

Notice of Findings

Notice To: Francie N Gregory - Director

Facility Name: Weston County Childrens Center

Owner:

Site Address: 104 Stampede

City/State/Zip: Newcastle, WY 82701

The Department of Family Services has completed the investigation regarding alleged violation(s) of the Wyoming Child Care Rules received on 11/22/2021, and investigated by Irene Maurer.

A statement of childcare allegation, CPL-5188, was provided on 12/01/2021.

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

1. Finding: Non-Compliant

Regulation: Chapter 4. General Requirements
Section 6. Discipline and Guidance

(d) The following behavior shall be prohibited in all child care settings:
(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

Allegation: Reporter alleges on or about 11/16/2021, that a 10 month old infant received a head injury (non-accidental trauma) as a result of rough handling by a staff member.

Explanation of Findings: Through evidence and interviews obtained over the course of this investigation, it has been found that an infant was rough handled by a staff member on 11/16/2021 resulting in a non-accidental head injury.

Action Required: Please complete a Corrective Action Plan detailing why this event happened and what steps the facility will take to ensure that this will not happen going forward. Please include in the Corrective Action Plan how adequate breaks for all staff will be given to avoid burnout or frustration. Continue the established safety plan ensuring that the infant room has 2 staff at all times, including during nap time. Compliance monitoring visits will be conducted.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

2. Finding: Compliant

Regulation: Chapter 7. Rules for Certification Of A Child Care Center (CCC)

Section 2. Capacity/Supervision Requirements

(b) Staff:child ratios and supervision as described in this chapter shall be maintained at all times.

Allegation: Reporter alleges that on or about 11/16/2021, there was 1 staff member caring for 6 infants with 1 or more awake, while other staff were out of the room for lunch/ a break.

Explanation of Findings: Evidence supports a finding of compliance at this time.

Corrective Action Plan Due Date:

Corrective Action Plan Achieved Date:

Compliance Due Date:

Compliance Achieved Date:


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 the 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 non-compliance for a 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 Department of Family Services' **Wyoming Child Care Licensing Rules, Chapter 3, Section 5: Contested Case Hearing Rules**, and based upon the above statute. If you have questions, or need a copy of the Rules, you may contact the Department of Family Services Field office in the county where you live.

Licenser: Irene Maurer
Address: 551 Running W Drive
City/State/Zip: Gillette WY 82718
Phone: 307-687-5211
Email: Irene.maurer@wyo.gov

Licenser Supervisor: Stoney Busch
Address: 851 Werner Ct Suite 200
City/State/Zip: Casper WY 82601
Phone: 307-473-3933
Email: Stoney.Busch@wyo.gov

Signature: 
Irene Maurer

Date: 03/04/2022

CC:

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

UPON REFERRAL FROM THE DEPARTMENT OF FAMILY SERVICES

WESTON COUNTY CHILDREN’S CENTER,)
)
 Petitioner,)
)
 vs.) OAH Docket No. 22-033-049
)
 STATE OF WYOMING ex rel.)
 DEPARTMENT OF FAMILY SERVICES,)
)
 Respondent.)

STIPULATED MOTION TO DISMISS

Wyoming Department of Family Services, Child Care Licensing (hereinafter Child Care Licensing) and Petitioner, Weston County Children’s Center (Petitioner), pursuant to Department of Family Services’ *Contested Case Hearing Procedures Rules*, Ch. 1, § 12, hereby stipulate and agree to dismiss the above-referenced contested case, and move the Hearing Officer, pursuant to said rule, to vacate the contested case proceeding in this matter and further request the Hearing Officer to send a Recommended Decision to the Child Care Certification Board dismissing the contested case proceeding. It is mutually agreed between the parties that:

FACTS

1. Petitioner is the Weston County Children’s Center, a licensed child care center, located in Newcastle, Wyoming. Weston County Children’s Center operates under Wyoming Child Care License number 002404.
2. On or about March 4, 2022, Child Care Licensing issued a *Notice of Findings* (CCL-305) to Petitioner, which found that the facility was non-compliant with a licensing rule regarding rough handling of a child by a staff member.
3. Petitioner timely requested a contested case hearing.

STIPULATED MOTION TO DISMISS

4. Petitioner hereby withdraws its request for an administrative hearing in this matter.

5. The parties agree that Child Care Licensing does not have the authority or jurisdiction to investigate reports of “negligence” or “liability,” and the violation issued by Child Care Licensing relates only to its rules.

6. Petitioner denies negligence and liability.

7. The parties agree that this motion, the order dismissing this action, and the *Notice of Findings*, and any other applicable document in the file, constitute public records within the meaning of the Wyoming Public Records Act, Wyo. Stat. Ann. §§ 16-4-201 *et seq.*, and therefore, upon proper request shall be available for inspection and dissemination in accordance with or except as otherwise provided by applicable state and/or federal law.

8. The parties agree that the *Notice of Findings* shall be published on Child Care Licensing’s Child Care Information website upon signature of all parties below.

9. The parties agree that this motion and the order dismissing the case will be published on the Child Care Information website with the *Notice of Findings*.

10. Petitioner agrees to submit a Corrective Action Plan for approval according to the *Notice of Findings* and according to Child Care Licensing’s rules.

11. Petitioner hereby waives any right to appeal this Agreement.

12. The parties stipulate to vacate the contested case hearing in this matter upon execution of this stipulated motion.

13. This stipulation does not affect the right of the Department of Family Services to investigate and/or take negative action against Petitioner’s child care license on any other issue consistent with the Child Care Licensing Rules. This agreement also does not affect Petitioner’s right to request a contested hearing on any other action taken by the Department of Family Services.

14. The parties to this Agreement concede that neither party hereto shall have any claim against the other for attorney's fees nor other costs incurred in connection with the claims resolved hereby, including costs incurred in the preparation of this Agreement.

15. The State of Wyoming, the Department of Family Services, and Child Care Licensing do not waive sovereign immunity by entering into this Agreement and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. Ann. §1-39-104(a) and all other state and federal laws.

DATED this 17th day of August, 2022.

DEPARTMENT OF FAMILY SERVICES,
CHILD CARE LICENSING

BY: Roxanne O'Connor

Roxanne O'Connor
Senior Administrator, Support Services

DATED this _____ day of _____, 2022.

WESTON COUNTY CHILDREN'S CENTER

BY:

Christina Cote
Christina Cote, Board President

Francie N. Gregory
Francie Gregory, Director

Approved as to form:

Shawna M. Lamb
Shawna M. Lamb
Senior Assistant Attorney General

Steven J. Titus
Steven J. Titus
Attorney for Weston County Children's Center

CERTIFICATE OF SERVICE

I certify that on this 18th day of August, 2022, the foregoing was served by email, and by placing true and correct copies thereof in the U.S. Mail, postage prepaid, addressed to:

Robert Walters - Hearing Examiner
State of Wyoming, Office of Administrative Hearings
1800 Carey Avenue 5th Floor
Cheyenne, WY 82002
elaine.quade2@wyo.gov

Department of Family Services—Respondent (ORIGINAL)
Attn: Jennifer Conrick, Administrative Assistant
Hathaway Building, 3rd Floor
2300 Capitol Avenue
Cheyenne, WY 82002
jennifer.conrick@wyo.gov

Mackenzie Williams – Attorney for Child Care Certification Board
Wyoming Attorney General's Office
109 State Capitol
Cheyenne, WY 82002
mackenzie.williams@wyo.gov

Steven J. Titus – Attorney for Petitioner
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Gillette, WY 82717
steven@steventituslaw.com



OFFICE OF THE ATTORNEY GENERAL