



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 754 East Tower
Atlanta, GA 30334
(404) 656-5957

Nathan Deal
GOVERNOR

Bobby Cagle, MSW
COMMISSIONER

March 15, 2012

HAND DELIVERY, CERTIFIED MAIL #7011 2970 0003 4232 5693 and REGULAR MAIL

Ms. Betty Gaines
Family Day Care Home
622 South Hairston Road
Stone Mountain, Georgia 30083

RE: Notice of Revocation

Dear Ms. Gaines:

On March 7, 2012, the Child Care Services Division of Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) concluded a complaint investigation for Betty Gaines' Family Day Care Home. It was determined that serious rule violations occurred which could seriously affect the health and safety of the children in care and demonstrated the intentional and reckless disregard for the physical and mental health and safety of children in care. Specifically, when a child care consultant arrived at the home to conduct an investigation, the family day care provider did not have or maintain documentation of a satisfactory criminal record for all adults who live in the home. Further it was later determined that a registered sex offender was living in the home. The rule violations for which Bright from the Start is basing the revocation are marked as Exhibit "A", which shows a flagrant abuse that constitutes shocking intentional misconduct. The letter dated March 12, 2012, advising you that an adult residing on the premises had an unsatisfactory criminal record determination, and is prohibited from being on the premises is marked as Exhibit "B".

Based on your noncompliance with Rules and Regulations for Family Day Care Homes, you are hereby notified that the registration to operate as a family day care home is hereby revoked. Bright from the Start's legal authority for revoking a license is found in O.C.G.A. Sec. 20-1A-12(b)(3) and (5), Sec. 20-1A-12(c)(5), and 20-1A-10(r), and the Bright from the Start: Georgia Department of Early Care and Learning's Rules for Family Day Care Homes, Chapter 290-2-3 of the Official Compilation of Rules and Regulations of the State of Georgia.

In accordance with O.C.G.A. Section 20-1A-10(o) this revocation becomes effective thirty (30) days from receipt of this Notice. You have the right to appeal the decision to revoke your registration to operate a family day care home by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The request must be made in writing within ten (10) days of receipt of this Notice and addressed to:

Ira Sudman
Chief Legal Officer
Bright from the Start
Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 670 East Tower
Atlanta, Georgia 30334

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A hearing request stays or suspends the revocation.

If you do not appeal this action within ten (10) days of this Notice, the decision to revoke your registration will be final. Licensure staff will conduct a follow-up visit to verify closure.

Sincerely,



Brenda Haynesworth
Child Care Services Director

cc: Kay Hellwig
Ira Sudman
Kristie Lewis
Mireille Emanuels
Meggan Hemans-Reese
Candy Prince
Vermisha Thompkins
Glenene Lanier
Elisabetta Kasfir
Kathleen Jayson
Cassandra Jakes-Beasley
Terri Giles
State File

List of Rule Violations for:

Betty Gaines
622 South Hairston Road
Stone Mountain, Georgia 30083

- 1. Rule 290-2-3-.04(2)(c)2.(i) requires that no person having an unsatisfactory determination as to his or her criminal record may be a provider or employee of a home and no adult having an unsatisfactory determination as to his or her criminal record may reside in the home and have contact with the children.**

During an investigation, it was determined that an adult male with an unsatisfactory criminal record check was found to reside at the address of the family day care home. Information obtained from the Georgia Sex Offender Registry, the Dekalb County Sheriff's Department and the Dekalb County Probation Office indicated that the adult male had a prior felony conviction, requiring registration on the Georgia Sex Offender Registry. Documentation indicated that he has been residing in the home since July 2010.

The failure of the family day care home to comply with criminal record check requirements placed children at risk of harm.

OR

- 2. Rule 290-2-3-.08(5) requires that copies of satisfactory criminal record check determinations are maintained.**

During an investigation, it was determined that the family day care home provider did not obtain a criminal record check for an adult male residing in the home. The adult male residing at the home was determined to be a convicted sex offender.

The failure of the home to obtain criminal records checks for adults residing in the home could possibly place children at risk of harm.