ELC Provider Services Committee Meeting
June 23, 2022 2:00 p.m.
Meeting ID: 983 0264 3582
Passcode: ELC062322

I. Welcome & Introductions
   Rick Beasley

II. Approval of Minutes
   Rick Beasley
   A. Motion to approve May 26, 2022 minutes.

III. Providers
   Bob de la Fuente
   • Building Tools Learning Center, Inc.

IV. ARPA Update and Family Child Care Home Association Annual Conference Scholarships
   Fiorella Christie

V. Early Education Partners Roundtable
   Provider Representatives
   A. Family Child Care Home Discussion
      • Dr. Perla Almodovar
      • Danish Williams
      • Alma Diaz
   B. Program-Based Discussion
      • Jenni Roig (Private Provider Representative)
      • Dr. Eileen Fluney (Faith-Based Provider Representative)
      • Dr. Daniel Armstrong (Individuals with Disabilities Education Act Program Representative)
   C. General Discussion

VI. Reimbursement Rates
    Evelio Torres and Alex Sanchez

VII. Advocacy Priorities
    Evelio Torres

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.
VIII. Chamber Reports

IX. Public Comments

X. Adjourn
MINUTES

Committee Attendees: Rick Beasley; Chereen Coile; Jenni Roig

Committee Absentees: Loreen Chant; Dr. Fluney Daniel Armstrong

Staff Attendees: Fiorella A. Christie; Victor Caballero; Mercy Castiglione; Sheyla Perez; Vernise Casimir; Anabel Espinosa; Pamela Hollingsworth; Ana Sejeck; Lisney Badillo; Thalia Daumy; Natalia Gamundi; Alex Sanchez; Cindy Cabrera; A. Rodriguez; Lissandra Lara; Vanessa Aguilera-Viera; Angelo Parrino; Sandra Gonzalez; Belkis Torres; Dolores Mendez

General Attendees: Bob de la Fuente; Christine Patterson; K. Williams; 1 World Learning Center; Y. Morales; K's iPhone X; Katherine Quinteros; Yuri; Guido Sardelli; Clarisa Cajiau

I. Welcome & Introductions

   - R. Beasley welcomed everyone.
   - K. Gregory called roll and quorum was not established. Three (3) voting members were present.

II. Approval of Minutes

   - Motion to approve March 31, 2022 minutes.
     - Motion to approve by C. Coile
     - Motion seconded by J. Roig
     - Motion unanimously passed.

III. ARPA Update and Family Child Care Home Association Annual Conference Scholarships

   - ARPA updates were provided by Fiorella Christie and informative slides were provided as part of the Provider Services Packet.
IV. Monroe County Visit with Chancellor Mears

Sandra Gonzalez

Sandra Gonzalez provided information on Chancellor Mears visit to Monroe Partners.

V. Early Education Partners Roundtable

A. Family Child Care Home Discussion
   - Dr. Perla Almodovar
   - Danish Williams
   - Alma Diaz

B. Program-Based Discussion
   - Jenni Roig (Private Provider Representative)
   - Dr. Eileen Fluney (Faith-Based Provider Representative)
   - Dr. Daniel Armstrong (Individuals with Disabilities Education Act Program Representative)

C. General Discussion

VI. Chamber Reports

R. Beasley provided Career Source Summer Internship Program information for Charter School children.

VII. New Initiatives

A. P. Hollingsworth provided updates and information on the Early Childhood Internship Program. The program is in full swing. As of today, there are 78 applications in the que.

B. Early Childhood Apprenticeship Program is taking off. The application should be received this week.

VIII. Public Comments

IX. Adjourn
Early Learning Coalition Executive Leadership Team  
April 28th, 2022  
Building Tools Learning Center – C11MD2123  
4121 NW 191st Street Miami Gardens, Fl. 33055

**Action Requested:** The Executive Leadership Team ("ELT") may recommend termination of the School Readiness ("SR"), Voluntary Prekindergarten ("VPK"), and School Readiness Program Match ("SRPM") Contracts for 2021-2022 FY and consider revocation of eligibility for a period of five (5) years.

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**Background**

<table>
<thead>
<tr>
<th>Building Tools Learning Center</th>
<th>Two Class One Violations during a 12-month period</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Capacity: 65</td>
<td>The following has been noted on the DCF inspection report and the incident/investigation report:</td>
</tr>
<tr>
<td>Care Level offered: 3 months to 12 Years</td>
<td>• <strong>1/26/2022</strong> 04-02 One or more children were not adequately supervised in that [Child M.S.S. sustained 2nd degree burns to his face, torso, and leg that are consistent with the incident], which posed an imminent threat to a child, and could or did result in death or serious harm to the health, safety or well-being of a child. CCF Handbook, Section 2.4.1, A, B, D, G, H, and I; 2.4.2; 2.4.3; 2.4.5, D General Requirements.</td>
</tr>
<tr>
<td>Approximate Children enrolled for SR: 13</td>
<td>FSC observed the rectangle room with the highchair in one side and the little refrigerator on the northeast side and the counter on the southwest side of the refrigerator. According to Ms. S, he was right there, there is two feet 14 inches distance from where she was seating. There was a table in the space between where she was seating down and where he was placed at. The distance from where he was placed at to the refrigerator is nine feet. These situations allotted the neglected time to tend to Child M.S.S. Although the Partner did check Child M.S.S. after the fact. Child M.S.S. sustained 2nd degree burns to his face, torso, and leg that are consistent with the incident. As technical assistance,</td>
</tr>
<tr>
<td>Approximate Children enrolled for VPK: 8</td>
<td>Continued on page 2</td>
</tr>
<tr>
<td>Approximate Number of Partners within the same zip code offering the same services: 8</td>
<td></td>
</tr>
<tr>
<td>Accreditations/Gold Seal: N/A</td>
<td></td>
</tr>
<tr>
<td>Partner has offered services approximately since: 2012</td>
<td></td>
</tr>
<tr>
<td>2020-2021 Approximate reimbursements: $81,066.63</td>
<td></td>
</tr>
</tbody>
</table>

Continued on page 2
Early Learning Coalition Executive Leadership Team

April 28th, 2022

Building Tools Learning Center – C11MD2123

4121 NW 191st Street Miami Gardens, Fl. 33055

Continued from page 1

2.4.1.B. Child care personnel must be assigned to provide direct supervision to a specific group of children and be with that group of children at all times. Children must never be left without child care personnel supervision inside or outside the facility, in a vehicle, or at a field trip location.

2.4.1.D. At all times, lighting must allow child care personnel to see and supervise children while in care.
2.4.1.G. In addition to the number of child care personnel required to meet the staff-to-child ratio, one additional adult must attend field trips away from the child care facility to help provide direct supervision. The individual could be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained child care personnel.

2.4.5.D. Constant and active supervision must be maintained when any child is in or around water. An adult should remain in direct physical contact with an infant at all times during swimming or water activities. During water activities, children ages 1 year up to five years must be within an arm’s reach and in the sight of the supervising adult at all times.

- **1/26/2022** 47-02 The owner, operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes or Chapter 827, Florida Statutes. CCF Handbook, Section 8.2, An Enforcement.

FSC observed the provider did not contact emergency services when the child needed medical attention. Mom came and took the child to the hospital. As technical assistance, Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S. or Chapter 827, F.S., constitute a violation of the standards is section 402.301-.319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S. As technical assistance, Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S. or Chapter 827, F.S., constitute a violation of the standards is section 402.301-.319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S.

- Contract Manager, Eilin Orozco, contacted the Partner and was advised both owners Trinese Henderson and Chieayne Henderson were not at the facility on the date of the incident. The two teachers in charge of the class stated “they placed the child down on the floor to attend the other children in need of attention. The child crawled his way to the bottle warmer and pulled it down by the cable.”

Additional Information:
- The Partner currently has the following violations with DCF in the past 2 years: (2) Class 1, (3) Class 2, and (1) Class 3 violations

Continued on page 3
Continued from page 2

3 Class 2 related to the 2 Class 1 violations:

- **28-10** Bottle warming devices were accessible to children. CCF Handbook, Section 3.9.7, A Food and Nutrition. FSC observed the baby could reach the bottle warmer has proven that it was accessible to children. As technical assistance, Bottle warming devices and crock pots, including cords, must be kept inaccessible to children at all times. Completed at time of inspection.

