



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING

NICK LYON
INTERIM DIRECTOR

April 9, 2015

Ms. Charlotte Fair-Lucas
17333 Appoline
Detroit, MI 48235

Re: License DC820252398

Dear Ms. Fair-Lucas:

On or about March 26, 2015 you were certified mailed a copy of the Final Decision and Order upholding the Department of Human Services' intention to revoke your license to operate a child care center. In accordance with that Final Decision and Order, your license is revoked and is now no longer in effect as of April 6, 2015. It is further understood that you will not receive children for care now, or in the future, without being legally licensed to do so.

Sincerely,

A handwritten signature in cursive script that reads "Jay Calewarts".

Jay Calewarts, Acting Director
Child Care Licensing Division
Bureau of Children & Adult Licensing

JH:kam

cc: Rose A. Rafferty-Aguirre, Licensing Supervisor
Jacquelin Windham, Licensing Consultant

CERTIFIED MAIL- Return Receipt Requested

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES

In the matter of

Charlotte Fair-Lucas,

Petitioner,

V

Bureau of Children and Adult
Licensing,

Respondent.

Docket No. 13-017459-DHS

Agency No. DC 820252398

Agency: Department of
Human Services

Case Type: DHS BCAL

Filing Type: Sanction

RECEIVED

MAR 30 2015

BUREAU OF CHILDREN
AND ADULT LICENSING

Issued and entered
this 23 day of March, 2015
by
Nick Lyon, Interim Director
Department of Human Services

FINAL DECISION AND ORDER

This matter began with Respondent's September 13, 2013 Notice of Intent to Revoke (notice of intent) regarding Petitioner's license to operate a child care center under the Child Care Organizations Act (Act), 1973 PA 116, as amended, MCL 722.111 *et seq.* A properly noticed hearing regarding the matter at issue was held by Administrative Law Judge David M. Cohen (ALJ) on July 9, August 7, and August 8, 2014. Attorney Tyrone Bickerdt represented Petitioner. Assistant Attorney General Kelley McLean represented Respondent.

Respondent sought to revoke Petitioner's license based on allegations in the notice of intent that Petitioner violated the Act, as well as administrative rules

promulgated under the Act. In Count I of the notice of intent, Respondent alleged that Petitioner violated R 400.5105, which states in relevant part:

The center shall provide appropriate care and supervision of children at all times. [Rule 400.5105 (1)]

On August 1, 2013, Petitioner left Child A, a two year old, unattended on a field trip to Fountain Walk Mall in Novi, Michigan. At the conclusion of the field trip Petitioner, her staff, and the children attending the field trip returned to Petitioner's facility located in Detroit. Child A's absence from the group was discovered after the group arrived at the facility. Child A was left unsupervised at the mall and remained unattended for approximately one hour until a local store employee found Child A in the mall parking lot and contacted law enforcement (Respondent's Exhibit B). During this period, Child A's welfare was jeopardized as the result of Petitioner's failure to provide appropriate care and supervision. Therefore, the ALJ properly determined Petitioner willfully and substantially violated of Rule 400.5105 (1).

In Count II of the notice of intent, Respondent alleged that Petitioner violated R 400.5102, which states in pertinent part:

The licensee shall cooperate with the department in connections with an inspection or investigation. Cooperation shall include both of the following:

Information provided by the licensee to the department shall be accurate and truthful. [Rule 400.5102 (7)(b)]

The record established that Petitioner did not cooperate with Respondent when she failed to provide accurate and truthful information regarding the August 1, 2013 incident involving Child A (Petitioner's Exhibit 1; Respondent's Exhibit B & D).

Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.5102 (7)(b).

In Count III of the notice of intent, Respondent alleged that Petitioner violated R 400.5104, which states in pertinent part:

All staff shall be of responsible character and suitable to meet the needs of children. [Rule 400.5104 (1)]

On August 1, 2013, Petitioner transported five children in a vehicle without age-appropriate seating/restraints and without having the appropriate child information cards on hand when she returned to the mall after realizing Child A was left behind.

In addition, Petitioner's personnel failed to account for Child A's attendance on the return trip to Petitioner's facility from the field trip. Petitioner's failure to assure for the safe transportation of the children placed in her care, her failure to have the required child information cards for the children in her vehicle, and the failure of her staff to use the child information cards to verify the presence of all children transported to and from the field trip demonstrated a violation of Rule 400.5104 (1). Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.5104 (1).

In Count IV of the notice of intent, Respondent alleged that Petitioner violated R 400.5113c, which states in pertinent part:

Parents shall be notified when the center observes changes in the child's health, a child experiences accidents or injuries, or when a child is too ill to remain in the group. [Rule 400.5113c (1)]

The record established that Petitioner properly notified parents of the injury Child A sustained on February 25, 2013. Therefore, the ALJ properly determined Petitioner did not willfully and substantially violate Rule 400.5113c (1).

In Count V of the notice of intent, Respondent alleged that Petitioner violated R 400.5607, which states in pertinent part:

Each child transported shall remain seated and properly restrained by a passenger restraint device as defined by 1949 PA 300, MCL 257.710d(1), MCL 257.710e(3), (4), and the manufacturer's rated seated capacity while the motor vehicle is in motion. [Rule 400.5607 (1)]

On August 1, 2013, Petitioner drove herself and five children in a five-passenger vehicle without proper seating and/or restraint requirements (Respondent's Exhibit B). Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.5607 (1).

In Count VI of the notice of intent, Respondent alleged that Petitioner violated R 400.5610, which states in pertinent part:

Drivers shall be provided with a copy of the child information card or comparable facsimile for each child being transported in their motor vehicles. [Rule 400.5610 (3)]

On August 1, 2013, when Petitioner returned to the Novi mall to pick up Child A, who was left behind, Novi Police Department Officer Lewis Bigliardi observed Petitioner's failure to assure for the proper seating and restraint system for the five children seated in her five person passenger vehicle. Officer Bigliardi instructed Petitioner to contact the parents of said children in order to have them picked up with appropriate car seats. During that time Petitioner did not have the required child information cards of the children she was transporting. Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.5610 (3).

On January 22, 2015, the ALJ issued and entered a Proposal for Decision (PFD) that concluded Petitioner had willfully and substantially violated Rule 400.5105 (1); Rule

400.5102 (7)(b); Rule 400.5104 (1); Rule 400.5607 (1); and Rule 400.5610 (3). The ALJ concluded Petitioner did not willfully and substantially violate Rule 400.5113c (1). Parties had 14 days to file exceptions and 14 days to file responses to any exceptions. No exceptions were filed.

