

May 8, 2025

PERSONAL SERVICE

Kelly Fiecke
2604 9th Street East
Glencoe, MN 55336

License Number 1076444 FCC

ORDER OF TEMPORARY IMMEDIATE SUSPENSION

Dear Ms. Fiecke:

Based on information received from McLeod County Human Services (McLeod County), the Department of Human Services (DHS) is immediately suspending your license to provide family child care at 2604 9th Street East Glencoe, MN. This immediate suspension is based on a determination that children served by your program are at an imminent risk of harm. Details of our findings are provided below. Our next steps and your options are also detailed.

The immediate suspension goes into effect on May 9, 2025, at 12:01 a.m. After this time, you are prohibited from providing family child care. You are also prohibited from operating as a legally unlicensed child care provider at this time.

REASON FOR TEMPORARY IMMEDIATE SUSPENSION

There is an imminent risk of harm to persons served.

On May 6, 2025, McLeod County received a report regarding your family child care program. The report alleges that a child in your care left your program without your knowledge and was found by a community member.

Because your program is currently being investigated by McLeod County, no additional information can be released in this order.

Based on these findings, DHS cannot ensure the health and safety of the children served by your program at this time. DHS has determined that the health, safety, and rights of children in your care are in imminent risk of harm. Therefore, DHS is suspending your license to provide family child care.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 2(a)(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

YOUR RIGHT TO APPEAL

You have the right to appeal the temporary immediate suspension. 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. Your response time starts when you receive this letter.

If you are mailing your request, it must be sent by certified mail and postmarked within 5 calendar days from when you receive 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 5 calendar days from when you receive 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.

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.

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.

Questions about CCAP

If you are a provider registered to receive Child Care Assistance Program (CCAP) payments, this 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

If this action is not reversed on appeal, you will not be allowed to provide child care, including legally unlicensed child care to unrelated children. Operating an unlicensed family child care home is a misdemeanor offense.

Posting of this licensing action

You are required to place this Order of Temporary Immediate Suspension 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 in this licensing action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 2(a), which describes under which conditions DHS may immediately suspend a license.
- Because this report remains under investigation, additional information is considered “confidential data” under Minnesota Statutes, section 13.46, subdivision 3.
- A license holder and any controlling individual shall discontinue operation of a program upon receipt of an order to immediately suspend the license under Minnesota Statutes, section 245A.07, subdivision 2(b).
- Minnesota Statutes, section 245A.03, subdivisions 2 and 3 provide that a license holder under a temporary immediate suspension may not operate as a legally unlicensed child care provider.
- 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.

Kelly Fiecke
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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 the most prominent.

Alexandra Keys, Unit Manager
Licensing Division
Office of Inspector General

cc: Amy Berry, McLeod County Human Services