

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 31, 2017

4 VIEWS ACADEMY  
RGEM Investments, LLC, Owner  
6701 NW 7<sup>th</sup> Street  
Lincoln, NE 68521


Dear RGEM Investments, LLC:

In accordance with the Notice of Disciplinary Action issued on March 8, 2017, by Thomas L. Williams, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the Probation of your Child Care Center License that would have been completed on July 29, 2017, has been extended an additional six months, to end on January 29, 2018. A license imprinted with the term "PROBATION" is enclosed. This extended probationary status became effective March 24, 2017, and it will remain in effect until January 29, 2018. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you submit your current license by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Kathee Sanchez, Child Care Licensing Supervisor, at (402) 471-9193.

Sincerely,

  
Becky Wisell, Administrator  
Licensure Unit  
301 Centennial Mall South  
Lincoln, NE 68509-4986

BW/dcp

cc: Children's Services Licensing

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

# State of Nebraska

**PROBATION**

Department of Health and Human Services  
Division of Public Health

**RGEM INVESTMENTS, LLC**

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating **Child Care Center**

located at: **4330 CORNHUSKER HWY Lincoln NE 68504**

A maximum of **69** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **1800** on **MTWTHF**.

**4 VIEWS ACADEMY** is hereby issued License No. **CCC9237** which is effective on **11/30/2011**

**Amended: 03/24/2017**

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on **April 3, 2017**.



**Thomas L. Williams, A.D.** Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services



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

**IN THE MATTER OF:** )  
**THE OPERATING CHILD CARE CENTER** )  
**LICENSE OF RGEN INVESTMENTS, LLC, D/B/A** )  
**4 VIEWS ACADEMY** )

**NOTICE OF  
DISCIPLINARY ACTION**

**LICENSED LOCATION:** 4330 CORNHUSKER HWY., LINCOLN, NE., 68504  
**LICENSE NUMBER:** CCC9237  
**CAPACITY:** 69  
**AGES:** SIX WEEKS TO 13 YEARS  
**HOURS AND DAYS:** 6:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY  
**DATE INITIALLY LICENSED:** NOVEMBER 19, 2010

**NOTICE:**

RGEM Investments, LLC (hereinafter referred to as "RGEM") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against RGEM's operating Child Care Center license, 4 Views Academy, (hereinafter referred to as "4 Views") for violation of the following statutes and regulations:

**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;" ...

Nebraska Revised Statutes, section 71-1920, of the Child Care Licensing Act provides that "...the Department may impose any one or a combination of the following types of disciplinary action against a license issued under the Child Care Licensing Act: (a) Issue a probationary license;"

391 NAC 3-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license 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 an individual served by or employed at the program;" ...

**391 NAC 3-006.15C Staff-to-Child Ratio:** "The center must maintain accurate staff and daily attendance records to verify compliance with staff-to-child ratios. Compliance with staff-to-child ratios is determined on a center-wide basis.

Only staff involved in the direct care of children are counted. The appropriate staff-to-child ratios must be met at all times, as follows.

Age of Children	Number of Children in Care	Number of Staff Required
6 weeks to 18 months	4	1
18 months to 3 years	6	1
3 years	10	1
4 and 5 years	12	1
School-age	15	1"

**FACTS:**

Gina Tanner (hereinafter referred to as "Tanner") is listed as Owner and current director.

On July 29, 2016, 4 Views was placed on probation.

On December 13, 2016 at 11:00 a.m., Monica Barger (hereinafter known as "Barger"), Child Care Inspection Specialist, Children's Services, Licensure, Division of Public Health, conducted a complaint investigation in response in part to allegations that the center was out of ratio in the older infant room from 8:00 a.m. to noon and that the licensee was falsely claiming infants are over 18 months of age for the purpose of meeting ratio.

Upon arrival, Tanner was in the kitchen cooking when Barger arrived and could not counted in ratio. Barger determined that the center needed four staff to be in ratio; however, only three staff were observed were actively working with children.

Barger interviewed staff who stated no children in the toddler/three and four year old room were under 18 months of age. After reviewing children's files, Barger was able to determine that two children receiving care in that room were under 18 months of age.

