



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING

BUREAU OF CHILDREN'S AND ADULT LICENSING



MAURA D. CORRIGAN
DIRECTOR

December 4, 2014

Ms. Jessica Ryan
112 West Cottage Ave.
Shepherd, MI 48883

Re: **License DF370295327**

Dear Ms. Ryan:

On or about October 2, 2014 you were mailed a copy of the Department's Notice of Intent to refuse to renew your certificate regarding your family child care home. In accordance with that notice, and because you did not exercise your right of appeal, your certificate of registration has been denied effective November 14, 2014. It is further understood that you will not receive children for care now, or in the future, without being properly licensed.

Sincerely,

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

JH:kam

cc: Jackie Horton, Area Manager

CERTIFIED MAIL- Return Receipt Requested



RICK SNYDER
GOVERNOR

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



MAURA D. CORRIGAN
DIRECTOR

October 2, 2014

Jessica Ryan
112 West Cottage Avenue
Shepherd, MI 48883

License #: DF370295327
SIR #: Renewal Inspection Report

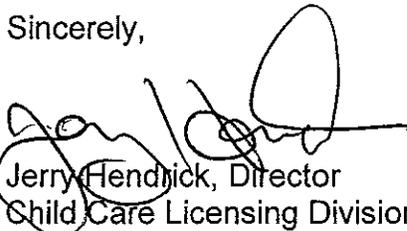
Dear Ms. Ryan:

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
Jessica Ryan

License #: DF370295327
SIR #: Renewal Inspection Report

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, Jessica Ryan, 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 April 29, 2008, Registrant was issued a certificate of registration to operate a family child care home, with a current registered capacity of six, at 112 West Cottage Avenue, Shepherd, MI 48883.
2. On September 2, 2014, Licensing Consultant Mary Pat Jennings conducted a renewal inspection of the Registrant's child care home. Ms. Jennings cited the Registrant for 30 rule violations, including 13 repeat violations.

3. On September 2, 2014, the Registrant exceeded her registered capacity of six children. During the renewal inspection, Ms. Jennings observed the Registrant caring for seven unrelated children. This is a repeat violation.
4. On September 2, 2014, the Registrant failed to maintain the rule-required ratios for caregivers and children in care, as evidenced by the following:
 - a. Upon Ms. Jennings' arrival at the Registrant's home, the Registrant was acting as the sole caregiver for seven children. The Registrant failed to maintain the rule-required ratio of one caregiver per six children. This is a repeat violation. Ten to 15 minutes after Ms. Jennings arrived, the Registrant had her husband, Christopher Ryan, come downstairs to the child care area. The Registrant does not have records on file for Mr. Ryan qualifying him as an assistant caregiver.
 - b. Four of the seven children in the Registrant's care were under the age of 18 months. An additional caregiver should have been present to maintain the ratio requirement of one caregiver per two children less than 18 months of age.
5. On September 2, 2014, Ms. Jennings inspected the Registrant's caregiver and child care program records and found the following violations:
 - a. The Registrant failed to post a list of recalled children's products in the child care home, in violation of MCL 722.1065(3). This is a repeat violation.
 - b. The Registrant failed to maintain a licensing notebook, in violation of MCL 722.113g.

- c. The Registrant failed to have a written agreement on file from an individual willing to care for children during an emergency situation, in violation of R 400.1903(1)(f).
 - d. The Registrant failed to post her certificate of registration in the child care home, in violation of R 400.1903(1)(g).
 - e. The Registrant failed to complete ten hours of annual training during the 2012 and 2013 licensing years, in violation of R 400.1905(1). This is a repeat violation. On June 24, 2014, the Registrant submitted a record that listed 30 hours of online training courses. The Registrant enrolled in these training courses in 2014, and did not complete any training in 2012 or 2013.
 - f. On September 2, 2014, Ms. Jennings requested written verification that the Registrant completed the training hours provided to the Department in June 2014. The Registrant informed Ms. Jennings that she never received any certificates of completion from the online training provider, in violation of R 400.1905(6).
6. On September 2, 2014, Ms. Jennings attempted to review records for the children enrolled in the Registrant's child care home. The Registrant was unable to locate records for any children in care. The Registrant was missing the following:
- a. The Registrant did not have child information cards on file for any of the 11 enrolled children, in violation of R 400.1907(1)(a). This is a repeat violation.

