a text message from direct care staff Lauren Miles asking her if she was coming into work. Ms. Speed called Ms. Miles, Ms. Miles reported that Resident A disclosed to her that she had sexual intercourse with direct care staff Eric Brooks three times. Most recently Resident A had sexual intercourse with Mr. Brooks on her birthday, September 9th. Resident A told Ms. Miles that she was bleeding after she had sex, and she was worried that Ms. Speed would notice when she changed her adult brief the next morning. Ms. Speed stated she worked the morning shift on 09/10/24 and provided personal care to Resident A that morning. Resident A had just ended her menstrual cycle two weeks prior. While changing Resident A's adult brief Ms. Speed observed that she had vaginal bleeding which is uncommon for her if she is not on her menstrual cycle. Ms. Speed asked Resident A why she was bleeding, but she did not respond. Ms. Speed stated after she spoke to Ms. Miles and learned about this allegation, she went to talk to Resident A. Resident A was in the van being transported to workshop. Ms. Speed met up with Resident A at New Horizons Workshop where she was with staff dropping off her housemates. Ms. Speed spoke to Resident A alone in the van. Resident A said the allegation is true, she had sexual intercourse with Mr. Brooks. Ms. Speed stated Resident A does not have a good concept of time, but she said that she had sex with Mr. Brooks on her birthday, September 9th. Ms. Speed stated on 09/09/24, Mr. Brooks worked from 3:00 pm -11:00 pm. Then, he worked 11:00 pm – 7:00 am on 9/10/24 with Victoria Wysinger. Ms. Speed stated Resident A told her that Mr. Brooks came into her room at night and told her that he wanted to have sexual intercourse with her. Resident A said yes. Mr. Brooks told Resident A not to tell anyone. Ms. Speed stated she recalls giving Resident A a bed bath four or five days ago and her body which is typically very tight and contracted was not very contracted at all. Ms. Speed explained, it is usually very difficult to wash Resident A's genitals, but on this day, Resident A was not very contracted making it easy for her to be bathed.

Ms. Speed stated Mr. Brooks was suspended pending an investigation. She called his telephone to notify him however, she was unable to get through it was as if her call was blocked. Mr. Brooks was scheduled to work at another home within the providers' network. Ms. Speed called that home and told the home manager when Mr. Brooks arrives for his scheduled shift to not allow him to work. When Mr. Brooks arrived for his shift, he was advised that there was a pending investigation. Mr. Brooks called licensee designee, Monica Flagg then he called Ms. Speed and asked why he could not work. Ms. Speed informed Mr. Brooks of the allegation. Mr. Brooks denied the allegation. Ms. Speed stated she asked Mr. Brooks why he thinks Resident A would say she had sex with him if it were not true. Mr. Brooks remarked, "the same way she be running around saying we are going to get married." Ms. Speed stated she has never heard Resident A say she was going to marry Mr. Brooks. Ms. Speed stated Resident A and Mr. Brooks

call each other best friends but she has never observed them behaving in a romantic and/or sexual manner. Ms. Speed stated she noticed that Resident A had been wearing silver hoop earrings. Resident A does not usually wear earrings. She asked Resident A where she got the earrings and Resident A said Mr. Brooks gave them to her for her birthday. Mr. Brooks also gave Resident A a birthday card that was romantic in nature. Ms. Speed stated she has always had concerns about Mr. Brooks. Ms. Speed described him as "weird." Ms. Speed stated this is not the first investigation that Mr. Brooks has been involved in. Mr. Brooks was investigated regarding alleged abuse against a different resident. The investigation was not substantiated.

Ms. Speed stated she spoke to direct care staff Maria Thornton regarding the allegation. Ms. Thornton reported that she spoke to Resident A and Resident A told her that she had sex with Mr. Brooks. Resident A said they had anal sex twice. Resident A explained to Ms. Thornton that Mr. Brooks washed her genitals then he positioned her at the edge of the bed allowing him to have sex with her. Ms. Speed stated since Resident A made this allegation her mother and other family members have been calling the house. They are upset. Ms. Speed stated it was reported to her that Mr. Brooks has also had sexual intercourse with Resident A's mother. She has no additional information regarding their relationship.

