



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

November 16, 2022

James Saintz  
Agnus Dei AFC Home Inc.  
1307 42nd St.  
Allegan, MI 49010

RE: License #: AS800287287  
Investigation #: 2023A1030008  
Agnus Dei AFC Home Inc.

Dear Mr. Saintz:

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 (616) 356-0183.

Sincerely,

A handwritten signature in black ink that reads "Nile Khabeiry, LMSW".

Nile Khabeiry, Licensing Consultant  
Bureau of Community and Health Systems  
Unit 13, 7th Floor  
350 Ottawa, N.W.  
Grand Rapids, MI 49503

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AS800287287
<b>Investigation #:</b>	2023A1030008
<b>Complaint Receipt Date:</b>	11/01/2022
<b>Investigation Initiation Date:</b>	11/10/2022
<b>Report Due Date:</b>	12/31/2022
<b>Licensee Name:</b>	Agnus Dei AFC Home Inc.
<b>Licensee Address:</b>	1307 42nd St. Allegan, MI 49010
<b>Licensee Telephone #:</b>	(269) 686-8212
<b>Administrator:</b>	James Saintz
<b>Licensee Designee:</b>	James Saintz
<b>Name of Facility:</b>	Agnus Dei AFC Home Inc.
<b>Facility Address:</b>	37139 County Road 390 Gobles, MI 49055
<b>Facility Telephone #:</b>	(269) 521-6041
<b>Original Issuance Date:</b>	01/29/2007
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	10/02/2022
<b>Expiration Date:</b>	10/01/2024
<b>Capacity:</b>	6
<b>Program Type:</b>	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

## II ALLEGATION(S)

	Violation Established?
The home employed a disqualified individual.	Yes
Additional Findings	No

## II. METHODOLOGY

11/01/2022	Special Investigation Intake 2023A1030008
11/10/2022	Special Investigation Initiated - Telephone Emailed contact with Kenneth Krajniak
11/14/2022	Contact - Face to Face Interview with Bill Harsh
11/14/2022	Contact - Face to Face Interview with Amanda Hensley
11/14/2022	Contact - Face to Face Interview with Resident A
11/14/2022	Contact - Face to Face Interview with Resident B
11/14/2022	Contact - Face to Face Interview with Judy Olexa
11/15/2022	Contact - Telephone call made Interview with James Saintz
11/15/2022	Exit Conference Exit conference by phone

## **ALLEGATION:**

**The home employed a disqualified individual.**

## **INVESTIGATION:**

On 11/10/22, I contacted Workforce Background Check Manager Kenneth Krajniak by email and was informed the home submitted a background check for Staff #1 on 5/13/22. Subsequently, Staff #1 was found to not be eligible for employment.

On 11/14/22, I interviewed Direct Care Staff Member (DCSM), Bill Harsh at the home. Mr. Harsh reported he has worked at the facility for about five months. Mr. Harsh reported he works first shift. Mr. Harsh reported he knows Staff #1 and he saw her at the home yesterday. Mr. Harsh reported he does not know her schedule but thinks she works second and third shift.

On 11/14/22, I interviewed DCSM Amanda Hensley at the home. Ms. Hensley reported she has been working at this home for almost two months. Ms. Hensley acknowledged Staff #1 works at the home as a “deep cleaner” meaning she comes in to clean the home and do the laundry.

On 11/14/22, I interviewed Resident A at the home. Resident A reported knowing Staff #1 and reported she is a “good staff.” Resident A did not remember when she last worked at the home.

On 11/14/22, I interviewed Resident B at the home. Resident A reported she has lived in the home about eight months and confirmed knowing Staff #1. Resident A reported Staff #1 works second and third shift and when she works third shift works alone. Resident B could not remember the last time Staff #1 worked but knows it was within the last week.

On 11/14/22, I interviewed resident manager Judy Olexa at the home. Ms. Olexa reported Staff #1 does work at this home as well as the other three homes under the ownership of James Saintz as a cleaning person not as a “direct care staff” because she did not pass her background check. Ms. Olexa confirmed that Staff #1 does have contact with the residents. Ms. Olexa reported she is working on getting her record expunged and is keeping on close contact with them about getting her record cleared. Informed Ms. Olexa that Ms. Olexa is not eligible to work at this or any other home and needs to be taken off the schedule immediately. Ms. Olexa agreed to contact Staff #1 today and take her off the schedule.

On 11/15/22, I interviewed licensee James Saintz by phone. Mr. Saintz reported he was aware that Staff #1 did not pass her background check and thought she could still work at the home if she did not do “direct care” with the residents as her title is “housekeeper.” I informed Mr. Saintz that Staff #1 cannot have access to residents in

any capacity. Mr. Saintz reported she was taken off the schedule and was informed that she cannot be on the property. I informed Mr. Sanitz that the home will be cited, and he will have to complete a corrective action plan. Mr. Saintz acknowledged and agreed.

<b>APPLICABLE RULE</b>	
<b>MCL 400.734</b>	<b>Criminal History Check</b>
	<p><b>(2) Except as otherwise provided in subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents after April 1, 2006 until the adult foster care facility conducts a criminal history check in compliance with subsections (4) and (5). This subsection and subsection (1) do not apply to an individual who is employed by or under contract to an adult foster care facility before April 1, 2006. Beginning April 1, 2009, an individual who is exempt under this subsection shall provide the department of state police a set of fingerprints and the department of state police shall input those fingerprints into the automated fingerprint identification system database established under subsection (12). An individual who is exempt under this subsection is not limited to working within the adult foster care facility with which he or she is employed by or under independent contract with on April 1, 2006. That individual may transfer to another adult foster care facility that is under the same ownership with which he or she was employed or under contract. If that individual wishes to transfer to an adult foster care facility that is not under the same ownership, he or she may do so provided that a criminal history check is conducted by the new facility in accordance with subsection (4). If an individual who is exempt under this subsection is subsequently convicted of a crime or offense described under subsection (1)(a) through (g) or found to be the subject of a substantiated finding described under subsection (1)(i) or an order or disposition described under subsection (1)(h), or is found to have been convicted of a relevant crime described under subsection (1)(a), he or she is no longer exempt and shall be terminated from employment or denied employment.</b></p>

<b>ANALYSIS:</b>	It was alleged that Staff #1 was working in the home and having direct contact with AFC residents despite being ineligible to work due to the criminal history check. Based on interviews with DCSM, residents and the Licensee it was confirmed that Staff #1 continued working at the home although her criminal history check indicated she was not eligible for employment. Mr. Saintz indicated he though she could remain employed if she was a housekeeper and did not provide direct care to the residents. Mr. Saintz was informed that Staff #1 could not work in any capacity, and he indicated that she was terminated on 11/15/22.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**III. RECOMMENDATION**

Based on the submission of an acceptable corrective action plan, I recommend no change to the current license status.

*Nile Khabeiry, LMSW*

11/16/22

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Nile Khabeiry  
Licensing Consultant

\_\_\_\_\_  
Date

Approved By:

*Russell Misiak*

11/17/22

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Russell B. Misiak  
Area Manager

\_\_\_\_\_  
Date