



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

February 17, 2023

Linda Hirt and Jeffrey Hirt
6920 Austhof Woods Dt
Alto, MI 49302

RE: License #: AF410393455
Investigation #: 2023A0583019
In The Woods

Dear Linda Hirt and Jeffrey Hirt:

Attached is the Special Investigation Report for the above referenced facility. Due to the severity of the violations, disciplinary action against your license is recommended. You will be notified in writing of the department's action and your options for resolution of this matter.

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, appearing to read "Toya Zylstra".

Toya Zylstra, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(616) 333-9702

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**
Report Contains Quoted Profanity

I. IDENTIFYING INFORMATION

License #:	AF410393455
Investigation #:	2023A0583019
Complaint Receipt Date:	01/25/2023
Investigation Initiation Date:	01/25/2023
Report Due Date:	02/24/2023
Licensee Name:	Linda Hirt and Jeffrey Hirt
Licensee Address:	6920 Austhof Woods Dt Alto, MI 49302
Licensee Telephone #:	(616) 366-5125
Name of Facility:	In The Woods
Facility Address:	6920 Austhof Woods Dr. Alto, MI 49302
Facility Telephone #:	(616) 554-9471
Original Issuance Date:	02/25/2019
License Status:	REGULAR
Effective Date:	08/25/2021
Expiration Date:	08/24/2023
Capacity:	5
Program Type:	ALZHEIMERS AGED

II. ALLEGATION(S)

	Violation Established?
Licensees Jeffrey and Linda Hirt stole Resident A's debit card and money.	Yes

III. METHODOLOGY

01/25/2023	Special Investigation Intake 2023A0583019
01/25/2023	APS Referral
01/25/2023	Special Investigation Initiated - Face to Face Licensee Linda Hirt, Resident A
01/26/2023	Contact - Telephone call received APS Kevin Souser
01/30/2023	Contact – Email Public Guardian Veronica Smith
01/31/2023	Contact – Face to Face Licensees Jeffrey and Linda Hirt
01/31/2023	Inspection completed onsite Staff Samantha Hirt, Resident B
02/08/2023	Exit Conference Licensee Linda Hirt

ALLEGATION: Licensees Jeffrey and Linda Hirt stole Resident A's debit card and money.

INVESTIGATION: On 01/25/2023 allegations were received from Adult Protective Services via email. The complaint allegations were assigned to Adult Protective Services staff Kevin Souser for formal investigation. The complaint alleged that licensees Jeffery and Linda Hirt stole Resident A's debit card and withdrew Resident's A's funds for Mr. and Mrs. Hirt's personal use.

On 01/25/2023 I completed an unannounced onsite inspection at the Alto AFC home (license #AS410405484). Adult Protective Services Kevin Souser was present during the inspection. Licensee Linda Hirt and Resident A were each privately interviewed.

Licensee Linda Hirt stated Resident A previously resided at the In the Woods AFC home which is a Family Adult Foster Care Home she and her husband, Jeffery Hirt, own and operate. Ms. Hirt stated Resident A moved into the Alto Small Group Adult Foster Care Home in June 2022, which she and Mr. Hirt also own and operate. Ms. Hirt stated Resident A resided at the In the Woods AFC Home in January 2022. Ms. Hirt stated that on an unknown date in January of 2022 she and Mr. Hirt were discussing a "repair bill" and Resident A "offered to pay the bill". Ms. Hirt stated she "declined" Resident A's offer to pay the bill and that she and Mr. Hirt never obtained Resident A's debit card or removed funds from Resident A's personal account. Ms. Hirt stated she has no access to Resident A's personal funds and his finances are managed by his public guardian Veronica Smith.

Resident A stated that in January of 2022 he was residing at the In the Woods AFC Home which is owned and operated by Jeffrey and Linda Hirt. Resident A stated on 01/25/2022 Resident A overheard Mr. and Mrs. Hirt "arguing at 2:00 am over a bill". Resident A stated he offered to "loan" Mr. and Mrs. Hirt \$200.00. Resident A stated Mr. and Mrs. Hirt informed Resident A they could discuss the loan later in the morning. Resident A stated the following morning when he woke up, his debit card, which had been on a table in his bedroom, was missing. Resident A stated Mr. and Mrs. Hirt subsequently acknowledged taking Resident A's debit card while Resident A was asleep and withdrew a total of \$1700.00 from his account. Resident A stated he observed three receipts from Comerica Bank located on the kitchen table and Ms. Hirt acknowledged they used the debit card to take Resident A's money. Resident A stated Mr. and Mrs. Hirt withdrew the total sum of \$1700.00 in three separate transactions of \$300.00, \$600.00 and \$800.00 on 01/25/2022 from Comerica Bank. Resident A stated he requested the funds be returned to him and Mr. Hirt stated, "fuck you, I ain't paying you a dime". Resident A provided me three separate receipts for three withdrawals of \$300.00, \$600.00, and \$800.00 on 01/25/2022 from Comerica Bank for my review.

Kevin Souser of Adult Protective Services stated complaint allegations were sent to the Kent County Sheriff's Office for their review.

On 01/26/2023 I interviewed Kevin Souser of Adult Protective Services via telephone. Mr. Souser stated he spoke with Resident A's guardian Veronica Smith today regarding the complaint allegation. Mr. Souser stated Ms. Smith controls Resident A's finances but did not have access to the debit card involved in the allegation. Ms. Smith stated she would follow-up with Comerica Bank and determine if video footage exists of the 01/25/2022 withdrawals.

