

March 17, 2025

CERTIFIED MAIL

Bobbi Jo Sandland
2081 2nd Street
Lake Park, MN 56554

License Number 1094531 FCC

VIOLATION OF SETTLEMENT AGREEMENT REINSTATEMENT OF REVOCATION

Dear Ms. Sandland:

Based on the recommendation of Becker County Human Services (Becker County), the Department of Human Services (DHS) is reinstating the revocation of your license to provide family child care 2081 2nd Street, Lake Park, MN. 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 children served in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. Specifically, you have violated term 4a of the Settlement Agreement issued on January 8, 2025. DHS has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

Previously, in an order dated July 19, 2023, the Department of Human Services revoked your license to provide family child care because you were intoxicated while caring for children, because you were not able to provide 12 months of abstinence, because you were found responsible for maltreatment, and because you failed to follow licensing rules and laws.

You appealed the Order of Revocation, and on November 14, 2023, you entered into a Settlement Agreement with the Department of Human Services and your license was to be placed on a conditional status for a period of two years after you met the terms below.

As a result of the settlement agreement, you agreed to comply with the following conditions and be in compliance with all family child care training and licensing requirements:

4a. License holder will pay a fine of \$1000 for the May 9, 2023, maltreatment determination.

4b. License holder will pass all county-initiated random sobriety checks.

4c. License holder will refrain from using alcohol and other non-prescribed chemical substances.

4d. License holder will remain law-abiding.

4e. License holder must complete six-hours of active supervision training and provide documentation of completion to Becker County. This provision is in addition to the annual training requirements as listed in Minnesota Statutes, section 245A.50.

4f. License holder will provide Becker County with a detailed written plan that addresses how she will provide supervision to all children in care.

Additionally, in the settlement agreement, you acknowledged that a failure to comply with the terms of the agreement or provisions of Minnesota rules and laws may result in the immediate reinstatement of the revocation of your family child care license; and, that the scope of any appeal of the reinstated revocation would be limited to whether you failed to comply with the terms of the settlement agreement.

On June 11, 2024, your licensed revocation was reinstated because you failed to comply with terms 4b and 4c of the November 14, 2023, settlement agreement. As part of the settlement agreement, you were to take a urine analysis on April 17, 2024, and May 13, 2024. Both tests confirmed positive for alcohol in your system.

You appealed the revocation and on January 8, 2025, you entered into a settlement agreement.

As a result of the settlement agreement dated January 8, 2025, DHS agreed to place your license on conditional status for two years starting May 13, 2025, as long as you complied with conditions before May 13, 2025, and were also in compliance with all training and licensing requirements. One of the terms was as follows:

- a. License holder shall make a call every morning to check the color wheel and must pass all county-initiated random sobriety checks. License holder will receive instructions, including a number and individual ID number that the license holder will enter to see if she is to test the same day.

On January 19, 2025, and February 22, 2025, you did not meet the term above when you failed to call in as required.

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

2. Failure to comply with licensing laws and rules

Becker County determined that you failed to fully comply with the laws and rules that apply to licensed family child care. DHS has considered the nature, chronicity, or severity of the violations that led to the revocation of your license.

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

Nature, history and severity of violations

Previous licensing actions

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 Nicollet County licenser for assistance. DHS also considered this history as a factor when it determined that revocation of your license is appropriate.

- June 11, 2024, Order of Revocation was issued.
- July 19, 2023, Order of Revocation was issued.
- April 20, 2023, Temporary Immediate Suspension, which determined children were at an imminent risk of harm.
- August 19, 2022, Order to Pay a Fine of \$200 for failure to comply with SUID requirements when an infant was being slept in a swing.
- May 5, 2021, Order of Conditional license for the following license violations:
 - Failure to maintain fire extinguisher as required.
 - Failure to ensure that toxic substances were inaccessible to children in care when children had access to chemicals and detergent.
 - Failure to maintain attendance records for children in care as required.
 - Failure to ensure your first aid kit was complete when you were missing an ice pack.
 - Failure to ensure that emergency phone numbers were available and/or taken on field trips.
 - Failure to provide documentation of current vaccinations for pets in the home.
 - Failure to provide documentation of permission to administer medication as required.
 - Failure to provide documentation of parent signatures regarding liability insurance.
 - Failure to provide procedures and products for the safe handling of bodily fluids including eye protection.
 - Failure to provide documentation of immunization records for children in care.
 - Failure to provide documentation of admission and arrangement forms for children in care.

