

February 25, 2025

Sarah McKee, Authorized Agent  
University of Minnesota Child Development Laboratory School  
921 17<sup>th</sup> Avenue SE  
Minneapolis, MN 55414

License Number 802581 (Child Care Center)

## **ORDER TO PAY A FINE FOR BACKGROUND STUDY VIOLATIONS**

Dear Sarah McKee:

The Department of Human Services (DHS) is ordering you to pay a fine of \$3400 for seventeen out of eighteen 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 requirements:

#### **Background Study Violation Determined on December 17, 2024:**

1. While preparing for a licensing review, a DHS licensor determined you failed to repeat a background study for seventeen child care program staff within five years of the staff person's most recent study.

SP1 began working in a position allowing direct contact services to persons served by the program on August 4, 2009. You initiated an enhanced background study request for SP14 on July 22, 2019. SP1's background study expired on July 27, 2024. However, you did not initiate a new background study request until December 10, 2024.

Because you self-corrected the background study violation involving SP1 before the Commissioner discovered the violation, the license holder is not being fined for the background study violation involving SP1.

SP2 began working in a position allowing direct contact services to persons served by the program on September 1, 2006. You initiated an enhanced background study request for SP2 on March 16, 2020. SP2's background study expired on September 3, 2024. After being notified by the DHS licensor to remove SP2 from a position allowing direct contact services you initiated a background study request on

December 20, 2024. SP2 worked without a background study from September 3, 2024, to December 20, 2024.

SP3 began working in a position allowing direct contact services to persons served by the program on September 4, 2007. You initiated an enhanced background study request for SP3 on March 16, 2020. SP3's background study expired on September 18, 2024. After being notified by the DHS licensor to remove SP3 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP3 worked without a background study from September 18, 2024, to December 20, 2024.

SP4 began working in a position allowing direct contact services to persons served by the program on September 23, 2020. You initiated an enhanced background study request for SP3 on September 10, 2020. SP4's fingerprints were taken on July 23, 2019. Because SP4's fingerprints were taken on July 23, 2019, SP4's background study expired on July 26, 2024. After being notified by the DHS licensor to remove SP4 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP4 worked without a background study from July 26, 2024, to December 20, 2024.

SP5 began working in a position allowing direct contact services to persons served by the program on July 12, 2022. You initiated an enhanced background study request for SP4 on July 12, 2022. SP5's fingerprints were taken on July 23, 2019. Because SP5's fingerprints were taken on July 23, 2019, SP5's background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP5 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP5 worked without a background study from July 28, 2024, to December 20, 2024.

SP6 began working in a position allowing direct contact services to persons served by the program on August 2, 2006. You initiated an enhanced background study request for SP5 on July 19, 2019. SP6's background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP6 from a position allowing direct contact services you initiated a background study request on December 31, 2024. SP6 worked without a background study from July 28, 2024, to December 31, 2024.

SP7 began working in a position allowing direct contact services to persons served by the program on August 26, 2015. You initiated an enhanced background study request for SP7 on July 19, 2019. SP7's background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP7 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP7 worked without a background study from July 28, 2024, to December 20, 2024.

SP8 began working in a position allowing direct contact services to persons served by the program on February 3, 2009. You initiated an enhanced background study request for SP8 on July 19, 2019. SP8's background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP8 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP8 worked without a background study from July 28, 2024, to December 20, 2024.

SP9 began working in a position allowing direct contact services to persons served by the program on June 3, 1985. You initiated an enhanced background study request for SP9 on July 18, 2019. SP9's

background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP9 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP9 worked without a background study from July 28, 2024, to December 20, 2024.

SP10 began working in a position allowing direct contact services to persons served by the program on June 13, 1984. You initiated an enhanced background study request for SP10 on July 18, 2019. SP10's background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP10 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP10 worked without a background study from July 28, 2024, to December 20, 2024.

