

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE COMMISSIONER OF HUMAN SERVICES

In the Matter of the Revocation of the  
Family Child Care License of Teresa  
Davis To Provide Family Day Care  
under Minn. R. pts. 9502.0300 to  
9502.0445

**FINDINGS OF FACT, CONCLUSIONS  
AND RECOMMENDATION**

The above matter came on for hearing before Administrative Law Judge M. Kevin Snell on May 16, 2007, at the Office of Administrative Hearings, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138. The OAH record closed at the end of the hearing on May 16, 2007.

Mary M. Lynch, Assistant Hennepin County Attorney, Suite 1210 Health Services Building, 525 Portland Avenue, Minneapolis, Minnesota 55415-0972, appeared at the hearing as attorney for the Minnesota Department of Human Services and the Hennepin County Department of Children and Family Services. The licensee, Teresa Davis, appeared on her own behalf, without legal counsel.

**STATEMENT OF THE ISSUE**

Should the Department of Human Services' order of revocation be affirmed?

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. Teresa Davis ("Ms. Davis" or Licensee) has been licensed to provide family child care services since 1998, most recently at her home at 2428 East 33<sup>rd</sup> Street, Minneapolis, Hennepin County, Minnesota 55406 ("the home"), under licenses that expire May 1 of each year.<sup>[1]</sup>

2. Ms. Davis has been issued seven (7) correction orders within the last two (2) years.<sup>[2]</sup> She has been operating her day care under a variance since March 21, 2006, stemming from a disqualification determination for felony theft.<sup>[3]</sup>

3. Licensee's variance included certain stipulations, including the following:

"2. That you not commit any act which indicates that you pose a risk of harm to persons served by the program;

3. That you comply with all applicable licensing laws and rules.”<sup>[4]</sup>

4. On a June 24, 2004, correction order, Licensee was cited for failure to have completed Sudden Infant Death training required under Minnesota Statutes 245A and the annual six (6) hours of required training under Minn. Rule 9502.0385, as well as 10 additional safety issues.<sup>[5]</sup> In response to this correction order, Licensee indicated that she was scheduled to take the SIDS training on August 12, 2004.<sup>[6]</sup> No evidence was presented that she actually attended the training, and subsequent visits to the home revealed that, in fact, not all deficiencies were corrected.<sup>[7]</sup>

5. On April 12, 2005, Licensee was issued a correction order for having an improper pet, a turtle, in the day care home on March 23, 2005.<sup>[8]</sup> Licensee represented that this deficiency was corrected on April 13, 2005.<sup>[9]</sup> She represented again on April 27, 2006, and May 9, 2006, that the turtle had been removed.<sup>[10]</sup> However, the turtle was still in the home on December 27, 2006.<sup>[11]</sup> It wasn't actually removed from the home until as late as February 28, 2007.<sup>[12]</sup>

6. As a result of an annual relicensing visit, Licensee was issued a correction order on May 2, 2005, for: four safety deficiencies; documentary deficiencies regarding admission and arrangements forms, immunization histories, permission to administer medication and permission authorizations from parents to transport children; and failure to complete the annual six (6) hours of training.<sup>[13]</sup> This correction order was not posted in a conspicuous place for two (2) years.<sup>[14]</sup>

7. On the April 17, 2006, annual relicensing visit, there were seven (7) children present in the day care home.<sup>[15]</sup> Licensee reported that she had been leaving day care children in the care of her daughters, who do not have any required training.<sup>[16]</sup> As a result of this visit, Licensee was issued a correction order on April 17, 2006, for: six (6) safety violations including having a turtle in residence, an unsafe play pen, and an incomplete first aid kit; documentation deficiencies including lack of crib checks and incomplete travel, immunization and medical records on five (5) children; failure to complete the six (6) hours of annual training; failure to take the required CPR training; and failure to take the SIDS and shaken baby training.<sup>[17]</sup> The April 17, 2006, correction order was to be returned by April 29, 2006, but was not returned until after the May 1, 2006, relicensing date.<sup>[18]</sup> This correction order was not posted in a conspicuous place.<sup>[19]</sup>

