

1/10/07

**CHILD CARE LICENSE BOARD
MEETING OF
January 10, 2007
City of Las Vegas
PHONE 229-6281
www.LasVegasNevada.gov
COUNCIL CHAMBERS 400 STEWART AVENUE**

Facilities are provided throughout City Hall for the convenience of person with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9018.

TIME OF MEETING: 4:00 P. M.

**PLACE OF MEETING: Meeting will be held in the City Council Chambers at City Hall
400 Stewart Avenue, Las Vegas, Nevada**

POSTING OF

MEETING AGENDA: This agenda has been posted at the following locations within the City of Las Vegas, Nevada:

Regional Justice Center
200 Lewis Avenue

State of Nevada Grant Sawyer Building
555 East Washington Avenue

County Government Center
500 South Grand Central Parkway

City of Las Vegas Court Clerk's Office Bulletin Board
City Hall Plaza, 400 East Stewart Avenue

**ACTION ITEMS: ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION
UNLESS SPECIFICALLY NOTED OTHERWISE.**

**PRESENT: BOARD MEMBER CLODT, TOMPKINS, HAYES, BRUMWELL, THOMAS,
MECHAM**

**Also Present: DEPUTY CITY ATTORNEY LARRY BETTIS, BUSINESS SERVICES
SUPERVISOR CAROL MEYER, BUSINESS SERVICES SUPERVISOR
JIM RICKETT, and RECORDING SECRETARY JOYCE HAZARD**

BUSINESS ITEMS

1. Election of Child Care Licensing Board alternate chairperson.

MINUTES:

TOMPKINS moved that TERRY CLODT be Acting Licensing Board Chairperson. BETTIS Explained it would be the position of a Vice Chairperson.

MOTION:

TOMPKINS – APPROVED - UNANIMOUS

2. Approval of the Final Minutes by reference of the regular Child Care Licensing Board meeting of December 13, 2006.

MOTION:

CLODT – APPROVED – UNANIMOUS

NEW CHILD CARE FAMILY HOME APPLICATIONS

3. Discussion and possible action regarding the application of Linda Hunter as a co-licensee of a Child Care Home Facility license at 1205 Jimmy Avenue, Las Vegas, NV 89106.

MINUTES:

Linda Hunter arrived. CLODT asked what classes she has taken. Ms. Hunter stated that she has taken Signs of Illness, Abuse and Neglect, CPR and First Aid. She is scheduled to take some classes in January. CLODT asked what were the ages of the children that would be in her daycare. Ms. Hunter answered, infants to five years old.

MOTION:

BRUMWELL – APPROVED - UNANIMOUS

4. Discussion and possible action regarding the application of Lia Hernandez as a new Child Care Family Home license at 9108 Teal Lake Court, Las Vegas, Nevada 89129.

MINUTES:

Lia Hernandez arrived. MEYER stated that Reagan Alexander was asked to give some background on the investigation that came back. Reagan Alexander arrived. Mr. Alexander stated that he was a Sergeant with the Metropolitan Police Department, Special Investigation Section. Mr. Alexander said that, "We do the background investigations for the City of Las Vegas, particularly for Child Care Licenses. You each, or you should each have a copy of our report. I hope you've had a chance to review that. My Investigator, Patricia Hickman, she's an investigator specialist in the Special Investigation section is here today. If any of the Board

members would like to ask further questions or if there is anything you would like to have further information on, Patricia Hickman is here and will be glad to attempt to answer any questions brought by the Board. Also here is specialist Cyndi Sauchek. She's assigned to our Abuse and Neglect section with LVMPD and is also here to provide further information, and of course try to help any inquiries the Board may have regarding this particular applicant, or this application. What I'd like to do very quickly is to summarize really the guts of the report that you have. There are three areas of concern that are reflected in our report. Basically the first area of concern is doing business without a license. That's the heart and soul of the first area of concern. From at least January of 2005 until up to approximately September of 2006. We have facts and circumstances contained in the report that shows the applicant was operating this family care home unlicensed. The second area of concern which is articulated in that report is the fact that there was an injury to a child that was at her residence during this time period. This resulted in a child abuse report, also an investigation that is detailed to some degree in the report that you received. Thirdly, the area of concern involves application problems. When I say that I mean there were some problems involving the initial application which the applicant filled out along the lines of failure to disclose, perhaps purpose of misleading, those areas, maybe to deal with her record and her involvement in the State of Utah in the same type of business. So that really is the bullet of areas of concern that are in that report. I will turn it back over to the Board."

