

August 29, 2024

**CERTIFIED MAIL**

Pinehaven Youth and Family Services Inc Corporate House  
C/O Kara Griffin, Pinehaven Board Member/Controlling Individual  
Crow Wing County Community Services  
240 Laurel Street  
Brainerd MN 56401

License Number: 1054983-CFRS (Child Foster Residence Settings)  
Maltreatment Investigation Report Number: 202400407  
Licensing Investigation Report Number: 202400086

## **DETERMINATION OF MALTREATMENT AND ORDER OF LICENSE REVOCATION**

Dear Kara Griffin:

The Department of Human Services (DHS) determined that Kendahl Sweet, Authorized Agent and Controlling Individual (identified as the SP in the Investigation Memorandum for Report Number 202400407) and Pinehaven Youth and Family Services Inc Corporate House located at 13417 Cypress Drive, Baxter, Minnesota, under license number 1054983 is responsible for maltreatment by incidents of neglect of seven alleged victims. DHS is revoking the license to provide child foster residence settings at 13417 Cypress Drive, Baxter, Minnesota, MN, under license number 1054983. This revocation is based on determinations of maltreatment and the Commissioner's evaluation.

The substantiated maltreatment for which Kendahl Sweet, was found responsible meets the definitions of recurring maltreatment and would cause him be disqualified from any position allowing direct contact with, or access to, persons receiving services from programs, organizations, and/or agencies that are required to have individuals complete a background study by the Department of Human Services as listed in Minnesota Statutes, section 245C.03. However, on May 28, 2024, Kendahl Sweet unexpectedly passed away so no further action will be taken regarding the disqualification.

Under Minnesota Statutes, section 13.46, subdivision 4, paragraph (b), clause (1), if a licensing sanction under section 245A.07 is based on a determination that the license holder or controlling individual is responsible for maltreatment or is disqualified under chapter 245C, the identity of the license holder or controlling individual as the individual responsible for maltreatment or as the disqualified individual is public data at the time of the issuance of the licensing sanction.

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 by your program, and information about the qualifications of staff persons who are working in your program. DHS has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

DHS determined that Pinehaven Youth and Family Services Inc Corporate House was responsible for neglect of seven alleged victims and that licensing violations occurred.

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

### 2. Determination of Maltreatment

Maltreatment Report No. 202400407

Allegation One: It was reported that more than once, there was a delay in seeking appropriate medical attention for the youth, including alleged victims (AV1, AV2, AV3, and AV4). (Maltreatment not determined.)

Allegation Two: It was reported that more than once, a staff person (SP) used disparaging and/or derogatory language toward the youth, including AV1 and AV4. (Maltreatment determined as to neglect of AV1-AV7 by the SP and the facility.)

Allegation Three: It was reported that more than once, the SP touched the youth in a manner that the youth did not like and told the SP to stop. This included AV1, AV4, and alleged victim (AV6). (Maltreatment determined as to neglect of AV1, AV4, and AV6 by the SP and the facility.)

Allegation Four: It was reported that a staff person (P4) purchased for the youth, or let the youth purchase, vaporized (vape) pens containing nicotine. It was also reported that a staff person (P3) let the youth "take a hit on" P3's vape pen. This included AV4. (Maltreatment not determined.)

Allegation Five: It was reported that there was a lack of staff and supervision for the youth, which caused missed appointments and safety concerns. This included alleged victims AV2, AV3, AV4, and alleged victim (AV5). (Maltreatment not determined.)

DHS investigated the report as alleged maltreatment by neglect.

Based on the maltreatment investigation, DHS determined that Pinehaven Youth and Family Services, Inc Corporate House responsible for incidents of neglect of seven alleged victims in Allegation Two and

three alleged victims in Allegation Three. See the enclosed Investigation Memorandum for more information.

Statute(s) Violated: Minnesota Statutes, 260E.30, subdivision 2, paragraph (a).

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

Under Minnesota Statutes, section 245A.07, subdivision 3 paragraph (c) clause (4), a license holder shall forfeit \$1000 (\$10,000 total) for each determination of maltreatment of a child under chapter 260E for which the license holder is determined responsible for the maltreatment under section 260E.30, subdivision 4, paragraphs (a) and (b). However, because the Commissioner is imposing a more severe licensing sanction, Pinehaven Youth and Family Services Inc Corporate House is not being fined \$10,000. If the revocation is rescinded upon appeal, DHS may impose the fine at that time.

### 3. Failure to comply with licensing laws and rules

DHS determined that the program failed to fully comply with the laws and rules that apply to licensed Child Foster Residential Setting services. DHS has also considered the nature, chronicity, or severity of the violations that led to the revocation of your license.