Upon review and to the extent not inconsistent with this Order, I agree with the ALJ's findings of fact and conclusions of law in this case.

ORDER

NOW THEREFORE, IT IS ORDERED that:

1. To the extent not inconsistent with this Order, the ALJ's Proposal for Decision (PFD) is adopted and is incorporated by reference, and made a part of this Final Decision and Order (see attached PFD).
2. The actions of the Bureau of Children and Adult Licensing in this matter are AFFIRMED.
3. Petitioner's license is REVOKED effective on the date this Final Decision and Order is issued and entered.



Nick Lyon, Interim Director
Department of Human Services

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 26 day of March, 2015.



Department of Human Services

Jason Scheeneman
Bureau of Children & Adult Licensing
201 N. Washington Square
P.O. Box 30650
Lansing, Michigan 48909

Kelley T. McLean
Assistant Attorney General
Cadillac Place
3030 West Grand Boulevard
Detroit, MI 48202

Kelly Maltby
Bureau of Children & Adult Licensing
201 N. Washington Square
P.O. Box 30650
Lansing, Michigan 48909

Tyrone S. Bickerdt
Attorney at Law
455 Clairpointe Woods Drive
Detroit, MI 48226

Jacquelin Windham
Bureau of Children & Adult Licensing
3026 West Grand Blvd., Suite 11-350
Detroit, MI 48202

Charlotte Fair-Lucas
17333 Appoline
Detroit, MI 48235

Rose A. Rafferty-Aguirre
Bureau of Children & Adult Licensing
3026 West Grand Blvd., Suite 11-350
Detroit, MI 48202

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Charlotte Fair-Lucas,
Petitioner

v

Bureau of Children and Adult Licensing,
Respondent

Docket No.: 13-017459-DHS

Case No.: DC 820252398

Agency: Department of
Human Services

Case Type: DHS BCAL

Filing Type: Sanction

Issued and entered
this 22nd day of January, 2015
by: David M. Cohen
Administrative Law Judge

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

This matter commenced on September 13, 2013, with the Bureau of Children and Adult Licensing (BCAL or Respondent) issuing a Notice of Intent to Revoke License, regarding the license of Charlotte Fair-Lucas (Licensee or Petitioner) to operate a child care center pursuant to the authority of the Child Care Organizations Act, 1973 PA 116 (Act 116), as amended, MCL 722.111 *et seq.* Petitioner requested a hearing to appeal the action.

A lengthy procedural history followed. Briefly, the hearing was originally scheduled for March 10, 2014. On or about February 28, 2014, Petitioner's counsel filed a Motion for Pre-Hearing Conference. A March 6, 2014 Order Scheduling Telephone Prehearing Conference converted the original March 10, 2014 hearing into a prehearing. A March 14, 2014 Order Following Prehearing Conference set new hearing dates of May 6, 2014 and May 7, 2014, as there was indication that the proceeding would require multiple dates.

On April 15, 2014, Petitioner's counsel filed a Motion for Adjournment of Formal Hearing noting to the effect that counsel was a sole practitioner and scheduling conflicts had arisen. An Order Granting Adjournment set new hearing dates of July 8, 2014 and July 9, 2014. On May 21, 2014, Respondent's counsel, noting a conflict on July 8, 2014, requested that the hearing commence on July 9, 2014. A May 27, 2014 Rescheduling Order set the hearing in this matter to commence on July 9, 2014, noting that additional dates would be set at that time if necessary. The hearing commenced as scheduled on July 9, 2014, but did not conclude. A July 11, 2014 Order for Continuance continued the matter on August 7, 2014, and the hearing proceeded at that time, but again did not

conclude. With the consent of all parties, the matter was continued again on August 8, 2014 where it proceeded until its conclusion.

All proceedings were conducted at the Michigan Administrative Hearing System of the Department of Licensing and Regulatory Affairs, Cadillac Place, 2nd Floor Annex 3026 West Grand Boulevard, Detroit, Michigan. Administrative Law Judge David M. Cohen presided. Assistant Attorney General Kelley McLean appeared on behalf of BCAL. Petitioner was represented at the proceeding by Attorney Tyrone Bickerdt.

WITNESSES

For Respondent:

Dawn Renee Goode (Sears Novi Employee)
Officer Lewis Bigliardi (Novi Police Department)
Child A's Father¹
Child A's Mother
Licensing Consultant Jacquelin Windham

For Petitioner:

Theaster "Cookie" Fair-Crutcher
Willow Fair
Charlotte Fair-Lucas
Jacqueline Brown (Seventeen Year Employee/Teacher with Licensee)
Child C and Child D Father
LJ (Mother of four children/step-children, including a recent six year old graduate of the Licensee's daycare)

SUMMARY OF EXHIBITS

Respondent Exhibits:

- Exhibit A- A Google Aerial Map of Fountain Walk Novi, with a Fountainofnovi.com store directory.
- Exhibit B- A Novi Police Department Case Report (No. 130041410)
- Exhibit C- A photograph of Child A's face
- Exhibit D- An August 2013 BCAL Special Investigation Report
- Exhibit E- Child Care Application (Renewal)

Petitioner Exhibits:

- Exhibit 1- A Completed Incident Report (BCAL Form-4605)

¹ Names of parents and children are intentionally omitted to protect anonymity of Minors.

- Exhibit 2- A Series of children's "Car Rider" Permission Slips
- Exhibit 3- Train Up a Child Christian Daycare Center Supply List
- Exhibit 4- Train Up a Child Christian Daycare Center Policy Excerpts, including Sign In/Sign Out policy
- Exhibit 5- Train Up a Child Christian Daycare Center Serious Injury or Accident Procedures

ISSUES and APPLICABLE LAW

The general issue presented is whether Petitioner/Licensee committed willful and substantial violations of the Act, or rules promulgated under the Act with respect to the maintenance and operation of a child care center.

The specific issues are whether Petitioner/Licensee violated Rules 400.5105(1), 400.5102(7)(b), 400.5104(1), 400.5113(c)(1), 400.5607(1), and 400.5610(3) which provide, in pertinent part:

R 400.5105

(1) The center shall provide appropriate care and supervision of children at all times.

R 400.5102

(7) The licensee shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include both of the following:

(b) Information provided by the licensee to the department shall be accurate and truthful.

