

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

In the matter of

License #: AS390306464
SIR #: 2021A0462027

Aina Acres AFC LLC

_____ /

ORDER OF SUMMARY SUSPENSION
AND NOTICE OF INTENT TO REVOKE LICENSE

The Michigan Department of Licensing and Regulatory Affairs, by Jay Calewarts, Division Director, Adult Foster Care and Camps Licensing Division, Bureau of Community and Health Systems, orders the summary suspension and provides notice of the intent to revoke the license of Licensee, Aina Acres AFC LLC, to operate an adult foster care small group home pursuant to the authority of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.701 et seq., for the following reasons:

1. On or about April 5, 2010, Licensee was issued a license to operate an adult foster care small group home with a licensed capacity of six at 5508 Mt. Vernon Avenue, Portage, Michigan 49024.
2. Prior to the issuance of the license, and during subsequent modifications of the statutes and rules, Licensee received copies of the Adult Foster Care Facility Licensing Act and the licensing rule book for adult foster care small group homes. The Act and rule book are posted and available for download at www.michigan.gov/lara.

3. Licensee mistreated Resident A, used physical force on Resident A, and is not suitable to meet the needs of residents, as demonstrated by the following:
- a. Resident A is 71 years-old and diagnosed with [REDACTED] [REDACTED], and [REDACTED]. He is mostly wheelchair bound and can no longer use a walker to ambulate.
 - b. On March 19, 2021, at approximately 4:15 p.m., Licensee Designee Adebisi Aina physically assaulted Resident A while assisting him from the van, to his wheelchair, and into the home. Mr. Aina forcefully pulled Resident A out of the van and into his wheelchair in a violent manner. As Mr. Aina pushed Resident A in his wheelchair to the front entrance, he delivered three forceful knee strikes to the back of Resident A's wheelchair and into Resident A's back. Each time he was struck, Resident A yelled, "Ouch," or "Stop it." Mr. Aina then struck Resident A in the back of the head. A witness recorded this incident on a cellphone.
 - c. On March 19, 2021, a short time after the incident, Portage Public Safety officers arrived at the home and arrested Mr. Aina for Vulnerable Adult Abuse – Third Degree.
 - d. On or about March 19, 2021, Resident A was taken to Bronson Hospital after he had difficulty using the bathroom and appeared to be in an altered state of responsiveness. While in the hospital, medical

staff noted that there was a mark/bruise on the left side of Resident A's face and a golf ball-sized lump on his forehead.

COUNT I

The conduct of Licensee, as set forth in paragraphs 3(a) through 3(d) above, evidences a willful and substantial violation of:

R 400.14308

(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following:

- (a) Use any form of punishment.
- (b) Use any form of physical force other than physical restraint as defined in these rules.
- (f) Subject a resident to any of the following:
 - (i) Mental or emotional cruelty.

COUNT II

The conduct of Licensee, as set forth in paragraphs 3(a) through 3(d) above, evidences a willful and substantial violation of:

R 400.14201

(9) A licensee and the administrator shall possess all of the following qualifications:

- (a) Be suitable to meet the physical, emotional, social, and intellectual needs of each resident.

COUNT III

The conduct of Licensee, as set forth in paragraphs 3(a) through 3(d) above, evidences a willful and substantial violation of:

R 400.14308

(1) A licensee shall not mistreat a resident and shall not permit the administrator, direct care staff, employees, volunteers who are under the direction of the licensee, visitors, or other occupants of the home to mistreat a resident. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm or the deliberate infliction of pain by any means.

DUE TO THE serious nature of the above violations and the potential risk they represents to vulnerable adults in Licensee's care, emergency action is required. Therefore the provision of MCL 24.292 of the Administrative Procedures Act of 1969, as amended, is invoked. Licensee is hereby notified that the license to operate an adult foster care small group home is summarily suspended.

EFFECTIVE 6:00 p.m., on March 26, 2021, Licensee is ordered not to operate an adult foster care small group home at 5508 Mt. Vernon Avenue, Portage, Michigan 49024 or at any other location or address. Licensee is not to receive adults for care after that time or date. Licensee is responsible for informing case managers or guardians of adults in care that the license has been suspended and that Licensee can no longer provide care.

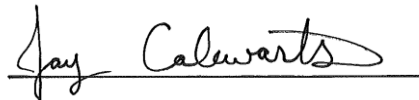
HOWEVER, BECAUSE THE Department has summarily suspended the license, an administrative hearing will be promptly scheduled before an administrative law judge.

Licensee MUST NOTIFY the Department and the Michigan Office of Administrative Hearings and Rules in writing within seven calendar days after receipt of this Notice if Licensee wishes to appeal the summary suspension and attend the administrative hearing. The written request must be submitted via MAIL or FAX to:

Michigan Office of Administrative Hearings and Rules
611 West Ottawa Street, 2nd Floor
P.O. Box 30695
Lansing, Michigan 48909
Phone: 517-335-7519
FAX: 517-763-0155

MCL 24.272 of the Administrative Procedures Act of 1969 permits the Department to proceed with the hearing even if Licensee does not appear. Licensee may be represented by an attorney at the hearing at his or her own expense.

DATED: 03-26-2021

A handwritten signature in black ink, reading "Jay Calewarts", is written over a horizontal line.

Jay Calewarts, Division Director
Adult Foster Care and Camps Licensing Division
Bureau of Community and Health Systems

This is the last and final page of the ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT in the matter of Aina Acres AFC LLC, AS390306464, consisting of five pages, this page included.

JEK

**STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS**

In the matter of

License #: AS390306464
SIR #: 2021A0462027

Aina Acres AFC LLC

_____ /

PROOF OF SERVICE

The undersigned certifies that a copy of the *Order of Summary Suspension and Notice of Intent* was personally served upon the person below on ___/___/___ at ___:___ a.m. or p.m.

Aina Acres AFC LLC
5508 Mt. Vernon Ave.
Portage, MI 49024

Served by:

Michele Streeter
Adult Foster Care Licensing Consultant
Adult Foster Care and Camps Licensing Division
Bureau of Community and Health Systems