On 10/02/24, in collaboration with APS worker Carmen Smith I interviewed Resident A's Power of Attorney (POA). Resident A's POA stated Resident A told her that she has been having sexual intercourse with Mr. Brooks. Resident A's POA stated she does not know Mr. Brooks outside of his employment with Resident A. Mr. Brooks has brought Resident A to family events. Sometimes when he stays at the events with Resident A he will eat if there is food. Resident A's POA denied that she has a personal relationship with Mr. Brooks. Resident A's POA stated Mr. Brooks has worked at Resident A's home for four to five years. Resident A's POA is unsure if this has been going on since Mr. Brooks started his employment or if it just happened recently.

Resident A's POA stated she asked Resident A if this really happened and Resident A said no, it did not. Resident A's POA stated she told Resident A that she was going to get Mr. Brooks in trouble by making this allegation. Since then, Resident A has stopped taking her phone calls. Resident A's POA stated maybe Resident A lied because she is infatuated with Mr. Brooks. Resident A's POA further stated she believes that her aunt initiated this complaint because she visited Resident A and Resident A told her aunt that she had sex with Mr. Brooks. Resident A's POA stated her aunt also told the detective that she (Resident A's POA) is in a sexual relationship with Mr. Brooks, which is false. Resident A's POA stated Resident A and Mr. Brooks call each other best friends. Resident A has a fantasy about being with Mr. Brooks she wants to marry him and have a baby. Resident A's POA stated she does not believe that this actually happened. Resident A's POA stated when Resident A was in the hospital recently, she had a medical exam which indicated that she was still a virgin. Resident A is going to be taken to the gynecologist to have an exam to determine if she is still a virgin. Resident A's

POA remarked Resident A is a quadriplegic and her body is very tight therefore, she does not think Mr. Brooks had sexual intercourse with Resident A.

On 10/02/24, in collaboration with APS worker Carmen Smith I placed a telephone call to Rochester Hills Deputy, C. Corey. Deputy C. Corey stated this case was transferred to the detective division. Currently, he is unaware of who the assigned detective is. On 10/08/24, APS worker Carmen Smith received notification that the assigned detective is A. Duffey.

On 10/02/24, in collaboration with APS worker Carmen Smith I interviewed direct care staff Victoria Wysinger. On 09/09/24, Ms. Wysinger worked with Mr. Brooks on the midnight shift from 11:00 pm – 7:00 am. Ms. Wysinger stated between 12:30 am – 1:00 am she went outside to smoke a cigarette in her car then she drove to the gas station. When she returned to the house the front door was locked, which is uncommon. Ms. Wysinger stated she knocked on the door and called Mr. Brooks, but he did not answer. Ms. Wysinger stated she remained outside in her car until 5:00 am, when she knocked on the door again and Mr. Brooks opened it. Ms. Wysinger stated when she entered the house it was dark inside. She assumed Mr. Brooks had been asleep, but he appeared to be up, awake, and alert. Ms. Wysinger stated Resident A was awake, she said that she was tired because she had a long birthday. Ms. Wysinger stated Mr. Brooks completed Resident A's morning care. He dressed her, changed her adult brief, and transferred her from her bed into her wheelchair. Ms. Wysinger stated nothing seemed odd or unusual between Resident A and Mr. Brooks Resident A seemed happy. Ms. Wysinger stated Resident A and Mr. Brooks call each other best friends. Resident A has a crush on Mr. Brooks she says that she loves him and that they are going to get married. Ms. Wysinger stated Resident A is a good source of information, she believes the allegation to be true and stated if Resident A thought reporting the allegation would get Mr. Brooks into trouble, she believes Resident A would change her story and deny that it happened.

On 10/02/24, I interviewed direct care staff Lauren Miles via telephone. Ms. Miles stated on 09/23/24, she worked 4:00 pm – 11:00 pm with direct care staff Maria Thornton. While on shift, Resident A told her that she was tired because she did not go to bed until 3:00 am because she was awake having sexual intercourse with Mr. Brooks. Resident A further stated that she has had sexual intercourse with Mr. Brooks more than once. This occurred at the group home. Ms. Miles stated she asked Resident A if she was in a relationship with Mr. Brooks and Resident A said, "that's my man." Ms. Miles stated Resident A told her that Mr. Books came into her bedroom and said, "I want to make love to you." Then, they had sex. Resident A said on her birthday, September 9th, was the second time that she and Mr. Brooks had sexual intercourse. Ms. Miles stated on Resident A's birthday, 09/09/24, she worked 3:00 pm – 11:00 pm with Mr. Brooks. Then, Mr. Brooks worked the midnight shift with a different staff. Ms. Miles stated Resident A told her that she had sexual intercourse with Mr. Brooks on her birthday and afterwards she was bleeding. Mr. Brooks said he was going to get in trouble and told

Resident A not to tell anyone. Ms. Miles stated Resident A also told her she performed oral sex on Mr. Brooks and Mr. Brooks performed oral sex on her and he also sucked her breasts.

