

September 18, 2012

Tiffany Tate
4906 North 61st Street
Omaha, NE 68104

Dear Ms Tate:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail, within the next seven (7) days, your current License to operate as a Family Child Care Home I in the State of Nebraska. This request is being made since said License has been revoked, effective September 14, 2012, by the Notice of Revocation issued on August 30, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services.

If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,



Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing

**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

IN THE MATTER OF:

**THE FAMILY CHILD CARE HOME I
LICENSE OF TIFFANY TATE**

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**NOTICE OF
REVOCAION**

LICENSED LOCATION: 4906 NORTH 61ST STREET, OMAHA, NE, 68014

NOTICE:

Tiffany Tate (hereinafter referred to as "Tate") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke Tate's Family Child Care Home I license for violation of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

- (1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act; ...
- (11) Failure to pay fees required under the Child Care Licensing Act."

391 NAC 6-001 Provider: "The child care provider shall pay an initial license fee and annually thereafter."
(Page 3, Standard 4, Family Child Care Home Standards)

FACTS AND FINDINGS:

Tate is the licensee of a Family Child Care Home I, which is currently suspended. This program is licensed for a maximum of 10 children, ages 6 weeks to 13 years of age, 6:00 a.m. to 1:00 a.m., seven days a week and has been licensed at this address since August 20, 2007.

On or about May 1, 2012, a fee notice was sent to Tate informing her that the annual fee was due for her Family Child Care Home I on July 31, 2012. A second notice was sent to Tate on or about August 3, 2012. As of this date, the annual license fee due on July 31, 2012 has not been paid.

BE ADVISED:

That pursuant to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on September 14, 2012, which is fifteen days after the mailing of the Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department on or by September 14, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Department of Public Health – Licensure
P.O. Box 94986
Lincoln, NE 68509-4986

Nebraska Revised Statutes, section 71-1911, provides that a person who has had their “license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action.” In addition, section 71-1920, (2), states that “a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years.”

Because your license was suspended at the time of this revocation, you are prohibited by statute from operating a program or providing care to any number of children until you have obtained a license.


Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that “a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee.”

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the “licensee shall not transfer the license to a household member or current staff member while a ...revocation action is still pending.” In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that “amended applications will not be processed whenever a negative license action is pending.”

You can avoid this revocation action, if your license fee is received by or on September 14, 2012.

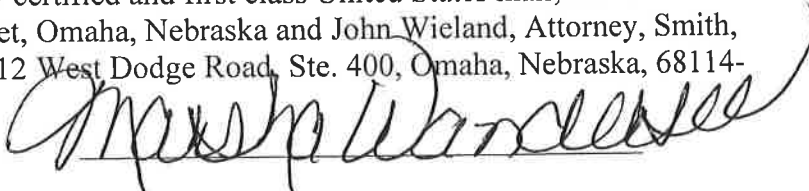
Dated: August 30, 2012

Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services


By: Patricia Urzedowski, Section Administrator
Children's Services Licensing – Licensure Unit
Division of Public Health
Nebraska Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 30th day of August, 2012, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid, to Tiffany Tate, 4906 North 61st Street, Omaha, Nebraska and John Wieland, Attorney, Smith, Gardner, Slusky, Lazer, Pohren, and Rogers, LLP, 8712 West Dodge Road, Ste. 400, Omaha, Nebraska, 68114-3431.





Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94986
Lincoln, NE 68509-4986
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska
Dave Heineman, Governor

July 5, 2012

Tiffany Tate
4906 North 61st Street
Omaha, NE 68104

Dear Ms Tate:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail, within the next seven (7) days, your License to operate as a Family Child Care Home I in the State of Nebraska. This request is being made since said License has been suspended, effective July 5, 2012, by the Order issued on June 21, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services. A new license will be issued upon reinstatement of your license.

If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing


THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF)
THE REQUEST FOR HEARING BY) 12-149
)
TIFFANY TATE)
FAMILY CHILD CARE HOME I) ORDER
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THIS MATTER came on for consideration on the Department's affidavit for summary suspension for Licensee's failure to pay a civil penalty in the amount of \$500.00 ordered by the Order of Agreed Settlement dated March 15, 2012, page 2, #13.

IT IS ORDERED that the Licensee's license is hereby suspended, effective July 5, 2012 and shall remain suspended until the Defendant pays the civil penalty in the amount of \$500.00 in its entirety to the Department.

