



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING

BUREAU OF CHILDREN'S AND ADULT LICENSING



MAURA D. CORRIGAN  
DIRECTOR

August 26, 2014

Ms. Melva McDonald  
1013 Court St.  
Sault Ste. Marie, MI 49783

Re: License DF170295659

Dear Ms. McDonald:

On July 14, 2014 you were mailed a copy of the Department's Notice of Intent to Refuse to renew your license to operate a family child care home. In accordance with that notice, and because you did not exercise your right of appeal, your license has been revoked effective August 20, 2014. The Department of Human Services understands, as you do, that you will not receive children for care now, or in the future, unless you are properly licensed to do so.

Sincerely,

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

JH:kam

cc: Jackie Horton, Area Manager (email)

***Certified Mail- return receipt requested***



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GOVERNOR

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



MAURA D. CORRIGAN  
DIRECTOR

July 14, 2014

Melva McDonald  
1013 Court St.  
Sault Ste Marie, MI 49783

License #: DF170295659  
SIR #: Licensing Study Report

Dear Ms. McDonald:

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

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

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

Sincerely,

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

Enclosures

Cc: Jackie Horton, Area Manager

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

In the matter of

License #: DF170295659

Melva McDonald

SIR #: Licensing Study Report

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NOTICE OF INTENT TO  
REFUSE TO RENEW CERTIFICATE OF REGISTRATION

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

1. On or about May 2, 2008, Registrant was issued a certificate of registration to operate a family child care home, with a current registered capacity of 6, at 1013 Court St., Sault Ste Marie, MI 49783.
2. On or about July 7, 2008, Licensing Consultant Michelle Newkirk completed a 90-day inspection of Registrant's family child care home and cited her for 11 licensing rule violations, including R 400.1944(1), R 400.1944(3) and R 400.1945(1)(a-d). A smoke detector on the 2<sup>nd</sup> floor of the home did not have a battery and the smoke detector in the basement was inoperable. The fire

extinguisher was not mounted; it was inside a kitchen cupboard. There were no written emergency plans for fire, tornado or medical emergencies posted. On or about July 12, 2008, Registrant submitted an acceptable Corrective Action Plan (CAP) to show compliance with the cited licensing rule violations. Additionally, Registrant attended an additional licensing rules orientation on August 19, 2008.

3. On May 5, 2014, Licensing Consultant Anne O'Neill conducted an on-site inspection of Registrant's child care home and cited her with the following licensing rule violations:

- a. MCL 722.1065(3); The list of recalled children's products was dated 2005;
- b. MCL 722.113g(1)(2); No licensing notebook was established or maintained;
- c. R 400.1905(1); The training record provided showed six hours of training in June 2012 and ten hours of training in April, 2013. No other training was listed;
- d. R 400.1905(6); The provider did not have verification that she had completed the required training;
- e. R 400.1907(1)(b)(i-vii); Five of five children's records reviewed did not have child in care statement/receipts;
- f. R 400.1907(2); Five of five child information cards had not been updated annually;
- g. R 400.1907(3); Daily attendance records for all children in attendance were not available. The current month attendance records with three of the children's names were present;

- h. R 400.1908(1); From 12:10 p.m. to 12:50 p.m. Registrant had seven child care children in her home;
- i. R 400.1910(1); Registrant was the only caregiver for the seven children present for 40 minutes during the inspection;
- j. R 400.1911(1); The first 30 minutes of the inspection took place in the living room with the five children in attendance. Ms. O'Neill inspected the other rooms of the home and discovered a two-year old child standing up in a pack and play that had the bottom sections broken. Registrant stated that she thought the child was sleeping and she forgot that he was there;
- k. R 400.1911(2); Registrant stated that when she has to leave the home for appointments she allows her husband to supervise the child care children. Registrant's husband has not completed the requirements of an assistant caregiver. Registrant stated that her husband stays home from work every other Friday to help with the child care children;
- l. R 400.1911(3); Registrant stated that she has child care children as late as 11:30 p.m. on occasion. Registrant's husband supervises the child care children the mornings after these occasions so that she can sleep in;
- m. R 400.1913(1); Registrant was unable to locate her written discipline policy and the licensing file did not contain a copy;
- n. R 400.1913(2); The gate for the steps to the upstairs was not installed due to the walls being recently painted. A two-year old child wanted to climb the steps and Registrant put him in time out on two occasions for

attempting to enter an area that was not made inaccessible to child care children;

- o. R 400.1914(3); Registrant stated that the child care children had not been out all winter because there was too much snow in her backyard play area;
- p. R 400.1914(4); During her inspection Ms. O'Neill observed five child care children watching cartoons for approximately two hours. During the first 30 minutes of Ms. O'Neill's inspection the door to the playroom was closed and there were no other activities for the children during the time they were watching television;
- q. R 400.1916(1); The pack and play portable crib Registrant was using had broken slats in the bottom. Additionally, the bottom lining was loose and unsupported and a stack of blankets and pillows were placed on top of the pack and play lining;
- r. R 400.1923(1)(2)(a)(c)(d)(e)(f); Registrant does not have a designated diapering area. When diapering child care children Registrant uses the soft-cloth couch in the living room and places a blanket under the child. There is no sink in the living room, a non-absorbent changing pad is not used and no cleaning or sanitizing agents were located in the living room. The container Registrant uses for disposing of soiled diapers is a small basket with openings on the side but there is no liner in the basket;
- s. R 400.1924(2); A three-year old child care child used the bathroom and when she returned Ms. O'Neill asked Registrant if she could confirm that

