

March 21, 2024

CERTIFIED MAIL

Jennifer Hanson
325 East Pishney Lane Southwest
Hutchinson, MN 55350

License Number 1052711 FCC

ORDER TO PAY A FINE FOR MALTREATMENT

Dear Ms. Hanson:

Based on the recommendation of McLeod County Human Services (McLeod County) the Department of Human Services (DHS) is ordering you to pay a fine of \$1000 for a determination of maltreatment. Details of our findings are provided below. Our next steps and your options are also detailed.

McLeod County also recommended that your family child care license be placed on a conditional license because you were found responsible for maltreatment and because you failed to provide required supervision to children in care which resulted in a serious allegation of abuse being made. You notified McLeod County on March 12, 2024, that you wanted to close your family child care license. Therefore, an Order of Conditional License is not being issued at this time. If you chose to open a license at a later time, you may be required to open on a conditional status.

REASON FOR FINE

Determination of Maltreatment

It was reported that you failed to provide required supervision to children in care which resulted in a serious allegation of abuse being made.

McLeod County investigated the report as alleged maltreatment by neglect. Based on the maltreatment investigation, McLeod County determined that you were responsible for neglect of a minor. Specifically, that you failed to provide required supervision to children in care which resulted in a serious allegation of abuse being made.

On January 22, 2024, McLeod County notified you of the maltreatment determination and of your right to request reconsideration. You did not make a timely request for reconsideration. The maltreatment

determination is now final. If you appeal this fine order, as described below, the maltreatment determination will not be reviewed as a part of the contested case hearing.

Legal Authority: Legal Authority: Minnesota Statutes, section 260E.30, subdivision 2(a)

Total Fine Amount

Because McLeod County determined that you are responsible for maltreatment of a minor, you must pay a \$1000 fine.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), subparagraph (4)(i).

Billing and Payment of the Fine

DHS will send you an invoice for the \$1000 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. If this occurs, you are personally responsible for payment.

If you do not pay the fine on or before the date specified on the invoice and you did not request a contested case hearing, as described below, the Commissioner may issue a second fine, may not issue or reissue a license, or may suspend the license until the license holder pays the fine.

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:

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 10 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.

Prohibition against providing legally unlicensed child care

On January 4, 2024, DHS issued an Order Temporary Immediate Suspension to your family child care program, which disqualified you from providing legally unlicensed child care. You remain prohibited from providing legally unlicensed child care even if you appeal this order.

Posting of this licensing action

You are required to place this Order of Conditional License and 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

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 1, paragraph (a), which describes under which conditions DHS may impose a fine against a license.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(4)(i) provides that DHS shall impose a \$1000 fine for each determination of maltreatment for which the license holder is determined responsible.

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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.
- Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d)(4), states that DHS shall not issue or reissue a license if the applicant, license holder, or controlling individual has an outstanding debt related to a license fee, licensing fine, or settlement agreement for which payment is delinquent.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(2), states that that the license holder shall pay the fine assessed on or before the payment date specified, and if the license holder does not do so the commissioner may issue a second fine or suspend the license until the license holder complies.
- 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.
- Minnesota Statutes, Chapter 245A.03, subdivision 2b, subdivision 1 states that a child care provider who has received a Fine or Conditional Order under Minnesota Statutes, Section 245A.07 that has not been reversed on appeal may not provide unlicensed child care to non-relatives.
- Operating a prohibited unlicensed family child care program is a misdemeanor offense under Minnesota Statutes, Section 245A.03, subdivision 3.
- 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 me, at 651-431-6565.

Sincerely,

A handwritten signature in black ink, appearing to be 'Beth Donahue', written in a cursive style.

Beth Donahue, Supervisor
Licensing Division
Office of Inspector General

cc: Amy Berry, McLeod County Human Services