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6 BEFORE THE CHILD CARE LICENSING BOARD
7 OF THE CITY OF LAS VEGAS, NEVADA

8 * * *

9 IN THE MATTER OF :

10 APPLICATION FOR CHILD CARE
11 FACILITY LICENSE, Filed by Lia
12 Hernandez

DECISION DENYING
CHILD CARE FACILITY
LICENSE APPLICATION

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14 Lia Hernandez's application for a CHILD CARE FACILITY LICENSE, to be operated as a
15 family child care home was heard by the Board on January 10, 2007. The Board received testimony
16 from Ms. Hernandez and METRO officers Regan Alexander, Patricia Hickman and Cynthia Sauchak
17 concerning three Areas of Concern stated by METRO as the result of its background investigation of
18 Ms. Hernandez.

19 The three Areas of Concern and the Board's findings with respect to each are as follows:

20 **Area of Concern No. 1 Operating a family child care home without a city child care**
21 **facility license.**

22 Ms. Hernandez was a licensed child care provider in the State of Utah before moving to Las
23 Vegas, Nevada in August of 2004. She started providing child care services in her residence at 9108
24 Teal Lake Court, Las Vegas, Nevada, in January of 2005, without first applying for and receiving a
25 City child care facility license to operate as a family child care home. Prior to that she ran
26 advertisements in the Las Vegas Review Journal during October 2004, as a "babysitter" and then in
27 December 2004, as a "childcare" provider. Ms. Hernandez knew that in order to provide child care
28 in the City she was first required to apply for and secure a City license.

Ms. Hernandez was given a Cease and Desist Order issued by the Department of Finance and

1 Business Services on June 24, 2005, which she signed for, to immediately discontinue providing child
2 care services without a City license. She continued to provide child services until at least June of
3 2006, without a City license notwithstanding the Cease and Desist Order. She acknowledged to the
4 Board that she should not have operated a family child care home facility without first applying for
5 and obtaining a City license. When asked during an interview with METRO in November 2006, about
6 operating a child care facility without a City license, Ms. Hernandez stated that it was "no big deal."
7 The Board concludes that Ms. Hernandez's actions in not getting a City license were intentional and
8 wilful and showed total disrespect of the City's interest in protecting the health, safety and welfare of
9 its citizens.

10 **Area of Concern No. 2.** **A child sustained an injury while in Ms. Hernandez's unlicensed**
11 **Las Vegas residence.**

12 A two year old boy being cared for by Ms. Hernandez at her unlicensed residence at 9108 Teal
13 Lake Court, Las Vegas, Nevada, was struck in the face by Ms. Hernandez's twelve-year-old stepson
14 on June 11, 2005, at approximately 9:00 p.m. Ms. Hernandez states she was outside in the yard for
15 twenty minutes talking with the parent of another child she was caring for at the time of the striking
16 incident and her husband was upstairs preparing to go to work. Ms. Hernandez did notice bruising
17 at the time the boy's mother picked him up around midnight, acted surprised that the boy had been
18 injured and offered by way of explanation that he may have fallen off the bookcase.

19 The two-year-old boy sustained severe bruising to the right side of his face as the result of
20 being struck while in Ms. Hernandez's care. The boy's mother sought medical attention for the boy
21 at a local hospital on June 12, 2005, at 4:00 a.m., approximately seven hours after the boy was struck.
22 When first interviewed by METRO June 24, 2005, Ms. Hernandez indicated that she did not know
23 how the boy was injured but that she thought he must have fallen off a bookcase. Subsequent to
24 METRO's interviews during June of 2005, Ms. Hernandez informed METRO that her twelve-year-old
25 stepson admitted to her that he struck the boy in the face because the two-year-old boy allegedly bit
26 him.

27 Based on the severity of the injuries sustained by the two-year-old boy, as evidenced by photos
28 of the boys face provided to the Board by METRO, the Board finds that Ms. Hernandez's statements

that she was not aware the boy had been injured the night of June 11, 2005, until the boy's mother arrived are not credible. Additionally, the Board finds it unacceptable that Ms. Hernandez's left the two-year boy unattended for a period of twenty minutes. The Board finds that the home environment of Ms. Hernandez's residence is not suitable for a child care facility in view of the inattentiveness of Ms. Hernandez, the violent act that took place in this matter and the potential for similar violent acts to recur.

Area of Concern No. 3. Ms. Hernandez's failure to disclose information in her city child care license application process pertaining to her child care operations in the state of Utah.

Ms. Hernandez answered on her METRO background questionnaire regarding her June 15, 2006, application for a City child care license that she had not been accused of any violation of statute, regulation or code of any state government, when in fact the State of Utah had substantiated violations of its child care code by Ms. Hernandez as the result of her leaving two children in dirty diapers as a form of punishment. One incident occurred in 1999 and the other in 2003. Ms. Hernandez admits that the 1999 incident took place and that she was admonished by the State of Utah that this practice was unacceptable and improper.

The Board finds that Ms. Hernandez's actions were intentionally deceptive in an effort to not raise additional adverse scrutiny regarding her application for a child care facility license in view of the fact she had already been operating without a license for at least a year and one-half when she filed her license application.

DECISION

Lia Hernandez's application for a Child Care Facility License to be operated as a Family Child Care Home is hereby denied pursuant to:

1) LVMC 6.02.330 and 6.24.070 as she operated a child care facility without a child care facility license and continued to operate the same after having received a notice to cease and desist such operations until she had secured such license,

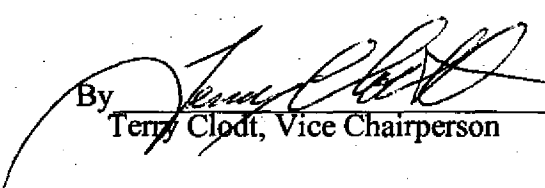
2) LVMC 6.24.070 (A) (4) (e), as the proposed family child care home of Lia Hernandez has a home environment which is not conducive to the health, safety, morals or welfare of children,

1 and

2 3) LVMC 6.24.070 (5), as after due consideration for the protection of the public health,
3 safety, morals and welfare the Board has concluded that Lia Hernandez is unsuitable to receive a
4 license.

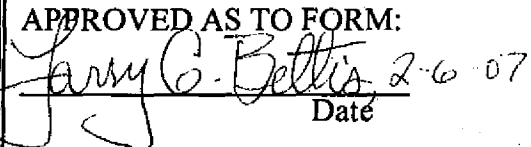
5 Dated this 14 day of FEBRUARY, 2007.

7 THE CHILD CARE LICENSING BOARD
8 OF THE CITY OF LAS VEGAS, NEVADA

9
10 By  _____

Terry Clout, Vice Chairperson

11
12 APPROVED AS TO FORM:

13  2-6-07
14 _____
Date