**DISCIPLINARY ACTION IMPOSED:**

Based upon the facts presented above, the Department intends to impose the following:

1. RGEM's probation that expires on July 29, 2017 is extended to January 29, 2018, which is a period of an additional six months, effective March 24, 2017. In addition to the terms and conditions imposed on July 29, 2016, the following terms and conditions will apply:

a. By March 24, 2017, RGEM must submit a written plan identifying how it will ensure that each room is adequately staffed at all times children are in attendance. Plan is to include a written record of infants in care that is posted for staff to view to ensure that staff are aware how many children are infants in order to ensure proper staff-to-child ratio.

The Department agrees that after reviewing these policies and monitoring procedures, it will either approve or require modifications. If modifications are required, RGEM must, within ten calendar days of notice by the Department, resubmit the written plan to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plan.

Once approved, RGEM agrees to implement the plan as approved by the Department. The approved written policies and monitoring procedures will also be added to the staff handbook.

b. The Licensee will ensure that all staff responsible for the care of children, including those staff who transport, and who count in the staff-to-child ratio are familiar with the written policies and procedures and terms and conditions of this Notice of Disciplinary Action.

c. The Licensee is responsible for paying for all costs associated with compliance.

d. All documentation required must be submitted, for approval, to Teresa Neal, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, PO Box 94986, Lincoln, Nebraska, 68509-4986, or at other such address as directed, in writing, by the Department.

2. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Services Specialist/Worker, etc.). RGEM and any employees and/or agents must cooperate with the Department in these monitoring inspections.

3. A copy of this Notice of Disciplinary Action must be posted with the current child care license so it is clearly visible to parents and agency representatives.

4. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations and failure to correct the violations will be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

5. If RGEM discontinues the child care program for any reason, the time RGEM is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department indicating RGEM, 4 Views and/or Gina Tanner as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. RGEM must notify the Department, in writing, within seven (7) working days of any period that it is not actively operating the program. Active operation is the provision of child care for a minimum of forty (40) hours a week for fifty (50) weeks of a calendar year.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on March 23, 2017, unless the Department receives a written request for a hearing on or before such date. 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 on or before such date, 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 March 23, 2017. 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.**

That 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.

Dated: March 8, 2017

**Thomas L. Williams, MD  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services**

  
Becky Wisell, Administrator  
Licensure Unit  
301 Centennial Mall South  
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 8 day of March, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to 4 Views Academy, 4330 Cornhusker Hwy., Lincoln, Nebraska, 68504, 4 Views Academy, 6701 NW 7<sup>th</sup> Street, Lincoln, Nebraska, 68521, RGEM Investments, LLC, 6701 NW 7<sup>th</sup> Street, Lincoln, Nebraska, 68521, National Registered Agents, Inc., Registered Agent, 5601 South 59<sup>th</sup> Street, Lincoln, Nebraska, 68516 and Gina Tanner, 4 Views Academy, 6701 NW 7<sup>th</sup> Street, Lincoln, Nebraska, 68521.

  
Marsha Wandersee

August 4, 2016

RGEM Investments, LLC  
d/b/a 4 VIEWS ACADEMY  
6701 NW 7<sup>th</sup> Street  
Lincoln, NE 68521

Dear RGEM Investments, LLC:

In accordance with the Notice of Disciplinary Action that was issued on July 13, 2016, by Courtney N. Phillips, MPA, Chief Executive Officer, Department of Health and Human Services, your original License to operate a Child Care Center in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective July 29, 2016, and it will remain in effect until July 29, 2017. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you submit your current license by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact, Kathee Sanchez, Child Care Licensing Supervisor, at (402) 471-9193.

Sincerely,

  
Becky Wisel, Administrator  
Licensure Unit  
301 Centennial Mall South  
Lincoln, NE 68509-4986

BW/dcp

cc: Children's Services Licensing



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

# State of Nebraska

**PROBATION**

Department of Health and Human Services  
Division of Public Health

**RGEM INVESTMENTS, LLC**

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating **Child Care Center**

located at: **4330 CORNHUSKER HWY Lincoln NE 68504**

A maximum of **69** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **1800** on **MTWTFH**.

**4 VIEWS ACADEMY** is hereby issued License No. **CCC9237** which is effective on **11/30/2011**

Amended: **07/29/2016**

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on August 8, 2016.