- Failure to provide documentation of annual crib safety checks as required.
 - Failure to provide documentation of monthly crib safety inspections as required.
- May 5, 2021, Order to Pay a Fine of \$200 for repeatedly failing to comply with correction orders.
- December 30, 2020, Correction Order which cited the following licensing violations:
 - Failure to have supplies to dispose of bodily fluids.
 - Failure to provide documentation of admission and arrangement forms as required.
 - Failure to provide documentation of immunization records for children in care as required.
 - Failure to provide documentation of crib inspection forms as required.
 - Failure to provide documentation of liability insurance as required.
 - Failure to ensure your fire extinguisher was maintained as required.
 - Failure to ensure your first aid kit contained all required items.
 - Failure to follow notification for pets.
 - Failure to ensure that toxic substances were inaccessible to children in care.
 - Failure to follow standards for sick children.
 - Failure to provide documentation of attendance records as required.
- July 7, 2020, Correction Order which cited the following licensing violations. You were to correct the violations and return the correction order by July 31, 2020. You failed to respond to the correction order.
 - Failure to ensure that toxic substances were inaccessible to children in care when children had access to cleaning wipes, laundry detergent, allergy medication, sunscreen, vitamins, and personal care products.
 - Failure to provide a portable radio or television in the event of an emergency.
- June 26, 2020, Correction Orders which cited the following licensing violations. You were to correct the violations and submit documentation of completion to Becker County by July 24, 2020. You failed to respond to the correction order.
 - Failure to correct the violations cited in a prior correction order.
 - Failure to provide documentation of permission to administer medication as required.
 - Failure to provide documentation of monthly fire and storm drill logs.
 - Failure to provide documentation of an emergency preparedness plan.
 - Failure to provide documentation of annual crib safety checks as required.
 - Failure to provide documentation of monthly crib safety inspections as required.
- February 20, 2020, Correction Order which cited the following licensing violations. You were to correct the violations and submit documentation of completion to Becker County by March 12, 2020. You failed to respond to the correction order. On June 26, 2020, you were issued a correction order for failing to respond to this correction order.
 - Failure to ensure that electrical outlets were shielded as required.

- Failure to provide clean, separate bedding for each child in care when a pack and play was in use without a sheet.
 - Failure to maintain attendance records for children in care as required.
 - Failure to provide documentation of monthly fire and storm drill logs.
 - Failure to provide documentation of admission and arrangement forms for children in care prior to admission.
 - Failure to provide documentation of annual crib safety checks as required.
 - Failure to provide documentation of monthly crib safety inspections as required.
- December 12, 2019, Correction Order which cited the following licensing violations.
 - Failure to ensure that electrical outlets were shielded as required.
 - Failure to ensure that toxic substances were inaccessible to children in care when children had access to chemicals, detergent, medication, and vitamins.
 - Failure to ensure hazardous materials were inaccessible to children in care when children had access to plastic bags and plastic wrap.
 - Failure to provide emergency phones numbers for parents, dentists and physicians as required.
 - Failure to provide a portable radio or television in the event of an emergency.
 - Failure to provide documentation of current vaccinations for pets in the home.
 - Failure to ensure that children wash their hands with soap and water prior to eating.
 - Failure to provide a written emergency plan.
 - Failure to provide documentation of monthly crib safety inspections as required.
 - Failure to provide documentation of admission and arrangement forms for children in care.
 - Failure to place an infant to sleep on a mattress with a tight-fitting sheet.
 - Failure to provide crib safety documents as required.
 - Failure to provide documentation of monthly fire and storm drill logs.

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 in your care, your license to provide family child care services is revoked.

YOUR RIGHT TO APPEAL

If you appeal the reinstated revocation, the scope of the hearing will be limited to whether or not you failed to comply with the terms of the January 8, 2025, settlement agreement.

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. 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

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.

Operating the program pending the outcome of the appeal:

Even if you file an appeal within the timeframes described above, you are prohibited from operating a family child care program.

Questions about CCAP

If you are a provider authorized to receive Child Care Assistance Program (CCAP) payments, this revocation order could impact your ability to receive CCAP funding. If you have questions about CCAP, contact the County or CCAP agencies where you are authorized to receive CCAP funds.

Prohibition against providing legally unlicensed child care

On May 5, 2021, DHS issued an Order of Conditional License to your family child care program, which disqualified you from providing legally unlicensed child care. You remain prohibited from providing legally unlicensed child care even if you appeal this order.

Posting of this Licensing Action

You are required to place this Order of License Revocation 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

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 3, which describes under which conditions DHS may revoke a license.
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14, Minnesota Rules, parts 1400.8505 to 1400.8612, and Minnesota Statutes, section 245A.08.
- Minnesota Statutes, section 245A.03, subdivision 2a provides that an applicant for licensure who has received a license revocation that has not been reversed on appeal may not operate as a legally unlicensed child care provider.
- Operating an unlicensed family child care is a misdemeanor 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.07, subdivision 5.

Questions

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

Sincerely,



Alexandra Keys, Family Child Care Unit Manager
Licensing Division
Office of Inspector General

Bobbi Jo Sandland

March 17, 2025

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cc: Amy Hanson, Becker County Humans Services
Sara Peterson, Sourcewell