



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

December 17, 2021

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

RE: License #: AS250408011
Investigation #: 2022A0580004
Flint Township South

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 (906) 226-2206.

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 Street
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 Contains Quoted Profanity.

I. IDENTIFYING INFORMATION

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|---------------------------------------|---|
| License #: | AS250408011 |
| Investigation #: | 2022A0580004 |
| Complaint Receipt Date: | 11/12/2021 |
| Investigation Initiation Date: | 11/12/2021 |
| Report Due Date: | 01/11/2022 |
| Licensee Name: | Flatrock Manor, Inc. |
| Licensee Address: | 7012 River Road Flushing, MI 48433 |
| Licensee Telephone #: | (810) 964-1430 |
| Administrator: | Nicholas Burnett |
| Licensee Designee: | Carrie Aldrich |
| Name of Facility: | Flint Township South |
| Facility Address: | Ste B 2360 Stonebridge Dr Flint, MI 48532 |
| Facility Telephone #: | (810) 877-6932 |
| Original Issuance Date: | 07/22/2021 |
| License Status: | TEMPORARY |
| Effective Date: | 07/22/2021 |
| Expiration Date: | 01/21/2022 |
| Capacity: | 6 |

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| Program Type: | PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL |
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II. ALLEGATION(S)

| | Violation Established? |
|--|-----------------------------------|
| Staff, Mr. Darrius Burton was physically abusive to Resident A. | No |
| On 11/10/2021 staff, Mr. Darrius Burton, was heard being verbally abusive and threatening physical violence to Resident A. | No |

III. METHODOLOGY

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| 11/12/2021 | Special Investigation Intake 2022A0580004 |
| 11/12/2021 | Special Investigation Initiated - Telephone A call was made to the licensee and administrator. |
| 11/12/2021 | Contact - Telephone call received A call was received from Ms. Peggy Lee, of Flatrock. |
| 11/15/2021 | Contact - Telephone call made A call was made to Ms. Elizabeth Simon, Recipient Rights, Livingston County. |
| 11/19/2021 | Inspection Completed On-site An onsite inspection was conducted. Contact made with Ms. Jennifer Thurman, Mgr. |
| 11/19/2021 | Contact - Face to Face An interview was held with Resident A. |
| 12/01/2021 | Contact - Telephone call made A call was made to Ms. Elizabeth Simon, Recipient Rights, Livingston County. |
| 12/01/2021 | Contact - Telephone call made A call was made to Ms. Elizabeth Tincher, CMH Case manager for Resident A, Livingston Co. |
| 12/01/2021 | Contact - Telephone call received I spoke with Ms. Diane Heinlein, Livingston County CMH Program Director. |

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|------------|---|
| 12/03/2021 | Contact - Telephone call made A call was made to Ms. Thurman, home manager |
| 12/03/2021 | Contact - Document Received A faxed copy of an incident report was received. |
| 12/10/2021 | Contact - Telephone call made I spoke with Ms. Jennifer Thurman, Manager. |
| 12/10/2021 | Contact - Telephone call made A call was made to Ms. Rasheeda Coleman, Direct Staff. |
| 12/13/2021 | Contact - Telephone call made I spoke to Ms. Debora Jones, Direct Staff. |
| 12/15/2021 | Contact - Telephone call made A call was made to Ms. Sara Smith, Livingston County Recipient Rights. |
| 12/15/2021 | APS Referral A referral sharing the allegations was made to APS. |
| 12/15/2021 | Contact – Telephone call received I spoke to Mr. Darrius Burton, Direct Staff. |
| 12/17/2021 | Exit conference A call for an exit conference was made to Ms. Carrie Aldrich, Administrator. |
| 12/17/2021 | Contact – Document received A text message was received from Ms. Aldrich. |

ALLEGATION:

Staff, Mr. Darrius Burton was physically abusive to Resident A.

INVESTIGATION:

On 11/12/2021, I received a complaint via BCAL Online Complaints.

