

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU

In the matter of

License #: DG820094435
SIR #: 2021D0934007

Shelley Macfarlane

_____ /

ORDER OF SUMMARY SUSPENSION
AND NOTICE OF INTENT TO REVOKE LICENSE

The Michigan Department of Licensing and Regulatory Affairs, by Emily Laidlaw, Division Director, Child Care Licensing Bureau, hereafter referred to as “the Bureau,” orders the summary suspension and provides notice of the intent to revoke the license of Licensee, Shelley Macfarlane, 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 September 29, 2000, Licensee was issued a license to operate a group child care home with a licensed capacity of 12 at 9265 Washington, Romulus, Michigan 48174.
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. [REDACTED]
[REDACTED], failed to provide appropriate care and supervision of children at all times, and used prohibited means of discipline with children in care.

Specifically:

- a. On May 12, 2021, Child A (age [REDACTED] years) was at Licensee's home and attending virtual school on the computer.
- b. On May 12, 2021, while Child A was participating in virtual learning, Child Care Staff Member [REDACTED] was yelling, screaming, and swearing at Child A, Child C (age [REDACTED] years), and Child D (age [REDACTED] years) while Licensee was present in the home. Audio of the incident was recorded on Child A's computer, and [REDACTED] was heard making the following statements:
 - i. [REDACTED] yelled, "It doesn't matter, sit your [REDACTED] down, why would you sit there, sit down, get back here and shut the [REDACTED] up. I don't wanna hear a word out of either one of you, I'm going to bust you in the mouth."
 - ii. While children were arguing and crying in the background, [REDACTED] said, "Enough, what are you crying about?" One of the children responded, "You hurt me." [REDACTED] asked, "Who hurt you?" and the child responded, "You." [REDACTED] said, "Right and you going to cry five minutes later, shut up, dry it up, shut up."
- c. On May 13, 2021, Licensing Consultant LaTanya Ellington conducted an on-site inspection at Licensee's home where Licensee and [REDACTED]

were present caring for seven children. Ms. Ellington played the recording for Licensee and [REDACTED]. [REDACTED] admitted that she was the person yelling at the children on the recording. Both Licensee and [REDACTED] identified Child A, Child C, and Child D as the children being yelled at, and Child H (age [REDACTED] year) as the child crying on the recording.

- d. During an interview with Ms. Ellington on May 13, 2021, Licensee admitted that she was present when [REDACTED] was yelling at the children on May 12, 2021, but stated that she told her to stop.
- e. Licensee and [REDACTED] frequently yell at the children, use profanity and degrading language, hit the children with fly swatters, and spray water at the children as a means of discipline, as evidenced by the following:
 - i. During an interview with Ms. Ellington, Child A stated that [REDACTED] has hit [REDACTED] on the arm with a fly swatter, a back scratcher, and a stop sign. [REDACTED] stated that [REDACTED] has sprayed [REDACTED] with a hot water bottle. [REDACTED] also indicated that Licensee has thrown letters and chairs at children to scare them.
 - ii. During an interview with Ms. Ellington, Child C said that [REDACTED] yells at [REDACTED] and the other children. [REDACTED] stated that [REDACTED] uses bad words, and Licensee does nothing about it. Child C stated that [REDACTED] saw [REDACTED] hit Child A and Child G in the face and on the elbow with a fly swatter.
 - iii. During an interview with Ms. Ellington, Child D stated that Licensee and [REDACTED] both use bad words and that [REDACTED] yells

“wake up brats” or “you little [REDACTED]” when it is time to get up from a nap. Child D stated that when [REDACTED] and the other children in the home get in trouble, they are hit with a fly swatter. [REDACTED] described one occasion when Licensee hit Child A on the back of [REDACTED] head with a fly swatter for watching television while [REDACTED] was doing virtual school. Child D also told Ms. Ellington that [REDACTED] and Licensee spray the children with hot and cold water as a form of discipline.

- iv. During an interview with Ms. Ellington, Child E (age [REDACTED] years) stated that [REDACTED] was too rough with the babies in care, grabbing them by the arms and throwing them into high chairs. [REDACTED] said that [REDACTED] yells at the babies, and one time [REDACTED] heard Child G being hit with a fly swatter multiple times and Child G crying. Child E stated [REDACTED] witnessed Licensee hit Child A with a fly swatter for spitting. [REDACTED] also said that [REDACTED] sprayed the children with a water gun as a means of discipline. Child E stated that [REDACTED] [REDACTED] will do these things in front of Licensee, but Licensee does not intervene.
- v. During an interview with Ms. Ellington, Child F (age [REDACTED] years) stated that Licensee and [REDACTED] are always yelling at the children when they misbehave and using profanity when talking to the children and each other.

vi. On May 24, 2021, Ms. Ellington interviewed [REDACTED], Child C's and Child D's teacher. [REDACTED] stated that since January 2021, she has constantly overheard Child C's and Child D's care providers yelling and cursing at children during virtual school. She stated that she heard an adult female yell "Sit your [REDACTED] down." She said when Child C and Child D asked their care providers for help with assignments, they were yelled at and told to sit down. [REDACTED] told Ms. Ellington that she once heard an adult female say, "I'm going to take your diaper off and beat your [REDACTED]."

4. Child Care Staff Member [REDACTED] is [REDACTED], failed to provide appropriate care and supervision of children at all times, and used prohibited means of discipline with children in care. Specifically:

a. On May 12, 2021, Child A (age [REDACTED] years) was at Licensee's home and participating in virtual learning on the computer.

b. On May 12, 2021, while Child A was attending virtual learning, [REDACTED] was yelling, screaming, and swearing at Child A, Child C (age [REDACTED] years), and Child D (age [REDACTED] years) while Licensee was present in the home. Audio of the incident was recorded on Child A's computer, and [REDACTED] was heard making the following statements:

i. [REDACTED] yelled, "It doesn't matter, sit your [REDACTED] down, why would you sit there, sit down, get back here and shut the

■■ up. I don't wanna hear a word out of either one of you, I'm going to bust you in the mouth."

