



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

June 24, 2021

Daniel McNeil  
PO Box 68  
Fenton, MI 48430

RE: License #: AF250404622  
Investigation #: 2021A0580022  
Serenity Gardens

Dear Mr. McNeil:

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.
- Indicate how continuing compliance will be maintained once compliance is achieved.
- Be signed and dated.

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.

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 (906) 266-4171.

Sincerely,

A handwritten signature in cursive script that reads "Sabrina McGowan". The signature is written in black ink and is positioned below the word "Sincerely,".

Sabrina McGowan, Licensing Consultant  
Bureau of Community and Health Systems  
611 W. Ottawa St.  
P. O. Box 30664  
Lansing, MI 48909  
(810) 835-1019

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS  
SPECIAL INVESTIGATION REPORT  
THIS REPORT CONTAIN QUOTED PROFANITY**

**I. IDENTIFYING INFORMATION**

|                                       |  |
|---------------------------------------|--|
| <b>License #:</b>                     | AF250404622  |
| <b>Investigation #:</b>               | 2021A0580022   |
| <b>Complaint Receipt Date:</b>        | 04/29/2021   |
| <b>Investigation Initiation Date:</b> | 05/05/2021   |
| <b>Report Due Date:</b>               | 06/28/2021   |
| <b>Licensee Name:</b>                 | Daniel McNeil  |
| <b>Licensee Address:</b>              | 110 Lansing St.<br>Gaines, MI 48436                                |
| <b>Licensee Telephone #:</b>          | (810) 931-8466   |
| <b>Administrator:</b>                 | N/A  |
| <b>Licensee Designee:</b>             | N/A  |
| <b>Name of Facility:</b>              | Serenity Gardens   |
| <b>Facility Address:</b>              | 110 Lansing St.<br>Gaines, MI 48436                                |
| <b>Facility Telephone #:</b>          | (810) 931-8644   |
| <b>Original Issuance Date:</b>        | 08/27/2020   |
| <b>License Status:</b>                | REGULAR  |
| <b>Effective Date:</b>                | 02/27/2021   |
| <b>Expiration Date:</b>               | 02/26/2023   |
| <b>Capacity:</b>                      | 6  |
| <b>Program Type:</b>                  | PHYSICALLY HANDICAPPED<br>DEVELOPMENTALLY DISABLED<br>MENTALLY ILL |

## II. ALLEGATION(S)

|   | <b>Violation<br/>Established?</b> |
|---|-----------------------------------|
| Licensee, Mr. Dan McNeil is verbally, mentally, and emotionally abusive towards the residents in the home. Mr. McNeil "chastises" the men and threatens to "put them away." Resident B urinated in his bed and licensee told him, "you're nothing but a damn retard." Mr. McNeil also put the urine-soaked sheets over the residents' head and made him smell them and then made him wash them in the shower. | No                                |
| There are no balanced meals in the home.  | No                                |
| Resident A recently received a \$7000 dollar check from SSI as consumer was owed back pay. Resident also recently had a payee change to the AFC homeowner. Within a few weeks more than \$5000 dollars has been spent.  | Yes                               |
| The residents can sleep wherever they want.   | No                                |

## III. METHODOLOGY

|            |   |
|------------|---|
| 04/29/2021 | Special Investigation Intake<br>2021A0580022  |
| 05/05/2021 | Special Investigation Initiated - Telephone<br>A call was made to the licensee.   |
| 05/26/2021 | Inspection Completed On-site<br>An onsite inspection was conducted at Serenity Gardens. Contact was made with the licensee. |
| 05/26/2021 | Contact - Face to Face<br>An in-person interview was held with Resident A in his room.                                      |
| 05/26/2021 | Contact - Face to Face<br>An in-person interview was conducted with Resident B in his room.                                 |
| 05/26/2021 | Contact - Face to Face<br>An interview was conducted with staff, Ms. Rosana Gibson.   |
| 05/26/2021 | APS Referral  |