- b. The Registrant did not have child in care statements on file for any of the 11 enrolled children, in violation of R 400.1907(1)(b).
 - c. The Registrant did not have an attendance record for the day of the inspection, in violation of R 400.1907(3). This is a repeat violation.
 - d. The Registrant failed to retain children's records for a minimum of four years, in violation of R 400.1907(5).
7. On September 2, 2014, after the Registrant was unable to produce any children's records, Ms. Jennings asked the Registrant how she would contact parents during an emergency. The Registrant stated that she had parents' phone numbers programmed into her phone. The Registrant then searched for one parent's contact number in her cell phone. It took the Registrant over a minute to find this information. When asked to identify the seven children in care, the Registrant did not know one child's last name. The Registrant did not have any records of children's allergies, emergency contact information, individuals authorized to pick up the children, and physician contact information.
8. On September 2, 2014, Ms. Jennings inspected the maintenance and safety of the Registrant's child care home and found the following violations:
- a. There was a pile of boards with protruding nails in the backyard. The scrap wood was accessible to the children in care, in violation of R 400.1920(1).
 - b. A guardrail was missing from the children's climber in the backyard, in violation of R 400.1920(3)(c).

- c. There was a piece of plywood, a large tree branch, and a folding chair on top of the platform of the children's climber, in violation of R 400.1920(3)(c).
- d. The Registrant failed to equip the outdoor play area with protective surfacing underneath the climber and slide, in violation of R 400.1920(5)(a). This is a repeat violation.
- e. A phone book, a towel, a school folder and clothing were set out on the diapering pad in the changing area, in violation of R 400.1923(2)(a).
- f. The Registrant failed to label a bottle with a child's name and date, in violation of R 400.1931(10).
- g. One child was napping with a bottle and a "sippy" cup, in violation of R 400.1931(12).
- h. The Registrant's home was cluttered with various items. Ms. Jennings had to step over piles of clothing and other miscellaneous items to reach the exits in the home, in violation of R 400.1932(1) and R 400.1943(5).
- i. The kitchen floor was dirty, in violation of R 400.1932(1).
- j. Dirty dishes containing old food were stacked on the kitchen countertops. Dirty dishes were also left out on the kitchen table, in violation of R 400.1932(1).
- k. A full garbage bag was lying on the kitchen floor, in violation of R 400.1932(1).
- l. Dog food and water were accessible to children on the kitchen floor, in violation of R 400.1936(5).

- m. Nasal spray was set out next to the bathroom sink where it was accessible to children in care, in violation of R 400.1932(2). This is a repeat violation.
 - n. A can of insecticide was lying on a bench on the back porch accessible to children in care, in violation of R 400.1932(2). This is a repeat violation.
 - o. The Registrant did not have a safety gate in place on the stairway leading to the second floor, in violation of R 400.1932(3). This is a repeat violation.
 - p. There was flaking paint on the exterior of the home and the back of the garage, in violation of R 400.1932(6). The garage is adjacent to the children's outdoor play area. This is a repeat violation.
 - q. The Registrant failed to obtain a radon test for the child care home. This is a repeat violation, in violation of R 400.1934(4).
 - r. The Registrant failed to equip the basement of her home with a smoke detector, in violation of R 400.1944(1). This is a repeat violation.
9. The Registrant failed to cooperate during Ms. Jennings' renewal inspection, as evidenced by the following:
- a. On August 29, 2014, Ms. Jennings attempted to conduct a renewal inspection of the Registrant's child care home. The Registrant answered the door and informed Ms. Jennings that she was going out of town and was closed that day. At that time, Ms. Jennings overheard children in the background and requested to enter the home. The Registrant allowed Ms. Jennings inside the residence. The Registrant was not truthful with Ms. Jennings, as Ms. Jennings observed one unrelated child in care.

- b. On September 2, 2014, Ms. Jennings returned to the child care home. The Registrant answered the door and again told Ms. Jennings that she was closed for the day. Ms. Jennings informed the Registrant that it was her third attempt at conducting a renewal inspection of her home, and the inspection had to be completed that day. Upon entering the home, Ms. Jennings observed seven unrelated children in care.

