



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING

BUREAU OF CHILDREN'S AND ADULT LICENSING



MAURA D. CORRIG,  
DIRECTOR

August 8, 2014

Ms. Donna Marsh  
20360 Parker  
Livonia, MI 48152

Re: Docket # 14-001949-DHS  
License No. DG820063826

Dear Ms. Marsh:

On July 25, 2014, you were mailed a copy of the Order Transmitting Settlement Agreement relating to the Agency's Intent to Revoke your license to operate a family group day care home. In accordance with that order your license has been administratively closed effective April 25, 2014.

It is further expected that you not receive adults for care now or in the future without being licensed.

Sincerely,

Jerry Hendrick, Deputy Director  
Adult Foster Care/Homes for the Aged  
Licensing Division  
Bureau of Children & Adult Licensing

cc: Rose Rafferty-Aguirre, BCAL Area Manager (via email)

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Donna Marsh,  
Petitioner

v

Bureau of Children and Adult Licensing,  
Respondent

Docket No.: 14-001949-DHS

Case No.: DG 820063826

Agency: Department of  
Human Services

Case Type: DHS BCAL

Filing Type: Sanction

Issued and entered  
this 15<sup>th</sup> day of April, 2014  
by: David M. Cohen  
Administrative Law Judge

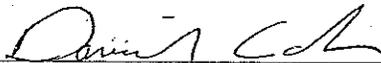
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BUREAU OF CHILDREN  
AND ADULT LICENSING

ORDER TRANSMITTING SETTLEMENT AGREEMENT

On April 11, 2014, Assistant Attorney General Chantal Fennessey, submitted a settlement agreement executed by the parties on April 7, 2014. The Settlement Agreement resolves all of the allegations contained in the Second Amended Notice of Intent to Revoke Petitioner's License issued on March 18, 2014.

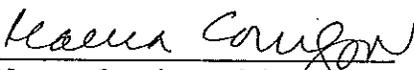
The Michigan Administrative Hearing System has removed this case from its docket, and closed its file in this matter.

The Settlement Agreement is attached hereto, incorporated by reference into this Order, and transmitted to the Director of the Department of Human Services.

  
\_\_\_\_\_  
David M. Cohen  
Administrative Law Judge

ORDER APPROVING SETTLEMENT AGREEMENT

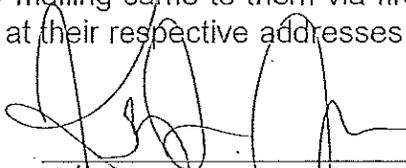
It is so Ordered:

  
\_\_\_\_\_  
Maura Corrigan, Director  
Department of Human Services

Date: July 23, 2014

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 25th day of July, 2014



Kristine Mannon  
Department of Human Services

Jason Scheeneman ✓  
Bureau of Children and Adult Licensing  
201 N. Washington Square, 4th Floor  
P.O. Box 30650  
Lansing, MI 48909

Nicol Gibby  
Bureau of Children and Adult Licensing  
Child Care Licensing Division  
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Rose A. Rafferty-Aguirre  
Bureau of Children and Adult Licensing  
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Kenneth J. Hardin, II  
Hardin Thompson, P.C.  
30555 Southfield Road, Suite 400  
Southfield, MI 48076

Chantal B. Fennessey  
Michigan Attorney General  
Cadillac Place  
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Donna Marsh  
20360 Parker  
Livonia, MI 48152

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

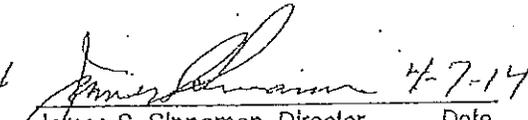
SETTLEMENT AGREEMENT

In The Matter Of:  
Donna Marsh  
License #: DG820063826

On March 18, 2014, the Bureau of Children and Adult Licensing issued a *Second Amended Notice of Intent to Revoke* the group child care home license of Donna Marsh. In settlement of all issues raised in the *Second Amended Notice of Intent to Revoke*, the undersigned parties hereby agree:

- 1) Donna Marsh has filed an appeal to the *Second Amended Notice of Intent to Revoke*, making certain admissions and denials, but now desires for her license to be closed without further proceedings or factual determination.
- 2) Donna Marsh understands that her group child care home license will be administratively closed effective April 25, 2014.
- 3) Donna Marsh understands that under MCL 722.125, Section 16(1), a person who provides child care without a license or certificate of registration is guilty of a misdemeanor, and the offense is punishable by up to 90 days imprisonment and/or a \$1,000 fine. Donna Marsh agrees that she will cease providing child care to all unrelated children in her home on or before April 25, 2014.
- 4) Donna Marsh understands that she is waiving her right to appeal the *Second Amended Notice of Intent to Revoke*, and an administrative hearing will not be held in this matter.
- 5) Donna Marsh agrees not to apply for a license or certificate of registration for a Child Care Organization licensed or registered under the Child Care Organizations Act for a period of two years and agrees not to be connected, directly or indirectly, with a licensee or registrant for a period of two-years from the effective date of this agreement.

  
\_\_\_\_\_  
Donna Marsh                      4-2-2014  
Licensee                              Date

  
\_\_\_\_\_  
James S. Sinnamon, Director                      4-7-14  
Division of Child Care Licensing                      Date  
Bureau of Children and Adult Licensing

\_\_\_\_\_  
Maura D. Corrigan, Director                      Date  
Department of Human Services

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MICHIGAN ADMIN.  
HEARING SYSTEM



RICK SNYDER  
GOVERNOR

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



MAURA D. CORRIGAN  
DIRECTOR

March 18, 2014

Donna Marsh  
20360 Parker  
Livonia, MI 48152

License #: DG820063826  
SIR #: 2013D0910023

Dear Ms. Marsh:

Enclosed is a copy of a SECOND AMENDED NOTICE OF INTENT TO REVOKE YOUR LICENSE to operate a group child care home, alleging that you have violated the Child Care Organizations Act.

Your appeal of the previous NOTICE OF INTENT serves as an appeal to this SECOND AMENDED NOTICE.

You are entitled to a telephone compliance conference regarding this SECOND AMENDED NOTICE OF INTENT. Please respond, in writing, regarding whether you plan to participate in this conference. In your response, please provide three dates that you are available for scheduling purposes.

Please note that an administrative hearing regarding this matter is currently scheduled for April 2, 2014. This hearing date remains the same.