|            |   |
|------------|---|
|            | An email was sent to Ms. Shwanda Lee, APS Investigator, Genesee County.   |
| 06/02/2021 | Contact - Telephone call made<br>A call was made to Ms. Lisa Sivosky, assigned GHS Case Manager for Resident A.           |
| 06/15/2021 | Contact - Telephone call made<br>A follow-up call was made to the licensee, Mr. Dan McNeil.                               |
| 06/15/2021 | Contact - Telephone call made<br>A call was made to Ms. Katie Skinner, assigned Hope Network Case Manager for Resident B. |
| 06/15/2021 | Contact - Telephone call made<br>A call was made to Guardian C, assigned to Resident C.                                   |
| 06/16/2021 | Contact - Telephone call made<br>A call was made to Guardian A, assigned to Resident A.                                   |
| 06/17/2021 | Exit Conference<br>An exit conference was held with the licensee, Mr. Dan McNeil.   |
| 06/21/2021 | Exit Conference<br>An exit conference was held with the licensee, Mr. Dan McNeil.   |

**ALLEGATION:**

Licensee, Mr. Dan McNeil is verbally, mentally, and emotionally abusive towards the residents in the home. Mr. McNeil “chastises” the men and threatens to “put them away.” Resident B urinated in his bed and licensee told him, “you’re nothing but a damn retard.” Mr. McNeil also put the urine-soaked sheets over the residents’ head and made him smell them and then made him wash them in the shower.

**INVESTIGATION:**

On 04/29/2021, I received a complaint, Intake # 179156, via BCAL Online Complaints.

On 05/03/2021, I received an additional complaint, Intake # 179191, which was combined with this investigation. This complaint was denied by APS for investigation.

On 05/05/2021, I made a call to the licensee, Mr. Dan McNeil. He denies the allegations that he is verbally, mentally, and emotionally abusive towards the residents or calls them names. Mr. McNeil also denied calling Resident B a “damn retard” due to

his wetting the bed. He also denied putting urine-soaked sheets over his head, making him smell them, or making him wash them in the shower.

On 05/24/2021, I received a call from the licensee indicating that Resident A had been arrested due to Assaulting Resident B. Due to the assault, an emergency discharge notice was given.

On 05/26/2021, I conducted an onsite inspection at Serenity Gardens AFC. An interview was conducted with Resident B while in his room. Resident B denied that the licensee, Mr. McNeil yells at him, chastises him, or is mentally and verbally abusive. Resident B denied the licensee puts soaked sheets over his head and makes him smell them.

On 05/26/2021, I conducted an interview with Resident C while in his room. Resident C was sleeping in his bed at the time of the visit. Resident C denied that the licensee yells, curses, or calls him derogatory names.

On 05/26/2021, I conducted an in-person interview with direct staff, Ms. Rosana Gibson while at Serenity AFC. Ms. Gibson indicated that she has never seen Mr. McNeil yelling, screaming, cursing, or calling the residents names.

On 06/15/2021, I spoke with Ms. Katie Skinner, assigned Hope Network case manager for Resident B. Ms. Skinner shared that Resident A is diagnosed as having Schizophrenia, Schizoaffective-Bipolar Type, Adult Anti-Social Behavior, Social Communication Disorder, and Intellectual Disability. She stated that she has been the assigned case manager for Resident B since May of this year. She added that while she has spoken with Resident B, she has not met him in person due to Covid-19. In their conversations, Resident B has not expressed any concerns with the home or given any indication that he is being mistreated. Resident B is represented by Guardian B, Public Guardian.

On 06/15/2021, I spoke with Guardian C, related to Resident C. Guardian C indicated that she has no concerns regarding Resident C's care being received in the home. She indicated that Mr. McNeil takes the residents shopping, to the gym, and other social outings. In addition, he is assisting Resident C with learning how to cook. She indicated that Mr. McNeil has been good for the resident. She also indicated that Resident C would tell her if Mr. McNeil ever went about screaming, yelling, cursing, or name calling at him.