Ms. Miles stated Resident A and Mr. Brooks call each other best friend. She has never witnessed Resident A and Mr. Books engage romantically and/or sexually. Ms. Miles stated on Resident A's birthday Mr. Brooks bought Resident A perfume, earrings, and a card. Ms. Miles remarked that it is uncommon for Mr. Brooks to get gifts for residents. Ms. Miles stated Mr. Brooks read the card out loud to Resident A in front of her mother and grandparents during her birthday party. The card was romantic in nature and read as if Mr. Brooks was telling Resident A that he loved her. Ms. Miles stated she believes Resident A is a good source of information. Ms. Miles believes that Resident A had sexual intercourse with Mr. Brooks and that Mr. Brooks manipulated her into doing it.

On 10/02/24, I interviewed direct care staff Maria Thornton via telephone. Ms. Thornton stated on 09/24/24, Resident A told her that she had sexual intercourse with Mr. Brooks on her birthday, September 9th. Ms. Thornton stated when she changed Resident A's adult brief, she noticed that she was bleeding from her vagina. She asked Resident A why she was bleeding because she was not on her period. Resident A acknowledged her and said that it was weird. Ms. Thornton stated Resident A explained to her that Mr. Brooks came into her bedroom and said, "best friend I want to make love to you, I want to fulfill your fantasy." Ms. Thornton stated she asked Resident A if that was why she was bleeding and she said yes, but Mr. Brooks told her not to tell anyone. Ms. Thornton stated she has worked with Mr. Brooks in the past, Resident A and Mr. Brooks call each other best friends. Ms. Thorton has never observed Mr. Brooks and Resident A engaging romantically and/or sexually. Ms. Thornton stated Resident A has said that she loves Mr. Brooks, and she has also said that she wants to kiss him. Ms. Thornton stated she believes what Resident A reported is true due to the level of detail Resident A provided and the repetitiveness of her story.

On 10/08/24, in collaboration with APS worker Carmen Smith, I interviewed direct care staff Eric Brooks II via telephone. Mr. Brooks stated he has been working at this facility for three and a half to four years. When he began his employment Resident A was already living in the home. Mr. Brooks stated his relationship with Resident A started as a typical working relationship then overtime it grew into a friendship. Mr. Brooks stated he has taken Resident A to and from her family events and when instructed he stays with her at the event. Mr. Brooks remarked, "I got really cool with her family." Mr. Brooks further explained, when he attends Resident A's family events, he would eat food if it was offered to him. Mr. Brooks stated he does not have contact with any of Resident A's relatives outside of his work-related tasks. I reviewed the allegations with Mr. Brooks, he denied and stated that he has never had sexual intercourse (vaginal, anal, and/or oral) with Resident A. Mr. Brooks stated Resident A is infatuated with him. Resident A has told him that she wishes that he did not work at her home so that they could get married. Mr. Brooks stated when Resident A makes these remarks she is always

redirected. Mr. Brooks stated on Sunday, Resident A asked to talk to him. Resident A said to him, "you know I am in love with you right, how does that make you feel?" Mr. Brooks told Resident A that it does not make him feel anything because he can only be her caregiver and a friend. Mr. Brooks stated later that day, Resident A's aunt came to visit her. They spoke in her bedroom with the door closed, he could hear Resident A crying. He heard Resident A call an old caregiver, Nesha (last name unknown) who no longer works at the home. Mr. Brooks stated when Resident A's aunt visits, she usually speaks to him before she leaves the house and prays for him. This time something that Resident A said made her aunt uncomfortable. She was distraught when she left the home, she did not stop and talk Mr. Brooks. Mr. Brooks stated she asked Resident A what was going on and she said she was just tired. Mr. Brooks stated Wednesday was his next scheduled shift. When he arrived on shift, he was told not to punch in. Mr. Brooks stated he spoke to Nesha, and she told him that Resident A wants to be in a relationship with him. Mr. Brooks told Nesha that was never going to happen.