Sincerely,

James S. Sinnamon, Director  
Division of Child Care Licensing  
Bureau of Children and Adult Licensing

Enclosures

Cc: Rose Rafferty-Aguirre, Area Manager  
David M. Cohen, Administrative Law Judge  
Kenneth J. Hardin, Attorney for Licensee  
Ray Howd, Division Chief, Michigan Dept. of Attorney General

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

In the matter of

License #: DG820063826  
SIR #: 2013D0910023

Donna Marsh

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SECOND AMENDED NOTICE OF INTENT TO  
REVOKE LICENSE

The Michigan Department of Human Services, by James S. Sinnamon, Director of Child Care Licensing, Bureau of Children and Adult Licensing, provides second amended notice of the intent to revoke the license of Licensee, Donna Marsh, to operate a group 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 May 21, 1993, Licensee was issued a license to operate a group child care home, with a current licensed capacity of 12, at 20360 Parker, Livonia, MI 48152.
2. During the afternoon hours of August 12, 2013, the Licensee was the sole caregiver present in her child care home for eight children. The children in care ranged in age from five months to six years. The Licensee failed to maintain the rule-required ratio of one caregiver per six children. An additional caregiver should have been present to meet ratio requirements.

3. On August 12, 2013, at approximately 4:45 p.m., the Licensee laid Child A (Male, DOB: 03/07/2013) down on her living room floor and gave the child a pacifier. Child A was fussy and crying during this time period. Child A had been teething and began chewing on the side of his pacifier. While lying on the floor, Child A inhaled the pacifier and the pacifier became lodged in his throat. The Licensee observed Child A gasping and found the pacifier in the back of his mouth. The Licensee attempted to remove the pacifier with her hand; however, Child A inhaled the object deeper into his throat. Child A began to choke and had difficulty breathing. At approximately 4:55 p.m., the Licensee called 9-1-1. Child A was transported by ambulance to Botsford Hospital.
4. On August 12, 2013, Child A underwent emergency surgery at Botsford Hospital. By this time, Child A had swallowed the entire pacifier and the object was lodged in his throat, past his vocal cords. Child A was given a tracheostomy, a surgical opening in his neck, to enable his breathing. Following this surgery, Child A was transferred to Children's Hospital of Michigan (CHM). Child A remained in critical condition for several days. During his stay in the Pediatric Intensive Care Unit at CHM, Child A was placed into a medically induced coma to prevent any type of movement. Child A remained hospitalized for over one week following this incident.
5. On August 13, 2013, at approximately 3:15 p.m., Licensing Consultant Nicole Gibby conducted an unannounced inspection of the Licensee's child care home. The Licensee exceeded her licensed capacity of 12 children. Upon her arrival at the home, Ms. Gibby observed 13 unrelated children in the care of the Licensee

and two additional caregivers. During the inspection, assistant caregiver Douglas Marsh left the home, placing the Licensee in violation of ratio requirements.

Following Mr. Marsh's departure, the Licensee and assistant caregiver Pam Lafferty were the sole caregivers present for 13 children. An additional caregiver should have been present to meet ratio requirements.

6. On August 14, 2013, at approximately 3:25 p.m., Ms. Gibby conducted a second unannounced inspection of the Licensee's child care home. The Licensee again exceeded her licensed capacity of 12 children. Upon her arrival at the home, Ms. Gibby observed 15 unrelated children in the care of the Licensee and Ms. Lafferty. The Licensee also failed to maintain the rule-required ratio of one caregiver per six children. An additional caregiver should have been present to meet ratio requirements. Mr. Marsh arrived at the residence at approximately 3:35 p.m. and assumed caregiving responsibilities at that time.
7. Upon her arrival at the Licensee's home on August 14, 2013, Ms. Gibby questioned the Licensee regarding the number of children in her care that day. The Licensee counted nine children on the main level of her home. Ms. Gibby then asked how many children were in the basement with Ms. Lafferty. The Licensee could not verify how many children were in the basement and called Ms. Lafferty on her phone. Ms. Lafferty informed the Licensee that there were six children in the basement.
8. On August 13, 2013, and August 14, 2013, Ms. Gibby observed that the Licensee did not provide appropriate care and supervision to infants in her child care home, as evidenced by the following:

- a. On August 13, 2013, Ms. Gibby observed the Licensee place Child B (Male, DOB: 11/22/12) in a crib in a room designated for infants' naps. The Licensee proceeded to close the door to this room, leaving Child B without visual supervision. Due to the fact that Child B was awake and crying, Ms. Gibby requested that the Licensee remove the infant from this room for supervision purposes.
  - b. On August 14, 2013, Ms. Gibby observed Child B, Child C (Female, DOB: 11/23/12) and Child E (Female, DOB: 11/22/12) in the infant nap room. All three of the infants were awake in their cribs. Child B and Child E's cribs contained blankets. The Licensee had again closed the door to the infant nap room and the children were without visual supervision.
9. On August 13, 2013, and August 14, 2013, Ms. Gibby inspected the Licensee's records for children in care. Ms. Gibby observed the following violations:
- a. On August 13, 2013, and August 14, 2013, Ms. Gibby requested that the Licensee provide attendance records for children in care. Between August 12, 2013, and August 14, 2013, the Licensee failed to maintain accurate records of children's attendance. The attendance sheets for these dates contained a computer-generated listing of the names of 44 children. The Licensee failed to document arrival or departure times for any of the listed children.
  - b. On August 14, 2013, Ms. Gibby reviewed child information cards for the 44 children enrolled in the Licensee's care. 24 of the 44 child information cards reviewed were missing information, including the following:

- i. Parental employment information;
- ii. Emergency contact information; and
- iii. Contact information for the child's father.

10. On August 14, 2013, during Ms. Gibby's inspection of the Licensees home, Ms.

Gibby observed six children resting and/or napping on the living room carpet.

Two of the six children were between the ages of 12 and 24 months. The

Licensee failed to provide an approved crib or portable crib for children 12 to 24

months of age. The Licensee also failed to provide a mat or padded surface for

the four children sleeping on the floor who were over 24 months of age.

11. On August 14, 2013, Ms. Gibby observed a large pair of outdoor hedge cutters

placed inside a shoe in the foyer of the child care home. The hedge trimmers

were accessible and in close proximity to the children napping on the living room

floor.

12. On November 13, 2013, the Licensee failed to maintain caregiver-to-child ratio

requirements. During the afternoon hours, Ms. Lafferty and the Licensee were

present in the child care home with eight children. During this time period, Ms.

Lafferty left the child care home to pick up an additional child from the bus stop.

While Ms. Lafferty was absent from the residence, the Licensee was the sole

caregiver present in the home with eight children. The Licensee failed to maintain

the required ratio of one caregiver per six children. This is a repeat violation. Ms.

Lafferty returned from the bus stop approximately ten to 15 minutes later with a

four-year-old child care child. At that time, Ms. Lafferty and the Licensee were

caring for nine children in the Licensee's home, including five children less than

18 months of age. In addition to the required ratio of one caregiver per six children, R 400.1910(2) limits a caregiver to providing care to two children under the age of 18 months within a group of six children. Due to the young ages of the children in care, an additional caregiver should have been present in the Licensee's home to meet ratio requirements.