On 06/16/2021, I spoke with Guardian A, relative to Resident A. She indicated that while she worked in the home during the month of April 2021, Mr. McNeil would often yell and scream at the residents. She adds that Mr. McNeil has a temper and is very sneaky. She recalled that Mr. McNeil would often yell at Resident B about urinating in the bed. She adds that Resident B is scared of Mr. McNeil.

| <b>APPLICABLE RULE</b> |   |
|------------------------|---|
| <b>R 400.1412</b>      | <b>Resident behavior management; prohibitions.</b>  |
|                        | <p><b>(2) A licensee, responsible person, or any person living in the home shall not use any of the following methods of handling a resident for discipline purposes:</b></p> <p><b>(e) Mental or emotional cruelty, including subjecting a resident to verbal abuse, making derogatory remarks about the resident or members of his or her family or making malicious threats.</b></p>   |
| <b>ANALYSIS:</b>       | <p>Mr. McNeil denied the allegations that he is verbally, mentally, and emotionally abusive towards the residents. He also denied the allegations that he put urine-soaked sheets over Resident B's head and made him smell them.</p> <p>Resident B denied that the licensee, Mr. McNeil yells at him, chastises him, or is mentally and verbally abusive. Resident B denied the licensee puts soaked sheets over his head and made him smell them.</p> <p>Resident C denied that the licensee yells, curses, or calls him derogatory names.</p> <p>Direct staff, Ms. Rosana Gibson indicated that she has never seen Mr. McNeil yelling, screaming, cursing, or calling the residents names.</p> <p>Ms. Katie Skinner assigned Hope Network case manager for Resident B stated that in their conversations, Resident B has not expressed any concerns with the home or given any indication that he is being mistreated.</p> |

|                    |  |
|--------------------|--|
|                    | <p>Guardian C indicated that she has no concerns regarding Resident C's care being received in the home. She also indicated that Resident C would tell her if Mr. McNeil ever went about screaming, yelling, cursing, or name calling at him.</p> <p>Guardian A indicated that while she worked in the home during the month of April 2021, Mr. McNeil would often yell and scream at the residents. She adds that Mr. McNeil has a temper and is very sneaky. She recalled that Mr. McNeal would often yell at Resident B about urinating in the bed. She adds that Resident B is scared of Mr. McNeil.</p> <p>Based on the information gathered in the course of this investigation, there is insufficient evidence to support the rule violation.</p> |
| <b>CONCLUSION:</b> | <b>VIOLATION NOT ESTABLISHED</b>   |

**ALLEGATION:**

There are no balanced meals in the home.

**INVESTIGATION:**

On 05/05/2021, I made a call to the licensee, Mr. Dan McNeil. He denied the allegations of no balanced meals in the home.

On 05/26/2021, I conducted an interview with Resident B while in his room. Resident B indicated that they get plenty of food to eat in the home. Meals usually consists of meat, fruit and vegetables, and other good food and snacks.

On 05/26/2021, I conducted an interview with Resident C while in his room. Resident C indicated that the food is really good in the home and he is never hungry. In his opinion, the meals are balanced. He indicated that they always eat healthy in the home and sometimes they go out.

On 05/26/2021, I conducted an onsite inspection at Serenity Gardens AFC. While there I observed an abundance of frozen meats, cold cuts, snacks, fruits, vegetables, drinks, and other non-perishable food items in the home, sufficient to feed all members of the household.

On 05/26/2021, I conducted an interview with direct staff Ms. Rosana Gibson while at Serenity AFC. She denies that the residents are not served balanced, nutritious meals.



On 06/15/2021, I spoke with Ms. Katie Skinner, assigned Hope Network case manager for Resident B. Resident B has not expressed any concerns with the food or being hungry in the home.

On 06/15/2021, I spoke with Guardian C, related to Resident C. Guardian C indicated that she often inquires with Resident C about what he eats in the home. She indicated that Resident C has always expressed that they are eating full meals, such as Spaghetti or Salmon.