*Lyanna*  
Lyanna Perry, MPA  
Chief Licensure Officer  
Division of Public Health



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

**IN THE MATTER OF:** )  
**THE OPERATING CHILD CARE CENTER** )  
**LICENSE OF RGEN INVESTMENTS, LLC, D/B/A** )  
**4 VIEWS ACADEMY** )

**NOTICE OF  
DISCIPLINARY ACTION**

**LICENSED LOCATION:** 4330 CORNHUSKER HWY., LINCOLN, NE., 68504  
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**HOURS AND DAYS:** 6:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY  
**DATE INITIALLY LICENSED:** NOVEMBER 19, 2010

**NOTICE:**

RGEN Investments, LLC (hereinafter referred to as "Licensee") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against the Licensee's operating Child Care Center license, 4 Views Academy, (hereinafter referred to as "4 Views") for violation of the following statutes and regulations:

**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; ...
- (9) Failure to file a report of suspected abuse or neglect as required by sections 28-373 and 28-711;" ...

Nebraska Revised Statutes, section 71-1920, of the Child Care Licensing Act provides that "...the Department may impose any one or a combination of the following types of disciplinary action against a license issued under the Child Care Licensing Act: (a) Issue a probationary license;"

391 NAC 3-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license 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 an individual served by or employed at the program; ...

9. Failure to file a report of suspected abuse or neglect as required by Neb. Rev. Stat. §§ 28-372 and 28-711;"

...

391 NAC 3-002 DEFINITIONS "Adequate and appropriate supervision includes: 1. Knowing the whereabouts and being within sight or sound of all children at all times; 2. Being awake, alert, attentive, and responsive to the needs of all children, and 3. Protecting or removing children from harm."

391 NAC 3-006.01 Licensee Requirements: "The licensee must: 1. Ensure that the center is administered and managed appropriately; 2. Maintain compliance with all applicable state statutes and child care center regulations;" ...

391 NAC 3-006.02 Director Requirements: "The director is responsible for managing the day-to-day operations of the child care center. The director must report to the licensee all matters related to the maintenance, operation, and management of the child care center and be directly responsible to the licensee or to a person delegated governing authority by the licensee. The director must: 1. Be responsible for the center's compliance with rules and regulations; ... 8. Ensure that center staff identify and review incidents, accidents, complaints, and concerns, and monitor patterns and trends in overall operation and take action to alleviate problems; 9. Develop and implement written procedures that require the reporting of any evidence of physical abuse, neglect, or sexual abuse of any child in care at the child care center; 10. Immediately file a report with the Child Abuse-Neglect Hotline (1-800-652-1999) and/or appropriate local law enforcement agency when s/he has reason to believe child abuse, neglect, or sexual abuse may be occurring in the child care center, in the child's home, or elsewhere, or ensure that a report is filed;" ...

391 NAC 3-006.14B Center Policies: "The center must have written policies on: ... 5. Parent grievances, questions, or concerns; and 6. Personnel policies, including: ... c. Staff discipline procedures;" ...

391 NAC 3-006.19 Supervision of Children: "Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee."

391 NAC 3-006.20A Prohibited Forms of Discipline: "The following actions are prohibited as a form of discipline: ... 12. Forced napping; ... 15. Yelling or screaming at children;" ...

391 NAC 3-006.30E Notification to the Department of Emergencies: "The licensee/director must notify the Department within 24 hours or next business day of the following occurrences at the center: ... 2. Any accident or injury to a child which requires hospitalization or treatment at a medical facility; 3. When a child has been missing, lost, or left unsupervised on or off the premises;" ...

391 NAC 3-006.31A Housekeeping and Maintenance: "The licensee must ensure that the necessary housekeeping and maintenance are provided to protect the health and safety of children in care. The center and grounds must be kept clean, safe, and in good repair."

391 NAC 3-007.03 Fenced Outdoor Play Area: "When care is provided to children between the ages of six weeks and school-age, the licensee must ensure that a fenced outdoor play area is available. The area must: ...5. Be kept clean and safe and contain no accident hazards, debris, or stagnant water;" ...

#### FACTS:

Cassandra Draper (hereinafter referred to as "Draper") is currently listed as Director of record of the program. Timmarie Slack (hereinafter referred to as "Slack") is currently the Assistant Director and Gina Tanner (hereinafter referred to as "Tanner") is listed as Owner.