10. The Registrant lacks responsible character and suitability to assure the care, supervision, and protection of children, as demonstrated by her licensing history and repeated noncompliance with child care licensing rules:

- a. On July 8, 2008, Ms. Jennings conducted a 90-day inspection of the Registrant's child care home. Ms. Jennings cited the Registrant for 14 rule violations, including the following:
 - i. Several child information cards were incomplete.
 - ii. Hazardous items including knives, cleaning products and medications were stored in drawers and cupboards accessible to children in care.
 - iii. The Registrant failed to have a safety gate in place on the stairway leading to the second floor.
 - iv. There was flaking paint on the exterior of the garage.
 - v. The Registrant failed to equip the basement and the nap room smoke detectors.
 - vi. There was no protective surfacing underneath the swing set and climber in the outdoor play area.

- b. On July 8, 2008, the Registrant submitted a written corrective action plan that addressed the rule violations cited during Ms. Jennings' 90-day inspection.
- c. On May 6, 2009, Ms. Jennings initiated a special investigation of the Registrant's child care home (SIR #2009D0606022). Ms. Jennings cited the Registrant for 13 rule violations, including six repeat violations. The Registrant was in violation of the following:
 - i. The Registrant exceeded her registered capacity of six children on at least seven separate days during a two-week time period.
 - ii. The Registrant failed to maintain the rule-required, caregiver-to-child ratio of one caregiver per six children. On multiple occasions in April and May of 2009, the Registrant acted as the sole caregiver for as many as nine children.
 - iii. The Registrant failed to maintain accurate attendance records.
 - iv. There was no protective surfacing underneath the swing set and climber in the outdoor play area. This was a repeat violation.
 - v. Hazardous items such as medications, toiletry items, sharp tools, lighter fluid, anti-freeze and motor oil were accessible to children in care. This was a repeat violation.
 - vi. The Registrant failed to have a safety gate in place on the stairway leading to the second floor. This was a repeat violation.
 - vii. There was flaking paint on the exterior of the garage. This was a repeat violation.

d. On July 16, 2009, the Registrant submitted a written corrective action plan that addressed the rule violations cited during Ms. Jennings' May 2009 special investigation. The Registrant's corrective action plan stated, in part, the following:

- i. "I do not accept any extra children over my 6 allowed. I always make sure the children scheduled for each day does not exceed [sic] over 6."
- ii. "I have a helper that is always present whenever I will have 3 related children plus 6 unrelated children."
- iii. "I make [sic] sure dailey [sic] that each drawer and cabinets [sic] are either free from hazardous items or they have a child safety lock in place."
- iv. "I make [sic] sure that at all times the gate is in place and that the children are not climbing on it or knocking it down."
- v. "I make [sic] dailey [sic] inspections on the flaking paint before the kids go out to play. I remove [sic] any chipping paint. In August I am repainting the flaking areas."

e. On June 30, 2011, Ms. Jennings conducted a renewal inspection of the Registrant's child care home. Ms. Jennings cited the Registrant for 18 rule violations, including six repeat violations. The Registrant was in violation of the following:

- i. The Registrant failed to complete ten hours of training annually.

- ii. 11 of the 12 child information cards reviewed were missing information. This was a repeat violation.
 - iii. The Registrant failed to post a list of recalled children's products in the child care home.
 - iv. One end of the Registrant's swing set was located directly over a large tree root. The failure to have protective surfacing underneath outdoor play equipment was a repeat violation.
 - v. Three open bags of garbage were and cardboard boxes filled with debris were set out in the children's outdoor play area. There were pieces of wood leaning against the house.
 - vi. Cleaning supplies were accessible to children in care. This was a repeat violation.
 - vii. There was flaking paint on the exterior of the garage. This was a repeat violation.
 - viii. The Registrant failed to obtain a radon test of the child care home.
 - ix. The Registrant failed to equip the basement of her home with a smoke detector. This was a repeat violation.
- f. On June 30, 2011, the Registrant submitted a written corrective action plan that addressed the rule violations cited during Ms. Jennings' renewal inspection.

COUNT I

The conduct of the Registrant, as set forth in paragraphs 2 through 10 above, evidences a violation of:

R400.1902

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.

COUNT II

The conduct of the Registrant, as set forth in paragraphs 6, 7 and 9 above, evidences a violation of:

R400.1903

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:
 - (a) Provide access to the assistant caregivers, all records, and materials, to enable the department to conduct a thorough investigation.
 - (b) Information provided to the department shall be accurate and truthful.

COUNT III

The conduct of the Registrant, as set forth in paragraphs 6 and 7 above, evidences a violation of:

R400.1907

Children's records.

