

1 LEGAL DIVISION  
2 Department of Social Services  
3 Office of Chief Counsel  
4 JAMES D. SIMON  
5 Assistant Chief Counsel  
6 SEAN P. AVAOS, State Bar No. 204361  
7 Senior Staff Attorney  
8 744 P Street, MS 19-161  
9 Sacramento, CA 95814  
10 Telephone Number: (916) 263-2135  
11 Facsimile Number: (916) 274-6371

12 Attorneys for Complainant

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BEFORE THE  
DEPARTMENT OF SOCIAL SERVICES  
STATE OF CALIFORNIA

IN THE MATTER OF:

THE 12<sup>th</sup> St. COLLABORATIVE  
FOR MONTESSORI  
dba Sacramento Montessori School  
414 12<sup>th</sup> Street  
Sacramento, CA 95814

CDSS No. 7008142001  
OAH No.

**ACCUSATION**  
(Revocation Action)

SACRAMENTO MONTESSORI  
SCHOOL-INFANT CARE CENTER  
414 12<sup>th</sup> Street  
Sacramento, CA 95814

CDSS No. 7008142001B

**ACCUSATION**  
(Revocation Action)

SACRAMENTO MONTESSORI SCHOOL  
414 12<sup>th</sup> Street  
Sacramento, CA 95814

CDSS No. 7008142001C

**STATEMENT OF ISSUES**  
(Denied Application –  
Increase in Capacity)

Respondent.

**JURISDICTION**

1. This matter arises under the California Child Day Care Facilities Act,  
Health and Safety Code section 1596.70 *et seq.*, which governs the licensing and  
operation of child day care centers.

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2. The regulations which govern the licensing and operation of child day care centers are contained in California Code of Regulations, title 22, section 101151 *et seq.*<sup>1</sup>

3. The California Department of Social Services (hereafter “the Department”) is the agency of the State of California responsible for the licensing and inspection of child day care centers.

4. Administrative proceedings before the Department must be conducted in conformity with the provisions of the California Administrative Procedure Act, Chapter 5, Government Code section 11500 *et seq.*

5. Pursuant to Health and Safety Code section 1596.854, the Department may institute or continue a disciplinary proceeding against a licensee following the suspension, expiration, or forfeiture of a license.

6. Pursuant to Health and Safety Code section 1596.854, the Department may institute or continue a denial proceeding against an applicant following the withdrawal of an application for a license.

7. Pursuant to Health and Safety Code section 1596.887(b) and 1596.889, the standard of proof to be applied in this proceeding is the preponderance of evidence.

## THE PARTIES

8. Complainant **JO FREDERICK** is the Deputy Director of the Community Care Licensing Division of the Department. Pursuant to Government Code section 11503, complainant files this Accusation in her official capacity.

9. Respondent, **THE 12<sup>th</sup> STREET COLLABORATIVE FOR MONTESSORI** (hereafter "Respondent") is licensed by the Department to operate a child care center and infant care center at 111-1123 D Street, Sacramento, California, 95814 (hereafter "facilities"). The facilities were initially licensed on September 30,

Subsequent references to any regulation section(s) are to Title 22 of the California Code of Regulations.

1 2005. A copy of Respondent's most recent licenses setting forth the capacity,  
2 limitations, and effective dates accompanies this Accusation as **ATTACHMENT A** and  
3 is incorporated by reference.

4 10. On or about May 6, 2008, Respondent filed an application for a license  
5 to increase the capacity of its child care center – from 45 children to 72 children. On or  
6 about May 15, 2008, Respondent's application was denied, and Respondent appealed  
7 that denial. A copy of Respondent's application, the denial of that application, and  
8 Respondent's appeal accompanies this Statement of Issues as **ATTACHMENT B** and  
9 is incorporated by reference.

10 11. Respondent, by virtue of licensure and application for licensure, is  
11 subject to the statutes and regulations governing the licensing and operation of child  
12 day care centers. Copies of the applicable statutes and regulations accompany this  
13 Statement of Issues as **ATTACHMENT C** and are incorporated by reference.