- **39-07** The facility failed to report a serious injury or death to the licensing authority. CCF Handbook, Section 6.4, E Health Requirements. FSC observed Incidents such as this one should be reported the time, the day of the incident no matter how minimal the injury may seem. DCF hotline number 1-800-962-2873 Florida Relay 711 or TTY: 1-800-955-8771 is 24 hours and seven days a week. A phone call, text or email is good practice to alert the DCF Counselor on the day, time of incident. As technical assistance, In the event of serious injury or death, the incident must immediately be reported to the licensing authority. Completed at time of inspection.

- **40-01** A prescription or non-prescription medication, specifically [First Aid & Burn Cream], was dispensed without written authorization from the custodial parent or legal guardian. CCF Handbook, Section 6.5, A and K Health Requirements. FSC observed First Aid & Burn Cream from the first aid kit. Per provider, prescription and nonprescription medication is not dispensed. Provider may want to revisit administering nonprescription for parents to be aware and to disclose any allergies their babies may have. As technical assistance, the child care program must have written authorization from the custodial parent or legal guardian to give prescription and nonprescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child’s name; the name of the medication to be given; and date, time and amount of the correct dosage to be given. Prescription and nonprescription medications that are used on an as needed basis require the parent/legal guardian to provide additional documentation on the authorization form to describe symptoms that would require the medication to be given. The child care provider must never administer a medication that is prescribed for one child to another child. In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written permission from the parent or legal guardian to do so. Completed at time of inspection.

- Partner has no previous Notices of Corrective Action Plan, Terminations or Non-Compliances
- The Partner is currently open
Action Requested: The Executive Leadership Team (“ELT”) may recommend termination of the School Readiness (“SR”), Voluntary Prekindergarten (“VPK”), and School Readiness Program Match (“SRPM”) Contracts for 2021-2022 FY and consider revocation of eligibility for a period of five (5) years.

Background

Building Tools Learning Center

- License Capacity: 65
- Care Level offered: 3 months to 12 Years
- Approximate Children enrolled for SR: 16
- Approximate Children enrolled for VPK: 8
- Approximate Number of Partners within the same zip code offering the same services: 8
- Accreditations/Gold Seal: N/A
- Partner has offered services approximately since: 2012
- 2020-2021 Approximate reimbursements: $81,066.63

Two Class One Violations during a 12-month period

The following has been noted on the DCF Inspection report and the incident/investigation report:

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- The Partner is currently open

Administrative Decision: Chief Operating Officer: Angelo Parrino

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<thead>
<tr>
<th>Approval Granted:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Angelo Parrino  
Signature & Date

Comments:  
Emergency Termination
March 7, 2022

Building Tools Learning Center
C11MD2123
Trinese Henderson, Director
4121 NW 191st Street
Miami Gardens, Fl. 33055
buildingtools4121@gmail.com

RE: Notice of Emergency Termination
Statewide School Readiness Contract “SR” (FY 2021-2022)
Statewide Voluntary Prekindergarten Contract “ VPK” (FY 2021-2022)
School Readiness Program Match “SRPM” (FY 2021-2022)

Dear Partner,

Pursuant to s. 402.305(5), (6), and (7), F.S., Rule 6M-4.620, F.A.C, and all Forms adopted by reference, as applicable, and as verified pursuant to s. 402.311, F.S. Health and Safety requirements are specifically addressed in the administration of the Child Care and Development Block Grant pursuant to 45 CFR 98 and in each Partner type, the Provider agrees to provide a healthy and safe environment for children in care.

Item of non-compliance:

Your facility received the below 2 Class 1 Department of Children and Families (“DCF”) licensing violations that posed a threat to the health, safety or welfare of the children in your care.

- 1/26/2022 04-02 One or more children were not adequately supervised in that [Child M.S.S. sustained 2nd degree burns to his face, torso, and leg that are consistent with the incident], which posed an imminent threat to a child, and could or did result in death or serious harm to the health, safety or well-being of a child. CCF Handbook, Section 2.4.1, A, B, D, G, H, and I; 2.4.2; 2.4.3; 2.4.5, D General Requirements.

- 1/26/2022 47-02 The owner, operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes or Chapter 827, Florida Statutes. CCF Handbook, Section 8.2, An Enforcement.

Based on the foregoing non-compliance, the Coalition has decided to terminate your SR, VPK, and SRPM Contracts for the 2021-2022 program year. Your SR, VPK, and SRPM Contracts will be terminated on an emergency basis effective in 24 hours, March 8th, 2022. Consequently, this notice serves as an intent of revocation of eligibility.
Section 67 (a) of SR Contract and Section 54 (a) of VPK Contract - Termination for Cause. Basis of Termination for Cause. “PARTNER agrees that COALITION has the right to terminate this Contract for cause at any time. The following are grounds for termination for cause: (a) Action, or lack of action, which threatens the health, safety or welfare of children or citation for a Class I violation by the Department of Children and Families or local licensing agency, as applicable...”

Section 71 (a) of SR Contract and Section 56(a) of VPK Contract - Revocation of Eligibility. In accordance with s. 1002.88(2), F.S., if PARTNER’s Contract is terminated under paragraph 67, 68, or 69 of the SR Contract and 53 or 54 of the VPK Contract, COALITION may revoke PARTNER’s eligibility to deliver the SR and VPK Program for a period of five (5) years.

Please be advised that this decision is preliminary. Pursuant to Sections 76 and 60 Due Process Procedures of your SR and VPK Contract, Provider may request a review hearing of the Coalition’s determination. You must respond in writing requesting a review hearing within five (5) business days with copies of documentation supporting your claim and copy of this letter. The request for a hearing must be submitted electronically to RequestReview@elcmdm.org.

If you have any questions related to your contracts, please contact your Contract Manager, Eilin Orozco at EORozco@elcmdm.org or 305-359-5550.

Sincerely,

Angelo Parrino
Chief Operating Officer

Digitally signed by Angelo Parrino
DN: cn=Angelo Parrino, o=Early Learning Coalition, ou=Administrative, email=aparrino@elcmdm.org, c=US
Date: 2022.03.09 14:59:54 -05'00'

CC: Partner Notification Email
# Child Care Facility Information

**Name:** Building Tools Learning Center  
**ID Number:** C11MD2123  
**Address:** 4121 NW 191st St Miami Gardens FL 33055  
**Phone Number:** (305) 625-7017  
**Capacity:** 65  
**Owner/Director/Staff Responsible:** Chieaynne Henderson

## Inspection Information

**Type:** Complaint  
**Date:** 01/26/2022  
**Arrival/Departure Time:** 10:42 AM to 11:12 AM  
**Staff Present:** 7  
**Children Present:** 34  
**Onsite Visit:** Yes

## Inspection Checklist

### Child Care Facility Information

<table>
<thead>
<tr>
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<th>Building Tools Learning Center</th>
</tr>
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<tr>
<td>Owner/Director/Staff Responsible</td>
<td>Chieaynne Henderson</td>
</tr>
</tbody>
</table>

### General Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>01. License Displayed/Citation Posted/Advertising s.402.3125(1)(a), F.S. &amp; CCF Handbook Section, 2.1</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>02. Minimum Age Requirements CCF Handbook, Section 2.2</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>03. Ratio Sufficient CCF Handbook, Section 2.3</td>
<td>Compliance</td>
</tr>
</tbody>
</table>

#### Compliance Comments

- **1/21/2022 Ratio**
  - 1 staff / 1 VPK
  - 1 staff / 6[3 yrs.]
  - 1 staff / 7[2 yrs.]
  - 2 staff / 6[2 infants, 4(1-1 1/2 yrs. almost 2 yrs.)] Incident Room

- **1/26/2022 Ratio**
  - 1 staff / 10 VPK
  - 1 staff / 8[2 yrs.]
  - 2 staff / 7[1 infant, 6 (1 yr. almost 2 yrs.)]
  - 1 staff / 9[3 yrs.]

- **2/2/2022 Ratio**
  - 1 staff / 8 VPK
  - 1 staff / 4 [2 yrs.]
  - 1 staff / 8[3 yrs.]
  - 2 staff/8[1 infant, 7 (1 1/2 yrs. almost 2 yrs.)]

- **2/15/2022**
  - 1 staff / 9 VPK
  - 1 staff / 7[2 yrs.]
  - 1 staff / 3[1 yr.]
  - 1 staff / 5[3 yrs.]