On 06/16/2021, I spoke with Guardian A. She indicated that the Serenity AFC website indicates that the home serves gourmet meals, however, they do not.

| <b>APPLICABLE RULE</b> |  |
|------------------------|--|
| <b>R 400.1419</b>      | <b>Resident nutrition.</b>   |
|                        | <b>(3) Meals shall meet the nutritional allowances recommended under the "Suggested Daily Eating Guide" section, which is adapted from the "United States Department of Agriculture's Daily Food Guide (1979)", and based upon the "Recommended Dietary Allowances (1980)", and contained in the publication entitled "Basic Nutrition Facts", pages 28 and 29, Michigan Department of Public Health publication no. H-808, 1980. This publication may be obtained without charge from Nutrition Services, Bureau of Personal Health Services, Michigan Department of Public Health, P.O. Box 30035, Lansing, Michigan 48909.</b>  |
| <b>ANALYSIS:</b>       | <p>Licensee, Mr. Dan McNeil, denied the allegations of no balanced meals in the home.</p> <p>At the onsite inspection, conducted on 05/26/2021, I observed an abundance of frozen meats, cold cuts, snacks, fruits, vegetables, drinks, and other non-perishable food items in the home, sufficient to feed all members of the household.</p> <p>Resident B indicated that they get plenty of food to eat in the home. Meals usually consists of meat, fruit and vegetables, and other good food and snacks.</p> <p>Resident C indicated that the food is really good in the home and he is never hungry. In his opinion, the meals are balanced. He indicated that they always eat healthy in the home and sometimes they go out.</p> |

|                    |  |
|--------------------|--|
|                    | <p>Direct staff, Ms. Rosana Gibson, denied that the residents are not served balanced, nutritious meals.</p> <p>Ms. Katie Skinner, assigned Hope Network case manager for Resident B, indicated that he has not expressed any concerns with the food or being hungry in the home.</p> <p>Guardian C indicated that Resident C has always expressed that they are eating full meals, such as Spaghetti or Salmon.</p> <p>Guardian A indicated that the Serenity AFC website indicates that the home serves gourmet meals, however, they do not.</p> <p>Based on the information gathered in the course of this investigation, there is insufficient evidence to support the rule violation.</p> |
| <b>CONCLUSION:</b> | <b>VIOLATION NOT ESTABLISHED</b>   |

**ALLEGATION:**

Resident A recently received a \$7000 dollar check from SSI as consumer was owed back pay. Resident also recently had a payee change to the AFC homeowner. Within a few weeks more than \$5000 dollars has been spent.

**INVESTIGATION:**

On 05/05/2021, I made a call to the licensee, Mr. Dan McNeil. He verified that he is the payee for Resident A, however, he denies that Resident A has been buying gifts for the people in the house. Resident A did purchase outdoor Adirondack chairs and a massager at his own choosing. He indicated that Resident A bought the chairs for smoking outside because he wanted something more comfortable than the chairs that were already there Mr. McNeil went on to state that Guardian A expressed that she no longer wants to be guardian or payee for Resident A due to his repeated issues and he only became the payee at the guardian’s request. He indicated that there were no issues until Resident A received the lump sum payment. Once he received the funds the guardian requested \$2000, which Resident A did not want to give her. Upon calling the social security office on spending instructions, Mr. McNeil indicated that he was advised that Resident A is not to give anyone any lump sum of money and that the money should be used by Resident A for his personal needs. Mr. McNeil also indicated that the check was initially sent to the wrong address. The check had to be reissued and as a result he allowed Resident A to make purchases on his personal credit cards until the money was received. Mr. McNeil reported that Resident A also purchased additional furniture for his room, an entertainment center, a new TV, and bedroom curtains. Mr. McNeil indicated that Guardian A assisted Resident A in decorating his

new room and was aware that he had made the purchases. Resident A also purchased a new cell phone, video games, cigarettes, clothes, and jewelry and other items. Mr. McNeil indicated he often tried to talk Resident A out of the purchases, to no avail. Mr. McNeil indicated that Resident A actually overspent his funds and owes the licensee. Mr. McNeil did not provide Guardian A with any receipts or detailed spending account of how the funds were distributed.