Mr. Brooks stated he regularly provides personal care to Resident A (shower, toileting, dressing, etc.) She has never made any sexual/romantic/or inappropriate comments to him while he was providing her with personal care. Mr. Brooks remarked, she is shy. Mr. Brooks stated he has told Resident A that if she is uncomfortable with him providing her personal care, he will get a female staff to work with her.

Mr. Brooks stated on Resident A's birthday, September 9th, she had a conjoined birthday party with another resident. They had cake, ice cream, and pizza at the house. Mr. Brooks stated on 09/09/24, he worked a double shift from 3:00 pm – 7:00 am on 09/10/24. Mr. Brooks stated from 3:00 pm – 11:00 pm he worked with direct care staff Lauren Miles. Then from 11:00 pm – 7:00 am he worked with direct care staff James Oglesby. Mr. Brooks stated the day was a regular day other than the birthday party. Mr. Brooks stated he gave Resident A a birthday gift. He got her body spray, which cost \$20, earrings and a card. Resident A was excited to receive the gift, she said, "thank you best friend." Mr. Brooks stated he gives all the resident's gifts on their birthday and on Christmas. Mr. Brooks stated during the midnight shift direct care staff Mr. Ogelsby was at the home for the duration of his shift. Mr. Ogelsby stayed in the living room, and he stayed in the back dining room. Mr. Brooks stated the residents usually go to bed between 7:30 pm - 8:00 pm, except for Resident A she stays up until 9:00 pm - 10:00 pm. All the residents get up for the day around 5:30 am. Mr. Brooks stated he completed Resident A's morning personal care. Mr. Brooks stated that morning he shaved Resident A's pubic hair and while changing her adult brief he observed a quarter sized amount of blood in the brief. Mr. Brooks stated that he is unsure if Resident A was on her menstrual cycle. He did not inquire why she was bleeding. Mr. Brooks stated it is common for him to shave Resident A's pubic hair, he does this approximately once every three months.

Mr. Brooks stated since his last shift at this house he has received voicemails from Resident A asking when he will be back. Mr. Brooks remarked that it seems as though

Resident A does not know about this investigation. Mr. Brooks stated this is not the first time that a resident has had a crush on him. In the past, there was a resident who wanted to move into the home because she had a crush on him. That resident is now deceased.

On 10/09/24, I interviewed Rochester Hills Police Detective A. Duffey via telephone. Detective A Duffey stated the police investigation is closed. Mr. Brooks denied the allegation. Resident A confirmed the allegation and said she has had sexual intercourse with Mr. Brooks multiple times. However, she indicated that she is not being taken advantage of. Detective A. Duffey stated Resident A does not have a guardian and she is not claiming to be a victim therefore, the prosecutor's office has determined that no crime has been committed. Detective A. Duffey stated he spoke to Resident A's mother who is her power of attorney (POA) over her finances only. Detective A. Duffey requested a copy of the POA paperwork to confirm, they were not provided.

10/11/24, I received an email from APS worker Carmen Smith that indicated on 09/27/24, she interviewed Resident A. Ms. Smith provided the following summary of her interview.

APS made an unannounced visit to 1896 Gilsam Ave. Rochester Hills to verify the wellbeing of Resident A. APS was invited into the residence and made contact with Resident A. She appeared neat and clean. APS asked the client if they could speak in private. Resident A escorted APS to her bedroom. APS asked Resident A what she thought about Mr. Brooks and the allegations. Resident A reported she would prefer not to answer some of the questions regarding the sexual relationship with Mr. Brooks, however reported having a crush on Mr. Brooks and stated they flirt with each other and have been intimate. Resident A was unsure about the timeline of when the relationship began. Resident A reported she and Mr. Brooks have kissed and there has been some intimate touching. She reported the intimate encounter with Mr. Brooks was consensual and he did not take advantage of her. Resident A reported Mr. Brooks is her "eye candy" and she is hopeful that he is not in trouble and will return to his job. Resident A reported she and Mr. Brooks have had sexual relations more than 10 times. She reported they had oral and anal sex in the past however they had vaginal sex for the first time on 9/10/24, the day after her birthday. She also reported that Mr. Brooks did not wear a condom. Resident A reported Mr. Brooks asked her not to tell anyone that they had sex for her birthday however she thought she could trust a staff member and confided in her. Resident A advised APS she would have never said anything if she knew the staff member was going to tell everyone. Resident A reported she was so excited that she had to tell someone. Resident A reported she has not seen or spoken to Mr. Brooks since the incident which makes her sad. Resident A advised APS she would prefer not to answer any more questions. APS thanked Resident A.