### 04. Supervision CCF Handbook, Section 2.4

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Noncompliance</td>
</tr>
</tbody>
</table>
Non-Compliance Description
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Comments
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Due Date: Completed at time of inspection
Violation Level: Class 1

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>05. Transportation CCF Handbook, Section 2.5</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>06. Driver's License, Physician Certification &amp; First Aid/CPR Training CCF Handbook, Section 2.5 and CCF Handbook, Section 7.4</td>
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<tr>
<td>07. Vehicle Requirements CCF Handbook, Section 2.5.4</td>
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<tr>
<td>08. Seat Belts/Child Restraints CCF Handbook, Section 2.5.4 and CCF Handbook, Section 2.5.5</td>
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<tr>
<td>09. Planned Activities CCF Handbook, Section 2.6</td>
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<tr>
<td>10. Field Trip Permission CCF Handbook, Section 2.7</td>
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<tr>
<td>11. Child Discipline CCF Handbook, Section 2.8</td>
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<tr>
<td></td>
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<tr>
<td>PHYSICAL ENVIRONMENT</td>
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</tr>
<tr>
<td>12. Facility Environment CCF Handbook, Section 3.1</td>
<td>Compliance</td>
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<tr>
<td>14. Lighting, Temperature, and Ventilation CCF Handbook, Section 3.3</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>15. Licensed Capacity CCF Handbook, Section 3.4</td>
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<tr>
<td>16. Indoor Floor Space CCF Handbook, Section 3.4</td>
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17. Outdoor Play Area/Fencing CCF Handbook, Section 3.5 Not Monitored

18. Bedding and Linens CCF Handbook, Section 3.6 Not Monitored

19. Nap/Sleep Space Requirements CCF Handbook, Section 3.6.2 Not Monitored

20. Crib Requirements CCF Handbook, Section 3.6 Not Monitored

21. Restrooms and Bath Facilities CCF Handbook, Section 3.7 Not Monitored

22. Operable Phone CCF Handbook, Section 3.8.1 Not Monitored

23. Fire Drills & Emergency Preparedness CCF Handbook, Section 3.8 Not Monitored

FOOD AND NUTRITION

24. Food Preparation Area CCF Handbook, Section 3.9 Not Monitored

25. Meals and Snacks CCF Handbook, Section 3.9 Not Monitored

26. Meal and Snack Menus CCF Handbook, Section 3.9.3 & Section 7 Not Monitored

27. Catered Food and Food Provided by Outside Sources CCF Handbook, Section 7 & Section 3.9.3 Not Monitored

28. Bottles, Breastmilk, Formula and Infant Food CCF Handbook, Section 3.9 Noncompliance

   Non-Compliance Description
   28-10 Bottle warming devices were accessible to children. CCF Handbook, Section 3.9.7, A Food and Nutrition

   Comments
   FSC observed the baby could reach the bottle warmer has proven that it was accessible to children. As technical assistance, Bottle warming devices and crock pots, including cords, must be kept inaccessible to children at all times.

   Due Date  Completed at time of inspection

   Violation Level  Class 2

SANITATION AND EQUIPMENT

29. Health and Sanitation CCF Handbook, Section 3.6, 3.9, and 3.10 Not Monitored

30. Diapering CCF Handbook, Section 3.10 Not Monitored

31. Indoor Equipment CCF Handbook, Section 3.11 Not Monitored

32. Outdoor Equipment CCF Handbook, Section 3.12 Not Monitored

TRAINING

33. Training Requirements CCF Handbook, Section 4 Not Monitored
### HEALTH REQUIREMENTS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>34. Credentialed Staff CCF Handbook, Section 4.6 &amp; 4.7</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>35. Communicable Disease Control CCF Handbook, Section 6.1</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>36. CPR Requirements CCF Handbook, Section 4.2.4</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>37. First Aid Requirements CCF Handbook, Section 4.2.4 and 6.2</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>38. Emergency Telephone Numbers CCF Handbook, Section 6.3</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>39. Accident/ Incident Notification and Documentation CCF Handbook, Section 6.3 &amp; 6.4</td>
<td>Noncompliance</td>
</tr>
</tbody>
</table>

**Non-Compliance Description**

39-07 The facility failed to report a serious injury or death to the licensing authority. CCF Handbook, Section 6.4, E Health Requirements

**Comments**

FSC observed incidents such as this one should be reported the time, the day of the incident no matter how minimal the injury may seem. DCF hotline number 1-800-962-2873 Florida Relay 711 or TTY 1-800-955-8771 is 24 hours and seven days a week. A phone call, text or email is good practice to alert the DCF Counselor on the day, time of incident. As technical assistance, in the event of serious injury or death, the incident must immediately be reported to the licensing authority.

**Due Date** Completed at time of inspection  
**Violation Level** Class 2

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>40. Medication CCF Handbook, Section 6.5</td>
<td>Noncompliance</td>
</tr>
</tbody>
</table>

**Non-Compliance Description**

40-01 A prescription or non-prescription medication, especially [First Aid & Burn Cream], was dispensed without written authorization from the custodial parent or legal guardian. CCF Handbook, Section 6.5, A and K Health Requirements

**Comments**

FSC observed First Aid & Burn Cream from the first aid kit. Per provider, prescription and nonprescription medication is not dispensed. Provider may want to revisit administering nonprescription for parents to be aware and to disclose any allergies their babies may have. As technical assistance, the child care program must have written authorization from the custodial parent or legal guardian to give prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child’s name, the name of the medication to be given, and date, time and amount of the correct dosage to be given. Prescription and non-prescription medications that are used on an as needed basis require the parent/legal guardian to provide additional documentation on the authorization form to describe symptoms that would require the medication to be given. The child care provider must never administer a medication that is prescribed for one child to another child.

In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written permission from the parent or legal guardian to do so.

**Due Date** Completed at time of inspection  
**Violation Level** Class 2

### RECORD KEEPING

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>41. Immunization Records CCF Handbook, Section 7.1</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>42. Student Health and Records CCF Handbook, Section 7.2</td>
<td>Not Monitored</td>
</tr>
<tr>
<td>43. Enrollment Information CCF Handbook, Section 7.3 &amp; s. 402.3054(2), F.S.</td>
<td>Not Monitored</td>
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<tr>
<td>44. Personnel Records CCF Handbook, Section 7.4</td>
<td></td>
</tr>
<tr>
<td>45. Background Screening Documents CCF Handbook, Section 7.4.1</td>
<td></td>
</tr>
<tr>
<td>46. Daily Attendance CCF Handbook, Section 7.5</td>
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**ENFORCEMENT**

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<tbody>
<tr>
<td>47. Access/Child Safety CCF Handbook, Section 8</td>
<td>Noncompliance</td>
<td></td>
</tr>
</tbody>
</table>

**Non-Compliance Description**

47-02 The owner, operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes or Chapter 827, Florida Statutes. CCF Handbook, Section 8.2, A

**Comments**

FSC observed the provider did not contact emergency services when the child needed medical attention. Mom came and took the child to the hospital. As technical assistance, Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S. or Chapter 827, F.S., constitute a violation of the standards is section 402.301-.319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S. As technical assistance, Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S. or Chapter 827, F.S., constitute a violation of the standards is section 402.301-.319, F.S., and will support imposition of a sanction, as provided in Section 402.310,F.S.

**Due Date** Completed at time of inspection

**Violation Level** Class 1
Counselor Comments

Background Screening Update - During 2016, all providers were required to re-screen child care personnel that had background screening dates completed prior to July 1, 2016, to address new screening components for existing staff. Screenings processed in the Clearinghouse during 2016 will need to be RENEWED in 2021 for an additional five (5) years. The Clearinghouse system is set up to send automated notifications to providers at 60 and 30 days prior to the Retained Prints Expiration Date, only for employees that have been added to the facility roster. Provider need to keep their roster current and notify licensing when their email address has changed.

Failure to RENEW retention of prints will change the individuals status from Eligible to A New Screening is Required - which means that the individual needs to restart to have their fingerprints LiveScanned into the Clearinghouse system.

A Resubmission is NOT the same as a RENEWAL. A Resubmission is used when an individual has had a lapse in employment greater than 90 days and triggers a rescreening of required components and a new screening status is issued. Please do not use Resubmission.

The RENEWAL:
1. required every five (5) years beginning from when the fingerprints entered the Clearinghouse; this is not based on the eligibility date.
2. used to continue retaining the fingerprints in the system for an additional five (5) years.
3. triggers a rescreening of required components and a new screening status is issued.
4. cost $43.25 and can be paid using a credit card or electronic check within the Clearinghouse.

