



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

April 12, 2022

Rebecca Lopez  
Residential Opportunities, Inc.  
1100 South Rose Street  
Kalamazoo, MI 49001

RE: License #: AS390293416  
Investigation #: 2022A1024022  
D Avenue

Dear Ms. Lopez:

Attached is the Special Investigation Report for the above referenced facility. No substantial violations were found.

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 (616) 356-0183.

Sincerely,

A handwritten signature in cursive script that reads "Ondrea Johnson".

Ondrea Johnson, Licensing Consultant  
Bureau of Community and Health Systems  
427 East Alcott  
Kalamazoo, MI 49001

enclosure

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

**I. IDENTIFYING INFORMATION**

|                                       |  |
|---------------------------------------|--|
| <b>License #:</b>                     | AS390293416  |
| <b>Investigation #:</b>               | 2022A1024022   |
| <b>Complaint Receipt Date:</b>        | 02/15/2022   |
| <b>Investigation Initiation Date:</b> | 02/15/2022   |
| <b>Report Due Date:</b>               | 04/16/2022   |
| <b>Licensee Name:</b>                 | Residential Opportunities, Inc.                                    |
| <b>Licensee Address:</b>              | 1100 South Rose Street<br>Kalamazoo, MI 49001                      |
| <b>Licensee Telephone #:</b>          | (269) 343-3731   |
| <b>Administrator:</b>                 | Rebecca Lopez  |
| <b>Licensee Designee:</b>             | Rebecca Lopez  |
| <b>Name of Facility:</b>              | D Avenue   |
| <b>Facility Address:</b>              | 2951 East D Avenue<br>Kalamazoo, MI 49004                          |
| <b>Facility Telephone #:</b>          | (269) 488-3933   |
| <b>Original Issuance Date:</b>        | 01/18/2008   |
| <b>License Status:</b>                | REGULAR  |
| <b>Effective Date:</b>                | 09/10/2020   |
| <b>Expiration Date:</b>               | 09/09/2022   |
| <b>Capacity:</b>                      | 6  |
| <b>Program Type:</b>                  | PHYSICALLY HANDICAPPED<br>DEVELOPMENTALLY DISABLED<br>MENTALLY ILL |

|  |                                     |
|--|-------------------------------------|
|  | AGED<br>TRAUMATICALLY BRAIN INJURED |
|--|-------------------------------------|

## II. ALLEGATION(S)

|  | Violation<br>Established? |
|--|---------------------------|
| Staff member punched Resident A in the face while in the facility van. | No                        |

## III. METHODOLOGY

|            |   |
|------------|---|
| 02/15/2022 | Special Investigation Intake 2022A1024022   |
| 02/15/2022 | Special Investigation Initiated – Telephone with recipient rights officer Lisa Smith            |
| 02/15/2022 | Contact - Telephone call made with home manager Nick Cahill                                     |
| 02/15/2022 | Contact - Document Received- <i>AFC Licensing Division- Incident/Accident Report</i>            |
| 02/17/2022 | Contact - Telephone call made with direct care staff member Evan Butler                         |
| 02/17/2022 | Contact - Document Received with direct care staff member Health Hayworth                       |
| 03/29/2022 | Contact - Telephone call made with recipient rights officer Lisa Smith                          |
| 04/04/2022 | Contact - Telephone call made with direct care staff members Tiffany Whitfield and Annie Hunter |
| 04/06/2022 | Inspection Completed On-site-review of Resident A's <i>ROI Assessment Plan</i>                  |
| 04/07/2022 | Exit Conference with licensee designee Rebecca Lopez  |
| 04/12/2022 | APS Referral  |

### ALLEGATION:

**Staff member punched Resident A in the face while in the facility van.**

### INVESTIGATION:

On 2/15/2022, I received this complaint through the Bureau of Community and Health Systems (BCHS) online complaint system.

On 2/15/2022 and 3/29/2022, I conducted an interview with recipient rights officer Lisa Smith who stated she is also investigating this allegation and found no substantial evidence to support any findings.

On 2/15/2022, I conducted an investigation with home manager Nick Cahill regarding this allegation. Mr. Cahill stated on 2/15/2022 Resident A reported to him that direct care staff member Evan Butler hit him in the face while in the car leaving his occupational therapy appointment on 2/14/2022. Mr. Cahill stated he worked on 2/14/2022 and was not notified by any staff member of this incident. Mr. Cahill further stated he has worked regularly with Mr. Butler and has not seen him mistreat any of the residents in the home. Mr. Cahill stated Resident A has a history of making false complaints against staff members which is also identified in his assessment plan.

It should be noted I attempted to speak with Resident A however he refused to be interviewed.

On 2/15/2022, I reviewed the Resident A's *AFC Licensing Division-Incident/Accident Report* dated 2/15/2022 written by Nick Cahill. According to this report, staff Nick Cahill arrived to shift, and Resident A told him "the tall guy", meaning direct care staff member Evan Butler, hit him in the face yesterday while in the van after his occupational therapy appointment.

