

STATE OF OREGON  
OREGON DEPARTMENT OF EDUCATION  
OFFICE OF CHILD CARE

In the Matter of

MWAJ Care

Emergency Order Suspension of  
Family Child Care Registration

EMERGENCY ORDER OF  
SUSPENSION

Mathias Desir Thelus  
[REDACTED]  
[REDACTED]

The Office of Child Care (OCC) of the Early Learning Division (ELD) is charged with licensing registered family child care homes, pursuant to ORS 329A.250 through 329A.460 and 329A.992, and OAR 414 chapter 250. The Registered Family Child Care Home of MWAJ Care is suspended under the provisions of ORS 183.430(2), ORS 329A.350(1) and OAR 137-003-0560. According to ORS 183.430(2), "In any case where the agency finds a serious danger to the public health or safety and sets forth specific reasons for such findings, the agency may suspend or refuse to renew a license without hearing, but if the licensee demands a hearing within 90 days after the date of notice to the licensee of such suspension or refusal to renew, then a hearing must be granted to the licensee as soon as practicable after such demand, and the agency shall issue an order pursuant to such hearing as required by this chapter confirming, altering or revoking its earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination in any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee."

According to ORS 183.415(3), "Notice under this section must include: (f) A statement that active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act and may contact the Oregon State Bar or the Oregon Military Department for more information. The statement must include the toll-free telephone numbers for the Oregon State Bar and the Oregon Military Department and the Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website."

According to OAR 137-003-0560(1), "If the agency finds there is a serious danger to the public health or safety, it may, by order, immediately suspend or refuse to renew a license. For purposes of this rule, such an order is referred to as an emergency suspension order. An emergency suspension order must be in writing. It may be issued without prior notice to the licensee and without a hearing prior to the emergency suspension order."

According to OAR 414-205-0035(20): "Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete and accurate."

According to OAR 414-205-0170(2), "The Office of Child Care may immediately, and without prior notice, suspend the child care registration when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed."

According to OAR 414-205-0170(3), "A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension."

According to OAR 414-205-0170(4), "A provider whose registration has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child."

According to OAR 414-205-0170(5), "A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents and others for the duration of the suspension."

According to OAR 414-205-0170(6), "If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances."

According to OAR 414-205-0170(7), "If the provider does not request a hearing and the conditions which resulted in suspension have not been corrected, the registration shall be revoked."

According to OAR 414-205-0170(10), "The provider has the right to appeal any decision to deny, suspend, or revoke registration or to impose a fine, subject to the provisions of Chapter 183, Oregon Revised Statutes."

ORS 329A.252 states, "Provision of care by persons whose enrollment in registry is denied, revoked, or suspended. (1) As used in this section, "exempt prohibited individual" means: (a) An individual whose certification or registration is suspended, has been denied for cause or has been revoked under ORS 329A.350. (b) An individual whose enrollment in the Central Background Registry established by ORS 329A.030 is suspended, has been denied for cause or has been removed under ORS 329A.030. (c) An individual whose certification, registration or enrollment in the Central Background

Registry is subject to an emergency order of suspension under ORS 183.430(2). (d) An individual who voluntarily surrendered the individual's certification, registration or enrollment in the Central Background Registry while under investigation by the Office of Child Care or at any time after the Office of Child Care has given notice of an administrative proceeding against the individual or the individual's child care facility. (e) An individual to whom the Office of Child Care has issued a final order to cease and desist: (A) After a contested proceeding; or (B) That has become effective because the individual did not request a hearing. (2) For five years following the date on which an individual becomes an exempt prohibited individual, the exempt prohibited individual: (a) Is ineligible for enrollment in the Central Background Registry; and (b) May not provide care to a child who is not related to the exempt prohibited individual by blood or marriage within the fourth degree as determined by civil law."