R 400.5104

(1) All staff shall be of responsible character and suitable to meet the needs of children.

R 400.5113c

(1) Parents shall be notified when the center observes changes in the child's health, a child experiences accidents or injuries, or when a child is too ill to remain in the group.

R 400.5607

(1) Each child transported shall remain seated and properly restrained by a passenger restraint device as defined by 1949 PA 300, MCL 257.710d(1), MCL 257.710e(3), (4), and the manufacturer's rated seating capacity while the motor vehicle is in motion.

R 400.5610

(3) Drivers shall be provided with a copy of the child information card or comparable facsimile for each child being transported in their motor vehicles.

SUMMARY OF EVIDENCE

The following is intended as only a brief summary of key elements drawn from the relevant testimony and evidence that were presented during the course of a lengthy three day proceeding. This matter concerns a Notice of Intent (NOI) to Revoke License regarding the Petitioner/Licensee.

Although the majority of findings below are unfavorable for the Licensee, it should be indicated that the present matter is difficult, as the hearing record credibly established that the Fair family consists of well-intentioned individuals who have a long family history of providing quality child care that has been appreciated by families in the community. It was of note that numerous witnesses referred to the *Train Up a Child Christian Daycare Center* as a school, detailing the positive curriculum and programming that had been developed at the facility over the years.

On August 1, 2013 a profoundly unfortunate incident occurred. At that time, fifteen children in the care of the Licensee's facility participated in a field trip to Fountain Walk Mall, in Novi, Michigan (Fountain Walk). Fountain Walk contains numerous attractions for children, including a franchise establishment known as Chuck E. Cheese, and Cold Stone Creamery, an ice cream shop. Both of these Fountain Walk locations were visited during the course of the field trip.

The hearing record indicates that the field trip was altruistically intended as a positive experience for the children in care. Children's parents did complete permission slips to appropriately facilitate the participation of their children in the trip (Exhibit 2). Additionally, a bus was rented to facilitate transport of the children. During the body of the trip, it appears that all had a nice time. However, when the rented bus returned to the licensee's facility in Detroit, Child A, a two year old male, was not with the group. The absence of Child A was discovered shortly after the group arrived back at the child care center from the field trip. Licensee's witnesses maintained that multiple head counts were conducted before the bus departed, and this issue is discussed below.

Upon realizing that Child A was not present, personnel at the facility contacted its Program Director, Theaster Fair-Crutchter, to report Child A's absence. The hearing testimony of Ms. Fair-Crutchter credibly related that she departed Fountain Walk Novi in her personal vehicle with five of the older children who had participated in the field trip. Ms. Fair-Crutchter did not return directly to the facility, but instead took the children to a nearby McDonalds as an additional treat during the outing. Being nearby, Ms. Fair-Crutchter immediately returned to Fountain Walk to search for Child A.

Upon arriving back at Fountain Walk, Ms. Fair-Crutchter located Child A outside the Sears Outlet Store with Police Officer Bigliardi from the Novi Police Department. Child A had been found earlier by a Sears Employee, Ms. Dawn Goode. When the child could not identify himself and his parents could not be located, the police were called to the scene.

There was conflicting hearing testimony regarding the exact details of what transpired when Ms. Fair-Crutchter arrived at the scene. By way of example, the testimony of Dawn Goode and/or Officer Bigliardi indicates that Ms. Fair-Crutchter's vehicle approached quickly and that music with inappropriate lyrics could be heard in the car. This was disputed by the testimony of Ms. Fair-Crutchter.

Additionally, Ms. Fair-Crutchter's disclosures, or lack thereof, regarding Child A's participation in the field trip were called into question, as Officer Bigliardi's testimony averred that Ms. Fair-Crutchter was evasive in providing information at the scene. Ms. Fair-Crutchter indicated that she was a friend to Child A's parents. Again, Ms. Fair-Crutchter disputed the characterization that she was not providing accurate information, indicating to the effect that she had known the family of Child A for some time and wanted to convey this to the officer without any intention of misrepresenting what had precipitated Child A being left at the scene.

The hearing record does establish that Ms. Fair-Crutchter had five children in her vehicle when she returned to Fountain Walk, and that four of the children were six years old, which would require them to have the appropriate booster seat to ride in a vehicle. There were no booster seats observed in the vehicle, and there were insufficient seat belts for the six passengers; the five children and Ms. Fair-Crutchter. Obviously, if Child A had joined the others in the car, the vehicle would have been further over capacity.

Noting that it would be inappropriate to transport the children in Ms. Fair-Crutchter's vehicle, Officer Bigliardi, through a phone conversation, required the Licensee's facility to contact the parents of the children present and to have them pick up their child with identification and with a car containing the appropriate booster seat. Child A was transported to the Novi Police Department via the Novi Fire Department, and his father picked him up from that location. Ultimately, Ms. Fair-Crutchter appears to have left Fountain Walk at the end of the evening with ten year old Child F, the oldest of the children involved, in her vehicle.

The Licensee contacted BCAL the following day to report the incident involving Child A at Fountain Walk (See Exhibit 1 - State of Michigan Incident Report BCAL-4605 Form). Respondent avers that there was misinformation and/or a failure to cooperate that was evidenced in both the report of the incident and subsequent information provided to Licensing Consultant Jacquelin Windham; the individual assigned to investigate the incident.

The February 2013 Incident Involving Child A

The August 1, 2013 Fountain Walk matter was not the first mishap that had occurred regarding Child A. The hearing record indicates that Child A had sustained a facial injury while in the care of Licensee's facility on or about February 25, 2013.

The nature of the injury was disputed at the hearing, and the mechanism of the injury was also the subject of some conjecture by Petitioner and Respondent. Petitioner maintains that the injury occurred when Child A fell in a restroom at the facility, and struck his face on or against a stool. Respondent, drawing from statements made by Child A's father and mother, avers that the injury was a burn. As such, Respondent suggests in its arguments that the mechanism of the incident suggested by Petitioner is incongruous with the type of injury. Petitioner maintains that the injury to Child A's face was more akin to a small bruise.

Further, Petitioner advanced a theory that the injury was inadvertently worsened by the treatment decisions of Child A's parents. Child A's parents aver that it was Licensee's staff, Ms. Willow Fair, who applied a home remedy to the injury which was inappropriate. In any event, Child A's father credibly testified that Child A still has a residual mark from the incident. The parties also dispute whether Child A's mother was called at the time of the incident. However, it was established that Child A's father was told about the bathroom fall when he arrived to pick up Child A from the facility.

