



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

MIKE ZIMMER  
DIRECTOR

December 2, 2015

Falisa Mason  
726 Clancy NE  
Grand Rapids, MI 49503

Re: DF410299057  
Docket No/14-027499-DHHS

Dear Ms. Mason:

On or about October 22, 2015 you were mailed a copy of the Final Decision and Order upholding the Department of Licensing and Regulatory Affairs' Notice of Intent to Revoke your license to operate an family child care home. In accordance with that Final Decision and Order, your license is revoked and is now no longer in effect as of October 21, 2015. It is further understood that you will not receive children for care now, or in the future, without being legally licensed to do so.

Sincerely,

A handwritten signature in black ink that reads "Mark Jansen".

Mark Jansen, Director  
Child Care Licensing Division  
Bureau of Community and Health Systems

MJ: sb

Enclosure  
cc: Scott Bettys, Area Manger

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

IN THE MATTER OF:

Falisa Mason,  
Petitioner

v

Bureau of Children and Adult Licensing,  
Respondent

Docket No.: 14-027499-DHHS

Case No.: DF 410299057

Agency: Department of  
Health and Human  
Services

Case Type: DHHS BCAL

Filing Type: Sanction

Issued and entered  
this 21<sup>st</sup> day of October, 2015  
by Michael Zimmer, Department Director

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BCHS

ORDER VACATING JULY 22, 2015 FINAL DECISION AND ORDER  
ISSUED BY DHHS DIRECTOR  
AND  
FINAL DECISION AND ORDER ISSUED BY LARA DIRECTOR

This matter began with a Notice of Intent to Revoke Certificate of Registration issued on September 2, 2014, by the Bureau of Children and Adult Licensing, Respondent, concerning the certificate of registration held by Falisa Mason, Petitioner, to operate a family child care home under the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 *et seq.* (hereafter "Act"). On February 5, 2015, Respondent issued an Amended Notice of Intent to Revoke Certificate of Registration (hereafter "Amended Notice of Intent"). A properly noticed hearing regarding the matter at issue was held by Administrative Law Judge Renee A. Ozburn (ALJ) on April 1, 2015. Departmental Analyst Jennifer Kerr appeared on behalf of Respondent.

Upon Petitioner's failure to appear at the hearing and at the request of Respondent, the ALJ entered a default ruling against Petitioner pursuant to Sections 72(1) and 78(2) of the Administrative Procedures Act (APA) of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.* The Notice of Hearing being incorporated as part of Respondent's pleadings and as a result of Petitioner's failure to appear at the hearing to contest the facts placed on the record as presented in the Amended Notice of Intent, the ALJ found the facts as alleged by Respondent to be true and accurate. Therefore, the ALJ concluded that Petitioner violated the rules as alleged by Respondent.

Effective April 13, 2015, pursuant to Executive Order 2015-4 all authority, powers, duties, functions, and responsibilities of the Office of Child and Adult Licensing, created in Section VII of Executive Order 2003-14, were transferred from the Department of Health and Human Services (DHHS) to the Department of Licensing and Regulatory Affairs (LARA), including but not limited to any authority, powers, duties, functions, and responsibilities of child care home licensing and regulation under the Act, *supra*.

On April 27, 2015, the ALJ issued and entered a Proposal for Decision (PFD), concluding that Petitioner had violated Rules 2(2) and 2(3) of the Licensing Rules for Family and Group Child Care Homes, Mich Admin Code, R 400.1901 *et seq.*, being R 400.1902(2) and R 400.1902(3). Based on the PFD's findings of fact entered pursuant to default, willful and substantial violations of R 400.1902(2) and R 400.1902(3) have been established.

No exceptions to the PFD were filed by either party. After the exception period expired, the PFD and certified case file were sent to the DHHS Director. After receiving the PFD and certified case file, the DHHS Director issued and entered a Final Decision and Order on July 22, 2015.

In accordance with Executive Order 2015-4 effective on April 13, 2015, the Final Decision and Order regarding Respondent's Notice of Intent to revoke Petitioner's certificate of registration to operate a family child care home pursuant to the Act, *supra*, must be issued by the LARA Director. Therefore, with the concurrence of the DHHS Director, the Final Decision and Order issued by the DHHS Director on July 22, 2015 is now properly vacated.

Further, after having reviewed the PFD and the entire hearing record in this matter, I concur with the ALJ's findings of fact and conclusions of law.

### ORDER

**NOW THEREFORE, IT IS ORDERED** that:

1. The Final Decision and Order issued and entered by the DHHS Director on July 22, 2015, is hereby VACATED pursuant to Executive Order 2015-4; and
2. The ALJ's PFD issued and entered on April 27, 2015, is adopted in its entirety and incorporated by reference hereto, and made a part of this Final Decision and Order (see attached PFD); and
3. The action of Respondent to revoke Petitioner's certificate of registration is hereby AFFIRMED; and

4. Petitioner's certificate of registration to operate a family child care home is hereby REVOKED, effective on the date that this Final Decision and Order is issued and entered.

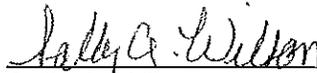


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Michael Zimmer, Director  
Department of Licensing and Regulatory Affairs

**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 first class mail at their respective addresses as disclosed below or electronic delivery as specified this 22nd day of October, 2015.