DATED this 21 day of June, 2012


Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

The undersigned certifies that on the 25th day of June, 2012, a copy of the foregoing Order was sent by certified mail and by regular United States mail, postage prepaid, to Tiffany Tate, 4906 North 61st Street, Omaha, Nebraska, 68104 and John Wieland, Attorney, Smith, Gardner, Slusky, Lazer, Pohren, Rogers, LLP, 8712 West Dodge Road, Ste. 400, Omaha, Nebraska, 68114-3431.



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF
THE REQUEST FOR HEARING BY

TIFFANY TATE
Family Child Care Home I

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12-149

ORDER

This matter came before the Director of the Division of Public Health on the Department's Motion for Approval of Agreed Settlement. The Director having considered said Motion and Agreed Settlement:

1. Approves the Agreed Settlement;
2. Finds the facts as set out in the Notice of Revocation are true and are adopted herein; and
3. Orders the parties to comply with all of the terms of the Agreed Settlement.

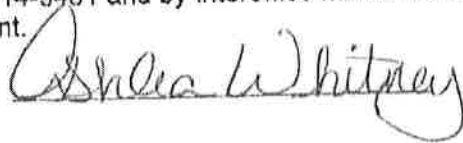
DATED this 15 day of March, 2012



JoAnn Schaefer, MD,
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of March, 2012 true and correct copies of the foregoing **Order** were served upon the parties by sending the same by regular United States mail, sufficient postage prepaid, to: John Wieland, Attorney for Tiffany Tate, at Smith Gardner Slusky Lazer Pohren Rogers LLP, 8712 West Dodge Road, Ste. 400, Omaha, NE 68114-3431 and by interoffice mail to Teresa M. Hampton, Attorney for the Department.



7. This Agreed Settlement does not constitute a waiver, suspension, or modification of the requirements of the Child Care Licensing Act or the regulations adopted thereunder.

8. Licensee acknowledges that she understands and has read the Child Care Licensing Act, and the rules and regulations governing the operation of child care programs and by entering into this Agreed Settlement agrees to comply with the same.

9. In resolution of the Department's concerns, the Licensee agrees to the provisions of this Agreed Settlement, and expressly agrees that violation of any of the terms of this Agreed Settlement or the statutes and regulations governing her license is ground for revocation of her license or as such other discipline as the Department may determine appropriate.

10. Compliance of this Agreed Settlement will be monitored by unannounced inspections by a Department representative (i.e. Child Care Inspection Specialist, Fire Marshal or designated agent, Resource Development Worker, Children and Family Services Specialist) or other designated agent of the Department.

11. No coercion, threats, or promises other than those stated herein were made to induce Licensee to enter into this Agreed Settlement. Licensee's signature below represents her entry into this Agreed Settlement freely, voluntarily and knowingly.

12. Licensee agrees that her Family Home Child Care I license remains on probation as set out in the March 10, 2011, and March 25, 2011 Orders.

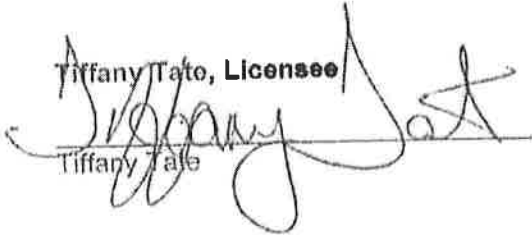
13. Licensee agrees to pay the five hundred dollar (\$500.00) civil penalty ordered on March 10, 2011, with three (3) months of approval of this Agreed Settlement. Licensee further agrees that if she fails to pay the civil penalty in full within the three (3) months the Department may summarily suspend her license, without further notice and opportunity for hearing.

14. If the Director of the Division of Public Health does not approve this Agreed Settlement, in its entirety, it shall become null and void and will not be

admissible for any purpose at any hearing that may be held on this matter or any further disciplinary action in the future.

WHEREFORE, the parties request that an Order be entered approving and adopting the terms of this Agreement.

Dated this 13 day of March, 2012.

Tiffany Tato, Licensee

Tiffany Tato

Dated this 14th day of March, 2012.

**Nebraska Department of Health
and Human Services**



Teresa Hampton #16746

Legal Services

P.O. Box 95026

Nebraska Department of Health
and Human Services

Lincoln, Nebraska 68509-5026

(402) 471-4051

Attorney for the Department

order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than January 6, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure – Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.


Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee."

