



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

November 12, 2015

Ebony Cummings
431 Prince St. SE
Grand Rapids, MI 49507

RE: DF410300207

Dear Ms. Cummings:

On or about September 24, 2015 you were mailed a copy of the Department's Notice of Intent to Refuse to Renew your License to operate a family child care home. In accordance with that notice, and because you did not exercise your right of appeal, your license has been revoked effective November 3, 2015.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,

A handwritten signature in black ink that reads "Mark Jansen". The signature is fluid and cursive, with the first name "Mark" being particularly prominent.

Mark Jansen, Director
Child Care Licensing Division

MJ: sb

Enclosure
cc: Scott Bettys, Area Manager



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

July 31, 2015

Ebony Cummings
431 Prince St. SE
Grand Rapids, MI 49507

License #: DF410300207
SIR #: Licensing Study Report

Dear Ms. Cummings:

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,

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

Enclosures

Cc: Scott Bettys, Area Manager

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

In the matter of
Ebony Cummings

License #: DF410300207
SIR #: Licensing Study Report

NOTICE OF INTENT TO
REFUSE TO RENEW CERTIFICATE OF REGISTRATION

The Michigan Department of Licensing and Regulatory Affairs, by Mark C. Jansen, Division Director, Child Care Licensing Division, Bureau of Community and Health Systems, provides notice of the intent to refuse to renew the certificate of registration of Registrant, Ebony Cummings, 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 6, 2009, Registrant was issued a certificate of registration to operate a family child care home, with a current registered capacity of 6, at 431 Prince St. SE, Grand Rapids, MI 49507.

Previous Licensing Rule Violations

2. On September 24, 2012, Licensing Consultant Vicki Davison completed a Licensing Study Report and cited Registrant with nine licensing rule violations, including the following:
 - a. R 400.1907(1)(b)(i-vii); There were no child in care statements for three of the children enrolled;

- b. R 400.1924(2)(a); The children did not wash their hands before and after eating lunch;
- c. R 400.1934(3); The carbon monoxide detector was not working at the time of the inspection;
- d. R 400.1941(2); There was combustible furniture and toys stored within four feet of the furnace;
- e. R 400.1943(5); A Christmas tree and a toy box were blocking the basement exit;
- f. R 400.1945(4); There was no documentation of fire drills being completed on a monthly basis as required.

On June 5, 2012, Registrant submitted an acceptable corrective action plan to show compliance with the cited licensing rule violations.

Current Licensing Rule Violations

- 3. On May 29, 2015, Ms. Davison completed a renewal inspection and cited Registrant with the following licensing rule violations:
 - a. R 400.1903(1)(f); Registrant did not have a written and signed agreement with a responsible person who is 18 years of age or older to provide care and supervision for children during an emergency situation;
 - b. R 400.1907(1)(b)(i-vii); Registrant did not have any child in care statements completed for any of the children currently in care;
 - c. R 400.1907(3); Registrant admitted that she did not have documentation of attendance records for any of the children from May 21, 2015 to May 29, 2015.

Additionally, she had no documentation of attendance for Child A (F, age 7 years) or Child B (F, age 10 years);

- d. R 400.1913(2); Registrant's discipline policy stated that she uses time out but did not specify that time out would only be used for children three years of age and older;
- e. R 400.1915(2); Registrant stated that she used a main floor bedroom for Child A and Child B to sleep overnight. The main floor bedroom is not an approved child care space;
- f. R 400.1916(12); Registrant stated that Child A and Child B shared the same bed when she provided overnight care;
- g. R 400.1920(3)(c); A saucer-shaped toy was observed with water accumulation which is a safety risk for children;
- h. R 400.1920(5)(a); The slide and climbing wall, which measures over 30 inches in height, was placed over grass without a cushioned surface;
- i. R 400.1922(2); Registrant stated that Child A and Child B slept in a bedroom on the main floor without a caregiver present while she slept in a bedroom on the second floor of the home when she provided night time care;
- j. R 400.1923(2)(c); During the inspection Registrant washed her hands in the kitchen sink after changing an infant's diaper;
- k. R 400.1924(2)(a); During the inspection Ms. Davison observed that Child C (F, age 4 years) did not wash her hands after eating lunch;

