

**MALTREATMENT INVESTIGATION MEMORANDUM  
Office of Inspector General, Licensing Division  
Public Information**

*Minnesota Statutes, section 260E.01, paragraph (a), "The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through maltreatment."*

**Report Number:** 202400022

**Date Issued:** March 29, 2024

**Name and Address of Facility Investigated:**

**Disposition:** Maltreatment determined as to neglect of the alleged victim by the staff person.

Residential Services, Inc. Pine City  
1135 7th St SW  
Pine City, MN 55063

Residential Services of Northeastern MN, Inc.  
2900 Piedmont Ave  
Duluth, MN 55811

**License Number and Program Type:**

1070749-H\_CRS (Home and Community-Based Services-Community Residential Setting)  
1070738-HCBS (Home and Community-Based Services)

**Investigator(s):**

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**Suspected Maltreatment Reported:**

It was reported that a staff person (SP) smoked marijuana with an alleged victim (AV) and provided marijuana to the AV.

**Date of Incident(s):** Ongoing from November 2023 - January 2024

**Nature of Alleged Maltreatment Pursuant to Minnesota Statutes, section 260E.03, subdivision 15, paragraph**

**(a), clauses (1) and (2):**

Failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so.

Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so.

**Summary of Findings:**

Pertinent information was obtained during a site visit conducted on February 8, 2024; from documentation at the facility and law enforcement records; and four interviews conducted with the AV, a supervisory staff person (P1), a facility staff person (P2), and the SP. The AV's guardian was notified of the investigation but did not have additional information to provide.

The facility received a variance to provide services for the AV, because the AV was 17 years old at the time of the incident and living in an adult Community Residential Setting (CRS). The AV enjoyed rap music and swimming. According to the AV's support plan, the AV was diagnosed with disruptive mood dysregulation disorder, generalized anxiety disorder, post-traumatic stress disorder, oppositional defiant disorder, and reactive attachment disorder of childhood.

The facility was a multi-level home with a basement and an attached garage. The garage was accessible from the home by a door in the kitchen and a door in the basement.

According to the facility's *General Event Report*, at 3 a.m. on January 2, 2024, the AV disclosed that s/he smoked marijuana with the SP and received marijuana from the SP. The AV said it had been happening since November 2023 and that s/he had video footage. The AV and the SP smoked in the SP's car and in the garage. The SP also left marijuana outside for the AV when the SP was not working.

According to the law enforcement report, on January 2, 2024, P1 notified law enforcement that the SP provided marijuana to the AV, who was a 17-year-old group home resident, and had been doing so since November 2023. The AV told a law enforcement officer (LEO) that s/he smoked marijuana with the SP since the beginning of November, and that the SP provided him with marijuana once a week or every other week. The AV stated that it started after s/he caught the SP smoking while working. The AV also provided the LEO with a link to a YouTube video that the AV posted of the SP smoking marijuana at the facility. The SP initially told the LEO that s/he did not smoke marijuana at work, and that the AV "blackmailed" the SP into providing him/her with marijuana by threatening to open credit cards in the SP's name. However, when the LEO asked the SP if s/he ever smoked marijuana with the AV, the SP stated that s/he did so once. The facility gave the LEO four separate videos (provided to the facility by the AV) of the AV and the SP smoking marijuana at the facility. The LEO confirmed the person in the video was the SP by comparing the SP's driver's license photo to the person in the videos. At the time of this report, criminal charges were pending against the SP for "contributing to the delinquency or petty offender status of a child."

Four undated videos showed the following:

- One video was six minutes and thirty seconds and filmed at night inside a car. The AV's face was not in the video, but his/her voice was audible. The SP's face was visible in the video in a reflection on the car window and his/her voice was audible. The SP brought what appeared to be a marijuana pipe up to his/her mouth and lit it on fire.
- One video was five minutes and twenty-eight seconds. The video was black with occasional flickers of light and appeared to be filmed inside a car at night. Neither the AV nor the SP's face was seen in the video, but their voices were audible, and they discussed what foods they like to eat when they are "high."
- One video was twenty-three seconds and was filmed inside a car during daylight. The SP's face was not shown in the video, but his/her voice was audible. The SP was seated in the driver's seat of the car with a lighter and a grinder (used to crush marijuana leaves). The AV was not in the video, but his/her voice was audible.
- One video was one minute and nineteen seconds and was filmed inside a car during daylight hours. The SP's face was not shown in the video, but his/her voice was audible. The SP discussed cannabis and the potency of "kief" (a cannabis derivative). The AV's entire face was in the video, and s/he lit and smoked a pipe with a substance that appeared to be consistent with marijuana.

P2, who worked the night shift and came in after the SP's shift, provided the following information in an interview with this investigator:

- On January 2, 2024, in the early morning hours, P2 asked the AV to talk because s/he felt like there was "friction" between the AV and the SP. P2 then asked the AV why s/he was "avoiding" the SP, and the AV told P2 that s/he smoked weed with the SP "multiple times," in the SP's car, in the garage, and in the backyard of the facility. The AV also told P2 that a family member of the SP's brought weed to the facility.
- P2 texted P1 about what the AV said, but due to the time, P1 did not respond. "First thing" in the morning, P2 called P1 and told P1 about what the AV said. P2 stated that on an unknown date approximately six months prior when s/he arrived for his/her shift after the SP had been working, P1 smelled marijuana at the facility. When P2 told P1, staff persons were retrained on the company's drug and alcohol policy.

