

STATE OF OREGON
OREGON DEPARTMENT OF EDUCATION
OFFICE OF CHILD CARE

In the Matter of

Mechelle Stephens
Meme's Childcare

EMERGENCY ORDER OF
SUSPENSION

Emergency Order Suspension of
Family Child Care Registration

License No. RF534651

Mechelle Stephens


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.994, and OAR 414 chapter 205. The Family Child Care Home Registration of Mechelle Stephens is suspended under the provisions of ORS 183.430(2), ORS 329A.350(1), OAR 414-205-0170(2), and OAR 137-003-0560.

APPLICABLE LAW

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 329A.350(1), "An initial application from a child care facility for certification or registration or a renewal application from a child care facility for certification or registration may be denied, or a temporary or regular certification or regular registration may be revoked or suspended, if the Office of Child Care finds: (1)

That the facility or its operation does not comply with ORS 181A.200, 329A.030 and 329A.250 to 329A.450 or with applicable rules or with any term or condition imposed under the certification or registration.”

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 414-205-0040(1) (b), “The registered provider and any substitute provider shall: Have competence, sound judgement and self-control when working with children.”

According to OAR 414-205-0040(2), “No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.”

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.”

According to ORS 329A.252, “(1) As used in this section, “exempt prohibited individual” means: * * * (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). * * * (2) For five years following the date on which an individual becomes an exempt prohibited individual, the exempt prohibited individual: (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

Mechelle Stephens (Provider) was originally issued a Registered Family Child Care Home license on March 6, 2021. The license will expire on March 6, 2023. Pursuant to ORS 329A.330(1) and (2), this license allows a provider to care for up to 10 children, including the provider’s own children, in the provider’s home.

On or about September 8, 2021, OCC received information that R.P., an adult male, was allowed to stay in the registered family child care home on more than one occasion in August of 2021. OCC confirmed that R.P. has criminal convictions from 2014 that include promoting prostitution, ORS 167.012, a Class C Felony, and unlawful use of a weapon, ORS 166.220, a Class C Felony, in Multnomah County Circuit Court Case No. 14CR08707. R.P. is a registered sex offender. [REDACTED]

CONCLUSIONS OF LAW

By allowing R.P. into the child care home, Provider violated OAR 414-205-0040(1)(b), because she did not use competence and sound judgement.

By allowing R.P. into the child care home, Provider violated OAR 414-205-0040(2), by allowing someone to have access to child care children who has demonstrated behavior that may have a detrimental effect on children.

Based on the foregoing facts and violations, OCC has determined that suspension of Provider’s license is necessary to protect children from abuse or a substantial threat to their health, safety or well-being. Further, OCC finds that there is a serious danger to the public health and safety and that immediate action is necessary to protect children. Provider’s Registered Family Child Care Home license is hereby suspended effective September 10, 2021. ORS 183.430(2), ORS 329A.350(1), OAR 137-003-0560(1), and OAR 414-205-0170(2).

NOTICE TO ACTIVE DUTY SERVICEMEMBERS

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.

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.

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.

When the agency is required to issue a contested case notice pursuant to ORS 183.415, OAR 137-003-0505(1)(h) provides that the notice shall include: "(h) If the party is an agency, corporation, partnership, limited liability company, trust, government body or an unincorporated association, a statement that the party must be represented by an attorney licensed in Oregon, unless statutes applicable to the contested case proceeding specifically provide otherwise[.]"

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 10th day of September 2021

OFFICE OF CHILD CARE

/s/ Meg Kirschnick

Meg Kirschnick

Legal and Enforcement Director

MK:njd