

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

In the matter of

License #: DF410038383
SIR #: 2019D0614005

Sally Hulbert

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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, hereafter referred to as "the Bureau," orders the summary suspension and provides notice of the intent to revoke the license of Licensee, Sally Hulbert, 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 January 7, 1994, Licensee was issued a license to operate a family child care home with a licensed capacity of 6 at 128 Maplelawn St. SE, Kentwood, MI 49548.
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. On August 15, 2019, Minor Household Member (██████████ DOB ██████████) was alone with Child B (██████████ DOB ██████████) and Child F (██████████ DOB ██████████) in the nap room after naptime. Minor Household Member touched Child F's privates and had Children B and F touch each other's privates. Licensee was not supervising the children at the time of the incident – she was in the living room.
4. On August 28, 2019, Samantha Struppa, licensing consultant, and Jaime Byerly, manager, visited Licensee's home and interviewed Licensee. Ms. Struppa learned the following:
 - a. Licensee denied that the allegations concerning August 15, 2019, were true because she never allowed Minor Household Member to be alone with children. However, she acknowledged that Minor Household Member sometimes read in the nap room while other children were present.
 - b. Licensee adopted Minor Household Member during infancy. Minor Household Member attended therapy for ██████████ and had issues with anger and school. Licensee had not provided the department with written verification from a mental health professional that Minor Household Member was fit to be associated with children.
 - c. Child F had a history of inappropriately touching ██████████ and trying to inappropriately touch other children.
 - d. She would remain in the living room while the children were in the nap room for naptime. She would leave the door between the rooms open and could supervise the children that way. However, Ms. Struppa was unable

to see all of the nap room from the living room and could do so only from the doorway between the rooms.

5. On August 28, 2019, Ms. Struppa and Ms. Byerly next interviewed Minor Household Member at school. Minor Household Member disclosed the following:
 - a. Licensee had the children nap in the nap room after lunch. While the children napped, Licensee would lay on the couch in the living room and Minor Household Member would lay outside the nap room or on the couch.
 - b. Licensee was usually on her computer looking at Facebook while the children played in the playroom.
6. On September 6, 2019 and September 11, 2019, Ms. Struppa interviewed Child B's mother. Child B's mother reported that on August 22, 2019, at the breakfast table, Child B disclosed to Licensee that Minor Household Member had put [REDACTED] mouth on [REDACTED]. Licensee and Child B's mother discussed the disclosure that evening. After Licensee disclosed information to her about Child F, Child B's mother believed that Child F may have been abused in the past and did not believe that Minor Household Member acted inappropriately with [REDACTED]. But, Child B's mother noted that Licensee was unsure if the incident occurred because the children were unsupervised in the nap room while the Licensee completed an online class in the playroom.

COUNT I

The conduct of Licensee, as set forth in paragraphs 3 through 6 above, provides grounds for the revocation of licensure pursuant to:

MCL 722.115m **Child care center, group child care home, or family child care home; requirements for licensure.**

(2) . . . If the department determines that a service, facility, applicant, licensee, child care staff member, or member of the household is not conducive to the welfare of the children, the department shall deny that application or revoke that licensee's license according to section 11.

[Note: MCL 722.115m **Child care center, group child care home, or family child care home; requirements for licensure.**

(13) As used in this section:

(b) "Conducive to the welfare of the children" means:

(i) The service and facility comply with this act and the administrative rules promulgated under this act.

(ii) The disposition, temperament, condition, and action of the applicant, licensee, licensee designee, program director, child care staff member, and member of the household promote the safety and well-being of the children served.]

COUNT II

The conduct of Licensee, as set forth in paragraphs 3 through 6 above, provides grounds for the revocation of licensure pursuant to:

MCL 722.120 **Investigation, inspection, and examination of conditions, books, records, and reports; access by department, bureau of fire services, or local authorities; records; report; forms; confidentiality; disclosure of information; availability of confidential records; child information cards to be provided to department; failure of licensee to cooperate with investigation, inspection, or examination.**

(1) The department may investigate, inspect, and examine conditions of a child care organization and may investigate and examine the books and records of the licensee. The licensee shall cooperate with the

department's investigation, inspection, and examination by doing all of the following:

(a) Admitting members of the department into the child care organization and furnishing all reasonable facilities for thorough examination of its books, records, and reports.

(b) Allowing the department to perform routine investigative functions during the course of an investigation, inspection, or examination. Routine investigative functions include, but are not limited to, interviewing potential witnesses, such as staff and household members, and taking photographs to assess and document the conditions of the child care organization and its compliance with this act and the rules promulgated under this act.

(c) Providing accurate and truthful information to the department, and encouraging witnesses, such as staff and household members, to provide accurate and truthful information to the department.

COUNT III

The conduct of Licensee, as set forth in paragraph 6 above, provides grounds for the revocation of licensure pursuant to:

MCL 722.120 **Investigation, inspection, and examination of conditions, books, records, and reports; access by department, bureau of fire services, or local authorities; records; report; forms; confidentiality; disclosure of information; availability of confidential records; child information cards to be provided to department; failure of licensee to cooperate with investigation, inspection, or examination.**

(3) A licensee shall keep the records the department prescribes regarding each child in its control and care and shall report to the department, when requested, the facts the department requires with reference to the children upon forms furnished by the department. Except as otherwise provided in this subsection and subsection (4), records regarding children and facts compiled about children and their parents and relatives are confidential and disclosure of this information shall be properly safeguarded by the child care

organization, the department, and any other entity in possession of the information. Records that are confidential under this section are available to both of the following:

(a) A standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children, according to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

(b) The children's ombudsman established in section 3 of the children's ombudsman act, 1994 PA 204, MCL 722.923.

COUNT IV

The conduct of Licensee, as set forth in paragraphs 3 through 6 above, evidences a willful and substantial 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 V

The conduct of Minor Household Member, as set forth in paragraphs 3 and 6 above, evidences a willful and substantial violation of:

R400.1902

Caregiver and child care home family.

(3) All persons, including minors, residing in the child care home shall be of good moral character and be suitable to assure the welfare of children.

COUNT VI

The conduct of Licensee, as set forth in paragraph 4(b) above, evidences a willful and substantial violation of:

R400.1903

Caregiver responsibilities.

(1) A caregiver shall be responsible for all of the following provisions:

- (i) Provide the department with a written statement verifying a person's personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional, mental, or substance abuse problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.

COUNT VII

The conduct of Licensee, as set forth in paragraphs 3 through 6 above, evidences a willful and substantial violation of:

R400.1911

Supervision.

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

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 September 12, 2019, Licensee is ordered not to operate a family child care home at 128 Maplelawn St. SE, Kentwood, MI 49548, 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: 517-335-2484
FAX: 517-335-6088

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: 9/12/19


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 Sally Hulbert, DF410038383, consisting of 8 pages, this page included.

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