8. During the April 17, 2006, relicensing visit and an unannounced visit on May 9, 2006, the licensor found an adult male, Licensee's son, asleep in a bedroom in the residence.<sup>[20]</sup>

9. As the result of an unannounced visit to the home on May 9, 2006, Licensee was issued a correction order of the same date, to be returned no later than May 26, 2006.<sup>[21]</sup> The deficiencies included: the failure to comply with the March 5, 2005, and April 17, 2006, correction orders; repeat deficiencies for presence of the turtle, failure to have completed CPR, SIDS and shaken baby, and annual training; failure to complete Child Restraint training; and the requirement to complete and submit a Background Study Notice and Consent for her adult son.<sup>[22]</sup> By a cover letter, Licensee was advised that the

correction order must be posted.<sup>[23]</sup> Licensee did not return the correction order.<sup>[24]</sup> This correction order was not posted in a conspicuous place.<sup>[25]</sup>

10. Along with the May 9, 2006, correction order, Licensee was sent a Background Study Notice and Consent for her adult son, which she returned uncompleted with a post-it note attached stating that her son didn't live there.<sup>[26]</sup> In addition, Licensee called the licensor numerous times on May 15, 2006, and May 18, 2006, arguing with the licensor that the non-day care parts of her home were not subject to inspection and that anyone whom she chooses to have visit her home is not subject to a background study. The licensor explained the requirements of the law regarding the background studies several times during these conversations and offered to talk to her son on the phone. However, Licensee's son did not call to speak to the licensor and licensee never submitted a Background Study Notice and Consent for her adult son.<sup>[27]</sup>

11. Although some training was completed, Licensee did not complete either the SIDS/shaken baby training or the Child Restraint training.<sup>[28]</sup> Licensee was advised in a June 14, 2006, letter that: of the importance and requirements of taking all necessary training; that she needed to complete 12 hours of training to be compliant with all training requirements; that her son must consent to a background check; that the turtle had to be permanently removed; and that failure to do these things "may result in further negative action being taken against your license."<sup>[29]</sup>

12. On June 28, 2006, Hennepin County recommended to the Department that Ms. Davis' license be suspended until all of Licensee's required training was completed and a background check on her son was completed, and once these and all other deficiencies are remedied, that her license be made conditional.<sup>[30]</sup> No action was taken on this recommendation prior to November 29, 2006.<sup>[31]</sup>

13. On November 22, 2006, Hennepin County received a complaint from a parent who had interviewed Ms. Davis for potential day care. The parent reported that Licensee was transporting children in her care and that, if her children were included in the day care, there would be six (6) children being transported in Licensee's car that all required car seats. Licensee has only three car seats.<sup>[32]</sup>

14. An investigation was opened. A Hennepin County Social Worker interviewed Licensee on November 27, 2006, during an unannounced visit.<sup>[33]</sup> Licensee admitted that she had not taken the necessary Child Restraint training and wanted an extension to take the training.<sup>[34]</sup> Licensee was advised that she "had the whole last year to get the training" and that she must stop taking the day care children in the car until she got the necessary training.<sup>[35]</sup>

15. On November 29, 2006, Hennepin County recommended to the Department that Ms. Davis' variance be terminated and that her license be revoked.<sup>[36]</sup>

16. On December 21, 2006, the Department notified Licensee of the termination of the variance granted on March 21, 2006, for her disqualification.<sup>[37]</sup> Also on December 21, 2006, the Department issued to Licensee an Order of Revocation of her day care license, stating in detail the legal and factual bases for the revocation.<sup>[38]</sup>

17. On January 2, 2007, Jerry Kerber, Director, Division of Licensing, Minnesota Department of Human Services, executed a Notice of and Order for Hearing scheduling a contested case hearing on April 25, 2007.<sup>[39]</sup>

