



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 10, 2022

Judith Schiavone
Schiavone Enterprises Ltd
1690 N Center
Saginaw, MI 48638

RE: License #: AM730259475
Investigation #: 2022A0576034
Schiavone AFC VII

Dear Mrs. Schiavone:

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.

A six-month provisional license is recommended. If you do not contest the issuance of a provisional license, you must indicate so in writing; this may be included in your corrective action plan or in a separate document. If you contest the issuance of a provisional license, you must notify this office in writing and an administrative hearing will be scheduled. Even if you contest the issuance of a provisional license, you must still submit an acceptable corrective action plan.

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

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (517) 284-9730.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Garza".

Christina Garza, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(810) 240-2478

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**
This Report Contains Sexually Explicit Information

I. IDENTIFYING INFORMATION

License #:	AM730259475
Investigation #:	2022A0576034
Complaint Receipt Date:	04/13/2022
Investigation Initiation Date:	04/15/2022
Report Due Date:	06/12/2022
Licensee Name:	Schiavone Enterprises Ltd
Licensee Address:	1690 N Center, Saginaw, MI 48638
Licensee Telephone #:	(989) 992-9400
Administrator:	Judith Schiavone
Licensee Designee:	Judith Schiavone
Name of Facility:	Schiavone AFC VII
Facility Address:	1019 N Michigan, Saginaw, MI 48602
Facility Telephone #:	(989) 753-9188
Original Issuance Date:	06/24/2005
License Status:	REGULAR
Effective Date:	10/12/2021
Expiration Date:	10/11/2023
Capacity:	12
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
On 4/8/22, Staff, Sienna Blondin smelled alcohol in Resident A's bedroom. Two bodies were also observed to be under the covers. Resident C was in Resident A's bed and touching him inappropriately. This has been a long-term ongoing issue that Resident A has stated he does not want. Resident B is also being sexually assaulted by Resident C.	Yes

III. METHODOLOGY

04/13/2022	Special Investigation Intake 2022A0576034
04/13/2022	APS Referral
04/15/2022	Special Investigation Initiated - On Site Interviewed Home Manager, Joanne Duel, Licensee Designee, Judy Schiavone, Resident A, and Resident B
04/15/2022	Contact - Document Received Reviewed Resident C's AFC Assessment Plan
04/15/2022	Contact - Document Received Reviewed Resident A's AFC Assessment Plan
04/15/2022	Contact - Document Received Reviewed Resident B's AFC Assessment Plan
06/07/2022	Contact - Telephone call made Interviewed Staff, Marcia Prince
06/07/2022	Contact - Telephone call made Interviewed Adam Soule, Case Manager Saginaw County Community Mental Health
06/07/2022	Contact - Telephone call made Interviewed Guardian AB
06/07/2022	Contact - Telephone call made Left message with Saginaw Police Department regarding report

06/08/2022	Contact - Telephone call made Interviewed Resident C
06/08/2022	Contact - Document Received Reviewed Sex Offender Registry
06/08/2022	Contact - Telephone call made Left message for Staff, Sienna Blondin to return call
06/09/2022	Contact - Document Received Reviewed police report
06/09/2022	Contact - Telephone call made Interviewed Sienna Blondin
06/09/2022	Exit Conference Exit Conference conducted with Licensee Designee, Judy Schiavone

ALLEGATION:

On 4/8/22, Staff, Sienna Blondin smelled alcohol in Resident A's bedroom. Two bodies were also observed to be under the covers. Resident C was in Resident A's bed and touching him inappropriately. This has been a long-term ongoing issue that Resident A has stated he does not want. Resident B is also being sexually assaulted by resident C.

INVESTIGATION:

On April 14, 2022, I reviewed an AFC Licensing Division Accident / Incident Report (IR) involving Resident A, Resident B, and Resident C. The IR documented that on April 10, 2022, staff was doing bed checks and noticed "a strange hump in Resident A's bed". Staff did not pull the covers and Resident C was not in his bedroom. It was believed that Resident C was in Resident A's bed and possible sexual activity. Resident C was questioned and admitted to sexual activity with 2 residents, Resident A and Resident B. Corrective measures included notifying authorities and Resident C was provided an emergency discharge. Resident C moved from the AFC home on April 10, 2022, and resided with a friend in Saginaw until his subsequent arrest on April 20, 2022.

