

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

In the matter of

License #: DF410396370
SIR #: 2021D0613008
2021D0613010

Melanie Williams

_____ /

**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 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, Melanie Williams, 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 May 1, 2019, Licensee was issued a license to operate a family child care home with a licensed capacity of six at 319 South Green Meadow Street, Grand Rapids, Michigan 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.

Previous Licensing Violations

3. On July 2, 2019, Licensing Consultant Jessica Miranda-Bevier initiated *Special Investigation #2019D0607019* after the Bureau received a licensing-related complaint and cited Licensee, in part, for failing to maintain complete and accurate child information cards, as required by Rule 400.1907(1)(a). During an on-site inspection on July 9, 2019, Ms. Miranda-Bevier reviewed the records for 12 children. Three of the 12 did not have child information cards on file. The nine cards reviewed were incomplete and missing information.
4. On March 23, 2020, Licensing Consultant Dawnita Diaz initiated *Special Investigation #2020D1078012* after the Bureau received a licensing-related complaint and cited Licensee, in part, for failing to maintain a ratio of one caregiver for every six children in care, as required by Rule 400.1910(1)(a) through (c). On March 19, 2020, Licensee was the only caregiver present with seven unrelated children.

Current Allegations

5. Licensee failed to ensure appropriate care and supervision of children at all times, is not conducive to the welfare of children, and is not suitable to provide for the care, supervision, and protection of children. Specifically:
 - a. On February 25, 2021, from approximately 1:00 p.m. to 3:15 p.m., Licensee left [REDACTED], a child care staff member, alone as the only caregiver present with the following children:

inspection, Ms. Dufon observed Child E, age ■ months, sleeping in a bouncy seat, and Child F, age ■ months, sleeping in a highchair. Licensee had arrived at the home at approximately 3:15 p.m., and Ms. Dufon asked her to move the children to appropriate sleeping equipment. Licensee admitted to Ms. Dufon that she did not have a crib or pack and play available for Child E yet since ■ just started attending on February 22, 2021. Licensee attempted to move Child F to another sleeping location but could not find one.

- e. On February 25, 2021, Ms. Dufon observed two children sitting on toddler-sized potty seats for more than 15 minutes.
- f. On March 27, 2021, Licensee took the following children on an outing to the Holiday Inn Express to use the pool area that included a splash pad, a kiddie pool (8 inches deep), and larger swirl pool (3 feet 6 inches deep):
 - i. Child B, age ■ years;
 - ii. Child C, age ■ years;
 - iii. Child D, age ■ years;
 - iv. Child I, age ■ years;
 - v. Child M, age ■ years;
 - vi. Child N, age ■ years; and
 - vii. Child P, age ■ years.

None of the children had life jackets or arm floaties, and Licensee was the only caregiver present.

- g. On March 27, 2021, while using the pool area, Licensee failed to properly supervise Child P for approximately eight minutes. During this time, Child P nearly drowned in the larger pool, as detailed in the following:
- i. At approximately 6:38 p.m., Child P left the kiddie pool area where Licensee and the other children were playing and entered the larger pool located next to the kiddie pool.
 - ii. At approximately 6:42 p.m., [REDACTED], a witness at the pool, observed Child P floating with [REDACTED] head under the water, and [REDACTED] lips were blue. [REDACTED] quickly jumped into the pool, pulled Child P out of the water, laid [REDACTED] on the cement, and began mouth-to-mouth because Child P was not breathing.
 - iii. At approximately 6:43 p.m., [REDACTED], a witness and off-duty paramedic, approached Child P to assist. At this time, Child P was not breathing and had no pulse. [REDACTED] began giving Child P chest compressions.
 - iv. At approximately 6:44 p.m., Licensee told the children in her care to get out of the water and started frantically looking around the pool area.
 - v. While [REDACTED] was administering CPR to Child P, Child P started to “come to” and vomited water. At 6:45 p.m., [REDACTED] stopped giving Child P chest compressions and rolled [REDACTED] onto [REDACTED] side.
 - vi. At 6:45 p.m., Licensee continued looking for Child P while the children were yelling, “Where’s [Child P]”? At 6:46 p.m., a witness at

the pool pointed to Child P lying on the cement, and Licensee ran toward [REDACTED] and knelt by [REDACTED] side. Child P was later taken to [REDACTED].

h. [REDACTED] investigated Licensee's conduct toward children and placed her on [REDACTED] as a [REDACTED].

6. Licensee failed to maintain a ratio of one caregiver for every six children present.

Specifically:

a. On February 25, 2021, when Ms. Dufon arrived at Licensee's home at approximately 2:00 p.m., [REDACTED] was the only caregiver present with eight unrelated children. Licensing rules require two caregivers be present for eight children.

b. On March 27, 2021, during the pool outing at a Holiday Inn, Licensee was the only caregiver present with seven unrelated children. Licensing rules require two caregivers be present for seven children.

7. Licensee failed to maintain a ratio of one caregiver for every 4 children under the age of 30 months with not more than 2 of the 4 children under the age of 18 months. On February 25, 2021, at approximately 2:00 p.m., [REDACTED] was the only caregiver present with eight unrelated children. Five of the eight children were under the age of 30 months. Licensing rules require two caregivers be present for five children under the age of 30 months.

8. Licensee failed to provide complete and accurate child information cards for children in care during the on-site investigation. On February 25, 2021, Licensee

arrived at the home at approximately 3:15 p.m., and Ms. Dufon asked Licensee for the children's information cards. Licensee had information cards for only three of the nine children in care that day. Licensee stated that she did not have or could not find the information cards for Child A, Child B, Child E, Child G, Child H, Child I, Child K, and Child L.

