

July 18, 2024

CERTIFIED MAIL

Mona Shamsan
912 124th Lane Northwest
Coon Rapids, MN 55448-1407

License Number 1105978 FCC

ORDER OF CONDITIONAL LICENSE ORDER TO PAY A FINE

Dear Ms. Shamsan:

Based on the recommendation of Anoka County Human Services Division (Anoka County), the Department of Human Services (DHS) is placing your license to provide family child care at 912 124th Lane Northwest, Coon Rapids, MN on conditional status for one year, beginning July 18, 2024. This means you must meet certain conditions to maintain your license, detailed below. This order is based on your level of noncompliance with family child care licensing requirements. Our next steps and your options are also provided below.

In addition, DHS is ordering you to pay a fine of \$1000. Details of our findings are provided below.

REASON FOR THE CONDITIONAL LICENSE

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 children served in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. Specifically because you failed to follow diaper sanitation requirements, because you failed to document the use of substitutes, because you failed to ensure all substitutes had a background study, because you failed to provide documentation that two substitutes had pediatric first aid training and pediatric cardiopulmonary resuscitation (CPR), because you failed to provide documentation that two substitutes had Sudden Unexpected Infant Death (SUID) and Abusive Head Trauma (AHT) training, because you failed to provide documentation that two substitutes had completed the Basics of Licensed Family Child Care for Substitutes training. DHS has determined that it is appropriate to place your license on conditional status based on the violations identified below and the program evaluation.

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

2. Failure to comply with licensing laws and rules

As a result of previous licensing visits, Anoka County determined that your program failed to comply with the laws and rules for licensed family child care. DHS has considered the nature, chronicity, and severity of these violations, which are provided below.

Legal Authority: Minnesota Statutes, section 245A.06, subdivision 1.

Nature, history and severity of violations

On March 18, 2024, Anoka County initiated a licensing investigation of your licensed program. 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 Anoka County licensor for assistance. DHS also considered this history as a factor when it determined that a Conditional License is appropriate.

- April 2, 2024, Correction Order, which cited you for the following violations.
 - You failed to follow required sanitation procedures regarding diapering when diapers were not changed when wet or soiled. On April 15, 2024, you did request reconsideration of this one citation. On May 21, 2024 DHS affirmed this citation from the correction order.
 - You failed to follow the substitute tracking requirement when you did not document the use of a substitute.
 - You failed to ensure that a background study was completed for a substitute prior to providing care.
 - You failed to provide documentation that two substitutes had SUID and AHT training prior to caring for children.
 - You failed to provide documentation that two substitutes had pediatric CPR and First aid training prior to caring for children.
 - You failed to provide documentation that two substitutes had Basics of Licensed Family Child Care for Substitutes prior to caring for children.
- January 12, 2024, Correction Order, which cited you for the following violations.
 - You failed to follow required sanitation requirements when you disposed of diapers in the kitchen.
 - You failed to maintain attendance records as required for programs receiving government reimbursement.
- October 27, 2023, Correction Order, which cited you for the following violations.
 - You failed to ensure a gate or barrier was in place on a stairway when children between the ages of 6 months to 18 months were in care.
 - You failed to ensure the electrical receptacles were inaccessible to children in care when outlet covers were not in place.

- You failed to ensure that hazardous materials were inaccessible when children in care had access to plastic bags.
- You failed to provide information to parents stating you do not have liability insurance.
- You failed to document allergy information for a child in care with a known allergy.
- You failed to ensure that admissions and arrangements had all required items when an admissions and arrangements form was missing a signature.
- You failed to ensure that there was a tight-fitting sheet for cribs when two cribs did not have a sheet on them.
- You failed to provide documentation that you reviewed the U.S. Consumer Product Safety Commission (USCPSC) website to verify if a crib was marked safe or unsafe.
- You failed to provide documentation that all cribs accessible to children were inspected on a monthly basis to ensure they meet all safety requirements.

Severity of violations

Due to the serious and chronic nature of these violations, and the conditions in the program, which impact the health and safety of children served in your care, your license to provide family child care is placed on a conditional status.

Conditional License Terms

In addition to the licensing rules and statutes for family child care, you are required to comply with the following terms:

1. You follow and comply with all applicable Minnesota Rules and Laws.
2. No variances to age distribution or capacity will be granted during the conditional period.
3. You must submit a detail written plan regarding how you will effectively and professionally run your program. This plan must address how you will change diapers and treat rashes. This plan must also include how you will meet requirements when you take time off from the program. This plan must be submitted to Anoka County **within 10 days of receiving this order**. The plan must be approved by Anoka County.
4. You must complete six hours of additional training **within 90 days of this order**. The training **is in addition to the annual training requirements** as listed in Minnesota Statutes, section 245A.50. The training must be in the area of health and safety. You must obtain approval from Anoka County that the training is appropriate, and you must submit documentation of your attendance to Anoka County.
5. You must either provide a copy of the Order to Pay a Fine and Order of Conditional License to parents of children in care or document that all parents have been given an opportunity to review the order. You must obtain parent signatures of each currently enrolled child, indicating they have either received a

copy of the order or had an opportunity to review the order and submit documentation of compliance with this term to Anoka County **within 30 days of this order**. For new families, you must submit documentation of compliance with this term to Anoka County **within 5 days of any child's admission** to your child care program.

