

September 12, 2025

Fadumo Abdi Ibrahim Ahmed, Authorized Agent
Gold Childcare Center
1622 Central Ave NE Ste B
East Grand Forks, MN 56721

License Number: 1110680

Dear Fadumo Abdi Ibrahim Ahmed:

This matter arises from an Order of Conditional License, dated September 26, 2024 (enclosed). On October 10, 2024, the Minnesota Department of Human Services (DHS), Licensing Division, received your request for reconsideration of 17 of the 43 citations, specifically Citations 1, 2, 5, 6, 7, 9, 10, 12, 14, 18, 22, 23, 24, 33, 35, 39, and 40 issued in the Order of Conditional License dated September 26, 2024. The violations challenged by Gold Childcare ("Gold") are addressed below. You did not dispute Citations 3, 4, 8, 11, 13, 15 through 17, 19 through 21, 25 through 32, 34, 36 through 38, and 41 through 43. The unchallenged 26 violations are deemed conclusive.

On June 18, 2025, licensing functions for child care centers, family child care programs, and child foster care programs, and maltreatment investigations involving child care centers, have been transferred from Minnesota Department of Human Services, Office of Inspector General (DHS), to the new Minnesota Department of Children, Youth, and Families (DCYF), as directed by state law. While this matter began under DHS, pursuant to Minnesota Statutes, section 15.039, subdivision 2, DCYF is now the responsible agency.

A. Reconsideration of the Citations Identified in the Order of Conditional License

Staff Qualifications and Training

1. **Violation:** The program did not have documentation on site to show that 1 of 1 (SP4) staff persons met the:
 - o education requirements of the director job classification for which the staff person was employed (SP4); and
 - o experience requirements of the director job classification for which the staff person was employed (SP4).

Rule Violated: Minnesota Rules, part 9503.0031, subpart 1; and part 9503.0120, item B

Your request for reconsideration: You stated, "we have the director documentation in the place, and she has met all regulatory requirement. It was also available to you. Director [SP1]."

DCYF'S response: On the day of the visit, and at each prior visit, SP4 introduced herself as the director of the program. Directors must have the required education and experience requirements for the director job classification. Minnesota Rules, part 9503.0031, subpart 1. Personnel records maintained on site must contain the documentation indicating that the director meets the requirements

of the job position and the education and experience requirements. Minnesota Rules, part 9503.0120, item B. SP1 was and has been introduced as the program's office manager. SP4's personnel file was not available on site during the licensing visit for the DHS licensor to determine whether SP4 met the education and experience requirements for a director. Citation 1 is affirmed.

2. Violation: The program did not have documentation on site to show that 1 of 2 (SP4) staff persons met the:
 - o education requirements of the teacher job classification for which the staff person was employed (SP4); and
 - o experience requirements of the teacher job classification for which the staff person was employed (SP4).

Rule Violated: Minnesota Rules, part 9503.0032, subpart 2; and part 9503.0120, item B

Your request for reconsideration: You stated, the two people present are both teachers (names omitted for confidentially purposes because they were not identified in the order of conditional license and nonpublic ID key), and SP2.

DCYF'S response: This violation relates to SP4. In addition to introducing herself as a director, SP4 was also working as the infant teacher on the day of the visit. If a director functions as a teacher or develops or revises the childcare program plan, the director must meet the qualifications of a teacher specified in part 9503.0032. SP4's personnel file was not available on site, as required by Minnesota Rules, part 9503.0120, item B, during the licensing visit for the DHS licensor to determine whether SP4 met the education and experience requirements for a director. Citation 2 is affirmed.

5. Violation: The program did not comply with first aid training requirements. Documentation was not available on site to show that 1 of 4 (SP4) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed pediatric first aid training within the previous two years (SP4).

Statute/Rule Violated: Minnesota Statutes, section 245A.40, subdivision 3 and Minnesota Rules, part 9503.0120, subpart D

Your request for reconsideration: You stated, "violation 5 should be violation number 4 because it's in one."