9. During the investigation of the near-drowning incident with Child P, Licensee failed to provide accurate and truthful information to the Bureau, as evidenced by the following:

- a. On March 30, 2021, Ms. Dufon, accompanied by [REDACTED], interviewed Licensee at her home regarding the incident with Child P. Licensee told Ms. Dufon that on March 27, 2021, she was not doing "daycare" but rather having an Easter party for the children at the hotel and was not charging parents. However, some of the parents later informed Ms. Dufon that they paid Ms. Dufon \$25 per child to attend the outing at the pool.
- b. On March 30, 2021, Licensee admitted to Ms. Dufon that none of the seven children at the hotel on March 27, 2021, had life jackets but that she had five sets of arm floaties that were used in rotation with the children. However, video surveillance footage obtained from the Holiday Inn indicates that none of the seven children were wearing arm floaties while using the pool on March 27, 2021.
- c. On March 30, 2021, Licensee told Ms. Dufon that her last interaction with Child P occurred approximately "30 seconds" before she observed [REDACTED]

lying on the floor receiving CPR from [REDACTED]. However, the hotel's video surveillance footage indicates that Licensee did not interact with Child P for at least eight minutes from the time Child P entered the larger pool to the time Licensee ran to Child P just as [REDACTED] was being revived.

- d. On March 30, 2021, Licensee told Ms. Dufon that Child P was still wearing one arm floatie while she was receiving CPR. However, the hotel's video surveillance footage indicated that Child P was not wearing any arm floaties when [REDACTED] entered the pool or when [REDACTED] was receiving CPR.
- e. On March 30, 2021, Licensee told Ms. Dufon that she did not observe any of the children in her care attempt to go over to the big pool during the outing, stating that it was "off-limits." However, according to [REDACTED] [REDACTED], Licensee told [REDACTED] that several of the children in her care kept going over to the larger pool area because they recognized other children. She stated that they kept trying to leave and that she had to keep bringing them back to the splash pad and kiddie pool area.
- f. On March 30, 2021, Licensee told Ms. Dufon that she informed all the children's parents who were present at the pool outing about Child P's near-drowning incident. However, Child I's Guardian told Ms. Dufon that she was never told about the incident.

COUNT I

The conduct of Licensee, as set forth in paragraph 5(h) above, provides grounds for revocation of licensure pursuant to:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COUNT II

The conduct of Licensee, as set forth in paragraphs 5(a) through 5(h) 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 III

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

R 400.1902

(2) An applicant or licensee 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 Licensee, as set forth in paragraph 8 above, evidences a willful and substantial violation of:

R 400.1907

(1) Prior to a child's initial attendance, a licensee shall obtain the following documents:

(a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.

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

COUNT V

The conduct of Licensee, as set forth in paragraphs 6 and 7 above, evidences a willful and substantial violation of:

R 400.1910

(1) The ratio of personnel to children present in the home at any 1 time must be not less than 1 member of the personnel to 6 children. The ratio must include all children in care who are not related to any personnel and any of the following children who are less than 6 years of age:

(a) Children of the licensee.

(b) Children of a child care staff member or child care assistant.

(c) Children related to any member of the household by blood, marriage, or adoption.

(2) For each member of the personnel, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

[NOTE: By this reference, paragraph 4 is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

COUNT VI

The conduct of Licensee, as set forth in paragraphs 5(f) and 5(g) above, evidences a willful and substantial violation of:

R 400.1911

(6) A licensee or child care staff member shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

COUNT VII

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

R 400.1916

(6) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib, play yard, or porta-crib. This equipment must meet all of the following requirements:

(a) Cribs, porta-cribs and play yards must comply with the product safety standards issued by the Consumer Product Safety Commission, 16 CFR 1219 (2019), 16 CFR 1220 (2019), and 16 CFR 1221 (2019), which are available at <http://www.cpsc.gov>. These standards are also available for inspection and distribution at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division, 611 W Ottawa, Lansing, MI 48933-1070.

NOTE:

R 400.1916

(13) None of the following are approved sleeping equipment for children 24 months of age or younger:

- (a) Infant car seats.
- (b) Infant seats.
- (c) Infant swings.

- (d) Bassinets.
- (e) High chairs.
- (f) Water beds.
- (g) Adult beds.
- (h) Soft mattresses.
- (i) Sofas.
- (j) Bean bags.
- (k) Other soft surfaces.

COUNT VIII

The conduct of Licensee, as set forth in paragraphs 5(a) through 5(h) above, provides grounds for revocation of licensure pursuant to:

MCL 722.115m

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

(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 IX

The conduct of Licensee, as set forth in paragraphs 9(a) through 9(f) above, evidences a willful and substantial violation of:

MCL 722.120

(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:

(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.

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 April 30, 2021, Licensee is ordered not to operate a family child care home at 319 South Green Meadow Street, Grand Rapids, Michigan 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

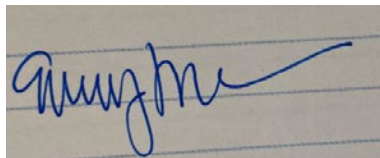
children in care that license has been suspended and that Licensee can no longer provide care.

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: 517-335-7519
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: 4/30/2021



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 Melanie Williams, DF410396370, consisting of 14 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 #: DF410396370
SIR #: 2021D0613008
2021D0613010

Melanie Williams

_____ /

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.

Melanie Williams
319 South Green Meadow Street
Grand Rapids, Michigan 49548

Served by:

Child Care Licensing Consultant
Child Care Licensing Bureau