CLODT asked Ms. Hernandez if she wanted to explain to the Board. Ms. Hernandez responded, "In regards to what he just said? First of all, yes I was doing child care without a license. I did continue to do it after I was asked to cease and desist. The only thing that I do disagree with is that I was not doing day care until September as stated. There was a child getting on a bus to and from school. I had stopped watching him, but I did allow them to use the address to finish school which ended in June. I don't know why, according to this report it says that he, it says that there was an order to still pick him up. I have no idea why. As far as a child getting hurt in my home, yes that did happen -- um -- I was outside speaking to a parent, and my husband was upstairs getting ready for work. The little boy was laying down -- um -- apparently he got up, ran into my son -- um -- from what I know, like I said, I was not there -- um -- he -- from what we know, he bit my son. My son hit him -- was completely inappropriate. I took my son to several counseling sessions, because that's completely, I'm sorry, it's just really upsetting as a parent or anyone. The third area of concern was that I was trying to be misleading on my application. The one question that I answered no to, I didn't understand what it meant. I guess the explanation is that I'm stupid, but I really didn't understand that that's what they were asking. I knew that some things would come up -- I knew that they were going to call Utah. I knew that that would be disclosed. There was one area where there was an incident with diaper changing. The second -- um -- I wasn't asked about it but if I had been, I would have been just as flabbergasted as when I read the report. I had no idea that there was anything substantiated. I in fact called licensing in Utah to refresh my memory because there were extenuating circumstances which I don't know if you want to hear them or not -- that's up to you, um -- know I understand what there was in that. I continued to operate with my license until I moved here and requested it be closed."

CLODT asked what question she did not understand. Ms. Hernandez answered, (looking at application), it says on the report that I answered no to the question on my application which

indicated I had not been accused of any violation of statute, regulation or code of any state government, and I basically was looking at that like, did I break any laws. I guess that's the best way to put it. I didn't realize I was answering that incorrectly. There was another question on there that asked about if I'd had any citations, and I answered yes to it. I explained there so ... that's not a very good ..."

BRUMWELL asked when she moved to Las Vegas. Ms. Hernandez stated, "I moved here in August of 2004. BRUMWELL asked when she opened her childcare. Ms. Hernandez answered, "Well, that would have been around January, December, January somewhere around there." BRUMWELL asked if at that time she had submitted an application to obtain her license. Ms. Hernandez answered, "No, I did not." BRUMWELL asked if she were unaware that was necessary in this state? Ms. Hernandez stated, "I knew there were certain parts you could live in – that's what I was told that there were certain parts you could live in and you could watch a couple kids without one. I should have got one. I don't have, I'm not going to give you any excuses, I should have done this. BRUMWELL asked about her stating that she had called Utah after reading the information in the file, if they allowed her to continue with her license after the incident and after that report was filed. Ms. Hernandez answered, "There was the one incident back in 1999, and from what I'm understanding from your question, we're taking about the incident in 2003." BRUMWELL answered, "Whichever one you contacted Utah about." Ms. Hernandez said, "OK, yes they did continue to allow me to operate. Like I said, I can elaborate, but..." BRUMWELL said, "So you had no reason to file an appeal basically against the State of Utah." Ms. Hernandez answered, "No there was a complaint, there was a lot of things that happened that day and there was this much of what had happened that day – and I didn't realize that that was substantiated 'cause CPS was involved and some other things. There was kind of a grudge with the mother. I wouldn't watch her child any more because she refused – he was five years old and she refused to bring a change of clothing and things and I certainly didn't want what happened in 1999 to happen again, so when I made her come pick up her child that's when ...lack of a better word to say... all hell broke loose. What was substantiated is the child was not changed immediately because of the circumstances that I just told you. That was substantiated by my own admittance. I did not – I was unable to change him immediately because of the ... sorry, I tend to go on."