13. On March 12, 2014, Licensing Consultant Shirley Baskin conducted an unannounced inspection of the Licensee's home. Ms. Baskin found that the licensee failed to maintain her home in a clean and safe condition, as evidenced by the following:

- a. The Licensee owns several cats. There was a strong odor of cat urine throughout the home.
- b. The kitchen and bathroom floors were soiled.
- c. The Licensee reported to Ms. Baskin that she changed diapers in her bathtub. The area surrounding Licensee's bathtub was dirty and stained with residue.
- d. The table tops in the dining room were covered with food items and debris.
- e. The Licensee's kitchen countertops were cluttered with food items and cleaning products.
- f. The Licensee's living room end-table was cluttered with papers, cleaning supplies, mail, diapers and other items.
- g. Two bottles containing infant formula were set out on the living room table. Neither bottle was labeled with the child's name, or the date of the

contents, in violation of R 400.1931(10). The two bottles remained unrefrigerated on the living room table for the duration of the two-hour inspection, in violation of R 400.1931(11).

h. The Licensee left multiple hazardous items in areas accessible to children in care. This is a repeat violation. Ms. Baskin observed the following safety hazards:

- i. There was a plastic bag containing moldy bread lying on a chair in the living room.
- ii. There was a spray bottle of BAM Multi-Surface Cleaner set out on the Licensee's living room end-table.
- iii. The following items were in unlocked cabinets in the Licensee's bathroom:
  1. Prescription medications;
  2. Alka-Seltzer Plus Cold Medicine;
  3. Pepto-Bismol;
  4. Rubbing alcohol;
  5. Lotions and perfume sprays;
  6. Clorox Cleaner and other bathroom cleaning chemicals; and
  7. Hair products.
- iv. Bottles of ammonia and Orange Cleaner were set out on the bathroom countertop next to the children's hand-washing sink.
- v. Multiple bottles of cleaning products were set out on the Licensee's kitchen countertop and windowsill.

vi. There was an uncovered wastepaper basket on the floor near the living room couch. The receptacle contained dirty diapers, newspapers and mail items, in violation of R 400.1923(2). This is a repeat violation.

14. On March 12, 2014, Ms. Baskin inspected the Licensee's sleep accommodations for infants in care. The Licensee had four, drop-sided cribs in a bedroom on the main floor of her home. These cribs were deemed unsafe for use by the Consumer Product Safety Commission in December 2012. All four cribs contained soiled bedding. The crib sheets were loose and sagged in several areas, creating a suffocation hazard for children in care.

15. During the inspection on March 12, 2014, Ms. Baskin observed the Licensee's programming for the ten children in care. Ms. Baskin was present in the Licensee's child care home for two hours. During this time period, Ms. Lafferty conducted only two group activities. Ms. Lafferty read a book to the group, and later, reviewed an alphabet book with the infants and young toddlers. The children were made to play with blocks for the remainder of the two-hour inspection. The Licensee failed to provide additional toys and developmentally appropriate activities for the children, in violation of R 400.1913(3).

16. On March 12, 2014, Ms. Baskin attempted to review the Licensee's records for children and caregiving staff. The Licensee failed to have the following records on file:

a. The Licensee and Ms. Lafferty lacked current CPR certification. Both caregivers' CPR certifications expired on January 12, 2013.

- b. The Licensee failed to have documentation on file from the Department of Human Services verifying that Ms. Lafferty does not have a history of substantiated child abuse or neglect. This is a repeat violation.
- c. At the time of Ms. Baskin's March 2014 inspection, 25 children were enrolled in the Licensee's child care home. The Licensee failed to have child information cards on file for 24 of the 25 enrolled children. This is a repeat violation.
- d. The Licensee failed to post written emergency plans in the child care home. This is a repeat violation.

17. The Licensee lacks the administrative capability to assure the care, supervision, and protection of children, as demonstrated by her licensing history and repeated noncompliance with child care licensing rules:

- a. On April 2, 2009, Area Manager Rose Rafferty-Aguirre conducted an interim inspection of the Licensee's child care home. Ms. Rafferty-Aguirre cited the Licensee for seven rule violations, including the following:
  - i. The Licensee failed to maintain attendance records to include children's arrival and departure times, in violation of R 400.1907(3).
  - ii. The Licensee was instructing children not to flush the toilet after use. This failure to provide appropriate care and supervision is a violation of R 400.1911(1).
  - iii. During the inspection, the Licensee forcefully sat a toddler down in a "time-out" chair, in violation of R 400.1913(2).

- b. On April 22, 2009, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Rafferty-Aguirre's April 2009 interim inspection.
- c. On August 23, 2011, Licensing Consultant Janeiro Byrd conducted an interim inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for 14 rule violations, including the following:
  - i. The Licensee failed to maintain completed attendance records. This was a repeat violation.
  - ii. The Licensee failed to have documentation on file from the Department of Human Services verifying that her assistant caregivers did not have a history of substantiated child abuse or neglect, in violation of R 400.1906(1)(f).
- d. On September 22, 2011, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's August 2011 interim inspection. Due to the quantity and severity of the rule violations found during this inspection, the Licensee was issued a first provisional license on September 23, 2011.
- e. On March 21, 2012, Ms. Byrd conducted a renewal inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for 11 rule violations, including the following:
  - i. The Licensee failed to maintain child information cards for five children enrolled in her care, in violation of R 400.1907(1)(a).

- ii. The Licensee failed to maintain daily attendance records. This was the third occasion the Licensee was found in violation of R 400.1907(3).
  - iii. The Licensee failed to provide an approved crib or portable crib for a seven-month-old infant. The Licensee reported to Ms. Byrd that the infant slept on a blanket on the floor. The failure to provide age-appropriate sleep equipment is a violation of R 400.1916(5).
- f. On May 9, 2012, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's March 2012 renewal inspection. Due to the quantity and severity of the rule violations found during this inspection, the Licensee was issued a second provisional license on March 23, 2012.
- g. On October 11, 2012, Ms. Byrd conducted a renewal inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for five rule violations, including the following:
- i. The Licensee failed to provide appropriate care and supervision to children. This was a repeat violation. Ms. Byrd observed the following supervision issues during this renewal inspection:
    - 1. The Licensee had a full-size, inoperable fire truck in the backyard play area. During the inspection, children as young as two years of age were climbing on the fire truck. The truck was parked over concrete with bricks stacked alongside the vehicle. There was a large hole in the center of the truck

where the engine compartment was located. Ms. Byrd observed animal feces, rust and chipped paint inside the truck.

2. Ms. Byrd observed a 32-month-old child climb up and over the fire truck four times during the inspection. The Licensee was attending to another child and was not providing direct supervision to the toddler playing on the fire truck. At one point, the Licensee was unable to locate this toddler, as he had climbed underneath the fire truck.

3. While inside the home during the inspection, the Licensee placed a 14-month-old child in an "ExerSaucer" in the basement. The Licensee then returned to the main level and closed the basement door, leaving this child unattended in the basement. The child was alone for several minutes until the Licensee took the remaining children down to the basement for a snack.

ii. The Licensee failed to provide a mat or padded surface for a child sleeping on the floor, in violation of R 400.1916(12).

h. On December 6, 2012, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's October 2012 renewal inspection. At that time, the Licensee's child care home license was renewed to a regular status.

