RICK SNYDER
GOVERNOR

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

MAURA D. CORRIGAN
DIRECTOR

September 26, 2014

Ms. Kathy Wilson
18157 174th Avenue
Spring Lake, MI 49456

Re: License DG700278823

Dear Ms. Wilson:

On or about July 30, 2014 you were mailed a copy of the Department's Notice of Intent to Refuse to Renew your License to operate a group child care home. In accordance with that notice, and because you did not exercise your right of appeal, your license will not be renewed and is now revoked, effective September 16, 2014. It is further understood that you will not receive children for care, now or in the future, without being legally licensed.

Sincerely,

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

JH:kam

cc: Yolanda Sims, Area Manager

P.O. BOX 30650 • LANSING, MICHIGAN 48909-8150
www.michigan.gov • (517) 335-6124

RICK SNYDER
GOVERNOR

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

MAURA D. CORRIGAN
DIRECTOR

July 30, 2014

Kathy Wilson
18157 174th Ave.
Spring Lake, MI 49456

License #: DG700277882

Dear Ms. Wilson:

Enclosed is a copy of a NOTICE OF INTENT TO REFUSE TO RENEW 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,

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

Enclosures

Cc: Yolanda Sims, Area Manager

P.O. BOX 30650 • LANSING, MICHIGAN 48909-8150
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STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of License #: DG700277882

Kathy Wilson

_____/

NOTICE OF INTENT TO
REFUSE TO RENEW LICENSE

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 license of Licensee, Kathy Wilson, 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 November 10, 2005, Licensee was issued a license to operate a group child care home, with a current licensed capacity of 12, at 18157 174th Ave., Spring Lake, MI 49456.
2. On May 21, 2014, Licensee submitted a renewal application packet to the Bureau of Children and Adult Licensing.
3. During the course of renewing her license, Licensee submitted falsified renewal documents to the Bureau. Specifically:
    a. Licensee submitted *Medical Clearance Request* forms for herself and Nola Wilson, her assistant caregiver. The physician signatures on both forms

read 'Michael Stempky.' On June 11, 2014, Licensing Consultant Dawnita Diaz contacted Lakeshore Family Care to confirm the authenticity of the physician signatures. Medical personnel at Lakeshore Family Care informed Ms. Diaz that while there is a Dr. George Stempky on staff at the center, there is no Michael Stempky on staff. Staff also confirmed that Dr. George Stempky did not complete and sign either of the forms submitted by Licensee.

b. Licensee submitted altered and falsified furnace and hot water heater inspection invoices to the Bureau. On June 4, 2014, Licensee submitted a hot water heater and boiler inspection invoice to Ms. Diaz. The invoice was originally dated October 20, 2010, with an arrow to a note that read, "Repeat in good condition. No problems. Gemp Jackson 9/30/13." Ms. Diaz contacted Barb at Frank's Plumbing, Heating & Cooling to verify the authenticity of the invoice. Barb informed Ms. Diaz that Frank's Plumbing Heating & Cooling has not serviced the boiler at Licensee's address since Winter 2009. She indicated that the invoice was falsified and that 'Gemp Jackson' is not an employee.

c. Licensee also submitted a falsified furnace and hot water heater inspection invoice to the Bureau for her license renewal in 2012. Upon reviewing the invoice submitted by the Licensee in 2012, Barb informed Ms. Diaz that the invoice number, #48364, was false, as the company was only on invoice #27288 as of June 4, 2014.

4. On June 4, 2014, Licensing Consultant Dawnita Diaz conducted an onsite renewal inspection at Licensee's home. Licensee failed to complete 10 hours of child-related training for 2012.
5. On June 4, 2014, Licensee did not have documentation of child-related training hours for Assistant Caregiver Nola Wilson for the past two years.
6. On June 4, 2014, Ms. Diaz reviewed child records for 12 enrolled children. Licensee did not have updated child information cards on file for any of the 12 children enrolled.
7. On June 4, 2014, Licensee did not have child-in-care statements on file for nine of the families.
8. On June 4, 2014, Licensee did not have a mounted and functioning smoke detector in the living room/playroom, an area that is used by children in care for sleeping.

COUNT I

The conduct of Licensee, as set forth in paragraph 3 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 II

The conduct of Licensee, as set forth in paragraph 3 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 Licensee, as set forth in paragraph 4 above, evidences a violation of:

R 400.1905 **Training.**

(1) The caregiver shall complete not less than 10 clock hours of training each year related to child development, program planning, and administrative management for a child care business, not including CPR, first aid, and blood borne pathogen training.

NOTE: This is a repeat violation. During a renewal inspection in May 2010, Licensee was cited for a violation of this rule. On May 13, 2010, Licensee submitted a corrective action plan that addressed this violation.

COUNT IV

The conduct of Licensee, as set forth in paragraph 3(a) above, evidences a violation of:

R 400.1906 **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:

(b) A statement signed by a licensed physician or his or her designee and which attests to the individual's mental and physical health.

(i) For the caregiver, within 1 year before issuance of the certificate of registration or initial license and at the time of subsequent renewals.

(ii) For the assistant caregivers, within 1 year prior to caring for children and at the time of subsequent renewals.

COUNT V

The conduct of Licensee, as set forth in paragraph 6 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 VI

The conduct of Licensee, as set forth in paragraph 3(b) 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 VII

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

R 400.1944 Smoke detectors; fire extinguishers.