On 01/30/2023 I interviewed public guardian Veronica Smith. Ms. Smith stated she was appointed Resident A's guardian after he was found to be homeless with unmet medical needs. Ms. Smith stated that upon her appointment she was aware of Resident A holding possession of a "direct express" debit card which was administered by Comerica Bank. Ms. Smith stated there was no actual savings or check account associated with the debit card however Resident A's social security

money was directly added to the debit card. Ms. Smith stated she does not know if the debit card carried a balance of funds because she never gained access to the debit card and instead opened an actual bank account to manage Resident A's social security funds. Ms. Smith stated she would contact Comerica Bank and see if it can be determined who used the debit card on 01/25/2022.

On 01/31/2023 I completed an unannounced onsite investigation at the Alto AFC home. Kevin Souser of Adult Protective Services was present during the investigation. While onsite I privately interviewed licensees Jeffrey and Linda Hirt with Mr. Souser present.

Linda Hirt stated that on 01/24/2022 she and Jeffrey Hirt were discussing "finances and bills" at the In the Woods AFC home which is where she and Mr. Hirt reside. Ms. Hirt stated Resident A resided at the facility during that time. Ms. Hirt stated Resident A overheard the conversation and Resident A offered to loan Mr. and Mrs. Hirt money. Ms. Hirt acknowledged that she and Mr. Hirt accepted Resident A's offer to loan them money to pay bills. Ms. Hirt stated Resident A gave Mr. Hirt Resident A's debit card and Mr. Hirt drove Resident A to a Comerica Bank. Ms. Hirt stated Mr. Hirt assisted Resident A with withdrawing \$1700 from the debit card account at Comerica Bank and she used the funds to pay bills. Ms. Hirt stated the exchange was agreed by Resident A as a "loan" with repayment by Mr. and Mrs. Hirt. Ms. Hirt stated the transaction was recorded on a spreadsheet as a loan and Mr. and Mrs. Hirt repaid some of the funds to Resident A by purchasing Resident A "candy, cigarettes, and pop". Ms. Hirt stated she had initially documented the repayments on the spreadsheet however she became "lazy" and eventually stopped documenting the repayments. Ms. Hirt stated she knew Resident A was under a guardianship and his public guardian was Veronica Smith at the time of the 01/25/2022 transaction.

Jeffrey Hirt stated that in January of 2022 he and Linda Hirt were discussing finances and bills at the In the Woods AFC home. Mr. Hirt stated Resident A overheard the conversation and offered to loan Mr. and Ms. Hirt money. Mr. Hirt stated that on 01/25/2022, which was "within the week" of his conversation with Ms. Hirt, Mr. Hirt drove Resident A to an ATM machine located at a Comerica Bank. Mr. Hirt stated he and Resident A utilized Resident A's debit card and removed a total of \$1700 in three separate transactions from the ATM. Mr. Hirt stated he and Mrs. Hirt repaid Resident A approximately \$1000 of the \$1700 by purchasing Resident A "pop, candy, and cigarettes". Mr. Hirt stated he and Ms. Hirt documented the "loan" on an excel spreadsheet and recorded some of the repayments. Mr. Hirt stated he and Ms. Hirt did not document every repayment. Mr. Hirt stated he knew Resident A was under a guardianship at the time of the 01/25/2022 transaction.

While onsite I observed a google document spreadsheet with a column labeled "paid (Resident A)" and another column labeled "owe 1700". Mr. and Ms. Hirt both reported the spreadsheet documented Resident A's "\$1700 loan" and some of Mr. and Mrs. Hirt's repayments.

On 01/31/2023 I completed an unannounced onsite investigation at the facility with Adult Protective Services Kevin Souser. While onsite, I interviewed staff Samantha Hirt and Resident B.

Samantha Hirt stated that in January of 2022 Jeffrey and Linda Hirt were having financial difficulties. Samantha Hirt stated Resident A offered to loan Jeffrey and Linda Hirt money to pay their bills however Jeffrey and Linda Hirt refused Resident A's offer.

Resident B stated she moved into the home in the last week and has no knowledge of the complaint allegation.

On 02/01/2023 I received an email from Veronica Smith. The email stated she was appointed Resident A's legal guardian on 08/27/2021.

On 02/01/2023 I interviewed Detective Alex Heid of the Kent County Sheriff's Office face-to-face at the Alto AFC. Det. Heid stated she was assigned to criminally investigate the complaint allegation.

On 02/08/2023 I completed an Exit Conference with Licensee Linda Hirt via telephone. Ms. Hirt stated she did not dispute violation of the applicable rule as a result of "borrowing" \$1700.00 from Resident A. However, Ms. Hirt stated she did not know if she would accept a settlement agreement or litigate the requested renovation.

APPLICABLE RULE	
R 400.1421	Handling of resident funds and valuables.
	(8) A licensee, responsible person, and members of the licensee's or responsible person's family shall not borrow money or valuables from a resident, with or without the consent of the resident. A licensee shall further take reasonable precautions to assure the prohibition of financial transactions between a resident and other occupants of the home.
ANALYSIS:	<p>Resident A has a legal guardian.</p> <p>Resident A reported that Mr. and Mrs. Hirt stole his debit card and \$1700.</p> <p>Licensees Jeffrey and Linda Hirt both stated Resident A "loaned" them \$1700 to pay bills despite Resident A being under a public guardianship.</p>

	A preponderance of evidence was discovered during the Special Investigation to substantiate violation of the applicable rule. Licensees Jeffrey and Linda Hirt stole Resident A's money for their personal use.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Revocation of the license is recommended.



02/16/2023

Toya Zylstra
Licensing Consultant

Date

Approved By:



02/17/2023

Jerry Hendrick
Area Manager

Date