18. This *Second Amended Notice of Intent to Revoke* replaces the *Amended Notice of Intent to Revoke* license issued on March 4, 2014.

#### COUNT I

The conduct of the Licensee, as set forth in paragraphs 2 through 16 above, evidences a violation of:

R400.1911

**Supervision.**

- (1) The caregiver shall assure appropriate care and supervision of children at all times.

[NOTE: This is a repeat violation as referenced in paragraph 17 of this Notice.]

#### COUNT II

The conduct of the Licensee, as set forth in paragraphs 5 and 6 above, evidences a violation of:

R400.1908

**Capacity.**

- (2) The group child care licensee shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is licensed, not to exceed a total of 12.

### COUNT III

The conduct of the Licensee, as set forth in paragraphs 2, 5, 6, and 12 above, evidences a violation of:

R400.1910

#### Ratio of caregiving staff to children

- (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:
  - (a) Children of the caregiver.
  - (b) Children of the assistant caregiver.
  - (c) Children related to any member of the child care home family by blood, marriage, or adoption
- (2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

### COUNT IV

The conduct of the Licensee, as set forth in paragraphs 9 and 16 above, evidences a violation of:

R400.1907

#### 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.
- (3) Dated daily attendance records of children in care shall be maintained and shall include the child's first and last name and the time of arrival and departure.

[NOTE: This is a repeat violation as referenced in paragraphs 7, 16 and 17 of this Notice.]

## COUNT V

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

- R400.1912**      **Infant supervision and sleeping.**  
(5) Caregiving staff shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress except as provided in R 400.1922.

## COUNT VI

The conduct of the Licensee, as set forth in paragraphs 8, 10 and 14 above, evidences a violation of:

- R400.1916**      **Bedding and sleeping equipment.**  
(1) All bedding and equipment shall be in accordance with U.S. Consumer Product Safety Commission (<http://www.cpsc.gov/>) standards as approved for the age of the child using the equipment and shall be clean, comfortable, safe, and in good repair.  
(5) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib or porta-crib. A crib shall have all of the following:  
(f) A tightly fitted bottom sheet shall cover a firm mattress with no additional padding placed between the sheet and mattress.  
(7) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.  
(9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.  
(12) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable, and safe place to sleep

or rest. The floor shall be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

[NOTE: This is a repeat violation as referenced in paragraph 17 of this Notice.]

#### COUNT VII

The conduct of the Licensee, as set forth in paragraphs 2 through 17 above, evidences a violation of:

- R400.1902**            **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 VIII

The conduct of the Licensee, as set forth in paragraphs 11 and 13 above, evidences a violation of:

- R400.1932**            **Home maintenance and safety.**  
(1) The structure, premises, and furnishings of a child care home shall be in good repair and maintained in a clean, safe, and comfortable condition.  
(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

[NOTE: This is a repeat violation as referenced in paragraphs 11, 13 and 17 of this Notice.]

COUNT IX

The conduct of the Licensee, as set forth in paragraph 16 above, evidences a violation of:

- R400.1906            **Records of caregiving staff and child care home family; record maintenance.**  
(1) The caregiver shall maintain a file for the caregiver and each assistant caregiver including all of the following:  
    (f) Documentation from the department of human services that the assistant caregiver has not been involved in substantiated child abuse or neglect.

[NOTE: This is a repeat violation as referenced in paragraph 17 of this Notice.]

COUNT X

The conduct of the Licensee, as set forth in paragraph 16 above, evidences a violation of:

- R400.1905            **Training.**  
(7) Infant, child, and adult CPR and first aid training shall be maintained in the following manner:  
    (a) Each year for CPR.

COUNT XI

The conduct of the Licensee, as set forth in paragraph 16 above, evidences a violation of:

- R400.1945(1)        **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.  
    (c) Serious accident or injury.  
    (d) Water emergencies, if applicable.

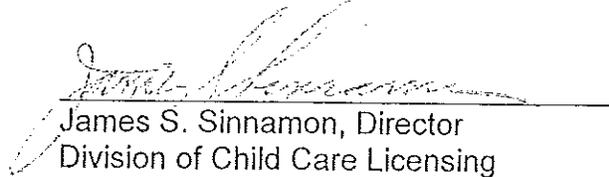
NOTICE IS GIVEN that, Licensee is offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensee appeals the Notice of Intent and compliance is not shown, formal proceedings will be commenced pursuant to the Child Care Organizations Act, 1973 PA 116, 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.

LICENSEE IS NOTIFIED that pursuant to MCL 722.121(2) of the Child Care Organizations Act, Licensee has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Kelly Maltby, 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) 335-6121. You should keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to [DAUappeals@Michigan.gov](mailto:DAUappeals@Michigan.gov). You should keep a copy of the sent email as proof of submittal.

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

DATED: March 19, 2024

  
James S. Sinnamon, Director  
Division of Child Care Licensing  
Bureau of Children and Adult Licensing

This is the last and final page of a SECOND AMENDED NOTICE OF INTENT in the matter of Donna Marsh, DG820063826, consisting of 19 pages, this page included.

KMM

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

In the matter of

License #: DG820063826  
SIR #: 2013D0910023

Donna Marsh

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PROOF OF SERVICE

The undersigned certifies that a copy of the Second Amended Notice of Intent to revoke the license in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on, March 19, 2014.

Donna Marsh  
20360 Parker  
Livonia, MI 48152



Elva Medrano, Executive Secretary  
Bureau of Children and Adult Licensing



RICK SNYDER  
GOVERNOR

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



MAURA D. CORRIGAN  
DIRECTOR

March 4, 2014

Donna Marsh  
20360 Parker  
Livonia, MI 48152

License #: DG820063826  
SIR #: 2013D0910023

Dear Ms. Marsh:

Enclosed is a copy of an AMENDED NOTICE OF INTENT TO REVOKE YOUR LICENSE to operate a group child care home, alleging that you have violated the Child Care Organizations Act.

Your appeal of the previous NOTICE OF INTENT serves as an appeal to this AMENDED NOTICE.

You are entitled to a telephone compliance conference regarding this AMENDED NOTICE OF INTENT. Please respond, in writing, regarding whether you plan to participate in this conference. In your response, please provide three dates that you are available for scheduling purposes.

Please note that an administrative hearing regarding this matter is currently scheduled for April 2, 2014. This hearing date remains the same.

