



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
ACTING DIRECTOR

February 6, 2024

Michael Kirby  
Kirby's Adult Foster Care Services Inc.  
2285 E. Lily Lake  
Harrison, MI 48625

RE: License #: AS370407797  
Investigation #: 2024A1038023  
Pleasant Acres

Dear Mr. Kirby:

Attached is the Special Investigation Report for the above referenced facility. No substantial violations were found.

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) 284-9727.

Sincerely,

A handwritten signature in black ink that reads "Johnnie Daniels".

Johnnie Daniels, Licensing Consultant  
Bureau of Community and Health Systems  
611 W. Ottawa Street  
P.O. Box 30664  
Lansing, MI 48909

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AS370407797
<b>Investigation #:</b>	2024A1038023
<b>Complaint Receipt Date:</b>	01/23/2024
<b>Investigation Initiation Date:</b>	01/23/2024
<b>Report Due Date:</b>	03/23/2024
<b>Licensee Name:</b>	Kirby's Adult Foster Care Services Inc.
<b>Licensee Address:</b>	2285 E. Lily Lake Harrison, MI 48625
<b>Licensee Telephone #:</b>	(989) 430-8061
<b>Administrator/ Licensee Designee:</b>	Michael Kirby
<b>Name of Facility:</b>	Pleasant Acres
<b>Facility Address:</b>	9318 E Pickard Mount Pleasant, MI 48858
<b>Facility Telephone #:</b>	(989) 317-3948
<b>Original Issuance Date:</b>	07/14/2021
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	01/14/2024
<b>Expiration Date:</b>	01/13/2026
<b>Capacity:</b>	6
<b>Program Type:</b>	DEVELOPMENTALLY DISABLED MENTALLY ILL

**II. ALLEGATION(S)**

	<b>Violation Established?</b>
A staff member grabbed Resident A's butt area and Resident B's breast area.	No

**III. METHODOLOGY**

01/23/2024	Special Investigation Intake 2024A1038023
01/23/2024	Special Investigation Initiated - Telephone call made to Complainant
01/26/2024	Contact - Face to Face interviews were conducted with Home Manager DCSM Amanda Granger, DCSM Christina Schaefer and DCSM Ashley Williams.
01/26/2024	Contact - Face to Face interview was conducted with Guardian B1.
01/26/2024	Contact - Face to Face interviews were conducted with Resident A and Resident B.
01/26/2024	Contact - Telephone call made to DCSM Julius Garza.
02/02/2024	Exit Conference with LD Mike Kirby

**ALLEGATION:**

**A staff member grabbed Resident A's butt area and Resident B's breast area.**

**INVESTIGATION:**

On 1/23/24, I received a complaint from the Bureau of Community and Health Systems On-line Complaint System regarding the home. The complaint alleged direct care staff

member (DCSM) Julius Garza grabbed Resident A's breast area and Resident B's butt area.

On 1/23/24, I contacted the complainant by telephone. The complainant statements were consistent with the complaint and no further information was gathered.

On 1/26/24, I conducted an unannounced onsite investigation and interviewed Resident A at the home. Resident A stated on 1/18/24, while DCSM Julius Garza was hugging her he grabbed her butt area. Resident A then pointed to her lower back just on the top of her butt area. Resident A stated she told staff about the incident on 1/20/2024. Resident A stated this was the first time this happened. Resident A stated she has not witnessed this happening to any other resident.

On 1/26/24, I interviewed Resident B with Guardian B1 present at the home. Resident B stated that on 1/18/24, she was in the kitchen area crying when DCSM Julius Garza walked towards her and grabbed both of her breast. Resident B stated Mr. Garza told her that he was there for her, hugged her again and grabbed her breast for a second time. Resident B stated Resident A witnessed the incident. Resident B stated on the same day Mr. Garza laid her down in her bed covered her up and grabbed both of her breast again. Resident B stated she did not tell other staff members about the incident until 1/20/24 along with Resident A. Resident B stated she felt violated by Mr. Garza's actions.

On 1/26/24, I interviewed Guardian B1 at the home. Guardian B1 stated Resident B has made these exact claims at a former facility she was living at. Guardian B1 stated Resident B did not tell her about any incident. Guardian B1 stated Resident B acts out negatively when she does not get male attention from staff. Guardian B1 stated she was at the home on 1/23/24 when the staff reported the incident to Isabella County Sheriff's Department. Guardian B1 stated the deputies told her they were not going to pursue any charges against Julius Garza. Guardian B1 stated Resident B still refers to Julius Garza as a friend.

On 1/26/24, I interviewed Assistant Home Manager-Amanda Granger at the home. Ms. Granger stated she has not seen Julius Garza inappropriate with any of the residents. Ms. Granger stated no resident or staff member has reported any inappropriate behavioral concerns regarding Julius Garza.

On 1/26/24, I interviewed DCSM Christina Scharfer at the home. Ms. Scharfer stated that on 1/18/24, Resident B calling Julius Garza back to her bedroom which was not normal. Ms. Scharfer stated that historically no residents of the home call Julius Garza to their bedroom to tuck them in. Ms. Scharfer stated she witnessed Julius Garza walk back to the room and walk right out. Ms. Scharfer stated the interaction took nearly two minutes. Ms. Scharfer stated she has never seen Julius Garza be inappropriate with any of the residents.

On 1/26/24, I interviewed DCSM Ashley Williams at the home. Ms. Williams stated she has never seen Julius Garza inappropriate with any of the residents. DCSM Ms. Williams stated she was not working at the time of the incident.

On 1/26/24, I interviewed home manager Amy Vanorden at the home. Ms. Vanorden provided for my review the Incident Report (IR) describing the alleged event. The IR was dated 1/20/24 and read that Resident A was upset and documented that she stated, *“I lied about Julius touching my butt, Resident B told her to say it”*.

On 1/26/24, Office of Recipient Rights worker Sarah Watson and I interviewed DCSM Julius Garza via telephone. Mr. Garza stated Resident B was crying and asked to be tucked in that night on 1/18/24 Mr. Garza stated he did give her a side hug while Resident B was sitting in her chair. Mr. Garza stated at no time did he touch any residents butt or breast area. Mr. Garza stated he was in Resident B’s bedroom for two to three minutes and walked right out. Mr. Garza stated he has worked at the facility for nearly a year and has not had any resident allege this behavior before.

<b>APPLICABLE RULE</b>	
<b>R 400.14305</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>	Based on my interviews with staff of the home, Guardian B1, and review of the IR that describes Resident A retracting her claim, it seems unlikely the event occurred as alleged. While it seems unlikely that the incident occurred, the home did properly report it to the police authority and documented the event as a reportable IR.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

#### **IV. RECOMMENDATION**

I recommend the status of the license remain unchanged.



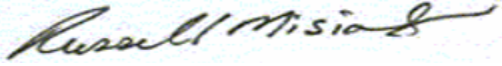
2/5/2024

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Johnnie Daniels  
Licensing Consultant

Date

Approved By:



2/6/24

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Russell B. Misiak  
Area Manager

Date