

**Notice of Findings**

**Notice To:** Bambi L Smith - Director

**Facility Name:** The Tot Spot

**Owner:** Bambi Smith

**Site Address:** 104 S. Burma

**City/State/Zip:** Gillette, WY 82716

The Department of Family Services has completed the investigation regarding alleged violation(s) of the Wyoming Child Care Rules received on 03/25/2021, and investigated by Irene Maurer

A statement of childcare allegation, CPL-46944, was provided on 03/25/2021.

The finding is listed below for each individual alleged violation of the Wyoming Child Care Licensing Rules:

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1. Finding: Non-Compliant

Regulation: Chapter 4. General Requirements

Section 3. Provider, Director, and Staff Requirement

(a) Before the provider, director, their staff, household member, substitute or volunteer assume responsibility for the direct care of children, work in the facility or move into the Family Child Care Home or Family Child Care Center, the following shall be on file:

(v) A full fingerprint based national criminal history record background check. Staff, household members, substitutes, and volunteers may not be employed or present in the facility if the background check indicates they have been convicted or have a pending deferred prosecution of a felony or misdemeanor or a substantiation involving:

Explanation of Findings: Unqualified person acting as staff observed on site.

Action Required: Unqualified person sent home & sub called in to replace staff. Please submit a corrective action plan detailing how you will ensure staff are fully qualified prior to starting work.

Corrective Action Plan Due Date: 04/08/2021

Corrective Action Plan Achieved Date: 03/30/2021

Compliance Due Date: 03/25/2021

Compliance Achieved Date:

Action Met Comments: Received corrective action plan stating: What was done: Asked for a variance - received an email it's on file until received fingerprints. Who will execute the plan: Bambi Smith. Where is the plan executed: The tot spot facility (already done) I will follow the staff tracker and ensure I have all the forms in hand on file before. When will the plan be checked to ensure continued compliance: The plan

will be checked as the director to ensure compliance and make sure its all correct on site.

## 2. Finding: Non-Compliant

Regulation: Chapter 4. General Requirements  
Section 19. Infant and/or Toddler Care

(b) Sleeping infants shall:

(ii) Be placed on a firm, flat surface for sleeping;

Explanation of Findings: Licenser observed 1 infant in a swing asleep & another infant in a car seat asleep.

Action Required: Place sleeping infants on firm flat surface on their backs to sleep. Submit a corrective action plan detailing how you will sleep infants in the future.

Corrective Action Plan Due Date: 04/08/2021

Corrective Action Plan Achieved Date: 03/30/2021

Compliance Due Date: 03/25/2021

Compliance Achieved Date:

Action Met Comments: Received corrective action plan stating: What is going to be done: The Infants/toddlers will not be allowed to sleep anywhere but on a firm flat surface (pack n plays). Who will execute the plans: All staff will go over rules & regulations in handbook as well as safe to sleep info. All staff in facility at all times. When will the plan be checked to ensure continued compliance: As the director I will go over the proper information with staff & talk about all the rules & requirements today.

**The Department requests your cooperation in ensuring compliance is met. In the absence of cooperation, the Department may take whatever steps are necessary to ensure the safety of children.**

**The Department's information may be shared with authorized individuals or agencies, which include, but are not limited to, the Attorney General, County Attorney, and law enforcement.**

If you disagree with the Department's finding of a non-compliance violation, you may request an Administrative hearing within (10) days of your receipt of this letter (W.S. 14-4-108). Administrative hearing procedures are included in the Wyoming Department of Family Services Contested Case Hearing Rules, Chapter 2, Substitute Care and Child Care Licensing and based on the above statute. If you need a copy of the Rules, or assistance in requesting an Administrative hearing, you may contact the Department of Family Services Field Office in the county where you live.

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Licenser Supervisor: Stoney Busch  
Address: 851 Werner Ct Suite 200  
City/State/Zip: Casper WY 82601  
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Signature: \_\_\_\_\_  
Irene Maurer

Date: \_\_\_\_\_

CC: