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The Fortress Part Two of Five: Protected in Hell ([/web/20200616124508/https://www.dailykos.com/stories/2019/8/23/1880806/-The-Fortress-Part-Two-of-Five-Protected-in-Hell](https://web/20200616124508/https://www.dailykos.com/stories/2019/8/23/1880806/-The-Fortress-Part-Two-of-Five-Protected-in-Hell))



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A Michigan court tasked with protecting its most vulnerable citizens has become home to a swirling controversy, charging abuse, exploitation, robbery and neglect.

By Gretchen Rachel Hammond, Slone Terranella, Ellen Chamberlain and Hope Winkles

Editor: Christie Chisholm

Research: Gretchen Rachel Hammond, Slone Terranella, Ellen Chamberlain and Hope Winkles

Forensic investigator: Tim Mulholland, CFE, MSAF

“Get me the hell out of here!”

On a Saturday evening, over the 2018 Thanksgiving weekend, 2018, 64-year-old Carolyn sobbed bitterly in the living room of an unassuming four-bedroom bungalow on Leslie Street in the Detroit suburb of Oak Park.

The home was one of a myriad of unlicensed small group facilities across Michigan’s Oakland, Wayne and Genesee Counties in which adults and developmentally disabled individuals have been placed after being declared an “incapacitated ward” by Oakland County Probate Court Judges, Jennifer Callaghan, Linda Hallmark, Daniel A. O’Brien and Chief Judge Kathleen Ryan.

Carolyn, who like her two roommates, Rita and Mary. asked to keep her last name private, was moved into the facility by her court-appointed guardian and former Oakland County Public Administrator John Yun.

The three women told this investigation that the home’s staff left them alone for for the holidays the previous Wednesday evening. On their way out, someone wrapped a large chain around the handles of the kitchen’s refrigerator/freezer combo unit and padlocked them shut.

Fortunately, Mary’s son was able to bring in McDonald’s once a day, otherwise the women would have been left for the entire long weekend without any food at all.

Court records show that individuals who attempt to leave a nursing or group home facility (called eloping) have been tracked down and caught by Oakland County Sheriffs or local police and then placed, by the guardian, in a lockdown ward.

Carolyn is one of well over 1,500 wards whose lives are under the complete control of Oakland County Public Administrators who act as guardians and conservators. Even though the roles are not in their job descriptions, they have accepted thousands of cases as private attorneys.

They include Yun and his colleagues, Thomas Brennan Fraser, Jennifer Carney and Jon Munger.

On August 23 2019, Yun, Fraser and Carney were fired (https://web.archive.org/web/20200616124508/https://www.detroitnews.com/story/news/local/michigan/2019/08/23/nessel-relieves-4-lawyers-state-appointed-duties-administer-certain-states/2099647001/) by Schuette’s successor Dana Nessel as an “internal decision” which followed Nessel’s announcement of an Elder Abuse Task Force. Two years earlier, Munger was fired from his role as an Oakland County Public Administrator by then Attorney General Bill Schuette.

However, all four still have guardianship and conservatorship cases at the Oakland County Probate Court.

In March 2016, presiding Judge O’Brien declared Carolyn incapacitated and handed her over to Yun. His decision followed a petition for guardianship filed by a Michigan Adult Protective Services (APS) Investigator, which stated “[The] Proposed ward survived a stroke in July 2015 resulting in some physical limitations and some memory issues.”

Her roommate Rita is also Yun’s ward. She was placed under his guardianship in 2008.

Yet, as Carolyn was ravenously devouring what was left of her paltry McDonald's Thanksgiving dinner, she had no problem recalling her life under Yun who exerted control over every aspect of it, including her annual \$12,579 Supplemental Security Income (SSI).

In an account Yun filed with the court in April 2017, he took \$2,700 in attorney's fees from Carolyn, paid \$7,224 in group home rent and gave her an allowance of \$1,538 for the year, or approximately \$128 per month.

However, Carolyn asserts that she only received \$40 per month from Yun, which left her reliant on the unlicensed group homeowner and its staff for her food and daily living needs.

She added that she had seen Yun only once in the more than two years since she had been placed under his guardianship. Despite begging him to allow her to live independently, she claimed that he simply responded, "You're fine where you are."

Carolyn claimed she received the same message when she communicated her distress to Yun's staff, whom she told this investigation, "I haven't seen for over a year."

Under Michigan statute, a guardian has the responsibility to "Restore the ward to the best possible state of mental and physical well-being so that the ward can return to self-management at the earliest possible time."

There are no unread comments at this time.

With no money, no means of transportation and terrified to say even a word of dissension to the group homeowner, whom Carolyn described as "harsh," it has been next to impossible for her to work toward independent living. But that wasn't the worst of her problems. Between tears, she claimed Yun had also isolated her from her own daughter.

"I lost my family because of him," she said.

Carolyn believed her daughter had no idea she was under Yun's guardianship, that she didn't know how to reach her and that Yun would not provide any new contact information.

The Unlicensed Network

Since it was unlicensed, the home in which Carolyn, Rita and Mary spent their days isolated from the world outside was not inspected by Michigan's Department of Licensing and Regulatory Affairs (LARA) to ensure that it was safe and properly staffed and that the health and well-being of residents was maintained.

Primary to a Michigan guardian's statutory duty is "To make provision for the ward's care, comfort, and maintenance" raising the question as to why the guardians have placed their wards in unlicensed facilities.

This investigation reviewed of 2,278 open and closed cases belonging to Yun, Munger, Fraser, and Carney. In 97 percent of the cases where individuals were living in their own home or apartment at the time a guardianship was initiated, they were removed no more than a month after the four were assigned.

The wards' next destination seemed to be determined more by their income and assets at the time rather than their medical needs. Placements varied from long-term care or assisted living facilities to the comparatively cheap Adult Foster Care (AFC) and unlicensed small group homes.

Carolyn's facility was part of a vast network of unlicensed group homes in Oakland and Wayne Counties discovered through Change of Address forms and guardian accounts filed at the Oakland County Probate Court.

This investigation visited 30 such homes over Thanksgiving weekend 2018. The majority had no staff members or caregivers present. In some cases, living conditions for the wards were subhuman and unequivocally dangerous.

Bounced Around

Carolyn is one of numerous Fraser, Munger, Carney and Yun wards who have been randomly moved from group home to group home anywhere from two to as much as a dozen times throughout the course of their guardianships. Sometimes, those moves have occurred less than a month apart.

4/5
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WARD T.W.

☒ CHANGE OF ADDRESS
☐ CHANGE OF NAME (Interested Party)

File No. [REDACTED]

In the matter of [REDACTED]

NAME [REDACTED] AFC

NEW NAME [REDACTED] AFC

NEW ADDRESS [REDACTED]
street address, apartment/suite/ff

Detroit, MI 48235 [REDACTED]
city, state, zip code phone number

PLEASE CHECK APPROPRIATE DESIGNATION:
FIDUCIARY _____ OTHER PARTY OF INTEREST _____

WARD ☒

DATE OF NOTIFICATION 3/31/2017

HOW WAS COURT NOTIFIED

MAIL _____ TELEPHONE _____ COUNTER ☒

(if by mail, attach notification)

17 APR 17
-0000-EST-BY-
17 APR 17

Filed
Deputy Register of Probate

Change of Address Form filed by Fraser moving ward to unlicensed facility in 2017

Anne O'Neill, LSW, is a social worker and founder of Age Fit Consulting who has worked with the senior community for 37 years, a career that began at a regional Adult Protective Services (APS) office in Lake County, Ohio.

"As we age, we become so vulnerable due to cognition changes, memory and physical impairment," O'Neill says. "Constant relocation creates a stress for the older person that they may not be able to manage themselves anymore. Those stresses would exhibit themselves in behavior such as wandering, anxiety and striking out."

While no explanation for the moves are mentioned on Change of Address forms inconsistently filed with the court, line items charged to a ward's estate in a guardian's annual accounting confirm O'Neill's assertion.

They show calls to guardian offices, received from either the owners of the group homes or the wards themselves, concerning often obscure "incidents" at a facility. One or more such calls can precipitate another move.

"Moving them to another location keeps them off the radar," O'Neill says. "As human beings, we form attachments. To lose the safety of a consistent living environment along with the separation anxiety caused by being moved from one location to the next, I can imagine, would result in multiple traumas to an older person."

In providing reasons for the initial guardianship petition, Michigan APS investigators (who filed the majority of those cases reviewed) have often claimed that an individual "Lacks a stable environment."