- l. R 400.1932(1); The child-size plastic picnic table in the kitchen was not in good repair. Ms. Davison observed the seating portion of the table to have an open crack in the plastic;
- m. R 400.1932(3); There was no barrier to protect children from accessing the steps to the second level;
- n. R 400.1943(5); The door to the back yard was partially obstructed by piles of clothing and shoes covering more than half of the floor space leading to the back door;
- o. R 400.1942(3); There were electrical cords on the living room floor that were accessible to children and presented a strangulation risk to the children;
- p. R 400.1945(3); Registrant did not conduct monthly fire drills;
- q. R 400.1945(4); Registrant did not conduct monthly tornado drills between April and October;
- r. R 400.1952(2); Registrant admitted that she takes child care children to the park or McDonald's restaurant approximately once per month but she did not have written permission from parents to transport the children in her vehicle;
- s. R 400.1941(2); Registrant had a can of paint and cardboard boxes stored within four feet of her furnace;
- t. R 400.1934(3); The carbon monoxide detector on the main floor of the home was not working at the time of the home inspection;
- u. R 400.1932(2); Ms. Davison observed baby lotion on the end table next to the sofa in the living room which was accessible to children. Ms. Davison also observed spray air freshener on a small table in the dining area and a roll of

plastic bags in a three-section organizer in the dining area. The baby lotion and the air freshener were labeled "keep out of the reach of children" and the plastic bags posed a strangulation risk;

- v. R 400.1932(6); The heat vent on the baseboard in the kitchen had chipping paint.

COUNT I

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

R400.1907(1)(b) Children's records.

- (1) At the time of initial attendance, the caregiver shall obtain the following documents:
 - (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.

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

COUNT II

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

R400.1924(2)(a) Hand washing.

(2) Caregiving staff shall assure that children wash their hands at the following times:

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

[**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 III

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

R400.1943(5) Exit and escape requirements for each floor level used by children.

(5) All exits shall be unobstructed and accessible at all times.

[**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 Registrant, as set forth in paragraph 3(p) above, evidences a violation of:

R400.1945(3) Fire; tornado; serious accident and injury plans.

(3) Fire drills shall be practiced at least once a month and a written record that includes the date and time it takes to evacuate shall be maintained.

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

COUNT V

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

R400.1941(2) Heat-producing equipment.

(2) Combustible materials and equipment shall not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.

[**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 VI

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

R400.1934(3) Heating; ventilation; lighting.

(3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), shall be placed on all levels approved for child care.

[**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 VII

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

R400.1922(2) Nighttime care.

(2) If the caregiving staff and children in care are sleeping, then at least 1 caregiving staff shall be on the same floor level as the sleeping children.

COUNT VIII

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

- R400.1942(3) Electrical service; maintenance.**
(3) Electrical cords shall be arranged so they are not hazards to children.

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 Joshua Hargrove, Departmental Analyst, Bureau of Community and Health Systems, Michigan Department of Licensing and Regulatory Affairs. 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 Community and Health Systems, P.O. Box 30664, Lansing, MI 48909. You should obtain some type of delivery confirmation to verify delivery;

- Fax your written appeal to the Bureau of Community and Health Systems at (517) 284-9709. You should keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to DAappeals@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: _____

8/3/15



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

This is the last and final page of a NOTICE OF INTENT in the matter of Ebony Cummings, DF410300207, consisting of 10 pages, this page included.

JNH

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

In the matter of
Ebony Cummings

License #: DF410300207
SIR #: Licensing Study Report

NOTICE OF COMPLIANCE CONFERENCE

Date: September 22, 2015

Time: 11:00 a.m.

Location: 350 Ottawa NW, 7th Floor Conference Room, Grand Rapids, MI 489503

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 DAappeals@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
Bureau of Community and Health Systems
Michigan Department of Licensing and Regulatory Affairs
Victor Office Center
201 North Washington Square, 4th Floor
P.O. Box 30664
Lansing, MI 48909-8150

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

In the matter of
Ebony Cummings

License #: DF410300207
SIR #: Licensing Study Report

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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 August 3, 2015.

Ebony Cummings
431 Prince St. SE
Grand Rapids, MI 49507



Suzanne Bancroft
Child Care Licensing Division
Bureau of Community and Health Systems