DCYF'S response: This citation relates to pediatric first aid training, Citation 4 relates to cardiopulmonary resuscitation (CPR) training requirements – they are violations of separate licensing requirements. The director, staff persons, substitutes, and unsupervised volunteers must satisfactorily complete pediatric first aid training every two years, prior to having unsupervised direct contact with a child, but not to exceed the first 90 days of employment, and must be repeated at least every second calendar year. Minnesota Statutes, section 245A.40, subdivision 3. Documentation of the training must be contained in the individuals personnel record which must be maintained on site. Minnesota Rules, part 9503.0120, subpart D.

There was no personnel file on site for SP4. As such, SP4's personnel file was not maintained on site as required, and there was no documentation available to demonstrate that SP4 completed the training as required. Citation 5 is affirmed.

Supervision

6. Violation: Staff did not supervise the children at all times (School Age).
 - o At approximately 9:31 a.m., three children left the school age classroom and ran throughout the hallway alone. (School Age classroom)
 - o At approximately 11:17 a.m., a child was walking throughout the hallway alone and unsupervised while a staff person washed another child's hands.

Supervision occurs when a program staff person is accountable for the child's care and is within sight and hearing of a child at all times, so that the program staff person can intervene to protect the health and safety of the child.

Rule/Statute Violated: Minnesota Statutes, section 245A.02, subdivision 18 and Minnesota Rules, part 9503.0045, subpart 1, item A

Repeat Violation: In a Correction Order that DHS issued on March 18, 2024, you were previously found in violation of this same rule/statute.

Your request for reconsideration: you stated, "we trained and remind our employees more (*sic*) not to leave kids by them selves (*sic*) whatsoever and children should remain on the sight (*sic*)."

DCYF'S response: The license holder must have a childcare plan that mandates children always have supervision. Minnesota Rules, part 9503.0045, subpart 1, item A. Supervision includes when a program staff person is accountable for the child's care and is within sight and hearing of a child at all times, so that the program staff person can intervene to protect the health and safety of the child. Minnesota Statutes, section 245A.02, subdivision 18.

During the site visit, the DHS licensor observed four children who were unsupervised. The program was not enforcing mandated supervision at all times of the children. Citation 6 is affirmed.

Infant Care

7. Violation: During the program's regular hours of operation infants were mixed with other age categories.

Throughout the duration of the licensing visit, DHS licensors observed a staff person bring an infant aged child with them to the school age classrooms at different times throughout the day. (School Age classroom)

Rule Violated: Minnesota Rules, part 9503.0040, subpart 3, item B, (1)

Repeat Violation: In a Correction Order that DHS issued on March 18, 2024, you were previously found in violation of this same rule.

Your request for reconsideration: You stated the air conditioning was getting fixed and that you had infants and preschoolers in the same room, and that you had two teachers present with total of five children.

DCYF'S response: During the regular hours of operations, infants may not be grouped with children of other ages. Minnesota Rules, part 9503.0040, subpart 3, item B, subitem (1). The DHS licensor observed that a teacher brought an infant into school age classrooms multiple times during the site visit. Even though there were staff in the infant classroom, the teacher with the infant visited the staff in the school age classrooms multiple times. There was no evidence at the onsite visit that the air conditioning unit was under repair. Regardless of whether the air conditioner was under repair, infants may not be grouped with children of other age categories. Citation 7 is affirmed.

9. Violation: The program did not have written dietary instructions from each infant's parent. Three of three children enrolled in the infant classroom was missing dietary instructions.

Rule Violated: Minnesota Rules, part 9503.0145, subpart 7, item A

Your request for reconsideration: "infant written dietary was always in place from day of registration."

DCYF'S response: The license holder must ensure sanitary procedures to prepare and handle infant milk and food and supplements and obtain written dietary instruction from the parent of the infant child. Minnesota Rules, part 9503.0145, subpart 7, item A. On the day of the visit, staff present told the DHS licensor that the parents told them in the morning at drop off what the child's dietary needs were for the day. The dietary instruction must be written; staff indicated that the dietary instruction was verbal for three of three infants. Citation 9 is affirmed.