For guardians to move their wards at such a frenetic rate seems counterproductive.

"Not only counterproductive but abusive in and of itself as an action," O'Neill confirms. "There must be oversight and follow up through the courts after a placement has been made. Who's keeping track? Is anyone keeping track? If they aren't, why not?"

The Oakland County Probate Court is mandated to send a volunteer to do an independent investigation (called a Guardian Review) of the care being provided to a ward on the first anniversary of a guardianship and then once every three years.

Although such investigations can also occur "As deemed necessary by the court," no evidence has been found indicating one taking place after a guardian files a Change of Address for a ward.

"These are individuals who do need some level of support or they wouldn't have been vulnerable to this happening to them in the first place," O'Neill notes. "Something has gone on in their lives where they do not have family members, advocates or educated people who are looking out for their best interests."

Calling Ahead

Annual accounts filed by Yun, Munger, Carney and Fraser show each of the activities which have been billed to their wards; everything from a \$10 charge to listen to a voicemail, either from the ward or a facility, to hundreds of dollars in fees for an appearance in court.

There are no unread comments at this time.

Wards are charged as much as \$30-per-call for multiple phone calls made by the guardians to both licensed and unlicensed group homes requesting placement.

Other line items invariably show Yun, Carney, Fraser and Munger taking weeks to locate and secure a ward's liquid assets such as bank accounts, the appraising and selling of a ward's property, including cars and homes, and pushing through Medicaid applications.

However, one notable absence in accounts belonging to all four guardians is any time at all spent checking as to whether a group home was licensed or if it had been subject to any LARA investigations.

The general public can discern such information via a brief search on LARA's website. (<https://web.archive.org/web/20200616124508/https://adultfostercare.apps.lara.state.mi.us/>) It also maintains a comprehensive list of group homes that have had their licenses revoked or been administratively closed.

Since there is no official list of unlicensed group homes or their owners, the question is raised as to how Munger, Yun, Carney and Fraser not only know about them but, as shown in guardian account line items, are often on first-name terms with group home owners and managers.

Probate Court Neighbors

The Oakland County Probate Court's home city of Pontiac, Michigan, is littered with unlicensed group homes.

At the time of this investigation's visit to a two-storey, six-bedroom duplex on Matthews Street in Pontiac, the group home housed ten men and women, at least four of whom were under the guardianship of Carney, Yun and Munger. In the dining room, a book crate covered a hole in the floor that led to an, at least, eight-foot drop to the basement below.

A bedroom, where two female wards slept, was furnished only with a couple of worn mattresses. On one of them, a woman named Rose was curled up in a fetal position with a single, folded up blanket to support her head.

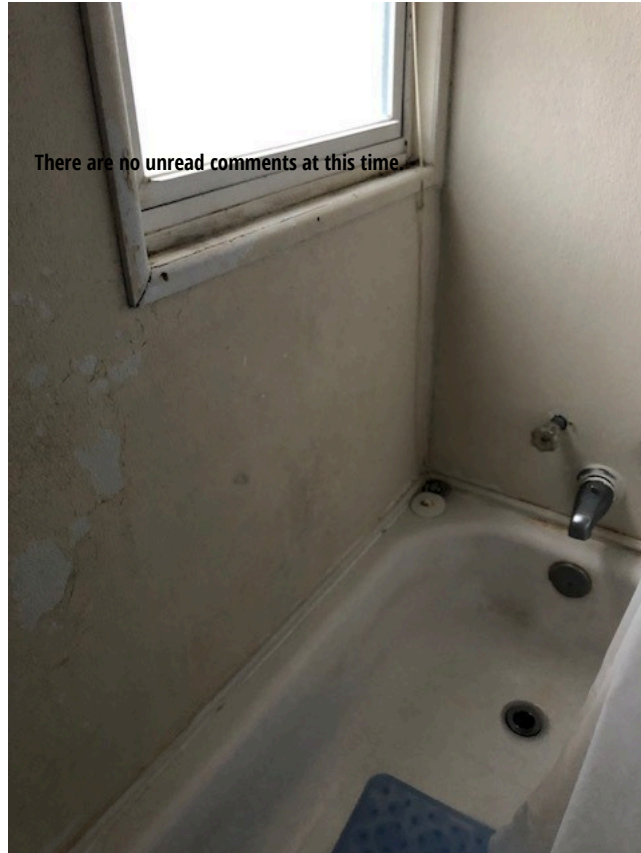
The bathroom Rose and her roommate used was crusted with mold. The drywall on one side of a filthy bathtub was cracked and paint was peeling away from it. Medication for the residents was kept in a line of unsecured plastic drawers in the dining room. According to a resident named Mark, a cook arrived at the home twice a day to dispense the medication and prepare breakfast and dinner.

Whenever the cook was gone, the kitchen was kept locked. But Mark and the others had figured out a way to force it open. There was no landline in the home. When asked about what they were supposed to do in an emergency such as a fire, one resident

replied that they had been instructed to
"jump out of the windows."



An Oakland County Probate Court ward named Rose sleeps in an unlicensed group home on Matthews Street in Pontiac.
Image by Gretchen Rachel Hammond



Women's bathroom at an unlicensed group home on Matthews Street in Pontiac, Michigan.
Image by Gretchen Rachel Hammond



Medicine storage at an unlicensed group home on Matthews Street in Pontiac, Michigan
Image by Gretchen Rachel Hammond

There are no unread comments at this time.

Five minutes away, on Cameron Street, a three-bedroom home served as another unlicensed group facility. There, this investigation found a 70-year-old woman named Janet who lived with three men all of whom were total strangers to her. No staff members were present.

Under the guardianship of Oakland County Public Administrator Charlotte Glover-Hogan since July 2017, Janet said that she hadn't received any money. She just wanted \$100 with which to buy her children holiday presents at the local dollar store.

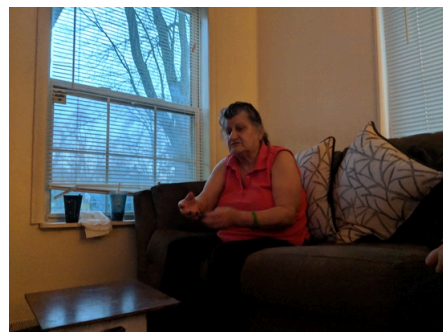
"I like it here, but what can I do?" she sighed. "I have to fix things, I clean, I do everything,"

Janet added that she didn't mind the work, but she also didn't get paid for it.

In December 2017, Glover-Hogan was confronted by (<https://web.archive.org/web/20200616124508/https://www.wxyz.com/news/local-news/investigations/metro-detroit-adults-under-court-guardianship-put-in-unlicensed-group-homes>) Detroit ABC affiliate WXYZ reporter Heather Catallo after the journalist uncovered an unlicensed group home that Glover-Hogan used to house a ward. Glover-Hogan pledged to Catallo that she would "do more research" in the future.

Janet's predicament raised questions as to why she hadn't.

At another unstaffed, unlicensed group home, this time on East Judson Street in Pontiac, this investigation was told, by a resident, that so many wards had been moved in and out by their guardians, there was no way to tell how many people lived there at any given time. Four people were in the living room and kitchen, the latter of which was smeared with grime, a stack of unwashed dishes piled in the sink and open food containers everywhere. An additional resident was in the hospital and this investigation was declined access to the second-floor bedrooms.



Janet describes her life at an unlicensed group home on Cameron Street in Pontiac.
Image by Gretchen Rachel Hammond

A two-storey unlicensed group home on St. Clair in Pontiac contained up to 20 men and women who shared a common bathroom on each floor. Dirt was evident over the walls, floor and stairway. Again, there were no staff or caretakers and no one knew

where the group homeowners were. Munger, Yun and Carney each possessed wards who had either lived or were living there.



Living Room in Unlicensed Group Home on Cameron Street in Pontiac.
Photo by Gretchen Rachel Hammond

License Revoked but Ignored

By far the most appalling unlicensed group home this investigation visited, over the 2018 holiday weekend, sits less than seven minutes from the Oakland County Probate Court itself.

Located on Prall Street in Pontiac, Grovecrest Assisted Living began as a convalescent center in 1956. The facility had been licensed but, according to Michigan government records dating back to 2015, was subject to multiple complaints and investigations. In May 2018, Grovecrest's license was revoked.

A home with a revoked license cannot accept patients for five years after such action has been taken. Yet, during a visit in December 2018, the home's manager handed over a list of 45 then-current patients by first name and last initial.