THOMAS asked if she understood that she continued to do childcare after she signed the cease and desist order. Ms. Hernandez answered, "Yes I did." THOMAS asked if she would explain that. Ms. Hernandez stated, "Well, um – I had some of the parents that didn't find other childcare right away and I also continued to operate. I, you know, wasn't, I didn't shut down at all. I, you know, I still had my name out there."

BRUMWELL asked if parents are notified when a licensed provider has something comes up with us. MEYER answered, "In this case, we spent, and I know Jim Rickett spent a lot of time out there trying to establish if she was still doing childcare in her home. It was very difficult because she wouldn't answer the door, and they actually worked under cover in several instances to try to determine if she was still providing childcare. So what we've told staff to do, and when they go in and find an unlicensed, the first thing they are supposed to do is contact the parents, and make them aware that she is not licensed." RICKETT stated, "In the instance where they

can substantiate that she is doing childcare, yes. Parents were notified. They were required to pick up their children and they were notified that Mrs. Hernandez was not licensed to do childcare."

CLODT asked if anyone else on the Board had any questions. CLODT asked if anyone from the Metropolitan Police Department would like to make any more comments.

PAT HICKMAN arrived. Ms. Hickman stated, "I'm the background investigator for Ms. Hernandez. She has brought out some things today that were not discussed in my interview. For example, the incidents in Utah. I spoke with her supervisor there, I was assured that these incidents were substantiated. They did not close her down, because apparently their rules are not as strict as ours. This is what I was told. Of course I don't have their ordinances so I can't verify that. But, yes, they definitely substantiated the fact that she left two children in dirty diapers as a form of punishment. That's what I was told. I don't know that I put that in the report. You know we can't put things in reports that we can't substantiate. It's just not right either way. There were some other things that Ms. Hernandez mentioned to me that I did not put in the report. I was not aware that there was a hubbub going on in the 2003 incident. Her supervisor, who has since been promoted, in Utah did not mention this to me at all. I know Ms. Hernandez didn't feel like it was any big deal that she didn't have a license. It is a big deal to me, and hopefully to the licensing board. But that was a remark - I did put that in my report I believe. Again, we just report what we find and that is one thing I did want to mention. I know that one of the children that was present on the day that the school was shut down, continued to go back to the school. This is up to the parent. She was told, the parent was told and she continued to take her child there. Ms. Hernandez did have the school bus come by. The school bus department assured me that they had orders to pick the child up at this address until September. There was no mention by the bus driver that this child was not available for pick up at that time. I just wanted to clarify that part of the report. That's what we based our report on."

Mr. Alexander stated that, "I just want to sum this up again. I just had a few notes as Ms. Hernandez was speaking. On area concern number one - you note the September of 2006 date, is an investigative date which is best - um - measurement as to how long the activity at her home was going. We based that, and she mentioned part of it, from a Clark County School District record from the District Transportation Office of a pick up order to that home. There were other investigative tools that were used for this. There was a bus actually seen picking up the child from her residence. So I won't quibble with the September of 2006, but it was going on for quite some time after the - uh- she being warned in June of 2005, specifically. I appreciate investigator Hickman's clarification there, in regards to that area of concern there, number 3. You know, our personal history applications, which are required for these type of business, as well as a personal financial at times - these are license specific. You are applying for a regulated, or privilege license. That is the mind set, that is what is known. And the questions really aren't too difficult. In fact Ms. Hernandez comes across to me as an intelligent person, and an honest one also, which I commend her for in some of her discussion today. But - uh- the personal history question really is just a question regarding your own history. We all pretty much know what our own history has been. Either a question that have you ever been arrested or had a citation, most of us could recite that. Most of us could recite - please tell us your

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addresses over the last 10 years. We could do that because it is known knowledge. When we ask a question in there as far as have you ever had any type of action taken against you. The way that question is designed, it's a license question. I think it's a fairly simple question. And finally in area of concern two I would dispute the brevity of Ms. Hernandez discussion about the child who was hurt on her property. Quite severely bruised. I just uh -- the brevity of her explanation - - there is a lot more to that. I think we articulate a lot of that in the report. If the Board needs to, before you make your decision, I would certainly encourage you to look more into that with our abuse and neglect specialist who's taken time out today to be here. But if you don't need that, that's fine."

