

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

In the matter of

License #: DG240317692
SIR #: 2020D0716003

Sue Gross

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, Sue Gross, 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 May 9, 2012, Licensee was issued a license to operate a group child care home with a licensed capacity of 12 at 807 Cadillac Street, Mackinaw City, MI 49701.
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.

3. On December 2, 2019 Licensing Consultant Jennifer Vander Lugt spoke with [REDACTED] due to allegations that Licensee was caught on video hitting Child A.
4. On December 6, 2019 Ms. Vander Lugt received and reviewed the video, which was approximately 10 seconds in duration and included audio. The video confirms that Licensee lifted Child A's right arm and hit Child A three times with her right hand. The audio confirmed loud smacking sounds that coordinated with Licensee striking Child A with her hand. Licensee is heard in the video stating to Child A in a loud, harsh voice "that's for mashing that food all over your plate."
5. On December 9, 2019 Ms. Vander Lugt spoke with [REDACTED]
[REDACTED]
6. On December 9, 2019 Ms. Vander Lugt received a copy of [REDACTED]
[REDACTED]
[REDACTED]
 - a. [REDACTED]
 - b. [REDACTED]

[Redacted]

c.

[Redacted]

[Redacted]

d.

[Redacted]

e.

[Redacted]

[REDACTED]

[REDACTED]

f.

[REDACTED]

7. On December 10, 2019 Ms. Vander Lugt interviewed Licensee who confirmed that she had been called to the police station and the officer had said that she had hit Child A. Licensee confirmed that there was an incident in which she had a "reflex response" involving Child A and indicated that the back of her left arm made contact with the back of Child A's arm area when Child A was in a chair for "time out."
8. On December 13, 2019 Ms. Vander Lugt interviewed Witness 1 who stated that in the video provided, Licensee hit Child A because Child A was playing with her food. Witness 1 also stated that Licensee hit Child B at times and at other times if Licensee thought a child should not be in diapers or was too old to be in diapers Licensee would change the diapers "violently." Witness 1 witnessed Licensee grab Child A, Child B and other child care children's feet and slam their butts on the floor.
9. On December 13, 2019 Ms. Vander Lugt spoke with Child A, B, C, and D's Mother who confirmed that she filed criminal charges against Licensee due to Licensee physically striking Child A. Child A, B, C, and D's Mother stated that since this information has been provided to her Child D informed her that

Licensee used to pull Child A by the ponytail. Child A, B, C, and D's Mother stated that she remembers a previous incident of Child D informing her that Licensee had pulled Child A's hair. Child A, B, C, and D's Mother recalls addressing that allegation with Licensee and Child A, B, C, and D's Mother recalls Licensee minimizing and excusing the allegation to her.

10.

[REDACTED]

11.

[REDACTED]

COUNT I

The conduct of Licensee, as set forth in paragraphs 3 through 11 above, evidences a willful and substantial violation of:

R400.1911(1)

Supervision.

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

COUNT II

The conduct of Licensee, as set forth in paragraphs 3 through 11 above, evidences a willful and substantial violation of:

R400.1913(3)(a)

Discipline and child handling.

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

COUNT V

The conduct of Licensee, as set forth in paragraphs 3 through 11 above, evidences a willful and substantial violation of:

R400.1913(2)

Discipline and child handling.

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

COUNT IV

The conduct of Licensee, as set forth in paragraphs 3 through 11 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) A person, partnership, firm, corporation, association, nongovernmental organization, or governmental organization shall not establish or maintain a child care center, group child care home, or family child care home unless licensed by the department. Application for a child care center, group child care home, or family child care home license shall be made on forms provided, and in the manner prescribed, by the department, including the fees required under subsection (10). Before issuing or renewing a child care center, group child care home, or family child care home license, the department shall investigate the applicant's activities and proposed standards of care and shall make an on-site visit of the proposed or established child care center, group child care home, or family child care home. Except as otherwise provided in this subsection and sections 5q and 5r, if the department is satisfied as to the need for a child care center, group child care home, or family child care home, as to its financial stability, and that the service, facility, applicant, licensee, child care staff member, or member of the household is conducive to the welfare of the children, the department shall issue or renew the child care center, group child care home, or family child care home license. 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.

COUNT V

The conduct of Licensee, as set forth in paragraphs 4, 6(b), 6(e) & 6(f) above, evidences a willful and substantial violation of:

- R400.1913(3)(c) Discipline and child handling.**
- (3) Caregiving staff shall not do any of the following:
 - (c) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.

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 PM, on January 8, 2020, Licensee is ordered not to operate a group child care home at 807 Cadillac Street, Mackinaw City, MI 49701, 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: 517-335-2484
FAX: 517-335-6088

MCL 24.272 of the Administrative Procedures Act of 1969 permits the Department to proceed with the administrative hearing even if Licensee does not appear. Licensee may be represented by an attorney at the administrative hearing.

DATED: 1/8/20


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 Sue Gross, DG240317692], consisting of 9 pages, this page included.

JNH