10/11/24, I received an email from Recipient Rights Specialist Rishon Kimble that indicated on 09/27/24, she interviewed direct care staff James Oglesby. Ms. Kimble provided the following summary of her interview.

Mr. Olgesby has worked at this facility for two years. He works on the midnight shifts with Mr. Brooks. Mr. Olgesby stated Mr. Brooks and Resident A have a close relationship. They call each other best friends. Resident A has told him that she and Mr. Brooks have each other's phone number because they are really close. Mr. Olgesby does not feel like it is appropriate for them to be best friends. Mr. Olgesby remarked Resident A's whole mood changes when Mr. Brooks is around, she is happy and when he is not around, she talks about missing him. Mr. Olgesby stated about two weeks ago. Resident A started calling Mr. Brooks her boyfriend and her husband.

I reviewed Gilsam home staff schedule dated 09/08/24 – 09/14/24. On 09/09/24, Eric Brooks and Victoria Wysinger worked the midnight shift. Mr. Brooks did not work with James Oglesby as he reported in his interview.

I reviewed Resident A's appointment record with her gynecologist, Dr. Khalifa. Resident A was physically examined on 10/15/24 and tested for sexually transmitted infections and pregnancy. The results were negative.

On 11/07/24, I completed a telephone interview with Dr. Khalifa, Resident A's gynecologist. Dr. Khalifa stated it is difficult to complete a full examination on Resident A due to her physical condition. Dr. Khalifa has examined Resident A before and at that time her hymen was not intact. During the examination completed on 10/15/24, Resident A's hymen was not intact Dr. Khalifa stated there are many reasons for a hymen to not be intact which includes, but is not limited to, examinations and tampon use. Dr. Khalifa stated Resident A had no evidence of lacerations. Dr. Khalifa stated Resident A is alert and oriented said that she had intercourse, and it was consensual. Dr. Khalifa stated the physical examination completed on Resident A cannot confirm if Resident A was sexually assaulted.

APPLICABLE RULE	
R 400.14204	Direct care staff; qualifications and training.
	(2) Direct care staff shall possess all of the following qualifications: (a) Be suitable to meet the physical, emotional, intellectual, and social needs of each resident.
ANALYSIS:	Based on my investigation, direct care staff, Eric Brooks II is not suitable to meet the physical, emotional, intellectual, and social needs of Resident A. Resident A is a vulnerable adult with a power of attorney. Although Mr. Brooks denied the allegation, Resident A consistently stated that she and Mr. Brooks had a

	romantic and sexual relationship while he was an employee of this facility. It was consistently reported that Resident A and Mr. Brooks developed a friendship that advanced beyond the typical caregiving relationship regularly referring to each other as best friends and exchanging phone numbers. Further, Mr. Brooks purchased Resident A birthday gifts despite admitting that he knew Resident A was interested in him romantically and/or sexually.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14305	Resident protection.
	(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.
ANALYSIS:	<p>Based on the information gathered during this investigation there is sufficient information to determine that direct care staff Eric Brooks did not treat Resident A with dignity and her personal needs, including protection and safety were not attended to.</p> <p>Although Mr. Brooks denied the allegation, Resident A consistently reported to all investigative parties that she and Mr. Brooks had a romantic and sexual relationship while he was an authority figure, as an employee of this facility. Resident A's testimony remained consistent throughout multiple interviews with various investigators. All direct care staff interviewed stated that Resident A is a reliable source of information and further stated they believe Resident A due to the level of detail she provided and the repetitiveness of her story.</p> <p>Moreover, on Resident A's birthday, 09/09/24, the day she said that she had intercourse with Mr. Brooks, he was scheduled on shift from 11:00 pm – 7:00 am with direct care staff Victoria Wysinger. Ms. Wysinger stated between 12:30 am – 1:00 am she went outside to smoke a cigarette in her car then she drove to the gas station. When she returned to the house the front door was locked which was uncommon. Ms. Wysinger knocked on the door and called Mr. Brooks, but he did not answer. Ms. Wysinger remained outside in her car until 5:00 am, when she knocked on the door again and Mr. Brooks opened it. Ms.</p>

