

April 4, 2025

CERTIFIED MAIL

Nicole Goebel
12742 Foliage Court
Apple Valley, MN 55124-7978

License Number 1045890 FCC

ORDER OF LICENSE REVOCATION

Dear Ms. Goebel:

Based on the recommendation of Dakota County Community Services (Dakota County), the Department of Human Services (DHS) is revoking your license to provide family child care at 12742 Foliage Court, Apple Valley, 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, because you repeatedly failed to respond to Dakota County, and because you failed to comply with terms one and six of your conditional license. DHS has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.¹

¹ The Office of the Revisor of Statutes recently updated its website to reflect 2024 legislative changes to Minnesota statutes. The Revisor's website states that parts of Chapter 245A have been renumbered to Chapter 142B. Despite this language on the Revisor's website, parts of Chapter 245A (2023), as referenced in this document, remain effective until DHS formally transfers power and responsibility for parts of chapter 245A to the Minnesota Department of Children, Youth, and Families. The anticipated transfer date is July 1, 2025. Laws 2024, chapter 80, article 8, section 72; Laws 2023, chapter 70, article 12, section 30.

2. Conditional license violations

On October 30, 2024, DHS placed your license on conditional status for a period of two years. Dakota County has determined that you failed to comply with the conditional order.

Term #1: You must follow and comply with all applicable Minnesota Rules and Laws.

- On January 10, 2025, Dakota County contacted you about your plans for your child care. You failed to respond.
- On January 21, 2025, Dakota County emailed you to let you know that you needed to complete background studies for you and a household member. You failed to respond.
- On February 6, 2025, Dakota County emailed you that two more individuals affiliated with your program needed to complete background studies. You failed to respond.
- On February 18, 2025, Dakota County notified you that background studies for your program needed to be complete. You failed to respond.
- On February 24, 2025, Dakota County contacted you regarding your expired background studies and on the status of your program. You failed to respond.

You repeatedly failed to respond to Dakota County and to submit background studies as required. One study expired in November 2024, and the others all expired in February 2025.

Term #6— You must obtain a minimum of six hours of additional training **within 90 days** of the date of this order. The training is in addition to the annual training requirements as listed in Minnesota Statutes, section 245A.50. The training must be in the area of rule review and mandated reporter. Prior to attending, you must obtain approval from Dakota County that the training is appropriate. You must submit documentation of your attendance to Dakota County.

You failed to submit documentation of additional training to Dakota County as required.

Legal Authority: Minnesota Statutes, sections 245A.06, subdivision 3; and 245A.07, subdivision 3, paragraph (a).

3. Failure to comply with licensing laws and rules

Dakota County determined that you failed to fully comply with the laws and rules that apply to licensed family child care program. 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 Dakota County licensor for assistance. DHS also considered this history as a factor when it determined that revocation of your license is appropriate.

- October 30, 2024, Conditional License, which cited the following violations of concern include:
 - Failure to ensure that two household members being used as helpers had the required training as well as an individual you left watching children in your absence.
 - Failure to ensure an individual caring for children had a background study as required.
 - Failure to provide required supervision when you left children with an individual unaffiliated with your program while you were on another level of your home. The individual did not have the required background study or training.
 - Providing false or misleading information when you stated that a household member did not assist with your family child care program. It was determined during the investigation, that the individual was being used as a helper in your program.
 - Failure to report to Dakota County a serious incident in your home involving law enforcement.
 - Failure to follow data privacy guidelines when a household member was allowed to take pictures of children in care and had sent them to another individual.

- July 12, 2024, Temporary Immediate Suspension, which determined children were at an imminent risk of harm.

- September 13, 2022, Correction Order, which cited the following licensing violations:
 - Failure to provide documentation of current first aid training.
 - Failure to provide documentation of current cardiopulmonary resuscitation training as required.
 - Failure to provide documentation of monthly crib inspections as required.
 - Failure to provide documentation of annual crib safety recalls as required.
 - Failure to ensure your water temperature was at or below 120 degrees Fahrenheit.

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

YOUR RIGHT TO APPEAL

You have the right to appeal 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.

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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
Legal Counsel's Office
Attention: Licensing Legal Unit
PO Box 64953
St. Paul, MN 55164-0953

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
Legal Counsel's Office
Attention: Licensing 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. If you do not appeal or if the order is affirmed by the Commissioner following a hearing, DHS is prohibited from issuing you a license for five years. In addition, any additional licenses held by you 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 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:

If you file an appeal within the timeframes described above, you may continue to operate pending the outcome of your appeal. If you continue to operate, you must do so in full compliance with all licensing laws and rules. Failure to follow a law or rule that may impact the health or safety of children served by your program could result in the immediate suspension of your license.

Questions about CCAP

If you are a provider registered to receive Child Care Assistance Program (CCAP) payments, this revocation order could impact your ability to receive CCAP funding. If your CCAP registration is closed or denied as a result of this Licensing action, you will get a separate notice(s).

If you have questions about:

- Your CCAP registration, and you get a notice telling you your registration is being closed or denied, contact the agency that sent the notice.
- Billing or payments for specific children, contact the county or CCAP agency where the children get CCAP.

Prohibition against providing legally unlicensed child care

ON July 12, 2024, DHS issued an Order of Temporary Immediate Suspension 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.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (4)(iv) states that license holders shall pay a \$200 for each background study violation.
- Minnesota Statutes, section 245.095 defines which programs administered by DHS are included in the exclusion provision, and further defines “excluded,” “individual,” and “provider.”
- 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.
- Under 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.
- Under 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.

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- Minnesota Statutes, section 245A.03, subdivision 2a provides that an applicant for licensure who has received a license denial 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,

A handwritten signature in black ink, appearing to read "Alexandra Keys". The signature is fluid and cursive, with the first name being more prominent than the last.

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

cc: Julie Finnerty, Dakota County Community Services