Also:

DCF Child Care Licensing Requirements & Site Changes If your background check and fingerprints are up for renewal, please ensure to obtain Level 2 screening as outlined in s. 435.04, F.S., is required for all child care personnel and includes a criminal records check (both national and statewide), a sexual predator and sexual offender registry search, and child abuse and neglect history of any state in which an individual resided during the preceding 5 years. All fingerprints must be submitted and processed through the Background Screening Clearinghouse and therefore a LiveScan vendor that is Clearinghouse compatible must be used for submission of fingerprints. Background screenings may be obtained in advance of their expiration date to ensure there is no lapse in coverage. SB 252 is effective on October 1, 2021.

Prior to transporting children, the facility must be approved by the Department to offer transportation services. Transportation services will be approved if the conditions set forth in parts 2.5.1, 2.5.4., 2.5.5., and 4.2.6., of the Child Care Facility Handbook are met. Pursuant to 402.305(10)4(b), Florida Statutes, child care facilities are required to install an alarm system in each vehicle used by the facility or home to transport children by January 9, 2022. Alongside the alarm requirements, child care providers are required to continue conducting physical and visual sweeps of the vehicle and maintaining a log.

Please visit the child care website at: www.myflfamilies.com/childcare then click on Child Care Alarms for Transportation for more information or contact your licensing counselor.

SB 252 by Senator Linda Stewart (D Orlando) creates the Child Safety Alarm Act and requires that after January 1, 2022, all vehicles used by childcare facilities to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. This change is in response to reported deaths of small children who have been left in vehicles during periods of hot weather. The bill requires the Florida Department of Children and Families (DCF) to adopt minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

Radon Testing Requirements Florida Statute 404.056 and Chapter 64E-5 Part XII B require that indoor radon levels must be measured in licensed childcare facilities located in counties designated within the Intermediate or Elevated Radon Potential areas. For Miami-Dade County, all licensed facilities, excluding those in single family home/duplexes, require testing. For Monroe County, NO state required radon testing. Tests must be completed within 1 year after the childcare facility starts operation. These mandatory tests are to be conducted in accordance with Florida Statute 404.056, Chapter 64E-5 Part XII B, and Mandatory Radon Testing Protocols and reported to the Department of Health on forms DH1777 or DH1778. Please refer to link that includes a map of counties and testing requirements: http://www.floridahealth.gov/environmental-health/radon/maps/index.html

Suzanne S. Merilus
Family Services Counselor
Mobile: 305.731.6527
Email: suzannesherley.merilus@myflfamilies.com

Owner/Director/Staff Responsible Comments
N/A
Comments:
COMPLAINT FORM

Complaint:
Monday, January 24, 2022, 9:27 AM, Child Care Regulation Office received a complaint stating/alleging that: CPI received Institutional case with concern of Inadequate Supervision, it was reported that on 1/22/22, an incident occurred while Malik (1) was at daycare. Around 11 a.m., the mother received a call from the director of the daycare stating that an incident occurred that resulted in Malik sustaining three little marks on his leg. The director also told the mother that she didn't need to leave work or come to the daycare. The mother asked for a picture via the portal used by the daycare. After waiting a while, the mother had not received the picture and decided to go to the daycare to check on Malik for herself. The staff eventually sent the picture that was so dim it was difficult to see any injuries. The staff did not fully disclose the severity of Malik's injuries, but they later disclosed that they put burn gel on his body without knowing if he was allergic to it. When the mother arrived, she checked Malik's body for the three little marks. The mother discovered that Malik's entire right thigh, stomach, chest, neck, and side of his face was blistered. As the mother lifted Malik's shirt, one of the staff members said, "Oh wow, how long has that been there?". The mother was told that a little boy was moving around and by the time the teacher turned to grab him, the water was splashing on Malik. The bottle warmer has been in the same area for years and according to staff they've never had any accidents. They removed it from the room immediately. Staff could not explain how the child knocked over the bottle warmer or how long the teacher's back was turned. The amount of time between the incident occurring and the staff contacting the mother was unknown. The mother decided to take Malik to Miramar Urgent Care. Malik was treated by staff, and it was discovered that he sustained 2nd degree burns all over his body. Malik was discharged and sent home with a prescription. In two days, he has a follow-up appointment. Malik is also teething, so it is difficult if he is crying from teething or due to discomfort from his injuries. The mother filed a report with the city of Miami Gardens Police Department. According to police, daycare staff did not follow protocol after the incident. They were supposed to call 911 to have Fire & Rescue evaluate/treat Malik's injuries which they did not. The situation is concerning because other children could've been injured.

BSO CPI Jennifer Walker who saw the child and confirmed that the child has burns on his body and Medical paperwork stating the child was burned CPI added Burn to Maltreatment.

On Wednesday, January 26th, 2022 at 10:46 AM, Family Service Counselor commenced this complaint investigation. Upon arrival, FSC Suzanne briefed the staff on the purpose of the visit. The Director was aware of the complaint.

The following interviews took place:

Interview with the Director C: I was not here at the time of the incident.

Interview with the staff S & L: I was on the counter preparing breakfast. I notice the baby pulling on the highchair that another baby was seating on. I reached out to stop him so the chair would not fall on him. Then Malik was already there pulling on the cord.

Interview/Statement with the staff S on Friday 01/21/22 around 8:50am Mrs. T brought Malik into the classroom and handed Malik to Mrs. L. put Malik on the floor with some of the other kids to play with toys. I was sitting at the table with the children that were eating breakfast. Mrs. L went to get Malik's food out of his bag to feed him. Then she put a bottle in the warmer for one of the kids. At that time, I had a view of Malik who was right in front of me, where Mrs. L had placed him. Mrs. L noticed one of the kids climbing on the highchair, she ran over to stop him from climbing the highchair. I had been feeding a child when I noticed Malik quickly crawling over to the other side of the room. Then I heard a loud noise and Malik screamed. Me and Mrs. L ran over to Malik. Mrs. L picked up Malik, he cried for a little and then he stopped. Mrs. L laid him on the changing table and checked his body for any burns. She removed his pants and noticed a few spots on his right thigh. We notified Mrs. T, who called Malik's mother. Mrs. T sent her a picture and his mom arrived shortly after. She said she would take him to the hospital, and they left.

Summary:

Interview/Statement with the staff L on Friday morning we had a couple of children sitting down having breakfast. The other children were playing with toys when Malik arrived in the classroom around 8:50am. I started the bottle warmer to make Child Lo her bottle. I put Malik down on the floor to play with some toys while I took out his diapers from his bag and put them away in his cubby. I took out two of his food pouches to feed him breakfast. I pulled out the highchair so that I can put him in it and when I went to get his spoon, I turned around and noticed Child K was climbing the highchair. I went to take Child K down from the highchair and at that point is when I see Malik pulling the cord of the bottle warmer. The bottle warmer fell and splashed on the floor. Ms. S had been feeding a child when it happened. It all happened so fast that we couldn't get to him fast enough to prevent what was happening. Malik screamed, I rushed to him, and I comforted him. I checked his body to make sure he was ok. When I checked him, I only noticed the burn blisters on his right leg. I washed his leg with cold water and applied the burn cream on his leg. The director was notified, mom was called, and a picture was taken and sent to mom. He wasn't crying or anything. I put him in the highchair and fed him breakfast. Then his mom arrived to pick him up. We had 6 children in total and two teachers.

Interview with other DCF staff: Child was seen by CPT and the report came on 2/8/2022

On Tuesday, February 2nd, 2022, at 9:55 AM
get him. Show me what they do with the bottle warmer? I plugged it in, put a little water. Not even to the line. Half the line. I put bottle in and I watch it boil. When the bottle is warm, I take it out, throw the water away and test it before giving it to the child. I was preparing the bottle for child Lo. I was watching the bottle that day and he came in. I went and took him put him down. I was taking food out of his bag then that is when it happened.

Interview/statement with the staff S: He was right there when he came in. He is 11 months old, but he crawls fast; he crawls by the refrigerator. He holds the furniture to walk.

Interview/statement with the Owner T.H.: I texted and called my counselor on Monday. He told me to call the hotline. I called the hotline on Monday. On Friday when mom picked up baby, I was waiting for DCF to come. I thought when she took him to the hospital the doctor or mom will call DCF and DCF will come that day. I did not call the weekend because I thought the hotline was closed on weekend. That is why I waited Monday morning to call.

