



Kinder Cottage Learning Center
Hearing Officer Administrative Hearing
MEETING MINUTES

Southern Nevada Health District
280 South Decatur Boulevard, Las Vegas, Nevada 89107
Red Rock Conference Room
8:30 A.M. – TUESDAY, JULY 17, 2018

SNHD STAFF PRESENT:

Heather Anderson-Fintak, Associate General Counsel
Herbert Sequera, Interim Environmental Health (EH) Director
Karla Shoup, EH Manager *KS*
Mark Bergtholdt, EH Supervisor
Heather Hanoff, Recording Secretary

FACILITY OWNERS/REPRESENTATIVES PRESENT:

Cecil Attale, Kinder Cottage Learning Center
Enoka Attale (Don), Kinder Cottage Learning Center
Pat O'Connor, Professional Consulting
Robert O'Connor, Professional Consulting

PUBLIC PRESENT:

Edith Farmer, Child Care Licensing

I. CALL TO ORDER:

The Hearing Officer, Henry Melton, called the meeting to order at 9:02 a.m.

II. PUBLIC COMMENT:

None

III. MATTERS REQUIRING HEARING OFFICER ACTION:

Kinder Cottage Learning Center (PR0020489), 4090 East Owens Avenue, Las Vegas, Nevada 89110: Proposed Revocation of Permits

Opening Statements:

Heather Anderson-Fintak announced that a settlement agreement was reached. The owner of Kinder Cottage Learning Center, Shamalee Medagabgoda, has authorized Cecil and Enoka Attale to represent her business interests and sign the settlement agreement. The settlement agreement was read to the owner's representatives. A typographical error was noted on bullet #8 (Item #5 should be listed as Item #6). It was corrected and all parties initialed the change. The owner's representatives verified that they understood that all future administrative procedures were being waived, meaning there will be no additional hearings if the facility continues to have issues. The agreement was approved by all parties.

IV. EVIDENCE:

SNHD Exhibit 1: Settlement Agreement and Delegation of Authority

V. PUBLIC COMMENT:

None

VI. DECISION:

Kinder Cottage Learning Center (PR0020489): SETTLEMENT AGREEMENT

SNHD and Kinder Cottage Learning Center reached a settlement agreement acceptable to both parties. The Hearing Officer ordered permit #PR0020489 lifted from suspension with the following conditions:

1. Facility will submit current child care operator information identifying the person(s) who holds the child care license and is responsible for operation of the facility.
2. Facility will have visits from a consultant who specializes in the operation of child care facilities once a month for the first three (3) months, then quarterly for the remaining fifteen (15) months. At the conclusion of each visit, the consultant will provide a report of the findings observed. A record indicating the date of the visit will be left at the facility at the conclusion of the onsite visit. A report of findings of the visit will be given to the operator within fourteen (14) days. A copy of this report will be kept at the facility and be provided to a Southern Nevada Health District employee upon request.
3. Prior to reopening, all staff employed by the facility will have completed all training identified by the facility as a required by the June 18, 2018, Managerial Conference.
4. Facility will be professionally cleaned once a month and receipts of cleaning service will be made available to a Southern Nevada Health District employee upon request.
5. All required logs, including but not limited to opening checklist, playground checklist, refrigeration temperature, and sanitizer and disinfectant strength must be kept onsite and made available to a Southern Nevada Health District employee upon request.
6. Facility will have unannounced quarterly inspections by the Southern Nevada Health District for the next eighteen (18) months. All inspections must pass with no more than one violation that requires follow-up within one (1) week. Violations that require follow-up within one week include, but are not limited to, violations in the following areas:
 - a. Sanitizer and disinfectant strength and use, including two-step cleaning process and use of chemical test strips
 - b. Diaper changing equipment and procedures
 - c. Dirty toys
 - d. Handwashing facilities and procedures
 - e. Outdoor play area and equipment safety and maintenance
 - f. Infant room shoe and bare feet restrictions
 - g. Food service violations that are considered critical violations by the Southern Nevada Health District Regulations Governing the Sanitation of Food Establishments
 - h. Not limiting the type of food provided to children to remain in compliance with the Nevada Revised Statute 446.941

Additionally, the same violation is not to be observed on two consecutive inspections.

7. Facility will pay all outstanding fees.

8. Facility will be inspected prior to reopening and must pass the inspection with the conditions noted in Item #6.
9. If any inspections within the next eighteen (18) months result in any violations of this agreement, all permits will be revoked without further administrative process or hearing.

VII. ADJOURNMENT:

The hearing was adjourned by the Hearing Officer at 9:12 a.m.