18. On February 2, 2007, Hennepin County sent Licensee a letter acknowledging Licensee's appeal of the Order of Revocation, advising her that she still must: correct the deficiencies of the correction orders of March 23, 2005, and April 17, 2006, and submit the background request for her son; all by February 13, 2007, or additional action against her license, including an Order of Temporary Immediate Suspension, could be sought, stating also "Should this action be taken, your home would be shut down by DHS immediately."<sup>[40]</sup>

19. On February 10, 2007, licensee sent the County a letter explaining that her son no longer lives in Minneapolis, Minnesota, and that she cannot provide the information requested.<sup>[41]</sup>

20. Licensee completed the Child Safety Restraint training, but did not correct other deficiencies and CPR, SIDS and Shaken Baby training had not been completed as of February 15, 2007. By letter dated February 15, 2007, Hennepin County advised Licensee that: the training must be completed: the correction order of May 9, 2006, must be followed, compliance verified, and returned; that either the background check must be completed for her son or verification of his out of state residence must be submitted; the turtle must be removed, and that "you must cease caring for infants immediately."<sup>[42]</sup>

21. On February 28, 2007, Licensee completed CPR training.<sup>[43]</sup>

22. On April 2, 2007, two Hennepin County licensors made an unannounced visit to Licensee's day care residence. Upon entering the day care they observed a nine month old infant sleeping in a crib, and a toddler was present. The infant's head was on a pillow and a heavy blanket was over her and pulled up close to her face. Also in the crib were a large ball and a diaper bag. Upon being advised that the pillow was inappropriate, Licensee pulled the pillow out from under the infant's head but did not remove it from the crib.<sup>[44]</sup> Licensee was asked why she had three additional portable cribs containing diaper bags, and if she cared for any other infants. Licensee replied by denying having other infants in her care. When presented with CSIS billing records that indicated another infant was in her care, she stated "I don't have any other infants in care today."<sup>[45]</sup>

23. Also observed in the day care area during the April 3, 2007, visit: a bucket of water or cleaning solution with a mop sticking out of it on the floor near the bathroom; a barking pit bull dog in a fenced yard area; an iron frame for a table and a chewed up vinyl recliner used for sleeping by the pit bull in the bathroom.<sup>[46]</sup> The Licensors considered the bathroom unsafe for children.<sup>[47]</sup> When advised that the other levels of the home needed to be inspected, Licensee became upset and objected, and permitted inspection by Mr. Hennessey only after considerable discussion. Licensee physically blocked Ms. Miller, the primary licensor, from participating in the inspection of the remainder of the residence.<sup>[48]</sup> Licensee became increasingly angry during the inspection.<sup>[49]</sup>

24. No additional children were found during the remainder of the April 3, 2007, inspection. However, one of Licensee's sons was found sleeping in a bedroom.<sup>[50]</sup> When

reminded that she could not care for infants until she had completed all required training, Licensee replied “I’ve talked with the mothers and they are fine with me caring for their babies.”<sup>[51]</sup>

25. On April 3, 2007, Mr. Hennessey recommended to the Department of Human Services (“DHS”) that a temporary immediate suspension be issued because of unsafe conditions in the daycare home, including: an aggressive pit bull, an unsafe and unusable bathroom; licensee’s failure to complete or follow SIDS training for infants; caring for infants in violation of licensing rules; and lack of cooperation by the Licensee.<sup>[52]</sup>

26. The Department issued an order of temporary immediate suspension on April 4, 2007.<sup>[53]</sup>

27. An Administrative Law Judge granted a continuation of the April 24, 2007, hearing at Ms. Davis’ request and agreement by the Hennepin County attorney, for a hearing to be heard on May 11, 2007, and issuance of an Amended Notice and Order for Hearing.

28. Ms. Davis day care license expired on May 1, 2007.<sup>[54]</sup> It was not renewed.

29. On May 11, 2007, the hearing was continued to May 16, 2007, at the request of Ms. Davis because her Exhibits had not been received by the Administrative Law Judge or the Hennepin County Attorney.<sup>[55]</sup>

Based on these Findings of Fact, the Administrative Law Judge makes the following:

## **CONCLUSIONS**

1. The Administrative Law Judge and the Minnesota Department of Human Services have authority to consider and rule on the issues in this contested case hearing pursuant to Minn. Stat. §§ 14.50 and 245A.08.