Sincerely,

James S. Sinnamon, Director  
Division of Child Care Licensing  
Bureau of Children and Adult Licensing

Enclosures

Cc: Rose Rafferty-Aguirre, Area Manager  
David M. Cohen, Administrative Law Judge  
Kenneth J. Hardin, Attorney for Licensee  
Ray Howd, Division Chief, Michigan Dept. of Attorney General

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

In the matter of  
Donna Marsh

License #: DG820063826  
SIR #: 2013D0910023

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AMENDED NOTICE OF INTENT TO  
REVOKE LICENSE

The Michigan Department of Human Services, by James S. Sinnamon, Director of Child Care Licensing, Bureau of Children and Adult Licensing, provides amended notice of the intent to revoke the license of Licensee, Donna Marsh, to operate a group 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 May 21, 1993, Licensee was issued a license to operate a group child care home, with a current licensed capacity of 12, at 20360 Parker, Livonia, MI 48152.
2. During the afternoon hours of August 12, 2013, the Licensee was the sole caregiver present in her child care home for eight children. The children in care ranged in age from five months to six years. The Licensee failed to maintain the rule-required ratio of one caregiver per six children. An additional caregiver should have been present to meet ratio requirements.

3. On August 12, 2013, at approximately 4:45 p.m., the Licensee laid Child A (Male, DOB: 03/07/2013) down on her living room floor and gave the child a pacifier. Child A was fussy and crying during this time period. Child A had been teething and began chewing on the side of his pacifier. While lying on the floor, Child A inhaled the pacifier and the pacifier became lodged in his throat. The Licensee observed Child A gasping and found the pacifier in the back of his mouth. The Licensee attempted to remove the pacifier with her hand; however, Child A inhaled the object deeper into his throat. Child A began to choke and had difficulty breathing. At approximately 4:55 p.m., the Licensee called 9-1-1. Child A was transported by ambulance to Botsford Hospital.
4. On August 12, 2013, Child A underwent emergency surgery at Botsford Hospital. By this time, Child A had swallowed the entire pacifier and the object was lodged in his throat, past his vocal cords. Child A was given a tracheostomy, a surgical opening in his neck, to enable his breathing. Following this surgery, Child A was transferred to Children's Hospital of Michigan (CHM). Child A remained in critical condition for several days. During his stay in the Pediatric Intensive Care Unit at CHM, Child A was placed into a medically induced coma to prevent any type of movement. Child A remained hospitalized for over one week following this incident.
5. On August 13, 2013, at approximately 3:15 p.m., Licensing Consultant Nicole Gibby conducted an unannounced inspection of the Licensee's child care home. The Licensee exceeded her licensed capacity of 12 children. Upon her arrival at the home, Ms. Gibby observed 13 unrelated children in the care of the Licensee

and two additional caregivers. During the inspection, assistant caregiver Douglas Marsh left the home, placing the Licensee in violation of ratio requirements.

Following Mr. Marsh's departure, the Licensee and assistant caregiver Pam Lafferty were the sole caregivers present for 13 children. An additional caregiver should have been present to meet ratio requirements.

6. On August 14, 2013, at approximately 3:25 p.m., Ms. Gibby conducted a second unannounced inspection of the Licensee's child care home. The Licensee again exceeded her licensed capacity of 12 children. Upon her arrival at the home, Ms. Gibby observed 15 unrelated children in the care of the Licensee and Ms. Lafferty. The Licensee also failed to maintain the rule-required ratio of one caregiver per six children. An additional caregiver should have been present to meet ratio requirements. Mr. Marsh arrived at the residence at approximately 3:35 p.m. and assumed caregiving responsibilities at that time.
7. Upon her arrival at the Licensee's home on August 14, 2013, Ms. Gibby questioned the Licensee regarding the number of children in her care that day. The Licensee counted nine children on the main level of her home. Ms. Gibby then asked how many children were in the basement with Ms. Lafferty. The Licensee could not verify how many children were in the basement and called Ms. Lafferty on her phone. Ms. Lafferty informed the Licensee that there were six children in the basement.
8. On August 13, 2013, and August 14, 2013, Ms. Gibby observed that the Licensee did not provide appropriate care and supervision to infants in her child care home, as evidenced by the following:

- a. On August 13, 2013, Ms. Gibby observed the Licensee place Child B (Male, DOB: 11/22/12) in a crib in a room designated for infants' naps. The Licensee proceeded to close the door to this room, leaving Child B without visual supervision. Due to the fact that Child B was awake and crying, Ms. Gibby requested that the Licensee remove the infant from this room for supervision purposes.
  - b. On August 14, 2013, Ms. Gibby observed Child B, Child C (Female, DOB: 11/23/12) and Child E (Female, DOB: 11/22/12) in the infant nap room. All three of the infants were awake in their cribs. Child B and Child E's cribs contained blankets. The Licensee had again closed the door to the infant nap room and the children were without visual supervision.
9. On August 13, 2013, and August 14, 2013, Ms. Gibby inspected the Licensee's records for children in care. Ms. Gibby observed the following violations:
- a. On August 13, 2013, and August 14, 2013, Ms. Gibby requested that the Licensee provide attendance records for children in care. Between August 12, 2013, and August 14, 2013, the Licensee failed to maintain accurate records of children's attendance. The attendance sheets for these dates contained a computer-generated listing of the names of 44 children. The Licensee failed to document arrival or departure times for any of the listed children.
  - b. On August 14, 2013, Ms. Gibby reviewed child information cards for the 44 children enrolled in the Licensee's care. 24 of the 44 child information cards reviewed were missing information, including the following:

- i. Parental employment information;
- ii. Emergency contact information; and
- iii. Contact information for the child's father.

10. On August 14, 2013, during Ms. Gibby's inspection of the Licensee's home, Ms.

Gibby observed six children resting and/or napping on the living room carpet.

Two of the six children were between the ages of 12 and 24 months. The

Licensee failed to provide an approved crib or portable crib for children 12 to 24

months of age. The Licensee also failed to provide a mat or padded surface for

the four children sleeping on the floor who were over 24 months of age.

11. On August 14, 2013, Ms. Gibby observed a large pair of outdoor hedge cutters

placed inside a shoe in the foyer of the child care home. The hedge trimmers

were accessible and in close proximity to the children napping on the living room

floor.

12. On November 13, 2013, the Licensee failed to maintain caregiver-to-child ratio

requirements. During the afternoon hours, Ms. Lafferty and the Licensee were

present in the child care home with eight children. During this time period, Ms.

Lafferty left the child care home to pick up an additional child from the bus stop.

While Ms. Lafferty was absent from the residence, the Licensee was the sole

caregiver present in the home with eight children. The Licensee failed to maintain

the required ratio of one caregiver per six children. This is a repeat violation. Ms.

Lafferty returned from the bus stop approximately ten to 15 minutes later with a

four-year-old child care child. At that time, Ms. Lafferty and the Licensee were

caring for nine children in the Licensee's home, including five children less than

18 months of age. In addition to the required ratio of one caregiver per six children, R 400.1910(2) limits a caregiver to providing care to two children under the age of 18 months within a group of six children. Due to the young ages of the children in care, an additional caregiver should have been present in the Licensee's home to meet ratio requirements.

