

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES

In the matter of

Docket No. 13-002001-DHS

LaRenda Knapp,

Agency No. DG 250250436

Petitioner,

Agency: Department of
Human Services

V

Bureau of Children and Adult
Licensing,

Case Type: DHS BCAL

Respondent.

Filing Type: Sanction

Issued and entered
this 5th day of March, 2015
by
Nick Lyon, Interim Director
Department of Human Services

FINAL DECISION AND ORDER

This matter began with Respondent's October 1, 2013 amended Order for Summary Suspension and Notice of Intent to Revoke (notice of intent) Petitioner's license to operate a group child care home 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 Shawn Downey (ALJ) on June 3, 2014. Attorney Trachelle C. Young represented Petitioner. Assistant Attorney General Jonathan Ludwig 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 400.1902, which states in relevant part:

All persons, including minors, residing in the child care home shall be of good moral character and be suitable to assure the welfare of children. [Rule 400.1902 (3)]

The ALJ determined that Petitioner LaRenda Knapp permitted her son, Devontae Mayfield, to supervise children in her child care home. Petitioner and Mr. Mayfield struck and/or "whooped" the children with a belt and/or their hand in order to discipline their behavior (Respondent's Exhibit 13). [REDACTED]

[REDACTED]

[REDACTED] As a result thereof, Respondent established Petitioner and Mr. Mayfield lacked the good moral character and suitability that is required to assure for the welfare of children. Therefore, the ALJ properly determined Petitioner willfully and substantially violated of Rule 400.1902 (3).

In Count II of the notice of intent, Respondent alleged that Petitioner violated R 400.1902, which states in pertinent part:

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. [Rule 400.1902 (2)]

When Petitioner struck children in her care for the purpose of disciplining their behavior and permitted Mr. Mayfield to do the same, Petitioner's actions evidenced her lack of responsible character and suitability that is required to provide proper care, supervision, and protection of the children attending her child care home (Respondent's Exhibit 13). Furthermore, Petitioner lacked the responsible character required to

comply with the rules that prohibit corporal punishment. Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.1902 (2).

In Count III of the notice of intent, Respondent alleged that Petitioner violated R 400.1911, which states in pertinent part:

The caregiver shall assure appropriate care and supervision of children at all times. [Rule 400.1911 (1)]

Petitioner failed to assure for the appropriate care and supervision of the children placed in her child care home. Several child care attendees identified Ms. Knapp as being absent from the child care area and identified Mr. Mayfield the supervising person present (Respondent's Exhibit 13). Mr. Mayfield was identified as the person who struck a child with a belt [REDACTED] by [REDACTED] Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.1911 (1).

In Count IV of the notice of intent, Respondent alleged that Petitioner violated MCL 722.119, which states in pertinent part:

... If an updated central registry clearance documents that a licensee, registrant, adult household member, licensee designee, chief administrator, staff member, or unsupervised volunteer is named as a perpetrator in a central registry case, he or she may not be present in the child care organization. ... [MCL 722.119 (3)]

[REDACTED] Respondent did not establish by a preponderance of the evidence that Petitioner willfully and substantially violated Count

IV; therefore, the ALJ determined Petitioner did not willfully or substantially violate MCL 722.119 (3).

In Count V of the notice of intent, Respondent alleged that Petitioner violated R 400.1913, which states in pertinent part:

Developmentally appropriate positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation shall be used.

Caregiving shall not do any of the following:

- (a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.
- (c) Inflict, mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.
- (e) Confine a child in an enclosed area such as a closet, locked room, box, or similar cubicle. [Rule 400.1913 (2) and (3) (a), (c), & (e)]

The record identified Petitioner disciplined children by inflicting corporal punishment. [REDACTED]

[REDACTED]. Children were placed in a room isolated from other children as punishment for their behavior. Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.1913 (2) and (3)(a),(c), & (e).

In Count VI of the notice of intent, Respondent alleged that Petitioner violated R 400.1903, which states in pertinent part:

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:

Information provided to the department shall be accurate and truthful. [Rule 400.1903 (4)(b)]

The record identified children being instructed to provide false information when questioned [REDACTED] Respondent regarding the investigation surrounding Petitioner and Mr. Mayfield's conduct of hitting children, specifically the incident with minor children JT and LT (Respondent's Exhibit 13, pages 14 and 15). Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.1903 (4)(b).

In Count VII of the notice of intent, Respondent alleged that Petitioner violated R 400.1903, which states in pertinent part:

The caregiver shall assure that all assistant caregivers shall be of good moral character and be suitable to assure the welfare of children. [Rule 400.1903 (5)]

Petitioner failed to assure that all individuals who supervised the children in her child care home were of good moral character and suitable to assure for the welfare of children. Mr. Mayfield was permitted to supervise and discipline the children in care.

[REDACTED]
[REDACTED]
[REDACTED]

Therefore, the ALJ properly determined Petitioner willfully and substantially violated Rule 400.1903 (5).

On January 7, 2015, the ALJ issued and entered a Proposal for Decision (PFD) that concluded Petitioner had willfully and substantially violated Rule 400.1902 (3); Rule 400.1902 (2); Rule 400.1911 (1); Rule 400.1913 (2) and (3)(a), (c), & (e); Rule 400.1903 (4)(b); and Rule 400.1903 (5). The ALJ concluded Respondent did not meet its burden in demonstrating Petitioner's willful and substantial violation of MCL 722.119 (3).

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.



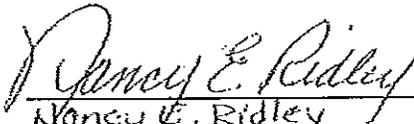
Nick Lyon, Interim Director
Department of Human Services

The above decision and order may be appealed to the circuit court for the county in which the person resides within 30 days after receipt of the decision and order.

[Authority: MCL 722.122; Mich Admin Code, R 792.11025.]

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 4th day of March, 2015.



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