## THE FACTS

MWAJ Care was originally issued a Registered Family Child Care Home license on October 13, 2020. The license application indicated that Mathias Desir Thelus would be the Provider. According to the application and supporting materials submitted by Mathias Desir Thelus for enrollment in the Central Background Registry, Mathias Desir Thelus is a 23-year-old man.

During the month of April 2021, OCC staff was contacted by the local Child Care Resource and Referral (CCR&R) office to relay a conversation that CCR&R staff had with a person presenting herself as "Mathias Thelus." OCC staff confirmed with the OCC Licensing Specialist assigned to MWAJ Care that a woman, not a 23-year-old man, had presented herself as "Mathias Thelus" at the registered family child care home during the health and safety review that was conducted by ZOOM. CCR&R staff also relayed that funds from a program for infants and toddlers meant to benefit MWAJ Care are sent to an address on [REDACTED] in Brownsville, Oregon.

According to OCC's records, the [REDACTED] address belongs to an individual named Martha Wyne. Ms. Wyne was removed from the CBR in September 2019 based on her having misrepresented information to OCC. Ms. Wyne was also denied an application to reopen her Registered Family Child Care Home at a new address by final order in September 2019. The bases for the denial were Ms. Wyne's repeated serious violations of OCC's administrative rules, including repeatedly exceeding the maximum number of children allowed in care, and leaving children in the care of unqualified staff. Under ORS 329A.252, Ms. Wyne is an exempt prohibited individual and may not care for children unless they are related to her within the fourth degree as determined by civil law, and is ineligible to serve as provider for MWAJ Care.

OCC staff searched the Oregon Secretary of State website and located one business entity called "MWAJ, LLC" for which Martha Wyne is the sole member, manager, and agent.

On May 6, 2021, OCC staff made an unannounced visit to MWAJ Care. A woman at the facility identified herself as Mathias Thelus. Because the woman did not present demographically as a 23-year-old man, OCC staff asked to see this individual's photo identification. The individual could not provide any identification. OCC staff asked the individual to state the date of birth of Mathias Thelus. The individual claiming to be Mathias Thelus did not answer the question for approximately 10 minutes during which she appeared to be texting with someone using her cellular phone. Eventually she stated Mathias Thelus's correct date of birth. OCC staff asked the individual to state the phone number and street address of Mathias Thelus. The individual was not able to correctly identify Mathias Thelus's phone number or street address. OCC staff determined that the woman at the facility was not Mathias Thelus, based both on her appearance not being consistent with that of a 23-year-old man, and because she was unable to readily provide the date of birth, and could not provide the phone number or address of Mathias Desir Thelus.

During this conversation, OCC staff observed a Portland Water Bureau Laboratory Report posted on the wall. It is addressed to "Martha Wyne, MWAJ" and identifies the location of the MWAJ Care facility as the testing site.

OCC determined that the individual identifying herself as "Mathias Thelus" was not, in fact, Mathias Thelus, and is very likely Martha Wyne. All information submitted to OCC must be accurate. OAR 414-205-0035(20). The individual presenting herself as "Mathias Thelus" gave false information to OCC, and is not eligible to provide child care except for children related to her within the fourth degree of sanguinity as determined by civil law, pursuant to ORS 320A.252.

During the visit on May 6, 2021, another adult was present for part of the visit, who identified herself as Lelah Redwine. OCC confirmed that Ms. Redwine was enrolled in the CBR. During OCC's visit, Ms. Redwine departed the facility, leaving all children in the care of the person who identified herself as Mathias Thelus but is not Mathias Thelus and is very likely to be Martha Wyne.

Pursuant to OAR 414-205-0040(4)(c) and (d): "The provider must receive confirmation from OCC that an individual 18 years of age or over, is enrolled or conditionally enrolled in the CBR before the individual can: (c) Assist the provider; or (d) Volunteer in the child care program." MWAJ Care violated this rule by allowing an individual who was not enrolled in the CBR to care for children at the facility.