Ongoing Monitoring

Your Anoka County licensor will monitor your compliance with these terms and with all of the family child care rules and laws. This will include unannounced visits. If you fail to demonstrate substantial compliance with family child care requirements or with the terms of your conditional license that are provided above, DHS may take an additional licensing sanction, including a revocation of your license.

REASON FOR FINE

1. Background Study Violation

As a result of an investigation, Anoka County determined that you failed to request background studies for a staff person before they began working in positions allowing direct contact with children served.

Specifically, when you allowed an individual to work as a substitute without a background study.

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

Fine: \$200

2. Failure to Complete Training

On March 18, 2024, Anoka County conducted a licensing review and determined that you failed to ensure that two substitutes had SUID and AHT prior to caring for children.

Statute Violated: Minnesota Statutes, section 245A.50, subdivision 5a.

Fine: \$400 (\$200 per occurrence- two occurrences)

On March 18, 2024, Anoka County conducted a licensing review and determined that you failed to ensure that two substitutes had cardiopulmonary resuscitation (CPR) and first aid training prior to caring for children.

Statute Violated: Minnesota Statutes, section 245A.50, subdivision 3a and 4a.

Fine: \$400 (\$200 per occurrence- two occurrences)

YOUR APPEAL/RECONSIDERATION RIGHTS

If You Wish to Appeal the Fine and the Conditional License, or Just the Fine

You have the right to appeal both the fine and the conditional license, or only 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.

If You Wish to Only Appeal the Conditional License

If you are not appealing the fine, you do not have a right to a contested case hearing. However, you have the right to request reconsideration of the conditional license and the cited violations. Your request must:

- Be in writing
- Clearly state that you are requesting reconsideration of the conditional license
- List each citation you are challenging and identify what is inaccurate or incomplete about the information in the order
- Supply information that is accurate or more complete
- State why you believe your license should not be on a conditional status
- Be made before the deadlines provided below

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. If you do not meet this deadline, you lose your right to request reconsideration. The timeline to appeal began when you received this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
PO Box 64242
St. Paul, MN 55164-0242

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
Licensing Division
Attention: Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

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 above, 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 above, 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.

Conditional license stayed pending reconsideration

If you request reconsideration within the timeframes described above, the terms of the conditional license will not take effect until a decision is issued by DHS. If the conditional license is affirmed on reconsideration, the terms would take effect on the date of the reconsideration decision, and run for one year from that date. You continue to be required to comply with all family child care laws and rules.

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.

Posting of this licensing action

You are required to place this Order to Pay a Fine and Order of Conditional License 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.

Prohibition against providing legally unlicensed child care

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

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.
- DHS may impose a \$200 fine for each health, safety, or supervision licensing violation under Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c)(4)(iv).
- DHS shall 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.
- 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.
- The timeline to request reconsideration of the order of conditional license is provided in Minnesota Statutes, section 245A.06, subdivision 4.
- 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.

Mona Shamsan

July 18, 2024

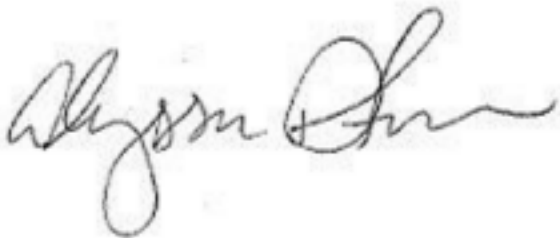
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- If a license holder files a timely reconsideration request, the terms of the conditional license are stayed pending a decision by DHS under Minnesota Statutes, section 245A.06, subdivision 4.
- Under Minnesota Statutes, section 245A.06, subdivision 4, if DHS issues a dual order to pay a fine and a conditional license and the license holder appeals both the fine and the conditional license, DHS will not do a separate reconsideration of the conditional license. If the license holder does not appeal the fine but requests reconsideration of the conditional license, then the license holder does not have a right to a hearing and DHS will conduct a reconsideration of the conditional license.
- 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.06, subdivision 8 and Minnesota Statutes, section 245A.07, subdivision 5.

Questions

If you have any further questions regarding this matter, you may contact Beth Donahue, Supervisor, at 651-431-6565.

Sincerely,



Alyssa Dotson, Deputy Inspector General
Licensing Division
Office of Inspector General

cc: Beth Rignell, Anoka County Human Services Division