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the "licensee shall not transfer the license to a household member or current staff member while a ...revocation action is still pending." In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: DECEMBER 22, 2011

Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services


By: Patricia Urzedowski, Section Administrator
Children's Services Licensing
Licensure Unit - Division of Public Health
Nebraska Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 22nd day of December, 2011, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid, to Tiffany Tate, 4906 North 61st Street, Omaha, Nebraska, 68104 and John C. Wieland, Esq., Smith Garner Slusky Law, 8712 West Dodge Road, Ste. 400, Omaha, Nebraska, 68114-3431.

A handwritten signature in cursive script, appearing to read "Matthew D. [unclear]", written over a horizontal line.

Department of Health & Human Services



Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94988
Lincoln, NE 68509-4988
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska
Dave Heineman, Governor

March 31, 2011.

Tiffany Tate
4906 North 61st Street
Omaha, NE 68104

Dear Ms Tate:

In accordance with the Findings of Fact/Conclusions of Law and Order and Order Nunc Pro Tunc issued by the Director, Dr. Joann Schaefer, on March 10, 2011 and March 25, 2011, respectively, your license to operate a Family Child Care Home I in the State of Nebraska has been placed on probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective March 10, 2011, and it will remain in effect until March 10, 2013. Upon completion of the probation, a new license will be issued to you. At this time we ask that you return your current license, within ten (10) days, to Marsha Wandersee in the Licensure Unit.

Pursuant to the above-mentioned Order, you are to pay by September 10, 2011, a Civil Penalty in the amount of \$ 500.00. Make checks payable to the *Licensure Unit* and send payment to the attention of Marsha Wandersee at the herein provided address.

If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,

A handwritten signature in cursive script that reads "Helen L. Meeks".

Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing



This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.

State of Nebraska
 Department of Health and Human Services
 Division of Public Health

PROBATION

TIFFANY TATE

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
 Operating Family Child Care Home I
 located at: 4906 NORTH 61 ST Omaha NE 68104

A maximum of 10 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the
 hours of 0600 to 0100 on MTWThFSu.

TATE, TIFFANY is hereby issued License No. F19381 which is
 effective on 07/02/2007

Amended: 03/10/2011

Given under the name and Seal of the Department
 of Health and Human Services, Division of Public
 Health of the State of Nebraska at Lincoln on
 March 31, 2011.




 Mark G. Johnson, MD, Chief Medical Officer, Director
 Division of Public Health, Department of Health and Human Services

34608

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF
THE REQUEST FOR HEARING BY

TIFFANY TATE
Family Child Care Home I

H10-3271

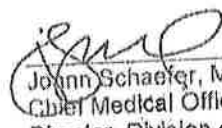
ORDER NUNC
PRO TUNC

A hearing on the Department's Motion for Rehearing was held on March 21, 2011. The Department was represented by Assistant Agency Counsel Teresa Hampton and Ms. Tate by John Wieland. Argument was had and the matter submitted.

It appears certain clerical errors and errors of omission exist in the Findings of Fact, Conclusions of Law and Order dated March 10, 2011. Therefore, that order is modified as follows: The date "December 24, 2010" is changed to "December 24, 2008". Additionally, the March 10, 2011 order is clarified to indicate that the duration of the two year probation is independent from the duration of the Operating Agreement, the length of which is indefinite.

IT IS SO ORDERED

DATED this 25 day of March 2011.


Johann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 25th day of March 2011, a copy of the foregoing ORDER NUNC PRO TUNC was sent by certified United States mail, postage prepaid, return receipt requested, to John Wieland, Smith, Gardner, Slusky, Lazer, Pohren & Rogers, LLP, 8712 West Dodge Road, Suite 400, Omaha, NE 68114 and interagency mail to Agency Counsel, Teresa Hampton, Department of Health and Human Services, Lincoln, Nebraska.


Keith B. Roland
DHHS Legal Services
P.O. Box 98914
Lincoln NE 68509-8914
(402) 471-7237 Fax (402) 742-2378

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF
THE REQUEST FOR HEARING BY

TIFFANY TATE
Family Child Care Home I

H10-3271

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

A Notice of Revocation of Ms. Tate's Operating Family Child Care Home I license was signed on September 22, 2010. Ms. Tate appealed the Revocation and a hearing was held on February 8, 2011 before Hearing Officer Terry Schaaf. At the hearing, the department was represented by Agency Counsel Teresa Hampton. Ms. Tate was represented by John C. Wieland, Attorney at Law.

SUMMARY OF THE HEARING

At the hearing testimony was taken from Ms. Tate, Charles Kaup, a caseworker for the Nebraska Family Collaborative program, Tammy Reeves a Child Care Resource Specialist, Jolene Pfeiffer, Child Care Licensing Supervisor, from Rosalind Looney and from Crystal Philpps. In addition to the testimony, seventeen (17) exhibits were offered and received.

