

September 21, 2023

CERTIFIED MAIL

Krysta Bentson, Authorized Agent
God's Little Angels
1315 Warren Street
Mankato, MN 56001

License Number 1105710 (Child Care Center)

ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS

Dear Krysta Benson:

The Department of Human Services (DHS) is ordering you to pay a fine of \$800 for four background study violations that occurred at God's Little Angels, located at 1660 Tullamore Street, Mankato, Minnesota. 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 September 8, 2023

While preparing for a licensing review, a DHS licensor determined that you failed to request background studies for four staff persons before they began working in positions 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 September 30, 2021. You initiated a background study request on May 3, 2022. However, DHS did not receive SP1's consent and disclosure form and SP1's background study was closed on May 12, 2022. After DHS notified you to remove SP1 you initiated a background study request for SP1 on September 14, 2023.
- SP2 began working in a position allowing direct contact with persons served by the program on February 27, 2023. It was determined through a review of documentation that you did not initiate a background study request for SP2. After DHS notified you to remove SP2 you initiated a background study request for SP2 on September 14, 2023.
- SP3 was hired and began working in a position allowing direct contact with persons served by the

program on June 27, 2023. You initiated a background study request on June 23, 2023, however, SP3's fingerprints were not submitted within 14 days and the background study was closed on July 8, 2023, and you were informed to immediately remove SP3 from a position allowing direct contact services. After DHS notified you to remove SP3 you initiated another background study request for SP3 September 14, 2023.

- SP4 was hired and began working in a position allowing direct contact with persons served by the program on August 8, 2023. You initiated a background study request on August 2, 2023, however, SP4's fingerprints were not submitted within 14 days and the background study was closed on August 17, 2023, and you were informed to immediately remove SP4 from a position allowing direct contact services. After DHS notified you to remove SP4 you initiated another background study request for SP4 September 14, 2023.

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

Fee: \$800 (four 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 \$800 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:

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 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).

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- 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 Jason Condon, Unit Supervisor, at 651-431-7673.

Sincerely,

A handwritten signature in black ink that reads "Donna Gainor". The signature is written in a cursive, slightly slanted style.

Donna Gainor, Unit Supervisor

Licensing Division

Office of Inspector General