

September 8, 2023

PERSONAL SERVICE

Ashley Shaner
2160 Truman Avenue
Owatonna, MN 55060-4191

License Number 1108806 FCC

ORDER OF TEMPORARY IMMEDIATE SUSPENSION

Dear Ms. Shaner:

Based on the recommendation of Minnesota Prairie County Alliance, the Department of Human Services (DHS) is immediately suspending your license to provide family child care at 2160 Truman Avenue, Owatonna, MN. This immediate suspension is based on a determination that children served by your program are at an imminent risk of harm. Details of our findings are provided below. Our next steps and your options are also detailed.

The immediate suspension goes into effect on September 9, 2023, at 12:01 a.m. After this time, you are prohibited from providing family child care services. You are also prohibited from operating as a legally unlicensed child care provider at this time.

REASON FOR TEMPORARY IMMEDIATE SUSPENSION

There is an imminent risk of harm to persons served.

On September 7, 2023, Minnesota Prairie County Alliance received new medical evidence alleging that a child received a significant non-accidental injury while in your care.

Because your program is currently being investigated by Minnesota Prairie County Alliance, no additional information can be released in this order.

Based on these findings, DHS cannot ensure the health and safety of the children served by your program at this time. DHS has determined that the health, safety, and rights of children in your care are in imminent risk of harm. Therefore, DHS is suspending your license to provide family child care.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 2(a)(1).

YOUR RIGHT TO APPEAL

You have the right to appeal the temporary immediate suspension. 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. Your response time starts when you receive this letter.

If you are mailing your request, it must be sent by certified mail and postmarked within 5 calendar days from when you receive this order. Please send it to:

Commissioner, Department of Human Services
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 5 calendar days from when you receive this order. Please bring it to:

Commissioner, Department of Human Services
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.lawhelpmn.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.

Questions about CCAP

If you are a provider authorized to receive Child Care Assistance Program (CCAP) payments, this suspension order could impact your ability to receive CCAP funding. If you have questions about CCAP, contact the County or CCAP agencies where you are authorized to receive CCAP funds.

Prohibition against providing legally unlicensed child care

If this action is not reversed on appeal, you will not be allowed to provide child care, including legally unlicensed child care to unrelated children. Operating an unlicensed family child care home is a misdemeanor offense.

Posting of this licensing action

You are required to place this Order of Temporary Immediate Suspension 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 in this licensing action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 2(a), which describes under which conditions DHS may immediately suspend a license.
- Because this report remains under investigation, additional information is considered “confidential data” under Minnesota Statutes, section 13.46, subdivision 3.
- A license holder and any controlling individual shall discontinue operation of a program upon receipt of an order to immediately suspend the license under Minnesota Statutes, section 245A.07, subdivision 2(b).
- Minnesota Statutes, section 245A.03, subdivisions 2 and 3 provide that a license holder under a temporary immediate suspension may not operate as a legally unlicensed child care provider.
- 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 Beth Donahue, Supervisor, at 651-431-6565.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Wagner", with a stylized, cursive script.

Barbara Wagner, Unit Manager
Licensing Division
Office of Inspector General

cc: Cheryl Moret, Minnesota Prairie County Alliance