

April 9, 2025

Jayne Wuchko, Authorized Agent  
The Clubhouse House Childcare and Preschool  
13586 Dellwood Way  
Rosemount, MN 55068

License Number 1106018 (Child Care Center)

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

Dear Jayme Wuchko:

The Department of Human Services (DHS) is ordering you to pay a fine of \$200 for one out of two background study violations that occurred at The Clubhouse Childcare and Preschool, located at 18500 Pilot Knob Road, Farmington, Minnesota. 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 March 11, 2025**

1. While preparing for a licensing review, a DHS licensor determined that one staff person provided direct contact services to persons served by the program prior to receiving a notice from DHS.

SP1 began working in a position allowing direct contact services to persons served by the program on February 3, 2025. You initiated a background study request for SP1 January 30, 2025. It was determined through a review of documentation that SP1 had direct contact with children prior to receiving a notice from DHS on February 4, 2025.

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.

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

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

SP2 began working in a position allowing direct contact services to persons served by the program on April 22, 2024. You initiated an enhanced background study request on April 19, 2024. However, SP2 did not submit the required documents and SP2's background study was closed on May 4, 2024, and you were informed to immediately remove SP2 from a position allowing direct contact services. You initiated another enhanced background study request on December 11, 2024. However, SP2's fingerprints were not submitted and SP2's background study was closed on December 26, 2024, and you were informed to immediately remove SP2 from a position allowing direct contact services. You initiated another enhanced background study request on February 10, 2025. However, SP2 did not submit the required documents and SP2's background study was closed on February 25, 2025, and you were informed to immediately remove SP2 from a position allowing direct contact services. After the DHS licensor notified to remove SP2 from a position allowing direct contact services you initiated another background study request on March 11, 2025.

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).

Fee: \$200 (two background study violations – one fineable at \$200 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 receipt of this letter, DHS will send you an invoice for the \$200 fine through the Provider Hub. 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. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

## 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).
- 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.
- 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 me at 651-431-6030, extension 4008.

Jayne Wuchko, Authorized Agent

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Sincerely,

A handwritten signature in black ink that reads "Donna Gainor". The signature is written in a cursive style with a large, looped initial "D".

Donna Gainor, Unit Supervisor

Licensing Division

Office of Inspector General