#### 14 **FACTUAL ALLEGATIONS**

15 **SUBJECT MATTER:** Overcapacity; Staffing Ratios; Unqualified Staff; Lack of Care  
16 and Supervision and Personal Rights

17 **APPLICABLE LAW:** Health and Safety Code section 1596.885  
18 Regulation sections 101161(a); 101179(a)&(b); 101214;  
19 101216.3(a); 101223(a)(2); 101229; 101416.2 (b) and  
20 101416.5(b)

#### 21 **ALLEGATIONS:**

22 12. Specific hire dates unknown to complainant, but up to and including  
23 September 3, 2008, Respondent hired nine unqualified infant care teachers to work in  
24 the infant room. To be a fully qualified infant care teacher, a teacher must complete an  
25 infant care class. The teachers hired by Respondent failed to meet this requirement.  
26 (Section 101416.2 (b).)

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1           13. On or about September 3, 2008, Respondent failed to meet the required  
2 staffing ratios. Respondent had only one qualified infant teacher supervising 16 infants.  
3 (Section 101416.5(b).)

4           14. On or about May 21, 2008, Respondent exceeded the child care center's  
5 licensed capacity by 18 children. The center is licensed for 45 children. There were 63  
6 children in care. (Section 101161(a).)

7           15. On or about May 19, 2008, Respondent exceeded the child care center's  
8 licensed capacity by four children. The center is licensed for 45 children. There were  
9 49 children in care. (Section 101161(a).)

10           16. On or about May 6, 2008, Respondent exceeded the child care center's  
11 licensed capacity by 13 children. The facility is licensed for 45 children. There were 58  
12 children in care. (Section 101161(a).)

13           17. On or about May 6, 2008, Respondent failed to meet the required  
14 staffing ratios. Respondent had only seven infant teachers supervising 48 infants.  
15 (Section 101416.5.)

16           18. **As a factor in aggravation**, on or about March 27, 2007, Complainant  
17 held a non-compliance conference. Respondent outlined a plan to bring the facilities  
18 into compliance. Respondent was warned that any additional citations could result in  
19 administrative action.

20           19. On or about January 5, 2007, Respondent exceeded the infant care  
21 center's licensed capacity by four infants. The infant care center is licensed for 48  
22 infants. There were 52 infants in care. (Section 101161(a).)

23           20. On or about September 15, 2006, Respondent failed to meet the  
24 required staffing ratios. Respondent had a single staff member supervising five infants.  
25 (Section 101416.5(b).)

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1 SUBJECT MATTER: Lack of Care and Supervision and Personal Rights

2 APPLICABLE LAW: Health and Safety Code section 1596.885

3 Regulation sections 101214; 101223(a)(2) and 101229

4 ALLEGATIONS:

5 21. Respondent failed to provide adequate care and supervision of children  
6 in care and in doing so violated the children's personal rights, as follows:

7 a. On or about September 3, 2008, two preschool aged boys were  
8 playing outside unsupervised on a second story deck.

9 b. On or about June 5, 2008, a child was left unsupervised in the play  
10 yard for at least seven minutes. Staff were unaware the child was missing from the  
11 classroom.

12 c. On or about May 6, 2008, an infant was unsupervised in the  
13 sleeping room.

14 d. On or about September 27, 2006, a child was unsupervised in the  
15 bathroom.

16 e. On or about April 14, 2006, a child was in a classroom  
17 unsupervised. The child hung his upper body out an unscreened window of a  
18 second story classroom.

19 f. On at least one occasion in April 2006, children were unsupervised  
20 in the sleeping room during nap time when the teacher fell asleep.

21 g. As a factor in aggravation, on or about March 27, 2007,  
22 Complainant held a non-compliance conference. Respondent outlined a plan to  
23 bring the facilities into compliance. Respondent was warned that any additional  
24 serious citations could result in administrative action.

25 h. On or about February 7, 2006, a child was left unsupervised in a  
26 classroom during outside playtime.

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1 i. On two separate occasions in November 2005, a child walked out  
2 of a classroom into the play yard unnoticed and unsupervised by facility staff.

3 j. On or about October 13, 2005, a child was in the play yard  
4 unsupervised by facility staff.

5 SUBJECT MATTER: Failure to Report

6 APPLICABLE LAW: Health and Safety Code section 1596.885

7 Regulation sections 101212(d) and 101214

8 ALLEGATIONS:

9 22. On or about August 6, 2008, an infant was injured while in Respondent's  
10 care. Licensees are required to report any unusual incidents to the Department by fax  
11 within the next working day. Licensees are also required to file a more detailed follow-  
12 up report within the next seven business days of the incident occurring. Respondent  
13 failed to notify the Department of the unusual incident as required.

