



RICK SNYDER
GOVERNOR

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



MAURA D. CORRIGAN
DIRECTOR

October 27, 2014

Ms. Tina Hause
1781 South Michigan Rd.
Eaton Rapids, MI 48827

Re: Docket # 14-013817-DHS
License # DG230081894

Dear Ms. Hause:

On or about October 20th, 2014, you were mailed a copy of the Final Decision and Order upholding the Department's Order of Summary Suspension and the Notice of Intent to revoke your license to operate a group child care home. In accordance with that Order, your license has been revoked effective October 20, 2014. It is further expected that you not receive children for care now, or in the future, unless you are properly licensed.

Sincerely,


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

JH:kam

cc; Ailene Buchtrup, Area Manager
Katrice Sweet, Licensing Consultant

OCT 28 2014

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES

In the matter of

Tina Hause,
Petitioner,

v

Bureau of Children and Adult
Licensing,
Respondent.

Docket No. 14-013817-DHS

Agency No. DG 230081894

Agency: Department of
Human Services

Case Type: DHS BCAL

Filing Type: Sanction

Issued and entered
this 20 day of October, 2014
by
Maura D. Corrigan, Director
Department of Human Services

FINAL DECISION AND ORDER

This matter began with Respondent's June 20, 2014 Order of Summary Suspension and the Notice of Intent to Revoke (notice of intent) Petitioner's license to operate a group child care home under the Child Care Organizations Act (Act), 1973 PA 116, as amended, MCL 722.111 *et seq.* A properly noticed hearing regarding the matter at issue was held by Administrative Law Judge Lauren G. Van Steel (ALJ) on July 8, 2014. Attorney David Kallman represented Petitioners. Assistant Attorney General Kristin M. Heyse represented Respondent.

Respondent sought to revoke Petitioner's license based on allegations in the notice of intent that Petitioner violated the Act, as well as administrative rules promulgated under the Act. In Count I of the notice of intent, Respondent alleged that Petitioner violated R 400.1911, which states in relevant part:

The caregiver shall assure appropriate care and supervision of children at all times. [Rule 400.1911 (1)]

On June 10, 2014, Child A, a 22-month-old girl, was in attendance (her second day) at Petitioner's day care when Child A was found on a high-traffic highway (M-99) with the speed limit of 55 mph. On the day in question, Kerri Sinnott was driving down the highway when she observed Child A on M-99. Child A had wandered approximately 100 yards from Petitioner's day care home without Petitioner's knowledge or supervision. Child A was missing for over 30 minutes when law enforcement made contact with Petitioner. The record indicated Petitioner did not realize Child A was missing until the law enforcement officer approached her day care home and asked her if she was missing a child.

Petitioner's exceptions claim that two other children in care assisted Child A in leaving the day care and that they are to blame for Child A's disappearance. Petitioner is responsible to assure for the welfare of all children placed in her care. Petitioner's claim that two other children assisted Child A in leaving the day care further demonstrates Petitioner's willful failure to supervise and provide appropriate care for all children in her day care home. Petitioner's willful lack of appropriate care placed Child A in imminent danger of being injured, killed, or kidnapped. Petitioner offers unacceptable excuses as to why Child A went missing from Petitioner's day care.

On June 10, 2014, Petitioner failed to assure that Child A's presence was accounted for during the time all other children were placed for naps. It is as the result of Petitioner's lack of adequate and appropriate care that Child A left the day care unsupervised. Therefore, the ALJ properly determined Petitioner willfully and

substantially violated of Rule 400.1911 (1).

In Count II of the notice of intent, Respondent alleged that Petitioner violated R 400.1911, which states in pertinent part:

Caregiving staff shall know the location of each child at all times. [Rule 400.1911 (4)]

On June 10, 2014, Child A, who was placed in the care of Petitioner's day care home, was found wandering on a heavy traffic highway. Petitioner's staff failed to search, account for, and know of Child A's whereabouts. The record identified that Petitioner and her staff only became aware of Child A missing after law enforcement had approached the day care home to investigate the missing child.

I disagree with Petitioner's exceptions that allege that her not knowing Child A's whereabouts was not a willful violation. Petitioner is licensed to know the location of each child. It is Petitioner's willful lack of supervision that jeopardized the safety and well-being of Child A. Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.1911 (4).

In Count III of the notice of intent, Respondent alleged that Petitioner violated R 400.1935, which states in pertinent part:

All firearms shall be unloaded and properly stored in a secure, safe, locked environment inaccessible to children. A secure locked environment shall include a commercially available locked firearms cabinet, gun safe, trigger lock that prevents discharge, or other locking firearm device. [Rule 400.1935 (1)]

I agree with the ALJ's conclusion that the unloaded 1870-era antique rifle found in the residential section of the basement was not readily accessible to the children in day care due to the separation between the private residence basement and that of the

day care area basement. There was testimony that indicated there were other guns contained in unlocked cases, but there was insufficient information describing whether Respondent actually observed these guns. Furthermore, the record indicates that Respondent did not show a concern for the presence of the unloaded antique fire arm. Therefore, the ALJ properly determined Petitioner did not willfully and substantially violate Rule 400.1935 (1).

Pursuant to MCL 24.292 (2), the Order of Summary Suspension was proper because the public health, safety, and welfare, specifically that of the children in Petitioner's day care home, was at risk and emergency action was required as the result of Petitioner's willful lack of appropriate care and supervision. This suspension was supported by the fact Child A was missing without Petitioner's knowledge during a period of time that jeopardized the child's welfare as the result of Petitioner's lack of compliance with the rules promulgated under the Act.

I disagree with Petitioner's exceptions that inaccurately assert that the Act does not give Respondent the discretion to order summary suspensions. Pursuant to the Act, MCL 722.112, states:

The department of human services, referred to in this act as the "department", is responsible for the development of rules for the care and protection of children in organizations covered by this act and for the promulgation of these rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Respondent is properly authorized to order a summary suspension and specifically MCL 24.292 gives Respondent the authority to do so as referenced under MCL 722.112 of the Act. The Order of Summary Suspension was proper in this matter because

Respondent determined that the public health, safety, and welfare, specifically of the children placed in Petitioner's day care, required emergency action as supported by the facts on the record. Respondent's response to Petitioner's exceptions as to its authority to issue summary suspensions is incorporated by reference.

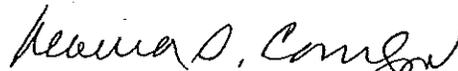
On July 23, 2014, the ALJ issued and entered a Proposal for Decision (PFD) that concluded Petitioner had willfully and substantially violated Rule 400.1911 (1); Rule 400.1911 (4); Rule 400.1935 (1); and that the Order for Summary Suspension was proper. I agree that Petitioner did not willfully or substantially violate Rule 400.1935 (1). Parties had 14 days to file exceptions and 14 days to file responses to any exceptions. Petitioner filed exceptions and Respondent filed a response to their exceptions.

Upon review and to the extent not inconsistent with this Order, I agree with the ALJ's findings of fact and conclusions of law in this case.

ORDER

NOW THEREFORE, IT IS ORDERED that:

1. To the extent not inconsistent with this Order, the ALJ's Proposal for Decision (PFD) is adopted and is incorporated by reference, and made a part of this Final Decision and Order (see attached PFD).
2. The actions of the Bureau of Children and Adult Licensing in this matter are AFFIRMED.
3. Petitioner's license is REVOKED effective on the date this Final Decision and Order is issued and entered.



**Maura D. Corrigan, Director
Department of Human Service**

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 by the file on the 21st day of October, 2014.



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