

January 2, 2025

CERTIFIED MAIL

Abdurahim Adem Buse, Authorized Agent  
Sunshine Adult Day Care Center  
918 Park Street  
Saint Paul, Minnesota 55117

License Number 1082009

## ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS

Dear Abdurahim Adem Buse:

The Department of Human Services (DHS) is ordering you to pay a fine of \$400 for two background study violations. 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 September 18, 2024:

1. As a result of a licensing review a DHS licensor determined that you failed to request background studies for two staff persons before they began working in positions allowing direct contact with persons served.

SP1 was hired on May 4, 2022. SP2 was hired on November 13, 2023. Both SP1 and SP2 provided direct contact services to persons receiving services in your program. At the time of the licensing review on September 18, 2024, the license holder had not submitted a background study request to DHS for SP1 or SP2. The failure to initiate background study requests on staff persons before they begin positions allowing direct contact with persons served by the program is a violation of background study requirements.

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

Fine: \$400

Corrective Action Required: You were issued a notice to immediately remove SP1 and SP2 from any position allowing direct contact or access to persons served by the program on September 19, 2024. You must submit a background study request to DHS for SP1 and SP2. After the background study is initiated, and pending notice from the Commissioner, ensure that SP1 and SP2 do not provide direct contact services to persons served by the program unless they are under continuous direct supervision by another staff person who has received a background study clearance notification from DHS. See Minnesota Statutes, section 245C.13, subdivision 2. On

an ongoing basis, you must comply with the background study requirements in Minnesota Statutes, chapter 245C.

## **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. If this occurs, you are personally responsible for payment.

## **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  
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 receive 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

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](http://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.

## 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 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.

## Questions

If you have any further questions regarding this matter, you may contact Troy Goudy, Supervisor, at 651-431-6639.

Sincerely,



Troy Goudy, HCBS Supervisor  
Licensing Division  
Office of Inspector General