10. Violation: Each infant's feeding schedule was not available in the food preparation area. Three of three children enrolled in the infant classroom did not have feeding schedules available in the food preparation area.

Rule Violated: Minnesota Rule, part 9503.0145, subpart 7, item B

Your request for reconsideration: "We had feeding schedule in folder (*sic*) in infant classroom but now it will be available on the preparation table."

DCYF'S response: The infant feeding schedule must be available in the food preparation area. Minnesota Rules, part 9503.0145, subpart 7, item B. On the day of the visit, there were not infant feeding schedules in the infant feeding area. Three of the three infant's feeding schedules were not available in the infant feeding area. Citation 10 is affirmed.

12. Violation: The required crib safety inspections were not completed on a monthly basis. Crib safety inspections were not completed in August of 2023. (infant classroom)

Statute Violated: Minnesota Statutes, section 245A.146, subdivision 4

Your request for reconsideration: "Crib checked monthly but was misplaced."

DCYF'S response: License holders shall perform safety inspections of every crib at least monthly. Minnesota Statutes, section 245A.146, subdivision 4, paragraph (a). License holders shall maintain documentation of the inspections on site. Minnesota Statutes, section 245A.146, subdivision 4, paragraph (c). However, there was no documentation available on site to show that the crib safety inspections were done in August of 2023. You acknowledged that the documentation was not available, as it had been "misplaced." Citation 12 is affirmed.

Behavior Guidance

14. Violation: The license holder did not see that behavior guidance policies and procedures were carried out.

At approximately 9:42 a.m., a staff person told the children in the classroom that if they did not sit quietly and watch television, they would not be allowed to go to the playground. Upon further conversation with the staff person, it was determined that children have to earn going outside in the afternoon by listening all morning. Consequences for children must be immediate and directly related to their behavior. Not allowing children to go outside hours after not listening is not an appropriate consequence per DHS behavior guidance policy and procedure requirements. (School Age classroom)

Rule Violated: Minnesota Rules, part 9503.0055, subpart 1, F

Your request for reconsideration: You stated, "please be specific."

DCYF'S response: The citation identified Minnesota Rules, part 9503.0055, subpart 1, item F, as the specific licensing requirement relevant to this violation. That rule requires that the license holder must enforce policies and procedures that provide immediate and directly related consequences for a child's unacceptable behavior. In this case, staff instructed the children to sit quietly and watch television, the consequence of failing to sit quietly and watch television in the morning, would be that they children would not be allowed to go outside in the afternoon. The staff person's threat to withhold going outside in the afternoon if children did not sit quietly and watch television did not provide an immediate and directly related consequence. Citation 14 is affirmed.

Physical Environment

18. Violation: Areas used by the children were not in good repair.
- A pipe and valve were protruding from the wall, causing the drywall around it to crumble. (Facility)
 - There were holes in the wall under the sink at a height accessible to children. (Infant classroom)
 - The drywall under the HVAC vent was cracked and peeling. (Toddler classroom)

- The trim around the floor next to the door to the school age classroom was pulled off the wall. (Preschool classroom)
- There was a large hole cut in the ceiling over the eating area with exposed wires hanging out. (Preschool classroom)
- The plexiglass around the HVAC vent was cracked and broken. (Preschool classroom)

Rule Violated: Minnesota Rules, part 9503.0140, subpart 20

Repeat Violation: In a Correction Order that DHS issued on March 18, 2024, you were previously found in violation of this same rule.

Your request for reconsideration: You contend, "There was one violation that there was a cut in the ceiling where kids eat. Since there was work taking place in the room. Children were not in the room."

DCYF'S response: The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors, and ceilings. Minnesota Rules, part 9503.0140, subpart 20. Here there were multiple areas used by children identified in the citation that would qualify as crumbling plaster, holes in the ceilings, walls, or floors, and debris. Citation 18 is affirmed.

Hazards

22. Violation: A hazardous area was accessible to the children.

The back door to the toddler room was unlocked giving children access to a storage area that contained hazards such as box fans, cords and chemicals.

