PROGRAM POLICY & PROVIDER SERVICES COMMITTEE MEETING
February 24th, 3:30 p.m.
Conference Call

I. Welcome & Introductions
   The Hon. Cindy S. Lederman
   Shaleen Fagundo
   David Williams, Jr.

II. Approval of Minutes
    The Hon. Cindy S. Lederman
    Shaleen Fagundo
    David Williams, Jr.

   A. Motion to approve January 27th, 2015, Program & Providers Services Committee
      Meeting Minutes.

III. Worthley Family Day Care Home

IV. Public Comments
    The Hon. Cindy S. Lederman
    Shaleen Fagundo
    David Williams, Jr.

V. Adjourn
   The Hon. Cindy S. Lederman
   Shaleen Fagundo
   David Williams, Jr.

Mission: To promote high-quality school readiness, voluntary pre-kindergarten and after school programs, thus increasing all children’s chances of achieving future educational success and becoming productive members of society. The Coalition seeks to further the physical, social, emotional and intellectual needs of Miami-Dade and Monroe County children with a priority toward the ages before birth through age 5.
PROGRAM POLICY & PROVIDER SERVICES COMMITTEE MEETING
January 27th, 2015; 3:30 P.M.
ELC Board Room

Committee Attendees: The Hon. Cindy S. Lederman; Shaleen Fagundo; David Williams, Jr.;
Robert Eadie (via conference call); Rick Beasley; Abilio Rodriguez; Mara
Zapata; Helene Good (via conference call); Charles Auslander; Tina
Carroll-Scott

Staff Attendees: Evelio C. Torres, CEO; Angelo Parrino; Sandra Gonzalez; Lisa Sanabria;
Santiago Echemendia (Board Attorney); Fred Hicks; Yesenia Reyes;
Yasmon Wong; Jackye Russell

Public Attendees: Vivian Sanchez; Hisnardo Sanchez; Michelle Sanchez

I. Welcome and Introductions

The Hon. Cindy S. Lederman

C. Lederman welcomed the Committee, staff and attendees. Quorum was established.

II. Approval of Minutes

The Hon. Cindy S. Lederman

C. Lederman moved the motion for the approval of meeting minutes from October 28th,
2015.

- A. Rodriguez moved to approve the minutes.
- D. Williams seconded the motion.
- Motion was passed unanimously.

III. The Learning Corner Early Childhood Center 1

The Hon. Cindy S. Lederman

- Y. Reyes stated that The Learning Corner Early Childhood Center 1, 1003 Old Federal
Highway, Hallandale, Fl. filed a grievance because they were denied a School Readiness
contract from the coalition. Under the previous owner, who is the mother of the current
owner, the center was placed on the United States Department of Agriculture National
Disqualified List in August 2014. The coalition received the updated disqualification list in
November 2014 from the Office of Early Learning. This disqualification also disqualifies
them from having a School Readiness contract. Notice of termination of contract was
sent to the provider with a termination date of December 26, 2014.

- The business has now been transferred to the daughter, but staff and the Program
Committee felt strongly that the transaction was not an arms-length transaction, in
which the buyers and sellers act independently and have no relationship to each other.
Under their DCF license and their Broward SR contract the center can continue to
operate legally in Broward, but will not serve Miami-Dade SR children. This change of ownership issue is addressed in this year’s early learning bill as follows:

(b) The owner of a child care facility, family child care home, or large family child care home may not transfer ownership to a relative of the operator if the operator has had his or her license suspended or revoked by the department pursuant to s.402.310, has received notice from the department that reasonable cause exists to suspend or revoke his or her license, or has been placed on the United States Department of Agriculture National Disqualified List. For purposes of this paragraph, the term “relative” means father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

- The ELCS eligibility and Child Care Resource and Referral office was informed of the contract termination. Parents were contacted and provided with referrals to other area programs.

- C. Lederman moved to deny the appeal.
  - R. Beasley moved to approve amendment.
  - M. Zapata seconded the motion.
  - Motion was passed unanimously.

- S. Echemendia informed the providers may appear on Monday, February 2nd, 2015 to make final appeal to the Board of Directors.

- E. Torres reviewed the three audits that were conducted:
  - OEL Accountability Monitoring
  - Harvey, Covington & Thomas
  - Morrison, Brown, Argiz & Farra

IV. Public Comments

The Hon. Cindy S. Lederman

V. Adjourn

The Hon. Cindy S. Lederman
January 22, 2015

Ms. Cristina Worthley
Cristina Worthley Family Day Care Home
16320 SW 278 Street
Homestead, FL 33031

RE: Notice of Termination
Provider Contract for School Readiness Services (FY 2014/2015)

Dear Ms. Worthley:

Reference is made to that certain Provider Contract for School Readiness Funded Services dated effective July 1, 2014 ("Contract"), by and between the Early Learning Coalition of Miami-Dade/Monroe, Inc ("ELC"), and Christina Worthley Family Day Care Home ("Provider"), with respect to the Fiscal Year 2014/2015.

In accordance with Article VIII, Paragraph 51 of the Contract, thirty (30) days advance written notice is hereby given to the Provider that ELC has elected to exercise its contractual right to unilaterally terminate the Contract for any reason.

ELC hereby provides the following reason for terminating the Contract:

The Department of Children and Families ("DCF") recently issued a licensing one (1) Class I licensing violation to the Provider on December 17, 2014. The licensing violation, as described in the Inspection Report, states as follows:

Non-Compliance Description: 12-07 - Children in care had access to a water hazard or swimming pool, in that [pool is not completely surrounded by fence or barrier on all four sides and alarm is located on the inside of the door of the house].

Accordingly, please be advised that the Contract shall terminate on February 20, 2015. Upon termination, the Contract shall become null and void, and each party shall be released from all further obligations under the Contract.

For the short duration of the remaining term of the Contract, the parties will cooperate with each other in good faith to ensure a smooth transition of services, to establish alternative arrangements for services, and most importantly, to ensure that services continue uninterrupted.

This letter shall also serve written notice of the Executive Leadership Committee’s decision to terminate the School Readiness contract. Accordingly, funding will cease at the end of thirty (30)
business days or when alternate childcare arrangements are found for School Readiness children, whichever is sooner.

Please be advised and that you may file an appeal within thirty (30) days business days of the date of this letter.

Provided that you do not receive any further violations from the Department of Children and Families for the twelve (12) month period following the date of your last violation, you will become eligible to re-apply for School Readiness and/or VPK Services on December 17, 2015.

If further information is needed, please contact Melody Mendez at (305) 646-7220, ext. 294.

Sincerely,

Angelo Parrino
Senior VP & Chief Administrative Officer
January 27, 2015

Early Learning Coalition of Miami-Dade/Monroe
Angelo Parrino, Senior VP & Chief Administrative Officer
2555 Ponce de Leon Blvd.
Suite 500
Coral Gables, FL 33134

Dear Mr. Parrino:

We hereby appeal your decision to terminate the School Readiness Services contract (FY 2014-2015) between the Early Learning Coalition and Cristina Worthley Family Day Care Home. We received your letter (exhibit ‘A’) dated 1-22-2015, notice to terminate.

The licensing violation from DCF is erroneous and we have requested an administrative hearing via certified mail on 1-22-2015. We have not been notified of the date. We will notify you as to the outcome of that hearing.

I am including supporting documentation to show that we have been in compliance in all areas, during all recent inspections. The administrative complaint (exhibit ‘B’) cites an inspection date of 1-23-15. I am submitting our inspection report for that date (exhibit ‘C’). It is signed by both DCF and our center director, Cristina Worthley, and shows that no children were present and that we were in compliance in all areas. There were no other inspections on 1-23-15. We have not received an administrative complaint, nor a violation for the date you cite in your letter of 1-17-2015.

I am also including the inspection report for 1-17-2015 (exhibit ‘D’) since you cite that date in your notice to cancel, as being the date where we were not in compliance. You will see that we are in compliance in all areas in that report as well, and it was signed by the DCF inspector and also the center director. There were no other inspections made on 1-17-2015. If fact, we have never been not in compliance in all areas in all of our inspections since opening the center over 15 years ago.