2. The Department has complied with all relevant substantive and procedural requirements of law and rule.

3. Minn. Stat. § 245A.07, subd. 3, allows the Commissioner to suspend or revoke a license if a license holder fails to comply with the applicable laws or rules. Notice of any such action must be given by certified mail and must state the reasons for the sanction.

4. Under Minn. Stat. § 245A.08, subd. 3, the burden of proof first lies with the Commissioner, who may demonstrate reasonable cause for the action taken by submitting statements, reports, or affidavits to substantiate the allegations that the license holder failed to comply fully with applicable law or rule. If the Commissioner demonstrates that reasonable cause existed, the burden shifts to the license holder to demonstrate by a preponderance of the evidence that she was in full compliance with those laws or rules allegedly violated, at the time that the Commissioner alleges the violations occurred.

5. Under Minn. Stat. § 245A.07, if a license holder fails to comply with a correction order, the Commissioner is authorized to order licensing sanctions.

6. Minn. Rule 9502.0335, subp. 6(D), provides that a family child care license shall be revoked, not renewed, or suspended if the provider or any other person living in the daycare residence or present during the hours children are in care has a disqualification under Minn. Stat. § 245C.15, that is not set aside under Minn. Stat. § 245C.22, or for which a variance has not been granted under Minn. Stat. § 245C.30.

7. Minn. Stat. 245C.30, subd. 4. provides for termination of a variance for a disqualified individual at any time for cause. Licensee's variance was terminated for cause due to numerous and uncorrected violations of childcare licensing rules and laws.<sup>[56]</sup> The termination of the variance is a final agency action and is not subject to appeal.<sup>[57]</sup>

8. By operation of Minn. Rule 9502.0335, subp. 6 D., the Commissioner is required to either suspend, not renew or revoke Licensee's license. The Commissioner has chosen not to renew and to revoke Licensee's day care license.

9. Minn. Stat. § 245C.03, subd. 1(2) requires that background studies be conducted regarding any individuals that are age 13 and over and living in the day care home, and any individuals who may have unsupervised access to children when the commissioner has reasonable cause to do so. Minn. Stat. § 245C.04, Subd. 1 (d) requires that all license holders submit to the Commissioner completed background forms before anyone may be in residence in the day care home or have the opportunity for direct contact with daycare children.

10. The Commissioner has established reasonable cause to believe that Ms. Davis violated Minn. Stat. § 245C.04, Subd. 1 (d) by refusing to provide the Department with a completed background form for her adult son, who was found by licensors sleeping in the day care home on two occasions.

11. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. Stat. § 245C.04, Subd. 1 (d), requiring that all license holders submit to the Commissioner completed background forms before anyone may be in residence in the day care home or have the opportunity for direct contact with daycare children, as alleged by the Department

12. Minn. R. 9502.0375 requires all daycare providers to inform the licensing agency within 30 days of any change in the regular membership of the household.

13. The Commissioner has established reasonable cause to believe that Ms. Davis failed to notify the local agency of an additional household member within 30 days of her adult son moving into the household in violation of Minn. R. 9502.0375, subd. 2.

14. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. R. 9502.0375, subd. 2., requiring notification of the local agency of an additional household member, her adult son, within 30 days of his moving into the household, as alleged by the Department.

15. Minn. Stat. § 245A.144 provides in applicable part:

**“SUDDEN INFANT DEATH AND SHAKEN BABY SYNDROME.** (a) License holders must document that before staff persons, caregivers, and helpers assist in the care of infants, they receive training on reducing the risk of sudden infant death syndrome and shaken baby syndrome.”

This training must be completed every five years. *Id.* at para. (b).

