



STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING

RICK SNYDER  
GOVERNOR

NICK LYON  
INTERIM DIRECTOR

January 26, 2015

Ms. Ruth Montague  
257 Rapid Street  
Pontiac, MI 48341

Re: License DG630265117

Dear Ms. Montague:

On or about December 12, 2014 you were certified mailed a copy of the Department's Notice of Intent to revoke 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 January 21, 2015. It is further understood that you will not receive children for care, now or in the future, without being legally licensed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Hendrick", written over a circular stamp or seal.

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

JH:kam

cc: Cynthia Jalynski, Licensing Consulting  
Jacquelin Sharkey, Licensing Supervisor



RICK SNYDER  
GOVERNOR

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



MAURA D. GORRIGAN  
DIRECTOR

December 12, 2014

COPY

Ruth Montague  
257 Rapid St.  
Pontiac, MI 48341

License #: DG630265117  
SIR #: 2015D0424003

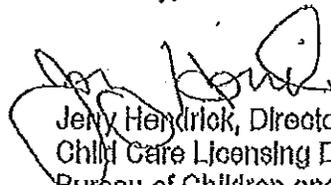
Dear Ms. Montague:

Enclosed is a copy of a NOTICE OF INTENT TO REVOKE 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: Jacquellin Sharkey, Area Manager

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

In the matter of  
Ruth Montague

License #: DG630265117  
SIR #: 2015D0424003

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NOTICE OF INTENT TO  
REVOKE 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 revoke the license of Licensee, Ruth Montague, 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 April 9, 2004, Licensee was issued a license to operate a group child care home, with a current licensed capacity of 12, at 257 Rapid St., Pontiac, MI 48341.
2. On November 21, 2012, Licensing Consultant Thomasa Bond completed a renewal inspection of Licensee's child care home and cited Licensee with 29 licensing rule violations, including the following:
  - a. R 400.1907(1)(a); a child did not have a child information card and five child information cards were missing information;

- b. R 400.1907(3); Licensee was not maintaining an accurate attendance record;
  - c. R 400.1911(1); Licensee failed to provide appropriate supervision by allowing an eight-month old to crawl out of his car seat and by allowing an eighteen-month old and two-year old to sleep alone on the main floor of the home while she was outside putting up decorations;
  - d. R 400.1916(10); Licensee allows an eight-month old child to sleep in a car seat because she does not have a crib or porta-crib for the child to sleep in;
  - e. R 400.1944(1); Licensee did not have a smoke detector on the main floor of the home, including the main floor bedroom where children sleep.
3. On February 6, 2013, Licensee submitted an acceptable Corrective Action Plan (CAP) to show compliance with the rule violations cited in Ms. Bond's November 21, 2012, renewal inspection. Licensee's license was modified to 1<sup>st</sup> provisional status.
  4. On August 19, 2013, Ms. Bond completed a renewal inspection of Licensee's child care home and cited Licensee with seven licensing rule violations, including R 400.1907(1)(a). Ms. Bond reviewed five child information cards and all five were missing information regarding the children's allergies, special needs and special instructions. Licensee submitted an acceptable CAP to show compliance with the licensing rule violations.
  5. On October 23, 2014, at 11:30 a.m. Licensing Consultant Cynthia Jalynski, DHS Worker Michael Boyden and Detective Jody Kendrick of the Oakland County

Sheriff's Department made an unannounced visit to Licensee's child care home

[REDACTED]

6. On October 23, 2014, Ms. Jalynski continued her investigation and observed the following licensing rule violations:

a. R 400.1903(1)(h); Licensee admitted that she married Mr. Montague in 2010 and that they currently reside together. Licensee admitted that she

failed to inform the Department of her marriage and household composition change;

