



January 13, 2011


MISS ALMA'S CRADLE  
925 South 23rd Street  
Lincoln, NE 68510

Dear Christopher Leon:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail your current License to operate as a Provisional Family Child Care Home II in the State of Nebraska. This request is being made since said License has been revoked and your application to apply for your Operating License has been denied, effective January 12, 2011, by the Notice of Revocation and Denial issued by the Director, Dr. Joann Schaefer, of the Department Health and Human Services, Division of Public Health, on December 28, 2010.

Please contact Marsha Wandersee, at (402) 471-9302 if you have any questions.

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 PROVISIONAL FAMILY CHILD CARE  
HOME II AND THE APPLICATION FOR AN  
OPERATING FAMILY CHILD CARE HOME II  
LICENSE BY CHRISTOPHER LEON, D/B/A  
MISS ALMA'S CRADLE**

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**NOTICE OF REVOCATION  
AND DENIAL**

**LICENSED LOCATION: 925 SOUTH 23<sup>RD</sup> STREET, LINCOLN, NE, 68510**

**NOTICE:**

Christopher Leon (hereinafter referred to as "Leon") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke the Provisional Family Child Care Home II license and deny the application for an Operating Family Child Care Home II license for violation of the following:

**AUTHORITY:**

Nebraska Revised Statutes, section 71-1911.02 states in pertinent part: "An application shall be accompanied by...additional information as required by the Department, including affirmative evidence of the applicant's ability to comply with rules and regulations adopted and promulgated under the Act."

Nebraska Revised Statute, section 71-1919 states in pertinent part: "The Department may deny the issuance of ...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 by the program;" ...

391 NAC 3-001.12 Denial of a License: "Denial of a license will be based upon any of the following circumstances: 1. The applicant's unwillingness or inability to comply with regulations; ..."

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

391 NAC 6-001 Provider: "The child care provider shall report the following changes to the Nebraska Department of Health and Human Services: ... household composition, ...". (Page 3, Standard 13, Family Child Care Home Standards)

391 NAC 6-004 Background Checks: "When child care services are being provided in the provider's residence, the child care provider shall submit:

1. A completed application including the names of all persons residing in the home. Those persons age 13 and older must be cleared against the Nebraska Child Abuse and Neglect Central Registry AND Nebraska Adult Protective Services Central Registry (age 18).
2. Felony/misdemeanor statements for all household members age 19 and over, including any crimes for which a juvenile has been adjudicated as an adult.
3. A completed application and felony/misdemeanor statement when there is a change in household members residing in the home within ten days of the change." (Page 4, Standard 22, Family Child Care Home Standards)

391 NAC 6-004.01 Felony/Misdemeanor Statement: "Before the issuance of a license, the child care provider shall submit a "Felony/Misdemeanor Statement," signed and dated by all household members age 19 and older, which includes the following information:

1. Felony and/or misdemeanor arrests related to crimes against children;
2. Misdemeanor tickets, other than traffic violations;
3. Felony and/or misdemeanor convictions;
4. Any pending criminal charge(s);
5. Current parole or probation status.

This statement will include all law enforcement contacts, regardless of prosecution." (Page 4, Standard 22, Family Child Care Home Standards)

"The child care provider and/or household members shall not engage in or have a history of behaviors 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)

#### **FACTS AND FINDINGS:**

Leon is currently the licensee of a Family Child Care Home II located at 925 South 23<sup>rd</sup> Street, Lincoln, Nebraska, 68510. This program is licensed for 12 children from 6 weeks to 12 years, 24 hours a day, seven days a week. This program has been licensed since December 18, 2009.

On December 6, 2010, Leon submitted the required application materials to go from a Provisional Family Child Care Home II to an Operating Family Child Care Home II. In the process of reviewing the application and Leon's criminal history, it was discovered that Leon had failed to report his law enforcement record, as required by regulation, during the time he was operating under the Provisional License period. Information obtained from the Nebraska Data Exchange Network (NDEN), the database used by Children's Services Licensing to conduct criminal history record checks on individuals, shows the following were not reported:

6/21/09 - Drive Under Suspension	Misdemeanor	\$75.00 fine – Douglas Co.
12/6/09 - Use/Possess Drug Paraphernalia	Infraction	\$50.00 fine – Lancaster Co.
12/7/09 - No Proof of Financial Responsibility	Misdemeanor	\$50.00 fine – Lancaster Co.
12/13/09 - Possess Marijuana, 1 oz. or less	Infraction	\$50.00 fine – Lancaster Co.
Use/Possess Drug Paraphernalia	Infraction	\$50.00 fine – Lancaster Co.
No Proof of Financial Responsibility	Misdemeanor	Dismissed – Lancaster Co.
Negligent Driving	Infraction	\$50.00 fine – Lancaster Co.
1/7/10 – Fail to Appear in Court	Misdemeanor	\$25.00 fine – Lancaster Co.
1/11/10 – Fail to Appear in Court	Misdemeanor	Dismissed – Lancaster Co.
1/13/10 – Possess Marijuana, 1 oz. or less	Misdemeanor	\$300.00 fine – Lancaster Co.
1/26/10 – Fail to Appear in Court	Misdemeanor	Dismissed – Lancaster Co.

Leon also spent time in the Lancaster County Corrections facility from June 9, 2010 until June 11, 2010 because of Leon's failure to pay court fines.

It was also discovered that Leon did not accurately report his criminal history when he initially applied for a Provisional Family Child Care Home II. Information shows that in addition to two offenses of Possession of Marijuana citations on May 24, 2006 and December 12, 2006, Leon had been cited/charged with the following

4/8/04 – Maintain Disorderly House	Misdemeanor	Dismissed – Lancaster Co.
1/12/07 – Fail to Appear or Comply	Infraction	\$100.00 – Lancaster Co.

The regulations are specific in that full disclosure of all law enforcement contacts are required and must be reported regardless of prosecution or dismissal.

In addition, Leon failed to inform the Department that his mother, Alma Leon, had moved to the child care location of 925 South 23<sup>rd</sup> Street, Lincoln, Nebraska, in November of 2010.

Based on the criminal history of Leon and Leon's failure to accurately disclose his criminal history when he initially applied for a Provisional Family Child Care Home II license, Leon's failure to report any law enforcement contacts during the time he was licensed, Leon's failure to report a change in the household composition and the fact that Leon engaged in behaviors which may be injurious to children, the Department is revoking Leon's Provisional Family Child Care Home II license and denying Leon's application for an Operating Family Child Care Home II license.

**BE ADVISED:**

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on January 12, 2011, 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 12, 2011, 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

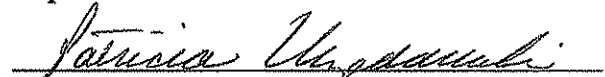
Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In 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: DECEMBER 28, 2010

**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  
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 28th day of December, 2010, a copy of the foregoing **NOTICE OF REVOCATION AND DENIAL** was sent by certified and first class United States mail, sufficient postage prepaid to Christopher Leon, d/b/a Miss Alma's Cradle, 925 South 23<sup>rd</sup> Street, Lincoln, Nebraska, 68510.