We are aware that there is an inspection report posted on-line for 1-17-2015 that is different than the one we have attached and have received from the inspector. That report is not signed by our center director and we are working to rectify that erroneous report that is posted on-line. That inspection did not take place at our center.

Please contact us if you should have any questions or concerns.

Sincerely,

Wayne Worthley – Owner
Worthley Family Day Care Home
rmssww@bellsouth.net; 305-245-5982
January 22, 2015

Ms. Cristina Worthley
Cristina Worthley Family Day Care Home
16320 SW 278 Street
Homestead, FL 33031

RE: Notice of Termination
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If further information is needed, please contact Melody Mendez at (305) 646-7220, ext. 294.

Sincerely,

Angelo Parrino
Senior VP & Chief Administrative Officer
ADMINISTRATIVE COMPLAINT

YOU ARE HEREBY NOTIFIED that the Department is imposing a Civil Penalty in the total amount of $100.00. The Department’s authority and grounds to impose this sanction are explained below.

1. This is an administrative action for imposition of a civil penalty for known incidents of occurrence as authorized in section 402.310, Florida Statutes and rules 65C-22.010 and 65C-20.012, Florida Administrative Code.

2. Petitioner, The Department, is an administrative agency of the State of Florida, charged with the duty to enforce and administer the provisions of Chapter 402, Florida Statutes and rules 65C-22.010 and 65C-20.012, Florida Administrative Code.

3. Respondent, Worthley Family Day Care Home, License No. F11MD0165, is licensed under Chapter 402, Florida Statutes, and Chapter 65C-22 and 65C-20, Florida Administrative Code, to operate a family day care home known as, Worthley Family Day Care Home, located at, 16320 SW 278 Street, Homestead FL, 33031. The family day care license is currently an Annual License.

Violation 1: Standard #12, Swimming Pool, Class I

4. During a renewal inspection on 12/23/2014, the family day care home was cited for a Class I violation of Standard #12, as the children in care at the family day care home had access to a swimming pool, in that the swimming pool did not have either a pool alarm or a fence or barrier on all four sides measuring at least four feet in height. Technical support was given by explaining to the operator that all swimming pools more than one foot deep shall have either a fence or barrier on all four sides, at a minimum of four feet in height, separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. Furthermore, it was explained that if the provider elects to have a fence, the fence or barrier shall not have gaps or openings that would allow a young child to crawl under, squeeze through, or climb over the barrier. The fine imposed for this first Class I violation of 12/23/2014 is $100.00.

5. The aforementioned standard violates rule 65C-20.010(1)(h)(i) of the Florida Administrative Code. The violation described above is a Class I violation of the child care licensing standards. It is the family day care’s first Class I violation of Standard #12 within a two year period.

6. Florida Administrative Code 65C-20.012(3)(e)1 entitled “Enforcement” mandates for the first and second violation of a Class I standard, the Department shall upon applying the factors in 402.310(1), Florida Statutes, issue an administrative complaint imposing a fine not less than $100.00 nor more than $500.00 per day for each violation, and may impose other disciplinary sanctions in addition to the fine.

7. Gold Seal designation. The violation described in paragraph 4 constitutes a Class I violation as defined in rule 65C-20.012(3)(b) and 65C-22.010(2)(b), Florida Administrative Code. Section 402.281, Florida Statutes, requires that the department terminate your Gold Seal designation as a result of this Class I violation.

8. Therefore, the Department is terminating your Gold Seal designation. You will be ineligible for Gold Seal designation until you have operated for a period of two years without a Class I violation.
If you do not wish to contest the findings of this administrative complaint, payment of the fine amount may be made directly to the Florida Department of Children and Families, Child Care Regulation Office, 12195 Quail Root Dr, Cottage #3, Miami FL 33177

If you wish to contest the findings of this administrative complaint and the sanctions imposed, you may do so as provided in the notification of rights below.

NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES

IF YOU BELIEVE THE DEPARTMENT’S DECISION IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING TO CONTEST THE DECISION. YOUR REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS OF YOUR RECEIPT OF THIS NOTICE. FAILURE TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE 21 DAYS PROVIDED SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING.

You may submit your request for an administrative hearing to the Department at the following address:

Florida Department of Children and Families
Regional Legal Counsel’s Office
ATTN: Karen A. Milia, Esq.
401 N.W. 2nd Avenue, Suite N-1014
Miami, Florida 33128

Please note that a request for an administrative hearing must comply with section 120.569(2) (c), Florida Statutes, and Rules 28-106.201(2), Florida Administrative Code. Those provisions, when read together, require a petition for administrative hearing to include:

(a) The name and address of each agency affected and each agency’s file or identification number, if known;
(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding;
(c) An explanation of how the petitioner’s substantial interests will be affected by the agency determination;
(d) A statement of when and how the petitioner received notice of the agency decision;
(e) A statement of all disputed issues of material facts. If there are none, the petition must so indicate;
(f) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;
(g) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action.

Section 120.569, Florida Statutes, and rule 28-106.201(4), Florida Administrative Code, require that a petition to be dismissed if it is not in substantial compliance with the requirements above.
Mediation as described in section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as agreed to by all parties. The right to an administrative proceeding is not affected when mediation does not result in a settlement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail return receipt to, Worthley Family Day Care Home, located at, 16320 SW 278 Street, Homestead FL, 33031, this 5th day of January, 2015.

Suzette Frazier
Regional Program Safety Manager
Florida Department of Children and Families
## Family Day Care Home Information

Name: Worthley Family Day Care Home  ID Number: F11MD0165  
Address: 16320 SW 278 Street  City: Homestead  State: FL  Zip Code: 33031-  
Phone Number: (305) 245-5982  Capacity: 10  
Owner/Director/Staff Responsible: Cristina Worthley

## Inspection Information

Type: Reinspection  Date: 12/23/2014  Arrival/Departure Time: 08:55 AM to 09:30 AM  
Children Present: 0

<table>
<thead>
<tr>
<th>INSPECTION CHECKLIST</th>
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| **HEALTH REQUIREMENTS** |
| 06. Animal Immunizations rule 65C-20.010(1)(a), F.A.C. | Not Monitored |
| 07. Toxic Substances, Hazardous Materials and Hazardous Items rule 65C-20.010(1)(b), F.A.C. | Not Monitored |
| 08. Smoking on Premise rule 65C-20.010(1)(c), F.A.C. | Not Monitored |
| 09. Firearms and Weapons rule 65C-20.010(1)(d), F.A.C. | Not Monitored |
| 10. Play Areas Clean and Free of Litter rule 65C-20.010(1)(e), F.A.C. | Not Monitored |
| 11. Outdoor Time and Play Area Requirements rule 65C-20.010(1)(f)-(h), F.A.C. | Not Monitored |
12. Swimming Pools rule 65C-20.010(1)(i)(j), F.A.C.
   Compliance
   Compliance Comments
   See Supplemental Inspection Sheet.

13. Appropriate, Safe and Sanitary Bedding rule 65C-20.010(1)(k)-(o), F.A.C.
   Not Monitored

14. Drinking Water and Single Service Disposables rule 65C-20.010(1)(p)-(q), F.A.C.
   Not Monitored

15. Vermin/Pest Control rule 65C-20.010(1)(r), F.A.C.
   Not Monitored

16. Furnishings, Equipment and Plumbing are Sanitary are Free from Hazards and in Good Repair Rule 65C-20.010(1)(s), 2(d), F.A.C.
   Not Monitored

17. Smoke Detector, Fire Extinguisher, Corded Telephone, Lighting, Temperature and Ventilation Rule 65C-20.010(1)(s), F.A.C.
   Not Monitored