Rule Violated: Minnesota Rules, part 9503.0155, subpart 15

Repeat Violation: In a Correction Order that DHS issued on March 18, 2024, you were previously found in violation of this same rule.

Your request for reconsideration: "Please be specific. Do you want us to change the door locks. It is how it passed. It is supposed to be emergency Exit. (sic)"

DCYF'S response: Kitchens, stairs, and other hazardous areas must be inaccessible to children except during periods of supervised use. Minnesota Rules, part 9503.0155, subpart 15. In the toddler room, children had access to a storage area that contained hazards such as box fans, cords and chemicals via an unlocked back door. You did not dispute that children had access to these items. Citation 22 is affirmed.

You indicated that you had questions on how to come into compliance. For any questions about how to maintain compliance with this rule, please contact your licensor directly.

Health and Safety

23. Violation: The 36-month range in age allowed for a group that mixes different age categories was exceeded.

There was a 78-month range in age between the oldest and youngest child in the group. (School Age classroom)

Rule Violated: Minnesota Rules, part 9503.0040, subpart 3, item B, (2)

Repeat Violation: In a Correction Order that DHS issued on March 18, 2024, you were previously found in violation of this same rule.

Your request for reconsideration: You stated that, "AC work in place, now separated."

DCYF'S response: On the day of the visit, there was more than a 78-month range between the oldest and youngest child in the school age classroom. Regarding age category grouping, there must not be more than a 36-month range in age among children in the group. Minnesota Rules, part 9503.0040, subpart 3, item B, subitem (2). The program did not request a variance to combine age groups. Citation 23 is affirmed.

24. Violation: Each child was not designated in the correct age category. A 21-month-old child was enrolled in the infant classroom. A child designated to an infant classroom should be no older than 18 months of age. (Infant classroom)

Rule Violated: Minnesota Rules, part 9503.0040, subpart 4

Your request for reconsideration: You stated that, "AC work in place, now separated."

DCYF'S response: A child may be designated as an "infant" up to the age of 18 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that such a designation is in the best interests of the child. Minnesota Rules, part 9503.0040, subpart 4. While you indicated in your request for reconsideration that the 21-month-old was in the infant room because the air conditioning was being worked on, you also stated that as reason infants were brought from the infant room to the school age room. In addition, during the exit interview the director stated that s/he wasn't aware that the child was already 21 months-old. The 21-month-old child was incorrectly designated as an infant and incorrectly enrolled in the infant classroom. Citation 24 is affirmed.

33. Violation: The program did not comply with the reporting requirements for abuse and neglect; staff persons were not aware of the reporting requirements for abuse and neglect.

A staff person stated that he/she would report suspected incidents of abuse or neglect to the office manager rather than reporting it themselves as required.

Rule Violated: Minnesota Rules, part 9503.0130, subpart 1

Your request for reconsideration: You stated, "we will train more."

DCYF'S response: A staff person was not aware of their reporting requirements as a mandated reporter. Licensor holders must comply with the required reporting requirements for abuse and neglect. Mandatory reporters shall make an oral report immediately by telephone or otherwise of all suspected maltreatment as defined by 260.E03. The staff person indicated that he/she would report suspected incidents of abuse and neglect to the office manager and not the licensing agency or law enforcement. Citation 33 is affirmed.

Equipment and Supplies

35. **Violation:** The center lacked the following furnishings, equipment, materials, or supplies:

- School Age classroom
 - Materials and accessories to support the dramatic play equipment
- Preschool classroom
 - Materials and accessories to support the dramatic play equipment
- Toddler classroom
 - Materials and accessories to support the dramatic play equipment

Rule Violated: Minnesota Rules, part 9503.0060

Repeat Violation: In a Correction Order that DHS issued on March 18, 2024, you were previously found in violation of this same rule.

Your request for reconsideration: You stated that, "we have all required materials as it is passed for licensing requirements."

DCYF'S response: On the day of review, pieces of equipment for dramatic play required by Minnesota Rules, part 9503.0060 were not in multiple classrooms. The required equipment must always be accessible to children. Although you stated that materials and equipment for dramatic play were in place at the time of licensure, the equipment was not available at the time of review. Citation 35 is affirmed.