All but two were under guardianship. Court records established that at least 18 were under the guardianships of Munger, Fraser, Carney and Kemp Klein attorney and shareholder Alan A. May. A number of those wards had been placed at Grovecrest well after its license was revoked, some as late as January 2019.

Grovecrest's exterior gave the appearance of a re-purposed elementary school. In places, there were sunken hollows in the roof. Windows on the second floor had been boarded up. The building's paint was peeling away.

Opening the door to enter the home released a wailing alarm and an equally forceful odor. Throughout the halls and in a common area, where residents ate and either mingled in small groups or sat alone, there was the pervasive smell of feces, stale urine, strong chemical cleansers and rot.

Dimly lit bedrooms housed two or three people each. One of the bathrooms was the size of a broom closet. Since the home had no present license, there was no inspection paperwork from LARA to indicate whether staff had been adequately trained.

While two of Grovecrest's residents said that they had no issues with their guardians, the majority did. Their feelings were summed up by one of Fraser's wards in a July 2018 letter to Oakland County Chief Judge Kathleen Ryan:

"No More Thomas Brennan Fraser until never!" she wrote.

Ryan dismissed the petition, stating that the ward "failed to appear."

Under Michigan statute, she not only had a right to attend but "to have the guardianship proceeding commenced and conducted in the place where the individual resides or is present."

Prior Knowledge

Court documents indicate numerous instances in which a guardian already knows a group home has problems.

According to Fraser's own accounting and Change of Address forms he filed with the court, by early 2016 one of his wards, Christopher, had been placed in an unlicensed home on Marshall Street in Pontiac. On January 22, 2016, a Fraser line item stated that his office received a call from "the licensing agency of Michigan RE: licensing complaint. Records show that the home where the client resides isn't licensed."

In March 2016, Fraser moved Christopher to another unlicensed facility operated on Kipling Street in Oak Park. Less than two months later, Christopher was sent to an unlicensed group home on Glastonbury Road in Detroit.

On May 19, 2016, Fraser's office received a phone call from Christopher's doctor alerting the Public Administrator that the group home's staff had dropped Christopher off for a visit earlier in the day but that he was "never picked up."

Fraser subsequently traded calls with an APS Investigator who assured the public administrator that he was "trying to close [the] case."

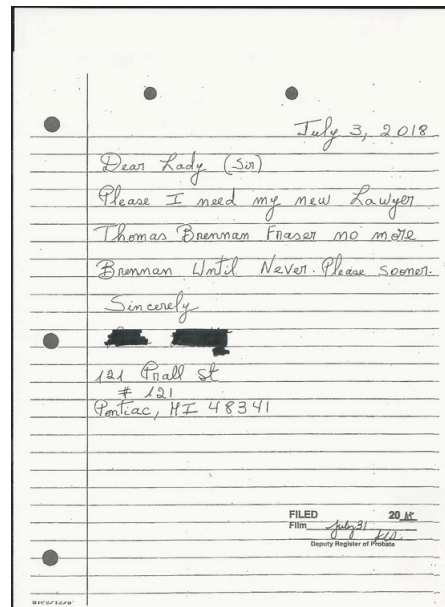
Yun's accounting indicated that he was not only on first-name-terms with the owner of an unlicensed facility on Neome Street in Pontiac but, in September 2016, received a call from a relative of one of his wards who was concerned that the home had bed bugs.

"I told her this is a common issue in group homes," Yun's billing stated, "due to the consumers, places they frequent and also if they receive clothing from free clothes closets."

Blind Justice

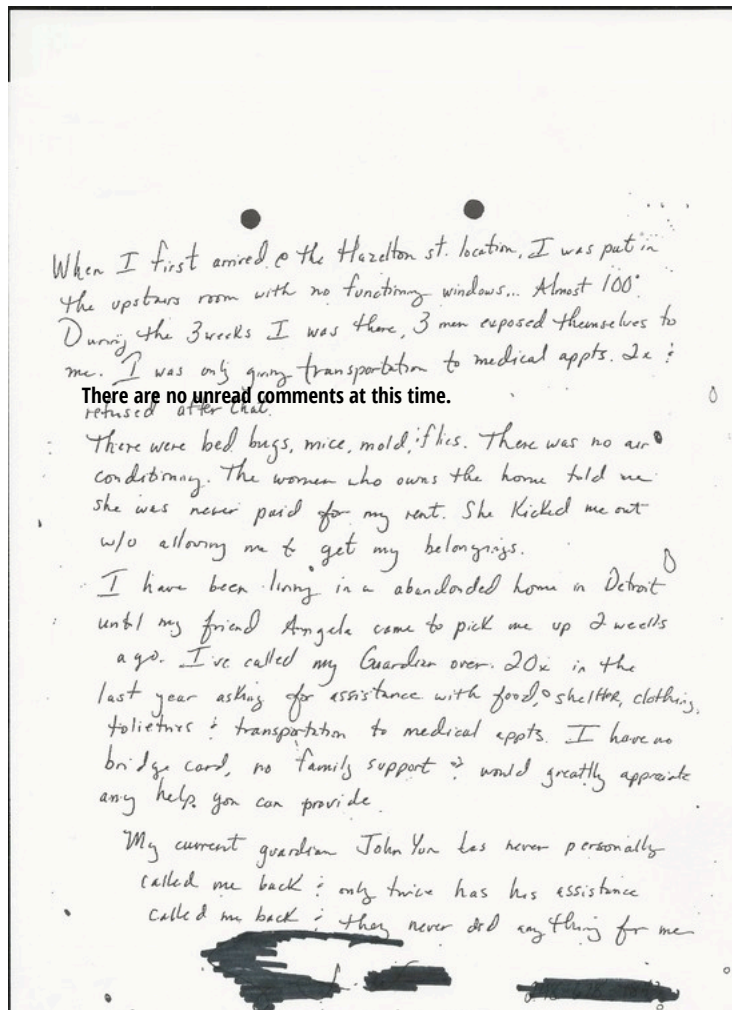
Like the guardians, the Oakland County Probate Court's judges cannot be unaware of the conditions inside some unlicensed group homes. Court files include letters sent by wards to the judges begging to either be removed from their facility or from their guardianship entirely.

In a desperate September 2017 letter to O'Brien, a Yun ward named Tracey, then-50, described the conditions inside an unlicensed facility on Hazelridge in Detroit.



There are no unread comments at this time.

"I was placed in the upstairs room with no functioning windows," she wrote. "Almost 100 degrees. During the three weeks I was there, the men exposed themselves to me. I was only given transportation to medical appointments two times and refused after that. There were bed bugs, mice, mold, flies. There was no air conditioning. The woman who owns the homes says she was never paid for my rent. She kicked me out without allowing me to get my belongings."



When I first arrived @ the Hazelton st. location, I was put in the upstairs room with no functioning windows... Almost 100°. During the 3 weeks I was there, 3 men exposed themselves to me. I was only given transportation to medical appts. 2x: refused after that.

There are no unread comments at this time.

There were bed bugs, mice, mold, flies. There was no air conditioning. The woman who owns the home told me she was never paid for my rent. She kicked me out w/o allowing me to get my belongings.

I have been living in a abandoned home in Detroit until my friend Angela came to pick me up 2 weeks ago. I've called my Guardian over. 20x in the last year asking for assistance with food, shelter, clothing, toiletries & transportation to medical appts. I have no bridge card, no family support & would greatly appreciate any help you can provide.

My current guardian John Yun has never personally called me back: only twice has his assistance called me back: they never did anything for me.

Letter fro Yun ward Tracey to Judge O'Brien.

In his response filed with the court, Yun claimed that the home's owner had "gracefully housed [the] ward without any payment."

It was an odd statement, since his responsibility was to pay the facility owner out of the ward's estate.

Yun added that Tracey "was not following the rules of the home."

Rather than alerting APS to investigate the facility, he noted that his staff instead called the homeowner to verify Tracey's allegations "and found them to be untrue."

Whether Tracey's accusations or Yun's response were independently verified by O'Brien is unknown.

In 2018, another of Yun's wards named Joy, 45, filed a petition with O'Brien to terminate the guardianship. At the time, she was living in an unlicensed group home on Ellwood Street in Pontiac.

"There have been some problems with the staff at my [group] home and how the home is run," Joy wrote. "I do not feel safe there. Although my guardian is looking for another home for me, it does not seem to be a priority or concern."

Joy also claimed that Yun had cut ties to her church community.

"It is difficult to continue working with a guardian that I do not have faith has my best interests at heart," she concluded.