On 11/12/2021, I spoke with the licensee, Mr. Nicholas Burnett who had already been made aware of the allegations. He stated staff, Mr. Darrius Burton would more than likely be fired as a result.

On 11/12/2021, I received a call from Ms. Patti Lee of Flatrock Manors corporate office. Ms. Lee indicated that she has been instructed to contact me and provided me with a phone number for staff, Mr. Darrius Burton

On 11/15/2021, made a call to Ms. Elizabeth Simon, Recipient Rights Officer in Livingston County. A voice mail was left requesting a return call.

On 11/19/2021, I conducted an onsite inspection at Flint Township Flatrock. Contact was made with the home manager, Ms. Jennifer Thurman. Ms. Thurman shared that she was not working on the day of the incident. Staff, Mr. Burton no longer works on the side of the building where Resident A resides, however, he remains employed as Flatrock Staff.

On 11/19/2021, I conducted an in-person interview with Resident A. Resident A also alleges that on 11/09/2021, staff, Darrius Burton shoved him up against the wall and pushed him on the bed, admittedly after he called Mr. Burton the "N" word. Resident A indicated that there was no other staff or residents present to witness this occur.

On 12/15/2021, I spoke with Mr. Darrius Burton, direct staff. Mr. Burton denied the allegations that pushed Resident A down on his bed and made him fall.

| APPLICABLE RULE | |
|------------------------|---|
| R 400.14308 | Resident behavior interventions prohibitions. |
| | (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. |

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| ANALYSIS: | <p>It was alleged that staff, Mr. Darrius Burton was physically abusive to Resident A.</p> <p>Resident A indicated that staff, Mr. Darrius Burton pushed him and made him fall on his bed. There were no witnesses to this incident.</p> <p>Staff. Mr. Darrius Burton denied the allegations that he pushed Resident A down on his bed and made him fall.</p> <p>Based on the information gathered during this investigation, there is sufficient evidence to support the allegations.</p> |
| CONCLUSION: | VIOLATION NOT ESTABLISHED |

ALLEGATION:

On 11/10/2021, staff, Mr. Darrius Burton, was heard being verbally abusive and threatening physical violence to Resident A.

INVESTIGATION:

On 11/19/2021, I conducted an in-person interview with Resident A. He recalled that on the date of the incident, staff, Mr. Burton was making rude assumptions about his sexuality. He indicated that he was on the phone with recipient rights making a complaint when Mr. Burton told him to “hang up the fucking phone before I beat your ass.” Resident A indicated that no other staff or residents were around, however, Mr. Elizabeth Simon of Recipient Rights in Livingston County was on the phone and overheard what he said. Resident A indicated that he not seen Mr. Burton since this incident, however, he has knowledge that he is now working on the other side of the building with other residents.

On 12/01/2021, I spoke with Ms. Elizabeth Simon of Recipient Rights. She stated that Resident A called the office upset indicating that he wanted to make a complaint regarding Flint Township staff, Mr. Darrius Burton. Livingston County CMH Program Director, Ms. Diane Heinlein was also in the office, so she asked to listen on speaker phone as Resident A made his complaint. While Resident A was explaining, a person in the background could be heard stating, “Crying like 5-year-old. Get off the phone or I’m going to beat your ass.” Resident A identified the person as staff member Mr. Darrius Burton. Ms. Simon shared that they then heard some scuffling. When asked what the commotion was, Resident A indicated that he’d gone into his room for privacy. Ms. Simon indicated that she spoke with Flatrock Program Manager Ms. Patti Lee immediately afterwards informing her that what they’d overheard Mr. Burton say. She also requested that Mr. Burton no longer be allowed to work with their client. Ms. Simon

also adds that the incident report received from the facility was falsified as it was not an accurate reflection of what occurred.

