

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU

In the matter of

License #: DF280397407
SIR #: 2021D0715010

Gail Parker

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ORDER OF SUMMARY SUSPENSION
AND NOTICE OF INTENT TO REVOKE LICENSE

The Michigan Department of Licensing and Regulatory Affairs, by Emily Laidlaw, Division Director, Child Care Licensing Bureau, hereafter referred to as “the Bureau,” orders the summary suspension and provides notice of the intent to revoke the license of Licensee, Gail Parker, 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 December 21, 2018, Licensee was issued a license to operate a family child care home with a licensed capacity of six at 524 Fenton Street, Kingsley, Michigan 49649.
2. Prior to the issuance of the license , and during subsequent modifications of the statutes and rules, Licensee received copies of the Child Care Organizations Act, the licensing rule book for family and group child care homes, and the Child Protection Law. These rules and statutes are posted and available for download at www.michigan.gov/lara.

3. Between April 20, 2016, and November 8, 2018, Licensee was licensed to operate a child care family home at 1214 Carl Road, Traverse City, Michigan, License #DF280382290.

Previous Licensing Violations

4. On July 26, 2019, Licensing Consultant Codie Mayhew conducted an on-site renewal inspection at Licensee's home and cited Licensee, in part for failing to maintain the home in a clean, safe, and comfortable condition, as required by Rule 400.1932(1). There were numerous food and pet stains on the carpet, rugs, and furniture throughout the home. There was an unknown liquid spilled on the wood floor in the dining room causing Ms. Mayhew's shoes to stick to the floor. There was spilled and burnt food on top of the oven, and pet food was spilled on the floor of the kitchen. The inside of the toilet bowl was brown, and the toilet seat was dirty and needed to be cleaned. The entire home smelled of urine and rot, especially a child-use bedroom on the main floor.
5. On December 8, 2020, Ms. Mayhew conducted an interim inspection at the home and cited Licensee, in part, for failing to maintain the home in a clean, safe, and comfortable condition, as required by Rule 400.1932(1). On December 8, 2020, there was cat feces on the floor in the laundry room that was accessible to children. There was food and garbage scattered across the floor in the kitchen, living room, and child-use bedroom on the main floor of the home. There were numerous stains on the carpet in the living room. There was a pair of scissors on the dining room table accessible to children. There was no child gate at the bottom of the stairs to prevent falls.

6. On December 30, 2020, Ms. Mayhew issued an interim inspection letter recommending the issuance of a six-month, first provisional license upon receipt of an acceptable written corrective action plan. On January 5, 2021, Licensee submitted an acceptable written corrective action plan and agreed to the issuance of a six-month, first provisional license, effective January 8, 2021.

Current Allegations

7. Licensee is [REDACTED], and failed to provide appropriate care and supervision of children at all times. Specifically:
 - a. On April 27, 2021, Licensing Consultant Pamela Walker, accompanied by [REDACTED], conducted an on-site investigation at Licensee's home. Licensee was caring for Child C (age [REDACTED] years) and Child J (age [REDACTED] months). Ms. Walker and [REDACTED] informed Licensee that she and [REDACTED], an adult household member, were identified as persons associated with a high-risk investigation. At the time of the on-site investigation, Licensee had 13 children enrolled in the child care and provided care 24 hours a day, seven days a week. She provided overnight care to two children.
 - b. On April 27, 2021, [REDACTED] developed a safety plan with Licensee that indicated that [REDACTED] would not provide care for child care children and would not reside at 524 Fenton Street, Kingsley, during child care

hours until the investigation was complete. Licensee signed the safety plan.

- c. On May 10, 2021, Ms. Walker, accompanied by [REDACTED], conducted an on-site visit at Licensee's home. Licensee was caring for one child, Child C. During the visit, Ms. Walker observed [REDACTED] residing in a camper in the driveway. [REDACTED] told Ms. Walker that [REDACTED] was using the bathroom in the licensed home even when child care children are present. At one point during the on-site visit, [REDACTED] opened the back door to the child care home to tell Licensee that [REDACTED] was coming to interview [REDACTED], although [REDACTED] did not enter the home.
- d. During an interview with Ms. Walker and [REDACTED] on May 10, 2021, Child J's Mother stated that on three occasions, she observed Child C alone on the main level of the home while she was dropping off Child J. She stated that Licensee arrived at the home a short time later after transporting children to school on all three occasions.
- e. During the investigation, Licensee acknowledged to Ms. Walker that on approximately three occasions, Child C and D's Mother would drop off Child C and Child D while she was transporting her [REDACTED] to school. Licensee stated that [REDACTED] was upstairs in case there was an emergency.
- f. During the investigation, Licensee admitted to leaving child care children alone with [REDACTED], a child care staff member. Licensee did not enroll [REDACTED] in the child care background check (CCBC)

system as providing child care under her license. Licensee would not have known if [REDACTED] was eligible to care for children without supervision.

8. [REDACTED]
[REDACTED]
[REDACTED]

a. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. Licensee did not notify the Bureau within three business days when [REDACTED] moved into the home. Specifically:

- a. According to the CCBC database, Licensee connected [REDACTED] to her license as an adult household member on December 4, 2019.
- b. On April 27, 2021, [REDACTED] told Ms. Walker that [REDACTED] has resided in the home since Licensee moved there. However, [REDACTED] was not listed as a household member on Licensee's child care supplemental application submitted to the Bureau on November 8, 2018.