	<p>Wysinger stated when she entered the house it was dark inside. She assumed Mr. Brooks had been asleep, but he appeared to be awake and alert. Resident A was also awake, and she said that she was tired because she had a long birthday.</p> <p>Resident A told direct care staff Lauren Miles that she had sexual intercourse with Mr. Brooks on her birthday and afterwards she was bleeding. Mr. Brooks said he was going to get in trouble and told Resident A not to tell anyone.</p> <p>When interviewed, Mr. Brooks admitted to observing blood in Resident A's brief that morning. Mr. Brooks said is unsure if Resident A was on her menstrual cycle. He did not inquire why she was bleeding. Home manager Terri Speed also said that she observed blood in Resident A's brief that morning despite her menstrual cycle being over two weeks prior. Mr. Brooks further stated that he completed Resident A's personal care that morning which included shaving her pubic hairs.</p> <p>It was consistently reported that Resident A and Mr. Brooks developed a friendship that advanced beyond the average caregiving relationship. The two regularly referred to each other as best friends, exchanging phone numbers, and Mr. Brooks purchased Resident A birthday gifts despite admitting that he knew Resident A was interested in him romantically and/or sexually.</p> <p>The aforementioned evidence supports Resident A's testimony that she had a sexual relationship with direct care staff Eric Brooks II.</p>
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On 10/02/24, in collaboration with APS worker Carmen Smith I interviewed direct care staff Victoria Wysinger. Ms. Wysinger stated on 09/09/24, she worked with Mr. Brooks on the midnight shift from 11:00 pm – 7:00 am. Between 12:30 am – 1:00 am she went outside to smoke a cigarette in her car then she drove to the gas station. When she returned to the house the front door was locked, which is uncommon. Ms. Wysinger stated she knocked on the door and called Mr. Brooks, but he did not answer. Ms. Wysinger stated she remained outside in her car until 5:00 am, when she knocked on the door again and Mr. Brooks opened it.

On 11/07/24, I placed a telephone call to license designee, Monica Flagg to conduct an exit conference and review my findings. Ms. Flagg thanked me for investigating and stated she would be terminating Mr. Brooks based on my findings. Ms. Flagg acknowledged that a corrective action plan is required.

APPLICABLE RULE	
R 400.14204	Direct care staff; qualifications and training.
	(2) Direct care staff shall possess all of the following qualifications: (b) Be capable of appropriately handling emergency situations.
ANALYSIS:	Based on the information gathered during this investigation there is sufficient information to determine that direct care staff Victoria Wysinger is not capable of appropriately handling an emergency. Ms. Wysinger stated she left the home between 12:30 am – 1:00 am and when she returned the door was locked which is unusual. Ms. Wysinger remained outside in her car until 5:00 am, Ms. Wysinger did not notify anyone that she was unable to enter the home. Ms. Wysinger is responsible for the resident’s wellbeing during her scheduled shift. Ms. Wysinger was unaware of what was occurring inside of the home for approximately five hours while she was on a smoke break and running a personal errand.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14206	Staffing requirements.
	(2) A licensee shall have sufficient direct care staff on duty at all times for the supervision, personal care, and protection of residents and to provide the services specified in the resident's resident care agreement and assessment plan.

ANALYSIS:	Based on the information gathered during this investigation there is sufficient information to determine that on 09/09/24, there was not sufficient direct care staff on duty during the midnight shift for the supervision, personal care, and protection of residents. Direct care staff Eric Brooks and Victoria Wysinger were scheduled to work 11:00 pm – 7:00 am. Ms. Wysinger left the home between 12:30 am – 1:00 am and she did not come back until 5:00 am.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan I recommend that this special investigation be closed with no change to the status of the license.

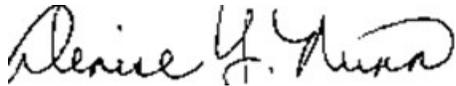


11/07/2024

Johnna Cade
Licensing Consultant

Date

Approved By:



11/15/2024

Denise Y. Nunn
Area Manager

Date