

FEB 11 2021

STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES

DCF Department Clerk

DEPARTMENT OF CHILDREN AND  
FAMILIES,

Petitioner,  
v.

CASE NO. 20-1900  
RENDITION NO. DCF-21-26-FO

PARRAMORE CHRISTIAN CENTER,

Respondent.

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**FINAL ORDER**

THIS CAUSE is before me for entry of a final order concerning the Department's March 9, 2020, notice of denial of Respondent's Initial Application for a License to Operate a Child Care Facility. The Recommended Order, dated July 16, 2020, concluded the Department proved that Respondent is unfit for licensure due to the history of multiple violations committed in the operation of Little Kings and Queens in 2015 and 2017. It further recommended that the Department enter a final order denying the application for a child care facility license. Respondent filed exceptions to the Recommended Order and the Department filed a Response to Respondent's exceptions.

**Exceptions**

Respondent takes exception to Paragraphs 23, 25, 26, 27, and 28 of the

**Conclusions of Law:**

23. A violation of the supervision rule was also charged in the Notice of Intent due to the incident involving the two-year-old boy who left Little Kings and Queens, unsupervised, on October 26, 2017. The supervision rule was amended on October 25, 2017, as follows:

(a) Children that are delivered to a location offsite from the facility by someone other than the parent or guardian become the responsibility of the child care program at that designated location and time as agreed upon by the provider and the parent/guardian. The provider is responsible for the supervision of the child upon the child's arrival at the designated point. If a child is not present at the time of pick-up, prior to leaving the designated location, child care personnel must verify the whereabouts of the child.

(b) Direct supervision means actively watching and directing children's activities within the same room or designated activities within the same room or designated outdoor play area, during transportation, any activity outside of the facility, and responding to the needs of each child while in care. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children, and be present with that group of children at all times.

Fla. Admin. Code R. 65C-22.001(5)(a)(2017). Because Ms. Henderson was served with the Notice of Intent and elected to surrender the Little Kings and Queens license instead of contest this charge, the Department established that a Class I violation of the supervision rule, as amended, occurred when a two-year-old left Little Kings and Queens, unsupervised, on October 26, 2017.

25. In the Settlement Agreement, Ms. Henderson admitted that give Class II violations were committed in violation of this rule when she operated Little Kings and Queens. The Department established that two more Class II ratio rule violations occurred after the Settlement Agreement was executed, when Little Kings and Queens was still on probation, because Ms. Henderson surrendered the Little Kings and Queens license instead of contesting these charges in the Notice of Intent. These violations became final and have been proven in this proceeding.

26. The Notice of Intent asserts that an act of child abuse or neglect was committed by an operator or employee of Little Kings and Queens when the two-year-old boy left the facility, unsupervised, on October 26, 2017. The Notice of Intent cites rule 65C-22.001(11)(a) for this violation. It is reasonable to infer that allowing a two-year-old boy to leave a child care facility, unsupervised, constitutes child neglect. However, rule 65C-22.001(11)(a) was eliminated from this rule when it was amended on October 25, 2017, the day before this incident occurred. Nevertheless, Ms. Henderson did not request a hearing, and this charge became final. If she had contested this charge, the Department could have filed an amended Notice of Intent to cite to the new authority to charge child neglect for this incident. The Class I violation of child neglect has been proven in this proceeding.

27. The Notice of Intent asserts that section 402.319(1)(f), Florida Statutes (2017), was violated when Ms. Henderson provided false information to law enforcement about the circumstances under which the two-year-old boy left the

Little Kings and Queens on October 26, 2017. Section 402.319(1)(f) provides penalties for the following acts:

(f) Make any other misrepresentation, by act or omission, regarding the licensure or operation of a child care facility or family day care home to a parent of guardian who has a child placed in the facility or is inquiring as to placing a child in the facility, or to a representative of the licensing authority, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to:

1. The number of children at the child care facility or the family day care home;
2. The part of the child care facility or family day care home designated for child care;
3. The qualifications or credentials of child care personnel;
4. Whether a family day care home or child care facility complies with the screening requirements of s. 402.305; or
5. Whether child care personnel have the training as required by s. 402.305.

Having proven that Ms. Henderson failed to request a hearing to contest the Notice of Intent, the violation of section 402.319(1)(f) has also been established here.

28. Ms. Henderson chose to not contest the non-renewal of the Little Kings and Queens child care facility license. Having done so, the violations alleged in the Notice of Intent became final, as did the non-renewal and fines totaling \$1,700; fines which remain unpaid to date. The multiple violations charged in the Notice of Intent were sufficient to deny Ms. Henderson the renewal of the Little Kings and Queens child care facility license.

Respondent states in its exceptions that pursuant to section 402.310(2), Florida Statutes, if the applicant for licensure does not request a hearing, the license shall be deemed denied. However, Respondent argues that it does not state that the facts alleged in the Notice of Intent are deemed admitted or that the Department is deemed to have established the alleged violations. Respondent is correct that the cited statute does not make that assertion, but case law is clear that when a party does not request a hearing to respond to an agency's complaint, they have waived for judicial review its challenge to the facts alleged in the complaint. Lewis Foster Homes LLC v. Agency for

Persons with Disabilities, 281 So.3d 619 (Fla. 1st DCA 2019). See Trisha's One Stop, Inc. v. Office of Fin. Regulation, 130 So.3d 285, 287 (Fla 1st DCA 2014)(explaining that when a party fails to file a petition for a hearing in response to an administrative complaint with the time allotted, the facts alleged in the complaint are deemed the facts of the case and that a party's "failure to request a hearing [is] a 'green light' for [an] agency to decide [a] case on the basis of the facts alleged in the complaint, and to impose any appropriate penalties.")

As the administrative law judge correctly applied relevant case law to the facts of this case, Respondent's exceptions are denied.

Accordingly, the Recommended Order is approved and adopted as modified and the Department's March 9, 2020, notice of denial of Respondent's Initial Application for a License to Operate a Child Care Facility is **UPHELD**.

**DONE AND ORDERED** in Tallahassee, Leon County, Florida, this 11<sup>th</sup> day of February, 2021.

  
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Chad Poppell, Secretary

**NOTICE OF RIGHT TO APPEAL**

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY A PARTY PUSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE. SUCH APPEAL IS INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES AT 1317 WINEWOOD BOULEVARD, BUILDING 2, ROOM 204, TALLAHASSEE, FLORIDA 32399-0700, AND A SECOND COPY ALONG WITH THE FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE THE PARTY RESIDES OR IN THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE OF APPEAL MUST BE FILED (RECEIVED) WITHIN 30 DAYS OF RENDITION OF THIS ORDER.<sup>1</sup>

Copies furnished to the following via Electronic Mail on date of Rendition of this Order.<sup>1</sup>

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Lacey Kantor, Agency Clerk

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<sup>1</sup> The date of the "rendition" of this Order is the date that is stamped on its first page.