13. The Licensee lacks the administrative capability to assure the care, supervision, and protection of children, as demonstrated by her licensing history and repeated noncompliance with child care licensing rules:

- a. On April 2, 2009, Area Manager Rose Rafferty-Aguirre conducted an interim inspection of the Licensee's child care home. Ms. Rafferty-Aguirre cited the Licensee for seven rule violations, including the following:
  - i. The Licensee failed to maintain attendance records to include children's arrival and departure times, in violation of R 400.1907(3).
  - ii. The Licensee was instructing children not to flush the toilet after use. This failure to provide appropriate care and supervision is a violation of R 400.1911(1).
  - iii. During the inspection, the Licensee forcefully sat a toddler down in a "time-out" chair, in violation of R 400.1913(2).
- b. On April 22, 2009, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Rafferty-Aguirre's April 2009 interim inspection.
- c. On August 23, 2011, Licensing Consultant Janeiro Byrd conducted an interim inspection of the Licensee's child care home. Ms. Byrd cited the

Licensee for 14 rule violations, including the failure to maintain completed attendance records. This was a repeat violation.

- d. On September 22, 2011, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's August 2011 interim inspection. Due to the quantity and severity of the rule violations found during this inspection, the Licensee was issued a first provisional license on September 23, 2011.
- e. On March 21, 2012, Ms. Byrd conducted a renewal inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for 11 rule violations, including the following:
  - i. The Licensee failed to maintain child information cards for five children enrolled in her care, in violation of R 400.1907(1)(a).
  - ii. The Licensee failed to maintain daily attendance records. This was the third occasion the Licensee was found in violation of R 400.1907(3).
  - iii. The Licensee failed to provide an approved crib or portable crib for a seven-month-old infant. The Licensee reported to Ms. Byrd that the infant slept on a blanket on the floor. The failure to provide age-appropriate sleep equipment is a violation of R 400.1916(5).
- f. On May 9, 2012, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's March 2012 renewal inspection. Due to the quantity and severity of the rule violations

found during this inspection, the Licensee was issued a second provisional license on March 23, 2012.

g. On October 11, 2012, Ms. Byrd conducted a renewal inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for five rule violations, including the following:

i. The Licensee failed to provide appropriate care and supervision to children. This was a repeat violation. Ms. Byrd observed the following supervision issues during this renewal inspection:

1. The Licensee had a full-size, inoperable fire truck in the backyard play area. During the inspection, children as young as two years of age were climbing on the fire truck. The truck was parked over concrete with bricks stacked alongside the vehicle. There was a large hole in the center of the truck where the engine compartment was located. Ms. Byrd observed animal feces, rust and chipped paint inside the truck.

2. Ms. Byrd observed a 32-month-old child climb up and over the fire truck four times during the inspection. The Licensee was attending to another child and was not providing direct supervision to the toddler playing on the fire truck. At one point, the Licensee was unable to locate this toddler, as he had climbed underneath the fire truck.

- 3. While inside the home during the inspection, the Licensee placed a 14-month-old child in an "ExerSaucer" in the basement. The Licensee then returned to the main level and closed the basement door, leaving this child unattended in the basement. The child was alone for several minutes until the Licensee took the remaining children down to the basement for a snack.
- ii. The Licensee failed to provide a mat or padded surface for a child sleeping on the floor, in violation of R 400.1916(12).
- h. On December 6, 2012, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's October 2012 renewal inspection. At that time, the Licensee's child care home license was renewed to a regular status.

14. This *Amended Notice of Intent to Revoke* replaces the *Notice of Intent to Revoke* license issued on September 30, 2013.

#### COUNT I

The conduct of the Licensee, as set forth in paragraphs 2 through 12 above, evidences a violation of:

**R400.1911**

**Supervision.**

(1) The caregiver shall assure appropriate care and supervision of children at all times.

[NOTE: This is a repeat violation as referenced in paragraphs 13(a) and 13(g) of this Notice.]

## COUNT II

The conduct of the Licensee, as set forth in paragraphs 5 and 6 above, evidences a violation of:

R400.1908

### Capacity.

- (2) The group child care licensee shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is licensed, not to exceed a total of 12.

## COUNT III

The conduct of the Licensee, as set forth in paragraphs 2, 5, 6, and 12 above, evidences a violation of:

R400.1910

### Ratio of caregiving staff to children

- (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:
  - (a) Children of the caregiver.
  - (b) Children of the assistant caregiver.
  - (c) Children related to any member of the child care home family by blood, marriage, or adoption
- (2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

#### COUNT IV

The conduct of the Licensee, as set forth in paragraph 9 above, evidences a violation of:

**R400.1907**

**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.
  
- (3) Dated daily attendance records of children in care shall be maintained and shall include the child's first and last name and the time of arrival and departure.

[NOTE: This is a repeat violation as referenced in paragraphs 12(a), 12(c) and 12(e) of this Notice.]

#### COUNT V

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

**R400.1912**

**Infant supervision and sleeping.**

- (5) Caregiving staff shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress except as provided in R 400.1922.

## COUNT VI

The conduct of the Licensee, as set forth in paragraphs 8 and 10 above, evidences a violation of:

**R400.1916**

### **Bedding and sleeping equipment.**

- (7) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.
- (9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.
- (12) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable, and safe place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

[NOTE: This is a repeat violation as referenced in paragraphs 12(e) and 12(g) of this Notice.]

## COUNT VII

The conduct of the Licensee, as set forth in paragraphs 2 through 13 above, evidences a violation of:

**R400.1902**

### **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 VIII

The conduct of the Licensee, as set forth in paragraph 11 above, evidences a violation of:

- R400.1932      Home maintenance and safety.  
(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

NOTICE IS GIVEN that, Licensee is offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensee appeals the Notice of Intent and compliance is not shown, formal proceedings will 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.

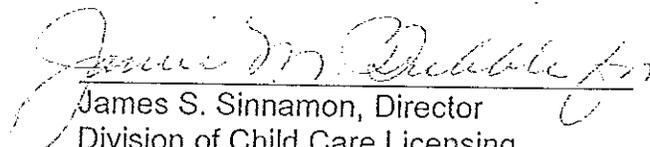
LICENSEE IS NOTIFIED that pursuant to MCL 722.121(2) of the Child Care Organizations Act, Licensee has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Kelly Maltby, Departmental Analyst, Bureau of Children and 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) 335-6121. You should keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to [DAUappeals@Michigan.gov](mailto:DAUappeals@Michigan.gov). You should keep a copy of the sent email as proof of submittal.

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

DATED: 03-09-2014

 03/04/14  
James S. Sinnamon, Director  
Division of Child Care Licensing  
Bureau of Children and Adult Licensing

This is the last and final page of a NOTICE OF INTENT in the matter of Donna Marsh, DG820063826, consisting of 14 pages, this page included.