P1 provided the following information in an interview with this investigator:

- On January 2, 2024, at 3:47 and 6:24 a.m., P1 received a text message from P2 that stated the AV told P1 that s/he and the SP smoked "weed" on "numerous occasions" and that the SP gave him/her "weed." The AV then "handed over" a "grinder," a jar of marijuana, and some "gummies" that were given to the AV by the SP. At 6:56 a.m. P2 to discuss what the AV disclosed.)
- Later that day, P1 went to the facility and spoke to the AV. The AV told P1 that s/he smoked marijuana with the SP "a lot" and that the SP provided the marijuana to the AV. P1 then filled out an event report and contacted law enforcement. P1 did not interview the SP as part of the facility's internal review because the SP declined to meet with P1 in person).
- P1 reviewed the videos taken by the AV and the video posted to YouTube was "pretty clear," and the SP's

face was visible in the video smoking what appeared to be marijuana. P1 stated that the video posted to YouTube was filmed in the garage at the facility. (Note: The video posted to YouTube was private and was unable to be viewed by this investigator.)

- P1 was not aware of the SP providing marijuana to or using marijuana with any other clients. P1 was not aware of any times the SP drove clients while under the influence of marijuana. Prior to the incident, P1 was not aware of any concerning interactions between the SP or AV and P1 was unaware of any "threats" made by either the SP or the AV.

The AV provided the following information in an interview with this investigator:

- The SP smoked marijuana in his/her car at the facility, and the AV stated that they "talk[ed] about weed a lot." On an unknown date at the beginning of November, the SP told the AV that s/he had some marijuana, and they could use it. The AV stated that the SP "pressured" the AV, and the AV "eventually" smoked it. The AV stated that at first s/he did not think it was a problem, but later realized it is not legal for persons of his/her age. The AV did not know how many times the SP smoked marijuana at work but stated it was "most of the time" the SP was working, and/or two to three times each shift. The AV stated that s/he smoked marijuana with the SP "pretty much every time [the SP] did it." The SP and the AV smoked outside, in the SP's car, and in the garage.
- On an unknown date the SP gave the AV a "stash" of marijuana "bud" (the processed marijuana plant) in a jar. The SP also gave the AV a "grinder" (used to crush up the marijuana), a pipe, a lighter, and 12 cannabis gummies. On January 2, 2024, the AV spoke to P2 about smoking marijuana with the SP. The AV did not recall what s/he told P2 because it was "really late" but remembered "explaining the story" to him/her. The AV then gave the items to P2.
- The AV said that unknown to the SP, s/he took videos of the SP and the AV using marijuana together.

The SP provided the following information in an interview with this investigator:

- The SP smoked marijuana with the AV "like two or three times" on facility property, in the facility garage, and in the SP's car. The AV knew the SP smoked marijuana because the AV told the SP s/he "smelled like weed" in the past.
- Starting at the beginning of December 2023, the SP was "verbally abused" by the AV, who called the SP "fat," threatened to "get [the SP's] kids taken away," and threatened to open credit cards in the SP's name. The SP stated that the AV told him/her that if s/he didn't comply with the AV's requests for marijuana, the AV would report the SP for sexually assaulting the AV. (Note: The SP stated that s/he never sexually assaulted the AV). So in the middle of December 2023, the SP started giving the AV marijuana.
- On an unknown date, the SP told P1 that the AV was threatening him/her and P1 told the SP, "[Boys/girls] will be [boys/girls]," and "That's how [boys/girls] act. That's what they do." The SP stated that s/he did not tell P1 about anything else because P1 made the SP "feel crazy." The SP stated that s/he was unaware of any videos that existed of him/her and the AV smoking marijuana together but that the AV "probably" took video of them.

- The SP stated that s/he did not know what the AV turned into P1 but the “weed stuff” was not provided to the AV by the SP. The SP said it could have been stolen from his/her car because the AV took the SP’s keys and “rummage[ed]” through his/her car.
- The SP stated that s/he “probably” got training on the facility’s drug and alcohol policy but did not receive training on the AV’s plans or on the Reporting of Maltreatment of Minors.

The SP provided the following information in a written statement that was given to this investigator at the end of the SP’s interview:

- The SP kept his/her marijuana in his/her car, and s/he knew that smoking at work around clients was “unacceptable.” The AV was willing to do “whatever it [took]” to get marijuana. On an unknown date in December, the AV took the SP’s keys, unlocked her car, went through the glove compartment, and stole marijuana. The AV told the SP that if s/he told anyone the AV would tell law enforcement that the SP sexually assaulted him/her. The SP did not inform P1 because “bosses and HR wouldn’t do anything about it.”
- Later in December, the AV told the SP s/he was going to use her social security number to “put [the SP] in debt” and was going to tell others that the SP was abusing him/her. The SP “expressed” to P1 that the AV was “harassing” him/her by taking his/her keys and going through the SP’s car and they “wrote [the SP] off as dramatic.” The SP “reported verbal abuse” (such as name calling and threats to get the SP’s children taken away) to P1 and was told “[boys/girls] will be [boys/girls] .” The SP told coworkers and “higher ups” about the AV using things against the SP, and “they said it wasn’t a big deal.”