It should also be noted that Petitioner presented the testimony of Child C & D's Father, as well as the testimony of LJ, mother of a recent six year old graduate from the daycare center. Both of these individuals presented as honest witnesses who had a genuine respect and affinity for the Licensee, the entire Fair family, and the care that was provided to their own children.

FINDING OF FACTS

1. On or about January 17, 2003, Licensee was issued a license to operate a child care center, with a current licensed capacity of 50, at 17333 Appoline, Detroit, MI 48235. The hearing record indicates that the child care center's address has changed since the initial licensure.
2. On or about February 25, 2013, Child A (Male, DOB: 09/28/10) sustained an injury to his face at the Licensee's child care center. Child A's father did not learn of the burn on Child A until Child A's father picked the child up from the child care center that day. The injury to Child A's face was visible, and Child A's father was concerned as to how Child A's mother would react when she viewed it. Caregivers reported to Child A's father that Child A fell off of a toilet at the center and struck his head on a plastic stool. Within a

couple of days of the incident, Child A was seen by his pediatrician, and the injury was characterized at that time as resembling a burn.

3. On August 1, 2013, at approximately 11:30 a.m., Program Director Theaster Fair-Crutcher, and caregivers Bria Patterson and Se'bryna Sowells took 15 children on a field trip to Fountain Walk Mall in Novi, Michigan. Fountain Walk Mall is a 77 acre outdoor shopping complex with multiple restaurants, a movie theater, entertainment venues, a gym and several large department stores (Exhibit A). Ms. Fair-Crutcher drove behind the bus to Fountain Walk in her personal vehicle.
4. On August 1, 2013, Ms. Fair-Crutcher drove herself and five children from Fountain Walk Mall to a nearby McDonalds in her five-passenger Chrysler Sebring convertible, and was planning to return to the child care center with the children after the side trip to McDonalds. Fountain Walk Mall is located approximately 14 miles from the child care center. Ms. Fair-Crutcher's vehicle is not equipped with a sufficient number of seatbelts for herself and five children. In addition, Michigan law requires all children less than eight years of age to be secured into-child booster seats while riding in a vehicle. Ms. Fair-Crutcher did not secure any of the children in booster seats while transporting them in her car. As such, Ms. Fair-Crutcher failed to assure the safe transportation of the following children:
 - a. Child B (Female, DOB: 01/07/07);
 - b. Child C (Female, DOB: 04/26/07);
 - c. Child D (Female, DOB: 04/26/07);
 - d. Child E (Female, DOB: 03/27/07); and
 - e. Child F (Female, Age 10).
5. On August 1, 2013, while on the field trip at Fountain Walk Mall, the Licensee's staff took the children to Chuck E. Cheese's restaurant. The caregiving staff then walked with the children from Chuck E. Cheese's to Cold Stone Creamery, an ice cream parlor. Cold Stone Creamery is located across Fountain Walk Mall, approximately 300 yards from Chuck E. Cheese's (Exhibit A). The path between the locations also allowed the children to view a pet store in the complex before returning to the child care center's bus at the end of the field trip.
6. On August 1, 2013, sometime between 12:00 p.m. and 2:55 p.m., the Licensee's caregivers failed to appropriately supervise Child A, and the child wandered away from the group at Fountain Walk Mall. None of the Licensee's staff noticed that Child A was separated

from the group of children and the child was able to wander away unattended in the complex. It was established by a preponderance of the evidence that on August 5 2013, Ms. Fair-Crutchter admitted to Licensing Consultant Jacquelin Windham that Child A has a history of hiding and has limited verbal communication skills (Exhibit D at Page 3 of Special Investigation Report). After Child A was separated from the field trip group, the following occurred at the Fountain Walk Mall complex:

- a. On August 1, 2013, between approximately 2:30 p.m. and 3:00 p.m., the Licensee's field trip bus departed the Fountain Walk Mall complex and returned to the child care center. Several minutes later, Ms. Fair-Crutchter also left the complex with five children in her personal vehicle. At that time, Child A was left unattended without any caregivers present at the mall.
- b. On August 1, 2013, Ms. Dawn Goode, an employee at the Sears Outlet department store observed Child A wandering unattended near the parking lot outside the front of the store. The Sears Outlet store is located approximately 350 yards from Chuck E. Cheese's. The employee brought Child A in to Sears store manager Anthony Harris. Sears personnel proceeded to walk around the complex with Child A, attempting to find the child's parents or guardians. Sears Personnel also contacted several establishments in the mall to see if Child A had been reported missing. When Mr. Harris could not locate Child A's parents or guardians; he contacted the Novi Police Department.
- c. On August 1, 2013, at approximately 3:15 p.m. Officer Louis Bigliardi of the Novi Police Department responded to the Sears Outlet store and met with Mr. Harris, Dawn Goode, and Child A. Child A was unable to identify himself to the officer. Officer Bigliardi then contacted Chuck E. Cheese's to determine if a child had been reported missing to the establishment. Chuck E. Cheese's staff reported that they had not been notified of a missing child at that time.
- d. On August 1, 2013, sometime after the field trip bus returned to the child care center, the Licensee's staff observed that Child A was missing. Ms. Sowell called Ms. Fair-Crutchter, who had taken the children in her vehicle to a McDonalds after Fountain Walk, and informed her that Child A had been left behind at the mall. Ms. Fair-Crutchter turned around and drove back to Fountain Walk Mall to search for Child A.

