



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING

BUREAU OF CHILDREN'S AND ADULT LICENSING



MAURA D. CORRIGAN
DIRECTOR

August 14, 2013

Ms. Barbara Masters
810 Myrtle Street
St. Joseph, MI 49085

Re: License DF 110025180

Dear Ms. Masters:

On or about July 1, 2014 you were mailed a copy of the Department's Notice of Intent to Refuse to Renew your certificate of registration to operate a family child care home. In accordance with that notice, and because you did not exercise your right of appeal, your certificate of registration has been revoked effective August 12, 2014. It is further expected that you not receive children for care now or in the future without being properly licensed.

Sincerely,

Jerry Hendrick, Acting Deputy Director
Child Care Licensing Division
Bureau of Children & Adult Licensing

Cc: Yolanda Sims, BCAL, Area Manager

Certified Mail- return receipt requested



RICK SNYDER
GOVERNOR

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



MAURA D. CORRIGAN
DIRECTOR

July 1, 2014

Barbara Masters
810 Myrtle St.
St. Joseph, MI 49085

License #: DF110025180

Dear Ms. Masters:

Enclosed is a copy of a NOTICE OF INTENT TO REFUSE TO RENEW YOUR CERTIFICATE OF REGISTRATION to operate a family child care home, alleging that you have violated the Child Care Organizations Act. Your options are as follows:

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

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

Sincerely,



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

Enclosures

Cc: Yolanda Sims, Area Manager

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

In the matter of

License #: DF110025180

Barbara Masters

NOTICE OF INTENT TO
REFUSE TO RENEW CERTIFICATE OF REGISTRATION

The Michigan Department of Human Services, by Jerry Hendrick, Director, Child Care Licensing Division, Bureau of Children and Adult Licensing, provides notice of the intent to refuse to renew the certificate of registration of Registrant, Barbara Masters, to operate a family child care home pursuant to the authority of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq., for the following reasons:

1. On or about October 28, 1992, Registrant was issued a certificate of registration to operate a family child care home, with a current registered capacity of six, at 810 Myrtle St., St. Joseph, MI 49085.
2. On December 18, 2013, Registrant submitted a renewal application for her certificate of registration to the Bureau.
3. On December 18, 2013, with the renewal application, Registrant submitted an altered furnace and water heater inspection documents to the Bureau.

Specifically:

- a. For the gas-fueled water heater inspection, Registrant submitted a copy of an invoice with the same invoice number (#4832) as the water heater inspection invoice in 2007. The original date appears to have been removed with correcting fluid and a new date written over it. The contractor notes are identical to the notes from the 2007 invoice, which read, "inspection of gas water heater – heater is new and installed properly." Registrant submitted a similarly-altered hot water inspection invoice during her renewal in 2011 as well.
 - b. For the fuel furnace inspection, Registrant submitted a copy of an invoice with the same invoice number (#4708) as the furnace inspection in 2007. The original date appears to have been removed with correcting fluid and a new date written over it. The copy shows only a portion of the actual invoice, omitting Registrant's name and address, method of payment, and contractor's recommendations. The contractor's written notes that are visible are identical to the notes from the 2007 invoice, which read, "inspection of furnace: furnace is 20 years old. All operations and safety controls are working properly." Registrant submitted a similarly-altered furnace inspection invoice during her renewal in 2011 as well.
4. On April 2, 2014, Licensing Consultant Tiara McKay conducted an onsite renewal inspection at Registrant's home. Upon arrival, Ms. McKay observed Registrant's adult daughter and several grandchildren at the home. Registrant told Ms. McKay that they were only there to help her clean out the attic and did not live in the home. Later during the inspection, Registrant's adult daughter told Ms. McKay

that she and her five children had been living in the home for several weeks. Registrant did not notify the Bureau that her daughter and grandchildren had moved into the home.

5. On April 2, 2014, Registrant did not have completed child information cards for the five enrolled children. One child in care was missing a card, and the four cards reviewed by Ms. McKay were missing information including admission date, allergy information, and parent information.
6. On April 2, 2014, Registrant did not have child in care statements for any of the five children enrolled.
7. On April 2, 2014, Registrant did not have a carbon monoxide detector on the main level of the home.
8. On April 2, 2014, Registrant admitted to Ms. McKay that she has not been conducting fire and tornado drills due to having a child in care, age 2 ½ years, who, according to Registrant, cannot walk and is unable to do the drills. Registrant did not have smoke detectors on the second floor of the home and in the living room, which is used as a sleeping area.

COUNT I

The conduct of Registrant, as set forth in paragraph 4 above, evidences a violation of:

R 400.1903 Caregiver responsibilities.

COUNT II

The conduct of Registrant, as set forth in paragraphs 3 and 4 above, evidences a violation of:

R 400.1903 Caregiver responsibilities.

- (4) The caregiver shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include, but not be limited to, both of the following:
 - (b) Information provided to the department shall be accurate and truthful.

