



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

April 28, 2015

Shane and Theresa McClain
22 West Burnham
Battle Creek, MI 49015

Re: License AF130284108

Dear Mr. McClain and Ms. McClain:

On or about March 5, 2015 you were mailed a copy of the Department of Human Services' Notice of Intent to revoke the license for your adult foster care family home. In accordance with that notice, and because you did not exercise your right of appeal, your license has been revoked effective April 23, 2015.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
Child Care Licensing Division
Bureau of Children & Adult Licensing

JC:kam

cc: Jerry Hendrick, Licensing Supervisor

Certified Mail- Return Receipt Requested



RICK SNYDER
GOVERNOR

State of Michigan
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING



NICK LYON
INTERIM DIRECTOR

March 5, 2015

Shane & Theresa McClain
22 W. Burnham
Battle Creek, MI 49015

License #: AF130284108
SIR #: 2015A0453011

Dear Mr. & Mrs. McClain:

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,

Jerry Hendrick, Director
Adult Foster Care Division
Bureau of Children and Adult Licensing

Enclosures

Cc: Leon M. Hale, Area Manager

COPY

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of

License #: AF130284108
SIR #: 2015A0453011

Shane & Theresa McClain
McClain's AFC

NOTICE OF INTENT TO
REVOKE LICENSE

The Michigan Department of Human Services, by Jerry Hendrick, Director, Adult Foster Care Division, Bureau of Children and Adult Licensing, provides notice of the intent to revoke the license of Licensees, Shane & Theresa McClain 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 August 22, 2006, Licensees were issued a license to operate an adult foster care family home, with a current licensed capacity of 6, at 22 W. Burhnam, Battle Creek, MI 49015.
2. On October 10, 2014, Shane McClain pled guilty in 10th District Court Battle Creek to one count MCL 750.81, misdemeanor assault or assault and battery. R400.1152(c)(i) identifies any crime which involves assault as a crime that evidences a lack of good moral character. This was a result of Mr. McClain

pushing Private Citizen 1 (F, DOB 06/18/98) down to the ground during an altercation.

3. On November 14, 2014, Mr. McClain submitted an email in response to the Department's request for an explanation of the incident that led to Mr. McClain's October 10, 2014, guilty plea. Mr. McClain failed to provide evidence that he would not repeat his actions based on his following responses: "I would do it all over again the exact same way," "I am not ashamed of what I did nor am I proud of it but will stick to my decision" and "I made a calculation base on experience and acted knowing there would be a negative result and having to deal with it."
4. On December 17, 2014, Licensing Consultant Kenneth Tindall interviewed Mr. McClain in person and asked him to describe his assault of Private Citizen 1. Mr. McClain stated "I did not push [Private Citizen 1] hard enough to fall down. She took several steps backwards after I pushed her and then pretended to fall down." During his explanation Mr. McClain expressed no remorse for pushing Private Citizen 1 down and said she intentionally fell to the ground. He indicated that his actions were justified, he did no harm to anyone and he sought justice on his own because he had no faith in the Battle Creek Police Department.

COUNT I

The conduct of Mr. McClain, 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:

(a) Be of good moral character to provide for the care and welfare of the residents.

COUNT II

The conduct of Mr. McClain, as set forth in paragraphs 2 through 4 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.

NOTICE IS GIVEN that Licensees are offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensees appeal 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.

LICENSEES ARE NOTIFIED that pursuant to MCL 400.722(3) of the Adult Foster Care Facility Act, Licensees have 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 Children and Adult Licensing,

Michigan Department of Human Services. 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 Children and Adult Licensing, 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 Children and Adult Licensing 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.

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

DATED: 03-05-2015


Jerry Hendrick, Director
Adult Foster Care Division
Bureau of Children and Adult Licensing

This is the last and final page of a NOTICE OF INTENT in the matter of AF130284108, consisting of 5 pages, this page included.

JNH

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of

License #: AF130284108
SIR #: 2015A0453011

Shane & Theresa McClain

NOTICE OF COMPLIANCE CONFERENCE

Date: Wednesday, April 22, 2015

Time: 11 a.m. to 1 p.m.

Location: BCAL Office- Kalamazoo, 322 E. Stockbridge Avenue, Conference room A,
Kalamazoo, MI 49001

Pursuant to the Administrative Procedures Act, MCL 24.292(1), you are afforded the opportunity to attend an informal compliance conference. The purpose of the compliance conference is to allow you to show that you were in compliance with the Adult Foster Care Facility Licensing Act and the licensing rules promulgated thereunder. You have the right, at your expense, to have an attorney represent you at the compliance conference. You may also bring **one** support person to the compliance conference.

To enable a thorough discussion of the Notice of Intent at the compliance conference, please bring any documents, pictures, etc. that you would like the Department to consider. You may also submit documents to the Department prior to the compliance conference by emailing them to DAUappeals@Michigan.gov.

If you are unable to attend the compliance conference at the scheduled date and time, you may request, in writing, that the Department change the date and/or time. The Department will make all reasonable attempts to accommodate your request, but will not reschedule the compliance conference to a date more than 10 days after the scheduled date. If you promptly notify the Department of your inability to attend the

compliance conference as scheduled, the Department may be able to schedule the compliance conference to a date earlier than originally scheduled.

If you are unable to show that you were in compliance with the Adult Foster Care Facility Licensing Act and licensing rules, and a resolution cannot be reached, the Department will forward the matter to the Michigan Administrative Hearing System for the scheduling of a formal administrative hearing. The Michigan Administrative Hearing System will subsequently notify you of the date, time, and location of the administrative hearing.

All Department meetings and hearings are conducted in compliance with the Americans with Disabilities Act in buildings that accommodate mobility-impaired individuals and have accessible parking. If you require additional accommodations to participate in the compliance conference, please notify the Department at least one week in advance to make the necessary arrangements.

Please direct all written communications regarding the compliance conference or administrative hearing, including your license number, to the individual listed below:

Joshua Hargrove, Departmental Analyst
Disciplinary Action Unit
Bureau of Children and Adult Licensing
Michigan Department of Human Services
Victor Office Center
201 North Washington Square, 4th Floor
P.O. Box 30650
Lansing, MI 48909-8150

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of

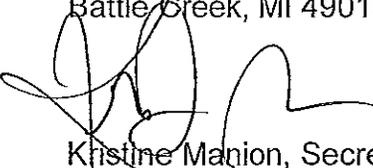
License#: AF130284108
SIR #: 2015A0453011

Shane & Theresa McClain

PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to revoke the license in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on March 6, 2015.

Shane & Theresa McClain
22 W. Burnham
Battle Creek, MI 49015


Kristine Manion, Secretary
Bureau of Children and Adult Licensing