10. Licensee allowed children to be in areas of the home that were not approved for child care use. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The upstairs of Licensee's home is not approved by the Bureau for child care use.

11. Licensee failed to maintain the child care home in a clean, safe, and comfortable condition. Specifically:

- a. On April 27, 2021, Ms. Walker, accompanied by [REDACTED], conducted an on-site investigation at Licensee's home. At the time of the investigation, the kitchen counters were heavily cluttered leaving very little space for food preparation. The dining room table was piled and stacked with various items, and there was no room for eating or activities.
- b. There were items piled on a desk in the dining room and on the floor in multiple areas of the home.
- c. There was a foul odor throughout the home that was consistent with human or animal feces.
- d. On May 10, 2021, during separate interviews with Ms. Walker, Child H and I's Father and Child J's both stated that they had concerns about the condition of Licensee's home and had considered removing their children. Child H and I's Father described Licensee's home as "an absolute [REDACTED]"

hole.” Child J’s Mother stated Child J has come home from Licensee’s home with [REDACTED] socks smelling like cat pee.

COUNT I

The conduct of Licensee, as set forth in paragraphs 7(a) through 7(f) above, provides grounds for revocation of licensure pursuant to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

COUNT II

The conduct of Adult Household Member [REDACTED], as set forth in paragraphs 8(a) and 8(b) above, provides grounds for revocation of licensure pursuant to:

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COUNT III

The conduct of Licensee, as set forth in paragraphs 7(a) through 7(f) above, evidences a willful and substantial violation of:

[REDACTED]

[REDACTED]

COUNT IV

The conduct of Adult Household Member [REDACTED], as set forth in paragraphs 8(a) and 8(b) above, evidences a willful and substantial violation of:

[REDACTED]

[REDACTED]

[REDACTED]

COUNT V

The conduct of Licensee, as set forth in paragraphs 7(a) through 7(f) above, evidences a willful and substantial violation of:

R 400.1911

(1) A licensee shall ensure appropriate care and supervision of children at all times.

COUNT VI

The conduct of Licensee, as set forth in paragraphs 7(f) above, evidences a willful and substantial violation of:

R 400.1925

(2) An applicant or licensee shall do all of the following:
(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) in the child care background check system.

NOTE:

R 400.1925

(1) Pursuant to section 5n of the act, MCL 722.115n, prior to an individual having any unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:
(a) A licensee.
(b) An adult member of the household.
(c) A child care assistant.
(d) A child care staff member.
(e) An unsupervised volunteer.

COUNT VII

The conduct of Licensee, as set forth in paragraphs 9(a) and 9(b) above, evidences a willful and substantial violation of:

R 400.1903

- (1) A licensee shall be responsible for all of the following:
 - (g) Report to the department within, 3 business days, any changes in the household composition ...

COUNT VIII

The conduct of Licensee, as set forth in paragraphs 11(a) through 11(d) above, evidences a willful and substantial violation of:

R 400.1932

- (1) The structure, premises, and furnishings of a child care home must be in good repair and maintained in a clean, safe, and comfortable condition.

COUNT IX

The conduct of Licensee, as set forth in paragraph 10 above, evidences a willful and substantial violation of:

R 400.1915

- (2) Only space that has received prior approval for child use by the department may be used for child care.

DUE TO THE serious nature of the above violations and the potential risk it represents to vulnerable children in Licensee's care, emergency action is required. Therefore the provision of MCL 24.292 of the Administrative Procedures Act of 1969, as amended, is invoked. Licensee is hereby notified that the license to operate a family child care home is summarily suspended.

EFFECTIVE 6:00 p.m., on May 17, 2021, Licensee is ordered not to operate a family child care home at 524 Fenton Street, Kingsley, Michigan 49649, or at any other location or address. Licensee is not to receive children for care after that time or date. Licensee is responsible for informing parents or guardians of children in care that license has been suspended and that Licensee can no longer provide care.

HOWEVER, BECAUSE THE Department has summarily suspended Licensee's license, an administrative hearing will be promptly scheduled before an administrative law judge. Licensee MUST NOTIFY the Department and the Michigan Office of Administrative Hearings and Rules in writing within seven calendar days after receipt of this Notice if Licensee wishes to appeal the summary suspension and attend the administrative hearing. The written request must be submitted via MAIL or FAX to:

Michigan Office of Administrative Hearings and Rules
611 West Ottawa Street, 2nd Floor
P.O. Box 30695
Lansing, Michigan 48909-2484
Phone: 517-335-7519
FAX: 517-763-0155

MCL 24.272 of the Administrative Procedures Act of 1969 permits the Department to proceed with the administrative hearing even if Licensee does not appear. Licensee may be represented by an attorney at the administrative hearing.

DATED: May 17, 2021



Emily Laidlaw, Division Director
Child Care Licensing Bureau

This is the last and final page of the ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT in the matter of Gail Parker, DF280397407, consisting of 13 pages, this page included.

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU**

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SIR #: 2021D0715010

Gail Parker

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PROOF OF SERVICE

The undersigned certifies that a copy of the *Order of Summary Suspension and Notice of Intent* was personally served upon the person below on ___/___/_____ at ____:____
a.m. or p.m.

Gail Parker
524 Fenton St.
Kingsley, MI 49649

Served by:

Child Care Licensing Consultant
Child Care Licensing Bureau