On April 15, 2022, I completed an unannounced on-site inspection at Schiavone AFC VII and interviewed Staff, Joann Duel regarding the allegations. Ms. Duel reported that Staff, Sienna Blondin, a new employee worked on Friday evening, April 8, 2022. Ms. Duel came in on April 8, 2022, for the midnight shift and Ms. Blondin explained that she went upstairs to put clothes away. Ms. Blondin heard noises in Resident A's bedroom, and it appeared that there were 2 people in his bed. Without turning the bedroom light

on, Ms. Blondin walked toward the bed and could smell alcohol. Ms. Blondin did not pull the blanket and may have been scared. Ms. Blondin noticed that Resident B who shares a room with Resident A was in his bed with the blanket half on. Ms. Blondin could see that Resident B's pants were down and his buttocks was exposed. Resident B called Ms. Blondin's name, and she told him to go to sleep. Ms. Blondin left the room and went to Resident C's room, and he was not there. Ms. Blondin searched the facility and could not find Resident C. Ms. Blondin then saw Resident C go into his room. Ms. Blondin waited for Ms. Duel to come in for her shift and reported to her what she saw.

The next morning on Saturday, April 9, 2022, Ms. Duel spoke to Resident A and asked him if someone was in his bed. Resident A had his head down and shook his head "yes." Resident A shook his head "no" when Ms. Duel asked if Resident A wanted that person in his bed. Ms. Duel asked Resident A if the person did anything and he shook his head "yes" and confirmed the person touched his private parts. Resident A was asked if he wanted the person to do that and he said "no." Ms. Duel reported she assisted showering Resident A as he is full assist with showering and notified Licensee Designee, Judy Schiavone of the incident involving Resident A.

Ms. Duel continued with the recollection of events and stated she questioned Resident C on Wednesday, April 13, 2022, along with another Staff, Tamra Keating about what had occurred. Resident C admitted to drinking and Ms. Duel reported that was not what she was talking about. Ms. Duel reported to Resident C that another resident said there was an incident in the bedroom. Resident C denied this and after further questioning he said he was just laying in the other resident's bed behind the resident. Ms. Duel asked Resident C if he was having intercourse with the other resident and Resident C said he was sorry. Resident C reported he had sex with both Resident A and Resident B, and he does not know why he did it. Resident C admitted he has been having sex with both residents since 2015 and, according to Ms. Duel, no one was aware. Ms. Duel reported she questioned all the residents of the home and they denied being abused by Resident C. Resident C also denied abusing any other residents at the home other than Resident A and Resident B. According to Ms. Duel, Resident C shared a bedroom with Resident D who is "very independent" and can understand and verbalize if someone were abusing him. Ms. Duel stated Resident D would tell someone if he were being victimized by Resident C and probably would have "tried to fight him".

According to Ms. Duel, police were contacted on Thursday, April 14, 2022, and a report was taken. Resident C has not been arrested and Resident A and Resident B have not been taken to the hospital. Resident C's belongings have been packed and he has not been at the home since Monday, April 11, 2022. For the 2 days Resident C was in the home after the alleged assault, resident bedrooms were locked, and no one could enter their bedrooms. According to Ms. Duel, Resident C has been provided notice for discharge. Ms. Duel confirmed she was aware that Resident C was on the sex offender registry however did not think Resident C would ever assault anyone at the home. Ms. Duel reported Resident C was in prison for 12 years for sexually assaulting a young female relative and is not currently on parole or probation. Regarding Resident C's supervision at the home, Ms. Duel reported he did not receive any extra supervision.

Staff did routine bed checks every hour for all residents and Resident C was never caught in anyone else's bedroom. Resident C does not have a guardian and he moved into Schiavone AFC VII in 2014.

On April 15, 2022, I interviewed Licensee Designee, Judy Schiavone who reported Resident C is currently staying with friends. Ms. Schiavone reported Resident C was supposed to stay away from children and she had no idea he would assault adults. Resident C was never threatening or improper with others and was nice and helpful.

