



**Wisconsin Department of
Children and Families**

Governor Tony Evers
Secretary Emilie Amundson
dcf.wisconsin.gov

SENT VIA CERTIFIED MAIL AND REGULAR U.S. MAIL

Article NO.:7002 3330 0000 6342 1484

June 21, 2023

John Wyatt
KinderCare Education LLC
11529 N Bayview Drive
Edgerton, WI 53534

Re: NOTICE OF DIRECT FORFEITURE ASSESSMENT AND APPEAL PROCESS

**KinderCare Learning Ctrs-Whitnall
Facility ID: 1010082**

Dear John Wyatt/KinderCare Education LLC:

This letter constitutes statutory notice of an imposed direct forfeiture assessment on you, KinderCare Education LLC, in the operation of KinderCare Learning Ctrs-Whitnall, a licensed group child care center. This letter identifies the licensing statutory and/or code violations that were identified at KinderCare Learning Ctrs-Whitnall, additional sanctions and penalties that may result if these violations are not corrected and informs you of your appeal rights.

The Wisconsin Department of Children and Families (Department), under the authority of Wis. Stat. § 48.715, provides for sanctions and penalties where persons operate a group child care center in violation of Wis. Stat. § 48 or Wis. Admin. Code § DCF 251. Sanctions and penalties include issuance of orders to stop operating, to correct violations and to submit plans of correction, assessment of forfeitures or revocation of a license. The Department may set forfeiture amounts of \$10.00-\$1,000 per day per violation.

Please note that in accordance with Wis. Stat. § 48.657(2g), and Wis. Admin. Code § DCF 251.04(2)(L), the child care center shall post next to the child care license any notice received from the Department relating to rule violations. This notice must be posted in an area of the center that is visible to parents and must remain posted until the licensing specialist has verified the violations as corrected and in compliance at or before the next licensing site visit.

FORFEITURE ASSESSMENT

On May 26, 2023, licensing specialist Cindy Matuszak made a visit to KinderCare Learning Ctrs-Whitnall and found serious violations endangering the health, safety and welfare of children in care. The Department imposes a direct forfeiture assessment for the following violations:

Division of Early Care and Education
Bureau of Early Care Regulation
Southeastern Regional Office
DCF-F-74-E (R. 12/2020)

141 NW Barstow Street, Room 104
Waukesha, WI 53188-3764

Phone: 262-446-7800
Fax: 262-446-7991
WI Relay System: 711
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1. **DCF 251.055(1)(a)** states each child shall be supervised by a child care worker who is within the sight and sound of the children to guide the children's behavior and activities, prevent harm, and ensure safety. Contrary to DCF 251.055(1)(a), on May 11, 2023, children were not supervised to prevent harm and ensure safety when a child pushed another child off a picnic table, causing the child to hit her head on the cement. Staff were not standing close enough to prevent the children from climbing on to the table. Staff reported the children ages, one and one-half and two years old, frequently climb the picnic table.

Forfeiture assessed for this violation: \$200.00.

TOTAL FORFEITURE AMOUNT DUE FOR ALL VIOLATIONS: \$200.00.

A Noncompliance Statement and Correction Plan is issued with this letter. This is enclosed and incorporated herein by reference. (Attachment A)

FORFEITURE PAYMENT

The total forfeiture amount due for all violations identified above is \$200.00. You can pay the forfeiture by either accessing the E-Payment module in Child Care Provider Portal at <https://mywchildcareproviders.wisconsin.gov> or sending payment to the address listed below. Payment should be made payable to the State Treasurer. Send your payment within ten (10) days of the receipt of this notice to the Bureau of Early Care Regulation, 201 W. Washington Ave., PO Box 8916, Madison, WI 53708-8916. Include the attached remittance notice. Forfeiture payments are deposited in the School Fund.

ADDITIONAL PENALTIES FOR FAILURE TO COMPLY

Failure to correct the identified violations and any subsequent failure to maintain compliance with the Wisconsin Statute and Administrative Code may lead to the imposition of additional sanctions and penalties, as set forth in Wis. Stat. § 48.715. Additional sanctions and penalties may include orders to stop operating, to correct violations, to submit plans of correction, forfeiture assessments, or proceedings to revoke a license. The Department may set daily forfeiture amounts ranging from \$10 to \$1000 per day, per violation.

APPEAL RIGHTS AND PROCEDURE

Any person aggrieved by a Department action taken under Wis. Stat. §§ 48.715, 48.68(1) and/or 48.686, has the right to an administrative hearing under Wis. Stat. § 227.42. Pursuant to Wis. Stat. § 48.72, **your written request must be sent directly to the Division of Hearings and Appeals no later than ten (10) days from the date of this notice;** please attach a copy of this notice to your request for a hearing.

To submit your request for an administrative hearing under Wis. Stat. § 227.44:

Send your request via U.S. Mail:	Hand deliver your request:	Send your request via Facsimile:
Division of Hearings and Appeals P.O. Box 7875 Madison, WI 53707-7875	Division of Hearings and Appeals 4822 Madison Yards Way Madison, WI	Division of Hearings and Appeals (608) 264-9885

Contact Cindy Matuszak at 262-446-7810 if you have questions regarding this notice.