14 SUBJECT MATTER: Building and Grounds and Personal Rights

15 APPLICABLE LAW: Health and Safety Code section 1596.885

16 Regulation sections 101214; 101216.6(a)(3); 101223(a)(2);

17 101237 and 101238(a)&(e)

18 ALLEGATIONS:

19 23. On or about May 6, 2008, Respondent installed a water feature, an  
20 artificial stream, in the children's play yard.

21 a. Respondent failed to notify the Department before constructing a  
22 water feature in the children's play yard.

23 b. Respondent failed to ensure that the water feature was safe and/or  
24 inaccessible to children.

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1 SUBJECT MATTER: Criminal Record Clearance

2 APPLICABLE LAW: Health and Safety Code section 1596.885

3 Regulation sections 101170(a), (d)–(f) and 101214

4 ALLEGATIONS:

5 24. On or about January 29, 2007, Respondent allowed an employee to  
6 work in the facility before obtaining, or requesting a transfer of, the employee's criminal  
7 record clearance.

8 25. On or about September 27, 2006, Respondent allowed an employee to  
9 work in the facility before obtaining, or requesting a transfer of, the employee's criminal  
10 record clearance.

11 26. On or about September 15, 2006, Respondent allowed an employee to  
12 work in the facility before obtaining, or requesting a transfer of, the employee's criminal  
13 record clearance.

14 SUBJECT MATTER: Isolation and Personal Rights

15 APPLICABLE LAW: Health and Safety Code section 1596.885

16 Regulation sections 101214; 101223(a)(2) and 101226.2(a)

17 ALLEGATIONS:

18 27. On or about November 20, 2006, Respondent failed to isolate a sick  
19 child. The sick child was allowed to remain in the classroom with other healthy children.

20 **CAUSE FOR DISCIPLINE**

21 28. The facts alleged in paragraphs 12 through 27, individually and/or jointly,  
22 constitute violations of licensing laws. These facts provide cause, pursuant to Health  
23 and Safety Code section 1596.885(a)-(b) to revoke Respondent's license to operate a  
24 child care center and infant center; and to deny Respondent's application to increase its  
25 licensed capacity – child care center.

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29. The facts alleged in paragraphs 12 through 27, individually and/or jointly, constitute conduct by Respondent which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of this state. These facts provide cause, pursuant to Health and Safety Code section 1596.885(c), to revoke the license to operate the child care center and infant center; and to deny Respondent's application to increase its license capacity – child care center.

PETITION FOR RELIEF

30. WHEREFORE, complainant requests that, **THE 12<sup>th</sup> St. COLLABORATIVE FOR MONTESSORI's** licenses to operate a child care center and infant care center be revoked.

31. WHEREFORE, complainant requests that the Department's order denying, **THE 12<sup>th</sup> St. COLLABORATIVE FOR MONTESSORI's** application for an increase in capacity – child care center – be affirmed.

DATED: JAN 28 2009


*Berke*  
JO FREDERICK  
Deputy Director  
Community Care Licensing Division  
California Department of Social Services



## DELEGATION

1. I hereby delegate to Robert Pate, as Acting Chief of Technical Assistance and Policy Branch; Jeffrey Hiratsuka, as Chief of Central Operations Branch, Ben Partington, as Program Administrator of Senior Care Program, Gloria Merk, as Program Administrator of Child Care Program, Sergio Ramirez, as Acting Program Administrator of Children's Residential Program, JoAnn Hirai, as Chief of Investigations Branch and John Rodriguez, as Chief of Continuing Care Contracts Branch; my power to issue the following administrative pleadings under the Administrative Procedure Act, Government Code Section 11500 et seq.:
  - (a) Accusations and orders for temporary license suspension prior to hearing, pursuant to Health and Safety Code Sections 1550, 1550.5, 1568.082, 1569.50, 1569.51, 1569.885, or 1596.886.
  - (b) Statements of Issues pursuant to Health and Safety Code Sections 1526, 1568.063, 1569.22, or 1596.879.
  - (c) Orders to require that an employee or prospective employee of a facility not work or be present in a facility pending a final decision of the matter, pursuant to Health and Safety Code Sections 1558, 1568.066, 1569.58, or 1596.8897. They may exercise this power when, in their opinion, the action is necessary to protect the residents or clients from physical or mental abuse, abandonment, or any other substantial threat to the health or safety of the residents or clients.
2. These delegations are made pursuant to Government Code Section 7. They shall remain in effect until explicitly revoked.