On April 15, 2022, I viewed Resident A. He appeared clean and happy as he was smiling. Resident A has been living at the home since 2011. Resident A has a guardian, Guardian AB. According to Staff, Joann Duel, Guardian AB did not want Resident A sent to the hospital for a medical exam unless directed so by Adult Protective Services (APS). Ms. Duel advised Resident A can understand some questions posed to him and responds by shaking his head yes or no. Resident A was asked questions however his responses could not be ascertained.

On April 15, 2022, I viewed Resident B. Resident B has lived at his home since 2011. Resident B appeared neat and clean in appearance. Resident B has a guardian, Guardian AB. According to Staff, Joann Duel, Guardian AB did not want Resident B taken to the hospital for a medical exam unless directed by APS. Ms. Duel reported Resident B cannot answer questions posed to him and has some developmental delays. Resident B also has problems with comprehension. I attempted to interview Resident B however he could not respond to questions posed to him.

On April 15, 2022, I reviewed Resident A's AFC Assessment Plan. The plan indicates Resident A is not alert to surroundings, does not move independently in the community, is not able to communicate his needs, and requires staff assistance with these activities. Regarding sexual behavior, Resident A can control and "does not appear interested in sex."

On April 15, 2022, I reviewed Resident B's AFC Assessment Plan. The plan indicates Resident B does not move independently in the community, is not able to communicate his needs, and requires staff assistance with these activities. Resident B is not alert to his surroundings outside the home and requires staff assistance with this task. Regarding sexual behavior, Resident B is noted to fondle himself in public and may masturbate in view of others.

On April 15, 2022, I reviewed Resident C's AFC Assessment Plan. The plan indicates Resident C can move independently in the community, can communicate and understands communication, and is alert to his surroundings. Resident C gets along with others, does not cause problems, however, appears to be depressed often. Regarding sexual behavior, Resident C controls sexual behavior currently. The plan documented Resident C was imprisoned for sexual assault of a child and Resident C reported the victim was his 4-year-old niece. The plan also indicated Resident C is on the "sexual predator list". Resident C may not be around children and reports annually

to the Michigan State Police. No measures were noted in the plan to ensure the safety of the residents in the home. Resident C did not have an alarm on his door to alert staff when he was leaving his bedroom.

On June 7, 2022, I interviewed Staff, Marcia Prince who reported she has worked at the facility for 2 years. Regarding the allegations, Ms. Prince reported she is aware of them and stated her coworker, Sienna Blondin was putting clothes away. Ms. Blondin caught Resident C in Resident A's bed and was scared to do something as Resident C was intoxicated. Ms. Blondin reported what she saw to Staff, JoAnn Duel when she came in for her shift. The following day, Ms. Duel questioned Resident A about the incident and Resident A confirmed Resident C was in his bed and he did not want him there. Ms. Duel also questioned Resident C who admitted to having sex with Resident A and Resident B and that it had been "going on for a while." After the incident was discovered, Resident C was made to leave the home.

Ms. Prince advised she often works 2nd and 3rd shift. She and all staff are aware that Resident C is a sex offender given he must report monthly to the sheriff's office. Additionally, Resident C's paperwork (i.e., AFC Assessment Plan, Plan of Service) document Resident C's status as a sex offender. Ms. Prince reported Resident C is a sex offender due to assaulting kids and she did not think she had to "watch out for" Resident C assaulting other guys. Ms. Prince advised there were no other precautions staff took with regards to their supervision of Resident C other than being told not to bring kids to the facility. There are no alarms on any doors in the home and there are no cameras in the facility. Resident C did not have a staff dedicated to supervising him while at home. Ms. Prince reported she was very surprised by the allegations and did not think Resident C would assault adults. Ms. Prince thought Resident C was only a threat to children.

