



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

January 18, 2023

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

RE: License #: AL250388516  
Investigation #: 2023A0569012  
Burton West

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 (517) 643-7960.

Sincerely,

A handwritten signature in cursive script that reads "Kent W. Gieselman".

Kent W Gieselman, Licensing Consultant  
Bureau of Community and Health Systems  
611 W. Ottawa Street  
P.O. Box 30664  
Lansing, MI 48909  
(810) 931-1092

enclosure

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

This report contains quoted profanity and sexually explicit statements

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AL250388516
<b>Investigation #:</b>	2023A0569012
<b>Complaint Receipt Date:</b>	12/06/2022
<b>Investigation Initiation Date:</b>	12/07/2022
<b>Report Due Date:</b>	02/04/2023
<b>Licensee Name:</b>	Flatrock Manor, Inc.
<b>Licensee Address:</b>	7012 River Road Flushing, MI 48433
<b>Licensee Telephone #:</b>	(810) 964-1430
<b>Administrator:</b>	Morgan Yarkosky
<b>Licensee Designee:</b>	Nicholas Burnett
<b>Name of Facility:</b>	Burton West
<b>Facility Address:</b>	1345 Connell St. Burton, MI 48529
<b>Facility Telephone #:</b>	(810) 877-6932
<b>Original Issuance Date:</b>	06/28/2018
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	12/24/2020
<b>Expiration Date:</b>	12/23/2022
<b>Capacity:</b>	15
<b>Program Type:</b>	DEVELOPMENTALLY DISABLED MENTALLY ILL

**II. ALLEGATION(S)**

	<b>Violation Established?</b>
<ul style="list-style-type: none"> <li><b>Resident A was sexually assaulted at the facility by Resident B.</b></li> </ul>	Yes

**III. METHODOLOGY**

12/06/2022	Special Investigation Intake 2023A0569012
12/06/2022	APS Referral Complaint received from APS.
12/06/2022	Contact - Document Received IR received.
12/07/2022	Special Investigation Initiated - Letter Email to Amanda Doyle, Burton City Attorney.
01/17/2023	Contact - Document Received Police report received.
01/17/2023	Inspection Completed On-site
01/17/2023	Contact - Telephone call made Contact with Jesse Aaron, staff person.
01/18/2023	Inspection Completed-BCAL Sub. Compliance
01/18/2023	Exit Conference Exit conference with Nick Burnett, licensee designee.

## **ALLEGATION:**

**Resident A was sexually assaulted at the facility by Resident B.**

## **INVESTIGATION:**

This complaint was received from the adult protective services central intake department. The complainant reported that Resident A reported that he had been sexually assaulted by Resident B on 12/3/22. The complainant reported that Resident A reported this to Jesse Aaron, staff person. The complainant reported that police were not contacted until 12/5/22.

An incident report (IR) was submitted to the department on 12/5/22. The IR documents that the incident occurred at 8:06am on 12/4/22. The IR documents that Resident A and Resident B walked out of Resident A's bedroom and Resident A reported to Jesse Aaron, staff person, that Resident A and Resident B had engaged in consensual sexual activity by performing oral sex with Resident B. The IR documents that the corrective measure for this incident was "staff will continue to closely monitor to insure health and safety". The IR documents that on 12/5/22 Resident A then called the Burton Police Department and reported that Resident B had sexually assaulted Resident A. The IR documents that the Burton Police Department then arrived at the facility and arrested Resident B.

Amanda Doyle, City of Burton attorney, submitted a police report on 1/17/23. The police report (Report) was completed by Ofc. Sarah Conquest on 12/5/22. The report documents that the incident occurred on 12/3/22, and that Ofc. Conquest was dispatched to respond on 12/5/22 @ 10:23am. The report documents that Ofc. Conquest interviewed Resident A and Resident A stated that on 12/3/22 after the diner meal at approximately 5:00pm, he was in his bedroom when Resident B entered his bedroom and shoved Resident A onto Resident A's bed. The report documents that Resident A reported Resident B got on top of Resident A, began pulling his (Resident B) penis out, and told Resident A to "suck his dick". The report documents that Resident A then reported that Resident B was holding Resident A down on the bed and Resident B then put his penis in Resident A's mouth. The report documents that Resident A reported that he told Resident B he did not want to do what Resident B was telling him to do. The report documents that Resident A reported that Resident B also choked him and hit him during the incident. The report documents that Resident B then eventually got off Resident A and left the room. The report documents that Resident A reported the incident to staff, but staff did not believe him or allow him to call the police. The report documents that when Resident B was questioned by Ofc. Conquest, Resident B reported that he did assault Resident A and knew it was wrong but forced Resident A to perform oral sex anyway. The report documents that Resident B admitted that Resident A had asked Resident B to stop several times during the incident. The report documents that Resident B was then arrested by Ofc. Conquest, and booked into the Genesee County Jail on 12/5/22. The report documents that Ofc. Conquest instructed staff to take

Resident A for a medical examination due to the allegation of a sexual assault, and for a red mark around Resident A's throat consistent with being choked. The report also documents that Resident A was complaining of pain in his chest from being hit by Resident B.