Children's Files

39. Violation: The program did not develop an Individual Child Care Program Plan for 2 of 2 (C5 and C8) children with a known allergy.

Statute Violated: Minnesota Statutes, section 245A.41, subdivision 1, paragraph (a)

Your request for reconsideration: You stated that, "repeated violation 27 allergy."

DCYF'S response: Citation 39 is not the same as violation 27. Citation 27 states "Food allergy information was not readily available to staff where food is served. It was determined through a review of a child's enrollment documentation that the child had a known food allergy. There was not allergy information readily available where the child is served food. (School Age classroom)." The license holder must obtain documentation of any known allergy for the child and develop an individual child care program plan (ICCPP). Minnesota Statutes, section 245A.41, subdivision 1,

paragraph (a). The program did not have and ICCPP for two children with a known allergy. Citation 39 is affirmed.

Personnel Files

40. Violation: A personnel record was not maintained at the program for each staff person (SP4).

Rule Violated: Minnesota Rules, part 9503.0115, item B; and part 9503.0120

Your request for reconsideration: You stated that, "please explain more."

DCYF'S response: The license holder must maintain personnel records at the center, and the records must be available for inspection at the request of the commissioner. Minnesota Rules, part 9503.0115, item B. There was no personnel record for SP4 available at the center during the site visit. Citation 40 is affirmed.

B. Reconsideration of the Conditional License

Commissioners Evaluation

Pursuant to Minnesota Statutes, 245A.04, subdivision 6, paragraph (a), before making a license conditional, the Commissioner shall evaluate the facts, conditions, or circumstances concerning the program's operation including (1) the program's operation, (2) the well-being of persons served by the program, (3) available evaluations of the program by persons receiving services, (4) information about the qualifications of the personnel employed by the applicant or license holder; and (5) the applicant's or license holder's ability to demonstrate competent knowledge of the applicable requirements of statutes and rules. Gold challenged the Commissioner's evaluation, which identified violations with staff qualifications and training, supervision of children, infant safe sleep requirements, behavior guidance, areas of use by children were in disrepair, hazardous area was accessible to children, mixed age range for children in different age categories was exceeded, food allergy information and Individual Child Care Program Plan ("ICCP") requirements, requirements for abuse and neglect, lack of equipment and supplies, and personnel files. The facts, conditions, and circumstances support the Order of Conditional License, as described below.

Reconsideration Decision

Under Minnesota Statutes, section 245A.06, subdivision 1, when issuing a conditional license, the Commissioner must consider the nature, chronicity, or severity of the violation of the law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

In its request for reconsideration, Gold challenged 17 of the 43 citations and requested that the Conditional License be rescinded. All the 17 challenged citations were found to be supported by the record and affirmed. In total, 43 citations were either unchallenged or affirmed on reconsideration.

Gold's recent licensing history shows that 19 of the violations identified and affirmed were repeat violations previously cited via correction order.

- **Supervision**
 - Staff did not supervise the children at all times (School Age).

- **Infant Care**
 - Infants mixed with other age group.
 - Unlabeled infant bottles.
 - Did not comply with requirements to reduce risk of sudden unexpected infant death.

- **Physical Environment**
 - The program did not comply with cleanliness requirement:
 - Indoor space was not clean
 - Crib sheet on crib 3 was visibly dirty (Infant classroom).
 - The bouncy seat cover was visibly dirty (infant classroom).
 - There were ants in the far corner of the toddler classroom near the door to the storage room.
 - Children's blankets were stored on top of each other.
 - There was a layer of dust on a ceiling tile directly over the changing table.
 - The program did not comply with toilet room cleaning requirements:
 - Toilet rooms were not cleaned daily.
 - Training chairs were not emptied, washed with soap and water, and disinfected after each use; and toilet seats were not washed and disinfected when soiled or at least daily.
 - The toilet seat was visibly dirty with black spots and smudges (School Age classroom).
 - A toilet training seat was visibly dirty with a layer of dirt and grime (School Age classroom).
 - Areas used by the children were not in good repair
 - A pipe and valve were protruding from the wall, causing the drywall around it to crumble (Facility).
 - There were holes in the wall under the sink at a height accessible to children (Infant classroom).
 - The drywall under the HVAC vent was cracked and peeling (Toddler classroom).
 - The trim around the floor next to the door to the school age classroom was pulled off the wall (Preschool classroom);
 - There was a large hole cut in the ceiling over the eating area with exposed wires hanging out (Preschool classroom);
 - The plexiglass around the HVAC vent was cracked and broken (Preschool classroom).