16. The Commissioner has established reasonable cause to believe that Ms. Davis violated Minn. Stat. § 245A.144 by failing to take current SIDS and shaken baby training prior to caring for infants and continuing to care for infants when directed not to do so.

17. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. Stat. § 245A.144, for SIDS and shaken baby training, as alleged by the Department.

18. Minn. Stat. § 245A.18 provides in applicable part:

**“Subd. 2. Child passenger restraint systems; training requirement.**

(a) Family and group family child care, child care centers, child foster care, and other programs licensed by the Department of Human Services that serve a child or children under nine years of age must document training that fulfills the requirements in this subdivision.

(b) Before a license holder, staff person, caregiver, or helper transports a child or children under age nine in a motor vehicle, the person transporting the child must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles.”

19. The Commissioner has established reasonable cause to believe that Ms. Davis violated Minn. Stat. § 245A.18 by failing to take child passenger restraint training.

20. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. Stat. § 245A.18, for child passenger restraint training, as alleged by the Department.

21. Minn. Rule 9502.0435, subp. 12. provides in applicable part:

**“All pets housed within the residence shall be maintained in good health and limited to dogs, cats, fish, guinea pigs, gerbils, rabbits, hamsters, rats, mice, and birds if the birds are clear of chlamydia psittaci.”**

Turtles are not included and there is no provision in rule or law to waive or make exceptions to this requirement.

22. The Commissioner has established reasonable cause to believe that Ms. Davis had a turtle in the day care residence for over a year and failed to remove it as directed, all in violation of Minn. R. 9502.0435, subp. 12.

23. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. R. 9502.0435, subd. 12., regarding permitted pets, as alleged by the Department.

24. Minn. Rule 9502.0335, subp. 13. provides in applicable part:

“The provider shall give authorized representatives of the commissioner or agency access to the residence during the hours of operation to determine whether the residence complies with the standards of parts 9502.0315 to 9502.0445.”

25. The Commissioner has established reasonable cause to believe that Ms. Davis refused to permit Ms. Kris Miller, Senior Social Worker in the Hennepin County Child Care Licensing Unit, to inspect the day care residence on April 3, 2007, in violation of Minn. R. 9502.0335, subp. 13.

26. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. R. 9502.0335, subd. 13., regarding the allowance of authorized representatives of an agency to inspect her day care residence, as alleged by the Department.

27. Minn. Stat. § 245A.06, subd. 8. provides in applicable part:

**“Requirement to post correction order.** For licensed family child care providers and child care centers, upon receipt of any correction order or order of conditional license issued by the commissioner under this section, and notwithstanding a pending request for reconsideration of the correction order or order of conditional license by the license holder, the license holder shall post the correction order or order of conditional license in a place that is conspicuous to the people receiving services and all visitors to the facility for two years.”

28. The Commissioner has established reasonable cause to believe that Ms. Davis violated Minn. Stat. § 245A.06, subd. 8 by failing to conspicuously post the six (6) of the seven (7) correction orders for a period of two years.

29. Ms. Davis has failed to demonstrate by a preponderance of the evidence that she was in full compliance with Minn. Stat. § 245A.06, subd. 8, requiring that all correction orders be conspicuously posted for a period of two years, as alleged by the Department.

30. Minn. Stat. § 245A.07, subd. 1, requires the Commissioner to consider “the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights” of those persons in a licensee’s program before applying sanctions under Minn. Stat. § 245A.07. The Department has properly considered the nature, chronicity and severity of the violations of law and rule by Licensee.

31. Pursuant to Minn. Stat. § 245A.07, subd. 2., in order to sustain a temporary immediate suspension, the Department must show that reasonable cause exists to believe that Ms. Davis' actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of persons served by Ms. Davis.

32. Minn. Stat. § 245A.07, subd. 2. provides, in applicable part:

"If the license holder's actions . . . or the actions of other individuals or conditions in the program pose an imminent risk of harm to the health, safety, or rights of persons served by the program, the commissioner shall act immediately to temporarily suspend the license."