An unannounced inspection of this facility was conducted on 1/17/23. Resident A was alert and oriented to person, place, and time. Resident A was appropriately dressed and groomed with no visible injuries. Resident A stated that this incident did occur on 12/3/22, just after diner time. Resident A stated that Resident B came into his bedroom and did "bad stuff" to Resident A. Resident A clarified that Resident B forced Resident A to perform oral sex on Resident B. Resident A stated that the sexual act was not consensual, and that he did report the incident to Jesse (Aaron). Resident A stated that he never told staff that the act was consensual, and staff did not call the police. Resident stated that Resident B then broke Resident A's radio a day later because he told Resident B that he was going to call the police. Resident A stated that he was finally able to call the police on 12/5/22. Resident A stated that the police came to the facility and arrested Resident B because Resident B admitted that he has sexually assaulted Resident A and that the act was not consensual.

Jesse Aaron, former staff person, stated on 1/17/22 that he did recall this incident. Mr. Aaron stated that he worked the second shift on 12/3/22 and that his shift ended at 11:00pm. Mr. Aaron stated that Resident A reported that he had sexual contact with Resident B, but that Resident A reported this to him at 10:50pm, just before Mr. Aaron's shift ended. Mr. Aaron stated that he then told Resident A to report the information to another staff person and left the facility at 11:00pm.

The police report documents that Ofc. Conquest interviewed Jenaya Griffith, medication coordinator, while at the facility on 12/5/22. The report documents that Ms. Griffith reported that "[I] notice he (Resident A) was unwilling to talk or speak, which is unlike [Resident A]. Jenaya was finally able to get [Resident A] to speak to her and he advised something happened on 12/3/2022 at approximately 5PM. [Resident A] advised her another resident, [Resident B], forced his penis inside his (Resident A) mouth. [Resident A] advised her he told [Resident B] to "stop it," multiple times but he would not stop. [Resident A] advised her he attempted to tell the staff that was on at the time, and nobody would believe him or allow him to contact 911. Jenaya stated [Resident B] became upset after the incident and went into his (Resident A) room, smashing his radio. [Resident A] advised her he wanted to speak to 911 so she allowed him to call on their phone.

An "after visit summary" document was submitted for review. The summary documents that Resident A was taken to the emergency room on 12/5/22 for a medical examination. The summary documents that Resident A was treated and examined for sexual trauma.

<b>APPLICABLE RULE</b>	
<b>R 400.15305</b>	<b>Resident protection.</b>
	<b>(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.</b>
<b>ANALYSIS:</b>	<p>The IR submitted on 12/5/22 documents that an incident of sexual contact occurred on 12/4/22, and that Resident A reported that the contact was consensual to Mr. Aaron. The police report documents that the incident occurred on 12/3/22, and that Resident reported that he was sexually assaulted and did not consent to the sexual contact. The police report also documents that Resident A reported the information to Mr. Aaron, but that Mr. Aaron did not believe Resident A and did not allow Resident A to contact the police. Resident A stated during his interview that the contact was not consensual, and he told Resident B to stop multiple times. This fact is also documented in the police report. Resident A also stated that he reported the incident to Jesse (Mr. Aaron), but that Mr. Aaron did not call the police. Mr. Aaron stated that Resident A reported this incident to him, but it was then end of his shift, so he instructed Resident A to report the information to another staff person. The police report documents that Resident A did report the information to Ms. Griffith on 12/5/22, and that the police were then called. Resident B admitted to the police that he sexually assaulted Resident A, and that the incident was not consensual. Resident B was then arrested for the sexual assault. The documentation substantiates that Resident A is credible in his statement that he reported this incident to Mr. Aaron on 12/3/22, but that a police report was not made until 12/5/22, and only when Resident A himself called the police to file a complaint. The police report also documents that Ofc. Conquest observed a red mark on Resident A's neck on 12/5/22 consistent with Resident A's statement that Resident B had choked him. Resident A did not receive medical attention until 12/5/22 after Ofc. Conquest instructed staff to take Resident A to the emergency room. Due to the incident not being reported for two days, Resident A's protection and safety was compromised. Based on the statements given and documentation reviewed, it is determined that there has been a violation of this rule.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

An exit conference was conducted with Nick Burnett, licensee designee, on 1/18/23. The findings in this report were reviewed.

#### IV. RECOMMENDATION

I recommend that the status of this license remain unchanged with the receipt of an acceptable corrective action plan.



1/18/23

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Kent W Gieselman  
Licensing Consultant

Date

Approved By:



1/18/23

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Mary E. Holton  
Area Manager

Date