

February 1, 2013

Ashley E. Ullman
6034 Madison Ave.
Lincoln, NE 68507

Dear Ms Ullman:

This letter is written to acknowledge receipt of your current License to operate as a Family Child Care Home I in the State of Nebraska. Your license has been revoked, effective January 29, 2013, by the Notice of Revocation issued on by January 14, 2013 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of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

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

**IN THE MATTER OF:)
THE SUSPENDED FAMILY CHILD CARE HOME) NOTICE OF
HOME I LICENSE OF ASHLEY ULLMAN) REVOCATION**

LICENSED LOCATION: 6034 MADISON AVENUE, LINCOLN, NE, 68507

NOTICE:

Ashley Ullman (hereinafter referred to as "Ullman") is notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") is revoking Ullman's 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; ...
- (3) Conviction of, or substantial evidence of committing or permitting, aiding, or abetting another to commit, any unlawful act, including, but not limited to, unlawful acts committed by an applicant or licensee under the act, household members who reside at the place where the program is provided, or employees of the applicant or licensee that involve: ...
 - (b) Endangerment or neglect of children or vulnerable adults; ...
 - (e) Use, possession, manufacturing, or distribution of a controlled substance listed in section 28-405;
 - (f) Property crimes, including, but not limited to, fraud, embezzlement, and theft by deception; ...
- (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;

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: ...neglect, or endangerment by the child care provider; ...

17. When a licensee has violated any regulation; ...”

391 NAC 6-001 Provider: “The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance.” ... (Page 3, Standard 6, Family Child Care Home Standards, Rev. 4/12)

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, Rev. 4/12)

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, Rev. 4/12)

391 NAC 6-009.02G Storage: “The child care provider shall ensure that all prescription and over the counter medications will be kept in locked storage.” (Page 11, Standard 105, Family Child Care Home Standards, Rev. 4/12)

FACTS AND FINDINGS:

Ullman is the licensee of a Family Child Care Home I. This program was licensed on April 1, 2009 and is currently licensed for a maximum of 10 children, ages six weeks to 13 years of age, 6:00 a.m. to midnight, Monday through Sunday.

On or about October 12, 2012, the Department was notified that by the Lincoln Police Department that Ullman left four children, under five years of age, unattended in a vehicle, while she entered a retail store. Ullman left the vehicle running while she was in the store. While leaving the store, Ullman was caught with merchandise she had not paid for. In addition to the merchandise, Ullman possessed prescription pills in a zip lock baggie; one of the medications is classified as a Class IV controlled substance. Ullman was cited and released by law enforcement for shoplifting, child neglect and possession of a controlled substance in an unauthorized container. Ullman failed to report this citation. Information obtained shows Ullman failed to report that she had been cited previously on April 18, 2012 for stealing money or goods as required by regulations.

On October 12, 2012, Department staff delivered an Emergency Order to Ullman’s program immediately suspending Ullman’s license and prohibiting her from providing child care to any children.

As a result of this incident, charges are pending in Lancaster County Court for Commit Child Abuse Negligently, Theft, and three counts for Unlawful Acts related to Drugs.

Based on the facts presented above and the completion of the investigation, the Department is revoking Ullman's Family Child Care Home I license located at 6034 Madison Avenue, Lincoln, Nebraska, 68507.

BE ADVISED:

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on January 29, 2013, 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 January 29, 2013, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure Unit – 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."

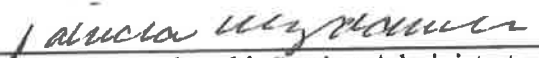
Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under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

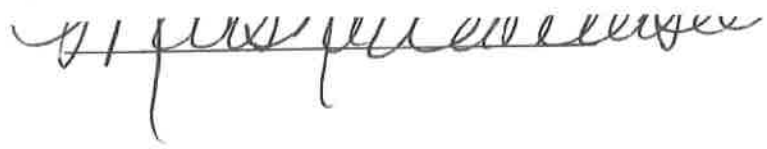
Dated: JANUARY 14, 2013

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 14 day of January, 2013, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid, to Ashley Ullman, 6034 Madison Avenue, Lincoln, Nebraska, 68507.





