

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

**In the matter of**

License #: DF280289833  
SIR #: 2018D0717008

Beth Olosky

\_\_\_\_\_ /

**Pursuant to the Child Protection Law, MCL 722.627(2),  
the information contained in this Notice of Intent is CONFIDENTIAL.**

ORDER OF SUMMARY SUSPENSION  
AND NOTICE OF INTENT TO REVOKE 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, hereafter referred to as "the Bureau," orders the summary suspension and provides notice of the intent to revoke the certificate of registration of Registrant, Beth Olosky, 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 March 31, 2007, Registrant was issued a certificate of registration to operate a family child care home with a registered capacity of six at 6409 Applewood Lane, Williamsburg, MI 49690.
2. Prior to the issuance of the certificate of registration, and during subsequent modifications of the statutes and rules, Registrant 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](http://www.michigan.gov/lara).

### **Previous Licensing Violations**

3. On September 22, 2017, Licensing Consultant Jennifer VanderLugt initiated *Special Investigation #2017D0716017* after the Bureau received a licensing-related complaint and cited Registrant, in part, for the following violations:
  - a. Registrant failed to maintain daily attendance records for children in care, as required by Rule 400.1907(3). During an on-site inspection on September 22, 2017, Registrant did not have any attendance records available for 2017.
  - b. Registrant failed to provide truthful and accurate information to the Bureau during an investigation, as required by Rule 400.1903(4)(b). During the on-site investigation, Registrant denied ever leaving the home while children were in care and having any assistant caregivers on staff. However, it was found that multiple assistant caregivers were employed at the time to care for children while Registrant was out of the home.

### **Current Allegations**

4. Registrant failed to provide appropriate care and supervision to Child A and is not suitable to meet the needs of children and provide for their care, supervision, and protection, as demonstrated by following:
  - a. On April 4, 2018, at approximately 7:30 a.m., Child A, [REDACTED] arrived at Registrant's child care.

- b. While at the child care on April 4, 2018, Child A was [REDACTED]  
[REDACTED] There were also [REDACTED] on  
Child A's [REDACTED]  
[REDACTED]
- c. On April 4, 2018, at approximately 4:30 p.m., Child A's father picked up  
Child A at Registrant's home.
- d. On April 4, 2018, around 5:30 p.m. to 5:45 p.m., Child A's father and  
mother observed [REDACTED] on Child A's [REDACTED] as  
[REDACTED]
- e. On April 4, 2018, Child A's Mother took Child A to [REDACTED]

[REDACTED]

[REDACTED]

f. On the evening on April 4, 2018, Child A's father texted Registrant asking if anything had happened to Child A while in care that day. Registrant responded, "She had a blowout [referring to a heavily soiled diaper] and when she was going to sleep she kept picking up the mat of the packnplay and would crawl under. I had to tie it down." Registrant further explained that Child A likes to flip the sides of the mat and hide her socks underneath.

g. On April 6, 2018, Licensing Consultant Renee Libby, [REDACTED]

[REDACTED]

h. On April 6, 2018, Ms. Libby and [REDACTED] observed the pack and play that was used by Child A on April 4, 2018. The pack and play appeared older and more worn than another pack and play that was folded up and not in use. The Velcro straps used to secure the mat to the nylon liner on

the bottom of the pack and play were slightly stretched and worn, and the mattress was thin. The sides of the mat did not fit snugly into the base, allowing it to slide slightly up and down along the vertical sides of the pack and play bottom and netting.

i.