Sincerely,

Janette Cromell

Janette Cromell, Licensing Supervisor
Bureau of Early Care Regulation
DIVISION OF EARLY CARE AND EDUCATION

Attachments: Noncompliance Statement (Attachment A)

cc: Joey Roeth, Attorney, DCF Office of Legal Counsel
Randall Gasser, Regional Licensing Manager
Cindy Matuszak, Licensing Specialist
Bureau of Child Care Subsidy Administration
Milwaukee Early Care Administration
4C for Children
Department of Public Instruction
Wisconsin Early Care Association
Southeastern Regional Office Staff

(Complete, detach, and return this remittance slip with payment)

REMITTANCE SLIP

FACILITY ID NUMBER: 1010082

FACILITY NAME AND ADDRESS	REGIONAL OFFICE
KinderCare Learning Ctrs-Whitnall 4692 S Whitnall Ave St Francis, WI 53235-6046	Southeastern Regional Office

LICENSING SPECIALIST C. Matuszak AMOUNT DUE \$200.00

Make check payable to **State Treasurer**. Please return this remittance slip with your payment within 10 days of receipt of this letter to:

Bureau of Early Care Regulation
Attention: Central Office Manager
201 W. Washington Ave.
PO Box 8916
Madison, WI 53708-8916

Date Correction Plan Due 7/3/2023	NONCOMPLIANCE STATEMENT AND CORRECTION PLAN	TO FILE A COMPLAINT CALL 262-446-7800
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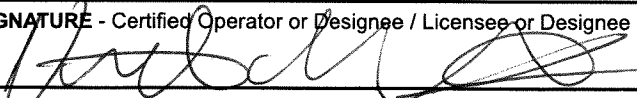
Use of Form: This form is used by certification / licensing staff to identify statute and / or administrative rule violation(s) and to outline imposed plans of correction, if applicable. This form is used by certified operators / licensed centers to meet the requirements of DCF 202.065, DCF 250.04(2)(i) and (3)(d), DCF 251.04(2)(L) and (3)(f), DCF 252.41(1)(L) and (2)(k). Failure to submit an appropriate correction plan by the due date listed above may result in sanctions identified in the statute and / or administrative rule. Public Schools may submit plans of correction however are not required to do so.

Instructions: The Noncompliance Statement below identifies the violation(s) of child care statute and / or administrative rule identified by the certification / licensing specialist. Complete the section labeled "Correction Plan" by indicating the steps that will be taken to address and correct each of the listed noncompliance(s). Identify expected completion date(s) for each item. Return the original to your certification / licensing specialist for approval and retain a copy. If this is a licensed child care, post your copy of the noncompliance statement and correction plan near the license in accordance with Wis. Stat. 48.657. This request for a correction plan is not an order imposing a sanction or penalty pursuant to Wis. Stat. 48.715. If the department decides to apply a statutory sanction and / or penalty for facts arising from this finding or a future finding, you will be given a notice of the sanction and / or penalty and your appeal rights.

Name - Certified Operator / Licensed Center Kindercare Learning Ctrs-Whitnall 0000580590 / 021 - 1010082 Provider Number / Facility ID Number		Address - Facility (Street, City, State, Zip Code) 4692 S Whitnall Ave St Francis WI 532356046		Rule/Statute Number Noncompliance Statement		1 251.05(3)(g)2. Assistant Child Care Teacher - Qualifications Description: Staff B did not have documentation of assistant child care teacher qualifications on file.		2 251.055(1)(c) Supervision - Opening & Closing Hours Description: An assistant child care teacher, who had not completed the training required for the position, provided sole supervision to a group of children during naptime.			
Telephone Number 414-482-3366		Correction Plan		Expected Completion Date		Verification Date		Management will review all state files to ensure all required documentation is on file monthly 6/30/23		Staff files were reviewed to ensure staff qualifications are in place to ensure state are in proper classrooms 6/30/23	

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Address - Facility (Street, City, State, Zip Code) 4692 S Whitnall Ave St Francis WI 532356046		Telephone Number 414-482-3366	Date - Regulation Visit 5/26/2023	
	Rule/Statute Number Noncompliance Statement	Correction Plan	Expected Completion Date	Verification Date
3	251.06(9)(d)1.c. Food Storage - Cold Storage Thermometers Description: There was no thermometer in the infant room fridge.	Thermometers were replaced	6/19/23	
4	251.09(1)(b) Infant & Toddler - Location & Sharing Intake Information Description: Child 3 did not have intake information on file in the room care was being provided.	all intake forms were reviewed to ensure each child had one in classroom	6/19/23	
5	251.09(3)(a)2. Infant & Toddler - Food & Formula Brought From Home Description: A prepared bottle in the infant room was not dated. Repeat violation: Previously cited on 7/13/2021	families will be reminded that we cannot take bottles that are not completely labeled	7/6/23	
6	251.09(4)(a)10. Infant & Toddler - Diapering Lotions, Powders, Salves Description: The directions for the use of lotions, powders, or salves used in diapering was not posted in the Todd B room. Repeat violation: Previously cited on 7/13/2021	We moved form to out side of cabinet for more visibility	5/26/23	

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NAME - Agency Worker Cindy Matuszak	Date Issued 6/21/2023
SIGNATURE - Certified Operator or Designee / Licensee or Designee 	Date Signed 6/30/23