- Nature:
  - Failure to ensure planned discharges for foster children in care
  - Failure to ensure appropriate staffing in the program
  - Failure to maintain the records of foster children served in the program, including emergency contact information
  - Failure to ensure the CFRS program in a safe and clean manner
- Chronicity: The information below summarizes the history of your noncompliance with licensing rules and statutes:

○ January 12, 2024	Temporary Immediate Suspension
○ May 24, 2024	Indefinite Suspension of License
○ August 29, 2024	Determination of Maltreatment and Order of License Revocation
- Severity: DHS determined that Pinehaven Youth and Family Services Inc Corporate House was responsible for neglect of seven alleged victims (Allegation Two) and three alleged victims (Allegation Three), and that licensing violations impacting the health and safety of persons served by the program occurred.

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

**Due to the nature of these violations and the conditions in the program, which impact the health and safety of persons served in your care, your licenses to provide child foster care is revoked.**

## LICENSING VIOLATIONS

DHS determined that the program failed to follow licensing rules and statutes, as described below.

### A. Licensing violations determined as a result of Maltreatment Report Number 202400407

1. Citation: Minnesota Rules, part 2960.3080, subpart 8, item A, subitem (1).

Violation: The license holder did not ensure children were not subject to corporal punishment.

It was determined that on multiple occasions the SP gave the youth (including Y1-Y7) “zingers” or “shocker cables” by poking their sides and rubbing the youth’s shoulders and heads. More than one person heard the youth tell the SP to stop but the SP “didn’t take it seriously” or “laughed it off,” and did not stop.

2. Citation: Minnesota Rules, part 2960.3080, subpart 8, item A, subitem (2).

Violation: The license holder did not ensure children were not subject to verbal abuse.

It was determined that on multiple occasions the SP used disparaging and derogatory language toward the youth including calling youth, “stupid ... [the R word] ... baby ... predator ... deviant ... little cutie ... honey.” The P “called out in group” one youth’s gender identity and another youth’s hygiene, saying s/he “smelled terrible” and looked “like crap.” The SP treated “non-white” youth “differently.”

3. Citation: Minnesota Rules, part 2960.3080, subpart 8, item A, subitem (3).

Violation: The license holder did not ensure children were not subject to punishment for lapses in toilet habits, including bed wetting or soiling.

It was determined that on at least one occasion the SP told four youth and two staff about Y7’s “bed wetting” and that “[AV1’s significant other] will have to wear a life jacket.”

4. Citation: Minnesota Rules, part 2960.3080, subpart 8, item A, subitem (4).

Violation: The license holder did not ensure children were not subject to withholding of basic needs including but not limited to family visits, positive reinforcement, or medical care.

It was determined that on multiple occasions the SP withheld home visits for the youth, told four youth and two staff about Y7's "bed wetting" and that "[Y7's significant other] will have to wear a life jacket," and gave staff persons directives to not call 9-1-1 or seek medical care for youth.

5. Citation: Minnesota Rules, part 2960.3100, subpart 2; and part 2960.3230, subpart 2, items A and B.

Violation: The license holder must keep a record for each foster child in care and make available to the commissioner of human services and share the child's records according to the requirements of statute.

For six youth whose records were reviewed: Y2, Y5, and Y6 had intake and admission records but their *Program Plans* were blank. Y4 had a *Face Sheet*, which did not include the same information as the intake and admission records; Y4 did not have intake and admission records or a *Program Plan*. Y3 did not have any records, including intake and admission records and *Program Plans*.

6. Citation: Minnesota Rules, part 2960.3100, subpart 1, item I; part 2960.3210; and part 2960.3220, subpart 5.

Violation: The license holder must keep a record for each staff person, including orientation, personnel training, and documentation of training to demonstrate the education and experience required to meet the functions and program activities.

P1 and P2 received training on the Reporting of Maltreatment of Minors Act and Vulnerable Adults Act, but their orientation checklists, which listed policies and procedures, were blank. The SP's training records were from 2010 and 2013. The SP received training on the Reporting of Maltreatment of Vulnerable Adults Act in 2013. There was no record s/he received training on the Reporting of Maltreatment of Minors Act. There was a single page document that said the SP received and reviewed the *Employee Handbook* in 2023, but there was no information what this entailed.

7. Citation: Minnesota Rules, part 2960.3030, subpart 1.

Violation: The license holder must license holder must maintain a ratio of one adult for each five children.

It was determined that there were multiple occasions when one staff person worked with more than five children.

## **B. Licensing violations determined as a result of Licensing Investigation Report Number 202400086**

8. Citation: Minnesota Rules, part 2960.3080, subpart 11.

Violation: Pinehaven Youth and Family Services Inc Corporate House failed to ensure a planned discharge for foster children served by the CFRS program.

DHS determined that Pinehaven Youth and Family Services Inc Corporate House closed the program without providing proper notice to children served or their social workers and guardians.

9. Citation: Minnesota Rules, part 2960.3220, subpart 4, items B and D.

Violation: Pinehaven Youth and Family Services Inc Corporate House failed to have a staffing plan, failed to have adequate staffing to operate the program, and failed to give staff a schedule of their expected work hours.

It was determined that the SP did not provide staff a schedule of their expected work hours and that staff sometimes worked 48-72 hours at a time, never knowing if or when someone would relieve them. In addition, the SP did not have ensure adequate staffing to meet the supervision requirements of foster children in care.