On Tuesday, February 15th, 2022, at 9:55 AM

Interview with the Director C: What time did you contact mom? 9:49 am. What App do you use? Procare

Better pictures of the bottle warmer were taking by FSC

FSC Observations: FSC observed the rectangle room with the highchair in one side and the little refrigerator on the northeast side and the counter on the southwest side of the refrigerator. According to Ms. S, he was right there, there is two feet 14 inches distance from where she was seating. There was a table in the space between where she was seating down and where he was placed at. The distance from where he was placed at to the refrigerator is nine feet. These situations allotted the neglected time to tend to Maliki, it was too late. Maliki sustained 2nd degree burns to his face, torso, and leg that are consistent with the incident. The baby could reach the bottle warmer has proven that it was accessible to children. First Aid & Burn Cream from the first aid kit. Per provider, prescription and nonprescription medication is not dispensed. During my time of the complaint inspection, the bottle warmer is no longer on the refrigerator, the garbage can is placed next to it as a measure of precaution. The remorse teachers are still working. A floater is always recommended especially at drop off time. Provider may want to revisit administering nonprescription for parents to be aware and to disclose any allergies their babies may have. Incidents such as this one should be reported the time, the day of the incident no matter how minimal the injury may seem. DCF hotline number 1-800-962-2873 Florida Relay 711 or TTY: 1-800-955-8771 is 24 hours and seven days a week. A phone call, text or email is good practice to alert the DCF Counselor on the day, time of incident.

Picture of the bottle warmer provided by FSC

The process was explained by Ms. L. FSC also went over the steps of the bottle warming. It takes about 4 minutes and 48 seconds to the boiling point. The boiling point stopped at 152.21.

Complaint Findings: The complaint is valid

Possible class 1 violation(s) could be for:
-47.2 The owner, operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes or Chapter 827, Florida Statutes. CCF Handbook, Section 8.2, A
-4.2 One or more children were not adequately supervised in that [ ], which posed an imminent threat to a child, and could or did result in death or serious harm to the health, safety or well-being of a child. CCF Handbook, Section 2.4.1, A, B, D, G, H, and I; 2.4.2; 2.4.3; 2.4.5, D

Possible Class 2 Violations:
-28.10 Bottle warming devices were accessible to children. CCF Handbook, Section 3.9.7, A
-39.7 The facility failed to report a serious injury or death to the licensing authority. CCF Handbook, Section 6.4, E
-40.1 A prescription or non-prescription medication, specifically [ ], was dispensed without written authorization from the custodial parent or legal guardian. CCF Handbook, Section 6.5, A and K
Building Tools Learning Center Corrective Action and Preventive Plan dated

The Building Tools Learning Center located at 4121 NW 191st St, Miami Gardens, FL 33055, is self-enforcing A Corrective Action Plan and a Preventive Plan following the incident that took place on January 21, 2022 that resulted in the issuance of Two Class I Violations.

The incident occurred on Friday, January 21, 2022. I truly believed that the child was injured accidentally. However, in an abundance of caution, on January 24, 2022, I contacted our Florida Department of Children and Families licensing inspector and advised him of the incident and child injury. I was advised to contact the abuse registry which I did on that same day. On the following day, the Child Protective Investigator and two police officers arrived at the center.

The Center received the Inspection Checklist which cites the two Class I Violations on February 24, 2022, not on January 26, 2022 as indicated on the Department of Children and Families Inspection Sheet.

As a direct result of the incident that occurred at the Center, we have listed and documented a Corrective Action Plan and Preventive Plan to prevent this incident or any similar incident from ever happening again. Our focus is on the health and safety of all of our children.

As such we have and will be taking the following actions:

1. Effective May 4, 2022, we will be closing our baby room. We will only accept children who are one year old and over.

2. On January 24, 2022 I held an emergency staff meeting with all of the teachers to discuss the incident and child safety, use of medication, direct supervision and communication.

3. Following that day, I personally met with each teacher individually to discuss the pertinent and mandated issues regarding the incident which occurred and how to prevent it from happening in the future.

4. We are having weekly staff meetings for the next six months to review and discuss issues such as:

   a) Child Safety
   b) Direct Supervision
   c) Abuse and Neglect
   d) Incident Reporting
   e) Administration of Prescription Medication
f) Administration of Non-Prescription Medication

g) When to Call 911 and seek immediate medical care

h) Reviewing and revising our policies and procedures

i) Effective Communication amongst staff

j) Effective Communication with parents/caregivers

k) Effective Documentation

l) Effective Documentation of Pro-Care

m) and other issues identified in the Child Care Manual

5. All teachers will be mandated to attend a Zoom Training provided by a retired nurse and teacher on the issues of identifying child injuries, when to call 911, practicing safe hygiene and the administration of medication, first aid, burn injuries and overall child injuries. The Zoom Training is scheduled for March 15, 2022.

6. All of the teachers shall re-take the DCF course of Child Abuse and Neglect in April 2022.

7. We will be preparing an Education Monthly Newsletter, which will posted on the website.

8. The person in charge on January 21, 2022, the assistant director, was terminated for failing to follow the proper procedures.

9. The two employees that were in the baby room caring for the child that was injured were placed on probation for six months and received a written reprimand. It must be noted that the lead teacher has worked in the child care industry for over 18 consecutive years, and has never had child care related incident during her career.

10. We changed the layout of the baby room.

11. There will be increased spot checking with each teacher’s classroom.

12. Will communicate monthly, or more if needed, with the teachers and provide them with additional feedback regarding their strengths and provide assistance with their daily performance and identify the areas of improvement.

[Signature]

Trinesse Henderson, Owner of Building Tools Learning Center

Date: March 8, 2020
STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

DEPARTMENT OF CHILDREN AND
FAMILIES,

Petitioner,
v.

BUILDING TOOLS LEARNING CENTER,
INC.,

Respondent.

/\/

NOTICE

TO: Peter Antonacci, Director and Chief Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

The Department of Children and Families has received a request for an administrative hearing. Please assign this matter to an Administrative Law Judge to conduct a formal hearing and to submit a Recommended Order to this Agency. One copy of the pleading to date is attached to this Notice for your convenience.

APPEARANCES

FOR AGENCY
Aaron Feuer, Esquire
Assistant General Counsel
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FOR PARTY REQUESTING HEARING
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8145 West 28th Avenue, Suite 203
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305-443-9488
Lucy@pineirolawpa.com
The department reserves the right to file any and all appropriate motions, including those relating to standing, jurisdiction, or legal sufficiency of the petition.

Henceforth, any communication between the parties should be through their respective legal counsel or qualified representative.

DONE this 25th day of March, 2022, at Tallahassee, Florida.

[Signature]
Danielle Thompson, Agency Clerk
Department of Children and Families
2415 North Monroe Street, Section A
Tallahassee, FL 32303
850/488-2381

Copies furnished to:

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STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES  

IN THE MATTER OF:  

THE FLORIDA DEPARTMENT OF  
CHILDREN AND FAMILIES,  

Petitioner  

V.  

BUILDING TOOLS LEARNING  
CENTER, INC.  

Case No.:  

Respondent.  

RESPONSE TO ADMINISTRATIVE COMPLAINT FILED BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES, AGAINST BUILDING TOOLS LEARNING CENTER, INC., AND REQUEST FOR ADMINISTRATIVE HEARING  

COMES NOW, the Respondent, Building Tools Learning Center, Inc., (hereafter referred to as “Respondent”) and files this Response to the Administrative Complaint filed by the State of Florida, Department of Children and Families, (hereafter referred to as “DCF”) Against the Building Tools Learning Center, Inc., and files a request for an Administrative Hearing and as grounds states as follows:  

I.  

RESPONSE TO COMPLAINT:  

1.  
The Court has jurisdiction over this cause.  

2.  
The Respondent received the Administrative Complaint via Federal Express Mail on March 3, 2022, and as such the Respondent’s Response
to the Administrative Complaint and Request for Administrative Hearing is timely submitted.

3. The Respondent admits the allegations as set forth in paragraphs 1, 2 and 3.

4. The Respondent denies the allegations as set forth in paragraphs 4, 5, 6, 7, 8, 9 and 10 and demands strict proof thereof.