CLODT stated, "If she's here most definitely we would like to listen."

Cynthia Sauchak arrived. Ms. Sauchak stated her name and that she was with Metropolitan Police Department, Abuse and Neglect Specialist. Ms. Sauchak, said, "I guess the first thing I would want to state is that I've been in the detail twelve years. I'm a senior and I've seen a lot of abuse cases and a lot of different settings. My areas of concern as an investigator would be, I guess going chronologically is when we first arrived and Ms. Jimenez-Kraft from City Child Care Licensing identified our purpose, indicated there was a two-fold reason for being there. One the evidence in front of us, that there was a child care operating without a license and in fact my main focus would be a child abuse investigation. We wanted to deal with one thing at a time and afford privacy, so we would need to contact the parents of the children that were in her care. A lot of evasiveness, a lot of I don't know, I don't have contact information which prompted a response from me is - how can you provide adequate child care - then you tell me you have a license in another state - you know it's important to keep files and maintain contact information in case of emergencies. Some of the individuals, without breaching confidentiality, happened to be individuals I could obtain contact information for the other means available to me. When that was observed by Ms. Hernandez, suddenly cell phone numbers and pieces of paper and things were located. I find that concerning, because I wonder what the true motive of that was. The main issue I have about the injuries sustained to that child that was subject to our investigation, were the actions of an abuse and neglect investigator are determined by law. Law is very clear that they want us to make our investigative judgments based upon the actions of a reasonable person. Whether anyone, whether it be Ms. Hernandez or anyone that comes before this Board knows that they are responsible for that injury or not, to me a reasonable person if I know I didn't do it, I would sure try to find out what then did occur - for an injury as severe as was sustained by this child. While eventually Ms. Hernandez did make it clear that it was not her, it was far into my interview with her. Although she was cooperative in sitting down with me, and very emotional as this was a difficult situation for her, it wasn't an immediate, no I didn't do it, so it must have been giving me options. It was very clear this wasn't an accident to me. I made that very clear to her. And then when another individual in the home was potentially identified I felt that I was more than fair in terms of allowing her to contact her husband. They then conversed before I even spoke to the other individual in this home who also was a minor about what may have transpired. So it was concerning to me that I had no, at least evidence offered to me that prior to my arrival that there had been any effort on her part to determine what actually happened to this child. There is also a notation in the report which is contrary to what I was told about when this injury may have occurred. I was told in my interview with Mrs. Hernandez a version

similar with what she shared with this Board was that she was outside with a parent who was picking up another child when this may have happened. I believe the report reads, if I read it correctly, that she fell asleep for twenty minutes. Which is a contradiction – um – I'm just pointing that out, I'm not sure of the source of it. I can only say it's different from what I was told on the day in question when I responded with Ms. Jimenez-Kraft. I can assure this Board that we were very clear, both Ms. Jimenez-Kraft and myself, before we left that residence that she could not provide child care without a license. She seemed very clear and understanding of that and whether she continued to September I certainly defer to my colleagues who are more well versed in that. I was prompted to go interview the minor in the home again in June of '06 and this young man confirmed for me that his mother was still providing child care in June of '06. So this was one year after the incident as confirmed by this young man. So whether June or September, I can't tell you September, but I can give you June based on his statement to me. If there are any other specific questions, I'd be happy to answer." CLOTD asked regarding the twenty minutes, if she was referring to the twenty minutes when she was gone. Ms. Sauchak responded, yes. Ms. Sauchak stated, "Something else I want to point out before I leave. When I did contact Ms. Hernandez as a matter of law to inform her that I had interviewed the minor, as that is what I am required to do by law, I did confront her on the concern that child care was still being provided without a license. We were very clear – um – it's my understanding that within weeks of that is when the application was essentially filed. I was very clear with her that you had the consequences to continuing this action clearly explained to you. You dispute that you are, I believe based on what I'm told that you are, you may contend that you're not, but you still know the consequences of the actions of continuing. I believe that that's when the application was essentially and finally filed within weeks of that phone contact.