18. Nutritious Meals and Snacks Provided rule 65C-20.010(1)(t), F.A.C.
   Not Monitored

19. Handwashing rule 65C-20.010(2)(a)(d)-(f), F.A.C.
   Not Monitored

20. Soiled Items rule 65C-20.010(2)(b), F.A.C.
   Not Monitored

21. Potty Chairs Cleaned and Sanitized rule 65C-20.010(2)(c), F.A.C.
   Not Monitored

22. Individually Labeled Towels and Wash Cloths rule 65C-20.010(2)(f), F.A.C.
   Not Monitored

23. Diapering Area Clean and Sanitized rule 65C-20.010(2)(g), F.A.C.
   Not Monitored

24. First Aid Kit rule 65C-20.010(3)(a), F.A.C.
   Not Monitored

25. Emergency Telephone Information rule 65C-20.010(3)(b)1., F.A.C.
   Not Monitored

26. Documented Accidents, Incidents and Health Related Symptoms rule 65C-20.010(3)(b)2. and 3., F.A.C.
   Not Monitored

27. Fire Drills/Emergency Preparedness rule 65C-20.010(3)(b)4 through 7, & rule 65C-20.010, F.A.C.
   Not Monitored
28. Communicable Disease Control rule 65C-20.010(4), F.A.C.

Not Monitored

29. Prescription and Non-Prescription Medication rule 65C-20.010(5)(a)(c)(g)(h), F.A.C.

Not Monitored

30. Documentation of Dispensed Medication rule 65C-20.010(5)(a)(b)(d)-(f), F.A.C.

Not Monitored

NIGHTTIME CARE

31. Immunization Records rule 65C-20.011(1)(a), F.A.C.

Not Monitored

32. Student Health and Records rule 65C-20.011(1)(b)(c), F.A.C. & s. 402.313, F.S.

Not Monitored

33. Enrollment Information rule 65C-20.011(2), F.A.C.

Not Monitored

ADMISSION AND RECORDS

34. Access to the Premises/Misrepresentation ss. 402.319, F.S. & rule 65C-20.012(4), F.A.C.

Compliance

35. Licensed Capacity ss. 402.302(7), F.S.

Not Monitored

36. Child Discipline ss. 402.305(12)(a), F.S. & rule 65C-20.010(6), F.A.C.

Not Monitored

37. Transportation and Supervision rule 65C-20.010(1)(c) & (8), F.A.C.

Not Monitored

38. Child Abuse or Neglect ss. 402.319, F.S. & rule 65C-20.010(7), F.A.C.

Not Monitored

Received by: Cristina Worthley
Date: Tuesday, December 23, 2014

Inspected by: Yessenia Plata
Date: Tuesday, December 23, 2014
SUPPLEMENTAL INSPECTION SHEET

Comments:
Family Services Counselor observed and tested pool alarm. Used a less than 2 lbs coconut to test it out. Pictures are on file.

Received by: Cristina Worthley
Date: Tuesday, December 23, 2014

Inspected by: Yessenia Plata
Date: Tuesday, December 23, 2014
## Family Day Care Home Information

**Name:** Worthley Family Day Care Home  
**ID Number:** F11MD0165  
**Address:** 16320 SW 278 Street  
**City:** Homestead  
**State:** FL  
**Zip Code:** 33031  
**Phone Number:** (305) 245-5982  
**Capacity:** 10  
**Owner/Director/Staff Responsible:** Cristina Worthley

### Inspection Information

**Type:** Renewal  
**Date:** 12/17/2014  
**Arrival/Departure Time:** 11:45 AM to 01:45 PM  
**Children Present:** 01

## INSPECTION CHECKLIST

### STAFFING REQUIREMENTS

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| **Not Applicable Comments**  
 | Per operator, no animals in the home and none observed.                     |            |
| 07. Toxic Substances, Hazardous Materials and Hazardous Items rule 65C-20.010(1)(b), F.A.C. | Compliance |

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| **Not Applicable Comments**  
 | Per operator, no smoking in the household, and none observed.               |            |
| 09. Firearms and Weapons rule 65C-20.010(1)(d), F.A.C.                     | Not Applicable |
| **Not Applicable Comments**  
 | Per operator, no firearms/weapons in the household, and none observed.      |            |
| 10. Play Areas Clean and Free of Litter rule 65C-20.010(1)(e), F.A.C.       | Compliance |

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Compliance Comments
See Supplemental Inspection Sheet.