COUNT III

The conduct of Registrant, as set forth in paragraphs 3, 4, 7, and 8 above, evidences a violation of:

R 400.1902 Caregiver and child care home family.

- (2) An applicant or the caregiver shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.

COUNT IV

The conduct of Licensee, as set forth in paragraph 5 above, evidences a violation of:

R 400.1907

Children's records.

- (1) Prior to initial attendance, the caregiver shall obtain the following documents:
 - (a) A completed child information card on a form provide by the department or a comparable substitute approved by the department.

COUNT V

The conduct of Licensee, as set forth in paragraph 6 above, evidences a violation of:

R400.1907

Children's records.

- (1) At the time of initial attendance, the caregiver shall obtain the following documents:
 - (b) A child in care statement/receipt using a form provided by the department and signed by the parent certifying the following:
 - (i) Receipt of a written discipline policy.
 - (ii) Condition of the child's health.
 - (iii) Receipt of a copy of the family and group child care home rules.
 - (iv) Agreement as to who will provide food for the child.
 - (v) Acknowledgement that the assistant caregiver is 14 to 17 years of age, if applicable.
 - (vi) Acknowledgement that firearms are on the premises, if applicable.
 - (vii) If the child care home was built prior to 1978, then the caregiver shall inform the parents of each child in care and all assistant caregivers of the potential presence of lead-based paint or lead dust hazards, unless the caregiver maintains documentation from a lead testing professional that the home is lead safe.

COUNT VI

The conduct of Licensee, as set forth in paragraph 7 above, evidences a violation of:

R 400.1934 Heating; ventilation; lighting.

- (3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), shall be placed on all levels approved for child care.

COUNT VII

The conduct of Licensee, as set forth in paragraph 4 above, evidences a violation of:

R 400.1941 Heat-producing equipment.

- (5) For group child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the initial license issuance and every 2 years thereafter at the time of license renewal.

[NOTE: R 400.1941 Heat-producing equipment.

- (4) Furnaces, other flame or heat-producing equipment used to heat the home when children are in care, and fuel-fired water heaters shall be inspected by any of the following entities:
 - (a) A licensed heating contractor for a fuel-fired furnace.
 - (b) A licensed heating contractor or licensed plumbing contractor for a fuel-fired water heater.]

COUNT VIII

The conduct of Licensee, as set forth in paragraph 8 above, evidences a violation of:

R 400.1945 Fire; tornado; serious accident and injury plans.

- (1) A written plan for the care of children shall be established and posted for each of the following emergencies:
 - (a) Fire evacuation.
 - (b) Tornado watches and warnings.

NOTICE IS GIVEN that, Registrant is offered the opportunity to show compliance with all lawful requirements for retention of the certificate of registration. If Registrant appeals the Notice of Intent and compliance is not shown, formal proceedings will be commenced pursuant to the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq., rules promulgated thereunder, and the Administrative Procedures Act, 1969 PA 306, as amended; MCL 24.201 et seq. Should formal proceedings commence, you have the right to attorney representation at your own expense.

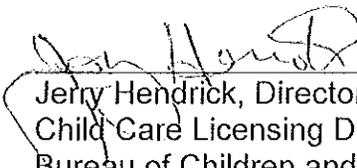
REGISTRANT IS NOTIFIED that pursuant to MCL 722.121(2) of the Child Care Organizations Act, Registrant has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Jennifer Kerr, Departmental Analyst, Bureau of Children and Adult Licensing, Michigan

Department of Human Services. Your written appeal must include your name and license number, and must be submitted using one of the following methods:

- Mail your written appeal to the Bureau of Children and Adult Licensing, P.O. Box 30650, Lansing, MI 48909. You should obtain some type of delivery confirmation to verify delivery;
- Fax your written appeal to the Bureau of Children and Adult Licensing at (517) 284-9709. You should keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to DAUappeals@Michigan.gov. You should keep a copy of the sent email as proof of submittal.

REGISTRANT IS FURTHER NOTIFIED that failure to file a written appeal of this action within 30 days will result in refusal to renew the certificate of registration.

DATED: 7/2/2014



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

This is the last and final page of a NOTICE OF INTENT in the matter of Barbara Masters, DF110025180, consisting of 8 pages, this page included.

JEK

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

In the matter of

License #: DF110025180

Barbara Masters

NOTICE OF COMPLIANCE CONFERENCE

Date: August 19, 2014

Time: 10:00 a.m.

Location: 322 East Stockbridge Avenue, Kalamazoo, MI 49001

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

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

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

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

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

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

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

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

In the matter of

License #: DF110025180

Barbara Masters

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PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to refuse to renew the certificate of registration in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on July 9, 2014.

Barbara Masters
810 Myrtle St.
St. Joseph, MI 49085



Suzanne Bancroft
Bureau of Children and Adult Licensing