On 2/17/2022, I conducted an interview with direct care staff member Evan Butler. Mr. Butler stated on 2/14/2022 he transported Resident A to and from his occupational therapy appointment. Mr. Butler stated on the way back he notified Resident A that he was unable to take him to get a pop because he did not have any personal spending money. Mr. Butler stated Resident A appeared to look sad therefore, he put his arms around the resident by giving him a side hug. Mr. Butler stated he did not hit Resident A in the face or mistreat him in any way. Mr. Butler stated Resident A is cognitively impaired that affects his ability to speak effectively therefore he did not speak during the ride home however did appear to be agitated. Mr. Butler stated when he returned to the facility, Mr. Butler began to do paperwork and took care of cleaning responsibilities while Resident A sat down on a chair. Mr. Butler stated as he was leaving the facility for the end of his work shift, Mr. Butler heard Resident A yell "he hit me." Mr. Butler stated Resident A has a history of making this statement when he is upset about something, therefore Mr. Butler knew Resident A was just upset because he couldn't get a pop and yelled this statement towards him. Mr. Butler stated he did not engage with Resident A when he made this statement and proceeded to leave the facility. Mr. Butler stated the following day on 2/15/2022 he was informed by his home manager that he would be suspended further pending investigation regarding Resident A stating he was hit in the face.

On 2/17/2022, I conducted an interview with direct care staff member Heather Hayworth. Ms. Hayworth stated she worked with Resident A on 2/14/2022 and she did not receive any complaints made to her regarding Mr. Butler hitting Resident A. Ms. Hayworth stated Resident A did not appear to have any unusual behaviors and she did not learn of this allegation until the following day on 2/14/2022 from her home manager. Ms. Hayworth stated she has worked regularly with Mr. Butler and has not seen hm mistreat any of the residents in the facility. Ms. Hayworth further stated Resident A has history of making false accusations towards staff members when upset.

On 4/4/2022, I conducted interviews with direct care staff members Tiffany Whitfield and Annie Hunter. Both Ms. Whitfield and Ms. Hunter stated they work regularly with Mr. Butler and has not seen him mistreat any of the residents in the home. Ms. Whitfield and Ms. Hunter also both stated that they have witnessed Resident A falsely accused other staff members of hitting him when he gets upset because he does not get his way. Ms. Whitfield and Ms. Hunter believe that Mr. Butler is a great worker and works well with the residents.

On 4/6/2022, I conducted an onsite investigation at the facility and reviewed Resident A *ROI Assessment Plan* dated 9/30/2021. According to this plan, Resident A may bully some direct care staff members into taking him to preferred community events that are not planned such as when he is on his way to a doctor's appointment. This plan also stated Resident A has been known to make up stories of serious nature.

| <b>APPLICABLE RULE</b> |   |
|------------------------|---|
| <b>R 400.14308</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>   | Based on this investigation which included interviews with recipient rights officer Lisa Smith, direct care staff members Evan Butler, Heather Hayworth, Tiffany Whitfield, Annie Hunter, home manager Nick Cahill, review of Resident A's assessment plan and incident report there was no evidence to support the allegation that direct staff member Evan Butler punched Resident A in the face while in the facility van. Mr. Butler stated Resident A accused him of hitting him in the face because he was upset Mr. Butler did not take him to get a pop after leaving his occupational therapy appointment. Mr. Butler stated while driving Resident A from his appointment he gave Resident A, a side hug when he saw that Resident A was agitated because he could not get a pop. Mr. Butler denied hitting Resident A or mistreating Resident A in any way. Ms. Hayworth stated she worked with Resident A after his occupational therapy appointment however did not receive any reports made to her regarding Mr. Butler hitting Resident A until the following day on 2/15/2022. Ms. Hayworth further stated Resident A did not exhibit any unusual behaviors after his occupational therapy appointment. Ms. Hunter and Ms. Whitfield both stated they have never seen Mr. Butler mistreat any residents and have witnessed Resident A falsely accused staff members of hitting him. According to the incident report, Resident A reported to home manager Mr. Cahill that Mr. Butler hit him on 2/15/2022 the following day after the alleged incident. According to Resident A's assessment plan, Resident A has been known to make up stories of serious nature. Resident A has not been mistreated. |
| <b>CONCLUSION:</b> | <b>VIOLATION NOT ESTABLISHED</b>   |

On 4/7/2022, I conducted an exit conference with licensee designee Rebecca Lopez. I informed Ms. Lopez of my findings and allowed her an opportunity to ask questions or make comments.

**IV. RECOMMENDATION**

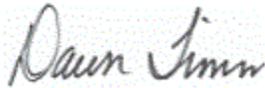
I recommend the current license status remain unchanged.



Ondrea Johnson  
Licensing Consultant

04/07/2022  
Date

Approved By:



04/12/2022

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Dawn N. Timm  
Area Manager

Date