



Division of Public Health

State of Nebraska
Dave Heineman, Governor

August 23, 2012

Tammy Bolles
916 S. 29th Street
Lincoln, NE 68510

Dear Ms Bolles:

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 This request is being made since said License has been revoked, effective August 21, 2012, by the Notice of Revocation issued on August 6, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public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,

A handwritten signature in black ink that reads "Helen L. Meeks". The signature is written in a cursive style.

Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing

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

IN THE MATTER OF:)
THE FAMILY CHILD CARE HOME I LICENSE) **NOTICE OF**
HOME I LICENSE OF TAMMY BOLLES) **REVOCAION**

LICENSED LOCATION: 916 SOUTH 29TH STREET, LINCOLN, NE, 68510

NOTICE:

Tammy Bolles (hereinafter referred to as “Bolles”) is hereby notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as “Department”) intends to revoke Bolles’ 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: ...

- 2. When a licensee has violated a regulation(s) so as to create a situation which places children at substantial risk;
- 3. When a complaint of suspected child abuse or neglect has been filed; ...
- 5. When the child care/preschool provider has a criminal charge filed against him/her involving a crime against children or a crime involving intentional bodily harm; ...
- 7. When a licensee has violated any state statute regarding the care and protection of children; ...
- 11. When there is a conviction, admission, or substantial evidence of any offenses against children or adults including, but not limited to: ...physical neglect ... by the child care provider; ...
- 17. When a licensee has violated any regulation; ...”

391 NAC 6-001 Provider: ... "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)

391 NAC 6-004.03 Report of Law Enforcement Record: "The child care provider is responsible for reporting any arrests, misdemeanor tickets other than traffic violations, pending criminal charges, and/or any felony/misdemeanor convictions on themselves, substitutes, secondary providers and/or household members when care is provided in the place of residence." (Page 5, Standard 26, Family Child Care Home Standards)

391 NAC 6-007.07 Weapons: "The child care provider shall ensure that firearms, other potentially hazardous weapons, weapon accessories, and ammunition are kept in locked storage. Firearms will be unloaded and ammunition will be stored separately from firearms." (Page 10, Standard 85, Family Child Care Home Standards)

FACTS AND FINDINGS:

Bolles is the licensee of a Family Child Care Home I. This program was licensed for a maximum of 10 children, ages six weeks to 13 years of age, 6:30 a.m. to 9:30 p.m., Monday through Saturday. This program had been licensed since March 5, 2007.

On January 25, 2012, officers from the Lincoln Police Department served a narcotic search warrant at the home of Bolles' child care program. Officers found marijuana and drug paraphernalia in Bolles' bedroom. Officers also found drug paraphernalia, marijuana and two loaded guns in the basement of the home which was used by Bolles' son. Bolles' son and household member, A.B., was arrested. Bolles did not notify the Department as required by regulations that A.B. had been arrested.

Department staff contacted Bolles by telephone on January 31, 2012 to inquire as to the whereabouts of A.B. Bolles informed Department staff that A.B. was moving out of the household that day.

On February 2, 2012, Department staff conducted an investigation of Bolles' program regarding the January 25, 2012 incident. Bolles denied using drugs herself and also stated that she had not observed A.B. to be using any drugs in the home. She was aware that A.B. had guns in the basement but that the guns were used for hunting and she did not know that they were loaded. Bolles also stated that the basement was A.B.'s space and that she never went down into the basement.

Information was obtained from the Lincoln Police Department and the State Lab showing that Bolles was in possession of or possessed illegal controlled substances and/or drug paraphernalia that was found in her bedroom on January 25, 2012. In addition, the drugs tested positive for methamphetamine and/or cocaine. As a result of these findings, Bolles was arrested on April 23, 2012. Bolles failed to report her own arrest to the Department as required by regulations.

Based on the information above, the Department is revoking Bolles' Family Child Care Home I. Bolles must send her Family Child Care Home I license to Marsha Wandersee at the address listed below seven (7) days after this action becomes final.

BE ADVISED:

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on August 21, 2012, 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 August 21, 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."

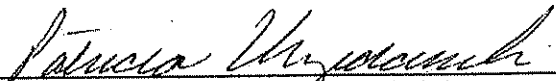
Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under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

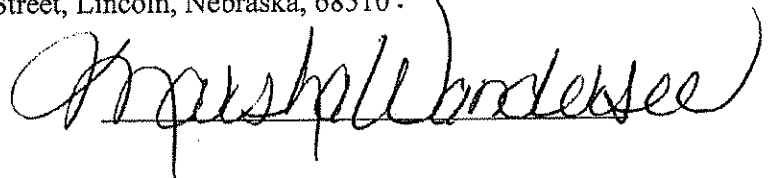
Dated: AUGUST 6, 2012

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 6th 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 Tammy Bolles, 916 South 29th Street, Lincoln, Nebraska, 68510.





DEC 15 2010

State of Nebraska

Dave Heineman, Governor

LICENSING AGREEMENT

I, Tammy Bolles, 916 S. 29th Street, Lincoln, Nebraska, 68510, hereby 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 agree to comply and understand 391 NAC 6-004.01 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." (Standard 23, Page 4)

I understand and agree that under no circumstances will A B a household member, assume responsibility for or provide direct care to any day care child during the time and days listed on my license nor will he be used as a substitute even the case of an emergency.

I understand that Children's Services Licensing staff shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

I also agree that this Licensing Agreement will be prominently posted with my Family Child Care Home License so that it is clearly visible to parents.

Any violation of this Agreement may be grounds for further negative action or discipline as the Nebraska Department of Health and Human Services, Division of Public Health, Children's Services Licensing may deem appropriate.

This Agreement shall be effective from November 4, 2010 for as long as A B is a household member. 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 may transfer to the new license and/or address if appropriate to the conditions of the Licensing Agreement.

Handwritten signature of Kateri Galeed, Child Care Inspection Specialist, dated 12-8-10

Handwritten signature of Tammy Bolles, Provider/Licensee, address 916 S. 29th

OR Non-Relative Witness OR Notary Public Date

Handwritten Lincoln Neb 68510, dated 12/8/10

NOV 19 2009



Division of Public Health

State of Nebraska

Dave Heineman, Governor

LICENSING AGREEMENT

I, Tammy Bolles, Family Child Care Home I located at 916 S. 29th Street-Lincoln, NE 68510 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 on page 4 Felony/Misdemeanor (NAC 6-004.01) which states "The child care provider and/or household members do not engage in or have a history of behaviors injurious to or which may endanger the health or morals of children in care."

I understand and agree that **under no circumstances will** . . . , a household member, assume any responsibility for children or will he be used as a substitute, even in the case of an emergency, during the time child care children are in attendance.

I understand that this agreement will be **prominently** posted with my Child Care Center license so it is clearly visible to parents and agency 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, Children Services-Licensure may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for a period of one year at which time it will be reviewed and terminated, extended and/or modified.

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.

Maunie J. Miller CDS
Witness

11-4-09
Date

Non-relative Witness/Notary Public

Date

Sammy Zoller
Provider/Licensee

916 So 29th
Street/Address

Fremont Neb 68510
City and Zip Code

11/4/09
Date