5. The Respondent neither admits nor denies the allegations set forth in paragraph 11 and demands strict proof thereof.

6. The Respondent denies the allegations as set forth in paragraph 12 and demands strict proof thereof.

7. The Respondent admits the allegations as set forth in paragraphs 13 and 14.

8. The Respondent denies the allegations as set forth in paragraph 15 and demands strict proof thereof.

9. The Respondent admits the allegations as set forth in paragraph 16.

II. REQUEST FOR ADMINISTRATIVE HEARING

10. The Respondent hereby requests an Administrative Hearing pursuant to Chapter 120, Florida Statues.

III. AFFIRMATIVE DEFENSES

11. This the Respondent's first and only Class One Violation during their 9 years as a childcare center providing enriching age-appropriate curricula and stimulating materials to children in a safe and healthy physical environment.
12. The Respondent is being "prosecuted twice for substantially the same offense", which is defined in Black's Law Dictionary as "double jeopardy." Pursuant § 120(8)(b)(c), Florida Statutes, DCF's actions is considered an "invalid exercise of delegated legislative authority." The Complaint, in paragraphs 4 and in paragraph 15 charges the Respondent Class One Violations that allegedly stem from the same incident, allegedly occurred on the same day involving the same teacher and the same child.

12.1 DCF has the specific delegated authority to charge the Respondent with a Class I Violation in accordance with paragraph 4, but it does not have the statutory authority to charge the Respondent with the Class One Violation as set forth in paragraph 15 of the Administrative Complaint.

12.2 The remedy for a Class Violation under the DCF Child Care Facility Handbook (hereafter referred to as "CCF Handbook") Section 28. F.I. states that specific actions or omissions may constitute a Class One Violation.

12.3 By contrast, the remedy for an act of child abuse pursuant to Florida Statutes Chapter § 402.305(12) fails to make reference to Florida Statutes Chapter § 39 and § 827.

12.4 The F.A.C. 65C-22:010, Enforcement Section refers to the Child Care Facility Standard Classification Summary (hereafter Classification Summary). Section #47 in the Classification Summary makes reference to Florida Statutes Chapter § 39 and § 827 and refers to the Child Care Facility Handbook (hereafter "CCF Handbook") (October 2017), Section 8.2, A., that does not impose additional class violations for the same act.
12.5 The strict construction of the legislative language found in the Florida Statutes and in F.A.C.65C-22 indicates that the alleged Class One Violation, constitutes one violation, not two. The same argument is solid according to DCF’s CCF Handbook; the Child Care Facility Standard Classification Summary; and the Florida Department of Children and Families Child Care Licensing Program Operating Procedure CF170-20.

12.6 Conversely, Florida Statutes Chapter § 39 and § 827 fails to mention childcare facilities and the issuance of Class I Violations.

13. Pursuant to §120.54(e), Florida Statutes, no agency has inherent rulemaking authority, nor has any agency authority to establish penalties for violation of a rule unless the Legislature, when establishing a penalty, specifically provides that the penalty applies to the rule.

14. A Class I Violation is defined as a violation which is the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.

14.1 Pursuant to the Florida Statues, Chapter 39.01(2), “Abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not
substantially complied with the case plan towards successful reunification or
met the conditions for return of the children into the home. Abuse of a child
includes acts or omissions. Corporal discipline of a child by a parent or legal
custodian for disciplinary purposes does not in itself constitute abuse when it
does not result in harm to the child.

14.2 DCF fails to articulate, by clear and convincing evidence, that the
Respondent committed a willful act or threatened act that resulted in any
physical, mental, or sexual abuse, injury, or harm that causes or is likely to
cause the child’s physical, mental, or emotional health to be significantly
impaired.

14.3 The minor child’s physical, mental, or emotional health is not and
will not be significantly impaired.

15. DCF fails to articulate the required nexus by clear and convincing
evidence that there was the probability that death or serious harm to the health
or safety of the alleged child that will resulted or has resulted or that the severity
of the actual or potential harm existed.

16. DCF’s clearly failed to comply with § 402.310(1)(a), Florida Statute §
402.310(1)(b) which mandates that in determining the appropriate disciplinary
action to be taken as provided in paragraph (a) as set forth above, the following
factors shall be considered:

1) severity of the violation, including the probability that
death or serious harm to the health or safety of any person will
result or has resulted, the severity of the actual or potential
harm, and the extent to which the provision of §402.301-402.319, Florida Statutes, have been violated

2) actions taken by the licensee or registrant and

3) any previous violations of the licensee or registrant.

17. Specifically, DCF failed to consider that the Respondent has not had any previous violations Class I Violations in the past 9 consecutive years and DCF did not even inquire as to whether the Respondent had taken any action(s) to ensure that the alleged incident will never occur again.

18. Significantly, the Respondent created a self-imposed a Corrective Action and Preventive Plan, namely:

18.1 Effective May 4, 2022, the Respondent will be closing the baby room and will only accept children who are one year old and over.

18.2 On January 24, 2022, the Respondent held an emergency staff meeting with all the teachers to discuss the incident and child safety, use of medication, direct supervision, and communication.

18.3 During the month of January and February, the Respondent (Owner) personally met with each teacher individually to discuss the pertinent and mandated issues regarding the incident which occurred and how to prevent it from happening in the future.

18.4 The Respondent is scheduling weekly staff meetings for the next six months to review and discuss issues such as:

a) Child Safety
b) Direct Supervision

c) Abuse and Neglect

d) Incident Reporting

e) Administration of Prescription Medication

f) Administration of Non-Prescription Medication

g) When to Call 911 and seek immediate medical care

h) Reviewing and revising our policies and procedures

i) Effective Communication amongst staff

j) Effective Communication with parents/caregivers

k) Effective Documentation

l) Effective Documentation of Pro-Care

m) and other issues identified in the Child Care Manual

18.5 All teachers will be mandated to attend a Zoom Training provided by a retired nurse and teacher on the issues of identifying child injuries, when to call 911, practicing safe hygiene and the administration of medication, first aid, burn injuries and overall child injuries. The Zoom Training is scheduled for March 15, 2022.

18.6 All of the teachers shall re-take the DCF course of Child Abuse and Neglect in April 2022.

18.7 The Respondent will be preparing an Educational Monthly Newsletter on various topics dealing directly with child health and safety which will posted on the website.
18.8 The person in charge on January 21, 2022, the assistant
director, was terminated for failing to follow the proper procedures.

18.9 The two employees that were in the baby room caring for the
child that were placed on probation for six months and received a written
reprimand. It must be noted that the lead teacher has worked in the childcare
industry for over 18 consecutive years and has never had childcare related
incident throughout her career.

18.10 The Respondent changed the layout of the baby room.

18.11 The Respondent will increase their spot checking with each
teacher's classroom.

18.12 The respondent will communicate monthly, or more if needed,
with the teachers and provide them with additional feedback regarding their
strengths and provide assistance with their daily performance and identify the
areas of improvement.

19. In addition to DCF's failure to comply with the Florida Statues, DCF also
failed to comply with their own Operating Procedures CFOP 170-20 titled Child
Care Licensing Program, Desk Reference Guide (hereafter referred to as “DCF
Operating Procedure”). The DCF Operating Procedure, page 150, under the
Child Abuse & Neglect Section states that licensing decisions should be based
on the authority in Chapter 402.26 - 402.319, Florida Statues. It further states
"All relevant factors should be taken into consideration including, but not limited
to, the facts of the incident, the nature and severity of the violation, how
frequently similar violations have occurred, the response of the
owner/director/operator, and the likelihood that a similar violation will happen in the future.

20. The childcare licensing counselor failed to conduct a “team staffing” regarding an institutional abuse providing historical data on the Respondent’s school, the Respondent’s compliance history, and their cooperation regarding the alleged incident. A “team staffing” is required in DCF’s Operating Procedure. See page 151, DCF’s Operating Procedure 170-20.

21. Instead of following the mandates of the laws of Florida and their own operating procedures, the childcare licensing counselor provided the Respondent with a backdated Inspection Report and never discussed any of the Class I Violations with the Respondent. The childcare licensing counselor sent the Inspection Information Report and backdated the document January 26, 2022. In reality, the childcare licensing counselor emailed the Respondent the Inspection Information Report on February 24, 2022 and asked the Respondent to sign the backed report.

22. Contrary to the mandates of §402.310(1)(b), Florida Statues, DCF’s investigation was completed without DCF making any type of inquire(s) as to what actions, if any, were taken by the Respondent post the alleged incident.

