



STATE OF WASHINGTON
DEPARTMENT OF EARLY LEARNING

March 26, 2009
Notice of Summary Suspension
Certified – Return Receipt Requested OR Hand-Delivered

Jolene Allen
Christ Beginning Child Care Center
15112 E. 32nd Avenue
Spokane Valley, WA 99037

Dear Ms. Allen,

I am writing to inform you that the Department of Early Learning (DEL) is summarily suspending and suspending your child care license. **This means the suspension is effective as soon as you receive this letter. Any child care offered after that date would be considered illegal, unlicensed child care.** This action is taken pursuant to the Revised Code of Washington (RCW) Chapter 43.215 and the Washington Administrative Code (WAC) Chapter 170-295. Below I will explain the facts leading up to the Department's decision to suspend your license and the legal basis for suspending it summarily. At the end of this letter, you will find important information about how you can appeal this suspension.

Facts and Legal Basis for the Decision:

These are the facts the Department considered in making its decision:

On March 26, 2009 the Department received a Division of Licensed Resources/Child Protective Services (DLR/CPS) complaint with allegations that you and a client, Ms. Chelsy James, were involved in a physical altercation at the child care facility. The police were called to investigate the incident. At least one child in care was present and witnessed this incident.

The police report contains the following information:

A physical altercation took place at the child care center between Jolene Allen and parent Chelsy James. Ms. Allen and Ms. James grabbed each other and went to the floor. Both sustained injuries including red marks and rug burns. Ms. James' four year old child was present and witnessed the fight. Ms. James' cell phone was broken during the incident. When Ms. James got up and attempted to use the day care phone to call the police, Ms. Jolene Allen asked her employee, Jennifer Allen, to disconnect the phone.

Summary Suspension: The Department may summarily suspend a license if it finds that conditions in the licensed facility constitute an immediate danger to a child or children in care, or if the public health, safety, or welfare requires emergency action. WAC 170-03-0300(1); RCW 34.05.422(4). The facts and violations listed above lead the Department to believe that your child care facility constitutes a threat to a child and/or the public health, safety, and welfare. Immediate action is imperative. You are directed to stop providing child care as soon as you receive this letter. Providing child care without a license is illegal. If you continue to provide child care after you receive this letter, you will be subject to the civil and criminal penalties of RCW 43.215.300, RCW 43.215.330 and RCW 43.215.340.

Suspension: The Department is authorized to suspend a provider's license if he or she fails to meet minimum licensing requirements or takes certain actions. RCW 43.215.300(1); WAC 170-295-0100. Specifically, the facts discussed above violate the following Department licensing requirement(s):

WAC 170-295-0070(1)(a)(c) - This WAC requires that: you, your staff and volunteers must have the following personal characteristics in order to operate or work in a child care facility:

The understanding, ability, physical health, emotional stability, good judgment and personality suited to meet the physical, intellectual, mental, emotional, and social needs of the children in care. Your participation in the fight violates the above WAC.

Be able to furnish the child in care with a healthy, safe, nurturing, respectful, supportive, and responsive environment. The fact that a child was witness to the incident violates the above WAC.

WAC 170-295-0100(1) states that the Department can suspend or revoke a child care license "if you do not meet the requirements in chapter 388-295 WAC we deny your license application or suspend or revoke your license.

Appeal Rights

You may contest both the Department's decision to suspend your license and the effective date of that decision. If you wish to contest the Department's decision to suspend your license, you have the right to an administrative hearing under WAC170-03, WAC 170-03-0030 through WAC 170-03-0090 and RCW 43.215.305(3). To request a hearing, you must complete the following steps within 28 calendar days:

- Your request must be in writing;
- Your written request must state the basis for contesting the Department's decision;
- You must include a copy of this letter;
- Your request must be received by the Office of Administrative Hearings (OAH) within 28 calendar days of when you or your agent receive this letter;
- You must serve your written request to the Department of Early Learning in some manner that ensures proof of receipt.
- Your request must be sent to the following addresses:

Office of Administrative Hearings
PO Box 42488
Olympia, WA 98504-2488

Department of Early Learning
Spokane Office
1925 E. Francis Avenue
Spokane, WA 99208

If you wish to contest the date the suspension becomes effective, you may do so by requesting a stay of the suspension under WAC 170-03-0300(3). To request a stay, you may include your request in your hearing request, or by separate request to OAH and DEL. Your request must include the reasons why you believe OAH should stop DEL's immediate action,

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including facts supporting your position. Please remember that if you successfully obtain a stay, your license may still be suspended. A stay relates only to the date that the suspension will be effective.

The complete text of the WACs and RCWs cited in this letter can be found at www.del.wa.gov.

If you have questions regarding this decision, you should call Karen Christensen at (509) 363-4635, or myself, Alice L. Anderson at (509) 363-4645.

Please note that while the facts outlined above provide a legal basis for this action, the Department may have additional facts not included in this letter that support its position. In addition, if new information about your situation becomes available, the Department may amend its action against you and issue a revised letter to that effect at any time.

Sincerely,

Alice L. Anderson
Licensing Supervisor
Department of Early Learning
(509) 363-4645

cc: Karen Christensen, DEL Licensor
Karri Livingston, DEL Service Area Manager
Nicole Koyama, Attorney General's Office