On 05/26/2021, I conducted an onsite inspection at Serenity Gardens AFC. A copy of the Resident Funds II sheet for Resident A was received. In addition, a detailed account of the daily spending and copies of receipts were provided. The sheet indicates that Resident A received a check from Social Security in April of 2021. Resident A began with a balance of \$7,180, via check issued by the Social Security Department. A breakdown of the spending is as follows:

04/14- \$1417.95  
04/15-\$617.79  
04/17-\$277.62  
04/18-1203.77  
04/19-170.07  
04/20-332.23  
04/21-443.52  
04/22-953.88  
04/23-467.46  
04/24-307.70  
04/25-1024.34  
04/26-229.55

Total spending amounts to \$7445.88, ending with a negative balance of \$265.88 cent. Daily withdrawals were signed by both Resident A and the licensee. Mr. McNeal did not obtain written approval from the designated guardian representative prior to making the charges to the resident's account.

While the licensee recorded each daily amount spent on the Resident Funds II sheet, he recorded the actual purchases on different sheets of paper. The papers reflect how much was spent and where. Licensee was able to provide copies of 5 receipts, \$399.62 at Walmart, \$169.06 at Smokers Palace, \$63.52 at Cottage Inn Pizza, \$140.96 Target, \$65.59. These receipts were all dated for 04/14/2021. Spending listed is as follows with no date or actual receipt:

\$5 Walmart  
\$17.99 Darker Shades  
\$50 McDonalds  
\$1032.95 Shopping/TV Phone & Blah blah blah  
\$300 Cash  
\$10 Cash  
\$35.76 McDonald's  
\$20 Starbucks

\$50 Speedway-Cigarettes  
\$31.75 Disc Replay  
\$207.66 Burlington  
\$228.38 T J Maxx  
\$20 Big B  
\$140 Walmart  
\$117.62 T J Maxx  
\$40 A & W (no receipt)  
\$46 Smoke Shop  
\$21.19 Shows  
\$280.83 Dunham's  
\$34.92 Arby's  
\$20 Starbucks  
\$20 Tim Hortons  
\$330 Walmart  
\$313.37 T J Maxx  
\$195 Target  
\$300 Toni Superette  
\$17.01 Kroger  
\$106.59 Starbucks  
\$63.58 Marshalls  
\$166.35 T J Maxx  
\$84.78 Home Goods  
\$147 Walmart  
\$285.69 T J Maxx  
\$11.77 Starbucks  
\$17.74 Beanery  
\$16.48 VG's  
\$137.23 Game Stop  
\$381.83 Marshalls  
\$79.57 Applebee's  
\$15 Kroger  
\$350 Walmart  
\$100 Ace Hardware  
\$20 Starbucks  
\$12 McDonald's  
\$20 Gas  
\$62.12 Game Stop  
\$25.55 Walmart  
\$81.56 Disc Replay  
\$42.07 Aldi  
\$345.89 Target  
\$113.34 T J Maxx  
\$20 Starbucks  
\$9 Burger King  
\$150 Co-pay

\$116.57 Best Buy  
\$112.98 Smokers  
\$20 Beanery

The total of the above expenses are \$6977.13

On 05/27/2021, I received an email from BCAL Online Complaints indicating that this case, Intake # 179156, has been assigned to Genesee County APS Investigator, Ms. Shwanda Lee. On 05/27/2021, I sent an email to Ms. Lee, Genesee County APS. No response was received.

On 06/02/2021, I made a call to Ms. Lisa Sivosky, assigned CMH case manager for Resident A. No response was received.

On 06/16/2021, I spoke with Guardian A, relative to Resident A. She indicated that Resident A currently hospitalized due to being out in the streets for the past 2 days without his medication. She indicated that Resident A had been at her home since his emergency discharge from Serenity Gardens AFC, however, she is unable to continue to care for him due to his high demands and behaviors. Resident A has been in over 40 AFC homes. Guardian A indicated that she recently relinquished her guardianship and Resident A has since been appointed a public guardian, however, the documentation has not yet been legally signed by the court. Guardian A confirmed that Resident A did receive all belongings purchased from the AFC home with the stand-by assistance of the Michigan State Police.

Guardian A indicated that it was the licensee, Mr. Dan McNeil who insisted that he become the payee for the resident in order for him to live in the home. She stated that she believes that Mr. McNeil misappropriated the \$7,000 funds. She also believes that he allowed Resident A to blow through the money. Guardian A indicated that the licensee did not obtain prior written approval from her as the designated guardian representative before charges were made to Resident's A's account.