In his response, Yun stated that he had been "court-appointed to several other cases besides [Joy's]" and accused her of calling "numerous times in one day without leaving a voicemail." As for problems at the group home, Yun placed the blame squarely on the shoulders of Joy's church community.

"Church activities began disrupting ward's home life and responsibilities," he wrote. "As a result of inappropriate behavior from church friends, ward received an eviction notice."

In January 2016, then-65-year-old Annette begged Hallmark to release her from Munger. Although the Pontiac home on Orchard Lake Road in which she had been placed was licensed under the name Quality AFC, a subsequent LARA inspection determined 14 separate violations which included unsigned resident care agreements, untrained staff and dirty living conditions. ~~There are no direct comments at this time.~~

"I don't want to be punished and have my dignity and humanity taken away from me," Annette wrote. "I am young and would like a job and to be a viable asset in society."

One year later, Annette wrote again to Hallmark, this time from the unlicensed home on St. Clair in Pontiac to which Munger had moved her.

"I have not received even food money from my social security check," she said.

"I would very much like the court to drop Munger [and] Associates as my guardian and everything associated with them."

As of February 2019, Annette was still under Munger's guardianship and living at a group home in Southfield.

The Unlicensed Paper Trail

Since they are rarely one and the same, tracking down both the administrators or managers of an unlicensed group home in Oakland County and determining their relationship with the actual property owners involved following a substantial paper trail of LLCs, all with different addresses.

Nestled in an inconspicuous neighborhood on Maplewood in Southfield and concealed behind an orchard, this investigation discovered one of at least five group homes run by a Michigan woman named Irina Dennert under the name Arina's Senior Care.

Only one of those facilities was licensed.

A License Study Report conducted in 2017 by LARA included a footnote that stated, "Ms. Dennert has been operating an unlicensed facility for the past 15 months." However, no punitive action was taken.

Under Michigan law, Dennert was "required to disclose the names, addresses and official positions of all persons who have an ownership interest in the facility [and], if leased, the name of the lessor of the real estate."

Yet, the property owner of all five of Dennert's facilities was not mentioned in LARA's report.

He is an investor named Vladislav (aka Vladimir) Safir, one of a group of Russian and Ukrainian nationals who have bought and sold property in both Florida and Oakland County, Michigan.



Oakland County Probate Court Judge Linda Hallmark
Image from Oakland County Probate Court website

Safir is the registered agent of multiple LLCs, including Jim's Pravda, Versa Corp., Alvers Inc., Segment Properties and MGTV Holdings. Dennert also has four LLCs in her name. The actual relationship between Dennert and Safir is unknown.

Over Thanksgiving weekend, this investigation found seven men crammed inside Dennert's three-bedroom facility on Maplewood, which was decorated, fraternity-style, with a single ripped leather couch and plastic chairs. Even the inviting odor of a pot of soup the caretaker was heating for the men could not mask the mildew and rot—universal to each of the unlicensed homes visited by this investigation.



Unlicensed Group Home on Maplewood in Southfield
Image by Ellen Chamberlain

Only two bedrooms were available for the residents. The third belonged to the caretaker. Two of the residents were under the guardianship of Yun and Munger. Both claimed to have no recollection of when their respective guardians had visited them and expressed unhappiness with their living situation, in which they stated punishments inflicted on the men were harsh.

"I'm afraid to speak out about how they treat me here because I have spoken about this in the past and it has come back to bite me," one man said.

Another stated that he was consistently bounced around between Dennert's homes and added that he was expecting a transfer to Dennert's Harper Woods facility any day. Like the others, he didn't know why these transfers occurred.

A Dennert facility on Greenwald in Southfield, in which wards belonging to both Carney and Yun had previously lived, also had caretakers. However, neither of the two women spoke any English.

They would not permit any interaction with the residents, who could be heard from their bedrooms but not seen. After numerous attempts by this investigation to communicate with the caretakers failed, one of them called Dennert on a cell phone. She would not take any questions and demanded that this investigation leave immediately.



Worker at unlicensed group home.
Image by Slone Terranella

The Licensing Loophole

The laws governing the definition and licensing of Adult Foster Care [AFC] homes in Michigan were updated as of March 19, 2019, and include "facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care."

The rub is found in a brief paragraph that states, "If the department determines that an unlicensed facility is an adult foster care facility, the department shall notify the owner and operator of the facility that it is required to be licensed under this act."

However, not all unlicensed group homes define themselves as an AFC. Among the many names under which they choose to call or market themselves, the most prevalent description is as an Assisted Living Facility.

In Michigan, there are no licensing requirements for Assisted Living Facilities unless they provide 24-hour supervision, meals and some form of undefined "personal care" for their residents. Therefore, they are not subject to the same accountability, background checks, employee training or even inspections as licensed facilities.

Another loophole allows a group home to operate without a license provided the owner of that group home or property subcontracts supervision, meals or care with a different company.

Before his term ended in 2019, former Michigan House Rep. Henry Yanez (D) tried to ensure Michigan's group homes adhered to a uniform set of standards. Now a Sterling Heights City Councilman, in Yanez's pre-political life as a firefighter and paramedic, he had firsthand experience of conditions in group homes.

"There are people who take advantage of communities [that] struggle to have enough staff to go and inspect all of these homes," Yanez says. "Therefore, they just throw one up without a license and say that they're running a group home, virtually knowing that no one's going to come around and check."

"It's just general good policy to make sure that people of a certain need are being properly taken care of and not being taken advantage of by someone with a profit motivation," he adds.

To that end, in October 2017, Yanez introduced HB 5182

(<https://web.archive.org/web/202006161>

<https://web.archive.org/web/20200616124508/https://housedems.com/article/yanez-bill-requires-licensing-all-adult-foster-care-homes>), requiring "all facilities acting as a group home or adult foster care facility to be licensed with the state."

There are no unread comments at this time.

"By wrapping these facilities into the current law," Yanez proposed in the bill, "they would also have to adhere to other requirements, including criminal background checks on employees and employers, evaluation of the qualifications of applicants, on-site inspections without prior notice and the financial disclosure of stakeholders."

However, HB 5182 went nowhere.

"There just wasn't any desire to do anything about it," Yanez recalls. "This is difficult to say, but people who are in vulnerable positions don't really have a voice. They don't make campaign contributions and there's not enough of them for their vote to matter. So, these people can be ignored. The fact of the matter is, abuse goes on all the time and our state legislature ignores most of it."

Occasionally, local law enforcement has taken steps to investigate both licensed and unlicensed group homes and prosecute the owners.

In August last year, LARA suspended the license

(<https://web.archive.org/web/20200616124508/https://www.michigan.gov/lara/0,4601,7-154-11472-475509--,00.html>) of Carter Country Homes in Holly, Michigan, after the Oakland County Narcotic Enforcement Team discovered a supply of illegal drugs (<https://web.archive.org/web/20200616124508/https://www.clickondetroit.com/news/oakland-county-adult-foster-care-home-suspended-after-drug-trafficking-bust>), including cocaine, drug trafficking materials and firearms in a bedroom of the home used by its administrator.

Court records show that at least one guardian, Munger, moved a ward into Carter's Milford Road, Holly, facility on July 26, 2017. One month after Carter was raided, Munger transferred his ward to the guardianship of Carney. She was moved to an Arina's Senior Care unlicensed group home on Greenwald in Southfield.

In 2013, the Genesee County Sheriff raided five unlicensed homes

(https://web.archive.org/web/20200616124508/https://www.mlive.com/news/flint/2013/09/five_unlicensed_adult_foster_c.html) and removed 21 adults. The owner was prosecuted

(https://web.archive.org/web/20200616124508/https://www.mlive.com/news/flint/2014/01/woman_accused_of_operating_mul.html) for running an unlicensed foster care facility.

Even if a Michigan unlicensed group home is legal, the question remains as to why Yun, Munger, Fraser and Carney do not ensure that it is at least safe and clean before placing a ward there.

Routinely Absent

Asked to be given an alias, "Gladys" was a nursing director for licensed long-term care and rehabilitation facilities across Oakland and Wayne Counties for 20 years.



Former Michigan House Rep. Henry Yanez

Under Michigan law, a nursing home is required to “Make reasonable efforts to discuss the patient care plan with the patient, next of kin, guardian or designated representative. A patient care conference shall be held periodically to discuss a patient’s needs while promoting continuity of care.”

However, Gladys asserts that, while her staff is always ready to participate in a ward’s Care Conferences, the guardian is routinely absent.

