

NONCOMPLIANCE STATEMENT AND CORRECTION PLAN

TO FILE A COMPLAINT CALL
262-446-7800

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-3 Mile Rd
Address - Facility (Street, City, State, Zip Code) 700 3 Mile Rd Racine WI 534023090
Telephone Number 262-639-8889
Provider Number / Facility ID Number 0000555710 / 004 - 225146
Date - Regulation Visit 10/24/2019

Rule/Statute Number Noncompliance Statement	Correction Plan	Expected Completion Date	Verification Date
1 251.04(2)(m) Health, Safety & Welfare Of Children Description: The center failed to ensure that the health, safety or welfare of a child in it's care was not adversely affected when on October 8, 2019, an infant was given the wrong bottle of formula. Staff fed an infant a bottle of formula intended and labeled for another child.	After self-reporting the incident of a wrong bottle, being fed all staff were retrained on proper bottle service protocol. Moving forward we are implementing two person name-to-face confirmations at the time of bottle feedings. Staff will also continue to use separate labeled containers for proper bottle storage.	10/9/19	

NAME - Certification Worker / Licensing Specialist
Charlene Langsdorf
Date Issued 11/12/2019

SIGNATURE - Certified Operator or Designee / Licensee or Designee
Date Signed



Southeastern Regional Office
141 NW Barstow Street, Room 104
Waukesha, WI 53188-3789
Telephone: 262-446-7800
Fax: 262-446-7991
WRS: 711

Governor Tony Evers
Secretary Emilie Amundson

Division of Early Care and Education
Bureau of Early Care Regulation

SENT VIA CERTIFIED MAIL AND REGULAR U.S. MAIL

Article No. 7018 3090 0002 2361 9685

November 12, 2019

John Wyatt
Kindercare Learning Centers LLC
700 3 Mile Road
Racine, WI 53402

Re: NOTICE OF DIRECT FORFEITURE ASSESSMENT AND APPEAL PROCESS

**Kindercare Learning Ctrs-3 Mile Rd
Facility ID 225146**

Dear John Wyatt, Kindercare Learning Centers LLC:

This letter constitutes statutory notice of an imposed direct forfeiture assessment on you, John Wyatt, Kindercare Learning Centers LLC, in the operation of Kindercare Learning Ctrs-3 Mile Rd, a licensed group child care. This letter identifies the licensing statutory and/or code violations that were identified at Kindercare Learning Ctrs-3 Mile Rd, 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 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 October 24, 2019, licensing specialist Charlene Langsdorf made an unannounced visit investigate a self-report at Kindercare Learning Ctrs-3 Mile Rd and found a serious violation endangering the health, safety and welfare of children in care. The Department imposes a direct forfeiture assessment for the following violations:

1. **DCF 251.04(2)(m)** states, in pertinent part, the licensee shall ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee. Contrary to DCF 251.04(2)(m), on October 8, 2019, an infant was fed a bottle of formula intended and labeled for another child.

Forfeiture assessed for this violation: \$50.00

TOTAL FORFEITURE AMOUNT DUE FOR ALL VIOLATIONS: \$50.00.

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 **\$50.00**. 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, Room E-200, 201 E. Washington Ave., Madison, WI 53703. 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.

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

<p>Send your request via U.S. Mail:</p> <p>Division of Hearings and Appeals P.O. Box 7875 Madison, WI 53707-7875</p>	<p>Hand deliver your request:</p> <p>Division of Hearings and Appeals 4822 Madison Yards Way Madison, WI</p>	<p>Send your request via Facsimile:</p> <p>Division of Hearings and Appeals (608) 264-9885</p>
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Contact Licensing Specialist, Charlene Langsdorf at 262-446-7812 if you have questions regarding this notice.

Sincerely,



Megan Butler, Licensing Supervisor
Bureau of Early Care Regulation
DIVISION OF EARLY CARE AND EDUCATION

Attachment: Noncompliance Statement and Correction Plan (Attachment A)

cc: Nancy Wettersten, Attorney, DCF Office of Legal Counsel
Randall Gasser, Regional Licensing Chief
Charlene Langsdorf, Licensing Specialist
BPI
Racine County
4C for Children
DPI
WECA
SERO Staff

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

REMITTANCE SLIP

FACILITY ID NUMBER: 225146

FACILITY NAME AND ADDRESS

Kindercare Learning Ctrs-3 Mile Rd
700 3 Mile Road
Racine, WI 53402

REGIONAL OFFICE

SERO

LICENSING SPECIALIST Charlene
Langsdorf

AMOUNT DUE \$50.00

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 E. Washington Ave., Room E-200
Madison, WI 53703