- ii. While children were arguing and crying in the background, ■■■ ■■■ said, "Enough, what are you crying about?" One of the children responded, "You hurt me." ■■■ asked, "Who hurt you?" and the child responded, "You." ■■■ said, "Right and you going to cry five minutes later, shut up, dry it up, shut up."
- c. On May 13, 2021, Ms. Ellington conducted an on-site inspection at Licensee's home where Licensee and ■■■ were caring for seven children. Ms. Ellington played the recording for Licensee and ■■■. ■■■ admitted that she was the person yelling at the children on the recording. Both Licensee and ■■■ identified Child A, Child C, and Child D as the children being yelled at, and Child H (age ■ year) as the child crying on the recording.
- d. Licensee and ■■■ frequently yell at the children, use profanity and degrading language, hit the children with fly swatters, and spray water at the children as a means of discipline, as evidenced by the following:
 - i. During an interview with Ms. Ellington, Child A stated that ■■■ has hit ■■■ on the arm with a fly swatter, a back scratcher, and a stop sign. ■■■ stated that ■■■ has sprayed ■■■ with a hot water bottle. ■■■ also indicated that Licensee has thrown letters and chairs at children to scare them.

- ii. During an interview with Ms. Ellington, Child C said that [REDACTED] yells at [REDACTED] and the other children. [REDACTED] stated that [REDACTED] uses bad words, and Licensee does nothing about it. Child C stated that [REDACTED] saw [REDACTED] hit Child A and Child G in the face and on the elbow with a fly swatter.
- iii. During an interview with Ms. Ellington, Child D stated that Licensee and [REDACTED] both use bad words and that [REDACTED] yells “wake up brats” or “you little [REDACTED]” when it is time to get up from a nap. Child D stated that when [REDACTED] and the other children in the home get in trouble, they are hit with a fly swatter. [REDACTED] described one occasion when Licensee hit Child A on the back of [REDACTED] head with a fly swatter for watching television while [REDACTED] was doing virtual school. Child D also told Ms. Ellington that [REDACTED] and Licensee spray the children with hot and cold water as a form of discipline.
- iv. During an interview with Ms. Ellington, Child E (age [REDACTED] years) stated that [REDACTED] was too rough with the babies in care, grabbing them by the arms and throwing them into high chairs. [REDACTED] said that [REDACTED] yells at the babies, and one time [REDACTED] heard Child G being hit with a fly swatter multiple times and Child G crying. Child E stated [REDACTED] witnessed Licensee hit Child A with a fly swatter for spitting. [REDACTED] also said that [REDACTED] sprayed the children with a water gun as a means of discipline. Child E stated that [REDACTED]

██████████ will do these things in front of Licensee, but Licensee does not intervene.

- v. During an interview with Ms. Ellington, Child F (age █████ years) stated that Licensee and ██████████ are always yelling at the children when they misbehave and using profanity when talking to the children and each other.
- vi. On May 13, 2021, during an interview with Ms. Ellington, ██████████ admitted to using profanity toward children, stating, “I have a potty mouth.” She stated that she usually disciplines the children by yelling at them. She also admitted to hitting children on the head but stated that it was just a small tap or a push on the side of the head. ██████████ told Ms. Ellington that she knows she “messed up.”
- vii. On May 24, 2021, Ms. Ellington interviewed ██████████, Child C’s and Child D’s teacher. ██████████ stated that since January 2021, she has constantly overheard Child C’s and Child D’s care providers yelling and cursing at children during virtual school. She stated that she heard an adult female yell “Sit your ██████████ down.” She said when Child C and Child D asked the care providers for help with assignments, they were yelled at and told to sit down. ██████████ told Ms. Ellington that she once heard an adult female say, “I’m going to take your diaper off and beat your ██████████.”

COUNT III

The conduct of Child Care Staff Member [REDACTED], as set forth in paragraphs 4(a) through 4(d) above, evidences a willful and substantial violation of:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COUNT IV

The conduct of Licensee, as set forth in paragraphs 3 and 4 above, evidences a willful and substantial violation of:

R 400.1911

(1) A licensee shall ensure appropriate care and supervision of children at all times.

COUNT V

The conduct of Licensee, as set forth in paragraphs 3 and 4 above, evidences a willful and substantial violation of:

R 400.1913

(3) Personnel shall not do any of the following:
(a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.
(d) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.

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 group child care home is summarily suspended.

EFFECTIVE 6:00 p.m., on May 26, 2021, Licensee is ordered not to operate a group child care home at 9265 Washington, Romulus, Michigan 48174, 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: 517-335-7519
FAX: 517-763-0155

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:

5/26/21



Emily Laidlaw, Division Director
Child Care Licensing Bureau

This is the last and final page of the ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT in the matter of Shelley Macfarlane, DG820094435, consisting of 12 pages, this page included.

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**STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU**

In the matter of

License #: DG820094435
SIR #: 2021D0934007

Shelley Macfarlane

_____ /

PROOF OF SERVICE

The undersigned certifies that a copy of the Order of Summary Suspension and Notice of Intent was personally served upon the person below on ___/___/_____ at ___:___ a.m. or p.m.

Shelley Macfarlane
9265 Washington
Romulus, MI 48174

Served by:

Child Care Licensing Consultant
Child Care Licensing Bureau