“We would fight with guardians to come to Care Conferences,” she says. “You never see them. No one comes, not the guardians or their staff. In my 20 years, there have only been two guardians who have showed up at a Care Conference.”

Gladys noted similar difficulties reaching guardians with important and even critical information concerning their wards.

“We have policies which state that you have to call a guardian for changes in the patient’s condition,” Gladys states. “After 6 pm, or on a Saturday and Sunday, you cannot get a hold of a guardian. They just tell you to ‘leave it on my voicemail.’”

“When a patient has a fall, you just document ‘called guardian for a return call,’” she adds. “But you never get that call.”

Her assertions are illustrated in court documents such as an accounting filed by Carney in 2016 for a then-care recipient, Harold, who, at the time, had been placed at Lourdes Senior Community in Waterford, Michigan.

6/9/2016	CALL FROM LOURDES TO LET US KNOW THAT HAROLD ROLLED OUT OF BED YESTERDAY AFTERNOON. NO INJURIES.	\$10.50
6/16/2016	RECEIVED VOICEMAIL FROM LOURDES RE: HAROLD FELL OVER THE WEEKEND BUT NO MAJOR INJURIES AND HE HAS NO COMPLAINTS OF PAIN.	\$7.50
10/7/2016	TELEPHONE CALL FROM LOURDES RE: HAROLD HAD A FALL BUT THERE ARE NO COMPLAINTS OF PAIN.	\$9.00
10/17/2016	VOICEMAIL FROM LOURDES RE: HAROLD SLID OUT OF BED AT 11:45 PM ON SATURDAY BUT THERE ARE NO INJURIES AND RANGE OF MOTION IS GOOD.	\$0.00
11/4/2016	TELEPHONE CALL FROM LOURDES. THEY NOTICED DURING HIS SHOWER TODAY HE HAD A FEW BRUISES ON HIS RIGHT HAND, FOREARM AND WRIST. THEY HAVE DONE AN INCIDENT REPORT.	\$10.50
11/15/2016	RETURN TELEPHONE CALL TO ST. JOSEPH OAKLAND HOSPITAL TO CONFIRM THAT HAROLD WENT INTO MULTIPLE ORGAN FAILURE AND PASSED AWAY.	\$21.00

There is no evidence in Carney’s accounting indicating that the public administrator or her staff ever followed up with Lourdes on the Incident Report. Instead, Carney’s final line items billed Harold’s estate a total of \$770.00 for “Estimated time for attendance at final account hearing, to finalize estate matters, itemize income and expenses, preparation of final account petition, order allowing accounts and notice of hearing.”

The Annual Report

Michigan statute requires guardians to visit their wards no later than three months after being appointed and every three months thereafter. A review of such visits is documented in an *Annual Report on the Condition of Legally Incapacitated Individual* filed with the court.

Those filed by Yun, Munger, Carney and Fraser often lacked any substantive detail.

In December 13, 2018 Carney filed an Annual Report for a ward named Loucinda, then-79. The document primarily consisted of checked boxes, including one that rated the Loucinda's living arrangement as "Below average." Carney also noted two dates, in May and September of 2018, during which her office visited Loucinda. In describing her ward's social life, Carney simply stated, "plays bingo."

Carney concluded her report with standardized language used by all four guardians. She stated that the guardianship should continue because "The adult remains unable to make or communicate informed decisions."

Approved: SCAG

PCS CODE: AGW
TCS CODE: AGW

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF Oakland

ANNUAL REPORT OF GUARDIAN ON
CONDITION OF
LEGALLY INCAPACITATED INDIVIDUAL
☐ FINAL REPORT

FILE NO. [REDACTED]

NOTE: This report must be completed yearly by the guardian, or more often if directed by the court. The guardian must serve the completed report on the ward and all interested persons as required by Michigan Court Rules 5.105 and 5.125. Then the guardian must complete a proof of service (form PC 564) and file it and this report with the court.

In the matter of Loucinda [REDACTED], a legally incapacitated individual

1. I, [REDACTED], am the guardian of the adult named above and my annual report for the period of 12/15/2017 to 12/15/2018 is as follows.

2. Present age of the adult: 79 Date of birth: 10/29/1939

3. Living Arrangement

a. The current address and telephone number of the adult are: 0-121 Prall Street Pontiac, MI 48341

b. The name of the facility where the adult resides, if any: Grovecrest Senior Living, LLC

c. The adult's residence is: ☐ guardian's home/apartment ☒ other: Home of the Aged (boarding home, assisted living, etc.)
☐ nursing home ☐ hospital or medical facility
☐ foster home ☐ relative's home: Relationship _____

d. The adult has been in the present residence since 5/26/2017. If moved within the past year, state the changes and the reasons for change. Date _____

e. I rate the adult's living arrangement as ☐ excellent ☐ average ☒ below average. Explain _____

f. I believe the adult is ☒ content with the living situation. ☐ unhappy with the living situation.

1. ☒ g. I recommend a more suitable living arrangement for the adult as follows: _____

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form. Do not write below this line - For court use only

PC 834 (2018) ANNUAL REPORT OF GUARDIAN ON CONDITION OF LEGALLY INCAPACITATED INDIVIDUAL

MCL 700.5314(e), (g), MCL 700.5317, MCL 5.409(A)

19 JUN 11 AM 03

Carney Annual Report on ward Loucinda page one

4. Physical Health

a. The adult's current physical condition is ☐ excellent. ☒ good. ☒ fair. ☐ poor.

b. During the past year the adult's physical condition has

☒ remained about the same.☐ improved. Explain _____☐ worsened. Explain _____

c. During the past year the adult received the following medical treatment (include check-ups and dental work):

Date	Aliment	Type of Treatment	Doctor's Name
When needed		cardiology	[REDACTED]
Monthly		podiatry	[REDACTED]
Annual		optometry	[REDACTED]
March 2018	cardiac	hospitalization	[REDACTED]
March 2018		psychiatric	[REDACTED]
When needed		pulmonary	[REDACTED]
As needed		primary care	[REDACTED]

5. Do-Not-Resuscitate Order

☒ a. I did not execute, reaffirm, or revoke a do-not-resuscitate order.☐ b. I ☐ executed ☐ reaffirmed ☐ revoked a do-not-resuscitate order for the adult under MCL 700.5314(d).
In doing so, I ☐ did ☐ did not consult with the adult and his/her attending physician.

6. Physician Orders for Scope of Treatment (POST) Form

☒ a. I did not execute, reaffirm, or revoke a POST form for the adult under MCL 700.5314(f).
In doing so, I ☐ did ☐ did not consult with the adult and his/her attending physician.

7. Mental Health

a. The adult's current mental condition is ☐ excellent. ☒ good. ☐ fair. ☐ poor.

b. During the past year, the adult's mental condition has

☒ remained about the same.☐ improved. Explain _____☐ worsened. Explain _____c. During the past year, treatment or evaluation by a psychiatrist, psychologist, or social worker ☒ was ☐ was not provided.

8. Social Activities/Services

a. The adult's current social condition is ☐ excellent. ☒ good. ☐ fair. ☐ poor.

b. During the past year, the adult's social condition has

☒ remained about the same.☐ improved. Explain _____☐ worsened. Explain _____

(SEE THIRD PAGE)

There are no unread comments at this time.

Annual Report of Guardian on Condition of Legally Incapacitated Individual (2/18) File No. 2016-373,955-GA

B. (continued)

c. During the past year, the adult has participated in the following activities:

☐ recreational

☐ educational

☒ social, other, hobby

☐ occupational

☐ No activities were available.

☐ The adult refused to participate in any activities.

☐ The adult was unable to participate in any activities.

9. List of Visits

a. During the past year, I visited the adult as follows: 05/02/2018, 09/27/2018

List dates

b. The average amount of time I spent on each visit was 1 Hours

c. The last time I visited with the adult was on 09/27/2018

Date

10. Activities

During the past year, I performed the following activities on behalf of the adult: Made decisions involving the adult's case, finances, and medical treatment.

11. Consultation

During the past year, I consulted with the adult before making the following decisions:

There are no unread comments at this time.

12/13/2018

☒ 13. The guardianship ☒ should ☐ should not be continued because: The adult remains unable to make or communicate informed decisions.

Note: If you no longer wish to serve as guardian, you must file a petition to remove yourself.

☐ 14. There ☐ is ☐ is not more cash or property than what was previously reported to the court.

If there is, specify the additional amount: \$

☐ 15. As guardian, I have been ordered by the court to file an annual account, which is attached.