Neither the Licensee nor any of her staff contacted the police to report Child A missing.

e. On August 1, 2013, at *approximately* 4:00 p.m., Officer Bigliardi was standing outside the Sears Outlet store with Mr. Harris, Dawn Goodé, and Child A when a Chrysler Sebring approached them at a high rate of speed (Exhibit B at Page 4). There were five children in the vehicle in addition to Ms. Fair-Crutchter. Ms. Fair-Crutchter identified herself to Officer Bigliardi as a "family friend" of Child A. Ms. Fair-Crutchter did not initially disclose that she was Child A's child care provider. Officer Bigliardi asked Ms. Fair-Crutchter for the names of Child A's parents. Ms. Fair-Crutchter stated that she did not know either of the parents' names (Exhibit B at Page 5). Ms. Fair-Crutchter testified at the hearing that her cell phone, containing contact information for the children in care, lost battery power while she was at the scene. Officer Bigliardi then asked Ms. Fair-Crutchter the circumstances in which she was able to take Child A to Fountain Walk Mall. Ms. Fair-Crutchter repeated that she has been friends with Child A's family for years. At that time, Officer Bigliardi instructed Ms. Fair-Crutchter to call someone and obtain contact information for Child A's parents. Ms. Fair-Crutchter called the child care center and gave Officer Bigliardi the phone. At that time, Charlotte Fair-Lucas informed Officer Bigliardi that Child A had been separated from the child care center group on a field trip at the mall. Ms. Fair-Lucas admitted to Officer Bigliardi that it was not until the bus arrived back at the child care center from the field trip that staff noticed that Child A was missing. Ms. Fair-Lucas stated that Ms. Fair-Crutchter then responded back to Fountain Walk Mall to search for Child A (Exhibit B).

f. On August 1, 2013, Officer Bagliardi contacted Child A's Father to inform him that Child A had been found unattended at Fountain Walk Mall. Novi Fire Department personnel transported Child A to the Novi Police Department where he was reunited with his father. The Licensee and her staff never contacted Child A's parents to inform them that Child A went missing during the field trip. Child A's parents first learned of the incident when they received the telephone call from Officer Bigliardi. Child A's grandmother learned of the incident after having arrived at the daycare center to pick up Child A.

7. On August 1, 2013, at *approximately* 4:00 p.m., Officer Bagliardi observed five children in Ms. Fair-Crutchter's Chrysler Sebring

convertible. Officer Bagliardi noticed that there were no booster seats in the vehicle, nor were there enough seatbelts for all of the children in the five passenger car. Ms. Fair-Crutchter intended to place Child A in her vehicle for a total of seven passengers. Ms. Fair-Crutchter did not have a booster seat available for two-year old Child A. Officer Bigliardi observed the following children in Ms. Fair-Crutchter's vehicle:

- a. Child B (Age 6)
- b. Child C (Age 6)
- c. Child D (Age 6)
- d. Child E (Age 6); and
- e. Child F (Age 10).

8. On August 1, 2013, Officer Bigliardi confronted Ms. Fair-Crutchter regarding the number of children and the lack of child booster seats in her vehicle. At that time, Ms. Fair-Crutchter reported that all of the children were over eight years of age. Officer Bigliardi interviewed the children in the vehicle regarding their names and ages. Children B, C, D, and E verified that they were six years old (Exhibit B at Page 5). Officer Bigliardi informed Ms. Fair-Crutchter that she needed to contact the children's parents to pick them up, as Ms. Fair-Crutchter's vehicle was unsafe to transport the children. Ms. Fair-Crutchter informed Officer Bigliardi that she did not have any of the children's parental contact information with her. Officer Bigliardi again had to obtain this information by telephone from Ms. Fair-Lucas. Officer Bigliardi contacted the parents of Children B, C, D, and E. The parents eventually arrived at Fountain Walk Mall to pick up their children. As Officer Bigliardi was occupied in verifying the identity of Child E's mother, Ms. Fair-Crutchter drove off and left Fountain Walk Mall with Child F (Exhibit B at Page 5 and Testimony of Officer Bigliardi).
9. On August 2, 2013, Department of Human Services (DHS) Worker Tonette Taylor and Licensing Consultant Jacquelin Windham initiated investigations regarding the incident involving Child A at Fountain Walk Mall. During Ms. Taylor and Ms. Windham's investigations, the Licensee and/or Licensee's staff failed to provide accurate and truthful information regarding the incident with Child A, as evidenced by the following:
 - a. On August 2, 2013, staff member Ida Whitsett reported to Ms. Windham that Ms. Patterson and Ms. Sowell noticed that Child A was not with their group as the bus was departing Fountain Walk Mall. Ms. Whitsett further reported that Ms. Fair-Crutchter told the bus driver to leave, and that Ms. Fair-

Crutcher stayed behind in her personal vehicle to search for Child A. Ms. Whitsett stated that Ms. Fair-Crutcher "never left the area once [Child A] was observed to be missing". (Exhibit D at Page 3 of Special Investigation Report).

- b. On August 5, 2013, Ms. Fair-Crutcher reported to Ms. Windham that Ms. Sowell and Ms. Patterson conducted three "head counts" before the bus left the mall and all of the children were present. Ms. Fair-Crutcher then reported that as the bus was departing from the complex, Ms. Sowell contacted Ms. Fair-Crutcher on her cellular phone and informed her that Child A was not on the bus (Exhibit D at Page 3 of Special Investigation Report). Ms. Fair-Crutcher stated that she immediately searched the mall area and found Child A sometime later in the custody of a Novi Police officer.

CONCLUSIONS OF LAW

In 1973, the State Legislature enacted the "Child Care Organization Act" to provide for the licensing and regulation of child care organizations and to provide standards of care for these organizations and penalties for violations of the Act, Act 116 of the Public Acts of 1973; MCL 722.111, et seq. The Department of Human Services Bureau of Children and Adult Licensing (BCAL) now has the authority to license and evaluate child care organizations pursuant to the Act.

MCL 722.121 provides:

(2) The department may deny, revoke, or refuse to renew a license or certificate of registration of a child care organization when the licensee, registrant, or applicant falsifies information on the application or willfully and substantially violates this act, the rules promulgated under this act, or the terms of the license or certificate of registration.

The principles that govern judicial proceedings also apply to administrative hearings. The burden of proof is upon BCAL to prove by a preponderance of the evidence that grounds exist for the imposition of sanctions upon Petitioner. The Administrative Law Judge (ALJ) evaluates the testimony and evidence elicited at the hearing and renders a proposed decision setting forth an opinion as to whether the licensee in fact committed willful and substantial violations of the Act; rules or terms of the license. If a willful and substantial violation is determined, the Director of the Department is statutorily empowered to take appropriate adverse licensing action. Thus, the words "willful and substantial" must be evaluated.

The words "willful and substantial" as used in the Act are defined in the applicable Administrative Rule as follows:

R400.16001

(c) "Noncompliance" means a violation of the act or act 218, an administrative rule promulgated under the act or act 218, or the terms of a license or a certificate of registration.