33. The Department demonstrated "reasonable cause" exists to believe that children in Licensees' care were at imminent risk of harm, and therefore the immediate suspension of Licensees' day care license was appropriate.

34. These Conclusions are reached for the reasons set forth in the Memorandum below, which is hereby incorporated by reference into these Conclusions.

35. The Administrative Law Judge adopts as Conclusions any Findings that are more appropriately described as Conclusions, and as Findings any Conclusions that are more appropriately described as Findings.

Based upon these Conclusions, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

### **RECOMMENDATION**

Based upon these Conclusions, the Administrative Law Judge recommends to the Commissioner of Human Services that:

Orders of Revocation and Temporary Immediate Suspension issued by the Department of Human Services be affirmed.

Dated: June 14, 2007

/s/ M. Kevin Snell

\_\_\_\_\_

M. Kevin Snell

Administrative Law Judge

Reported: Tape recorded (two (2) tapes); no transcript prepared.

## **NOTICES**

This report is a recommendation, not a final decision. The Commissioner of Human Services (Commissioner) will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. §§ 14.61 and 245A.07, subd. 2a (b), the parties adversely affected have ten (10) calendar days to submit exceptions to this Report and request to present argument to the Commissioner. The record shall close at the end of the ten-day period for submission of exceptions. The Commissioner then has ten (10) working days from the close of the record to issue his final decision. Parties should contact Cal Ludeman, Commissioner of Human Services, Box 64998, St. Paul MN 55155, (651) 431-2907, to learn the procedure for filing exceptions or presenting argument.

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

## MEMORANDUM

The State must be able to assume that child care providers are familiar with the rules governing their operations and will promptly take steps to comply with those rules. The particular statutory and rule violations involved in this matter--the consistent tardiness in meeting basic training requirements, the failure to obtain SIDS and shaken baby training, the failure to follow SIDS reduction training and guidelines, the refusal to cooperate in obtaining a necessary background check, caring for infants in knowing violation of essential safety rules and directives to cease and desist--are of obvious importance to the health and safety of children in care.

In reviewing the multiple, chronic substantiated licensure violations in context, what is seen is a pattern of continuing disregard for the needs and safety of children, particularly infants, under care for a period of over a year. Moreover, Licensee did not accept full responsibility for her continuing deficiencies. She seems to expect others to solve the deficiencies for her. No assurances were presented that Licensee's pattern of chronic violations has been broken. At the hearing, Licensee requested additional time to take the minimum training. She appeared more concerned about whether or not she would be able to continue residing in the home designed specifically for day care, rather than concern for safety of children. The lack of understanding of the importance of the SIDS training was demonstrated at the hearing by the Licensee's focus on information indicating that the pillow used by the Licensee for an infant was fireproof and provided by the infant's parent. She clearly had no understanding that the risk of having the pillow, the heavy blanket and a diaper bag all in the crib with the infant was the risk of suffocation.

Revocation is appropriate here because of requirements under the disqualification statute and the serious nature of the violations and the general pattern of not responding in an expeditious fashion, or not responding at all, to the statutory and rule violations that were brought to Licensee's attention. Despite the fact that the County licensing workers clearly conveyed the seriousness of the violations to Licensee, the Licensee did not respond in an appropriate fashion. The chronic nature of these repeated violations demonstrates that Licensee is either unwilling or unable to give the requirements imposed on child care providers the serious consideration necessary and take the necessary actions to be compliant.

In summary, the Department has demonstrated that reasonable cause existed for revoking the Licensee's family child care license based upon the numerous substantiated violations discussed above. The Licensee has failed to show by a preponderance of the evidence that she fully complied with the rules and statutes governing her family child care license. The Administrative Law Judge is persuaded that, given the chronic and continuing nature of the repeated violations, the only lesser negative action permitted under law and rule in this situation--suspension--is not appropriate. Therefore, based on the violations of the rules cited above, the Administrative Law Judge recommends that the revocation of the Licensee's family child care license be affirmed, and her license not be renewed.

M.K.S.

