

December 12, 2023

Nasro Abshir, Authorized Agent  
Family First Choice Childcare Inc.  
2500 W Broadway Avenue  
Minneapolis, MN 55411

License Number 1078520 (Child Care Center)

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

Dear Nasro Abshir:

The Department of Human Services (DHS) is ordering you to pay a fine of \$600 for three background study violations that occurred at Family First Choice Childcare Inc. 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 November 13, 2023**

While preparing for a licensing review, a DHS licensor determined that you did not comply with the background study requirements for three staff persons while they were working in a position allowing direct contact with children served by your program.

SP1 began providing direct contact services to persons served by the program on September 26, 2022. You initiated a background study request on June 12, 2022, however, SP1's fingerprints were not submitted within 14 days and the background study was closed on July 28, 2022, and you were informed to immediately remove SP1 from a position allowing direct contact services. You initiated another background study request on August 31, 2022. However, DHS did not receive all of SP1's required documents and SP1's background study was closed on November 18, 2022, and you were informed to immediately remove SP1 from providing direct contact services. It was determined through documentation you submitted that SP1 continued to work at the program after you informed to remove SP1. On November 13, 2023, DHS notified you to remove SP1 from providing direct contact services. Following being notified by DHS, you initiated another background study for SP1 on November 20, 2023.

SP2 began providing direct contact services to persons served by the program on October 5, 2022. You initiated a background study request on September 25, 2022. However, DHS did not receive all of SP2's required documents and SP2's background study was closed on December 16, 2022, and you were informed to immediately remove SP2 from providing direct contact services. It was determined through

documentation you submitted that SP2 continued to work at the program. On November 13, 2023, DHS notified you to remove SP1 from providing direct contact services. Following being notified by DHS, you initiated another background study for SP2 on November 20, 2023.

SP3 began providing direct contact services to persons served by the program on October 5, 2022. You initiated a background study request on October 8, 2022. However, DHS did not receive all of SP3's required documents and SP3's background study was closed on December 23, 2022, and you were informed to immediately remove SP3 from providing direct contact services. It was determined through documentation you submitted that SP3 continued to work at the program. On November 13, 2023, DHS notified you to remove SP3 from providing direct contact services. Following being notified by DHS, you initiated another background study for SP3 on November 20, 2023

Statute Violated: Minnesota Statutes, section 245C.07, subdivision 1, paragraph (a).

Fine: \$600 (three background study violation-fineable at \$200 per occurrence)

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 \$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:

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.

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).
- 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 me, at 651-431-6030, extension 4008.

Sincerely,

A handwritten signature in black ink that reads "Donna Gainor". The signature is written in a cursive style with a large initial "D".

Donna Gainor, Unit Supervisor

Licensing Division

Office of Inspector General