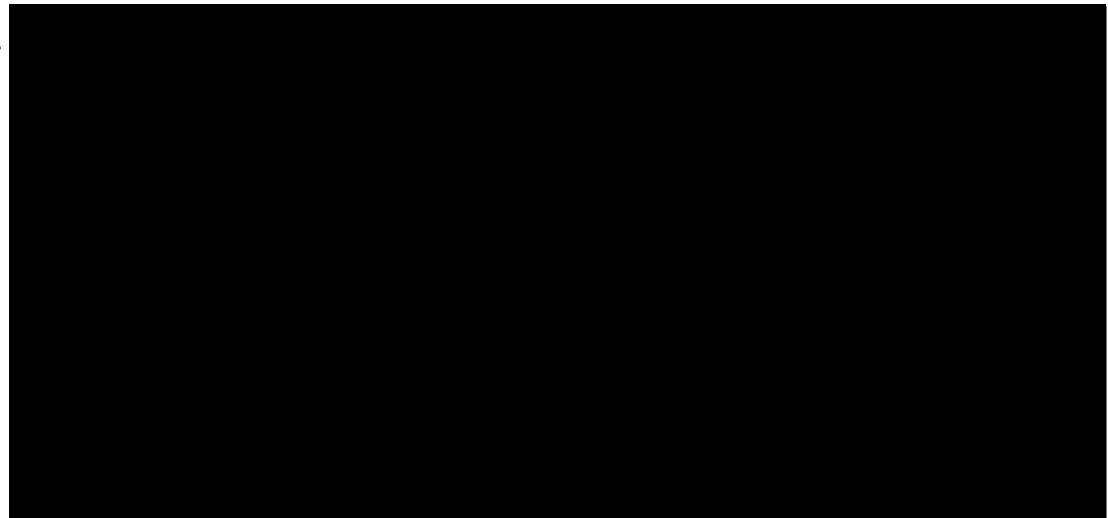


5. Registrant did not provide the Bureau with accurate and truthful information during the special investigation, as evidenced by the following:

a.



b.



- c. During an interview with Ms. Libby, Registrant stated that she had asked Minor Household Member (MHM) 1 if he was aware of how Child A could

have been injured on April 4, 2018, and MHM 1 said that as he was opening the couch recliner, Child A walked between the couch and the wall. As the recliner opened, Child A fell and could have bumped her head. However, Registrant provided a different account to Child A's father, texting him, "I asked [MHM 1] if he saw anything and he said she fell by the little play kitchen but never cried. He thinks [Child C] pushed her but wasn't sure. He said I was changing a diaper."

- d. During an interview with Ms. Libby, Registrant stated that she rarely used both of her pack and plays at the same time because the space she used for a sleeping area was so small. She stated that it had been six months since both of the pack and plays had been set up at the same time. However, Registrant contradicted that statement, later claiming that both pack and plays were set up and in use on April 4, 2018.

6. Registrant did not provide sleeping equipment that was sufficient for Child A's size and movement, as evidenced by the following:

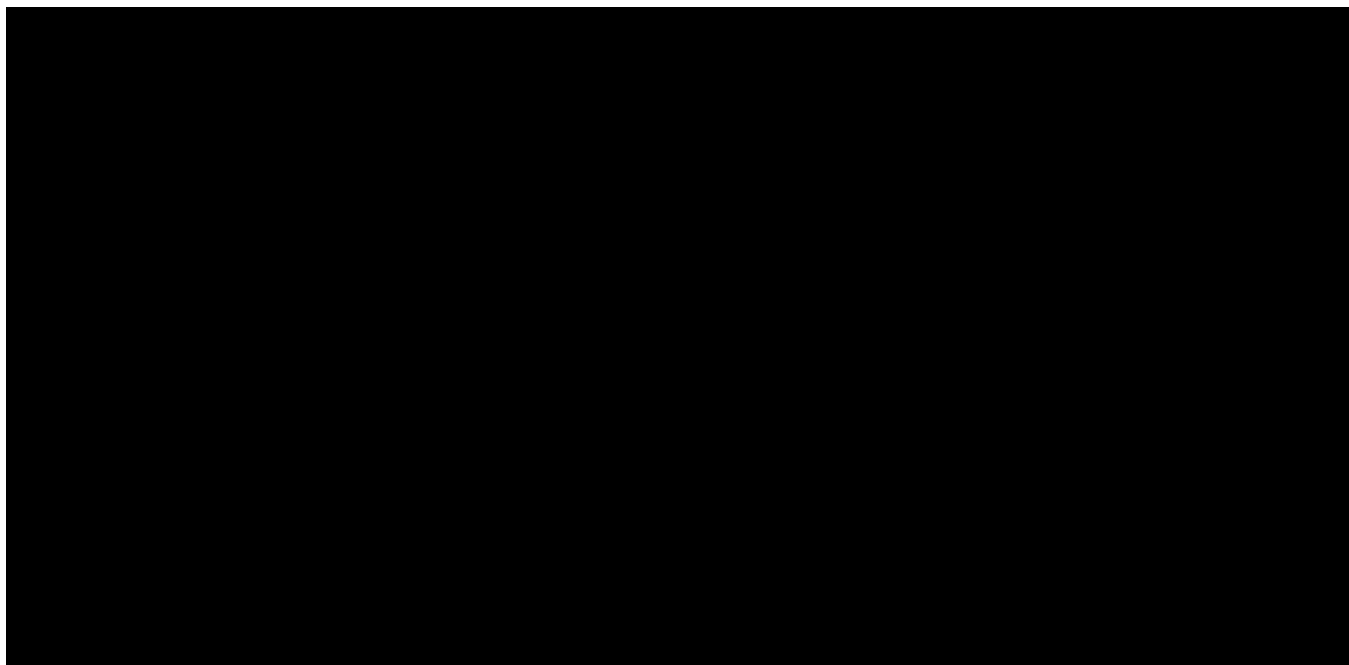
- a. On April 4, 2018, in a text to Child A's father, Registrant wrote, "[Child A] had a blowout [referring to a heavily soiled diaper] and when she was going to sleep she kept picking up the mat of the packnplay and would crawl under. I had to tie it down." Registrant further explained to Child A's father that Child A likes to flip the sides of the pack and play mat and hide her socks underneath.
- b. On April 6, 2018, Ms. Libby observed the pack and play that was used by Child A on April 4, 2018. The pack and play appeared older and more