(1) Operable smoke detectors approved by a nationally recognized testing laboratory shall be installed and maintained on each floor of the home, including the basement, and in all sleeping areas and bedrooms used by children in care.

COUNT VIII

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

R 400.1905 **Training.**

(2) Each assistant caregiver shall complete not less than 5 clock hours training each year related to child development and caring for children, not including CPR, first aid, and blood-borne pathogen training.

NOTE: This is a repeat violation. During a renewal inspection in May 2010, Licensee was cited for a violation of this rule. On May 13, 2010, Licensee submitted a corrective action plan that addressed this violation.

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 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.

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

DATED: 8/4/2014

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 Kathy Wilson, DG700277882, consisting of eight pages, this page included.

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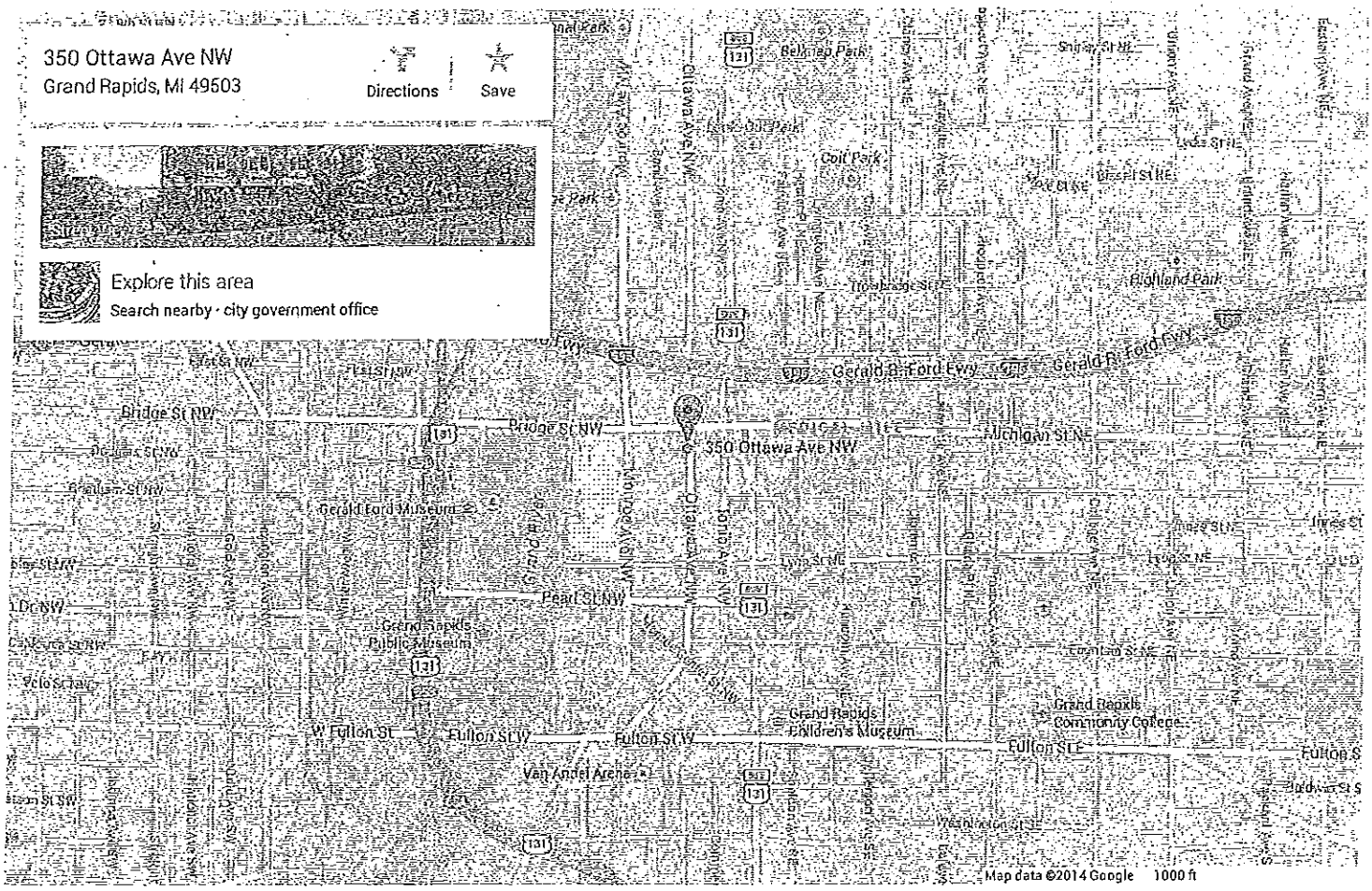
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Directions
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Golf Park
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Bridge St NW
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Michigan St NE
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STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of License #: DG700277882

Kathy Wilson

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NOTICE OF COMPLIANCE CONFERENCE

Date: Tuesday, September 23, 2014

Time: 10 a.m. to 12 noon

Location: 350 Ottawa Avenue, N.E., East Conference Room, Grand Rapids, MI

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 #: DG700277882

Kathy Wilson

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PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to refuse to renew 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 Wednesday, August 6, 2014.

Kathy Wilson
18157 174th Ave.
Spring Lake, MI 49456

Kristine Manion, Secretary
Bureau of Children and Adult Licensing