The facility’s *Drug, Alcohol and Cannabis-Free Workplace and Testing Policy* stated that employees shall not use, possess, offer, be under the influence of or impaired by marijuana, cannabis or cannabinoid during all work time, while on all premises owned or operated by the facility, and while transporting persons served or with persons served in the community. Additionally, the policy also stated that employees shall not report for work or remain at work under the influence of or impaired by marijuana, cannabis or cannabinoid.

Facility documentation showed that the SP, P1, and P2 were trained on the AV’s *Individual Abuse Prevention Plan, Community Services and Supports Plan*, and the Reporting of Maltreatment of Minors Act.

*Relevant Rule and Statute:*

Minnesota Statute, section 342.09, subdivision 1, paragraph (b), clause (7) states in part that an individual may not give cannabis to an individual under 21 years of age.

Minnesota Statute, section 342.09, subdivision 1, paragraph (b), clause (9) states in part that an individual may not vaporize or smoke cannabis in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

**Conclusion:**

A. Maltreatment:

The AV provided consistent information to P1, P2 this investigator and in the facility's internal review that s/he smoked marijuana with the SP on multiple occasions. The AV took videos of him/herself and the SP consuming marijuana together. The SP initially told the LEO that s/he did not smoke marijuana at the facility but then stated that s/he smoked it with the AV one time. The SP told this investigator that s/he smoked marijuana with the AV two or three times.

Given the consistent information provided by the AV and the SP that they smoked marijuana together, and that providing marijuana to and smoking marijuana with the AV was both illegal and therefore encouraged the AV to participate in illegal activities, there was a preponderance of the evidence that there was a failure to supply the AV with necessary care and a failure to protect the AV from conditions or actions that seriously endangered the AV's physical or mental health when reasonably able to do so.

It was determined that neglect occurred (failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so. Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so.)

B. Responsibility pursuant to Minnesota Statutes, section 260E.30, subdivision 4, paragraph (a), clauses (1) and (2):

When determining whether the facility or individual is the responsible party, or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

- (1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;
- (2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and
- (3) whether the facility or individual followed professional standards in exercising professional judgment.

The SP was responsible for the care of the AV. The SP was trained on the facility's *Drug, Alcohol and Cannabis-Free Workplace and Testing Policy*, the Reporting of Maltreatment of Minors Act and the AV's plans.

The SP was responsible for maltreatment of the AV.

C. Recurring and/or Serious Maltreatment:

The Office of Inspector General is required to evaluate whether substantiated maltreatment by an individual meets the statutory criteria to be determined as "recurring or serious." Individuals determined to be responsible for recurring or serious maltreatment are disqualified from providing direct contact services.

Minnesota Statutes, section 245C.02, subdivision 16, states:

"Recurring maltreatment" means more than one incident of maltreatment for which there is a preponderance of evidence that maltreatment occurred and that the subject was responsible for the maltreatment.

Minnesota Statutes, section 245C.02, subdivision 18 states:

"Serious maltreatment" means sexual abuse, maltreatment resulting in death, neglect resulting in serious injury which reasonably requires the care of a physician whether or not the care of a physician was sought, or abuse resulting in serious injury.

It was determined that the substantiated neglect for which the SP was responsible was not serious because the AV did not sustain an injury but was recurring because the SP gave and smoked marijuana with AV on more than one occasion.

The SP was disqualified from providing direct contact services.

Pursuant to Minnesota Statutes, section 260E.35, subdivision 6, paragraph (c) all investigative data maintained in this report will be kept by the Department of Human Services for at least ten years after the date of the final entry in the report.

**Action Taken by Facility:**

The facility completed an internal review that stated that policies and procedures were adequate but not followed and there was a need for additional staff training. The facility's internal review stated that additional training will be provided to staff regarding "cannabis use policy and procedures" and "engaging with drug and alcohol use with vulnerable adults and children." The SP no longer worked at the facility.

**Action Taken by Department of Human Services, Office of Inspector General:**

The SP was disqualified from a position allowing direct contact with, or access to, persons receiving services from programs, organizations, and/or agencies that are required to have individuals complete a background study by the Department of Human Services as listed in Minnesota Statutes, section 245C.03. The determination that the SP was responsible for maltreatment and the disqualification of the SP are each subject to appeal.

**Certification:**

The information collection procedures followed in this investigation were pursuant to Minnesota Statutes, section 260E.30, subdivision 6, paragraph (c). All individuals that are subjects of data in this investigation have the right to obtain private data on themselves which was collected, created, or maintained by the Department of Human Services.