FINDINGS OF FACT BY REFERENCE

The "Facts and Findings" set out in the Notice of Revocation are taken as true and are incorporated by reference herein as findings of fact except the language of the 6th and 9th paragraphs on page 2 which will be addressed in the Specific Findings of Fact below.

SPECIFIC FINDINGS OF FACT

1. In a Licensing Agreement dated December 24, 2008 the following language appears:

"... I understand and agree that under no circumstances will Marcel Davis, a household member, be allowed on the child care premises during the hours listed on my Family Care Child Care Home I license, due to his extensive criminal history..." (see exhibit 11)

2. The language of a Parent Acknowledgement form provided to Ms. Tate for use after December 2008 provides:

"Marcel Davis will not be allowed on the child care premises ANYTIME day care children are in attendance UNDER ANY CIRCUMSTANCES..." (see exhibit 5)

3. While the language of both documents is clear and straight forward, the relevant language in the two documents is not consistent.

4. Both documents were prepared by the department and Ms. Tate admitted she had read both documents.

5. Under the circumstance and given the significance of the language differences, it was incumbent upon Ms. Tate to note the discrepancy and to seek clarification.

6. The record fails to sufficiently establish that Ms. Tate had smoked marijuana on December 31, 2009.

7. It is clear from the record that Marcel Davis was present in the licensed facility on September 7, 2010 during the hours of the day the facility was licensed to provide child care services.

8. A strong odor of marijuana was present in the licensed facility on December 31, 2009 at the time of Mr. Kaup's visit.

9. There is insufficient evidence in the record to find that child care children were present in the licensed premises at the time of Mr. Kaup's visit.

CONCLUSIONS OF LAW

Neb. Rev. Stat. Section 71-1919 provides the department may take disciplinary action against a license issued under the Child Care Licensing Act for, among other things, failure to meet or violation of any requirement of the Act or rules and regulations promulgated under the Act and for conduct or practices detrimental to the health or safety of a person served or employed by the program.

391 NAC 4-001.04 provides the department can take disciplinary action against a licensee for any violation of any regulation.

391 NAC 6-001 provides as is pertinent, that no controlled substances will be consumed in any licensed area of the house during hours of operation.

391 NAC 6-004.01 provides as pertinent, that no provider shall engage in any behavior which may endanger the health or morals of children.

ORDER


1) Ms. Tate's Family Child Care Home I license is hereby placed on probation for a period of two years from the date of this order subject to the terms and conditions of the previous Licensing Agreement dated December 24, 2010.

2) Unless the hours of operation are amended, the only times Mr. Davis is permitted on the licensed premises is between the hours of 1:00 a.m. and 6:00 a.m. seven days a week holidays and special occasions included, regardless of whether child care children are present or not.

3) Ms. Tate's Family Child Care I license is hereby assessed a civil penalty in the amount of \$500 payable within six (6) months of the date of this order.


4) Any deviation from the requirements of the terms of this probation or the Licensing Agreement or the rules and regulations regarding the operation of a Family Child Care Home I license will result in further disciplinary action.

DATED this 10 day of March 2011


Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 11th day of March 2011 a copy of the foregoing FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER was sent by certified United States mail, postage prepaid, return receipt requested, to John C. Wieland, Smith, Gardner, Stusky Law, 8712 W. Dodge Rd. #400, Omaha, NE 68114 and interagency mail to Agency Counsel, Teresa Hampton, Department of Health and Human Services, Lincoln, Nebraska.


Keith B. Roland
DHHS Legal Services
P.O. Box 98914
Lincoln NE 68509-8914
(402) 471-7237 Fax (402) 742-2376

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF:
THE OPERATING FAMILY CHILD CARE HOME
I LICENSE OF TIFFANY TATE

NOTICE OF
REVOCAION

LICENSED LOCATION: 4906 NORTH 61ST STREET, OMAHA, NE, 68104

NOTICE:

Tiffany Tate (hereinafter referred to as "Tate") is hereby notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke Tate's Operating Family Child Care Home I license for violation of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

- (1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act; ...
- (4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program; ..."

391 NAC 4-001.04 Suspension or Revocation: "The Department may initiate suspension or revocation proceedings under any of the following circumstances: ...17. When a licensee has violated any regulation;..."