worn that another pack and play that was folded up nearby and not in use. The Velcro straps used to secure the mat to the nylon liner on the bottom of the pack and play were slightly stretched and worn, and the mattress was thin. The sides of the mat did not fit snugly into the base, allowing it to slide slightly up and down along the vertical sides of the pack and play bottom and netting.

- c. During an interview with Ms. Libby, Registrant stated that on April 4, 2018, after Child A woke from her nap, she found her socks underneath the mat of the pack and play. She also indicated that during the past month, Child A had been flipping the mat up in the pack and play and recalled one occasion when she found Child A sitting on just the nylon fabric between the support bars without the mat.
  - d. During an interview, when Ms. Libby asked Registrant why she continued to put Child A in the pack and play knowing that she could remove the mat and had previously been found sitting directly on the nylon fabric that covers the metal bars on the base of the pack and play. Registrant told Ms. Libby that she was too little to sleep on a mat because she would not remain on it during nap time.
7. Registrant did not maintain accurate daily attendance records for the children in care. On April 6, 2018, Ms. Libby reviewed Registrant's electronic attendance records. The records did not list departure times for any of the other children in care on April 4, 2018, except for Child A. The arrival and departure times for

children on April 5 and April 6, 2018, were not documented in the attendance record.

#### COUNT I



#### COUNT II

The conduct of Registrant, as set forth in paragraphs 4(a) through 4(i) above, evidences a willful and substantial violation of:

##### **R 400.1911**

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

#### COUNT III

The conduct of Registrant, as set forth in paragraphs 4(a) through 4(i) above, evidences a willful and substantial violation of:

##### **R 400.1902**

- (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 IV

The conduct of Registrant, as set forth in paragraphs 5(a) through 5(d) above, evidences a willful and substantial violation of:

##### **R 400.1903**

- (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:
  - (b) Information provided to the department shall be accurate and truthful.

[NOTE: By this reference, paragraph 3(b) is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

#### COUNT V

The conduct of Registrant, as set forth in paragraph 7 above, evidences a willful and substantial violation of:

##### **R 400.1907**

- (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.

[NOTE: By this reference, paragraph 3(a) is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

#### COUNT VI

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

**R 400.1916**

- (9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.

DUE TO THE serious nature of the above violations and the potential risk it represents to vulnerable children in Registrant's care, emergency action is required. Therefore the provision of MCL 24.292 of the Administrative Procedures Act of 1969, as amended, is invoked. Registrant is hereby notified that the certificate of registration to operate a family child care home is summarily suspended.

EFFECTIVE 6:00 p.m., on May 16, 2018, Registrant is ordered not to operate a family child care home at 6409 Applewood Lane, Williamsburg, MI 49690, or at any other location or address. Registrant is not to receive children for care after that time or date. Registrant is responsible for informing parents or guardians of children in care that certificate of registration has been suspended and that Registrant can no longer provide care.

HOWEVER, BECAUSE THE Department has summarily suspended Registrant's certificate of registration, an administrative hearing will be promptly scheduled before an administrative law judge. Registrant MUST NOTIFY the Department and the Michigan Administrative Hearings System (MAHS) in writing within seven calendar days after receipt of this Notice if Registrant wishes to appeal the summary suspension and attend the administrative hearing. The written request must be submitted via MAIL or FAX to:

Michigan Administrative Hearings System  
611 West Ottawa Street, 2<sup>nd</sup> 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 Registrant does not appear. Registrant may be represented by an attorney at the administrative hearing.

DATED: \_\_\_\_\_

5/16/18

Mark C. Jansen

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 Beth Olosky, DF280289833, consisting of 11 pages, this page included.

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