13. Appropriate, Safe and Sanitary Bedding rule 65C-20.010(1)(k)-(o), F.A.C. Compliance


15. Vermin/Pest Control rule 65C-20.010(1)(r), F.A.C. Compliance

16. Furnishings, Equipment and Plumbing are Sanitary are Free from Hazards and in Good Repair rule 65C-20.010(1)(s), (t), F.A.C. Compliance

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19. Handwashing rule 65C-20.010(2)(a)(d)-(f), F.A.C. Compliance

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26. Documented Accidents, Incidents and Health Related Symptoms rule 65C-20.010(3)(b)2. and 3., F.A.C. Compliance

27. Fire Drills/Emergency Preparedness rule 65C-20.010(3)(b)4 through 7, & rule 65C-20.010, F.A.C. Compliance

Compliance Comments:
Last fire drill was conducted on 12/15/14 at 2:30pm, drill with counselor present was conducted on 07/01/2014 at 4:28pm. One emergency drill has been conducted 11/20/2014 at 2:00pm "Tornado" participating 1 adult and 1 child.
28. Communicable Disease Control rule 65C-20.010(4), F.A.C. Compliance

29. Prescription and Non-Prescription Medication rule 65C-20.010(5)(a)(c)(g)(h), F.A.C. Not Applicable

   Not Applicable Comments
   The provider does not dispense medication.

30. Documentation of Dispensed Medication rule 65C-20.010(5)(a)(b)(d)-(f), F.A.C. Not Applicable

   Not Applicable Comments
   The provider does not dispense medication.

NIGHTTIME CARE

31. Immunization Records rule 65C-20.011(1)(a), F.A.C. Compliance

   Compliance Comments
   1 of 1 children’s immunization record were reviewed for compliance.
   Technical assistance was provided that annually in August and September, parents of children enrolled in the program must be notified of the required influenza information.

32. Student Health and Records rule 65C-20.011(1)(b)(c), F.A.C. & s. 402.313, F.S. Compliance

   Compliance Comments
   1 of 1 children’s health record were reviewed for compliance.

33. Enrollment Information rule 65C-20.011(2), F.A.C. Compliance

   Compliance Comments
   1 of 1 children’s enrollment record were reviewed for compliance.

ADMISSION AND RECORDS

34. Access to the Premises/Misrepresentation ss. 402.319, F.S. & rule 65C-20.012(4), F.A.C. Compliance

35. Licensed Capacity ss. 402.302(7), F.S. Compliance

36. Child Discipline ss. 402.305(12)(a), F.S. & rule 65C-20.010(6), F.A.C. Compliance

37. Transportation and Supervision rule 65C-20.010(1)(c) & (8), F.A.C. Not Applicable

   Not Applicable Comments
   Per provider, does not provide transportation and none was observed.

38. Child Abuse or Neglect ss. 402.319, F.S. & rule 65C-20.010(7), F.A.C. Compliance

Received by: Cristina Worthley
Date: Wednesday, December 17, 2014

Inspect by: Yessenia Plata
Date: Wednesday, December 17, 2014
SUPPLEMENTAL INSPECTION SHEET

Comments:
As technical support, a child care provider may not advertise a child care facility, family day care home, or large family child care home without including within such advertisement the state agency license number of the facility or home. The violation of the advertising portion of this standard is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S. The facility or home’s current license number must be included on any advertisement, including: signs, print media, vehicles, etc. Exception: Classified ads for employment purposes. It is recommended that you write or paint the license number onto the sign, purchase peel and stick numbers/letters to include on the sign or purchase additional sign to include under the current sign with the license number.

