



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

October 27, 2017

Diana Pretty
114 5th Street East
Shelby, MI 49455

License #: DG640361107
SIR #: 2017D1073020

Dear Ms. Pretty:

Enclosed is a copy of a SECOND AMENDED ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE YOUR LICENSE to operate an child care group home, alleging that you have violated the Child Care Organizations Act. This ORDER and NOTICE is being amended to edit and clarify the information in paragraph #3.

In accordance with MCL 24.292 of the Administrative Procedures Act of 1969, this SECOND AMENDED ORDER has been forwarded to the Michigan Administrative Hearing System to provide you with a prompt hearing.

Sincerely,

Mark C. Jansen, Division Director
Child Care Licensing Division
Bureau of Community and Health Systems

Enclosures

Cc: Katrice Sweet, Area Manager
AAG Jennifer Walker, Office of Attorney General
AAG Shelley McCormick, Office of Attorney General

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

In the matter of

License #: DG640361107
SIR #: 2017D1073020

Diana Pretty

_____ /

**Pursuant to the Child Protection Law, MCL 722.627(2),
the information contained in this Notice of Intent is CONFIDENTIAL.**

SECOND AMENDED 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 second amended notice of the intent to revoke the license of Licensee, Diana Pretty, 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 August 13, 2014, Licensee was issued a license to operate a group child care home with a licensed capacity of 12 at 114 5th Street East, Shelby, Michigan 49455.
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 January 5, 2017, Licensing Consultant Linda Strube initiated *Special Investigation #2017D0719001* after the Bureau received a licensing-related complaint and cited Licensee for failing to provide appropriate care and supervision, as required by Rule 400.1911(1). Licensee allowed five children, ranging from 5 years to 10 years of age, to play unsupervised on the second floor of the home while she remained on the first floor. The children later disclosed that they were kissing each other while unsupervised in Licensee's care.
4. On March 23, 2017, Ms. Strube issued *Special Investigation Report #2017D0719001* recommending the license remain unchanged upon receipt of an acceptable written corrective action plan. On May 3, 2017, Licensee submitted a written corrective action plan that addressed the violation.

Current Allegations

5. Licensee failed to provide appropriate care and supervision of children in care and is not suitable to provide for their care, supervision, and protection, as evidenced by the following:
 - a. On September 18, 2017, at approximately 12:15 p.m., Licensee let nine of the 11 children in care outside to play in the fenced-in backyard. Licensee then went back inside the home where Assistant Caregiver Jennifer Fahrlander was cleaning up lunch dishes, leaving the nine children unattended in the backyard.

- b. On September 18, 2017, while both Licensee and Ms. Fahrlander were inside the home, Child A ([REDACTED]) wandered out of the backyard area and into a neighbor's yard, two houses down from Licensee. The neighbor, who heard Child A crying, went outside and picked up Child A. She eventually walked down to Licensee's home with Child A to see if he was one of Licensee's child care children. As she approached Licensee's home, she observed five or six children playing in the backyard with no adult supervision. Licensee came out of the house as the neighbor entered the backyard, unaware that Child A had wandered away.
- c. On September 21, 2017, Licensing Consultant Tarah Kline, accompanied with Department of Health and Services Worker Jennifer Leon, conducted an on-site inspection at Licensee's home. Licensee admitted to leaving the children unattended in the backyard for approximately 10 minutes before the neighbor brought Child A back to her yard. Licensee indicated that she believes Child A exited the play area by opening the side door to the garage and exiting out the main garage door, which was open at the time.
- d. Based on statements from Licensee, Ms. Fahrlander, and the neighbor, Child A was left unattended without caregiver supervision for approximately 8 to 15 minutes.
- e. Department of Health and Human Services investigated Licensee's conduct toward children and [REDACTED] as a perpetrator of child neglect.

6. On October 24, 2017, the Bureau of Community and Health Systems issued and served an AMENDED ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE. Licensee appealed this action, and the case is currently pending with the Michigan Administrative Hearings Systems.
7. This SECOND AMENDED ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE replaces the previous AMENDED ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE issued on October 24, 2017. Licensee's pending appeal of the serves as an appeal to this SECOND AMENDED ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE.

COUNT I

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

[REDACTED]

[REDACTED]

[Note: MCL 722.111(1)(a) defines a "child care organization" to include "child care homes."]

COUNT II

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

[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 III

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

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 October 20, 2017, Licensee is ordered not to operate a group child care home at 114 5th Street East, Shelby, Michigan 49455, 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's request for a hearing is currently pending with:

Michigan Administrative Hearings System
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: 10/27/2017



Mark C. Jansen, Division Director
Child Care Licensing Division
Bureau of Community and Health Systems

This is the last and final page of the SECOND AMENDED ORDER OF SUMMARY SUSPENSION AND AMENDED NOTICE OF INTENT in the matter of Diana Pretty, DG640361107, consisting of six pages, this page included.

JEK

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

In the matter of

License #: DG640361107
SIR #: 2017D1073020

Diana Pretty

_____ /

PROOF OF SERVICE

The undersigned certifies that a copy of a *Second Amended Order of Summary Suspension and Notice of Intent To Revoke* the license in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on October 27, 2017.

Diana Pretty
114 5th Street East
Shelby, MI 49455



Jennifer Kerr
HFES/Enforcement & Compliance Section
Bureau of Community and Health Systems