BRUMWELL asked if she had children ready to attend her home childcare, or a parent list. Ms. Hernandez answered, "No, I have, hang on one second because I don't want to misquote what it's called..." CLOTD asked if there was anything else she wanted to say. Ms. Hernandez stated, "As far as that goes one thing that I wanted to point out is when this did happen, they initially came and spoke to me in my home. I did further investigate. I spoke to my son who is in the home, now consequently Andrew being, you know the typical twelve year old that he is, was not forth coming with me. But, I did go down to the substation on Cheyenne and filed a report that was additional to what I had told them, because it was first thing in the morning that the police came and spoke to me. My children weren't up yet, and so I hadn't had the opportunity to talk to any of them. After that I did and Andrew gave me, well for lack of a better way to say it, a BS story. I went down to the police department and filled out a report. So I wasn't in any way shape or form thinking that this was, you know OK or this was just some little incident that happened. I wouldn't have taken him to therapy. I, please don't take my, I'm trying to be brief – I tend to talk too much. Anybody who knows me knows that I do that. I'm trying to be brief and to the point with all of you. I could spend a half an hour and I still cannot put into words how horrible this situation was. You know – this should never happen to any child. I don't care that, you know – it was never a concern that Michael had bit him. I didn't care if Michael had looked at him cross-eyed, you – that was just completely unacceptable with what happened." BRUMWELL asked why she would want to have a child care center in her home, considering what you've been through. Ms. Hernandez answered, "It's funny you asked, because I certainly, I knew this day would come, I knew that I would, you know..." BRUMWELL, said,

"Follow the law". Ms. Hernandez said, "Yes, this is you know, and I, OK I gotta do this, gotta jump through the hurdles through the, you know, fire pit so to speak, this isn't exactly. And, um, I have worked with children since I was fourteen years old. I worked for the YMCA, I was a preschool teacher, I was a nanny, I love and get along very well with children. It is a shame that over my 20 plus year, yeah I'm going to be forty here soon, that this is epitome of what I'm boiled down to. Because all the good doesn't get shown here. All the certificates, all the families that I've helped, all the families that I gave food to. All the things that have happened." BRUMWELL asked if she had considered going into a facility. Ms. Hernandez stated, "Yes, um, but my children are still young, and still come home after school, and I would like to be - I know that sounds silly because here I want to be a day care provider, but I don't want somebody else watching my own children. I had them to be there for them. I am truly sorry, I should have never done this. We wouldn't have come to this if I had just - but I didn't, and that's the point, I did not. And so I have, you know, these are my consequences." BRUMWELL asked if she disagreed that she had lots of time to apply. Ms. Hernandez answered, "No I don't disagree with that at all." BRUMWELL stated that she was not denying. Ms. Hernandez said, "No, I am just trying to do the right thing now. I would like the opportunity. I have taken many, many classes and I still continue to, and I signed up for this program with Sandy Wilson. She's going to be in and out of my house every month in addition to licensing and the health department and the fire department. I really believe if I'm given the opportunity that.....

CLOTD asked if she had anything else she would like to present to the Board.

Ms. Sauchak stated, "I just wanted to clarify a point in the interest of fairness and accuracy to Ms. Hernandez. I misread the report in terms of a different version being offered by her. So I don't know which one you want me to read that portion for the record, but it does appear to be consistent with what she told me. I got jumbled where it said the child was actually sleeping, not Ms. Hernandez, so I did want to correct that." CLOTD stated, "Go ahead and correct that." Ms. Sauchak said, "I will read the report. There was no bruise at this time. Mrs. Hernandez then went outside the residence to confer with another parent whose child she was also keeping legally at the time. Per her statement and her interview with me, she said she was gone about 20 minutes. During this short period, the two year old juvenile got out of bed, wandered in the residence, encountered Mrs. Hernandez's then 12 year old stepson, who hit the two year old in the face hard enough to cause the bruising. When the child's mother came to pick him up, he was sleeping calmly with the bruised side of his face down. Mrs. Hernandez was very surprised to see the bruise, according to the statement by the mother and initially stated the child must have fallen from a bookcase. Just wanted to reflect accurately what was stated and correct that."