23. DCF communicated with the Respondent during the investigation, but never made an inquires as to whether the Respondent had taken any corrective action post January 21, 2022.
24. The Respondent is led to believe, like any other reasonable person similarly situated would believe, that all that is required of them is to pay the total fine of $200.00 (two hundred dollars) or appeal.

25. DCF has acted in bad faith and in total disregard of the Respondent's loss of their substantial interest.

26. The Respondent contracts with the Early Learning Coalition under three different contracts i.e. School Readiness Programs and Voluntary Prekindergarten Education Program.

27. Each DCF Complaint Inspection must be completed in the Child Care Regulation Application (CCRA) and archived in the Child Care Administration, Regulation & Enforcement System (CARES).


29. The Florida Administrative Code 6M-4.610, the Early Learning Coalition Statewide Provider Contract for the School Readiness Program: Section (3)(a) states as follows

“The early learning coalition may refuse to contract with a SR provider or revoke a SR provider’s eligibility to deliver the School Readiness Program if the provider has been cited for a Class 1 violation by the department or local
licensing agency, as applicable, in accordance with Rules 6M-4.620 and 65C-22.010 or 65C-20.012, F.A.C. (as applicable to the provider type). Action taken by a coalition to revoke a provider's eligibility must be consistent with Section 1002.88(2)(b), F.S., in that the revocation is for a period of five (5) years. If the coalition chooses to implement this provision the coalition must develop policies and procedures, in accordance with Element V. Monitoring in Form OEL-SR 115, as incorporated by reference in Rule 6M-9.115, F.A.C., to ensure the standard is applied consistently to all potential and current SR program providers."

30. And the Florida Administrative Code 6M-4.620 Health and Safety Checklists and Inspections, under subsection (3) Enforcement Section states:

"Any issue of noncompliance with the standards outlined in the provider-type specific health and safety checklist(s) or corresponding handbook(s), as identified by the Department of Children and Families or local licensing agency (as applicable), will be forwarded to the appropriate early learning coalition for corrective action, probation, or termination in accordance with enforcement procedures outlined in the corresponding
provider-type specific handbook and the Statewide Provider Contract for the School Readiness Program adopted pursuant to Rule 6M-4.610, F.A.C."

31. Clearly, DCF is fully aware that the Early Learning Coalition takes enforcement action against the Respondent which may result in the cancellation of its contracts upon the issuance of a Class I Violation.

31.1 Although it is DCF’s policy and procedure to input the data of the issuance of any Class I Violation in the CARES Program which is sent to the ELC for further enforcement purposes, DCF fails to put the Respondent on notice of any additional imposition of monetary fines or loss of contracts in the Administrative Complaint.

31.2 DCF acts in bad faith by not ensuring that the Respondent is provided with the required due process and actual notice of the consequences of the issuance of a Class One Violation.

32. The Respondent will suffer irreparable financial harm as a direct result of total amount of the monetary damages they will suffer due to the issuance of the Class I Violations.

WHEREFORE, the Respondent, respectfully requests dismissal of the two Class I Violations with prejudice and for any other relief that is equitable and just, and in compliance with the Florida Statutes.

Respectfully submitted,
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via email to the Florida Department of Children and Families, Office of the General Counsel Southern Region., Aaron Feuer, Esquire, at Aaron.Feuer@myifamilies.com, 401 NW 2nd Avenue, Suite N-1014, Miami, FL 33128 on this 9th day of March 2022.

/s/ Lucy C. Piñeiro, Esquire
Attorney for Respondent
Provider Name: Building Tools Learning Center

DCF License/Registration #: C11MD2123

Fine Amount: $200.00

License/Registration Expiration Date: Feb 15, 2023

Invoice #: 2022-C11MD2123-01

This information serves as the fine notification for your license to operate the child care program located at: 4121 NW 181st St Miami Gardens FL 33055

The following information is provided to assist you with the fine payment process and important application requirements:

a. Fine payments must be received by the Department prior to the license expiration date to ensure the right to continue operation.

b. Both the fine payment and the Administrative Fine Invoice Notice must be sent to the Tallahassee address listed below. Do not include the fine payment and invoice with license/registration documents sent to your local licensing office.

c. An individual check or money order and invoice must be received for each administrative complaint notice that includes an administrative fine. One check or money order for multiple administrative complaint notices will not be accepted.

d. Each fine payment must include the license/registration number on the check or money order.

It is unlawful and a misdemeanor of the first degree to operate or attempt to operate a child care program without a license/registration, pursuant to s. 402.319(1)(b)(c), Florida Statutes.

Please mail this Administrative Fine Invoice Notice along with your check or money order payable to:
Department of Children and Families
Office of Child Care
P.O. Box 2460
Tallahassee, FL 32316

For Office Use Only

48121 48122


ADMINISTRATIVE COMPLAINT

YOU ARE HEREBY NOTIFIED that the Department is imposing a Civil Penalty in the total amount of $200. The Department's authority and grounds to impose this sanction are explained below.

INTRODUCTION

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 rule 65C-22.010, 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 rule 65C-22.010, Florida Administrative Code.

3. Respondent, Building Tools Learning Center, Inc., d/b/a Building Tools Learning Center ("Provider"), License No. C11MD2123, is licensed under Chapter 402, Florida Statutes, and Chapter 65C-22, Florida Administrative Code, to operate a Child Care Facility, known as Building Tools Learning Center, located at, 4121 NW 191st Street, Miami Gardens, FL 33055. The facility license is currently an Annual License. The Annual License expires February 16, 2023.

VIOLATION I
IMPOSITION OF A FINE
Standard #4-2 - Inadequate Supervision - Imminent Threat - CCF Handbook, Section 2.4 Class 1 Violation

4. During an inspection on 01/26/2022, the Provider was cited for violating Standard #4-02 Inadequate Supervision - Imminent Threat. CCF Handbook, Section 2.4.1, B, D, G, and 2.4.5, D General Requirements, a Class 1 Violation. FSC observed that a child was not
properly supervised which resulted in the child sustaining second degree burns from an accessible bottle warmer.

5. At around 11:00 a.m. the Mother received a telephone call from the director stating that an incident had occurred that resulted in the child MS receiving three small marks on his leg.

6. The director informed the mother she did not need to come to pick up the child.

7. The Mother requested a picture of the injuries, and when she did not receive one promptly, she went to the school.

8. There she discovered that the child in fact had burns on his right thigh, stomach, chest, neck, and face.

9. She was informed that staff at the facility had applied a burn gel without knowing if the child was potentially allergic to the medication.

10. Staff further disclosed that the injuries had been caused by the child knocking over a bottle warmer containing hot water. They were unable to explain how the child knocked the bottle over or how long the child had not been supervised.

11. Upon taking the child to Miramar Urgent Care, the mother was informed that the child had suffered multiple 2nd degree burns.

12. At no point did anyone at Building Tools Learning Center call emergency services.

13. Technical assistance was provided advising the provider:

   a. 2.4.1.B. Childcare personnel must be assigned to provide direct supervision to a specific group of children and be with that group of children at all times. Children must never be left without childcare personnel supervision inside or outside the facility, in a vehicle, or at a field trip location.

   b. 2.4.1.D. At all times, lighting must allow child care personnel to see and supervise children while in care.

   c. 2.4.1.G. In addition to the number of child care personnel required to meet the staff-to-child ratio, one additional adult must attend field trips away from the child care facility to help provide direct supervision. The individual could be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained child care personnel.

   d. Constant and active supervision must be maintained when any child is in or around water. An adult should remain in direct physical contact with an infant at all times during swimming or water activities. During water
activities, children ages 1 year up to five years must be within an arm's reach and in the sight of the supervising adult at all times.

14. The Provider has been cited for one violation of Standard #4-2 - Inadequate Supervision Imminent Threat - CCF Handbook, Section 2.4, a Class 1 Violation on 01/26/2022. The Department is therefore imposing a fine in the amount of $100.00 in accordance with § 402.310, Fla. Stat. and Rule 65C-22, Fla. Admin. Code.