- b. R 400.1910(2); Proper caregiver-to-child ratios were not maintained. On this date at least five of the six children present were under age 30 months: Child B (F, DOB 07/05/14), Child C (F, DOB 07/25/12), Child D (M, DOB 07/10/13), Child E (F, DOB 04/15/13) and Child F (F, DOB 08/06/12). Ms. Jalynski reviewed the child attendance record for October 21, 2014, and discovered that proper caregiver-to-child ratios were also not maintained. Child A (M, DOB 11/30/12), Child B, Child E, Child J and Child K (one year old twins) were all present and arrived at 9:00 a.m.;
- c. R 400.1911(1); Ms. Jalynski observed Child C, Child E and Child F sleeping in the basement from 11:00 a.m. until the conclusion of her visit at 3:00 p.m.;
- d. R 400.1932(2); Also in the basement Ms. Jalynski observed several bottles of household cleaning supplies stored beneath the sink, unsecured and within the reach of children;
- e. R 400.1907(1)(a); Licensee did not have child information cards for Child G, Child J and Child K;
- f. R 400.1907(1)(b)(i-vii); Licensee did not have child in care statements for Child G, Child J and Child K;
- g. R 400.1907(3); The attendance records did not include time of departure for the past two months. Child I (M, DOB 09/27/11) was listed as the seventh child present on October 21, 2014, but Licensee stated that she

does not believe he was present on that date. Child I was also listed on the attendance record for October 23, 2014 and signed in at 7:40 a.m. but the child was not in attendance during the investigation, nor was he checked out on the attendance record;

- h. R 400.1916(10); Child B and Child D were observed sleeping in car seats in two separate bedrooms on the main level of the home and neither child was strapped into the car seat;
- i. R 400.1916(7); A blanket was placed in the car seat with Child B;
- j. R 400.1931(12); A baby bottle was placed in the car seat with Child B;
- k. R 400.1944(1); A smoke detector was continuously beeping on the main level, indicating that the batteries needed to be replaced.

7. On November 7, 2014, Ms. Jalynski interviewed Child A's mother [REDACTED]

COUNT I

The conduct of Licensee, as set forth in paragraphs 5, 6(c), 6(d), 6(h), 6(i), 6(j), 6(k), 7 & 8 above, evidences a violation of:

R400.1911(1)

**Supervision.**

(1) The caregiver shall assure appropriate care and supervision of children at all times.

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

**COUNT II**

The conduct of Licensee, as set forth in paragraph 6(h) above, evidences a violation of:

- R400.1916(10) Bedding and sleeping equipment.**  
(10) Infant car seats, infant seats, infant swings, bassinets, highchairs, waterbeds, adult beds, soft mattresses, sofas, beanbags, or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

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

**COUNT III**

The conduct of Licensee, as set forth in paragraph 6(k) 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(e) is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

**COUNT IV**

The conduct of Licensee, as set forth in paragraph 6(e) above, evidences a violation of:

- R400.1907(1)(a) 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.

[Note: By this reference paragraphs 2(a) and 4 are incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

#### COUNT V

The conduct of Licensee, as set forth in paragraph 6(g) above, evidences a violation of:

**R400.1907(3)**

**Children's records.**

(3) Dated daily attendance records of children in care shall be maintained and shall include the child's first and last name and the time of arrival and departure.

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

#### COUNT VI

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

**R400.1962(1)**

**Department notification of injury, accident, illness, death, or fire.**

(1) The caregiver shall make a verbal report to the department within 24 hours of a serious injury, accident, illness, or medical condition of a child, occurring while a child is in care, which results in emergency medical treatment or hospitalization at a health facility, or which results in a death.

COUNT VII

The conduct of Licensee, as set forth in paragraphs 5 & 7 above, evidences a violation of:

- R400.1903(4)(b) 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 VIII

The conduct of Licensee, as set forth in paragraph 7 above, evidences a violation of:

- R400.1918(2) Medication; administrative procedures.**  
(2) Medication, prescription or nonprescription, shall be given or applied only with prior written permission from a parent.

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 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 (617) 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.

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

DATED: 12/12/2017

  
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 Ruth Montague, DG630265117, 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  
Ruth Montague

License #: DG630265117  
SIR #: 2015D0424003

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**NOTICE OF COMPLIANCE CONFERENCE**

Date: January 27, 2015

Time: 11:00 a.m. to 1:00 p.m.

Location: BCAL Pontiac Office, 51111 Woodward Avenue, 4<sup>th</sup> Floor, Ste. 4B, BCAL

Teaming Room 4-110, Pontiac, MI 48342

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

License #: DG630265117

SIR #: 2015D0424003

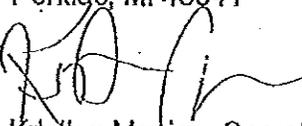
Ruth Montague

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PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to revoke 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 December 15, 2014.

Ruth Montague  
257 Rapid St.  
Pontiac, MI 48341

  
Kristine Marjón, Secretary  
Bureau of Children and Adult Licensing