KMM



RICK SNYDER  
GOVERNOR

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



MAURA D. CORRIGAN  
DIRECTOR

September 30, 2013

Donna Marsh  
20360 Parker  
Livonia, MI 48152

License #: DG820063826  
SIR #: 2013D0910023

Dear Ms. Marsh:

Enclosed is a copy of a NOTICE OF INTENT TO REVOKE YOUR LICENSE to operate a group 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,

  
James B. Gale, Director  
Bureau of Children and Adult Licensing

Enclosures

Cc: Rose Rafferty-Aguirre, Area Manager

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

In the matter of  
Donna Marsh

License #: DG820063826  
SIR #: 2013D0910023

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NOTICE OF INTENT TO  
REVOKE LICENSE

The Michigan Department of Human Services, by James B. Gale, Director, Bureau of Children and Adult Licensing, provides notice of the intent to revoke the license of Licensee, Donna Marsh, to operate a group 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 May 21, 1993, Licensee was issued a license to operate a group child care home, with a current licensed capacity of 12, at 20360 Parker, Livonia, MI 48152.
2. During the afternoon hours of August 12, 2013, the Licensee was the sole caregiver present in her child care home for eight children. The children in care ranged in age from five months to six years. The Licensee failed to maintain the rule-required ratio of one caregiver per six children. An additional caregiver should have been present to meet ratio requirements.

3. On August 12, 2013, at approximately 4:45 p.m., the Licensee laid Child A (Male, DOB: 03/07/2013) down on her living room floor and gave the child a pacifier. Child A was fussy and crying during this time period. Child A had been teething and began chewing on the side of his pacifier. While lying on the floor, Child A inhaled the pacifier and the pacifier became lodged in his throat. The Licensee observed Child A gasping and found the pacifier in the back of his mouth. The Licensee attempted to remove the pacifier with her hand; however, Child A inhaled the object deeper into his throat. Child A began to choke and had difficulty breathing. At approximately 4:55 p.m., the Licensee called 9-1-1. Child A was transported by ambulance to Botsford Hospital.
4. On August 12, 2013, Child A underwent emergency surgery at Botsford Hospital. By this time, Child A had swallowed the entire pacifier and the object was lodged in his throat, past his vocal cords. Child A was given a tracheostomy, a surgical opening in his neck, to enable his breathing. Following this surgery, Child A was transferred to Children's Hospital of Michigan (CHM). Child A remained in critical condition for several days. During his stay in the Pediatric Intensive Care Unit at CHM, Child A was placed into a medically induced coma to prevent any type of movement. Child A remained hospitalized for over one week following this incident.
5. On August 13, 2013, at approximately 3:15 p.m., Licensing Consultant Nicole Gibby conducted an unannounced inspection of the Licensee's child care home. The Licensee exceeded her licensed capacity of 12 children. Upon her arrival at the home, Ms. Gibby observed 13 unrelated children in the care of the Licensee

and two additional caregivers. During the inspection, assistant caregiver Douglas Marsh left the home, placing the Licensee in violation of ratio requirements.

Following Mr. Marsh's departure, the Licensee and assistant caregiver Pam Lafferty were the sole caregivers present for 13 children. An additional caregiver should have been present to meet ratio requirements.

6. On August 14, 2013, at approximately 3:25 p.m., Ms. Gibby conducted a second unannounced inspection of the Licensee's child care home. The Licensee again exceeded her licensed capacity of 12 children. Upon her arrival at the home, Ms. Gibby observed 15 unrelated children in the care of the Licensee and Ms. Lafferty. The Licensee also failed to maintain the rule-required ratio of one caregiver per six children. An additional caregiver should have been present to meet ratio requirements. Mr. Marsh arrived at the residence at approximately 3:35 p.m. and assumed caregiving responsibilities at that time.
7. Upon her arrival at the Licensee's home on August 14, 2013, Ms. Gibby questioned the Licensee regarding the number of children in her care that day. The Licensee counted nine children on the main level of her home. Ms. Gibby then asked how many children were in the basement with Ms. Lafferty. The Licensee could not verify how many children were in the basement and called Ms. Lafferty on her phone. Ms. Lafferty informed the Licensee that there were six children in the basement.
8. On August 13, 2013, and August 14, 2013, Ms. Gibby observed that the Licensee did not provide appropriate care and supervision to infants in her child care home, as evidenced by the following:

- a. On August 13, 2013, Ms. Gibby observed the Licensee place Child B (Male, DOB: 11/22/12) in a crib in a room designated for infants' naps. The Licensee proceeded to close the door to this room, leaving Child B without visual supervision. Due to the fact that Child B was awake and crying, Ms. Gibby requested that the Licensee remove the infant from this room for supervision purposes.
  - b. On August 14, 2013, Ms. Gibby observed Child B, Child C (Female, DOB: 11/23/12) and Child E (Female, DOB: 11/22/12) in the infant nap room. All three of the infants were awake in their cribs. Child B and Child E's cribs contained blankets. The Licensee had again closed the door to the infant nap room and the children were without visual supervision.
9. On August 13, 2013, and August 14, 2013, Ms. Gibby inspected the Licensee's records for children in care. Ms. Gibby observed the following violations:
  - a. On August 13, 2013, and August 14, 2013, Ms. Gibby requested that the Licensee provide attendance records for children in care. Between August 12, 2013, and August 14, 2013, the Licensee failed to maintain accurate records of children's attendance. The attendance sheets for these dates contained a computer-generated listing of the names of 44 children. The Licensee failed to document arrival or departure times for any of the listed children.
  - b. On August 14, 2013, Ms. Gibby reviewed child information cards for the 44 children enrolled in the Licensee's care. 24 of the 44 child information cards reviewed were missing information, including the following:

- i. Parental employment information;
- ii. Emergency contact information; and
- iii. Contact information for the child's father.

10. On August 14, 2013, during Ms. Gibby's inspection of the Licensee's home, Ms.

Gibby observed six children resting and/or napping on the living room carpet.

Two of the six children were between the ages of 12 and 24 months. The

Licensee failed to provide an approved crib or portable crib for children 12 to 24 months of age. The Licensee also failed to provide a mat or padded surface for the four children sleeping on the floor who were over 24 months of age.

11. On August 14, 2013, Ms. Gibby observed a large pair of outdoor hedge cutters

placed inside a shoe in the foyer of the child care home. The hedge trimmers

were accessible and in close proximity to the children napping on the living room floor.

12. The Licensee lacks the administrative capability to assure the care, supervision, and protection of children, as demonstrated by her licensing history and repeated noncompliance with child care licensing rules:

a. On April 2, 2009, Area Manager Rose Rafferty-Aguirre conducted an interim inspection of the Licensee's child care home. Ms. Rafferty-Aguirre cited the Licensee for seven rule violations, including the following:

- i. The Licensee failed to maintain attendance records to include children's arrival and departure times, in violation of R 400.1907(3).