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

October 31, 2012


Ashley E. Ullman
6034 Madison Ave.
Lincoln, NE 68507

Dear Ms Ullman:

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 October 12, 2012, by the Emergency Order and Protective Order issued on October 12, 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)
) **EMERGENCY ORDER AND**
ASHLEY ULLMAN) **PROTECTIVE ORDER**
Family Child Care Home I)

This matter comes for consideration on the Motion for an Emergency Order and Motion for Protective Order filed by the Nebraska Department of Health and Human Services, Division of Public Health. The Chief Medical Officer and Director, Division of Public Health, having reviewed the Motion and accompanying Affidavits, finds as follows:

1. Ashley Ullman holds a Family Child Care Home I License, located at 6034 Madison Ave, Lincoln, NE 68507.

2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Ashley Ullman.

WHEREFORE, IT IS ORDERED:

1. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Ashley Ullman is hereby and immediately suspended and Ashley Ullman is hereby and immediately prohibited from providing child care to any children. Such suspension shall be in effect until the conclusion of the Department's investigation and when Ms. Ullman has been notified of the findings of the investigation by the Department. Upon application to the Director within fifteen days of this Order, Ashley Ullman shall be afforded a hearing as soon as possible and within ten days of the application, unless it requests that the hearing be held later. Any such application 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.

2. Any reference in this matter to any child enrolled in the above child care program or any child residing in the home shall be made by the use of the initial letters of the child's first and last name.

3. Any information which is confidential by state statute shall not be released to the public and any pictures of any children referred to in this matter shall not be released to the public.

DATED this 12 day of October, 2012.

**NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES**


Joann Schaefer, MD
Chief Medical Officer
Director

Division of Public Health
Department of Health and Human
Services

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

IN THE MATTER OF)
) **MOTION FOR EMERGENCY ORDER;**
ASHLEY ULLMAN) **MOTION FOR PROTECTIVE ORDER**
Family Child Care Home I)

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Chief Medical Officer and Director, Division of Public Health to declare an emergency and issue an Emergency Order suspending the child care license of Ashley Ullman, 6034 Madison Avenue, Lincoln, NE 68507 and prohibiting her from providing care for any children. Ms. Ullman has a license as a Family Child Care Home I at 6034 Madison Avenue, Lincoln, NE 68507. Her operating hours are Monday through Sunday; 6:00 to 23: 59. The Department also requests that a Protective Order be entered pursuant to Neb. Rev. Stat. §84-914(2) to protect the privacy of any minor children whose identity may be revealed during the course of these proceedings, and to ensure the confidentiality of any information which is deemed confidential by state statute.

The Department requests the following:

1. That any reference to any child enrolled in the above child care program or any foster child residing in the home or any child of the licensee be made by the use of the initial letters of the child's first and last name.
2. That any information which is confidential by state statute be protected from release to the public and that any pictures of children referred to in matter be non-releasable to the public. .


In support of its motion the Chief Medical Officer and Director is shown the accompanying affidavits of Marvie Sullivan, Child Care Inspection Specialist, and Patricia Urzedowski, Section Administrator.

WHEREFORE the Department moves the Chief Medical Officer and Director of the Division of Public Health for an Emergency Order suspending the

child care license of Ashley Ullman until the Department has completed its investigation and notified Ms. Ullman of its findings and prohibiting her from providing care for any children.

**Nebraska Department of Health
and Human Services**

Dated: Oct. 12, 2012


Teresa M. Hampton #16746
P.O. Box 95026
Legal Services
Department of Health and Human
Services
Lincoln, Nebraska 68509-5026
(402) 471-4051
Its Attorney

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

IN THE MATTER OF)
)
 Ashley Ullman)
 A Family Child Care Home I)
)

AFFIDAVIT

STATE OF NEBRASKA)
) ss
COUNTY OF LANCASTER)

Comes now Affiant, Patricia Urzedowski, being first duly sworn, and states as follows:

