

September 8, 2025

CERTIFIED MAIL

Francisca Hernandez
210 River Street
Paynesville, MN 56362-1241

License Number 1122364 FCC

ORDER OF LICENSE REVOCATION

Dear Ms. Hernandez:

Based on the recommendation of Stearns County Human Services (Stearns County), the Department of Children, Youth, and Families (DCYF) is revoking your license to provide family child care services at 210 River Street, Paynesville, 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, DCYF 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 failed to submit a background study as required and because you provided false or misleading information to Stearns County, DCYF has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

Legal Authority: Minnesota Statutes, section 142B.10, subdivision 13.

2. False or misleading information or knowingly withheld relevant information

Stearns County determined that you knowingly withheld relevant information or provided false or misleading information to the Commissioner related to your license application for child foster care when you failed to notify and admit to Stearns County that an individual was living at your family child care home.

Legal Authority: Minnesota Statutes, section 142B.18, subdivision 4, paragraph (a), subparagraph (3).

3. Failure to comply with licensing laws and rules

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

Legal Authority: Minnesota Statutes, section 142B.18, subdivision 4, paragraph (a), subparagraph (1).

Nature, history and severity of violations

New violations determined

On April 8, 2025, Stearns County received a report regarding your family child care program. The report alleged that an individual who has been living with you had been arrested. As a result, on April 10, 2025, DCYF placed your family child care license on a Temporary Immediate Suspension. You appealed the Temporary Immediate Suspension and, in an order, dated June 10, 2025, the Commissioner affirmed the Temporary Immediate Suspension.

Subsequently, on June 24, 2025, Stearns County made a determination of threatened sexual abuse and threatened injury against the individual residing in your home.

The following are new violations that have not been the subject of a previous correction order. If you appeal this order, the following violations *will* be reviewed as a part of the appeal. DCYF considered these violations, as a factor when it determined that revocation of your license is appropriate.

1. You failed to submit a background study for an individual that was living at your family child care program as required. You were aware the individual had a significant criminal background.

Statute Violated: Minnesota Statutes, section 245C.03, subdivision 2.

2. You repeatedly provided false or misleading information to Stearns County when:
 - During the process of obtaining a foster care license, Stearns County made visits with you on June 7, 2025, January 28, 2025, February 3, 2025, and March 19, 2025. During this time, you never notified Stearns County that an individual had been staying at your home. However, the individual admitted on April 10, 2025, that they had been staying at your home since February 14, 2025.
 - During an investigation visit on April 8, 2025, you admitted to being in a relationship with the individual but stated that the individual started spending the night a few weeks ago but was never there while children were in care. However, Stearns County obtained information that the individual was at your home during child care hours while children were in care.

Statute Violated: Minnesota Statutes, section 142B.18, subdivision 4, paragraph (a), subparagraph (1).

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 orders for further details on these violations. If you do not have copies of these orders, contact your Stearns County licenser for assistance. DCYF also considered this history as a factor when it determined that revocation of your license is appropriate.

- April 10, 2025, Temporary Immediate Suspension, which determined children were at an imminent risk of harm.

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.

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 Children, Youth, and Families
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 DCYF within 10 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Children, Youth, and Families
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DCYF's 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 DCYF will issue a final order. If you

do not appeal or if the order is affirmed by the Commissioner following a hearing, DCYF 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:

On April 10, 2025, DCYF issued an Order of Temporary Immediate Suspension on your family child care license. Because the immediate suspension of your license remains in effect, if you appeal the revocation, you continue to be prohibited from operating pending a final order from the Commissioner of DCYF.

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 April 10, 2025, DCYF 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 142B.18, subdivision 4, which describes under which conditions DCYF may revoke a license.
- Minnesota Statutes, section 245.095 defines which programs administered by DCYF 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 142B.20.
- Under Minnesota Statutes, section 142B.10, subdivision 14, paragraph (d), subparagraph (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 or chapter 245A revoked within the past five years.
- Under Minnesota Statutes, section 142B.10, subdivision 14, paragraph (d), 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 142B or chapter 245A for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.
- Minnesota Statutes, section 142B.05, subdivision 4, provides that child care provider who has received a license revocation that has not been reversed on appeal may not provide unlicensed child care to non-relatives.
- Operating a prohibited unlicensed family child care is a misdemeanor under Minnesota Statutes, section 142B.05, subdivision 5.
- The requirement to post this order in a clearly visible location is required under Minnesota Statutes, section 142B.18, subdivision 6.

Francisca Hernandez

September 8, 2025

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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, Family Child Care Unit Manager

Licensing Division

Office of Inspector General

cc: Paul Weinmann, Stearns County Human Services

Cheryl Gerads, Stearns County Human Services