- **Hazards**
 - Hazardous objects were accessible to the children:
 - A long, loose electrical cord coming from the dramatic play tool bench was accessible to children along the floor (School Age classroom).
 - Climbing equipment was not placed on a shock absorbing surface and did not provide an appropriate fall zone to minimize the potential risk of injury to

children who use the equipment. The climbing equipment and play structure on the playground were placed directly on the grass (Facility).

- Hot or hazardous surfaces were not shielded or insulated, two bottle warmers were not secured to the counter and posed a risk to children.
- A hazardous area was accessible to the children.
 - The back door to the toddler room was unlocked giving children access to a storage area that contained hazards such as box fans, cords and chemicals.
- **Health and Safety**
 - The 36-month range in age allowed for a group that mixes different age categories was exceeded; There was a 78-month range in age between the oldest and youngest child in the group health consultant's monthly review of the infant health policies and practices was not completed monthly in August and December 2023.
 - Meals did not comply with the nutritional requirement of the USDA.
 - Water bottles were observed in the kitchen on a drying rack.
 - Products to control diaper rash were not labeled with the child's first and last name:
 - There was one unlabeled package of diaper wipers stored on the changing table (Infant Classroom).
 - There was one unlabeled package of diapers stored on the changing table in the bathroom (Toddler classroom).
 - The program did not comply with medication storage requirements-a diaper rash product was accessible to children-a package of diaper wipes was accessible to children stored on a low shelf of the changing table.
- **Equipment and Supplies**
 - The program did not provide the children access to interest on a daily basis:
 - Children were not provided access to creative arts and craft interest area (School Age and Preschool);
 - Science interest area (Preschool and Toddler);
 - Music interest area (School Age and Toddler);
 - Large music interest area (School Age and Toddler);
 - Large muscle activities interest area (Preschool);
 - Sensory stimulation activities interest area (School Age and Toddler).
 - The Center lacked the following furnishings, equipment, materials or supplies:
 - School age classroom: Materials and accessories to support the dramatic play equipment.
 - Preschool classroom: Materials and accessories to support the dramatic play equipment.
 - Toddler classroom: materials and accessories to support the dramatic play equipment.

- **Policies and Administrative Records**

- The program is required to have stated goals and objectives identified in the child care program plan that promote the physical, intellectual, social and emotional development of the child. The license holder did not ensure that the child care program plan was carried out.

You disputed the repeat violations listed in Citations 6, 7, 18, 22, 23 and 35. All of these violations were affirmed. The significant number of repeat violations indicates that Gold can benefit from additional compliance and licensing support. Nineteen repeat violations were identified from a previous correction order issued on March 18, 2024, less than a year before the site visit that preceded the Order of Conditional License. This indicates that Gold is not correcting violations even after being ordered to do so. DHS relies on license holders to accurately report information regarding its operations and to correct violations when identified. When a license holder is unable to do so, as in this case, additional oversight is needed.

The Commissioner has considered the nature, chronicity, and severity of the licensing violations and determined that a conditional license is warranted based solely on the facts, circumstances, conditions, and license history of Gold. Based on the number and serious nature of the violations and the chronicity of the repeat violations, the Commissioner believes the program can benefit from additional oversight to ensure it can gain and continue compliance with licensing regulations.