On 12/01/2021, I spoke with Ms. Elizabeth Tincher, assigned CMH case manager for Resident A. She shared that she was made aware of the allegations that Resident A made against staff. Ms. Tincher expressed concern that the staff in the home appear to antagonize the residents, often involving drama and back and forth banter amongst staff and residents. She does not recall Resident A having any prior incidents with staff, Mr. Darius Burton. Ms. Tincher stated that in her most recent conversations with Resident A he has expressed that he is doing well. To her knowledge, staff, Mr. Burton is no longer working with Resident A.

On 12/03/2021, I placed a call to Ms. Jennifer Thurman, manager, requesting a copy of the incident report related to this incident.

On 12/03/2021, I received a copy of an incident report dated 11/10/2021. The incident report indicates that on this date Resident A was upset about his money. Resident asked staff to use the phone. When he got off the phone he was still upset about his money. Resident A stated being verbally aggressive with staff, threatening staff and using racial slurs. Staff attempted to verbally redirect resident and prompt coping skills. Resident A then went to his room, began being loud, banging on his wall and throwing items. Staff went to check on Resident A and noticed superficial scratches to his arm from a piece of broken plastic. Staff continued to validate Resident A's feelings, verbally redirect into a calming activity, and prompt coping skills such as deep breathing. Resident continued to be verbally aggressive towards staff, threatening to harm staff and using racial slurs. Staff then conducted a search and seizure of Resident A's room to remove any items he could hurt himself with. Resident A calmed down on his own. All non-restricted items that were seized were returned to Resident A after he was calm and safe. Staff utilized verbal redirection, validation of feelings, prompting of coping skills. Staff also contacted the manager, conducted a search and seizure with two staff and reminded Resident A of the goals in his plan. As a corrective measure, staff will continue to monitor the health and safety of Resident A while reminding him of his service plan.

On 12/01/2021, I spoke with Ms. Diane Heinlein, Livingston County CMH Program Director. Ms. Heinlein confirmed that on 11/11/2021, she was present in the office when Resident A called to make a complaint. Ms. Heinlein shared that Ms. Simon of Recipient Rights in Livingston County asked her to be a witness to the call, as she expected the call to be elevated. She indicated that Resident A was cursing and yelling, upset because during a room search, staff found women's underwear in his belongings. After staff found the underwear, he began calling Resident A names, teasing him about his sexuality. This staff was later identified as Mr. Darius Burton. Resident A called Mr. Burton a racial slur. While still on speaker, Mr. Burton was heard yelling, asking Resident A who he was talking to. Mr. Burton then indicated to Resident A to hang up the phone before he "kicks his ass." Ms. Heinlein stated that she was dumbfounded at

the hostility an employee was showing towards a resident, even more so, knowing that Recipient Rights was on the phone.

On 12/10/2021, I spoke with Ms. Jennifer Thurman, Manager at Flatrock Flint Township. She indicated that Mr. Burton has been employed with the facility since 2018. She has had no other complaints from the residents regarding Mr. Burton. She characterizes him as soft spoken. Ms. Thurman provided the phone numbers of the 2 additional staff listed in the incident report. She also shared that staff; Ms. Debora Jones has put in her 2-week notice.

On 12/10/2021, I spoke with Ms. Rasheeda Coleman, direct staff at Flatrock Flint Township since August of 2021. Ms. Coleman recalled that on the day of the alleged incident, she assisted staff, Mr. Darrius Burton in conducting a search and seizure in Resident A's room. She recalled Resident A was upset, being verbally aggressive towards staff. Ms. Coleman stated that when Mr. Burton found girls underwear, he joked with Resident A saying something along the lines that Resident A was playing dress up. This made Resident A even more angry. She indicated that she did not hear Mr. Burton threaten to beat the resident's ass. She stated that she has never witnessed Mr. Burton threaten the residents. He typically gets along with the residents well.