12/13/2018

Date

Signature of guardian

Signature of co-guardian (if applicable)

Address

Address

Birmingham, MI 48012-0404 248.221.2285

City, state, zip Telephone no.

City, state, zip Telephone no.

☐ Check here if this is a new address ☐ Check here if this is a new address

Carney Annual Report on ward Loucinda page three

In remembering those patients who were under guardians during her tenure as a nursing director, Gladys notes, "they hardly ever visit. Time goes by. If you can't get ahold of them by phone, they're not coming."

"They can do less as guardians," she adds. "They don't have to be responsible because, while they're doing whatever they are doing with finances, the [ward] is just here."

A Veteran's Last War

Wards belonging to Yun, Munger, Fraser and Carney have included veterans from World War II, Korea and Vietnam. Court documents show that these veterans are afforded no more dignity or respect than their civilian counterparts.

In 2016, following an emergency petition from APS, a then-66-year-old veteran named Allen was immediately placed under Yun's guardianship. He contested the petition, but APS retained an attorney and Hallmark granted Yun full guardianship of Allen, who was moved to an unlicensed group home on Marshall Street in Pontiac.

Allen made at least four separate attempts to terminate Yun as his guardian, in which he accused the public administrator of "violating my rights" and not "doing anything but taking my money."

"I'm a veteran and an adult," Allen wrote to Hallmark in September 2018. "And [I] don't need a guardian."

In his response, Yun claimed that "although the ward does not like the home, [I] secured a proper Adult Foster Care Group Home for the ward that proves care, food and someone that attends medical appointments with the ward."

However, he failed to mention that the home was unlicensed, instead adding that Allen received "\$100 a month to spend on his personal needs. This amount is much greater than the \$44.00 a month that is allocated for mental health individuals in a group home."

As she had done so following each of his three prior attempts, Hallmark denied Allen's petitions.

A World War II Navy veteran named Donald was 98 years old when he was placed under Fraser's guardianship following a May 2015 emergency petition filed by APS. At a hearing the following month, former Oakland County Probate Court Judge Elizabeth Pezzetti confirmed Fraser to the position and issued a second order stating, "All Powers of Attorney are voided."

Fraser had already started gathering and laying claim to all of Donald's assets, including the filing of an Ex-Parte order (filed without the notification or participation of opposing parties) to close Donald's credit union account "for Medicaid purposes." The public administrator also contacted Michigan funeral directors Lynch & Sons to purchase a prepaid burial contract for Donald.

On June 16, 2016, Fraser moved the Veteran to Medilodge of Rochester Hills. There, things went rapidly downhill as evidenced by Fraser's own accounting.

There are no unread comments at this time.

6/27/2016	Telephone call from facility re: ward fell, no injury.	\$10.00
7/19/2016	Telephone call from facility re: ward fell, no injury.	\$10.00
8/8/2016	Telephone call from facility re: ward fell on 8/6. No injuries, skin tears only	\$10.00
8/9/2016	Telephone call from facility re ward fell. Small laceration. X-ray ordered. Ward appears fine.	\$10.00
8/23/2016	Telephone call from facility re: skin tear. Ward is fine.	\$10.00
9/7/2016	Telephone call from facility re: wound. E-communication to [family member] re: same.	\$20.00
4/27/2017	Telephone call from [family member] re: wants to change funeral homes. Directed him to call Lynch & Sons	\$10.00
5/2/2017	Telephone call from hospice re: ward passed	\$10.00

Donald was 100 years old when he died. A year into Fraser's guardianship, Donald's income totaled \$35,528 in pensions, VA life insurance dividends and Social Security benefits.

Fraser's final account, filed nine days after Donald passed away, showed the veteran as \$9,469.38 in the red. His savings had dwindled to \$147.14.

Donald was laid to rest in Holly, Michigan. His four-line obituary is still on the Lynch & Sons website.

The Veteran Minister and the State

For Wayne, Michigan, grandmother Mary Wallace, her father and World War II Navy veteran Billy Garner meant the whole world to her.

Garner survived both the war and severe colon cancer to become an evangelist and minister at a Vandercook Lake, Michigan, church. In 1970, he and his wife adopted Wallace after she lost both of her biological parents.

"I did a lot with my dad," Wallace remembers. "He went to South America every year to do missionary work until his health wouldn't let him go."

By 2015, Garner was 89 and living in a mobile home in Rochester Hills, Michigan. His wife had passed away from Parkinson's Disease seven years earlier.

Now married, Wallace was looking after and schooling her grandson but stayed in daily telephone contact with her father. When she couldn't make the three-hour round trip to visit him, Wallace's husband went in her place.

Garner decided to go into Assisted Living and chose American House in Troy, Michigan.

In preparation, he put down a deposit with the facility and signed a legally executed Durable Power of Attorney for Healthcare, which listed Wallace as his first choice, his son-in-law as his second, and a friend as his third.



Billy Garner as a sailor in World War II.
Image courtesy of Mary Wallace

Garner and the family worked out a plan to move him to American House in September 2015.

But in April of that year, a petition for guardianship was filed by APS, which claimed, "Mr. Garner is having issues with his memory and is unable to manage his finances. His hygiene is poor and he is not taking his medications as prescribed."

"I don't know who contacted the state or why they were brought into the picture regarding my dad," Wallace says. "Nobody told me. I had no idea what was going on. The next thing I know, I got a phone call saying [APS] wanted to meet with me at Dad's home. When they were there, they were checking his bank account statements. It was all business to them."

"Before APS become involved, I was certainly not aware of my dad's money," she adds. "He was a very private man. I didn't consider it my business to intrude upon or even ask about what he kept in his bank account."

Wallace asserts that APS gave her an ultimatum to move Garner into American House immediately.

"I had to tell my dad to leave his home," she says. "I was bawling my eyes out."

The Guardian ad Litem assigned to the case noted Garner's explicit request to have "Mary serve as his guardian and conservator and not the Public Administrator." However, he persuaded Garner and Wallace into accepting a co-guardianship with a public administrator as it "Would also involve a third-party who has experience with guardianships."

Wallace says she only accepted the proposal because she had no understanding of the law.

"I didn't even know what kind of questions to ask," she recalls. "Anything [the GAL] told me I took at face value."

Under Michigan statute, as both the holder of a Power of Attorney and Garner's first choice as guardian and conservator, Wallace far outranked a public administrator in priority as to who would become her father's guardian.

Instead, the third party appointed by presiding Judge O'Brien at a May 20, 2015, hearing was Munger. Wallace attended the hearing alongside her husband.

"It was a busy day there, so it took all of about 10 minutes," she recalls. "The judge didn't ask me very much at all. I think they already had this set up."

While Munger and Wallace were granted co-guardianship, it was Munger alone who took total control of Garner's assets as his conservator. According to an inventory Munger filed, Garner had a total of \$115,029.34 in life savings, including checking and savings accounts and life insurance policies.

In a little over a year of conservatorship, Munger had spent \$110,447.17

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF OAKLAND

ACCOUNT OF FIDUCIARY, SHORT FORM
☒ Initial Annual ☐ Final ☐ Interim
Number ☐ AMENDED

FILE NO.
2015-363,060-CA

OSM CODE: ACC

In the matter of Billy Garner, Protected Individual

In a guardianship or conservatorship, the ward's or protected individual's current address and telephone number are:
Heartland of Plymouth, 105 N. Haqqerty Rd., Plymouth, MI 48170 (734) 455-0510

1. I, Jon B. Munger, am the Conservator
Name Title
of the estate and submit the following as my account, which covers the period from May 26, 2015
to May 26, 2016 (may not exceed 12 months).
Month, day, year

COLUMN 1. INCOME, GAIN AND OTHER RECEIPTS		COLUMN 2. EXPENSES, LOSSES AND OTHER DISBURSEMENTS	
VA Benefits	9,415.00	Heartland of Plymouth - patient pay	80,686.82
		Heartland of Plymouth - allowance	460.00
Tax Refund - federal	492.00	Ambulance costs	398.74
American House - refund of security deposit and rent	2,151.30	Butler CPA & Associates - tax prep	200.00
State Farm - refund from insurance	277.79	Talarico & Associates - GAL fees	1,163.75
Refund	12.62	The Medical Team - home health care	403.25
		State Farm - auto insurance	376.75
		State Farm - homeowners insurance	552.00
		Bankers Life & Casualty - life insurance	22.47
		Nighthawk General Maintenance - lawn service	105.00
		Inpatient Consultants - medical	630.14
		Michigan Sports & Spine - medical	258.89
		Mobilex USA - medical	137.16
		Beaumont Hospital - medical	2,267.66
		Huron Valley Radiology - medical	33.53
		EPMG of Michigan, PC - medical	68.36