On 06/16/2021, I received a faxed copy of the Letter of Guardianship for Resident A. It indicated that Guardian A is established as the guardian, having care, custody, and control, together with all authority and responsibilities granted and imposed by law, effective 02/14/2017. This guardianship was established in the State of Michigan Probate Court in the county of Genesee.

On 06/22/2021, I spoke with Mr. McNeal regarding a copy of the credit card statements he indicated that he is able to provide. Mr. McNeal indicated that in addition to the credit card statements, he also has receipts for all items purchased for Resident A. Mr. McNeal agreed to provide a copy. This information was not received before the closing of this report. In addition, Mr. McNeal indicated that the pro-rated discharge refunds as well as the June Social Security payment, will be mailed back to the Social Security office for redistribution to the resident.

| <b>APPLICABLE RULE</b> |   |
|------------------------|---|
| <b>R 400.1421</b>      | <b>Handling of resident funds and valuables.</b>  |
|                        | <b>(9) A licensee shall obtain prior written approval from a resident and his or her designated guardian representative before charges are made to a resident's account.</b>  |
| <b>ANALYSIS:</b>       | <p>It was alleged that Resident A recently received a \$7000 dollar back paycheck from SSI. AFC homeowner is his payee. Within a few weeks more than \$5000 dollars had been spent.</p> <p>Licensee, Mr. Dan McNeil indicated that Guardian A assisted Resident A in decorating his new room and was aware that he had made the purchases. Mr. McNeil indicated that Resident A actually overspent his funds and owes the licensee.</p> <p>A copy of the Resident Funds II sheet for Resident A was received. Resident A began with a balance of \$7180 and ended with a negative balance of \$265.88. Resident A went shopping every day beginning 04/14/2021-04/26/2021, with the exception of 04/16. The form was signed by the licensee and Resident A. Mr. McNeal did not obtain written approval from the designated guardian representative prior to making the charges to the resident's account.</p> <p>Guardian A indicated that she believes that Mr. McNeil misappropriated the \$7000 funds. She also believes that he allowed Resident A to blow through the money. Guardian A indicated that the licensee did not obtain prior written approval from her as the designated guardian representative before charges were made to Resident's A's account.</p> <p>Based on the information gathered in the course of this investigation, there is sufficient evidence to support the rule violation.</p> |
| <b>CONCLUSION:</b>     | <b>VIOLATION ESTABLISHED</b>  |

**ALLEGATION:**

The residents can sleep wherever they want.

**INVESTIGATION:**

On 05/05/2021, I made a call to the licensee, Mr. Dan McNeil. He denied the allegations that the residents are allowed to sleep wherever they want. He indicated that all residents sleep in their rooms.

On 05/26/2021, I conducted an interview with Resident B while in his room. Resident B indicates that he sleeps in his bed.

On 05/26/2021, I conducted an interview with Resident C while in his room. Resident C was sleeping in his bed at the time of the visit. He denied that they sleep anywhere they want.

On 05/26/2021, I conducted an interview with direct staff Ms. Rosana Gibson while at Serenity AFC. She denied that the residents are allowed to sleep anywhere they want in the AFC home.

|                        |   |
|------------------------|---|
| <b>APPLICABLE RULE</b> |   |
| <b>R 400.1431</b>      | <b>Bedrooms generally.</b>  |
|                        | <b>(1) A living room, dining room, hallway, basement, or other room not ordinarily used for sleeping shall not be used for sleeping purposes by residents of the home.</b>  |
| <b>ANALYSIS:</b>       | <p>It was alleged that residents are allowed to sleep wherever they want.</p> <p>Licensee, Mr. Dan McNeil, denied the allegations that residents are allowed to sleep wherever they want in the home.</p> <p>Resident B indicates that he sleeps in his bed.</p> <p>Resident C was sleeping in his bed at the time of the visit. He denied that they sleep anywhere they want.</p> <p>Direct staff, Ms. Rosana Gibson, denied that the residents are allowed to sleep anywhere they want in the AFC home.</p> <p>Based on the information gathered in the course of this investigation, there is insufficient evidence to support the rule violation.</p> |
| <b>CONCLUSION:</b>     | <b>VIOLATION NOT ESTABLISHED</b>  |