(d) "Substantial noncompliance" means repeated violations of the act or act 218 or an administrative rule promulgated under the act or act 218, or noncompliance with the act or act 218, or a rule promulgated under the act or act 218, or the terms of a license or a certificate of registration that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

(e) "Willful noncompliance" means, after receiving a copy of the act or act 218, the rules promulgated under the act or act 218 and, for a license, a copy of the terms of a license or a certificate of registration, an applicant or licensee knew or had reason to know that his or her conduct was a violation of the act or act 218, rules promulgated under the act or act 218, or the terms of a license or a certificate of registration.

In the present case counts I-VI of the Notice of Intent to Revoke License set forth the allegations against the Licensee.

Count I - R 400.5105(1)

By these charges Respondent asserts that the Licensee/child care center did not ensure the proper care and supervision of children at all times. The hearing record establishes a willful and substantial violation of Rule 400.5105(1).

Petitioner's counsel argued intelligently and passionately on behalf of the child care center, and great attention was drawn to the previously regarded reputation of the Licensee and the services and programming that the daycare center provided to the families that it served.

However, upon significant reflection, the analysis returns to the simple reality that if Child A had received proper care and supervision at all times than he would not have been lost at Fountain Walk on August 1, 2013.

Petitioner related that protocols for monitoring the children were in place during the field trip, and that multiple head counts were conducted at Fountain Walk. Reflecting on this representation, it is evident that either it is inaccurate or that the Licensee's staff members conducting the head counts were utterly incompetent.

Whichever alternative is accepted, it still indicates that the proper care and supervision of Child A did not occur on August 1, 2013.

At the time of the incident, Child A was less than three years old and by all accounts was somewhat accident prone and lacking in verbal communication skills. These are all factors which only heighten the Licensee's obligation to closely monitor the child at all times.

At the hearing, there were conflicting recollections and conjecture as to how long Child A was left alone and unattended at Fountain Walk. It was evident that Ms. Dawn Goode, an honest and straightforward witness, was mistaken in her recollection as to the time when she first came upon Child A, alone and crying, in the Sears parking lot. In reviewing Ms. Goode's testimony, it is evident that she calculated the beginning of her timeline based on the usual employee shift work schedule at Sears and perhaps this initial presumption affected the body of the calculation. In any event, Ms. Goode was consistent in relating that considerable time passed before the decision to call Novi Police and even more time elapsed before Ms. Fair-Crutchler arrived at the scene with the five children in her vehicle.

Officer Bigliardi's police report indicates that he had been on the scene at Fountain Walk for approximately an hour before Ms. Fair-Crutchler arrived looking for Child A (Exhibit B at Page 5). In his testimony, Officer Bigliardi, in maintaining that time had elapsed, recalled the steps he had taken on the scene, including his contact with Chuck E. Cheese, which all occurred prior to the arrival of Ms. Fair-Crutchler.

Ms. Fair-Crutchler, noting the travel time from Fountain Walk to the child care center, maintained that Child A was probably unattended for not more than thirty minutes before it was realized that he was left behind, and she undertook to return to Fountain Walk.

This Administrative Law Judge is willing to accept the representation that Child A was unattended for thirty minutes. However, the reality is that leaving a two year old child unattended for any quantifiable amount of time is completely untenable, and shows indication of a failure to provide proper care and supervision of the child. The reality that Child A was found by a well-intentioned Sears Employee does not ameliorate the reality that profound consequences could have resulted from such a lapse in supervision and care.

Rule 400.5105(1) requires care and supervision of children at all times. In the present matter, Child A's being left behind at Fountain Walk evidences a significant lapse in providing proper care and supervision on the part of the Licensee and/or its employees. The violation is willful as the Licensee knew or should have known of its obligation to supervise children at all time. The violation is also substantial as it necessarily jeopardized the health, safety and well-being of Child A. As such, this Administrative Law Judge finds that there is a willful and substantial violation of Rule 400.5105(1).

Count II-R 400.5102(7)(b)

By this charge Respondent asserts that the Licensee failed to cooperate with the department in connection with its investigation of the August 1, 2013 incident. Specifically, it was averred that the Licensee/Petitioner did not provide information to the department that was accurate and truthful. The hearing record establishes a willful and substantial violation of Rule 400.5102(7)(b).

The hearing record indicates that Ms. Fair-Crutchter did indicate to Officer Bigliardi that she was a family friend of Child A. It is self-evident that this was not the most technically accurate way to explain the nature of her relationship to Child A on the day in question. However, while not excusing what was effectively a misrepresentation, it is also evident that Ms. Fair-Crutchter was under tremendous stress as she returned to Fountain Walk to search for Child A and came upon the scene with the police officer.

When the incident was reported to BCAL on August 2, 2013, a day had passed and the stress of having not known where Child A was would have naturally subsided. It also would provide enough time for the daycare center staff to assess what had transpired. However, the report filed by BCAL regarding the incident on its face contains material inaccuracies about what transpired. The report indicates in pertinent part:

Before boarding the bus to head back, one teacher counted the latchkeys and one counted the daycare children. Both stated all the kids in their group were there. I called and asked them to do one last roll call and count. They called back and said he {Child A} wasn't there. I drove around and saw him and the police wouldn't give him to me (Exhibit 1).

While it was argued that the one page incident report form did not contain sufficient room to provide details which would have made the report more complete, it is evident, by at least a preponderance of the evidence, that the report is worded so as to provide a sense that the events which transpired happened within a narrow range of time and that the absence of Child A was immediately detected. This was simply not the reality, and these inaccuracies were directly communicated to the Respondent.

Further, it is indicated by a preponderance of evidence that during an August 2, 2013 interview, Licensee's staff member Ida Whitsett reported to Licensing Consultant Windham that Child A was determined to not be with the group as the bus was departing Fountain Walk. It was reported to the Licensing Consultant on August 2, 2013 that Ms. Fair-Crutchter told the bus driver to leave, and that Ms. Fair-Crutchter stayed behind in her personal vehicle to search for Child A. It was specifically represented to BCAL that Ms. Fair-Crutchter "never left the area once [Child A] was observed to be missing" (Exhibit D at Page 3 of the Special Investigation Report).

Rule 400.5102(7)(b) requires truthful and accurate cooperation with Respondent during the course of an investigation. This did not occur in the present matter.

By August 2, 2013, Child A had been recovered and sufficient time had elapsed to apprise key personnel of what had transpired. The Licensee and the employees of the Licensee had a duty to provide accurate information to BCAL. The failure to do so constitutes a clear violation of Rule 400.5102(7)(b). The violation was willful as the Licensee knew or should have known of its obligation to provide accurate information to BCAL, and failure to do so was of such a nature that it evidences a substantial violation given that the impeding of a special investigation necessarily goes to the safety and welfare of children in care.