Based on the following factors, the Commissioner has determined that the Gold's record supports the Order of Conditional License:

- **Staff Qualifications**

DCYF affirmed five violations related to staff qualifications and training. The program failed to maintain documentation on site that multiple staff people met qualifications for their job, that multiple staff person completed in-service training, and that a staff person met completed pediatric CPR and pediatric first aid training. Documentation of staff training is critical because it is the only way for the Commissioner to assess whether staff persons have completed the required training. Many of the training requirements including in-service training and pediatric first aid and CPR training relate directly to the health and safety of the children. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, they support the conditional license order.

- **Supervision**

DCYF affirmed one citation related to failure to supervise children. However, the citation involved two instances and four children being on supervised. This was the second time in less than a year that Gold was cited for a similar violation. While this violation alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of this violation, it supports the conditional license order.

- **Infant Care**

DCYF affirmed seven citations related to infant care, including three repeat violations. These violations include mixing infants with other age groups, not complying with diaper changing area requirements, not having written dietary instructions and feeding schedules for infants, not labeling infant bottles properly, missing a monthly crib inspection, and not complying with requirements for reducing the risk of sudden unexpected infant death. Not complying with requirements for reducing the risk of sudden unexpected infant death is serious, and this was the second such violation in less than a year. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of this violation, they support the conditional license order.

- **Behavior Guidance**

DCYF affirmed one citation related to behavior guidance. While this violation alone may not warrant a conditional license, taken as a whole with the other violations, it supports the conditional license order.

- **Physical Environment**

DCYF affirmed four violations related physical environment, including three repeat violations. These violations included several areas where the indoor space was not clean or not in good repair, such as a visibly dirty crib sheets, ants in the classroom, holes in the wall, and broken drywall, as well as the program's failure to comply with toilet room cleaning environments. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of the violations, they support the conditional license order.

- **Hazards**

DCYF affirmed four citations related to hazards, including three repeat violations. These violations included hazardous objects accessible to children, hot surfaces not shielded or insulated from children, electrical outlets were not tamperproof or shielded, and an area being used to store chemicals was accessible to children. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of the violations, they support the conditional license order.

- **Health and Safety**

DCYF affirmed 11 citations related to health and safety, including six repeat violations. The violations included children being placed in the wrong groups of children (based on their age), not completed the required health consultant policy reviews, serving meals that did not comply with USDA requirements, not labelling products used to control diaper rash, and staff not being aware of the reporting requirements for abuse and neglect. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of the violations, they support the conditional license order.

- **Equipment and Supplies**

DCYF affirmed two violations related two equipment and supplies, both of which were repeat violations from within a year. The program did not have required interest areas and materials, such as dramatic play equipment, a music interest area, and creative arts and crafts interest areas, available to children in multiple class room. This is particularly concerning because the access to interest areas and materials are critical to providing an enriching environment to children. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of the violations, they support the conditional license order.

- **Children's Files**

DCYF affirmed four citations related children's files. The violations all related to missing information in children's files, including missing medical information, allergy information, and emergency contact information. The information required in children's file is critical to ensuring the health and safety of children, especially medical, allergy, and emergency contact information. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, they support the conditional license order.

- **Personnel Files**

DCYF affirmed one violation related to personnel files. The program did not have a personnel file for SP4. This is serious and concerning – personnel files help ensure that staff have met the requirements to perform their responsibilities, without that documentation, there is no way to verify whether a staff person meets any of the requirements for providing care to children. While this violation alone may not warrant a conditional license, taken as a whole with the other violations, it supports the conditional license order.

- **Policies and Administrative Records**

DCYF affirmed three violations related to policies and administrative records, including one repeat violation. The program did follow it's child care program plan, which required children were to have group times, engage in interest areas and small group, activities, and have large muscle activities. Instead, the licenser observed children in the preschool classroom seated in chairs watching television for approximately two-and-a-half hours. When they left their chairs or moved away from the television, they were directed by staff to sit back down. The program also failed to review its risk reduction plan and emergency plan annually. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of one of the violations, they support the conditional license order.

Based on the specific factors above, an Order of Conditional License is warranted to ensure that Gold Childcare Center understands the relevant licensing requirements and can come fully into compliance. Due to the need to monitor Gold Childcare Center for compliance with applicable licensing laws and rules, and to ensure the health and safety of children served by the program, the Commissioner affirms the September 26, 2024, Order of Conditional License.