10. Citation: Minnesota Rules, part 2960.3100, subpart 2.

Violation: Pinehaven Youth and Family Services Inc Corporate House failed to maintain the required records for children in care, including emergency contact information.

On October 30, 2023, law enforcement responded to a report at Pinehaven. Staff told law enforcement that they had no emergency contact information for Y3 and Y6, including the social worker information, guardian information, or parental contact information.

11. Citation: Minnesota Rules, part 2960.3050, subpart 1.

Violation: Pinehaven Youth and Family Services Inc Corporate House failed to maintain the CFRS home and equipment in a clean and safe manner.

It was determined that the home had broken windows, feces smeared in the bathrooms, doorframes kicked in, holes in walls large enough for a child to crawl into another child's room, mold, and a backyard gazebo that was in disrepair and posed a hazard.

## YOUR RIGHT TO APPEAL

You have the right to appeal the Revocation Order and maltreatment determinations. Please see options below.

Should you exercise your rights to appeal send:

<b>Certified mail to:</b>	<b>Personal delivery to:</b>
Commissioner, Department of Human Services Office of Inspector General Licensing Division Attention: Legal Unit PO Box 64953 St. Paul, MN 55164-0953	Commissioner, Department of Human Services Office of Inspector General Licensing Division Attention: Legal Unit 444 Lafayette Road North St. Paul, MN 55155

### 1. Right to appeal the revocation and maltreatment determination

You have the right to appeal the revocation and the maltreatment determination. The request must be in writing and clearly state that the license holder is requesting a contested case hearing for this matter. The request must be made before the deadlines provided below. If you do not meet this deadline, you lose the 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 15 calendar days from when you received this order. See address provided at the beginning of this section.

If your request is being personally delivered, it must be received by DHS within 15 calendar days from when you received this order. See address provided at the beginning of this section.

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. After this hearing, the Commissioner of DHS will issue a final order.

Under Minnesota Statutes, section 245A.08, subdivision 2a, and section 245C.28, when a licensing sanction is based on a determination of maltreatment, the scope of the contested case hearing shall include the maltreatment determination and the licensing sanction. In this case, a reconsideration and a fair hearing would not be conducted regarding the maltreatment determination.

## **2. Request for reconsideration of the maltreatment determination only**

If you do not appeal the revocation, you may still request reconsideration of the maltreatment determination. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to request reconsideration. The timeline to request reconsideration began when you received this order.

Your request must:

- Be in writing
- Clearly state that you are requesting reconsideration of the maltreatment determination
- Identify what is inaccurate or incomplete about the information in the Investigation Memorandum
- Supply information that is accurate or more complete
- State why you believe the finding of maltreatment should be changed
- Be made before the deadlines provided below.

Your request must be postmarked within 15 calendar days from when you received this order. See address provided at the beginning of this section.

If your request is being personally delivered, it must be received by DHS within 15 calendar days from when you received this order. See address provided at the beginning of this section.

A response to your reconsideration request will be mailed within 15 working days after DHS receives your request. You have the right to request a fair hearing if a response is not mailed within 15 working days.

## **3. Right to appeal revocation only**

You have the right to appeal only 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. See address provided at the beginning of this section.

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you received this order. See address at the beginning of this section.

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 and the controlling individuals a license for five years. In addition, any additional licenses held by you or the controlling individuals 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](http://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:**

On January 12, 2024, DHS issued a Order of Temporary Immediate Suspension on your child foster residence setting license. On May 24, 2024, DHS issued an Order of Indefinite Suspension due to the ongoing investigation. Because the suspension of your license remains in effect, if you appeal the revocation, you continue to be prohibited from operating pending a final order from the Commissioner of DHS.

### **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.
- The timeline to appeal a revocation order is provided in Minnesota Statutes, section 245A.07, subdivision 3(b).
- "Controlling individual" is defined under Minnesota Statutes, section 245A.02, subdivision 5a.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (4) states that license holders shall pay a \$1000 fine for each determination of maltreatment under chapter 260E.
- 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.
- If a license holder files a timely appeal of a revocation order, the license holder may continue to operate the program pending a final order of the appeal under Minnesota Statutes, section 245A.07, subdivision 1(b).
- Minnesota Statutes, section 13.46, subdivision 4, paragraph (b), clause (1), if a licensing sanction under section 245A.07 is based on a determination that the controlling individual is responsible for maltreatment, the identity of the controlling individual as the individual responsible for maltreatment is public data at the time of the issuance of the licensing sanction.

- 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.
- 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.

## Questions

If you have any further questions regarding the maltreatment, you may contact Melanie Bridges, Investigations Supervisor, at 651-431-6559. If you have questions about the license revocation you may contact Cory Jelinek, Foster Care Licensing Supervisor, at 651-431-3512.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyssa Dotson". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

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

Cc: Allyson Davis, Child Foster Care Licensor, Crow Wing County Social Services  
Krista Finnerty Jones, Pinehaven Board Member/Controlling Individual  
Kimberly Henderson, Pinehaven Board Member/Controlling Individual