Do not write below this line - For court use only

2016 JUN -8 PM 2:21
-OCPC-EST-BY-

PC 583 (9/11) ACCOUNT OF FIDUCIARY, SHORT FORM MCL 330.1631, MCL 700.3703(4)
MCL 700.5418, MCR 5.306, MCR 5.310(C), MCR 5.313, MCR 5.409

Munger account of Garner conservatorship 6/8/2016 page one

	Friedman Surgical Group – medical	14.77
	Donald Clemente DPM – medical	18.30
	Specialists in Physical Medicine – medical	62.38
	Visiting Physicians – medical	436.65
	Eastlake Cardiovascular – medical	27.77
	MI Orthopaedic Spine – medical	28.12
	VA – refund of overpayment of benefits	430.20
	Heartland of Plymouth – pharmacy	7,680.32
	AT&T – phone	165.93
	Linda Johnson – reimburse expenses	20.00
	American House – reimburse for utility payment	69.82
	American House – rent	7,950.00
	Care Transport – transportation	115.00
	DTE/Consumers Energy – utility	823.74
	Rochester Estates – rent	1,682.73
	Munger & Associates, P.C. – legal fees	3,146.92
Investment gain	Investment loss	
Total Column 1	16,979.71	Total Column 2 110,447.17
(enter on line 2b on page 2)		(enter on line 2d on page 2)

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

There are no unread comments at this time.

a. Balance on hand from last account, or value of inventory, if first account \$ 115,029.34

b. Add Total Column 1, Income, Gain, and Other Receipts, from the other side of this form \$ 16,979.71

c. Subtotal (add line 2a to line 2b and enter the amount here) \$ 132,009.05

d. Enter Total Column 2, Expenses, Losses, and Other Disbursements, from the other side of this form \$ 110,447.17

e. Balance of assets on hand (subtract line 2 d from line 2c and enter the amount here) \$ 21,561.88
This line must equal the last line in item 3 (itemize assets below)

3. The balance of assets on hand are as follows:

ITEMIZED ASSETS REMAINING AT END OF ACCOUNTING PERIOD	
Comerica Bank, 7505 Dixie Hwy., Clarkston, MI 48346 – checking account	\$ 935.86
Bankers Life & Casualty Company, Policy No. 4,613,808 (cash value as of 9/16/15)	1,869.00
American General Life Insurance Policy, Policy No. CI201065 (cash value as of 11/18/2015)	7,467.68
Transamerica Life Insurance Company, Policy No. 02RPF091020 (cash value as of 01/01/2016)	5,079.04
Donelson, Johns & Evans Funeral Home – prepaid funeral	6,210.30
Total balance on hand. This line must equal the last line in item 2.	\$ 21,561.88

NOTE: In guardianships and conservatorships, except as provided by MCL 5.409(C)(4), you must provide to the court copies of corresponding financial institution statements or you must file with the court a verification of funds on deposit, either of which must reflect the value of all liquid assets held by a financial institution dated within 30 days after the end of the accounting period.

4. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/petition, except as follows: (for each person whose address changed, list the name and new address; attach separate sheet if necessary)

5. This account lists all income and other receipts and expenses and other disbursements which have come to my knowledge.

7. ☒ My fiduciary fees incurred during this accounting period (including fees that have already been approved and/or paid for this accounting period) are \$1,610.00. Attached is a written description of the services performed.

8. ☒ Attorney fees for this accounting period (including fees that have already been approved and/or paid for this accounting period) are \$3,190.42. Attached is a written description of the services performed.

I declare under the penalties of perjury that this account has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Attorney signature: *[Signature]*
Munger & Associates, P.C.
Jon B. Munger P54736
Attorney name (type or print) Bar no.
4545 Clawson Tank Drive, Suite 100
Clarkston, MI 48346 248.618.1200
City, state, zip Telephone no.

Date: June 1, 2016
Fiduciary signature: *[Signature]*
Jon B. Munger
Fiduciary name (type or print)
4545 Clawson Tank Drive, Suite 100
Clarkston, MI 48346 248.618.1200
City, state, zip Telephone no.

Munger account of Garner conservatorship 6/8/2016 page three

Wallace was shocked when she saw Munger's account.

"It was outrageous," she says. "It couldn't be right. His money was all gone! I couldn't stop it. I couldn't do anything about it."

The Invisible Guardian

"I never once met with or communicated with Munger ever, ever, ever," Wallace says, recalling that first year. "He never tried to meet me or get to know me or anything. Nothing."

Instead, she asserts that she dealt with separate staffers from Munger's office, one of whom Wallace says was both rude and dismissive of her.

"It took forever to get anything done," she notes. "There was always some excuse."

On the same day Munger was appointed, Garner fell and was transported from American House to the VA Hospital in Ann Arbor for surgery on his knee, where he spent the next 10 weeks convalescing.

Wallace says Munger was absent during a VA Care Conference at which she was told that her father needed to go to a long-term facility. Presented with a list of rated options, Wallace asserts that she was given four hours to make a decision. Without enough time to properly vet the facilities, she opted for Heartland Health Care Center in Plymouth.

"There were terrible workers," she recalls. "I went in to see my dad on a Saturday and there was food all over his bed and he had a filthy T-shirt on. His room was dirty, the floor wasn't swept, and the bathroom was disgusting. The toilet had feces smeared around it."

Within a month after Garner's transfer to Heartland, he fell, broke his hip and had to be returned to the VA Hospital.

"The surgeon told us that the fracture to his hip was so bad that it was a mess to put it back together," Wallace remembers, adding that, at the time, Heartland told her the incident was "no big deal."

In June 2016, Garner was assigned an independent volunteer to complete a court-mandated Guardian Review report. According to court records, the volunteer conducted his investigation via a phone call "to [the] nurse of [the] facility who answered all questions as ward lives out of the county."

Although a call was also made to Munger's office, Wallace was not included in the investigation, which was summarized in two words, both in caps: "GREAT CARE."

O'Brien signed off both on the Annual Review and Munger's own report on Garner's condition, which noted that his office visited Garner only three times throughout the year.

All About the Money

Wallace says Munger had other concerns.

According to accounts he filed with the court, he was preparing a petition to sell Garner's Rochester Hills home only a month after being appointed conservator. He also charged Garner for calls and emails to Wallace's husband regarding a timetable for clearing it out.

"We got the call and, I think we were given a month," Wallace says. "We took what we could take."

Munger filed his petition on July 9, 2015, which included a purchase agreement for the home for \$8,000. As evidence that he had conducted an appraisal of the home, Munger used the J.D. Power website NADAGuides.com. The sale was approved by O'Brien and Munger closed the deal on August 8, 2015.

Garner also had a 2003 Mercury Marquis, which, in 2015, Munger valued at \$1,500. A year later, he assessed it at \$200. When it was sold and to whom is unknown.

The only mention of the vehicle is found in a September 28, 2016, response Munger gave to a VA Specialist who had questions about his accounting. In his response, Munger sent an email to the VA that included the closing details from Garner's home, bank statements and "car sale information."



Billy Garner on his 90th birthday.
Image courtesy of Mary Wallace

Since communications with Munger's office tended to be one-way, Wallace recalls that when her father asked questions such as "Where is my car?" she was unable to answer him.

"I couldn't tell him what was going on," Wallace says. "It was just killing me. I felt like I was deceiving my own dad."

Munger appeared to be in agreement with her.

On October 25, 2016, Wallace received a letter from his office that included a petition Munger filed with the court. The accompanying brief accused Wallace of "concealing" \$5,380 in VA benefits, which Munger claimed had been "converted to her personal use rather than for the benefit of her father."

Munger also stated that Wallace had "offered no explanation as to how those funds were used."

However, Wallace says Munger's office never once called her to ask about it.

Indeed, nowhere in Munger's account line items concerning the missing money is there evidence of any calls or emails made to Wallace, who had placed the VA benefits check in a filing cabinet at her home, where it remained forgotten.

When a stunned Wallace called Munger's office asking why the public administrator had accused her of theft, she claims she was told, "We didn't accuse you of anything."

Once Wallace turned over the check to his office, Munger filed for a November 15, 2016, dismissal of his petition. Ultimately, a matter that could have been resolved in a single phone call to Wallace ended up costing Garner's estate almost \$400.