TOMPKINS asked the sergeant if he had a copy of the report to the substation that Ms. Hernandez filed. Mr. Alexander asked her to repeat the question. TOMPKINS said, "Ms. Hernandez stated that she filed a report the next day at the Cheyenne substation about the incident." Ms. Hernandez said, "Actually it was Monday." TOMPKINS asked if they had a copy of that. Ms. Hickman answered, "No. I searched our system, which is called LRMS, and there was only one report that was filed by the Abuse and Neglect Specialist. I found nothing that was filed by Mrs. Hernandez, either under the child's name or her name. Her name should have triggered a report coming up. I did find a voluntary statement that she submitted." Ms. Hernandez said, "Maybe that was it. I don't know what it is formally called. I apologize." Ms.

Hickman said, "I did find a voluntary statement and I do have a copy of that. In the voluntary statement basically what was said today is what is included in the statement. She was totally shocked that the child had been bruised. She was totally unaware that a child in her care had been left alone long enough to be hit, to cry, - whatever - and then go back to sleep. She did feel that he had fallen from a bookcase. It was one page. I did find that. But no report, other than just the one." TOMPKINS asked, "In that statement she didn't say that her son had hit him?" Ms. Hickman asked, "Could I refer to the report, I have it with me. I don't believe so, but I would rather look at it to make sure." Ms. Hernandez said, "I know I didn't because, like I said he kind of gave me a line of -malarky." Mr. Alexander said, "If it would also be the preference of the Board, Cindy Sauchak can provide more information on that. She's prepared if you would like to hear more in regards to that." Ms. Sauchak stated, "It is my understanding that Ms. Hernandez did provide a written voluntary statement a few days after the initial crime report was taken. It was my understanding that the personnel recognized that it was an ongoing case and attached it to that case. However I would reiterate my concerns that I stated to you earlier. While I certainly think credit should be given for taking it upon herself to file a statement, the statement basically committed to the fact that the injuries occurred on her watch and in her home, that she had no explanation. And then between the time that she filed that statement and the approximate ten days to two weeks until we met, there had still been no effort to really uncover how the injuries occurred. That would be my concern that I stated earlier." Ms. Hernandez said, "Well, I shouldn't have believed my son. But as mothers tend to do, they believe their children, or want to believe their children."

Mr. Alexander said, "I don't know if you're interested in investigator Hickman is just trying to find a copy of that voluntary - but I think from what's been discussed, I don't think that that's in question."

BETTIS requested that they submit a copy of the statement for the record. Mr. Alexander said, "We will send a copy through the City Business License Office."

MECHAM asked, "How long after this incident did you discover the actual truth, how this actually happened?" Ms. Hernandez replied, "Actually if was Cyndi that kind of prompted, because she, I - like I said I wanted to believe that my child had done this. Also something that isn't on record, whether it matters or not, I know that he had fallen at his own home, had some injuries before he even got to my house. The mother had told me. I think that was, obviously with the severe bruise he had was the severe hast to get him to the hospital, because I knew something had happened in my house because he wasn't like that when I laid him down, but with everything that she knew had happened at her home, you know, there was an obvious concern. Sorry, back to the question, I tend to get lost 'cause I rattle on - um - what was your question again? I'm sorry." MECHAM asked, "How long after, what was the timeline when you found out that this ... Ms. Hernandez answered, "Actually it was the day Cyndi came out. She said, you know, I said look, I'll take a polygraph, whatever but I didn't do it. But obviously - she kept saying, Lia, this isn't from a fall, this isn't from a fall. Look at the, and she was showing me, this is a, you know, hand print. As a mother your heart just sinks, and you start thinking - Oh, you know - he's never done anything like this, and so, you know I contacted my husband, she said contact - she's very nice about it. When a parent finds out something like this, obviously I

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was already in trouble for numerous things, but this obviously was in the forefront of my mind. And, you know, she spoke to Andrew and if I remember correctly, Andrew wasn't forthcoming at first, you know, kept to the story about falling from the bookcase and he, that's what he said he had witnessed when I was outside. And, but you know, she was saying this is a definite hand print. And so um, you know, like I said, she had talked to him and he wasn't coming clean, you know. And I knew I didn't do it. So, there was only, you know, my daughter was at a friends slumber party. There was only one person that coulda done this. And so after she left, I spoke to him and that's when he confirmed that it was him. And then I called Cyndi and let her know that he had confessed to me that it was him. And then after that in the weeks to follow that's when I, you know, I got counseling. I called the mother, Michael's mother, and told her, cause I know that they, that they hadn't finished their investigation. But I wanted to tell her. I felt horrible, you know. And I called her and I told her what happened. So, you know, and she actually came to the house and talked to Andrew, and you know, he – not that it matters, but he apologized because he needed to take responsibility for what he did. So..."