The Affidavit of Good Moral Character has been updated and technical assistance directions provided. Effective July 1, 2014, the Child Care Regulation Program unofficially updated the Child Care Affidavit of Good Moral Character to list new offenses related to s. 777.04, F.S. It is recommended that you use the updated form until it is updated officially in rule. Please be advised that licensing will not cite providers for using the older version of this form (dated July 2012) and will not require staff to re-sign the updated form. Regardless of which form is utilized, the screening process will consider all new offenses related to s. 777.04, F.S. as statute always takes precedence over rule. Copy provided to owner during this renewal inspection.

FSC inspected pool area and observed the in-ground pool. Playground is located next to the pool but appropriately fenced with a mesh/metal fence. The mesh/metal fence measures four feet in height. A high-volume alarm is located at the top of the door that connects the living room with the playground. Pictures are on file. Additionally, FSC advised provider that the family day care home operator shall ensure that all exterior doors leading to the pool area remain locked at all times while children are in care and that all doors in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care.

Received by: Cristina Worthley
Date: Wednesday, December 17, 2014

Inspected by: Yessenia Plata
Date: Wednesday, December 17, 2014
I. Welcome and Introductions

Santiago Echemendia, Esq.

II. Cristina Worthley Family Day Care Home

Santiago Echemendia, Esq.

- The Department of Children and Families issued a licensing one (1) Class 1 licensing violation to the Provider on December 17, 2014. The licensing violation, as described in the Inspection report, states as follows:

  Non-Compliance Description: 12-07 - Children in care had access to a water hazard or swimming pool, in that [pool is not completely surrounded by fence or barrier on all four sides and alarm is located on the inside of the door of the house.

- S. Echemendia read the following email sent by Wayne Worthley on February 17th, 2015:

We will be unable to attend the meeting indicated below. The reason is that there has been no change in our status with DCF. We originally requested a hearing. DCF then amended their admin. complaint (they had an incorrect date) and we amended our request for a hearing. That was sent via certified mail on Jan. 31st and we have not heard back from DCF on that status. We've been calling and attempting to discuss all of this with Mr. Echemendia but have been unsuccessful in making contact due to his travel schedule.

This information was all included in our appeal but I will again reiterate that the last three inspections by DCF that took place at our facility are all 'in compliance'. We have signed copies of all of those reports, hard copies, - signed by us and signed by the DCF representative that conducted the inspections. One was in July of 2014, one was on Dec.
17 of 2014, and one was on Dec. 23 of 2014. There have been no inspections since those three. The problem is that DCF amended an inspection 'off site' that we do not agree with as to whether or not we had a pool alarm in our swimming pool. Our position and request for admin. hearing is that we had a pool alarm at the time of the inspection on 12-17-14, the inspector even wrote 'in compliance' with swimming pools on that date while at the facility, and it was unjust and maybe even 'illegal' to modify an inspection report, off-site, without evidence, and without the facility operator present. When the inspector came back on 12-23-14, photographs were then taken to document that the pool alarm was there.

We understand that our ELC contract was cancelled due to the admin. notice that was sent to you by DCF. We are simply asking that you be aware that we are working to correct this error with DCF and when DCF 'reverses' its admin. complaint, we simply ask that you re-instate our contract.

In addition, we currently have no children enrolled through the ELC and have not had any for at least two years now. So, there is no pressing issue at hand.

Attending the hearing tomorrow would be a major inconvenience for both Cristina and myself, causing us both to miss work and find substitutes. And, since there is no update from DCF as to the administrative complaint (notice of violation), there is probably nothing that can be done anyway, without that status.

Please let this 'float' until you hear back from DCF concerning the notice of violation/administrative complaint. We have requested that they contact you when it is resolved, as part of our 'relief sought'.

We also hope that when that happens, there will have been no 'lapse' in our contractual status with ELC.

- The committee is recommending suspension pending the 120 hearing from DCF.
  - Motion to approve by S. Fagundo
  - Motion seconded by A. Rodriguez.
  - Motion was unanimously passed.

- The appeal and Peer Review Panel’s recommendation will now be taken to the ELC Programs, Policy & Providers Services Committee. That meeting will take place February 24th, 2015 at 3:30 pm.
III. Adjourn

Santiago Echemendia, Esq