391 NAC 6-001 Provider: "Alcohol or controlled substances as defined in Nebraska Revised Statutes, Section 28-401 through 403 and 28-439, will not be consumed in any area of the home designated for child care during the hours of operation. The provider and/or designated substitute shall not consume or be under the influence of alcohol or controlled substances while providing care. Controlled substances will not be in any area of the child care program." (Page 3, Standard 7, Family Child Care Home Standards)

391 NAC 6-004.01 in pertinent part: "The child care provider and/or household members shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of children." (Page 4, Standard 23, Family Child Care Home Standards)

FACTS AND FINDINGS:

Tate is the licensee of an operating Family Child Care Home I. This program is licensed for a maximum of 10 children, six weeks to 13 years of age, 6:00 a.m. to 1:00 p.m., Monday through Sunday. This program has been licensed at this address since August 20, 2007.

On May 13, 2007, a Licensing Agreement was signed by Tate agreeing that Marcel Davis, household member and father of Tate's son, Markel Davis, would not be allowed on the child care premises due to Mr. Davis's extensive criminal history; most of which involved drugs. An amended Licensing Agreement was signed on December 24, 2008 by Tate.

On or about April 22, 2010, Children's Services Licensing received information that on December 31, 2009, a caseworker had detected a strong smell of marijuana in Tate's home during a visit. Several attempts by Tammy Reeves, Child Care Inspection Specialist, to conduct an investigation to the premises were made: April 29, 2010, May 17, 2010, June 4, 2010, July 6, 2010, July 30, 2010 and August 24, 2010.

On September 7, 2010 at approximately 3:25 p.m., Ms. Reeves attempted another visit to Tate's program. A male answered the door and informed Ms. Reeves that Tate was picking up children from school. When asked he identified himself as Marcel Davis. Ms. Reeves asked that he have Tate contact her by telephone. Tate telephoned Ms. Reeves on this same date and informed Ms. Reeves that Marcel had come to her home to care for Markel while she left to transport children.

Tate also stated that she remembered the caseworker's visit, but she did not have any children in care that day because it was New Year's Eve. Tate stated to Ms. Reeves that on December 31, 2009, she told the caseworker that her son's father had just left from visiting his son and that it could have been him that was smoking.

Ms. Reeves reiterated to Tate the licensing agreement she signed on December 24, 2008, prohibited Mr. Davis from being on the premises during the hours and days listed on the license, which is Monday through Sunday, 6:00 a.m. to 1:00 p.m., regardless of whether children were in care.

Ms. Reeves was able to contact Charles Kaup, caseworker for the Nebraska Family Collaborative program on September 9, 2010. Mr. Kaup reported that he conducted a visit to Tate's home on December 31, 2009 at approximately 3:30 p.m. As he entered the home, he immediately detected a strong odor of what he described as marijuana. Tate would not allow Mr. Kaup to walk through the home but led him downstairs and stated that her "baby's daddy" was smoking marijuana upstairs. Mr. Kaup returned to Tate's home later in the day and administered a UA (urine analysis) to determine if Tate had drugs in her system. The UA test was positive and high enough to indicate recent usage of marijuana by Tate.

Additional information was obtained from the Nebraska Department of Health and Human Services, Resource Development Unit, which showed that Tate billed for a total of eight children from 9:00 a.m. to 11:00 p.m. on December 31, 2009 even though she reported to Ms. Reeves and Mr. Kaup that she did not have any children in care on December 31, 2009.

In addition, Ms. Reeves observed that a Parent Acknowledgment in regard to the licensing agreement signed on December 24, 2008 had not been obtained by the parent of two children (N.P. and L.C.) were unavailable.

Ms. Reeves determined through her investigation that on at least two occasions Marcel Davis was on the child care premises during the licensed hours of child care, the use and presence of a controlled substance on the premises during the hours of child care and drugs being used while child care was being conducted.

BE ADVISED:

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on October 7, 2010, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than October 7, 2010, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure - Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986


Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee."

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the "licensee shall not transfer the license to a household member or current staff member while a ...revocation action is still pending." In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

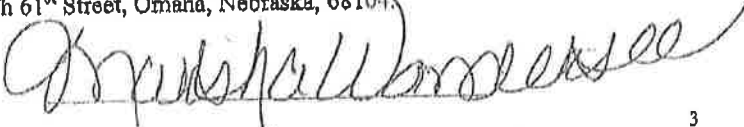
Dated: SEPTEMBER 22, 2010

Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services


By: Patricia Urzedowski, Administrator
Children's Services Licensing
Licensure - Division of Public Health
Nebraska Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 22nd day of September, 2010, a copy of the foregoing NOTICE OF REVOCATION was sent by certified and first class United States mail, sufficient postage prepaid, to Tiffany Tate, 4906 North 61st Street, Omaha, Nebraska, 68104.



