



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

August 28, 2024

Deborah Pettyplace
The Barton Woods Group, Inc.
9472 Kochville Road
Freeland, MI 48623

RE: License #: AL730352302
Investigation #: 2024A0572050
Barton Woods Assisted Living East

Dear Deborah Pettyplace:

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 black ink that reads "Anthony Humphrey". The signature is written in a cursive style with a large, looping flourish at the end.

Anthony Humphrey, Licensing Consultant
Bureau of Community and Health Systems
411 Genesee
P.O. Box 5070
Saginaw, MI 48605
(810) 280-7718

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AL730352302
Investigation #:	2024A0572050
Complaint Receipt Date:	07/01/2024
Investigation Initiation Date:	07/02/2024
Report Due Date:	08/30/2024
Licensee Name:	The Barton Woods Group, Inc.
Licensee Address:	9472 Kochville Road Freeland, MI 48623
Licensee Telephone #:	(989) 695-2014
Administrator:	Rebecca Williams
Licensee Designee:	Deborah Pettyplace
Name of Facility:	Barton Woods Assisted Living East
Facility Address:	9472 Kochville Road Freeland, MI 48623
Facility Telephone #:	(989) 695-5380
Original Issuance Date:	07/29/2014
License Status:	REGULAR
Effective Date:	01/29/2023
Expiration Date:	01/28/2025
Capacity:	20
Program Type:	PHYSICALLY HANDICAPPED AGED

II. ALLEGATION(S)

	Violation Established?
Facility did not pay family refund in a timely manner after resident passed away.	Yes

III. METHODOLOGY

07/01/2024	Special Investigation Intake 2024A0572050
07/01/2024	APS Referral APS referred to licensing.
07/02/2024	Special Investigation Initiated - On Site Licensee Designee, Deborah Pettyplace and Administrator, Rebecca Williams.
08/23/2024	Contact - Telephone call made Administrator, Rebecca Williams.
08/23/2024	Contact - Telephone call made Family Member #1
08/23/2024	Contact – Document sent Administrator, Rebecca Williams.
08/26/2024	Contact – Document received Family Member #1.
08/27/2024	Exit Conference Licensee Designee, Deborah Pettyplace

ALLEGATION:

Facility did not pay family refund in a timely manner after resident passed away.

INVESTIGATION:

On 07/01/2024, the local licensing office received a complaint for investigation. Adult Protective Services (APS) made the referral to licensing.

On 07/02/2024, I made an unannounced onsite at Barton Woods Assisted Living East, located in Bay County Michigan. Licensee Designee Deborah Pettyplace and Administrator, Rebecca Williams were present for an interview.

On 07/02/2024, I spoke with Licensee Designee Deborah Pettyplace regarding the allegation. Deborah Pettyplace was not very familiar with the family or the specifics of the issue, but informed that Administrator, Rebecca Williams is currently handling the issues and has been in court to resolve the issue. Deborah Pettyplace called Administrator, Rebecca Williams so she could better explain the issues regarding payments to the family.

On 07/02/2024, I spoke with Administrator, Rebecca Williams regarding the allegation. She informed that there are some discrepancies in regard to what is owed to the family and their attorney is working with the family's attorney in order to resolve the issue. Administrator, Rebecca Williams explained that the family paid a year in advance, but Resident A passed away within a couple months after moving into the home. Rebecca Williams stated, "The issue is not that we owe them money. We know we owe them money. The issue is how much. The family believes that we owe a full refund for the entire 12 months, but we don't agree with this." Rebecca Williams informed that this has taken so long because Resident A's Family Member #1 was attempting to represent self in court. Rebecca Williams also attempted to represent Barton Woods, however; the judge ruled that since it's a corporation an individual could not represent the corporation. When Barton Woods attorney got involved, she had to stop all contact with Family Member #1 because, the judge ruled that she is no longer the point of contact. Family Member #1 was also told by the judge that they needed legal counsel because Barton Woods now had an attorney as of 06/29/2024. Rebecca Williams indicated that they tried to give Family Member #1 a check, but Family Member #1 did not accept and ripped the check in front of them. Barton Woods attorney made a counteroffer of \$10,000 per month while the attorneys work out an agreement on the amount owed. The Barton Woods Group, Inc. paid Family Member #1 \$5,000 prior to Family Member #1 obtaining an attorney and \$10,000 shortly after.

On 08/23/2024, I re-interviewed Administrator, Rebecca Williams regarding the allegation and any updates. Rebecca Williams informed that Family Member #1 was paid in full this week. There was a partial payment yesterday and the remainder was paid this morning. Rebecca Williams indicated that they attempted to pay within the timeframe, but Family Member #1 would not accept payment. Rebecca Williams believes that they paid Family Member #1 nearly \$3,200 more than what was

actually owed just to get it over with. I asked Administrator, Rebecca Williams for some documents to be submitted to me as soon as possible.

