



September 18, 2019

CERTIFIED MAIL

Leila Ahmed, Authorized Agent
Minnesota Child Care Center
312 West Lake Street, Suite 2935
Minneapolis, MN 55408

License Number 1076213 (Child Care)

ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS

Dear Leila Ahmed:

The Department of Human Services (DHS) is ordering you to pay a fine of \$600 for three background study violations. Details of our findings are provided below. Our next steps and your options are also detailed.

Reason for the Fine

DHS is issuing this fine order based on your failure to comply with the following background study requirement:

Background Study Violation Determined on June 25, 2019:

As a result of a licensing review, a DHS licensor determined that you failed to request background studies for three staff persons before they began working in positions allowing direct contact with children served by your program.

SP1 was hired and began working in a position allowing direct contact with persons served by the program on June 2016. SP1 left the program in August 2016 and was rehired June 2019. At the time of the licensing review, the license holder had not initiated a background study request for SP1 in 2016 or 2019.

SP2 was hired and began working in a position allowing direct contact with persons served by the program on January 11, 2019. You initiated a background study for SP2 on January 9, 2019. A letter notifying you that more time was needed to complete the study was sent to you on January 11, 2019. You failed to submit the required documents to the background study division, the background study was closed on July 12, 2019, and you were ordered to immediately remove SP2 from a position allowing direct contact services. You did not remove SP from a position allowing direct contact services. On the day of the licensing visit, SP2 was alone in a classroom supervising children.

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SP3 was hired and began working in a position allowing direct contact with persons served by the program on March 4, 2019. You initiated a background study for SP3 on February 25, 2019. A letter notifying you that more time was needed to complete the study was sent to you on February 28, 2019. You failed to submit the required documents to the background study division, the background study was closed on July 13, 2019, and you were ordered to immediately remove SP3 from a position allowing direct contact services. At the time of the licensing review, you had not initiated a background study request for SP3.

Statute Violated: Minnesota Statutes, section 245C.04, subdivision 1, paragraph (g).

Fine: \$600 (three background study violations – \$200 per violation)

Corrective Action Required: You must comply with background study requirements in Minnesota Statutes, chapter 245C. Immediately either remove SP1, SP2 and SP3 from any position allowing direct contact with children served by the program or submit a background study request to DHS for SP1, SP2 and SP3. After the background study is initiated, and pending notice from the Commissioner, ensure that SP1, SP2 and SP3 do not provide direct contact services to persons served by the program unless they are under continuous direct supervision by another staff person who has received a background study clearance notification from DHS. (See Minnesota Statutes, section 245C.13, subdivision 2.)

Within 10 days from receipt of this order, submit written documentation to your licensor detailing how compliance will be maintained in the future.

Billing and Payment of the Fine

DHS will send you an invoice for the \$600 fine. Payment must be made as directed on the invoice.

If you request a contested case hearing, as described below, do not pay the fine at this time. Following the contested case hearing, the Commissioner of DHS will issue a final order on this matter.

Please note, you may not avoid payment of this fine by closing, selling, or otherwise transferring the license to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

Your Right to Appeal

You have the right to appeal the fine. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you receive this order. Please send it to:

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Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
PO Box 64242
St. Paul, MN 55164-0242

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you receive this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. Following this hearing, the Commissioner of DHS will issue a final order.

Legal representation at the contested case hearing

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at 612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.justice4mn.org to find a local legal services program that may be able to help you.

You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

Posting of this Licensing Action

You are required to place this Order to Pay a Fine in a place that is clearly noticeable to the people receiving services and all visitors to the facility for two years, even if you appeal.

Legal Authority for this Licensing Action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 1, paragraph (a), which describes under which conditions DHS may impose a fine against a license.
- DHS may impose a \$200 fine for each background study violation under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(4)(iv).

- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(5) states that license holders may not avoid payment of a fine by closing, selling, or transferring a license.
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612.
- The requirement to post this order in a clearly visible location is required under Minnesota Statutes, section 245A.07, subdivision 5.

Questions

If you have any further questions regarding this matter, you may contact Donna Gainor, Supervisor, at 651-431-6529.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Cunningham".

Peggy Cunningham, Unit Manager
Licensing Division
Office of Inspector General