LICENSING AGREEMENT

I, Tiffany Tate, 4906 North 81st Street, Omaha, Nebraska, 68104, hereby voluntarily state and declare:

I have read and understand the Family Child Care Home Standards (CRED-PAM-0929).

I agree to comply with each of the Family Child Care Home Standards as long as I am licensed by the State of Nebraska to provide child care services.

I understand and agree to comply with Standard 23, Page 4, which states: "The child care provider and/or household members do not engage in or have a history of behavior injurious to or which may endanger the health or morals of children." (NAC 6-004.01)

I understand and agree that under no circumstances will Marcel Davis, a household member, be allowed on the child care premises during the hours listed on my Family Child Care Home I license, due to his extensive criminal history. Premises is defined as "the home/facility, including areas of the home/facility not used for child care/preschool, all attached and all outbuildings, and all areas included within the lot boundaries".

I understand and agree that visitation between Marcel Davis and our son, who resides with me, will be conducted off site and I will not allow Marcel Davis to pick up or drop off our son, at the licensed location.

In addition, I agree to notify all parents of children enrolled in my program and parents of future enrollees by providing the Department of the Acknowledgment of Licensing Agreement signed by the parent(s) of all children in care within fifteen calendar days from the signing of this Agreement. Acknowledgments from parents of future enrollees are due to the Department within fifteen calendar days from the date of enrollment. A copy of this Acknowledgment is attached to this Agreement. These Acknowledgments will be sent to: Tammy Reeves, Child Care Inspection Specialist, Children's Services Licensing, 1801 North 73rd Street, Omaha, Nebraska, 68114.

I also agree that this Agreement will be prominently posted so it is clearly visible to parents and Department representatives.

I understand that Child Care Licensing staff shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further discipline as the Department of Health and Human Services- Division of Public Health, may deem appropriate.

The Licensing Agreement signed on May 31, 2007 is hereby terminated.

This Agreement shall be in effect from the signing of this Agreement for as long as I am licensed by the State of Nebraska to provide child care services and should the Family Child Care Home I license be amended to a Family Child Care Home II or should a change of address occur, this Licensing Agreement will transfer to the new license and/or address.

Jimmy Rowe
Child Care Inspector Specialist

12-24-08
Date

OR

Non-Relative Witness/Notary Public

Date

[Signature]
Provider/Licensee
4906 N. 61st St
Street/Address

Omaha, NE 68104
City and Zip Code
12/24/08
Date



LICENSING AGREEMENT

I, Tiffany Tate, 6348 North 107 Court, Omaha, NE; 68134; hereby voluntarily state and declare:

I have read and understand the Family Child Care Home Standards (CREB-PAM-0929).

I agree to comply with each of the Family Child Care Home Standards as long as I am licensed by the State of Nebraska to provide child care services.

I understand and agree to comply with Standard 23, Page 4; which states: "The child care provider and/or household members do not engage in or have a history of behavior injurious to or which may endanger the health or morals of children." (NAC 6-004.01)

I agree that Marcel Davis, will not be allowed on the child care premises ANY TIME day care children are in attendance UNDER ANY CIRCUMSTANCES. Premises is defined as "the home/facility, including areas of the home/facility not used for child care/preschool, all attached and all outbuildings and all areas included within the lot boundaries." In addition, I agree and understand that Marcel Davis is prohibited from providing transportation to any child in care except for his own.

I agree to notify all parents of children enrolled in my program by providing the Department with copies of the Acknowledgement of Licensing Agreement signed by the parent(s) of all children in care within fifteen (15) calendar days of the effective date of this Agreement. A copy of this Acknowledgment is attached to this Agreement. When any new child(ren) are enrolled in my program, I will provide the Department with copies of the Acknowledgment of Licensing Agreement signed by the parent(s) within fifteen (15) calendar days of enrollment.

I understand that Child Care Licensing staff will conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further discipline as the Department of Health and Human Services Regulation and Licensure may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for as long as I am licensed by the State of Nebraska to provide child care services.

JUN 01 2007

Licensing Agreement
Page 2

Ramona Bellamy
Witness
5/31/07
Date

Non-Relative Witness/Notary Public

Date

Tiffany Tate
Provider/Licensed
6318 W. 107th St.
Street/Address
Omaha, 68134
City and Zip Code
5/31/07
Date