On June 7, 2022, I interviewed Adam Soule, Saginaw County Community Mental Health Authority. Mr. Soule reported he is the case manager for Resident A and Resident C. Regarding the allegations, Mr. Soule reported he received a call from Licensee Designee, Judy Schiavone on Wednesday, April 13, 2022. Ms. Schiavone reported that on Friday, April 8, 2022, the night shift staff was doing bed checks and noticed Resident C was not in his room. The staff person went to Resident A's bedroom and saw 2 people in Resident A's bed. The staff person could smell alcohol and did not intervene until the following day on April 9, 2022. The staff person told the home manager what she found, and the home manager told Ms. Schiavone. On April 9, 2022, Resident A was questioned by staff and confirmed Resident C was in his bed, touched him inappropriately, and did not want him to. On Wednesday, April 13, the home manager talked with Resident C, and he admitted to sexually touching Resident A and Resident B. Mr. Soule also went to the home on this date and Resident C also confirmed the allegations did occur. Resident C reported sexually touching the residents because he did not have companionship. At that time, Mr. Soule contacted APS as that had not been completed nor had the police been called regarding this matter. Mr. Soule directed Ms. Schiavone to call the police, which was completed the following day. The police came to the home on April 20, 2022, to take a report. Resident C came to the

home to pick up his medication when the police were at the home and questioned him. Resident C admitted to police that he sexually assaulted the residents and the household cat. Resident C reported the abuse had been going on for a couple of years. Resident C was arrested at that time.

According to Mr. Soule, Resident A and Resident B have developmental delays and are lower functioning. Resident C has mental health issues and Mr. Soule believes Resident C “preyed upon” Resident A and Resident B given their intellectual delays. Mr. Soule advised the facility was aware of Resident C’s status as a sex offender. Mr. Soule did not think the home was taking any extra precautions to keep residents of the home safe given Resident C’s status as a sex offender. Mr. Soule reported Resident C has to register every 3 months as a sex offender and this is documented in his assessment plan and plan of service. Resident C was convicted of a crime involving a child under 13 years old and is currently facing 2 counts of first degree criminal sexual conduct.

On June 7, 2022, I interviewed Resident A and Resident B’s guardian, Guardian AB who reported that both residents are lower functioning and limited verbal skills. Resident C moved into the home and was on the sex offender registry, which staff were aware of. Resident C was found in bed with Resident A and Resident C admitted to inappropriately touching his client. Resident C has since been arrested and jailed. Guardian AB currently has no concerns as Resident C is in jail.

On June 8, 2022, I interviewed Resident C via telephone. Resident C advised that he is currently in jail in Saginaw County. Resident C reported he previously lived at Schiavone AFC VII for 11 years and denied having a guardian. Regarding the allegations, Resident C reported he had sexual contact with Resident A and Resident B. Resident C reported Resident A and Resident B did not want him touching them in a sexual manner. Resident C reported he took his chances, and the residents did not ask him for sex. Resident C reported he had sex with the 2 residents. Staff was downstairs but caught him in Resident A and Resident B’s bedroom. He did not think the staff person knew he was under the covers and when the staff left the bedroom Resident C went to his bedroom. Regarding the supervision at the home, Resident C reported he did not have a staff person monitor him while at home. There were no door alarms or cameras in the home. Resident C reported he received no extra precautions at his home and staff did not think this would happen.

On June 8, 2022, I viewed the Michigan Sex Offender Registry and located Resident C. According to the registry, Resident C is 60 years old and incarcerated as of April 20, 2022. On May 30, 1996, Mr. Cavazos was convicted of one count of criminal sexual conduct 2nd degree (person under 13). On September 30, 1999, Mr. Cavazos was convicted of criminal sexual conduct 2nd degree (multiple variables).

On June 7, 2022, I left a message with the Saginaw Police Department regarding the police report involving the 3 residents. On June 9, 2022, I reviewed a Saginaw Police Department Case Report #2271701835 authored by Officer Brandon Jebb. Officer

Jebb was dispatched to the home on April 14, 2022, and spoke to Home Manager, Joann Duel. Ms. Duel reported Resident C had been sexually assaulting Resident A and Resident B since moving into the home in 2014. The victims were determined to be incompetent to interview. Ms. Duel explained Resident A had a severe stroke and cannot verbalize words to describe what happened. Ms. Duel advised Resident B has the competency of a child and cannot verbalize what happened to him and cannot answer any questions. According to the police report, Detective Kathryn Mercer interviewed Ms. Duel. Ms. Duel reported she questioned Resident C about the allegations, and he admitted to having sexual intercourse with both victims since 2014. Resident C was interviewed on April 20, 2022, by Detective Mercer. No details of the interview were documented, and report noted "see DVD for full interview." Resident C was subsequently arrested and charged with Criminal Sexual Conduct – First Degree (Injury to Incapacitated Victim).