1. I am employed as the Administrator of the Office of Children's Services Licensing with the Nebraska Department of Health and Human Services Division of Public Health (hereinafter "Department").
2. The records of the Department show that Ashley Ullman holds a Family Child Care I License at 6034 Madison Avenue, Lincoln, NE, 68507.
3. In my capacity as Administrator of the Office of Children's Services Licensing, I am the custodian of all licensing records for licensed Child Care Programs.
4. Neb. Rev. Stat. §71-1915 provides: "(1) Whenever the department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in a program, the department may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as the department deems necessary to meet the emergency. The order may include an immediate prohibition on the care of children by the licensee other than children of the licensee...."
5. **Neb. Rev. Stat. §71-1919 provides:** "The department may deny the issuance of or 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; (3) Conviction of, or substantial evidence of committing or permitting,

aiding, or abetting another to commit, any unlawful act, including, but not limited to, unlawful acts committed by an applicant or licensee under the act, household members who reside at the place where the program is provided, or employees of the applicant or licensee that involve:...(b)Endangerment or neglect of children or vulnerable adults;...(e) Use, possession, manufacturing, or distribution of a controlled substance listed in section 28-405; (f) Property crimes, including, but not limited to, fraud, embezzlement, and theft by deception; ...”

6. 391 NAC 4-001.04 provides: “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;... 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: ..., neglect, or endangerment by the child care provider;”
7. Based on the information contained in the Affidavit signed by Marvie Sullivan, Child Care Inspection Specialist with the Department of Health and Human Services, Division of Public Health, Ashley Ullman has violated the following Child Care Licensing Regulations:

391 NAC 6-001 Provider. The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance. Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision will be with the child care provider.

391 NAC 6-004.01 Felony /Misdemeanor Statement:

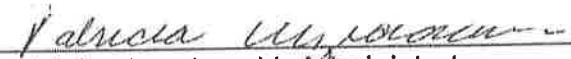
...

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.

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.

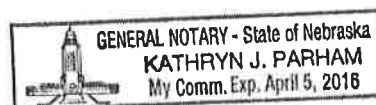
391 NAC 6-009.02G **Storage:** The child care provider shall ensure that all prescription and over the counter medications will be kept in locked storage.

Further affiant saith not.


Patricia Urzedowski, Administrator
Office of Children's Services Licensing

Subscribed and sworn before me this 12th day of October, 2012.


Notary Public



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

IN THE MATTER OF)

ASHLEY ULLMAN)
A Family Child Care Home I)

AFFIDAVIT

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss

Comes now Affiant, Marvie Sullivan, being first duly sworn, and states as follows:

1. I am employed as a Child Care Inspection Specialist with the Nebraska Department of Health and Human Services, Division of Public Health, Office of Children's Services Licensing (hereinafter "Department").
2. The records of the Department show that Ashley Ullman (hereafter "Ullman"), holds an operating Family Child Care Home I license located at 6034 Madison Street, Lincoln, Nebraska 68507.
3. As related in the attached Lincoln Police Department Incident Report, and Lincoln Police Department Additional Case Information Report. The reports state on October 11, 2012, Ullman left four (4) children, under five years of age, unattended in a vehicle, while she entered a retail store. Ullman left the vehicle on while she was in the store. While attempting to leave the store, Ullman was caught with stolen merchandise. In addition to the stolen merchandise, Ullman possessed 84 prescription pills in a zip lock baggie. One of the medications found in the baggie is classified as a Class IV controlled substance. Ullman was cited and released by law enforcement for shoplifting, child neglect and possession of a controlled substance in an unauthorized container.
4. Based on this information, which I have received as part of my investigation, it is my professional opinion that there is an immediate risk of harm to children in care as and this is an emergency situation which requires immediate action to protect the physical well-being and safety of children enrolled in this child care program as Ullman is licensed to operate 6am to midnight (18 hours per day), seven days a week. My professional opinion is that an Order should be entered prohibiting Ullman from providing care until such time that a hearing on this issue, if requested, can be held.



Marvie Sullivan
Child Care Inspection Specialist

Subscribed and sworn before me this 12 day of October 2012,





Notary Public