

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

In the matter of

License #: DC510337108
SIR #: 2016D0733005

Suzanne Hamilton
Manistee Historic Red School House CDC

ORDER OF SUMMARY SUSPENSION
AND NOTICE OF INTENT TO REVOKE LICENSE

The Michigan Department of Licensing and Regulatory Affairs, by Mark C. Jansen, Division Director, Child Care Licensing Division, Bureau of Community and Health Systems, orders the summary suspension and provides notice of the intent to revoke the license of Licensee, Suzanne Hamilton, to operate a child care center 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 January 22, 2013, Licensee was issued a license to operate a child care center with a licensed capacity of 60 at 284 First Street, Manistee, MI 49660.

Previous Licensing Rule Violations

2. On July 18, 2013, Licensing Consultant Beverly McSauby completed a license renewal inspection of Licensee's child care center and cited Licensee with seven licensing rule violations, including R 400.5111(1) and R 400.5902c(1). On July

- 18, 2013, Licensee submitted an acceptable Corrective Action Plan (CAP) to show compliance with the cited licensing rule violations.
3. On August 7, 2013, Ms. McSauby completed Special Investigation Report (SIR) #2013D0785012 and cited Licensee with four licensing rule violations, including R 400.5105(1) and R 400.5201a(2)(a). On August 16, 2013, Licensee submitted an acceptable CAP to show compliance with the cited licensing rule violations.
 4. On October 7, 2014, Ms. McSauby completed an interim inspection of Licensee's child care center and cited Licensee with four licensing rule violations, including R 400.8146(3)(a-e). On October 29, 2014, Licensee submitted an acceptable Corrective Action Plan (CAP) to show compliance with the cited licensing rule violations.
 5. On July 7, 2015, Licensing Consultant Katherine DeKoning completed a license renewal inspection of Licensee's child care center and cited Licensee with 23 licensing rule violations, including R 400.8143(1). On September 28, 2015, Licensee submitted an acceptable CAP to show compliance with the cited licensing rule violations.

Current Licensing Rule Violations

6. On November 9, 2015, at 3:30 p.m. Licensing Consultants Katherine DeKoning and Jennifer VanderLugt conducted an unannounced inspection of Licensee's child care center and made the following observations:
 - a. Danielle Evans, toddler lead caregiver, was in the 3-year old room with 10 children and she stated that the youngest child in the room was 18 months old;

b. Ms. DeKoning reviewed the staff time cards and discovered that the center did not follow the one caregiver to four children ratio for infants and toddlers and maximum group size of 12 at 4:45 pm on the following dates:

- i. October 19, 2015;
- ii. October 21, 2015;
- iii. October 22, 2015;
- iv. October 27, 2015;
- v. October 30, 2015;
- vi. November 2, 2015;
- vii. November 3, 2015;
- viii. November 4, 2015;
- ix. November 5, 2015;
- x. November 9, 2015;

c. Ms. DeKoning, based on the staff time cards she reviewed, discovered that the center had at least one toddler present in the 3-year old room and had only one caregiver for up to 21 children on the following dates:

- i. October 19, 2015;
- ii. October 21, 2015;
- iii. October 22, 2015;
- iv. October 27, 2015;
- v. October 30, 2015;
- vi. November 2, 2015;
- vii. November 3, 2015;

- viii. November 4, 2015;
 - ix. November 5, 2015;
 - x. November 9, 2015;
- d. Ms. DeKoning went into the boy's bathroom and discovered that one sink was not working and the floor tile is warped and peeling up;
 - e. Ms. Evans informed Ms. DeKoning that the sink had a leak and when staff discovered that water was running onto the floor when in use staff turned the water off to the sink;
 - f. Program Director Holly Lindsey was creating a daily record for the three toddlers and admitted to Ms. DeKoning that this requirement had not been completed on this day;
 - g. Ms. DeKoning asked Ms. Lindsey how she was going to comply with the ratio violation and Ms. Lindsey called Licensee to see if a substitute caregiver could be found. As program director Ms. Lindsey is responsible for the day-to-day staff issues of the center;
 - h. Ms. DeKoning and Ms. VanderLugt observed a preschool aged child leave the 3-year old room four times during their inspection. Ms. Evans would count heads then go look for him. Once the preschool aged child was in the center's office and another time he was in the girl's bathroom;
 - i. Ms. VanderLugt observed a toddler wander toward the door and stopped him and turned him back to the room he wandered from. When this incident occurred Ms. Evans was attending to other children and did not see the toddler attempt to leave;

- j. Ms. DeKoning and Ms. VanderLugt observed a broken easel in the 3-year old room and when Ms. Evans placed the easel in the hallway she left the children in the room unsupervised;
- k. A preschool child dumped fruit snacks on an unwashed, unsanitized table and began eating the food with his unwashed hands;
- l. Ms. DeKoning reviewed the child information cards and observed that 25 of the 27 cards she reviewed were missing information, including the following:
 - i. Name of mother and father;
 - ii. Date of admission, father's name;
 - iii. Address and work information;
 - iv. Allergies;
 - v. Physician and physician phone number;
 - vi. Name of center authorizing emergency medical care.