On April 28, 2016, Monica Barger (hereinafter known as "Barger"), Child Care Inspection Specialist, Children's Services, Licensure, Division of Public Health, conducted a complaint investigation and was able to determine that a toddler was not adequately supervised on the playground and ate glass. Through interviews conducted with Slack, Assistant Director; Draper, Director; Tanner, Owner; and parent of the toddler, Barger determined:

- Staff had witnessed the child find a piece of glass and had taken it away from the child but were unaware that the child had actually eaten a piece of glass.
- The parent was informed of the incident at the time of the pickup which was approximately ten minutes after the incident occurred.
- The child was taken to the emergency room where doctors diagnosed the child with cuts to the throat and glass in the child's stomach. The child returned to the program the next day.
- A plan is not in place for routine and preventative maintenance of the playground area in order to keep it safe and in good repair. There is an additional safety risk to the playground area due to bordering an occupied apartment complex and past issues of safety concerning discarded cigarette butts, glass, etc. from residents of the complex.
- Tanner and Draper did not notify the Department within 24 hours of the toddler receiving treatment at a medical facility.
- In reviewing teachers' records, Barger became aware of three incidents where children were left unsupervised/lost at the facility. Tanner and Draper did not report these incidents to the Department as required by regulations.

On May 17, 2016, Barger conducted a second complaint investigation to 4 Views after receiving allegations that a child had sustained bruising on the arms and forehead without the parent having been notified and this same child being shouted at by a staff member.

Barger determined through interviews conducted with Slack; Draper; Tanner; Cindy Valle (hereinafter referred to as "Valle"), teacher; Hannah Christiansen (hereinafter referred to as "Christiansen"), Assistant Teacher; and Tiffany Green (hereinafter referred to as "Green"), "floater"; that:

- A child was observed with finger-sized bruises on his arm one day and another day, the child had an odd bruise on his back. Valle reported the bruises to Draper as required by the policy of the facility. There appears that there were no reports filed by 4 Views alleging bruising or abuse of a child. If there were concerns for the child's welfare or safety as was allegedly stated by Draper, it should have been reported immediately to the abuse/neglect hotline.
- This same child was yelled at by Slack on May 9, 2016 during a time when children and staff were sheltered in during a tornado warning. Slack was in the bathroom with two other adults, three infants and about nine to 12 children. The situation was stressful and the child was repeatedly flushing and playing in the toilet. Slack admitted to raising her voice to the child out of frustration.
- Further, Slack stated that this child often has trouble at nap times and that staff have been utilizing a method relayed to them by the child's parent where they lay their leg to put pressure over the child's legs to calm him. The parent denies ever telling staff to use this method with the child.
- Even though the center has policies and procedures in place, staff indicated they were unsure what the process was for reporting incidents with children or documenting for the file.
- The center has policies and procedure in place on how to deal with discipline issues with staff but these policies were not being followed or enforced by Draper.

As of the date of this Notice, Draper is no longer employed as Director of 4 Views. Tanner has now assumed the position of Director.

#### **DISCIPLINARY ACTION IMPOSED:**

Based upon the facts presented above, the Department intends to impose the following:

1. The Licensee's Child Care Center license is placed on probation for a period of twelve months effective July 29, 2016. The following terms and conditions will apply:
  - a. By October 29, 2016, all staff, including Tanner and Slack, currently employed by the child care program who have the responsibility for the direct care of children, must register/enroll, attend and successfully complete a minimum of:
    - Two hours of face-to-face training related to adequate and appropriate supervision.
    - Two hours of face-to-face training related to appropriate discipline/behavior management.

This training must be approved by the Early Childhood Training Center as well as the Department of Health and Human Services as meeting the requirements for acceptable training for child care program staff.

Prior to staff, including Tanner and Slack, currently employed by the child care program participating in any training, the Licensee must submit in writing the following to the Department, in order for the Department to determine if the training meets the requirements for which it is intended: names of staff attending, training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will **not** count toward the required 12 hours of annual training.

Upon receipt of the above information, the Department will either approve or require additional information in writing from the Licensee within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, the Licensee must reply with the required information within ten calendar days of notice by the Department.

The Licensee must submit verification of attendance and successful completion by Tanner and Slack and all staff responsible for the care of children within fifteen calendar days after completion of the approved training.

b. By August 29, 2016, the Licensee must develop written policies and monitoring procedures to ensure compliance with 3-006.30E Notification to the Department of Emergencies which states in part that the "Department is notified within 24 hours or next business day of the occurrences".