**ADDITIONAL ALLEGATION(S):**

**INVESTIGATION:**

On 05/05/2021, Mr. McNeil also indicated that the check for Resident A was initially sent to the wrong address. The check had to be reissued and as a result he allowed Resident A to make purchases on his personal credit cards until the money was received.

| <b>APPLICABLE RULE</b> |   |
|------------------------|---|
| <b>R 400.1421</b>      | <b>Handling of resident funds and valuables.</b>  |
|                        | <b>(4) All resident funds and trust fund accounts shall be kept separate and apart from all funds and monies of the licensee.</b>   |
| <b>ANALYSIS:</b>       | Licensee allowed Resident A to make purchases on his personal credit cards until his social security check was received.<br><br>This information is sufficient to support the rule violation. |
| <b>CONCLUSION:</b>     | <b>VIOLATION ESTABLISHED</b>  |

**INVESTIGATION:**

On 05/26/2021 at the onsite inspection conducted at Serenity Gardens, Resident A's Resident Funds were reviewed. Mr. McNeil was only able to provide copies of 5 receipts for Resident A's funds for expenditures for the following: \$399.62 at Walmart, \$169.06 at Smokers Palace, \$63.52 at Cottage Inn Pizza, \$140.96 Target, \$65.59. These receipts were all dated for 04/14/2021. Copies of these receipts were not provided to the guardian.

On 06/15/2021, I spoke with Mr. Dan McNeil regarding copies of receipts for the items purchased. He indicated that he could provide proof of purchases, however, because he used his credit cards, he would have to provide his credit card statements as opposed to receipts.

On 06/16/2021, I spoke with Guardian A. Guardian A indicated that she was never provided any detailed account of Resident A's spending, nor was she provided with any receipts.

On 06/17/2021, I conducted an exit conference with the license, Mr. Dan McNeil. Mr. McNeil was informed of the violations found during the course of this investigation as well as the additional findings. A corrective action plan was requested within 15 days.



On 06/22/2021, I spoke with Mr. McNeal regarding a copy of the credit card statements he indicated that he is able to provide. Mr. McNeal indicated that in addition to the credit card statements, he also has receipts for all items purchased for Resident A. Mr. McNeil agreed to provide a copy. This information was not received before the closing of this report. In addition, Mr. McNeal indicated that the pro-rated discharge refunds as well as the June Social Security payment, will be mailed back to the Social Security office for redistribution to the resident.

| <b>APPLICABLE RULE</b> |   |
|------------------------|---|
| <b>R 400.1421</b>      | <b>Handling of resident funds and valuables.</b>  |
|                        | <b>(11) A licensee shall provide a complete accounting of all resident funds and valuables held for safekeeping and in trust fund accounts or paid to the home to the resident or to his or her designated representative on a quarterly basis. A receipt for resident expenditures shall be maintained by the licensee and shall be provided to the resident or designated representative upon request. The accounting of a resident's funds and valuables held for safekeeping or paid to the home shall also be provided, upon the resident's or designated representative's request, not later than 5 banking days following the request and at the time of the resident's discharge from the home.</b> |
| <b>ANALYSIS:</b>       | <p>Mr. Dan McNeil indicated that he could provide proof of purchases, however, because he used his credit cards, he would have to provide his credit card statements as opposed to receipts. Licensee failed to provide this information before the closing of this report.</p> <p>Licensee was able to provide copies of 5 receipts. Licensee failed to provide all receipts verifying the total amount spent on Resident A's funds.</p> <p>Guardian A indicated that she was never provided any detailed account of Resident A's spending, nor was she provided with any receipts.</p> <p>This information is sufficient to support the rule violation.</p>   |
| <b>CONCLUSION:</b>     | <b>VIOLATION ESTABLISHED</b>  |

**IV. RECOMMENDATION**

Upon the receipt of an approved corrective action plan, no changes to the status of the license is recommended.



June 24, 2021

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Sabrina McGowan  
Licensing Consultant

Date

Approved By:



June 24, 2021

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Mary E Holton  
Area Manager

Date