



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

August 19, 2015

Falisa Mason
726 Clancy NE
Grand Rapids, MI 49503

Re: DF410299057
Docket No/ 14-027499-DHS

Dear Ms. Mason:

On or about July 22, 2015 you were certified mailed a copy of the Final Decision and Order upholding the Department of Health and Human Services' intention to revoke your license to operate a 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 In accordance with that Final Decision and Order, your license is revoked and is now no longer in effect as of August 3, 2015.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,

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

MJ: sb
cc: Scott Bettys

STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF:

Docket No.: 14-027499-DHS

Falisa Mason,

Case No.: DF 410299057

Petitioner

Agency: Department of
Human Services

v

Bureau of Children and Adult Licensing,

Case Type: DHS BCAL

Respondent

Filing Type: Sanction

RECEIVED

JUL 27 2015

BUREAU OF CHILDREN
AND ADULT LICENSING

Issued and entered
this 29th day of July, 2015
by

Nick Lyon, Director
Department of Health and Human Services

FINAL DECISION AND ORDER

This matter began on September 2, 2014 with Respondent's Notice of Intent to Revoke Petitioner Falisa Mason's Certificate of Registration (notice of intent) to operate a family child care home pursuant to the Child Care Organization Act, 1973 PA 116, as amended, MCL 722.111 *et seq.*; notice of intent was amended on February 5, 2015. A properly noticed hearing was held by Administrative Law Judge Renee A. Ozburn (ALJ) on April 1, 2015. Departmental Analyst Jennifer Kerr appeared on behalf of Respondent. Neither Petitioner nor an attorney appeared on her behalf.

Upon Petitioner's failure to appear and at the request of Respondent, the ALJ entered a Default Judgment against Petitioner pursuant to Sections 72(1) and 78(2) of the Administrative Procedures Act of 1969, as amended, MCL 24.201 *et seq.* (APA). The notice of intent being incorporated into the hearing as a 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 notice of intent, the ALJ found the facts as alleged by Respondent to be true and accurate. Therefore, the ALJ properly concluded that Petitioner violated the rules as alleged by Respondent.

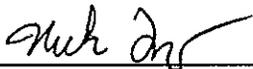
On April 27, 2015, the ALJ issued and entered a Proposal for Decision (PFD) concluding that Petitioner willfully and substantially violated Rule 400.1902 (2) & (3). No exceptions were filed.

I concur in the ALJ's findings of fact and conclusions of law.

ORDER

NOW THEREFORE, IT IS ORDERED:

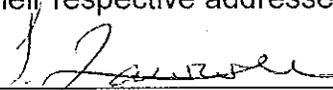
1. That the ALJ's Proposal for Decision (PFD) is adopted in its entirety and is incorporated by reference and made a part of this Final Decision and Order (see attached PFD).
2. That the actions of the Bureau of Children and Adult Licensing in this matter are AFFIRMED.
3. That Petitioner's certificate of registration is REVOKED, effective on the date this Final Decision and Order is issued and entered.



Nick Lyon, Director
Department of Health and Human Services

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 22nd day of July, 2015.



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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

Issued and entered
this 27th 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).

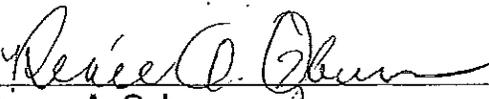
The above Findings of Fact establish, by a preponderance of the evidence, that Falisa Mason, has a fraud conviction that indicates a lack of good moral character, in violation of R 400.1902(3).

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, 2nd 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 27th day of April, 2015.



Shirley Dacus
Michigan Administrative Hearing System

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