Parasites

While Munger was waging his war with Wallace, Garner's health was on the decline. During a March 2017 visit to her father, Wallace says Heartland staff suspected Garner had a Scabies Mite infestation.

Scabies Mites are highly contagious, microscopically sized parasites that nest, lay eggs and defecate under the human skin. The victim then develops a rash noticeable between the fingers, along the wrist, lower-torso and on the exterior of the genitals.

The associated itch is unbearable and relentless. For individuals with weakened immune systems, such as children and the elderly, the parasites exponentially increase in number (sometimes in the millions) and further drain a body's ability to fight back. That condition is called Crusted Scabies and, if left untreated, a combination of scratching by the victim and a lowered immune system can lead to bacterial infections

(<https://web.archive.org/web/20200616124508/https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6060176/>), renal failure and heart disease.



Scabies Mite. Image from Science Photo Library

According to Wallace, her father was exhibiting both a rash and vomiting and was placed in isolation.

Although Wallace made daily calls to Heartland to verify the diagnosis, she asserts that the facility never responded.

"This went for an entire month," she says. "I kept calling and they kept telling me that the lab results hadn't come back. They claimed that they were using three different labs."

Munger's accounting also shows consistent communication between his office and Heartland.

However, it mostly concerned Garner's Medicaid benefits, for which Munger completed a long-term application in January 2017.

On the afternoon of March 29, 2017, Wallace placed another call to Heartland to determine the results of her father's lab testing.

"They said he was doing fine and keeping his food down," she remembers.

At 5:15 pm, the facility called her.

Wallace relates every moment as if it is just happening and falls into tears.

"The nurse told me that they had found my father 'unresponsive,'" she says. "At first it didn't register. Then it dawned on me and I asked, 'Do you mean he's gone?' The nurse told me, 'I'm sorry, but yes.'"

"I just lost it," she cries. "No! No! No! It was awful. I don't understand it. They'd said he was perfectly fine and then he was gone."



Billy Garner's grave marker. Image courtesy of Mary Wallace

Wallace never would come to understand the cause of her father's death. When Wallace asked Heartland for access to Garner's medical records, she claims she received no response and that the facility has yet to turn them over.

According to Munger's final account, after two years of the public administrator's conservatorship, Garner had gone from \$115,029.34 in total assets to \$579.12 in the Comerica account Munger had opened to store

the veteran's money.

The Profit Pipeline

Former Oakland and Wayne County long-term facility nursing director "Gladys" offered an explanation for the numerous falls experienced by Garner and other Oakland County Probate wards while at nursing facilities.

There are no unread comments at this time.
 "Staffing is always a huge issue," she says. "The state guidelines say there can be a ratio of 15 patients to one staff member during a night shift. The staff member can be a nurse or a Certified Nurse's Assistant [CNA]."

"So, when you have 30 patients, there will be one nurse and one CNA looking after them," she adds. "But the nurse may be working on other duties, which take a lot of time. So, then you only have one CNA looking after 30 patients."

To combat the problem, Gladys created a system in which a staff member would remain at a patient's bedside as a "sitter." Through the increased use of staffing in that capacity, Gladys hoped to reduce the number of nursing home incidents. But she claims the program did not meet with the approval of facility owners.

"I was disciplined all the time because I had too many sitters," Gladys notes. "They said that it wasn't in the budget. But, if you accept a high-risk patient, staffing needs to be one-on-one. That doesn't happen, because we're talking about profits over people."

Such a philosophy has benefited from legislation such as the Affordable Care Act (ACA), which includes a program called "Hospitals Re-admissions Reduction." Under the program, Medicare payments are reduced to hospitals "with too many re-admissions."

"So, as a nursing home, when we have a chronic patient who has been discharged to us from a hospital for rehabilitation and that patient should have a relapse, the hospital will be penalized for readmitting him," Gladys says. "It forces nursing and rehab facilities to keep patients longer than they should. You have people actually dying in these rehab facilities because they are so afraid to send them back even if there is a need for additional care or studies."

Gladys asserts that her decisions as a caregiver regarding a patient's well-being were taken from her.

"I no longer had discretion when it came to patient care and advocacy," she says. "Individual or corporate owners did."

Despite her sizable salary, Gladys eventually resigned.

"I had a moral obligation to the patients," she states. "What was happening to them was affecting my well-being."

On July 24, 2019, as part of the work of her Elder Abuse Task Force, Attorney General Dana Nessel announced the arrest of a 23-year-old CNA at the Heartland facility in Bloomfield Hills for "allegedly neglecting to follow a care plan for an 89-year-old resident in March 2018, resulting in the resident being injured."

Six days later, Nessel joined a rally

(<https://web.archive.org/web/20200616124508/https://www.detroitnews.com/story/news/local/detroit-city/2019/07/30/nessel-joins-nursing-home-union-workers-rallying->

change/1862555001/) held by members of the nursing home professionals union SEIU Healthcare Michigan and took a selfie with them while confirming Gladys's claims.

"Many nursing home workers are responsible for between 15 and 30 patients at any given time," Nessel told the rally attendees. "This cannot stand. We're all going to be seniors one day and will all need the kind of help you provide. We need to help you because you're doing the hard work to support the rest of us."

To date, other than the CNA, no nursing facility executive or company has been charged by Nessel's Task Force.

Today, Gladys works as a visiting nurse for individuals still living in their homes. The ability to care for them in the way she always hoped when she entered the profession is now something she says she can do without fear of reprisals.

The similarities between a state keeping an individual both in a nursing facility and under guardianship longer than necessary seem stark.

Gladys calls it a "pipeline."

"I've known owners who had adapted methods of getting more patients by bouncing them between Assisted Living and Rehab care for 20 days at a time, back and forth, multiple patients," she says. "They hoard these people and keep their beds filled that way."

There are no unread comments at this time.

At the farthest end of that pipeline, in the living room of the unlicensed group home in Oak Park, which this investigation visited over Thanksgiving weekend 2018, Carolyn, Rita and Mary spent the holiday eating McDonald's. In the kitchen behind them, as it had been since they were left alone by the home's staff, the refrigerator remained padlocked shut.

Rita has been under Yun's guardianship since 2008.

Yet, she was clearly able to communicate informed decisions to this investigation, particularly with regards to both her finances and her medication.

"When my mother died, she gave each of her kids \$20,000," Rita said. "That money, I have yet to see."

"I try not to talk to [Yun]," she added.

"But I asked the doctor to give me some pills that will knock me out. Because the days I've been having, every day of the week, I don't want to remember nothing."

This investigation reached out to Judges Ryan, Hallmark, Callaghan and O'Brien and received no response.

Carney, Munger, Yun and Fraser did not return requests for comment.

The Michigan Department of Health and Human Services, the Michigan Department of Licensing and Regulatory Affairs and Heartland Health did not return requests for comment.

****This investigation presented its findings to Michigan Attorney General Dana Nessel's staff on March 12, 2019. At that time, no comment was received. There have been no replies to further requests for comment.***

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(<https://web.archive.org/web/20200616124508/https://www.dailykos.com/stories/2019/8/23/1880821/-The-Fortress-Part-Three-of-Five-Profiting-from-Protection>)for part three of five: Profiting from Protection



Padlocked refrigerator at unlicensed group home in Oak Park.
Image by Slone Terranella

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Gretchen Rachel Hammond is an award-winning freelance investigative journalist based out of Chicago. Her work has won or been nominated for four successive Chicago Press Club awards, been recognized by the National Association of Lesbian and Gay Journalists (NLGJA), and covered topics such as [criminal justice](#). ([alleged discrimination](#) ([©GretchenRachelHammond2019](https://web.archive.org/web/20200616124508/https://urldefense.proofpoint.com/v2/url?u=http-3A__www.windycitymediagroup.com_lgbt_Can-2Dthe-2DChild-2DWelfare-2DSystem-2DHandle-2DTrans-2DChildren-2DPart-2DOne-2Dof-2Da-2DSeries_58703.html&d=DwMFaQ&c=yHIS04HhBraes5BQ9ueu5zKhE7rtNXt_d012z2PA6ws&r=BqfLgND-taBMpxT2IWcnCjI2Z0Df48MrOdIJoOaka3o&m=tVZGFz6Yy0bfRDUPEhgvsI10hLYgZR9ejwyh529Tdjcs=1JCP20GoLBxMSJgJRLQ3tGXnes8tn8sNGM6DhGiloU&e=) on the part of the Illinois Department of Children and Family Services leading to the unnecessary separation of children from their parents.</p></div><div data-bbox=)

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