- 
- <sup>[1]</sup> Testimony of Teresa Davis, Exs. 1 and 45.
- <sup>[2]</sup> Exs. 2 through 5, 7, 9, 14, which include: lack of cleanliness on April 12, 2001, correction order; conducting day care in an unlicensed space on May 27, 2004, correction order; lack of the 6 hours of required annual training, including Sudden Infant Death (“SIDS”) training, and 9 other safety issues, all on a June 24, 2004, correction order; having turtles in the day care home on an April 13, 2005, correction order; lack of the 6 hours of required annual training, lack of written permission to travel with day care children, lack of permission to administer medication, lack of admission and arrangements forms and five safety issues, all on a May 3, 2005, correction order.
- <sup>[3]</sup> Ex. 15.
- <sup>[4]</sup> *Id.*
- <sup>[5]</sup> Ex. 3, testimony of Mr. Tim Hennessey, Quality Assurance Specialist in the Hennepin County Child Care Licensing Unit.
- <sup>[6]</sup> Exs. 3, 30 and 33.
- <sup>[7]</sup> Ex. 30.
- <sup>[8]</sup> *Id.*, Ex. 4.
- <sup>[9]</sup> Ex. 4.
- <sup>[10]</sup> Exs. 7 & 9.
- <sup>[11]</sup> Ex. 28.
- <sup>[12]</sup> Ex. 34.
- <sup>[13]</sup> Exs. 3, 4, & 6-11, test. of Teresa Davis.
- <sup>[14]</sup> Test. of Tim Hennessey.
- <sup>[15]</sup> Ex. 20.
- <sup>[16]</sup> *Id.*
- <sup>[17]</sup> Exs. 6 & 7.
- <sup>[18]</sup> Exs. 7 & 8.
- <sup>[19]</sup> Test. of Tim Hennessey.
- <sup>[20]</sup> Ex. 30.
- <sup>[21]</sup> Ex. 9.
- <sup>[22]</sup> Exs. 9, 10 & 11.
- <sup>[23]</sup> Ex. 6.
- <sup>[24]</sup> Exs. 12 & 25.
- <sup>[25]</sup> Test. of Tim Hennessey.
- <sup>[26]</sup> Ex. 10.
- <sup>[27]</sup> Ex. 30, test. of Teresa Davis.
- <sup>[28]</sup> Ex. 13, test. of Teresa Davis and Tim Hennessey.
- <sup>[29]</sup> Ex. 13.
- <sup>[30]</sup> Ex. 1.
- <sup>[31]</sup> Ex. 17.
- <sup>[32]</sup> Ex. 18.
- <sup>[33]</sup> *Id.*, test. of Mary Gabe, Social Worker in the Child Care Licensing Unit.
- <sup>[34]</sup> *Id.*
- <sup>[35]</sup> Ex. 18.
- <sup>[36]</sup> Ex. 17.
- <sup>[37]</sup> Ex. 22.
- <sup>[38]</sup> Ex. 21.
- <sup>[39]</sup> Notice and Order for Hearing.
- <sup>[40]</sup> Ex. 25.
- <sup>[41]</sup> Ex. 26.
- <sup>[42]</sup> Ex. 27.
- <sup>[43]</sup> Exs. 23 & 34.
- <sup>[44]</sup> Test. of Tim Hennessey, Ex. 24.
- <sup>[45]</sup> *Id.*
- <sup>[46]</sup> Ex. 24, test. of Tim Hennessey and Teresa Davis.
- <sup>[47]</sup> Ex. 23.

[\[48\]](#) *Id.*, Ex. 30.

[\[49\]](#) *Id.*

[\[50\]](#) *Id.*

[\[51\]](#) Ex. 24.

[\[52\]](#) Ex. 23.

[\[53\]](#) Ex. 29.

[\[54\]](#) Ex. 45.

[\[55\]](#) Ex. 16.

[\[56\]](#) Ex. 22.

[\[57\]](#) Minn. Stat. § 245C.30, subd. 2.