

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

**In the matter of**

License #: DG030361066  
SIR #: 2020D0206007

Nancy Xenos

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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, Nancy Xenos, 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 December 30, 2018, Licensee was issued a license to operate a group child care home with a licensed capacity of 12 at 486 Earl Street, Otsego, Michigan 49078.
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](http://www.michigan.gov/lara).

3. Licensee is not conducive to the welfare of children, is not suitable to provide for the care and protection of children, and did not provide appropriate care and supervision of children at all time, as demonstrated by the following:

- a. On February 5, 2020, sometime between 7:00 p.m. and 9:30 p.m., Licensee became upset with Child A (age █ years) when Child A would not lie down and began jumping from cot to cot. Licensee moved Child A into a separate room away from the other children in care. Licensee grabbed Child A by █ neck and pushed █ face down into █ cot. Licensee placed her foot on Child A's back and held █ down to the cot, telling █ to "stop it."
- b. On February 5, 2020, at approximately 9:30 p.m., Child A's Mother arrived at Licensee's home to pick up Child A and noticed marks and bruises on Child A's face and neck. Child A was visibly shaking when █ told █ mother that Licensee had held █ down in █ pack and play. When Child A's Mother asked Licensee about Child A's injuries, Licensee replied that she did not know how Child A received the injuries but stated that earlier █ had attempted to jump from one cot to another.
- c. On February 6, 2020, at approximately 12:15 p.m., Child A's Mother took Child A to Helen DeVos Children's Hospital where Child A was physically examined, and █ injuries were photographed.
- d. On February 7, 2020, Child A was forensically interviewed █  
█  
█

[REDACTED]

[REDACTED]

- e. On February 7, 2020, Licensing Consultant Sean Shankin conducted an on-site investigation and interviewed Licensee who stated that on February 5, 2020, she arrived back at the child care home just before 7:00 p.m. while Child A, Child B, and Child C were finishing dinner. She stated that after the children were done with dinner, she instructed them to lie on their cots and watch a movie. When Child A started jumping from cot to cot, she moved [REDACTED] to a separate room to settle down. Licensee told Mr. Shankin that when she moved Child A to the separate room to lie down, she did not observe any marks or injuries on [REDACTED] face and neck. Licensee denied knowing how Child A's injuries occurred.

#### COUNT I

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

- 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(a) through 3(e) 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 III

The conduct of Licensee, as set forth in paragraphs 3(a) through 3(e) 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 IV

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

**R 400.1913**

- (3) Caregiving staff shall not do any of the following:
  - (a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.

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 February 11, 2020, Licensee is ordered not to operate a group child care home at 486 Earl Street, Otsego, Michigan 49078, 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, 2<sup>nd</sup> 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: 2-11-2020

Mark C. Jansen FOR  
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 Nancy Xenos, DG030361066, consisting of six pages, this page included.

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