



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 30, 2023

Shirley Benjamin
1202 N. Eight Street
Niles, MI 49012

RE: License #: AF110402243
Investigation #: 2023A1030022
Dawn's Foster Care

Dear Mrs. Benjamin:

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.

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

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

I. IDENTIFYING INFORMATION

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|---------------------------------------|---|
| License #: | AF110402243 |
| Investigation #: | 2023A1030022 |
| Complaint Receipt Date: | 01/25/2023 |
| Investigation Initiation Date: | 01/25/2023 |
| Report Due Date: | 03/26/2023 |
| Licensee Name: | Shirley Benjamin |
| Licensee Address: | 1202 North 8th Street Niles, MI 49120 |
| Licensee Telephone #: | (269) 635-7141 |
| Administrator: | N/A |
| Licensee Designee: | Shirley Benjamin |
| Name of Facility: | Dawn's Foster Care |
| Facility Address: | PO Box 243 1202 North 8th Street Niles, MI 49120- |
| Facility Telephone #: | (269) 635-7141 |
| Original Issuance Date: | 10/29/2021 |
| License Status: | REGULAR |
| Effective Date: | 04/29/2022 |
| Expiration Date: | 04/28/2024 |
| Capacity: | 3 |
| Program Type: | PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED |

II. ALLEGATION(S)

| | Violation Established? |
|--|-----------------------------------|
| Staff screams and throws objects at Resident A | No |
| Additional Findings | Yes |

III. METHODOLOGY

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|------------|--|
| 01/25/2023 | Special Investigation Intake 2023A1030022 |
| 01/25/2023 | Special Investigation Initiated - Telephone Interview with APS worker |
| 01/27/2023 | Contact - Face to Face Interview with Resident A |
| 01/27/2023 | Contact - Face to Face Interview with Resident B |
| 01/27/2023 | Contact - Face to Face Interview with Shirley Benjamin |
| 01/30/2023 | Contact - Face to Face Interview with Guardian B1 |
| 01/30/2023 | Exit Conference Exit conference by phone |

ALLEGATION:

Staff screams and throws objects at Resident A.

INVESTIGATION:

On 1/25/23, I interviewed the adult protective services (APS) worker by phone. APS worker reported he also has an investigation regarding Resident B being mistreated in the home. APS worker reported he has not found any evidence of mistreatment of either Resident A or Resident B. APS worker reported he believes the referral source has a “vendetta” against the licensee.

On 1/27/22, I interviewed Resident A at the home. Resident A reported she has lived in the home for five months and was placed by APS. Resident A reported the homeowner, Shirley Benjamin mistreats her and Resident B. Resident A reported “she is sadistic” and screams at her. Resident A reported that Ms. Benjamin threw saltine crackers one time in frustration. I asked if she threw the crackers at her or just threw them. Resident A said she “just threw them.” Resident A reported Ms. Benjamin treats her like a non-human being and is trying to evict her due in part to her not paying rent. I informed Resident A that Ms. Benjamin does have the right to evict her for non-payment of rent.

Resident A reported Ms. Benjamin tells Resident B that “nobody wants him” and calls him a “baby.” Resident A reported Ms. Benjamin never mistreats them when anyone else is around and will “lie” when anyone from the State comes to the home. I informed Resident A that I will also interview Resident B as part of the investigation. Resident A reported Resident B will not be able to understand as he has “mental issues.” I inquired how does Resident B understand Ms. Benjamin if he has issues with comprehension. Resident A reported Resident B can understand Ms. Benjamin because he has lived in the home for a long time.

On 1/27/23, I attempted to interview Resident B however he is developmentally disabled and was unable to participate in an interview.

On 1/27/23, I interviewed Shirley Benjamin at the home. Ms. Benjamin denied mistreating either resident or yelling at them. Ms. Benjamin reported she is having problems with Resident A and did give her a 30-day eviction notice. Ms. Benjamin reported Resident A has not wanted to pay her full rent and is disrespectful towards her. Ms. Benjamin reported Resident B has been living in the home for a long time and provided Resident B’s brother’s contact information.

I reviewed Resident A’s file and noted there was not a Resident Care Agreement for AFC Residents (RCA.) Ms. Benjamin reported she did not complete the RCA when Resident A moved into the home. I informed Ms. Benjamin that the RCA is very important as it documents the monthly rent and the care to be provided to Resident A. Ms. Benjamin could not provide a reason why she did not complete the RCA. I

informed Ms. Benjamin that she will be cited and will need to complete a Corrective Action Plan at the conclusion of the investigation.

On 1/30/23, I interviewed Resident B’s legal guardian by phone. Guardian B1 reported he does not have any concerns with the home as she provides good care to her brother. Guardian B1 reported he visits his brother weekly and always receives a call from Ms. Benjamin if there are any problems or concerns.

| APPLICABLE RULE | |
|------------------------|---|
| R 400.1412 | Resident behavior management; prohibitions. |
| | (1) A licensee shall not mistreat or permit the mistreatment of a resident by responsible persons or other occupants of the home. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm. |
| ANALYSIS: | It was alleged Shirley Benjamin yells and throw objects at the residents. Based on interviews with Resident A, APS, Resident B’s legal guardian and Ms. Benjamin this violation will not be established. The primary problem appears to be Resident A’s refusal to pay rent and Ms. Benjamin giving Resident A a 30-day discharge notice because of her refusing to pay rent. |
| CONCLUSION: | VIOLATION NOT ESTABLISHED |

ADDITIONAL FINDINGS:

INVESTIGATION:

On 1/27/23, I attempted to review Resident A’s Resident Care Agreement for AFC Residents (RCA) however Ms. Benjamin was unable to locate a RCA for Resident A who moved into the home in November 2022.

| APPLICABLE RULE | |
|------------------------|--|
| R 400.1407 | Resident admission and discharge criteria; resident assessment plan; resident care agreement; house guidelines; fee schedule; physicians instructions; health care appraisal. |
| | (5) At the time of a resident's admission, a licensee shall complete a written resident care agreement which shall be |

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| | established between the resident or the resident's designated representative, the responsible agency, and the licensee. A department form shall be used unless prior authorization for a substitute form has been granted in writing by the department. A resident shall be provided the care and services as stated in the written resident care agreement. |
| ANALYSIS: | During the course of the investigation, it was determined Resident A did not have a RCA which is supposed to be completed upon admission to the home. Ms. Benjamin acknowledged the violation. |
| CONCLUSION: | VIOLATION ESTABLISHED |

On 1/30/23, I shared the findings of my investigation with Licensee, Shirley Benjamin. Ms. Benjamin acknowledged and agreed with the findings and will submit a corrective action plan.

IV. RECOMMENDATION

Contingent upon the submission of an acceptable corrective action plan, I recommend no change in the current license status.

Nile Khabeiry, LMSW

1/30/23

Nile Khabeiry Date
Licensing Consultant

Approved By:

Russell Misiak

2/9/23

Russell B. Misiak Date
Area Manager