Pursuant to OAR 414-205-0040(9): "Individuals whose CBR enrollment has been revoked, denied or suspended, may not live in the home; be on the premises during child care hours; or have contact with child care children." MWAJ Care violated this rule by allowing an individual who had been removed from the CBR to have contact with child care children.

Pursuant to OAR 414-205-0035(4): "(4) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or

individual.” MWAJ Care violated this rule by allowing an individual pretending to be Mathias Thelus to provide child care under its registration.

Pursuant to OAR 414-205-0035(20): “Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete and accurate.” MWAJ Care violated this rule when an individual working or volunteering for the facility misrepresented her identity to OCC during the health and safety review visit conducted by ZOOM on or about October 12, 2020, and to OCC during the May 6, 2021 visit.

Pursuant to OAR 414-205-0040(8): “The provider, substitutes and other individuals that are required to be enrolled in the CBR must maintain current enrollment in the CBR at all times while the registered family child care license is active.” Pursuant to OAR 414-205-0075: “The provider or a substitute provider is responsible for the children in care. At all times the provider or substitute provider must: (1) Be within sight or sound of all children; (2) Be aware of what each child is doing; (3) Be near enough to children to respond when needed; (4) Be physically present when there are children under the age of 36 months playing outside; and(5) Be physically present when kindergarten-age or younger children are playing outside, unless the outside play area is fully fenced and hazard free.” MWAJ Care violated these rules on May 6, 2021 because, after the departure of Lelah Redwine, there was neither a provider nor substitute provider on site. The individual who identified herself as Mathias Thelus and is believed to be Martha Wyne is not qualified to be a provider or substitute provider.

## CONCLUSIONS OF LAW

OCC finds that the facts surrounding these violations create a serious danger to the public health and safety and that immediate action is necessary to protect children from abuse or a substantial threat to health, safety or well-being of child care children, because MWAJ Care has allowed children to be in the sole care of an individual who misrepresented her identity to OCC and without the presence of the provider or a substitute provider and further has allowed a person who was removed from the CBR to have access to child care children. Based on the facts, Provider’s Registered Family Child Care Home license is suspended effective May 5, 2021. ORS 183.430(2), OAR 137-003-0560(1), and OAR 414-205-0170(2).

## NOTICE OF RIGHT TO REQUEST A HEARING

You are entitled to a hearing as provided by the Administrative Procedures Act (chapter 183, Oregon Revised Statutes). Under ORS 329A.360 and OAR 137-003-0560, you have the right to demand a hearing to be held as soon as practicable to contest the emergency suspension order. If you want a hearing, you must make a written request to the OCC no later than 90 days from the date this order was mailed. The request should be sent to the Office of Child Care, 700 Summers St. NE, Suite 350, Salem, OR 97301. The request may also be submitted via fax at (503) 947-1428 or e-mail [occ.hearings@state.or.us](mailto:occ.hearings@state.or.us).

The Department of Human Services and Child Care Resource and Referral Agency will be notified of this suspension action. This suspension order may cause payment vouchers from the Department of Human Services to be discontinued.

If you request a hearing, you will be notified of the time and place of the hearing. You may be represented by legal counsel at the hearing. Legal aid organizations may be able to assist you if you have limited resources. The Office of Child Care will be represented by an Assistant Attorney General from the Oregon Department of Justice. You will be provided information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing. Any hearing will be conducted by an administrative law judge from the Office of Administrative Hearings, assigned as required by ORS 183.635.

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

If you fail to request a hearing, if you request a hearing and subsequently withdraw your request for hearing, if you fail to appear for the hearing, or if a hearing is scheduled and you later notify the Office that you will not appear at the specified time and place, you will have waived your right to a hearing. OCC designates the relevant portions of its file, including all materials you have submitted, as the record for purposes of this emergency order of suspension.

DATED this 6th day of May, 2021

OFFICE OF CHILD CARE

*/s/ Meg Kirschnick*

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Meg Kirschnick  
Enforcement Officer

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