

September 3, 2024

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

License Number 1105710 (Child Care Center)
Report Number 202406820

ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS

Dear Krista Bentson:

The Department of Human Services (DHS) is ordering you to pay a fine of \$400 for two 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 August 6, 2024

During a licensing complaint investigation, a DHS licensor determined that you failed to request background studies for two staff persons before they began working in a position 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 June 27, 2023. You initiated an enhanced background study request on June 23, 2023. However, SP1'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 SP1 from a position allowing direct contact services. You initiated another background study request on September 14, 2023. However, SP1's fingerprints were not submitted within 14 days and the background study was closed on September 29, 2023, and you were informed to immediately remove SP1 from a position allowing direct contact services. You initiated another background study request on July 22, 2024. However, SP1's fingerprints were not submitted within 14 days and the background study was closed August 6, 2024, and you were informed to immediately remove SP1 from a position allowing direct contact

services. After being notified by DHS to remove SP1 you initiated another background study request on August 6, 2024.

SP2 began working in a position allowing direct contact services to persons served by the program on May 20, 2024. You initiated an enhanced background study request on July 22, 2024. However, SP2's fingerprints were not submitted within 14 days and the background study was closed on August 6, 2024, and you were informed to immediately remove SP2 from a position allowing direct contact services. After being notified by DHS to remove SP2 you initiated another background study request on August 6, 2024.

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

Fee: \$400 (two background study violations– fineable at \$200 per violation)

Corrective Action Required: Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

Billing and Payment of the Fine

DHS will send you an invoice for the \$400 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 this fine. If you choose to appeal this order, you must use the Provider Hub (<https://providerhub.dhs.mn.gov/>) to submit your request. Your request must be made before the deadline provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when this order was issued in the Provider Hub.

Your request for an appeal must be submitted in the Provider Hub within 10 calendar days from the date it was issued in the Provider Hub.

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).
- 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 me at 651-431-6030, extension 4002.

Sincerely,



Jay Condon, Unit Supervisor

Krista Bentson, Authorized Agent

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Licensing Division

Office of Inspector General