



October 25, 2023

**CERTIFIED MAIL**

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

License Number 1076213 (Child Care Center)

## **ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATION**

Dear Leila Abdirahman Ahmed:

The Department of Human Services (DHS) is ordering you to pay a fine of \$1200 for six 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 October 6, 2023**

While preparing for a licensing review, a DHS licensor determined that you failed to request background studies for six staff persons before they began working in a position allowing direct contact with children served by the program.

SP1 began working in a position allowing direct contact services to persons served by the program on July 30, 2021. You initiated a COVID-19 emergency background study request on July 28, 2021. On March 21, 2022, October 26, 2022, and December 20, 2022, you were informed that all individuals must have an enhanced background study to comply with federal requirements under the Child Care and Development Block Grant and it must be submitted on or before December 31, 2022. After being notified by DHS to remove SP1 on October 6, 2023, you initiated an enhanced background study on October 17, 2023.

SP2 began working in a position allowing direct contact services to persons served by the program on August 4, 2021. You initiated a COVID-19 emergency study background study request on June 7, 2021. On March 21, 2022, October 21, 2022, and December 20, 2022, you were informed that all individuals must have an enhanced background study to comply with federal requirements under the Child Care and Development Block Grant and it must be

Leila Abdirahman Ahmed, Authorized Agent

October 25, 2023

Page 2

submitted on or before December 31, 2022. You were notified to remove SP2 on October 6, 2023.

SP3 began working in a position allowing direct contact services to persons served by the program on August 4, 2021. You initiated a COVID-19 emergency background study request on September 23, 2021. On March 21, 2022, October 21, 2022, and December 20, 2022, you were informed that all individuals must have an enhanced background study to comply with federal requirements under the Child Care and Development Block Grant and it must be submitted on or before December 31, 2022. After being notified by DHS to remove SP3 on October 6, 2023, you initiated an enhanced background study on October 17, 2023.

SP4 began working in a position allowing direct contact services to persons served by the program on August 24, 2021. You initiated a COVID-19 emergency background study request on August 24, 2021. On March 21, 2022, October 21, 2022, and December 20, 2022, you were informed that all individuals must have an enhanced background study to comply with federal requirements under the Child Care and Development Block Grant and it must be submitted on or before December 31, 2022. You were notified to remove SP4 on October 6, 2023.

SP5 began working in a position allowing direct contact services to persons served by the program on September 2, 2021. You initiated a COVID-19 emergency background study request on September 2, 2021. On March 21, 2022, October 21, 2022, and December 20, 2022, you were informed that all individuals must have an enhanced background study to comply with federal requirements under the Child Care and Development Block Grant and it must be submitted on or before December 31, 2022. After being notified by DHS to remove SP5 on October 6, 2023, you initiated an enhanced background study on October 17, 2023.

SP6 began working in a position allowing direct contact services to persons served by the program on July 26, 2021. You initiated a background study request on August 3, 2021. However, DHS did not receive all of the required documents and SP6's background study was closed on January 25, 2023. After being notified by DHS to remove SP6 on October 6, 2023, you initiated an enhanced background study on October 16, 2023.

Statute Violated: Minnesota Statutes, section 245C.04, subdivision 1, paragraph (g); Minnesota Statutes, section 245C.05, subdivision 2.

Fee: \$1200 (six background study violations – fineable at \$200 per violation)

Corrective Action Required: You must comply with background study requirements in Minnesota Statutes, chapter 245C. 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 \$1200 fine. Payment must be made as directed on the invoice.

Leila Abdirahman Ahmed, Authorized Agent

October 25, 2023

Page 3

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:

Office of Inspector General  
Legal Counsel's Office  
Attention: Licensing Legal Unit  
PO Box 64953  
St. Paul, MN 55164-0953

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:

Office of Inspector General  
Legal Counsel's Office  
Attention: Licensing 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](http://www.justice4mn.org) to find a local legal services program that may be able to help you.

Leila Abdirahman Ahmed, Authorized Agent

October 25, 2023

Page 4

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

- DHS may impose a \$200 fine for each background study violation under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(4)(iv).
- The exception that allows a license holder who self-corrects a background study violation to avoid a fine does not apply when the license holder was cited for the same violation within the past 365 days, under Minnesota Statutes, section 245A.07, subdivision 4, paragraph (d).
- 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, Meg Holmen, Unit Supervisor, at 651-431-6534.

Sincerely,



Peggy Cunningham, Unit Manager  
Licensing Division  
Office of Inspector General