

BEFORE THE
THE DEPARTMENT OF SOCIAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

SHEILA DUNN
dba Dunn Family Child Care
1121 Kyner Avenue
Bakersfield, CA 93307

OAH No. L-1999070569

No. 7199145001

and

GREGORY DUNN
1121 Kyner Avenue
Bakersfield, CA 93307

No. 7199145001B

and

SHEILA DUNN AND GREGORY DUNN
1121 Kyner Avenue
Bakersfield, CA 93307

No. 789208001C

Respondents.

PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, at Bakersfield, California, on September 23, 1999.

Linda Jane Slaughter, Staff Attorney, represented Complainant Department of Social Services. Jeffrey E. Harbin, Attorney at Law, represented respondents who were present throughout the hearing

At the hearing the Accusation was amended as follows;

At page 4, paragraph VI, line 26, change Client # 1 to Client # 2.

At Page 6, paragraph VII, line 5, delete "licensing analyst" and at line 7, delete "the analyst" and substitute "Diana Prosser" therefore.

Oral and documentary evidence and evidence by way of stipulation on the record having been received and the matter submitted, the Administrative Law Judge finds as follows:

1. Martha Lopez, Deputy Director, Community Care Licensing Division, Department of Social Services, filed the Accusation (Revocation), Accusation (Exclusion Action) and Accusation (Decertification) in her official capacity.

2. Respondent Sheila Dunn(Sheila) was initially licensed by the Department on August 19, 1997, to operate a family child care home, with a capacity of (6), doing business as Dunn Family Child Care, located at 1121 Kyner Avenue, Bakersfield, California (facility).

3. Respondents' Sheila and Gregory Dunn(Gregory) were certified by Positive Foster Family Agency to operate a certified foster family home located at the Kyner address on October 10, 1997.

4. Respondent Gregory is the husband of respondent Sheila and resides in the facility and/or provides care to children in care.

5. Respondent Gregory violated the personal rights of children in care, in that:

A. On at least one occasion, during the period of October 10, 1997 through July 31, 1998, Gregory handcuffed D.M., a child in care.

B. On at least one occasion, during the period of October 10, 1997 through July 31, 1998, Gregory handcuffed P.S., a child in care.

C. It was not established that Gregory ever spanked or otherwise hit any child in care.

6. Respondent Gregory has been convicted of certain crimes and/or has made false statements to licensing staff as follows:

A. On April 30, 1989, Gregory was convicted of petty theft in the State of Oregon.

B. On December 30, 1989, Gregory was convicted of petty theft in the State of California. a misdemeanor.

C. During 1997, in the course of an investigation to determine if Gregory should be granted a criminal record exemption, he revealed his California conviction but failed to reveal his Oregon conviction.

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D. During 1999, Gregory told a licensing inspector, during the course of the investigation, that he had not been convicted of a crime in the State of Oregon.

E. It was not established that respondent made false statement to an investigator regarding the authenticity of the handcuffs used to cuff the children. Rather, the handcuffs referred to above were toys purchased at a local toy store and were not real police type handcuffs.

F. It was not established that Gregory told different stories to various investigators regarding his ownership of police cuffs.

7. Gregory's conduct described in the Findings 5 and 6 above constitute conduct inimical to the health, morals, welfare, or safety of clients in care in all facilities and to the people of the State of California.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following determination of issues:

1. Grounds exist to decertify respondents certification to operate a certified foster family home, pursuant to Health and Safety Code sections 1550(a & b); 1596.885(a & b) and 22 California Code of Regulations sections 80072(a)(1), (a)(2), (a)(3) and (a)(8); 83072.2; and 102423(a)(1), (a)(2), & (a)(4), based on Finding 5.

2. Further grounds exist to decertify respondent certification to operate a certified foster family home, pursuant to Health and Safety Code sections 1522, 1550 (a)(b) and (d) and 1558, 1596.871, 1596.885(a)(b) and (d) and 1596.8897 and 22 California Code of Regulations sections 80019 and 102370(d), based on Finding 6.

3. Further grounds exist to decertify respondent certification to operate a certified foster family home, pursuant to Health and Safety Code sections 1550(c), and 1596.885(a) for conduct inimical to the health, morals, welfare or safety of children in care, based on Finding 7.

4. Grounds exist to exclude Gregory from all licensed facilities, pursuant to Health and Safety Code sections 1550(a & b); 1596.885(a & b) and 22 California Code of Regulations sections 80072 (a)(1), (a)(2)(a)(3) and (a)(8); 83072.1, 102423(a)(1), (a)(2), & (a)(4), based on Finding 5.

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5. Further grounds exist to exclude Gregory from all licensed facilities, pursuant to Health and Safety Code sections 1522, 1550 (a) (b) and (d), 1596.871, 1558, 1596.885(a) (b) and (d) and 1596.8897 and 22 California Code of Regulations sections 80019 and 102370(d), based on Finding 6.

6. Further grounds exist to exclude Gregory from all licensed facilities, pursuant to Health and Safety Code sections 1550(c), and 1596.885(a) for conduct inimical to the health, morals, welfare or safety of children in care, based on Finding

7. No grounds exist to revoke Sheila Dunn's Family Child Care license.

* * * * *

WHEREFORE THE FOLLOWING ORDER is hereby made:

1. Respondent Gregory Dunn is excluded from employment in, physical presence in and/or contact with any clients of any facility licensed by the Department during all normal hours of operation of said facility.

2. Respondents' Sheila Dunn and Gregory Dunn's certified family home certification is revoked.

Dated: October 21, 1999


Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

LHG:me

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COMPLAINT INVESTIGATION REPORT

This is an official report of an unannounced visit/investigation of a complaint received in our office on 08/17/98 and conducted by Evaluator DAN ADAME; DAN ADAME

COMPLAINT CONTROL NUMBER: 40488 PUBLIC
NAME OF SUPERVISOR: GARTH WRIGHT, GARTH WRIGHT TELEPHONE: 209-445-5971; 559-445-5971

FACILITY NUMBER: [REDACTED] FACILITY NAME: DUNN FAMILY CHILD CARE
FACILITY TYPE: FAMILY DAY CARE FACILITY REPRESENTATIVE: DUNN, SHEILA
ADDRESS: [REDACTED] KYNER AVENUE TELEPHONE: 805.396.0151
CITY: BAKERSFIELD STATE: CA ZIP CODE: 93307

CAPACITY: 8
MET WITH: Mrs. Dunn

CENSUS: 3
DATE: 3/15/99
IC

ALLEGATION(S):

That a foster child was sexually molested by a staff person.

INVESTIGATION FINDINGS:

Special investigator Steve Roberts conducted interviews and obtained information from the licensee, staff and the alleged victims. At the conclusions of these investigations, insufficient evidence existed to substantiate the complaint.

☐ Substantiated
☒ Inconclusive
☐ Unfounded
☐ Needs_Further_Investigation

Estimated Days of Completion

SPECIFIC DEFICIENCIES/RECOMMENDATIONS/CORRECTIONS:

TIME IN: 8:20

TIME OUT: 8:45

Failure to correct the deficiencies cited above may result in a civil penalty assessment of \$50 or more per day.

LICENSING ANALYST SIGNATURE: Dan Adame TELEPHONE: 209-445-5968;
559-445-5968

I acknowledge receipt of this form and understand my appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE: Sheila Dunn DATE: 3/15/99

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