

May 10, 2024

CERTIFIED MAIL

Ifrah Jimale
4604 Windslow Lane NW
Rochester, MN 55901

License Number 1096631 AFC
1097891 HCBS

ORDER OF LICENSE REVOCATION

Dear Ms. Jimale:

Based on the recommendation of Olmsted County Community Services, the Department of Human Services (DHS) is revoking your licenses to provide family adult foster care (AFC) and home and community-based services (HCBS). This revocation is based on the Commissioner's evaluation, false and misleading information, and failure to comply with licensing laws and rules. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE REVOCATION

1. Commissioner's evaluation of program

In determining whether a licensing action is warranted, DHS evaluated the facts, conditions, and circumstances concerning your program's operation. This includes consideration of the well-being of persons served in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. DHS has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

You have been licensed as a family adult foster care provider since November 15, 2018. Additionally, you are licensed to provide HCBS family residential services at your family AFC program.

On September 6, 2023, Olmsted County received and investigated a licensing complaint. As a result of the investigation, Olmsted County determined licensing violations and that you gave false or misleading information, as described below. On October 3, 2023, Olmsted issued correction orders for your failure to report changes in household membership and failure to maintain the adult foster as your primary residence.

The Commissioner is required to revoke your AFC license because you did not reside primarily in the family adult foster home for the entire period of licensure, as stated in, Minnesota Statutes, section 245A.03, subdivision 7.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.

2. False and misleading information or knowingly withheld relevant information

Olmsted County determined that you knowingly withheld relevant information or provided false or misleading information to the Commissioner related to an investigation and your compliance with licensing rules and laws.

Olmsted County determined you withheld relevant information or provided false and misleading information when you failed to report you had additional children and that you had reconciled with your spouse. When you were initially licensed, you had three small children who lived with your husband in another home, whom you reported to be separated from. In September 2023, you informed Olmsted County you had three additional children and you and your husband had reconciled.

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

3. Failure to comply with licensing laws and rules

Olmsted County and DHS have determined that you failed to fully comply with the laws and rules that apply to licensed adult foster care and home and community-based services. DHS has considered the nature, chronicity, or severity of the violations that led to the revocation of your license.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3, paragraph (a), subparagraph (1).

Nature, history and severity of violations

New violations determined

The following are new violations that have not been the subject of a previous correction order. If you appeal this order, the following violations *will* be reviewed as a part of the appeal. DHS considered these violations, as a factor when it determined that revocation of your license is appropriate.

1. It was determined that you did not live in your family adult foster home when Olmsted County visited your home in September 2023, and you admitted that you slept on a bed in the basement of the adult foster home, on occasion, and that your children and spouse lived at a different residence. You had four clients in care in your four- bedroom home.

Statute Violated: Minnesota Statutes, section 245A.03, subdivision 7.

Previous licensing actions

The following violations summarize the nature of your previous licensing violations. Because these violations are now conclusive, the individual violations are not within the scope of your appeal rights. Please refer to the previously issued correction orders for further details on these violations. If you do not have copies of these orders, contact your county licensor for assistance. DHS also considered this history as a factor when it determined that revocation of your license is appropriate.

- October 4, 2023, Correction Order, which cited two violations. Violations of concern include:
 - You failed to report changes in household membership under Minnesota Rule, section 9555.6175, subpart 3, item A.
 - The adult foster home is not the license holder's primary residence, under Minnesota 245A.02, subdivision 6f.

Severity of violations

Many of the violations relate to the health, safety, and rights of persons served. DHS also considered the severity of these violations when it determined that revocation of your license is appropriate.

Because your foster home does not meet the definition of a family adult foster home, because you knowingly withheld relevant information from or gave false or misleading information to the commissioner, and due to the serious nature of the licensing violations and the conditions in the program, which impact the health, safety, and rights of persons served in your care, your licenses to provide adult foster care and home and community-based services are revoked.

YOUR RIGHT TO APPEAL

You have the right to appeal the revocation. 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 received 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 received 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. If you do not appeal or if the order is affirmed by the Commissioner following a hearing, DHS is prohibited from issuing you a license for five years. In addition, any additional licenses held by you shall also be revoked.

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.

Operating the program pending the outcome of the appeal:

If you file an appeal within the timeframes described above, you may continue to operate pending the outcome of your appeal. If you continue to operate, you must do so in full compliance with all licensing laws and rules. Failure to follow a law or rule that may impact the health or safety of people served by your program could result in the immediate suspension of your license.

Legal authority for this licensing action

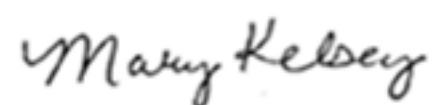
- This action is taken under Minnesota Statutes, section 245A.07, subdivision 3, which describes under which conditions DHS may revoke a license.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (3), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has had a license issued under this chapter revoked within the past five years.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (5), when a license issued under this chapter is revoked under clause (1) or (3), the license holder and controlling individual may not hold any license under chapter 245A for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.

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Questions

If you have any further questions regarding this matter, you may contact Cory Jelinek, Supervisor, at 651-431-3512.

Sincerely,

A handwritten signature in black ink that reads "Mary Kelsey". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mary Kelsey, Unit Manager
Licensing Division
Office of Inspector General

cc: Ellen Turner, Olmsted County Community Services