VIOLATION II
IMPOSITION OF A FINE
Standard #47-2 - Child Abuse/Neglect Committed- CCF Handbook, Section 8
Class 1 Violation

15. During an inspection on 01/26/2022, the Provider was cited for violating Standard #47-2 - Child Abuse/Neglect Committed- CCF Handbook, Section 8, a Class 1 Violation. FSC observed at the time of the inspection that the provider did not contact emergency services when the child needed immediate medical attention. As stated above, the child remained at the facility until he was picked up by the parent and taken to receive medical treatment. As technical assistance, Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S. or Chapter 827, F.S., constitute a violation of the standards is section 402.301-319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S.

16. The Provider has been cited for one violation of Standard #47-2 - Child Abuse/Neglect Committed- CCF Handbook, Section 8, a Class 1 Violation on 01/26/2022. The Department is therefore imposing a fine in the amount of $100.00 in accordance with § 402.310, Fla. Stat. and Ch. 65C-20 and 65C-22, Fla. Admin. Code.

If you do not wish to contest the findings of this administrative complaint, payment of the fine amount may be made directly to: Department of Children and Families, Office of Child Care, P. O. Box 2460, Tallahassee, FL 32316. All checks or money orders must include your Invoice number AND License Number.

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.

RIGHT TO ADMINISTRATIVE PROCEEDING

IF YOU BELIEVE THE PROPOSED ACTION DESCRIBED IN THIS ADMINISTRATIVE COMPLAINT IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING IN ACCORDANCE WITH THE "NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES" PROVIDED 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 UNDER SECTIONS 120.569 AND 120.57, FLORIDA STATUTES, TO CONTEST THE DECISION. YOUR REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE DEPARTMENT BY 5:00, P.M., NO LATER THAN 21 CALENDAR DAYS AFTER YOU RECEIVED THE DEPARTMENT'S ADMINISTRATIVE COMPLAINT.

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

Florida Department of Children and Families
Office of the General Counsel
Southern Region
ATTN: Aaron Feuer, Esq.
401 N.W. 2nd Avenue, Suite N-1014
Miami, Florida 33128

IF YOUR REQUEST FOR AN ADMINISTRATIVE HEARING IS NOT RECEIVED BY THE DEPARTMENT BY THE ABOVE DEADLINE, YOU WILL HAVE WAIVED YOUR RIGHTS TO A HEARING AND THE DEPARTMENT'S PROPOSED ACTION WILL BE FINAL. ANY DENIAL, SUSPENSION, REVOCATION OR OTHER ACTION CONCERNING YOUR LICENSE OR REGISTRATION WILL BE EFFECTIVE ON THAT DATE OR ON ANY LATER EFFECTIVE DATE STATED IN THE ADMINISTRATIVE COMPLAINT, AND ANY PENALTY OR FINE IMPOSED MUST BE PAID WITHIN 30 DAYS THEREAFTER OR ANY EARLIER TIME PROVIDED IN THE ADMINISTRATIVE COMPLAINT.

If you disagree with the facts stated in the Department's administrative complaint, you may request a formal administrative hearing under section 120.57(1), Florida Statutes. At a formal hearing, you may present evidence and arguments on all issues involved, and question the witnesses called by the Department. You have the right to be represented by counsel or other qualified representative.

If you do not disagree with the facts stated in the Department's administrative complaint, you may request an informal administrative hearing under section 120.57(2), Florida Statutes. At an informal hearing, you may present your argument or a written statement for consideration by the Department. You have the right to be represented by counsel or other qualified representative.
Your request for an administrative hearing must meet the requirements of Rule 28-106.2015(5), Florida Administrative Code, must be prepared legibly on 8½ by 11-inch white paper, and include all of the following items:

(a) Your name, address, email address (if any) and telephone number.

(b) The name, address, email address (if any) and telephone number of your attorney or qualified representative, if any.

(c) A statement requesting an administrative hearing.

(d) A statement of all facts in the administrative complaint with which you disagree. If you do not disagree with any of the facts stated in the administrative complaint, you must say so.

(e) A statement of when and how you received the administrative complaint.

(f) A statement identifying the file number of the administrative complaint, if shown on the administrative complaint.

Section 120.569, Florida Statutes, and rule 28-106.201(4), Florida Administrative Code, require the Department to dismiss your request for hearing if it is not in substantial compliance with the requirements above.

Mediation as described in section 120.573, Florida Statutes, is not available. However, other forms of mediation or informal dispute resolution may be available after a timely request for an administrative hearing has been received, 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 or informal dispute resolution does not result in a settlement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing administrative complaint has been provided by Federal Express, tracking/receipt no. 8149 8516 7564 to, Building Tools Learning Center [C11MD2123], located at 4121 NW 191st Street, Miami Gardens FL. 33055, on this 28th day of February 2022.

[Signature]
signed for
Suzette Frazier
Regional Program Safety Manager
Florida Department of Children and Families
Baby burned in bottle warmer accident at South Florida day care

BY KAREN HENSEL, DANIEL COHEN
FEBRUARY 1, 2022

Share
(WSVN) - A South Florida mother says when she got a call from her baby’s day care, she was not prepared for what she would see, and now she has a warning for other parents. Karen Hensel has tonight’s 7 Investigates.

Mom: “He’s a happy baby. Everybody who meets him loves him.”

As a working mom, this is all part of the morning rush, just trying to get her 11-month old-son Malaki out the door to day care.

Mom: “I dropped him there around 9 o’clock in the morning before I received the phone call.”

It was the phone call every parent dreads. Something had happened at day care.

Still distressed over what you are about to see, the mom asked we not show her face.

Mom “They said that, ‘Hey, Malaki had a little incident, that the bottle warmer fell, and the water splashed and spilled on his leg, and he has three little bumps, but it’s minor.’ You know, I didn’t have to leave work. ‘It’s OK. They put cold water on it and burning cream on it.’”

She asked the day care to send a photo, but when it didn’t arrive, she went to see for herself.

Turns out the three little bumps were actually blisters, and there were much larger burn blisters on his stomach, chest, neck and face.

She raced him to the hospital where doctors treated him for second-degree burns.

Mom: “I don’t even know how he felt in that moment. I can imagine him screaming, but I don’t know how long was he screaming for, so I definitely feel like he was failed, of course
care called 911 for medical help.

Mom: “Nobody was called — no police officers, fire rescue — so it's like, they're not doctors. How do they know that that was the correct protocol to heal him?”

Karen Hensel: “Would you feel differently if the day care had said to you, 'It’s serious?’”

Mom: “Correct, and put some urgency behind it.”

But they didn’t, so she took the next step and called authorities.

Mom: “Nobody was called, so I made the police report. I contacted [the Florida Department of Children and Families] to report it, because I know, as a mother, if I would have made a scratch on his skin, or if I would have burned him, DCF would have been called on me.”

The state of Florida issues a child care handbook requiring facilities to “...have a written plan for reporting and managing any incident...” which includes “injuries or illness requiring hospitalization or emergency treatment.”

And there is a section devoted just to bottle warmers, stating they “...must be kept inaccessible to children...” and secured “...to prevent them from tipping over, splashing or spilling.”

DCF is now investigating, but this mom has her own message.

Mom: “Definitely to check the background of the school. Unfortunately, I did not.”

The day care is licensed but has been cited for violations, including not conducting required monthly fire drills for 17 months.

Mom: “I'm sending him to a school now that has cameras, so now I can log in onto the app and then see how, you know, he is doing throughout the day. So it's a little, you know, a little ease.”

If you are looking for a day care, always check to be sure that they are licensed and if they have had any violations by going online.

**FOR MORE INFORMATION:**

DCF day care facility search

1. Canadian couple say they came under fire on I-95 in Hollywood
2. Owner of Coral House in Miami says restaurant was targeted by repeat burglar
3. Coast Guard rescues man bitten by shark off Bimini
4. Paw patrol: BSO deputies build kennel for lost pets in Deerfield Beach
5. More Trending Stories

The 7 Biggest Flu Vaccine Myths: Debunked.

BY MDHHS

Kirkland Products That Are Actually Big Brands In Disguise

Money Wise

[Photos] This Is Why Clint Eastwood Never Spoke of his Army Service

Floor 8

7 Ways to Retire Comfortably With $500K

Fisher Investments
[Gallery] Celebs Who Are Actually Gay In Real Life
Domesticated Companion

Users say these $29 gummies ease pain so well they ‘only need 1 a day’
webmdnews.com

30 Of The Greatest Aircraft Paint Jobs (#4 Will Crack You Up)
Yeah Motor!
Baby burned in bottle warmer accident at South Florida day care – WSVN 7News | Miami News, Weather, Sports | Fort Lauderdale