On 12/13/2021, I spoke to Ms. Debora Jones, direct staff at Flatrock Manor. Ms. Jones recalled that on the date of the incident, she was called in to witness staff members, Ms. Rasheeda Coleman and Mr. Darrius Burton execute a search and seizure of Resident A's room for sharp objects. While this was occurring, she recalls Resident A stepped out of the room. She does not recall seeing Resident A on the phone. She denied overhearing Mr. Burton threaten Resident A. She describes Mr. Burton as a quiet person and a good worker who goes by the books.

On 12/15/2021, I spoke with Ms. Sara Smith, Recipient Rights Investigator in Livingston County. She shared that she will be substantiating the case as an Abuse Class II for the use of Degrading Language.

On 12/15/2021, I spoke with Mr. Darrius Burton, direct staff. Mr. Burton denied the allegations that he threatened to "beat Resident A's ass" while he was on the phone. Mr. Burton shared that he currently works for the North side of the building, as opposed to the Southside where Resident A resides.

On 12/15/2021, I made a referral to APS, sharing the information alleged in the complaint.

On 12/17/2021, I contacted Ms. Carrie Aldrich, license administrator, for an exit conference. A voice mail was left indicating that a licensing rule violation was established. A CAP is due in 15 days. A copy of the report will be provided.

On 12/17/2021, I received a text message from Ms. Carrie Aldrich acknowledging she received my voice mail explaining the violation. She agreed to provide a corrective action plan.

| APPLICABLE RULE | |
|------------------------|--|
| R 400.14308 | Resident behavior interventions prohibitions. |
| | <p>(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following:</p> <ul style="list-style-type: none"> (f) Subject a resident to any of the following: <ul style="list-style-type: none"> (i) Mental or emotional cruelty. (ii) Verbal abuse. (iii) Derogatory remarks about the resident or members of his or her family. (iv) Threats. |
| ANALYSIS: | <p>It was alleged that staff, Mr. Darrius Burton, was heard being verbally abusive and threatening physical violence to Resident A.</p> <p>Resident A. indicated that he was on the phone with recipient rights making a complaint when Mr. Burton told him to “hang up the fucking phone before I beat your ass.”</p> <p>Ms. Elizabeth Simon, Recipient Rights, Livingston County, stated, that while on the phone with Resident A, a person in the background could be heard stating, “Crying like 5-year-old. Get off the phone or I’m going to beat your ass.” Resident A identified the person as staff member Mr. Darrius Burton.</p> <p>Ms. Elizabeth Tincher, assigned CMH case manager for Resident A, expressed concern that the staff in the home appear to antagonize the residents, often involving drama and back and forth banter amongst staff and residents. She does not recall Resident A having any prior incidents with staff, Mr. Darrius Burton.</p> <p>The incident report dated 11/10/2021 was also reviewed.</p> <p>Ms. Diane Heinlein, Livingston County CMH Program Director, confirmed that on 11/11/2021, while on speakerphone with Resident A, staff, Mr. Burton indicated to Resident A to hang up the phone “before he kicks his ass.”</p> |

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| | <p>Ms. Rasheeda Coleman, direct staff at Flatrock Flint Township, indicated that she did not hear Mr. Burton threaten to “beat the resident’s ass.” Ms. Debora Jones, direct staff at Flatrock Manor, denied overhearing Mr. Burton threaten Resident A.</p> <p>Mr. Burton denies the allegations that he threatened to” beat [Resident A’s] ass” while Resident A was on the phone.</p> <p>Ms. Sara Smith, Recipient Rights Investigator in Livingston County, indicated she will be substantiating the case as an Abuse Class II for the use of Degrading Language.</p> <p>Based on the information gathered during this investigation, there is sufficient evidence to support the rule violation.</p> |
| CONCLUSION: | VIOLATION ESTABLISHED |

IV. RECOMMENDATION

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

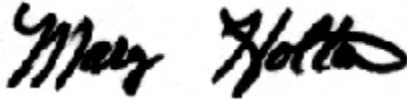


December 17, 2021

Sabrina McGowan
Licensing Consultant

Date

Approved By:



December 17, 2021

Mary E Holton
Area Manager

Date