The period of the conditional license is two years, beginning on the date of this letter. Because the terms of your conditional license were stayed pending a decision on your request for reconsideration, the terms of the conditional license begin from the date of receipt of this letter.

C. Terms of the Conditional License

In addition to the child care licensing rules and statutes, you are required to comply with the following terms:

1. Within 15 days from receipt of this order, you must provide written notification of the conditional status of your license to all parents/legal guardians. Prior to providing the written notification to all parents/legal guardians, you must submit the written notice to your DHS licensor for approval. The notification must specify the length of time of the conditional status of your license, the reasons your license was made conditional, and must include either a copy of the Order of Conditional License or an offer to provide a copy of the order upon request.
2. You must develop a detailed supervision plan to ensure that children will be supervised by program staff persons at all times, consistent with the definition of supervision under Minnesota Statutes, section 245A.02, subdivision 18, and in compliance with the risk reduction plan requirements under Minnesota Statutes, section 245A.66, subdivision 2, paragraph (f), (1) through (6). Within 30 days from receipt of this order, you must submit the supervision plan to your licensor for approval.

Within 30 days after the supervision plan is approved by your licensor, you must provide training to all staff on the supervision plan and maintain documentation of the training in each staff person's personnel record. You must also ensure new hires receive the same training and document the training in each new hire's personnel record.

3. Within 45 days from receipt of this order, you must ensure that all staff persons have successfully completed training as required under Minnesota Statutes, section 245A.40, as well as training on your risk reduction plan as required under Minnesota Statutes, section 245A.66, subdivision 3, and infant safe sleep requirements as required under Minnesota Statutes, section 245A.1435. You also must ensure that new hires successfully complete all applicable training. You must maintain documentation of the completed training in each staff person's personnel record.
4. On an ongoing basis while your license is on a conditional status, you must maintain a list of all newly hired employees who will have direct contact with children served by the program. The documentation required under this term must be maintained onsite and made immediately available to DHS upon request. For each individual on the list, you must document the following:
 - the individual's full name;
 - the individual's job title;
 - the date of hire;
 - the date the individual first had direct contact with children served by the program; and

- the date the background study request was submitted to DHS.

Your licensor will monitor your compliance with all applicable laws and rules. Verification of compliance may include unannounced visits. Failure to comply with the requirements in Minnesota Rules, parts 9503.0005 to 9503.0170 (DHS Rule 3), Minnesota Statutes, chapter 142B (Children, Youth, and Families Licensing), Minnesota Statutes, chapter 245C (Human Services Background Study Act), Minnesota Statutes, chapter 260E (Reporting of Maltreatment of Minors) and with the terms of your conditional license may result in further negative action, including revocation of your license.

D. POSTING THE ORDER OF CONDITIONAL LICENSE

Under Minnesota Statutes, section 142B.16, subdivision 5, you must post the Order of Conditional License in a place that is conspicuous to the people receiving services and all visitors to the facility for two years.

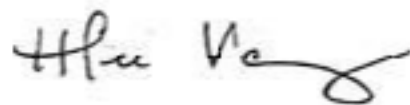
This is a final agency decision and is subject to further review only by the Minnesota Court of Appeals. **Please note that there are time limits for seeking review by the Minnesota Court of Appeals.** See Minnesota Statutes, Chapter 606, and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Previously Ordered Corrective Action: In the original Order of Conditional License, you were ordered to correct the violation(s) cited and submit documentation of such action to your licensor. If you have not done so already, please immediately comply with the previously ordered corrective actions for all uncontested and affirmed violations.

The Commissioner appreciates your response and encourages you to continue to work cooperatively with your licensor to ensure the safety and well-being of the children you serve.

If you have any questions regarding the Order of Conditional License, please contact Meg Holmen, Unit Supervisor, at (651) 431-6534.

Sincerely,



Hlee Vang, Attorney
Legal Counsel's Office
Office of Inspector General