



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

MIKE ZIMMER
DIRECTOR

June 10, 2015

Certified Mail

Burton Dery
17617 19 Mile Road
Tustin, MI 49688

Re: License AF670286264

Dear Mr. Dery:

On or about April 23, 2015 you were mailed a copy of the Department of Human Services' Notice of Intent to revoke the license for your adult foster family home. In accordance with that notice, and because you did not exercise your right of appeal, your license has been revoked effective June 02, 2015. It is further understood that you will not receive adults for care now, or in the future, without being legally licensed to do so.

Sincerely,

A handwritten signature in cursive script that reads "Jay Calewarts".

Jay Calewarts, Acting Director
Adult Foster Care/Homes for the Aged Licensing
Office of Children & Adult Licensing

JC:sb

cc: Jerry Hendrick, Licensing Supervisor



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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

MIKE ZIMMER
DIRECTOR

April 23, 2015

Burton Dery
17617 19 Mile Rd.
Tustin, MI 49688

License #: AF670286264
SIR #: 2015A0870020

Dear Mr. Dery:

Enclosed is a copy of a NOTICE OF INTENT TO REVOKE YOUR LICENSE to operate an adult foster care family home, alleging that you have violated the Adult Foster Care Facility Licensing Act. Your options are as follows:

- 1) You may appeal the Notice of Intent and attend a pre-hearing compliance conference. A Notice of Compliance Conference, which provides the date, time, location, and guidelines of the conference, is enclosed.
- 2) You may appeal the Notice of Intent, waive the compliance conference, and proceed directly to an administrative law hearing.
- 3) You may choose not to appeal the Notice of Intent.

If you choose to appeal the Notice of Intent, the Department must receive your WRITTEN APPEAL within 30 days of your receipt of this Notice. If the Department does not receive your written appeal within 30 days of your receipt of this Notice, you will have WAIVED YOUR RIGHT to an administrative law hearing and the proposed action will be final.

Sincerely,

Jay Calewerts, Acting Director
Adult Foster Care Division
Bureau of Health Care Services

Enclosures

Cc: Jerry Hendrick, Area Manager

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

In the matter of

License #: AF670286264
SIR #: 2015A0870020

Burton Dery

NOTICE OF INTENT TO
REVOKE LICENSE

The Michigan Department of Licensing and Regulatory Affairs, by Jay Calewarts, Acting Director, Adult Foster Care Division, Bureau of Health Care Services, provides notice of the intent to revoke the license of Licensee, Burton Dery to operate an adult foster care family 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 June 11, 2007, Licensee was issued a license to operate an adult foster care family home, with a current licensed capacity of three, at 17617 19 Mile Road, Tustin, Michigan 49688.
2. On January 27, 2015, Michigan State Police Trooper Brent Haag interviewed Licensee [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

3. On January 28, 2015, the Adult Foster Care Licensing Division was notified of the pending police investigation.

4. On January 29, 2015, Licensing Consultant Bruce Messer conducted an onsite inspection at Licensee's home. Licensees' parents, Linda Dery and Burton Dery Sr., were present and providing care for one resident at the home. They informed Mr. Messer that Licensee was at an appointment [REDACTED]

[REDACTED] Later that day, Mr. Messer sent Licensee a *BCAL 3704 - Medical Clearance Request* form to be completed by his physician.

5. On January 30, 2015, Mr. Messer conducted a telephone interview with Licensee. Mr. Messer explained that he would need to have his physician complete the *BCAL 3704 - Medical Clearance Request* form within 30 days [REDACTED]

[REDACTED] Licensee did not submit the completed form to Mr. Messer.

6. On March 30, 2015, Mr. Messer attempted to conduct an exit conference with Licensee regarding the results of the licensing investigation. Licensee stated that he disagreed with Mr. Messer's method of investigation and had closed his adult foster care home. Licensee hung up the telephone prior to Mr. Messer explaining the investigation, its findings, or his recommendation.

COUNT I

The conduct of Licensee, as set forth in paragraph 2 above, evidences a violation of:

R 400.1404 Licensee, responsible person, and member of the household; qualifications.

(3) A licensee or responsible person shall possess all of the following qualifications:

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

COUNT II

The conduct of Licensee, as set forth in paragraph 2 above, evidences a violation of:

R 400.1404 Licensee, responsible person, and member of the household; qualifications.

(5) All responsible persons and members of the household shall be of good moral character and suitable temperament to assure the welfare of residents.

COUNT III

The conduct of Licensee, as set forth in paragraphs 2 and 5 above, evidences a violation of:

R 400.1405 Health of a licensee, responsible person, and member of the household.

(1) A licensee, responsible person, and a member of the household shall be in such physical and mental health so as not to negatively affect either the health of the resident or the quality of his or her care.

NOTICE IS GIVEN that Licensee is offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensee appeals the Notice of Intent and compliance is not shown, formal proceedings will commence pursuant to the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.701 et seq., rules promulgated thereunder, and the Administrative Procedures Act, 1969 PA 306, as amended; MCL 24.201 et seq. Should formal proceedings commence, you have the right to attorney representation at your own expense.

LICENSEE IS NOTIFIED that pursuant to MCL 400.722(3) of the Adult Foster Care Facility Act, Licensee has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Joshua Hargrove, Departmental Analyst, Bureau of Health Care Services, Michigan Department of Licensing and Regulatory Affairs. Your written appeal must include your name and license number, and must be submitted using one of the following methods:

- Mail your written appeal to the Bureau of Health Care Services, P.O. Box 30650, Lansing, MI 48909. It is recommended that you obtain some type of delivery confirmation;

- Fax your written appeal to the Bureau of Health Care Services at (517) 284-9709. It is recommended that you keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to DAUappeals@Michigan.gov. It is recommended that you keep a copy of the sent email as proof of submittal.

LICENSEE IS FURTHER NOTIFIED that failure to file a written appeal of this action within 30 days will result in revocation of the license.

DATED: 4/24/15

Jay Calewerts
Jay Calewerts, Acting Director
Adult Foster Care Division
Bureau of Health Care Services

This is the last and final page of a NOTICE OF INTENT in the matter of AF670286264, consisting of six pages, this page included.

JEK