- the child washed her hands. When the child was asked if she washed her hands she admitted that she did not;
- t. R 400.1924(3); When the three-year old child stated that she had not washed her hands after using the bathroom Registrant used a baby wipe to clean the child's hands rather than return her to the bathroom to wash her hands with soap and running water;
  - u. R 400.1931(12); A three-year old child care child took her sippy cup from the table with Registrant's permission and walked around the room with it;
  - v. R 400.1932(1); The entryway closet was left open to the child care children. The hallway and rooms of the home had recently been painted and the closet contained pictures and other items that had been hanging on the walls that could cause injury to the child care children;
  - w. R 400.1932(2); Four bottles of prescription and over the counter medications were left on the coffee table in the living room. Two lighters, cleaning supplies and spray air fresheners were on shelves approximately four feet off the ground. There was a variety of furniture and household items available for the children to push up to the shelves;
  - x. R 400.1932(3); The steps to the second floor were not gated off or otherwise made inaccessible to child care children;
  - y. R 400.1936(5); Pet food dishes were on the floor of the kitchen next to the back door within reach of child care children;
  - z. R 400.1942(2); Outlets in the entry way, living room and dining room did not have outlet covers;

- aa. R 400.1944(1); Only one smoke detector was installed in the home, located in the dining area. The smoke detector did not have a battery resulting in the home having no operable smoke detectors;
- bb. R 400.1944(3); The fire extinguisher was kept in a kitchen cabinet inside its box. The cabinet was not marked and the fire extinguisher was not installed;
- cc. R 400.1945(1)(a)(b)(c); The written plans that were posted on a front porch bulletin board had faded ink that was not legible;
- dd. R 400.1945(3); No fire drill documentation was available;
- ee. R 400.1945(4); No tornado drill documentation was available;

#### COUNT I

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

**R400.1944(1)**

**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.

[**Note:** By this reference paragraph 2 is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

## COUNT II

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

- R400.1944(3) Smoke detectors; fire extinguishers.**  
(3) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level approved for child use.

[**Note:** By this reference paragraph 2 is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

## COUNT III

The conduct of Registrant, as set forth in paragraph 3(cc) 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.

[**Note:** By this reference paragraph 2 is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

## COUNT IV

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

- R400.1911(1) Supervision.**  
(1) The caregiver shall assure appropriate care and supervision of children at all times.

COUNT V

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

- R400.1911(2) Supervision.**  
(2) A caregiver or adult assistant caregiver shall be present in the home at all times when children are in care.

COUNT VI

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

- R400.1916(1) 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.

COUNT VII

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

- R400.1923(2) Diapering and toilet learning.**  
(2) The designated changing area shall comply with all of the following:  
(a) Be used exclusively for changing wet or soiled diapers or underwear.  
(c) Have access to a hand washing sink that is not used for food preparation.  
(d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.  
(e) Be cleaned and sanitized after each use.  
(f) Have diapering/changing supplies within easy reach.

COUNT VIII

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

- R400.1932(2) 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, Registrant is offered the opportunity to show compliance with all lawful requirements for retention of the certificate of registration. If Registrant appeals the Notice of Intent and compliance is not shown, formal proceedings will be commenced pursuant to the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq., rules promulgated thereunder, and the Administrative Procedures Act, 1969 PA 306, as amended; MCL 24.201 et seq. Should formal proceedings commence, you have the right to attorney representation at your own expense.

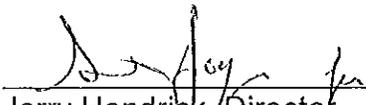
REGISTRANT IS NOTIFIED that pursuant to MCL 722.121(2) of the Child Care Organizations Act, Registrant has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Joshua Hargrove, Departmental Analyst, Bureau of Children 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](mailto:DAUappeals@Michigan.gov). You should keep a copy of the sent email as proof of submittal.

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

DATED: 7/10/14

  
\_\_\_\_\_  
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 Melva McDonald, DF170295659, consisting of 10 pages, this page included.

JNH

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

In the matter of  
  
Melva McDonald

License #: DF170295659  
SIR #: Licensing Study Report

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**NOTICE OF COMPLIANCE CONFERENCE**

**Date:** August 27, 2014

**Time:** 11:00 a.m.

**Location:** Marquette County DHS, 234 W Baraga Ave., Marquette, MI 49855

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:

Joshua Hargrove, Departmental Analyst  
Disciplinary Action Unit  
Bureau of Children and Adult Licensing  
Michigan Department of Human Services  
Victor Office Center  
201 North Washington Square, 4<sup>th</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

Melva McDonald

License #: DF170295659

SIR #: Licensing Study Report

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**PROOF OF SERVICE**

The undersigned certifies that a copy of a Notice of Intent to refuse to renew the certificate of registration in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on July 17, 2014.

Melva McDonald  
1013 Court St.  
Sault Ste Marie, MI 49783



Suzanne Bancroft  
Bureau of Children and Adult Licensing