



Eric Holcomb, Governor
State of Indiana

Office of Early Childhood and Out-of-School Learning
402 W. WASHINGTON STREET, ROOM W361, MS02
INDIANAPOLIS, IN 46204

June 18, 2019

**By Certified Mail
Return Receipt Requested
RTS 32576**

**Ms. Christi Brewer-Allen
Church of Goodness
625 N. Union Street
Kokomo IN 46901**

**AMENDED
NOTICE TO CEASE AND DESIST**

Dear Ms. Christi Brewer-Allen:

This letter is to notify you that you must cease and desist operating your unlicensed and unregistered child care facility known as Church of Goodness located at 625 N Union Street, Kokomo, IN 46901. To operate a child care facility legally in the State of Indiana you must be either licensed as a child care center under Indiana Code ("IC") 12-17.2-4 or registered as a child care ministry pursuant to IC 12-17.2-6 by the Family and Social Services Administration, Division of Family Resources ("Division"), unless you meet one of the exemptions in IC 12-17.2-2-8.

Pursuant to IC 12-7-2-28.4, a child care center is a non-residential building where at least one (1) child receives child care from a regularly paid provider for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays, while unattended by a parent, legal guardian, or custodian. According to IC 12-7-2-28.2, child care means a service that provides the care, health, and supervision of a child's social, emotional, and educational growth.

Your facility meets the definition of a child care center. The Division's records show that your child care center does not meet one of the exemptions in IC 12-17.2-2-8 and is providing child care without being licensed as a child care center or registered as a child care ministry.



On February 25, 2019 Christi Dolezal and Edile Woodruff, Licensing Consultants, arrived at your child care facility. The front door was open so Ms. Dolezal and Ms. Woodruff went in. Ms. Christi Brewer-Allen, Owner, immediately got up to meet the consultants and told them they could not go any further. When we asked if she was operating a child care facility, Ms. Brewer-Allen stated she has a before and after school program. When asked the hours, she stated from 5:00 am-8:30 am and around 3:30 pm-6:00 pm Monday-Friday. When asked how many children she provided care for, she said she is serving around 38 daily all together, but none are there for more than 4 hours a day. The consultants stated they only needed to count kids to verify and Ms. Brewer-Allen would not allow the consultants to count the children the facility. The consultants then left.

On April 9, 2019, Ms. Dolezal and Ms. Woodruff arrived at the child care facility to conduct a follow up inspection. The consultants were denied access to the child care area. The consultants asked if anything had changed as far as hours and children and Ms. Brewer-Allen indicated that there were no changes. She stated she is open 5:30am but the first child arrives around 6:15 am and the kids go to school around 8:30 am, then after school she is open 3:30 pm-6:00 pm. Ms. Brewer-Allen told the consultants she has around a total of 28 children, some come before school, some after school, and some both. Consultants then went to their car and called the non-emergency police number to ask for assistance.

Officer G. Trobaugh came to the facility, the consultants spoke with him, showed him a copy of the Indiana Code for investigation of Unlicensed Facilities and then the consultants and Officer Trobaugh knocked on the outside door of the facility, which was locked. A different woman came to the door and would not let the officer or the consultants in. The woman told Officer Trobaugh that Ms. Brewer-Allen told her to not let anyone in until she got back from taking a few children to school. The officer called his supervisor who arrived on the scene. The woman called Ms. Brewer-Allen and gave the phone to Officer Trobaugh. He asked how many kids she was taking to school and she said she had three (3) children with her and that she comes back to get others and does three (3) different runs to different schools. Ms. Brewer-Allen arrived at the facility and went to the front door and came outside to talk to the Officer Trobaugh around 8:39 am. The officer went in, Ms. Brewer-Allen gave him a roster with 18 children's names on it, and on the side she wrote their ages between 4 and 10 years old. The officer said he did not see any children. Ms. Brewer-Allen had told the consultants that she had around 28 children, however the roster only had names of 18, with some showing times of before school care & after school care.

The Division then sought an administrative search warrant, pursuant to IC 12-17.2-4-29, so that consultants could inspect the facility and determine if it was operating without a license. On May 29, 2019 licensing consultants Ms. Dolezal and Ms. Nancy Chew along with Ms. Pamela Roadruck, Licensing Manager, and Corporal Ryan Reel from the Kokomo Sheriff's Department arrived at the facility to serve the Administrative Search Warrant. Upon inspection of the facility it was observed that four (4) school-aged children were present along with Ms. Christi Brewer-Allen, and two additional caregivers. Ms. Brewer-Allen stated the staff are there all day Monday through Friday in the building and the hours that children are in attendance are 6:30 am until 9:00 a.m. then from 3:30 p.m. to 6:00 p.m.

Your facility is in operation more than four (4) hours per day, but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays, and receives compensation for providing care.

Under IC 12-17.2-4-29, the Division is required to investigate a report of an unlicensed child care center or unregistered child care ministry providing child care and report the findings to the attorney general, to the division's attorney and the prosecuting attorney in the county where the child care center is located. Unless your child care facility ceases its operations immediately, the Division will recommend pursuing civil and criminal sanctions to the Indiana Attorney General and your local county prosecutor.

Pursuant to IC 12-17.2-4-29, upon receiving a report from the Division, the attorney general or the division's attorney may:

1. Seek the issuance of a search warrant to assist in the investigation.
2. File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:
 - a. the child care center is operating without a license required under this article; or
 - b. a licensee's noncompliance with Indiana law creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.
3. Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care center is operating without a license required under this article.

Parents or guardians of the children in care should be referred to their local Child Care Resource and Referral Agency for assistance in locating child care. For additional information concerning child care in your area, please call 1-800-299-1627.

If you have any questions regarding this matter, please feel free to contact Pamela Roadruck, Child Care Manager at 317-234-3923

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Norvell", with a stylized flourish at the end.

Nicole Norvell

Director

Office of Early Childhood and Out of School
Learning

cc: Ms. Patricia Erdmann,
Chief Counsel for Litigation

Mr. Robert Austin Rowlett
Deputy Attorney General
Administrative and Regulatory Enforcement Litigation

Mr. Zachary Price
Deputy Attorney General at Office of the Indiana Attorney General

Mr. Mark McCann
Howard County Prosecutor

Ms. Erin McQueen, Deputy General Counsel
Family and Social Services Administration

Ms. Amanda Smith, Staff Attorney
Family and Social Services Administration

Ms. Lisa Clifford,
Director of Licensing

Ms. Pamela Roadruck, Licensing Manager

Ms. Nancy Chew, Regional Manager

Ms. Christi Dolezal, Licensing Consultant

Ms. Edile Woodruff, Licensing Consultant