In addition, the written policies will include but are not limited to: (1) who the staff report the occurrence to; (2) the manner in which the occurrence will be reported; i.e., written, verbal, both; and 3) who is responsible for notifying the Department.

c. By August 29, 2016, the Licensee must develop monitoring procedures to ensure compliance with 3-006.14B Center Policies regarding parent grievances, questions or concerns and staff disciplinary procedures and ensure those policies are followed and enforced.

In addition, the written policies will include but are not limited to: (1) who the staff report the occurrence to; (2) the manner in which the occurrence will be reported; i.e., written, verbal, both; and 3) who is responsible for monitoring compliance.

The Department agrees that after reviewing these policies and monitoring procedures, it will either approve or require modifications. If modifications are required, the Licensee must, within ten calendar days of notice by the Department, resubmit the written plan to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plan.

Once approved, the Licensee agrees to implement the plan as approved by the Department. The approved written policies and monitoring procedures will also be added to the staff handbook.

d. By August 29, 2016, the Licensee must develop written policies showing how general housekeeping and maintenance will be provided to ensure children are safe. This includes classrooms, and general areas (non-classrooms), with specific attention given to the cleanliness and safety of the outdoor play area, including indoor/outdoor play equipment, toys and materials.

In addition, the written policies will include but are not limited to: (1) who will be responsible for checking the safety/cleanliness of the playground; (2) who will be responsible for checking the safety/cleanliness of the classrooms/general areas (non-classrooms); (3) who will be responsible for checking the safety/cleanliness of indoor/outdoor play equipment, toys and materials; (4) how often playground will be checked prior to child(ren) accessing it; (5) how playground will be cleaned; (6) who will sign off on the cleanliness of playground and what will be looked at and (7) monitoring tool(s) used to document compliance.

The Department agrees that after reviewing these policies and monitoring procedures, it will either approve or require modifications. If modifications are required, RGEM must, within ten calendar days of notice by the Department, resubmit the written plan to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plan.

Once approved, the Licensee agrees to implement the plan as approved by the Department. The approved written policies and monitoring procedures will also be added to the staff handbook.

e. The Licensee will ensure that all staff responsible for the care of children, including those staff who transport, and who count in the staff-to-child ratio are familiar with the written policies and procedures and terms and conditions of this Notice of Disciplinary Action. Licensee will conduct a staff meeting and submit to the Department, Attn: Monica Barger, the date of such meeting and names of those staff attending.

f. The Licensee is responsible for paying for all costs associated with compliance.

g. All documentation required must be submitted, for approval, to Monica Barger, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, PO Box 94986, Lincoln, Nebraska, 68509-4986, or at other such address as directed, in writing, by the Department.

2. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Services Specialist/Worker, etc.). RGEM and any employees and/or agents must cooperate with the Department in these monitoring inspections.

3. A copy of this Notice of Disciplinary Action must be posted with the current child care license so it is clearly visible to parents and agency representatives.

4. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations and failure to correct the violations will be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

5. If the Licensee discontinues the child care program for any reason, the time the Licensee is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department indicating RGEM, 4 Views and/or Gina Tanner as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. The Licensee must notify the Department, in writing, within seven (7) working days of any period that it is not actively operating the program. Active operation is the provision of child care for a minimum of forty (40) hours a week for fifty (50) weeks of a calendar year.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on July 28, 2016, unless the Department receives a written request for a hearing on or before such date. 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 on or before such date, 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 July 28, 2016. 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.**

That 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.

Dated: July 13, 2016

**Courtney N. Phillips, MPA  
Chief Executive Officer  
Department of Health and Human Services**

Becky Wisell  
Becky Wisell, Administrator  
Licensure Unit  
301 Centennial Mall South  
Lincoln, NE 68509-4986



CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 13 day of July, 2016, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to 4 Views Academy, 4330 Cornhusker Hwy., Lincoln, Nebraska, 68504, 4 Views Academy, 6701 NW 7<sup>th</sup> Street, Lincoln, Nebraska, 68521, RGEM Investments, LLC, 6701 NW 7<sup>th</sup> Street, Lincoln, Nebraska, 68521, National Registered Agents, Inc., Registered Agent, 5601 South 59<sup>th</sup> Street, Lincoln, Nebraska, 68516 and Gina Tanner, 4 Views Academy, 6701 NW 7<sup>th</sup> Street, Lincoln, Nebraska, 68521.

  
Marsha Wandersee