Sally A. Wilson  
Department of Licensing and Regulatory Affairs

**Via First Class Mail**

Falisa Mason  
726 Clancy NE  
Grand Rapids, MI 49503

Renee Kasprzak  
350 Ottawa, N.W., Unit 13, 7th Floor  
Grand Rapids, MI 49503

**Via Electronic Delivery**

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

Jerry Hendrick  
Bureau of Children and Adult Licensing  
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Grand Rapids, MI 49503

Scott Bettys  
Bureau of Children and Adult Licensing  
4809 Clio Road  
Flint, MI 48504

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Falisa Mason,  
Petitioner

v

Bureau of Children and  
Adult Licensing,  
Respondent

Docket No.: 14-027499-DHS

Case No.: DF 410299057

Agency: Department of  
Human Services

Case Type: DHS BCAL

Filing Type: Sanction  
Revocation of Certificate  
of Registration

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Issued and entered  
this 27<sup>th</sup> day of April 2015  
by: Renee A. Ozburn  
Administrative Law Judge

PROPOSAL FOR DECISION

On September 2, 2014, the Bureau of Children and Adult Licensing (BCAL/Respondent) issued a Notice of Intent to Revoke Certificate of Registration of Registrant Falisa Mason (Petitioner/Registrant). Ms. Mason appealed. On February 5, 2015, BCAL issued an Amended Notice of Intent to Revoke Certificate of Registration.

On October 29, 2014, a Notice of Hearing was issued scheduling a hearing for December 4, 2014. Petitioner requested an adjournment of the December 4, 2014 hearing and an Order Granting Adjournment was issued on December 5, 2014, rescheduling the hearing for February 12, 2015. The hearing was adjourned a second time at the request of Respondent BCAL. The hearing was rescheduled for April 1, 2015, and no further adjournments were requested or granted.

On April 1, 2015, at the time scheduled for hearing, Jennifer Kerr was present and ready to proceed on behalf of BCAL. Petitioner was not present. After establishing that Petitioner was properly served with notice of the hearing at her last known address of record, the undersigned Administrative Law Judge granted BCAL's motion for a default decision pursuant to Sections 72 and 78 of the Administrative Procedures Act, (APA), 1969 PA 306, as amended, MCL 24.201 *et seq.*

ISSUES AND APPLICABLE LAW

The February 5, 2015, Amended Notice of Intent to Revoke Certificate of Registration alleges that Petitioner is in violation of R 400.1902(2) & (3), promulgated pursuant to the Child Care Organization Act, 1973, PA 116, as amended, MCL 722.111 *et seq.* These rule provisions state as follows:

**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.

(3) All persons, including minors, residing in the child care home shall be of good moral character and be suitable to assure the welfare of children.

FINDINGS OF FACT

1. On or about January 12, 2009, Falisa Mason (Registrant) was issued a certificate of registration to operate a family child care home, with a current registered capacity of six (6), at 726 Clancy, NE, Grand Rapids, MI 49503.
2. In April 2014, Department of Human Services (DHS) Office of Inspector General Agent Lori Hernandez initiated an investigation of Registrant's billing for child care services to DHS. Ms. Hernandez reviewed Registrant's time and attendance records and her DHS child care billings from January 3, 2010, through March 22, 2014. Ms. Mason determined that Registrant overbilled DHS \$89,717.95 for child care services.
3. On June 17, 2014, an arrest warrant was issued by the Kent County Prosecutor's Office. Registrant was charged with False Pretenses - \$1,000.00 Or More, But Less Than \$20,000.00 and Fraud -Welfare, Over \$500.00; both felonies.
4. On August 11, 2014, Registrant was bound over to Kent County Circuit Court.

5. On September 2, 2014, the Bureau of Children and Adult Licensing issued a Notice of Intent to Revoke Certificate of Registration. On October 10, 2014, Registrant submitted a written appeal of the Notice of Intent to Revoke.
6. On January 13, 2015, Registrant pled guilty to Fraud – Welfare Over \$500. Rule 400.1152(1)(a)(ii) identifies a fraud conviction as an offense that evidences a lack of good moral character.

### CONCLUSIONS OF LAW

The principles that govern judicial proceedings also apply to administrative hearings, 8 Callaghan's Michigan Pleadings and Practice, §60.48 at 239 (2d ed. 1994). The Bureau of Child and Adult Licensing has the burden of proving, by a preponderance of the evidence, that Registrant Falisa Mason violated the Child Care Organization Act, and rules promulgated pursuant to the Act, as alleged in the February 5, 2015, Amended Notice of Intent to Revoke Certificate of Registration.

The above Findings of Fact establish, by a preponderance of the evidence, that Falisa Mason, is not of responsible character, in violation of R 400.1902(2).

The above Findings of Fact establish, by a preponderance of the evidence, that Falisa Mason, has a fraud conviction that indicates a lack of good moral character, in violation of R 400.1902(3).

### PROPOSED DECISION

The undersigned Administrative Law Judge proposes that the Director issue a Final Decision consistent with the above Findings of Fact and Conclusions of Law.

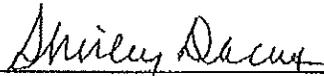
### EXCEPTIONS

The parties may file Exceptions to this Proposal for Decision within twenty-one (21) days after it is issued and entered. An opposing party may file a response within fourteen (14) days after Initial Exceptions are filed. All Exceptions and Responses to Exceptions must be filed with the Michigan Administrative Hearing System, Ottawa State Office Building, 2<sup>nd</sup> Floor, 611 West Ottawa Street, Lansing, Michigan 48909, and served on all parties to the proceeding.

  
\_\_\_\_\_  
Renee A. Ozburn  
Administrative Law Judge

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 27<sup>th</sup> day of April, 2015.



Shirley Dacus  
Michigan Administrative Hearing System

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Grand Rapids, MI 49503

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