Count III-R 400.5104(1)

By this charge Respondent asserts that Ms. Theaster Fair-Crutchler's conduct was such as to indicate that she was not of responsible character and/or suitable to meet the needs of children in care. The hearing record establishes a willful and substantial violation Rule 400.5104(1).

At the hearing, testimony cast aspersions on the conduct of Ms. Fair-Crutchler. While the undersigned does find a willful and substantial violation of R 400.5104(1), in reality, it is not a paradox to indicate that the hearing testimony of Ms. Fair-Crutchler demonstrated an individual who genuinely cared for the children at the center, and who certainly regretted that Child A had been left behind at Fountain Walk.

The specific allegation in Count III of the Notice of Intent to Revoke License indicates that Ms. Crutchler's conduct was such that it demonstrated that she was not of responsible character and/or suitable to meet the needs of children in care. While Ms. Crutchler clearly possesses many positive character traits, the Rule 400.1504(1) violation was established through Ms. Crutchler's specific actions in transporting five children in a car without appropriate booster seats/safety belts/restraints.

The act of transporting children without appropriate restraints, as well as the issue of not having appropriate child information cards in the vehicle, were established by the hearing record, and these matters are further discussed below regarding Count V and Count VI of the Notice of Intent to Revoke License. The failure to realize that the children needed to be safely transported is indicative of a violation of Rule 400.1504(1). While other actions/inactions on the part of Ms. Fair-Crutchler could be argued to also demonstrate Rule 400.1504(1) violations, the analysis need not go further as the violation was established through the issue of child transportation.

Of note, it is interesting that the Notice of Intent to Revoke License focuses Count III specifically on the actions of Ms. Fair-Crutchler, as the hearing record also strongly suggests that the associate staff members who were present on the field trip were in violation of Rule 400.1504(1). Specifically, the hearing testimony of Ms. Charlotte Fair Lucas indicated that personnel who rode with the ten children who came back to the center on the bus continued to represent to senior staff that Child A was accounted for and was on the bus when it returned to the facility. Making such a representation when

each passing minute was an additional minute where the child was placed in potential harm is also indicative of a Rule 400.1504(1) violation.

The Rule 400.1504(1) violation was both willful and substantial as those terms are defined above. It was willful as Ms. Fair-Crutchler knew, or should have known, that it was a failure of responsibility and suitability to unsafely transport children without proper restraints. The violation was also substantial as the lapse was a clear danger to the health, safety, and welfare of children in care.

Count IV-R 400.5113c(1)

By this charge, Respondent asserts that the Licensee failed to notify parents when the center observed changes in a child's health, a child experienced an accident, or when a child was too ill to remain in the group. Specifically, Respondent asserts that there was a violation of Rule 400.5113c(1), as it avers that the Licensee failed to contact Child A's parents after the February 25, 2013 incident where the child sustained a facial injury.

The hearing record did establish that on or about February 25, 2013, Child A, the same child later involved in the August 2013 incident in Novi, sustained an injury to his face at the Licensee's child care center.

There was greatly differing testimony as to whether the Licensee's staff contacted Child A's parents when Child A's injury occurred. Child A's Mother testified at the subject hearing and indicated that she was not contacted by the Licensee, but learned of the incident when the child was picked up from the Licensee's center by Child A's father.

Child A's father testified that he was shown the injury when the child was brought out for pick up, and he remembered commenting to the effect that Child A's mother was not going to be happy when she saw the injury.

The Licensee, as well as daycare center employee Jacqueline Brown, represented at the hearing that Child A's mother was called, and that staff did speak briefly to Child A's mother regarding the incident. It was additionally argued that the injury occurred shortly before pick up/the arrival of Child A's father, and that the father was notified regarding the incident when he arrived.

There was additional conflicting testimony regarding other aspects of the February 2013 injury to Child A. Child A's parents and the Licensee's personnel disputed whether the injury was or was not a burn. There was also conflicting testimony regarding whether the Licensee attempted to treat the injury, and it was averred that treatment which was provided to the child via either the Licensee or Child A's parents might have aggravated the injury.

Having noted all of this, both Licensee Charlotte Fair-Lucas and Child A's mother presented as credible in sincerely believing their own personal recollections regarding the injury and whether or not it was promptly reported to the parents.

The recollections of the witnesses differ. As such there was nothing present in the record to contradict, by a preponderance of the evidence, the Licensee's assertion that the injury roughly coincided with the scheduled pick-up of Child A by his father, and that Child A's mother was called after the injury occurred. There was no dispute that the injury was discussed with Child A's father when he picked up Child A. Upon reflection, it does not appear any more likely than not that the Licensee delayed in apprising Child A's parents of his injury. As such, a violation of Rule 400.5113c(1) was not established by the hearing record.

Count V R 400.5607(1)

By these charges, Respondent asserts that the Licensee failed to ensure that each child transported remained seated and properly restrained by a passenger restraint device as defined by law and the manufacturer's rated seating capacity while the motor vehicle is in motion. The hearing record does establish a willful and substantial violation of Rule 400.5607(1).

The hearing record establishes that on August 1, 2013, Ms. Fair-Crutchter was driving herself and five children in a five-passenger vehicle. This was credibly noted in the police report completed by Officer Bigliardi which indicates that Ms. Fair-Crutchter:

...had 5 children in the car with her (the car was a two door convertible and only had seating for 5 people). I advised Lucas {sic} that there weren't enough seatbelts for everybody in the car, let alone {Child A}, and that there were no booster seats in the car at all. I advised her that the parents of the children inside the car would have to respond to pick up the children with booster seats. At that time, Lucas {sic} told me that all the children in the car were over 8 years old and that she thought Fair {sic} was legal to transport the children in the backseat... (Exhibit B at Page 5)

There was a definite discrepancy in the recollection of the witnesses as to whether it was actually represented that the children in the car were over eight years of age. However, in any event, the reality is that four of the five children were identified as being six years old (Exhibit B at Page 5).

The hearing record does establish that Ms. Fair-Crutchter only had positive intentions in transporting the children in her car during the outing, and was treating the children to McDonalds. It is the opinion of this Administrative Law Judge that Ms. Fair-Crutchter was sincere in conveying her regards for the children in her care, and that she had no intention to bring harm to any of the children. Having noted this, the reality still exists that there were too many children in the vehicle, and not enough seat belts.