SP11 began working in a position allowing direct contact services to persons served by the program on January 3, 2012. You initiated an enhanced background study request for SP11 on August 31, 2016. SP11's fingerprints were taken on August 28, 2019. Because SP11's fingerprints were taken on August 28, 2019, SP11's background study expired on September 30, 2024. After being notified by the DHS licensor to remove SP11 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP11 worked without a background study from September 30, 2024, to December 20, 2024.

SP12 began working in a position allowing direct contact services to persons served by the program on July 1, 2013. You initiated an enhanced background study request for SP12 on July 18, 2019. SP12's background study expired on July 27, 2024. After being notified by the DHS licensor to remove SP12 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP12 worked without a background study from July 27, 2024, to December 20, 2024.

SP13 began working in a position allowing direct contact services to persons served by the program on September 3, 2004. You initiated an enhanced background study request for SP13 on July 19, 2019. SP13's background study expired on July 28, 2024. After being notified by the DHS licensor to remove SP13 from a position allowing direct contact services you initiated a background study request on January 8, 2025. SP13 worked without a background study from July 28, 2024, to January 8, 2025.

SP14 began working in a position allowing direct contact services to persons served by the program on August 13, 2009. You initiated an enhanced background study request for SP14 on July 18, 2019. SP14's background study expired on July 27, 2024. After being notified by the DHS licensor to remove SP14 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP14 worked without a background study from July 27, 2024, to December 20, 2024.

SP15 began working in a position allowing direct contact services to persons served by the program on August 20, 2019. You initiated an enhanced background study request for SP15 on August 2, 2019. SP15's background study expired on August 9, 2024. After being notified by the DHS licensor to remove SP15 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP15 worked without a background study from August 9, 2024, to December 20, 2024.

SP16 began working in a position allowing direct contact services to persons served by the program on November 2, 2010. You initiated an enhanced background study request for SP16 on July 23, 2019. SP16's background study expired on July 27, 2024. After being notified by the DHS licensor to remove SP16 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP16 worked without a background study from July 27, 2024, to December 20, 2024.

SP17 began working in a position allowing direct contact services to persons served by the program on September 9, 2019. You initiated an enhanced background study request for SP17 on March 16, 2019. SP17's background study expired on October 25, 2024. After being notified by the DHS licensor to remove SP17 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP17 worked without a background study from October 25, 2024, to December 20, 2024.

Statute Violated: Minnesota Statutes, section 245C.03, subdivision 1, paragraph (a); section 245C.04, subdivision 1, paragraph (b); and section 245C.05, subdivision 2, paragraph (a).

2. While preparing for a licensing review, a DHS licensor determined that you failed to meet the background study requirements for one staff person before s/he began working in a position allowing direct contact with children served by the program.

SP18 began working in a position allowing direct contact services to persons served by the program on March 12, 2024. You initiated a background study for SP18 on March 25, 2024. However, you removed SP18 from your active roster on April 9, 2024. You initiated another background study on June 12, 2024. However, you removed SP18 from your active roster that same day. After being notified by the DHS licensor to remove SP18 from a position allowing direct contact services you initiated a background study request on December 20, 2024. SP18 worked without a background study from June 12, 2024, to December 20, 2024.

Statute Violated: Minnesota Statutes, section 245C.03, subdivision 1, paragraph (a); section 245C.04, subdivision 1, paragraph (b); and section 245C.05, subdivision 2, paragraph (a); and section 245C.20 subdivision 3.

Fine: \$3400 (eighteen background study violations –seventeen 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

After 10 calendar days from the date of this letter, DHS will issue you an invoice for the \$3400 fine through the Provider Hub. Payment must be made as directed on the invoice. 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. 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 below, 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.

## 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](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.

## 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).
- 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.
- 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, Chad Kratzke, Unit Supervisor, at 651-431-6030, extension 4018.

Sincerely,



Peggy Cunningham, Unit Manager  
Licensing Division  
Office of Inspector General