COUNT I

The conduct of Licensee, as set forth in paragraphs 6(l)(i-vi) above, evidences a willful and substantial violation of:

R 400.8143(1) Children's records.

(1) At the time of the child's initial attendance, the center shall obtain a child information card, using a form provided by the department or a comparable substitute, completed and signed by the parent, and the center shall keep it on file and accessible in the center.

[Note: By this reference paragraphs 2 & 5 are incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

[**Note:** Effective January 2, 2014, by authority conferred on the director of the Department of Human Services by section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 196-2, 2003-1, and 2004-4, MCL 722.112, , 330.3101, 445.2001, 445.2011, and 400.226, licensing rule R 400.5111(1) was entered into the code as R 400.8143(1).]

COUNT II

The conduct of Licensee, as set forth in paragraph 6(k) above, evidences a willful and substantial violation of:

R 400.8134(3)(a) Hand washing.

(3) Staff and volunteers shall assure that children wash their hands at all of the following times:

(a) Before meals, snacks, or food preparation experiences.

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

[**Note:** Effective January 2, 2014, by authority conferred on the director of the Department of Human Services by section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 196-2, 2003-1, and 2004-4, MCL 722.112, , 330.3101, 445.2001, 445.2011, and 400.226, licensing rule R 400.5902c(1) was entered into the code as R 400.8134(3)(a).]

COUNT III

The conduct of Licensee, as set forth in paragraphs 6(a) & 6(b)(i-x) above, evidences a willful and substantial violation of:

R 400.8182(3) Ratio and group size requirements.

(3) In each room or well-defined space, the maximum group size and ratio of caregivers to children, including children related to a staff member or the licensee, shall be the following:

(a) For infants and toddlers, there shall be 1 caregiver for 4 children and a maximum group size of 12.

[Note: By this reference paragraph 3 is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

[Note: Effective January 2, 2014, by authority conferred on the director of the Department of Human Services by section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 196-2, 2003-1, and 2004-4, MCL 722.112, , 330.3101, 445.2001, 445.2011, and 400.226, licensing rule R 400.5201a(2)(a) was entered into the code as R 400.8182(3)(a).]

COUNT IV

The conduct of Licensee, as set forth in paragraphs 6(h), 6(i) & 6(j) above, evidences a willful and substantial violation of:

- R 400.8125(1) Staff and Volunteers.**
(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.

[Note: By this reference paragraph 3 is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above rule.]

[Note: Effective January 2, 2014, by authority conferred on the director of the Department of Human Services by section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 196-2, 2003-1, and 2004-4, MCL 722.112, , 330.3101, 445.2001, 445.2011, and 400.226, licensing rule R 400.5105(1) was entered into the code as R 400.8125(1).]

COUNT V

The conduct of Licensee, as set forth in paragraph 6(f) above, evidences a willful and substantial violation of:

- R 400.8146(3) Information provided to parents.**
(3) For infants and toddlers, parents shall receive a written daily record that includes at least the following information:
(a) Food intake; time, type of food, and amount eaten.
(b) Sleeping patterns; when and how long child slept.
(c) Elimination patterns, including bowel movements, consistency, and frequency.

- (d) Developmental milestones.
- (e) Changes in the child's usual behaviors.

[**Note:** By this reference paragraph 4 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 paragraphs 6(a) & 6(c)(i-x) above, evidences a willful and substantial violation of:

- R 400.8182(8) Ratio and group size requirements.**
(8) If there are children of mixed ages in the same room or well-defined space, then the ratio and group size shall be determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate caregiver-to-child ratios and group sizes, if applicable, for each age group are maintained.

COUNT VII

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

- R 400.8113(4)(b) Program director qualifications; responsibilities.**
(4) All program directors are responsible for the general management of the center, including the following minimum responsibilities:
(b) Administering day-to-day operations including being available to address parent, child, and staff issues.

COUNT VIII

The conduct of Licensee, as set forth in paragraphs 6(d) & 6(e) above, evidences a willful and substantial violation of:

R 400.8345(4)

Water supply; plumbing.

(4) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition.

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 child care center is summarily suspended.

EFFECTIVE 6:00, on November 16, 2015, Licensee is ordered not to operate a child care center at 284 First Street, Manistee, MI 49660, 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.

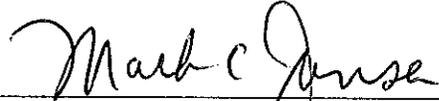
HOWEVER, BECAUSE THE Department has summarily suspended Licensee's license, an administrative hearing will be scheduled before an Administrative Law Judge. Licensee will be notified of the hearing date.

Licensee MUST NOTIFY the Department in writing or by phone no later than 5 days before the administrative hearing whether or not Licensee plans to attend. 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:

11/13/15



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

This is the last and final page of the ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT in the matter of Suzanne Hamilton, DC510337108, consisting of 10 pages, this page included.

JNH