DATE: 7-22-08

  
\_\_\_\_\_  
JOHN A. WAGNER  
Director  
California Department of Social Services

LEGAL DIVISION

Department of Social Services

Office of Chief Counsel

JAMES D. SIMON

Assistant Chief Counsel

SEAN P. AVALOS, State Bar No. 204261

Senior Staff Counsel

744 P Street, M.S. 19-161

Sacramento, CA 95814

Telephone Number: (916) 263-2136

Facsimile Number: (916) 2746371

Attorneys for Complainant

BEFORE THE  
DEPARTMENT OF SOCIAL SERVICES  
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IN THE MATTER OF:

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CDSS No. 7008142001B

SACRAMENTO MONTESSORI SCHOOL  
1123 12<sup>th</sup> Street  
Sacramento, CA 95814

CDSS No. 7008142001C

Respondent

STIPULATION, WAIVER  
AND ORDER

RESPONDENT, The 12<sup>th</sup> Street Collaborative For Montessori, having obtained the counsel of Joshua Kaizuka, has been fully advised of the charges of the Accusation in this matter (a copy of which is attached hereto as **Exhibit 1** and incorporated herein by reference), and hereby enters into the following Stipulation with the COMPLAINANT, JEFFREY HIRATSUKA, as a means of achieving a full and final resolution of the Accusation in lieu of an evidentiary hearing and decision.

Respondent and complainant hereby stipulate and agree as follows:

1. FINDINGS: Respondent admits the allegations in the First Amended Accusation and agrees that for purposes of this matter and all other matters between the Department and the Respondent, the allegations of the Accusation are found to be true and to constitute a legally sufficient basis to revoke Respondent's license.

2. DENIAL: INCREASE IN CAPACITY: Respondent's application for an increase in licensed capacity of its child care center located at 1123 D 12th Street, Sacramento, CA 95814, is denied upon the Department's adoption of this Stipulation and Waiver as its Order. Respondent may submit an application for an increase in capacity one year from the Stipulation's effective date. The Department shall conduct a good faith review of Respondent's application and approve the application if Respondent meets all statutory and regulatory requirements. If Respondent fails to meet all requirements or Respondent has violated probation, the application shall be denied and Respondent shall be prohibited from re-applying for an increase in capacity for the duration of probation. Respondent shall have appeal rights as provided in paragraph 6.

3. REVOCATION: STAYED WITH PROBATION: Respondent's licenses are revoked upon the Department's adoption of this Stipulation and Waiver as its Order. The revocation of the licenses shall be STAYED, for 18 months during which time the Respondent shall be granted probationary licenses subject to the following limitations and conditions.

A. Respondent shall ensure that its facilities do not exceed their licensed capacity.

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1 B. Respondent shall ensure that all children in care are properly  
2 supervised at all times as provided in California Code of regulations, title 22,  
3 section 101229.<sup>1</sup>

4 C. Respondent shall ensure its facilities maintain staffing ratios as  
5 provided in sections 101216.3 and 101416.5.

6 D. Respondent shall report to the Licensing office the following: any  
7 unusual incident including, but not limited to, client death or injury which requires  
8 medical treatment, any suspected physical or psychological abuse of any client,  
9 any physical plant changes, all unexplained absences and any incident that would  
10 result in the violation of the above paragraphs. These incidents must be reported  
11 by the next working day, and a written report of the incident must be submitted  
12 within seven days following the occurrence of the incident.

13 (1) The written report shall be completed and signed by an  
14 employee that witnesses the incident and/or the facility director.

15 E. During the period of probation, the Department in its sole discretion  
16 may conduct unannounced site visits for the purpose of determining whether there  
17 is full compliance with the regulations and statutes governing the operation of a  
18 child care center.

19 F. Respondent shall ensure that all individuals working, residing or  
20 volunteering in the facility shall obtain criminal record clearances or exemptions  
21 and shall maintain proof of such criminal record clearances or exemptions at the  
22 facility.

23 G. Respondent is required to maintain an accurate and current client  
24 roster which must be made available to the Department upon request.