On June 9, 2022, I interviewed Staff, Sienna Blondin who reported she has worked at the facility for 3 months. Regarding the allegations, Ms. Blondin confirmed she was working at the time the allegations took place. Ms. Blondin explained she went upstairs to put clothes away and noticed Resident A and Resident B's bedroom door was shut, which she thought was odd. Ms. Blondin heard grunting and thought Resident A was having a bad dream. Ms. Blondin went into the room and Resident B called her name, which he does not normally do. Ms. Blondin walked toward Resident B's bed and saw Resident B in his bed with his clothes off below his buttocks. Ms. Blondin did not think too much of this as Resident B masturbates. Ms. Blondin went toward Resident A's bed and saw Resident A in his bed and could tell there was another person in the bed with Resident A. As Ms. Blondin got closer to the bed, she could smell beer. Ms. Blondin thought the other person in the bed with Resident A was Resident C as he is known to drink beer. Ms. Blondin reported she was afraid to pull the cover from the bed because she did not know what to do and she thought Resident C might hurt her. Ms. Blondin left the room and went to Resident C's bedroom, and he was not in his room. Ms. Blondin waited by the stairs, and she heard someone leave Resident A's bedroom and go into Resident C's bedroom. At this time, the home manager, Joann Duel came in to work and Ms. Blondin explained to her what she discovered. Ms. Duel stated she would take care of this matter.

Regarding Resident C, Ms. Blondin confirmed she is aware he is a sex offender. Ms. Blondin was told this information by staff and was trained with regards to all the residents backgrounds and needs. Ms. Blondin denied there were any extra precautions she took with regards to the care and supervision of Resident C given his status as a sex offender. Resident C was not provided any additional supervision and was treated like any other resident of the home.

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>It was alleged that Resident A and Resident B were being sexually assaulted by Resident C, a registered sex offender. Upon conclusion of investigative interviews, there is a preponderance of evidence to conclude a rule violation.</p> <p>Resident C admitted to sexually assaulting Resident A and Resident B upon him into the home in 2014. Resident A and Resident B have developmental delays and were unable to verbalize being the victims of sexual abuse by Resident C. Resident C is on the sex offender registry and the facility provided no extra safety measures or precautions to the residents of the home given Resident C's status as a known sex offender. There is a preponderance of evidence to conclude that Resident A and Resident B's protection and safety was not attended to at all times given they were victims of sexual assault by Resident C while in the home.</p>
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14204	Direct care staff; qualifications and training.
	<p>(2) Direct care staff shall possess all of the following qualifications:</p> <p>(b) Be capable of appropriately handling emergency situations.</p>

ANALYSIS:	Staff, Sienna Blondin was aware that another person was in bed with Resident A. Ms. Blondin stated she thought Resident C, a known sex offender, was in bed with Resident A as she could smell beer and Resident C likes to drink beer. Ms. Blondin reported that she was afraid to pull the covers from the bed to reveal who was in Resident A's bed and what was occurring. Ms. Blondin left the bedroom and waited for another staff person to report what she witnessed. There is a preponderance of evidence to conclude a rule violation in that Ms. Blondin's lack of action displayed an inability to appropriately handle emergency situations.
CONCLUSION:	VIOLATION ESTABLISHED

On June 9, 2022, I completed an Exit Conference with Licensee Designee, Judy Schiavone. I advised Mrs. Schiavone I would be recommending a provisional license and requesting a corrective action plan for the cited rule violations.

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend modification of the license to a provisional license.

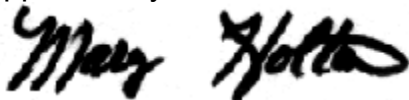


6/10/2022

Christina Garza
Licensing Consultant

Date

Approved By:



6/10/2022

Mary E Holton
Area Manager

Date