- ii. The Licensee was instructing children not to flush the toilet after use. This failure to provide appropriate care and supervision is a violation of R 400.1911(1).
  - iii. During the inspection, the Licensee forcefully sat a toddler down in a "time-out" chair, in violation of R 400.1913(2).
- b. On April 22, 2009, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Rafferty-Aguirre's April 2009 interim inspection.
- c. On August 23, 2011, Licensing Consultant Janeiro Byrd conducted an interim inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for 14 rule violations, including the failure to maintain completed attendance records. This was a repeat violation.
- d. On September 22, 2011, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's August 2011 interim inspection. Due to the quantity and severity of the rule violations found during this inspection, the Licensee was issued a first provisional license on September 23, 2011.
- e. On March 21, 2012, Ms. Byrd conducted a renewal inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for 11 rule violations, including the following:
  - i. The Licensee failed to maintain child information cards for five children enrolled in her care, in violation of R 400.1907(1)(a).

- ii. The Licensee failed to maintain daily attendance records. This was the third occasion the Licensee was found in violation of R 400.1907(3).
  - iii. The Licensee failed to provide an approved crib or portable crib for a seven-month-old infant. The Licensee reported to Ms. Byrd that the infant slept on a blanket on the floor. The failure to provide age-appropriate sleep equipment is a violation of R 400.1916(5).
- f. On May 9, 2012, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's March 2012 renewal inspection. Due to the quantity and severity of the rule violations found during this inspection, the Licensee was issued a second provisional license on March 23, 2012.
- g. On October 11, 2012, Ms. Byrd conducted a renewal inspection of the Licensee's child care home. Ms. Byrd cited the Licensee for five rule violations, including the following:
- i. The Licensee failed to provide appropriate care and supervision to children. This was a repeat violation. Ms. Byrd observed the following supervision issues during this renewal inspection:
    - 1. The Licensee had a full-size, inoperable fire truck in the backyard play area. During the inspection, children as young as two years of age were climbing on the fire truck. The truck was parked over concrete with bricks stacked alongside the vehicle. There was a large hole in the center of the truck

where the engine compartment was located. Ms. Byrd observed animal feces, rust and chipped paint inside the truck.

2. Ms. Byrd observed a 32-month-old child climb up and over the fire truck four times during the inspection. The Licensee was attending to another child and was not providing direct supervision to the toddler playing on the fire truck. At one point, the Licensee was unable to locate this toddler, as he had climbed underneath the fire truck.
3. While inside the home during the inspection, the Licensee placed a 14-month-old child in an "ExerSaucer" in the basement. The Licensee then returned to the main level and closed the basement door, leaving this child unattended in the basement. The child was alone for several minutes until the Licensee took the remaining children down to the basement for a snack.
  - ii. The Licensee failed to provide a mat or padded surface for a child sleeping on the floor, in violation of R 400.1916(12).
- h. On December 6, 2012, the Licensee submitted a written corrective action plan that addressed the rule violations cited during Ms. Byrd's October 2012 renewal inspection. At that time, the Licensee's child care home license was renewed to a regular status.

COUNT I

The conduct of the Licensee, as set forth in paragraphs 2 through 9, 10, and 11 above, evidences a violation of:

**R400.1911**

**Supervision.**

- (1) The caregiver shall assure appropriate care and supervision of children at all times.

[NOTE: This is a repeat violation as referenced in paragraphs 12(a) and 12(g) of this Notice.]

COUNT II

The conduct of the Licensee, as set forth in paragraphs 5 and 6 above, evidences a violation of:

**R400.1908**

**Capacity.**

- (2) The group child care licensee shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is licensed, not to exceed a total of 12.

COUNT III

The conduct of the Licensee, as set forth in paragraphs 2, 5 and 6 above, evidences a violation of:

**R400.1910**

**Ratio of caregiving staff to children**

- (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:
  - (a) Children of the caregiver.
  - (b) Children of the assistant caregiver.
  - (c) Children related to any member of the child care home family by blood, marriage, or adoption

#### COUNT IV

The conduct of the Licensee, as set forth in paragraph 9 above, evidences a violation of:

**R400.1907**

**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.
  
- (3) Dated daily attendance records of children in care shall be maintained and shall include the child's first and last name and the time of arrival and departure.

[NOTE: This is a repeat violation as referenced in paragraphs 12(a), 12(c) and 12(e) of this Notice.]

#### COUNT V

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

**R400.1912**

**Infant supervision and sleeping.**

- (5) Caregiving staff shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress except as provided in R 400.1922.

## COUNT VI

The conduct of the Licensee, as set forth in paragraphs 8 and 10 above, evidences a violation of:

### R400.1916

#### **Bedding and sleeping equipment.**

- (7) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.
- (9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.
- (12) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable, and safe place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

[NOTE: This is a repeat violation as referenced in paragraphs 12(e) and 12(g) of this Notice.]

## COUNT VII

The conduct of the Licensee, as set forth in paragraphs 2 through 12 above, evidences a violation of:

### R400.1902

#### **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 VIII

The conduct of the Licensee, as set forth in paragraph 11 above, evidences a violation of:

**R400.1932**

**Home maintenance and safety.**

(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

NOTICE IS GIVEN that, Licensee is offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensee appeals the Notice of Intent and compliance is not shown, formal proceedings will 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.

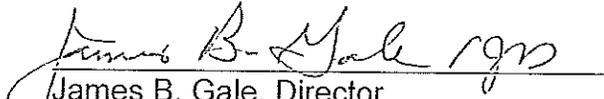
LICENSEE IS NOTIFIED that pursuant to MCL 722.121(2) of the Child Care Organizations Act, Licensee has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Kelly Maltby, Departmental Analyst, Bureau of Children and 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) 335-6121. You should keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to [DAUappeals@Michigan.gov](mailto:DAUappeals@Michigan.gov). You should keep a copy of the sent email as proof of submittal.

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

DATED: September 30, 2012

  
James B. Gale, Director  
Bureau of Children and Adult Licensing

This is the last and final page of a NOTICE OF INTENT in the matter of Donna Marsh, DG820063826, consisting of 13 pages, this page included.

KMM

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

In the matter of

License #: DG820063826  
SIR #: 2013D0910023

Donna Marsh

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**NOTICE OF COMPLIANCE CONFERENCE**

**Date:** November 15, 2013

**Time:** 1:00 p.m.

**Location:** 3026 West Grand Blvd., Detroit, MI 48202

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](mailto: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:

Kelly Maltby, Departmental Analyst  
Disciplinary Action Unit  
Bureau of Children and Adult Licensing  
Michigan Department of Human Services  
7109 W. Saginaw Hwy, 2<sup>nd</sup> 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 #: DG820063826

Donna Marsh

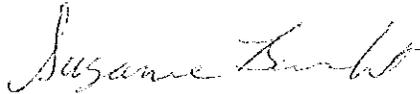
SIR #: 2013D0910023

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PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to revoke the license in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on October 2, 2013.

Donna Marsh  
20360 Parker  
Livonia, MI 48152



Suzanne Bancroft  
Bureau of Children and Adult Licensing