Although Ms. Fair-Crutchter was responding to an emergency situation when she returned to the mall parking lot, it is still undisputed that she intended to place Child A, if successfully located, in her vehicle, which would have brought the total number of

children to seven passengers. Ms. Fair-Crutchter did not have a booster seat available for two-year old Child A, or any of the other children. Michigan law does require children less than eight years of age to be secured into child booster seats while riding in a vehicle. Ms. Fair-Crutchter did not secure any of the children in booster seats while transporting them, as again there were no booster seats in the vehicle.

The hearing record does indicate that after the other children were picked up from Fountain Walk by parents, Ms. Fair-Crutchter ultimately left the area with Child F, a ten year old.

Respondent has established by a preponderance of the evidence, a willful and substantial violation of Rule 400.5607(1). There were multiple children being transported in violation of Rule 400.5607(1). Four of the children observed in the car required booster seats which were not present. The Licensee and/or its employees/agents had a duty to know the ages of children in care and ensure that the transportation safety requirements set for children under the age of eight were being met. Had Child A been added to the car, the violation would have been further compounded. The above noted facts convey that there was a willful violation of the rule. Additionally, the nature of the violation is such that it inherently posed a risk to the health, physical safety and welfare of the children in care.

Count VI -R 400.5610(3)

By this charge, Respondent asserts that the Licensee failed to provide drivers, specifically Ms. Fair-Crutchter, with a copy of the child information card and/or facsimile of same for each child being transported in a motor vehicle. The hearing record establishes a willful and substantial violation of Rule 400.5610(3).

The testimony of Officer Bigliardi conveyed that on August 1, 2013, he informed Ms. Fair-Crutchter that she needed to contact the parents of the children in her personal vehicle and have them picked up in vehicles with appropriate car seats. The hearing record indicates that Ms. Fair-Crutchter did not have the appropriate child information cards/ parental contact information with her at that time.

The hearing record does present numerous arguments sounding in mitigation regarding the issue of child information cards. By way of example, the information being sought was maintained at the licensee's facility. Also, the information was ultimately provided after a phone call. Further, the hearing record indicates that Ms. Fair-Crutchter maintained parental phone numbers in her cell phone; unfortunately the cell phone battery ran out during the time she was at Fountain Walk. Moreover, the hearing record suggests that the information cards were on the bus chartered for the field trip, and copies of car rider permission slips were presented at the subject hearing (Exhibit 2).

In the final analysis, the language of the rule is unambiguous, and indicates that the driver of a motor vehicle needs to physically possess child information cards for each child being transported.

The cards were not present, and this did cause a delay in the police department identifying contact information for the parents of the children present in the car. In summation, it was established by a preponderance of the evidence that five children were being transported in Ms. Fair Crutcher's personal vehicle on August 1, 2013, and the child information cards were not in the vehicle at that time. This establishes a violation of Rule 400.5610(3). The violation was both a legally willful and substantial as defined above, as the Licensee and its employees/agents knew or should have known of the need to maintain the cards with the driver of the children, and, again, the nature of the violation is such that it inherently posed a risk to the health, safety and welfare of the children in care.

In summation, the Licensee's long history of providing quality child care is noteworthy. The Licensee and her family/staff presented as intelligent and caring individuals; individuals possessed of very positive intentions. However, based on the above, it is concluded that there were numerous licensing rule violations. Specifically, violations of Rules 400.5105(1), 400.5102(7)(b), 400.5104(1), 400.5607(1), and 400.5610(3) were established. These violations constituted "willful noncompliance" and "substantial noncompliance" as those terms are defined by 2000 AACS, R 400.16001, *supra*. As discussed above, Petitioner/Licensee certainly knew or had reason to know that the conduct, as established above, was in violation of the licensing rules. Thus, the established violations were "willful noncompliance" as defined above. Further, the conduct, as established in the above findings of fact and conclusions of law, was of the nature that it jeopardized the health, safety, care, treatment, maintenance or supervision of the children in her care. The established violations therefore constituted "substantial noncompliance" as defined above. The allegation of a violation of Rule 400.5113c(1) put forward in Count IV of the Notice of Intent to Revoke License was not established by a preponderance of the evidence.

PROPOSED DECISION

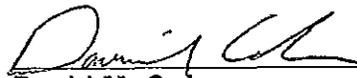
This Administrative Law Judge proposes that the Director conclude that Petitioner committed willful and substantial violations of Rules 400.5105(1), 400.5102(7)(b), 400.5104(1), 400.5607(1), and 400.5610(3). A violation of Rule 400.5113c(1) was not established by the hearing record.

EXCEPTIONS

If any party chooses to file Exceptions to this Proposal for Decision, the Exceptions must be filed within fourteen (14) days after the Proposal for Decision is issued and entered. If an opposing party chooses to file a Response to the Exceptions, it must be filed within fourteen (14) days after Exceptions are filed.

All Exceptions and Responses to Exceptions must be served on all parties to the proceeding and filed with the:

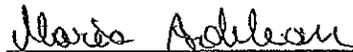
Michigan Administrative Hearing System
Cadillac Place
3026 West Grand Blvd, Suite 2-700
Detroit, Michigan 48202
Fax: (313) 456-3681



David M. Cohen
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 22nd day of January, 2015.



Maria Ardelean
Michigan Administrative Hearing System

Rose A. Rafferty-Aguirre
Bureau of Children and Adult Licensing
Cadillac Place, Suite 11-350
3026 West Grand Blvd.
Detroit, MI 48202

Jacquelin Windham
Bureau of Children & Adult Licensing
3026 West Grand Blvd., Suite 11-350
Detroit, MI 48202

Jason Scheeneman
Bureau of Children and Adult Licensing
201 N. Washington Square, 4th Floor
P.O. Box 30650
Lansing, MI 48909

Kelly Maltby
BCAL Investigation & Disciplinary Action
Div.
201 N. Washington Square, 4th Floor
P.O. Box 30650
Lansing, MI 48909

Tyrone S. Bickerdt
Attorney at Law
455 Clairpointe Woods Drive
Detroit, MI 48226

Kelley T. McLean
Assistant Attorney General
3030 West Grand Blvd., Ste 10-200
Detroit, MI 48202

Charlotte Fair-Lucas
17333 Appoline
Detroit, MI 48235