CLODT asked Ms. Hernandez if she signed an order to cease, notice and order to stop. Ms. Hernandez answered, "Yes I did in June." CLODT asked how long she continued to operate. Ms. Hernandez answered, "It was either March or April that I stopped. I continued to let Cameron to use the bus. He did get picked-up there." CLODT stated, "So you signed the order and you continued on." Ms. Hernandez replied, "Yes I did." HAYES asked if Cameron was the only one, if he was the only child she had anything to do with after she stopped. Ms. Hernandez, "After?... When I got the cease and desist order there were a couple of kids that I continued to watch – yes, yes. But Cameron's the one who – Cameron has some disabilities and he got picked-up by the bus and I didn't want to interrupt his..."

CLODT asked if she had anything else she would like to say. Ms. Hernandez stated, "No, just I wish I'd never done this."

CLOTD asked the Metropolitan Police Department if they had anything else they would like to say. Mr. Alexander answered, "No, Sir, I think we've been able to share everything we really can with you all. I have located, or rather my investigator has located that voluntary statement. We will deliver a copy of that before we leave today, or I may just leave a copy with you. Other than that there is a concern which my officers have presented to City Business License, we feel are strong areas of concern and feel we did a good job to explain the circumstances under which this report had to be done."

BETTIS said, "In regard to the voluntary statement given by the applicant to Metro, I ask that for the purpose of this record that it is marked as Exhibit "A" and placed in the record. Also at this time I would ask that Metro's report that you have in your back-up materials dated December 20, 2006, initialed by Robert Wills of Special Investigations Section 12/27/06 be marked as Exhibit "B" and placed into the record for this hearing."

MOTION:

THOMAS – APPROVED – UNANIMOUS

To approve the Exhibits as set forth by Counsel

BETTIS stated, "I would like to place on the record the statutory authority of the Board in this matter. City Code Section 6.24.070 provides that an applicant applying for a child care facility license may be denied upon any of the grounds set forth in LVMC 6.02.330 and NRS 432A.190. Also 6.24.070 provides that an applicant may be denied if an applicant after due consideration for the protection of the public health, safety, morals or welfare is found by the Board to be unsuitable to receive a license. Section 6.02.330 of the City Code provides basically that a license may be denied if the applicant has or has engaged in a business, trade or profession without obtained a valid license, or if the license applicant has been subject in any jurisdiction, to disciplinary action of any kind with respect to a license. And lastly, NRS 432A.190 provides that a license may be denied if a conduct or practice of the applicant is detrimental to the health or safety of the occupants or employees of the child care facility. This is the basis for the decision of the Board and that's why I'd like to state it for the record." CLODT asked for clarification of the Sections of the Codes. BETTIS answered in City Code Section 6.24.070 he referred to subsections 4 and 5. In LVMC 6.02.330 he referred to subsections A and B. In NRS 432A.190 he referred to subsection d.

CLODT asked if there were any more questions.

MOTION:

THOMAS – DENIED – UNANIMOUS

Denied on the grounds of operating a day care facility without a license, after a Cease and Desist order was signed and acknowledged, and on City Ordinance 6.24.070, A5, after due consideration of the protection of the public health, safety, morals or welfare is found by the Board of City Council to be unsuitable to receive a license. So individually and combined of operating a business without a license, and the home atmosphere, both combined warrant a denial of a license.

NEW CHILD CARE FACILITY DIRECTOR APPLICATIONS

5. Discussion and possible action regarding the application of Kawon Wood as Center/Nursery/Preschool Director for La Petite Academy, 4554 East Charleston Boulevard, Las Vegas, Nevada 89110.

MINUTES:

Kawon Wood arrived. CLODT asked if staff had any recommendations. MEYER stated, "She's got the qualifications for both, she's got her CDA and we recommend approval."

MOTION:

CLODT – APPROVED - UNANIMOUS