On 08/23/2024, I interviewed Family Member #1 regarding the allegation. Family Member #1 informed that it is true that money is owed, and they had not received it timely. Family Member #1 states that the refund policy was signed and it indicated that they would receive a refund 30 days after Resident A passed away. Family Member #1 asked for the refund 2 months after Resident A passed away because Barton Woods Assisted Living had not refunded the money in a timely manner. Family Member #1 informed that they still have not received the refund as of yet. I asked Family Member #1 to submit me some documentation as soon as possible.

On 08/26/2024, I contacted Administrator, Rebecca Williams regarding the documentation. She was unable to send today but informed that she will send what she has. Rebecca Williams indicated that the payment was not agreed upon but is now finally paid in full. Rebecca Williams explained that they attempted to rectify the situation, but with many circumstances stacked against them, they were unable to do so in a timely manner. Circumstances beyond their control prevented them from meeting the licensing 30-day refund rule. Rebecca Williams was informed that the refund is due within 5 business days.

On 08/26/2024, I spoke with Family Member #1. Family Member #1 denied ever receiving a check from Barton Woods and ripping it in their face. Around the 1st of May, Family Member #1 received a check for \$5,000 from Barton Woods, which was right before obtaining an attorney. Another \$10,000 was received approximately 2 weeks ago. They were supposed to go to court today for a Creditor Examination, however; Family Member #1's attorney called to inform that Barton Woods has paid in full, so the Creditor Examination is cancelled. They received approximately \$39,000 plus the \$15,000 that was received previously. The judge asked why Barton Woods didn't hold the money in Escrow so that the family could have access to the amount owed immediately after Resident A passed away, but Barton Woods attorney was unable to answer this. Family Member #1 informed that the payment for care and supervision was paid with one check and they were expecting for the refund to be paid in one check. Family Member #1 informed that initially she misspoke about how many months was owed, but after re-reading their contract, they were owed a refund of 10 months.

On 08/26/2024, I received a detailed timeline of events from Family #1. A \$1,500 Community Fee/Application Fee was paid on 01/16/2023 and the check was cashed on 01/17/2023. Contract for \$62,040 was paid and cashed on 01/31/2023. Resident A also moved into Barton Woods Assisted Living-East on 01/31/2023. Resident A passed away on 02/28/2023. It is noted that the end of the 30 days after Resident A death to pay refund was on 03/30/2023. On 04/26/2024, Family Member #1 inquired about the refund. As of 05/11/2023, there was still an overpayment of \$51,533.23 owed to Family Member #1. There are several phone contacts and text messages noted between Family Member #1 and Barton Woods in regard to a refund. Family

Member #1 also provided a copy of the \$1,500 check for the Community Fee/Application Fee and the \$62,040 check for Care and Supervision. A copy of the Bank Statement was provided showing those two amounts were paid out of their account. A copy of the Prepayment Option indicates that \$62,040 covers 12 months of the cost of care and supervision. A copy of the judgement of \$51,744.23, which includes \$211 the Civil Filing Fee.

On 08/27/2024, I reviewed Resident A's file. According to Resident A's Part I form, Family Member #1 is the person responsible for Resident A's funds. Resident A was credited for two payments of \$5,500 for February and March of 2023. Resident A's Resident Care Agreement indicates that Resident A's cost of care and supervision is \$5,500 per month. Based on my review of Resident A's funds, it appears that Family Member #1 was owed a refund.

APPLICABLE RULE	
R 400.15315	Handling of resident funds and valuables.
	(13) A licensee shall provide a complete accounting, on an annual basis and upon request, of all resident funds and valuables which are held in trust and in bank accounts or which are paid to the home, to the resident, or to his or her designated representative. The accounting of a resident's funds and valuables which are held in trust or which are paid to the home shall also be provided, upon the resident's or designated representative's request, not more than 5 banking days after the request and at the time of the resident's discharge from the home.
ANALYSIS:	Based on the interviews of Barton Woods management and Resident A's Family Member #1 and review of documents provided by Resident A's Family Member, there is enough evidence to establish a rule violation. The judge ruled in the favor of the family and the family provided a detailed timeline of the events leading to and after Resident A passed away. Resident A passed away on 02/28/2024 and full refund payment was not received until 08/26/2024.
CONCLUSION:	VIOLATION ESTABLISHED

On 08/27/2024, an exit conference was held with Licensee Designee, Deborah Pettyplace. Deborah Pettyplace was informed of the results of this special investigation.

IV. RECOMMENDATION

I recommend that no changes be made to the licensing status of this large adult foster care facility pending the receipt of an acceptable corrective action plan.



08/27/2024

Anthony Humphrey
Licensing Consultant

Date

Approved By:



08/28/2024

Mary E. Holton
Area Manager

Date