- (1) Prior to initial attendance, the caregiver shall obtain the following documents:
 - (a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.
 - (b) A child in care statement/receipt using a form provided by the department and signed by the parent certifying the following:
 - (i) Receipt of a written discipline policy.
 - (ii) Condition of the child's health.
 - (iii) Receipt of a copy of the family and group child care home rules.
 - (iv) Agreement as to who will provide food for the child.
 - (v) Acknowledgement that the assistant caregiver is 14 to 17 years of age, if applicable.
 - (vi) Acknowledgement that firearms are on the premises, if applicable.
 - (vii) If the child care home was built prior to 1978, then the caregiver shall inform the parents of each child in care and all assistant caregivers of the potential presence of lead-based paint or lead dust hazards, unless the caregiver maintains documentation from a lead testing professional that the home is lead safe.
- (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.
- (4) Children's records required by the department shall be accessible and stored in a location known to all assistant caregivers.
- (5) The records in this rule shall be retained for a minimum of 4 years.

[NOTE: This is a repeat violation as referenced in paragraphs 10(a), 10(c) and 10(e) of this Notice.]

COUNT IV

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

R400.1908

Capacity.

- (1) The family child care registrant shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is registered, not to exceed a total of 6.

[NOTE: This is a repeat violation as referenced in paragraph 10(c) of this Notice.]

COUNT V

The conduct of the Registrant, as set forth in paragraph 4 above, evidences a violation of:

R400.1910

Ratio of caregiving staff to children

- (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:
 - (a) Children of the caregiver.
- (2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

[NOTE: This is a repeat violation as referenced in paragraph 10(c) of this Notice.]

COUNT VI

The conduct of the Registrant, as set forth in paragraph 8 above, evidences a violation of:

R400.1920

Outdoor play area and equipment.

- (1) A child care home shall provide a clean, safe, and hazard free outdoor play area, on the premises or within a reasonable walking distance of the home.
- (3) A child care home shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that is all of the following:
 - (c) Safe and in good repair.
- (5) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they shall:
 - (a) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.

[NOTE: This is a repeat violation as referenced in paragraphs 10(a), 10(c) and 10(e) of this Notice.]

COUNT VII

The conduct of the Registrant, as set forth in paragraph 8 above, evidences a violation of:

R400.1932

Home maintenance and safety.

- (1) The structure, premises, and furnishings of a child care home shall be in good repair and maintained in a clean, safe, and comfortable condition.
- (2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.
- (3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to

prevent falls and shall be free of ice and snow accumulation.

- (6) There shall be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.

[NOTE: This is a repeat violation as referenced in paragraphs 10(a), 10(c), and 10(e) of this Notice.]

COUNT VIII

The conduct of the Registrant, as set forth in paragraph 8 above, evidences a violation of:

R400.1944

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: This is a repeat violation as referenced in paragraphs 10(a), 10(c), and 10(e) of this Notice.]

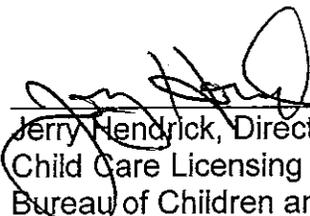
NOTICE IS GIVEN that, Registrant is offered the opportunity to show compliance with all lawful requirements for retention of the certificate of registration. If Registrant appeals the Notice of Intent and compliance is not shown, formal proceedings will be commenced pursuant to the Child Care Organizations 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 Kelly Maltby, 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. 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: 10/6/2014



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 Jessica Ryan, DF370295327, consisting of 16 pages, this page included.

KMM

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

In the matter of

License #: DF370295327

SIR #: Renewal Inspection Report

Jessica Ryan

NOTICE OF COMPLIANCE CONFERENCE

Date: Wednesday, November 19, 2014

Time: 1 p.m. to 3 p.m.

Location: BCAL Lansing office, 201 N. Washington Square, 4th Floor, small
conference room, Lansing, MI 48909

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.

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:

Kelly Maltby, Departmental Analyst
Disciplinary Action Unit
Bureau of Children and Adult Licensing
Michigan Department of Human Services
Victor Office Center
201 North Washington Square, 4th 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 #: DF370295327

SIR #: Renewal Inspection Report

Jessica Ryan

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 October 8, 2014.

Jessica Ryan
112 West Cottage Avenue
Shepherd, MI 48883



Kristine Manion, Secretary
Bureau of Children and Adult Licensing