



November 7, 2024

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

License Number 1076213 (Child Care Center)

## ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATION

Dear Leila Ahmed:

The Department of Human Services (DHS) is ordering you to pay a fine of \$1600 for eight 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 8, 2024

1. While preparing for a licensing review, a DHS licensor determined you failed to repeat a background study for eight child care program staff within five years of the staff person's most recent study.
- SP1 began working in a position allowing direct contact services to persons served by the program on August 20, 2021. SP1 was affiliated to your roster on February 6, 2017. You initiated an emergency background study request for SP1 on August 2, 2021. SP1's background study expired on December 31, 2022. After being notified by DHS on October 11, 2023, to remove SP1 from a position allowing direct contact services you initiated an enhanced background study request for SP1 on October 16, 2023. However, SP1's fingerprints were not submitted within 14 days and the background study was closed on October 31, 2023, and you were informed to immediately remove SP1 from a position allowing direct contact services. After being notified again by DHS on October 8, 2024, to remove SP1 from a position allowing direct contact services you initiated another background study request for SP1 on October 17, 2024, DHS informed you that SP1's background study was completed and cleared on October 22, 2024.

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- SP2 began working in a position allowing direct contact services to persons served by the program on March 13, 2017. SP2 was affiliated to your roster on February 8, 2017. You initiated an emergency background study request for SP2 on July 8, 2021. SP2's background study expired on December 31, 2022. After being notified by DHS on October 11, 2023, to remove SP2 from a position allowing direct contact services you initiated an enhanced background study request for SP 2 on October 16, 2023. However, SP2's fingerprints were not submitted within 14 days and the background study was closed on October 31, 2023, and you were informed to immediately remove SP 2 from a position allowing direct contact services. SP2 has worked without a completed background study since December 31, 2022.
- SP3 began working in a position allowing direct contact services to persons served by the program on July 30, 2021. You initiated an emergency background study request for SP3 on July 28, 2021. SP3's background study expired on December 31, 2022. After being notified by DHS on October 11, 2023, to remove SP3 from a position allowing direct contact services you initiated an enhanced background study request for SP3 on October 17, 2023. However, SP3's fingerprints were not submitted within 14 days and the background study was closed on November 1, 2023, and you were informed to immediately remove SP3 from a position allowing direct contact services. SP3 has worked without a completed background study since December 31, 2022.
- SP4 began working in a position allowing direct contact services to persons served by the program on August 4, 2021. You initiated an emergency background study request for SP4 on June 21, 2021. SP4's background study expired on December 31, 2022. After being notified by DHS on 10/11/2023 to remove SP4 from a position allowing direct contact services you initiated an enhanced background study request for SP4 on October 12, 2023. However, SP4's fingerprints were not submitted within 14 days and the background study was closed on November 16, 2023, and you were informed to immediately remove SP4 from a position allowing direct contact services. After being notified again by DHS on October 8, 2024, to remove SP4 from a position allowing direct contact services you initiated another background study request for SP4 on October 17, 2024.
- SP5 began working in a position allowing direct contact services to persons served by the program on October 4, 2022. You initiated a background study request for SP5 on August 1, 2022. However, DHS did not receive all of the required documents and SP5's background study was closed on January 25, 2023. You initiated another background study request on October 16, 2023. However, SP5's fingerprints were not submitted within 14 days and the background study was closed on October 31, 2023, and you were informed to immediately remove SP5 from a position allowing direct contact services. After being notified again by DHS on October 8, 2024, to remove SP5 from a position allowing direct contact services you initiated another background study request for SP5 on October 17, 2024.
- SP6 began working in a position allowing direct contact services to persons served by the program on September 2, 2021. You initiated an emergency background study request for SP6 on September 2, 2021. SP6's background study expired on December 31, 2022. After being notified by DHS on October 11, 2023, to remove SP6 from a position allowing direct contact services you initiated an enhanced background study request for SP6 on October 12, 2023. However, SP6's fingerprints were not submitted within 14 days and the background study was closed on November 1, 2023, and you were informed to immediately remove SP4 from a position allowing direct contact services. You initiated another background study request on November 13, 2023. However, DHS did not receive all of the required documents and SP6's background study was closed on February 1, 2024. After being notified again by

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DHS on October 8, 2024, to remove SP6 from a position allowing direct contact services you initiated another background study request for SP6 on October 17, 2024.

- SP7 began working in a position allowing direct contact services to persons served by the program on March 30, 2015. You initiated a background study request for SP7 on April 19, 2017. However, you did not submit the required documents and SP7's background study was closed on August 17, 2017. You initiated an enhanced background study request for SP7 on October 13, 2023. However, SP7's fingerprints were not submitted within 14 days and the background study was closed on October 28, 2023, and you were informed to immediately remove SP7 from a position allowing direct contact services.
- SP8 began working in a position allowing direct contact services to persons served by the program on March 23, 2015. You did not initiate a background study request for SP8. 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 on October 8, 2024, to remove SP8 from a position allowing direct contact services you initiated a background study request for SP8 on October 13, 2024.

Statute Violated: Minnesota Statutes, section 245C.04, subdivision 1, paragraphs (b); and section 245C.07, subdivision 1, paragraph (a); and section 245C.05, subdivision 2.

Fee: \$1600 (eight background study violations— fineable at \$200 per violation)

Corrective Action Required: Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

## Billing and Payment of the Fine

DHS will send you an invoice for the \$1600 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 this fine. If you choose to appeal this order, you must use the Provider Hub (<https://providerhub.dhs.mn.gov/>) to submit your request. Your request must be made before the deadline

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provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when this order was issued in the Provider Hub.

Your request for an appeal must be submitted in the Provider Hub within 10 calendar days from the date it was issued in the Provider Hub.

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.

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.

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## Questions

If you have any further questions regarding this matter, you may contact Meg Holmen, Unit Supervisor, at 651-431-6030, extension 4013.

Sincerely,

A handwritten signature in black ink that reads "Peggy Cunningham". The signature is written in a cursive style.

Peggy Cunningham, Unit Manager  
Licensing Division  
Office of Inspector General