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27 <sup>1</sup> Subsequent references to any regulation section(s) are to Title 22 of the California Code of Regulations.

H. Respondent shall maintain daily attendance sheets. These daily attendance sheets shall be kept in the facilities' files and made available for Department review.

I. Respondent shall hire a qualified independent consultant to review each facility's plan of operation manual and staff training manual. The consultant shall inspect the building and grounds and observe daily operations of each facility. After the review, inspection and observation, the independent consultant shall make recommendations to ensure compliance with Title 22, including but not limited to the following areas: the care and supervision of clients, client capacity, staffing ratios, and the hiring and training employees.

(1) The consultant shall not have any current or former associations with Respondent or the facility. The consultant's name and curriculum vitae shall be submitted to the Department within 30 days of the effective date this Stipulation for approval. The consultant must be approved by the local licensing office.

(2) The consultant shall provide a written status report to both Respondent and the Department on a quarterly basis. The report shall evaluate the strength and weakness of the areas identified in paragraph I. The report shall identify recommendations made to the licensee during the current quarter. The report shall list recommendations from the previous quarter and provide feedback on effectiveness of the implementation. The report shall include a list of recommended training topics for the next quarter training calendar.

(3) The first quarterly report shall be completed within 90 days of the effective date of this Stipulation.

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1 (4) Respondent shall have one quarter after receiving the  
2 consultant's report to implement recommendations made by the consultant.  
3 Failure to implement a recommendation shall constitute a basis for the  
4 Department to revoke probation.

5 J. Within 90 days of the effective date of this Stipulation and Order,  
6 Respondent shall submit to the licensing office a written summary of hiring and  
7 training practices, including job descriptions for each position at the facility.

8 K. Respondent shall provide training to all facility staff on applicable  
9 Title 22 regulations as recommended by the independent consultant, but at  
10 minimum, bi-annually. Training topic shall include those identified in the facilities'  
11 staff training manual. Respondent shall prepare a training outline and sign-in  
12 sheet for each training topic. Respondent shall keep the outline and sign-in sheet.  
13 Respondent agrees to keep a record of staff who attends such trainings and to  
14 make such records available to Licensing staff upon request.

15 (1) Respondent shall amend its staff training manual within 30  
16 days of receiving the recommendation by the consultant, and to include the  
17 following training topics.

18 a. Guidelines for Supervision of Children. This training  
19 shall be held as recommended by the consultant, but not less than once  
20 a calendar year. If the training on supervision of children has not been  
21 held in the last six months of the effective date of the Stipulation and  
22 Order, the first training shall be held before October 31, 2009.

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2 b. Health and Safety Issues in the Early Childhood  
3 Program. This training shall be held as recommended by the consultant,  
4 but not less than once a calendar year. If the training on supervision of  
5 children has not been held in the last six months of the effective date of  
6 the Stipulation and Order, the first training shall be held before October  
7 31, 2009.

8 c. Any additional training as recommended by the  
9 independent consultant.

10 L. Respondent shall make the water feature identified in paragraph 23  
11 of the Accusation inaccessible to children as described in section 101238(e)(1).

12 (1) In the alternative, Respondent may add rocks to the artificial  
13 stream so that the water level remains below the level of the rocks.

14 Respondent shall inspect the water feature daily to ensure the artificial  
15 stream's water does not rise above the level of the rocks. Respondent shall  
16 add rocks and groom the artificial stream as needed to avoid the pooling of  
17 water.

18 4. FUTURE APPLICATION FOR A LICENSE AND CERTIFICATION

19 A. Licensure and Certification: Respondent shall not apply for, receive  
20 or hold any license or certification to operate any care facility licensed by the  
21 Department of Social Services including but not limited to any community care  
22 facility (CCF), certified family home (CFH), residential care facility for the elderly  
23 (RCFE), residential care facilities for persons with chronic, life-threatening illnesses  
24 (RCFCI) or child day care facility (CDCF) (as CCF, CFH, RCFCI, RCFE, and  
25 CDCF are defined in sections 1502(a), 1506(d), 1568, 1568.01, 1569.2, and  
26 1596.750 of the Health and Safety Code) other than the probationary license  
27 issued herein, for a period of one year from the effective date of the Order adopting

1 this Stipulation and Waiver. A new probationary license issued solely upon a  
2 change of location or increase in capacity is not prohibited by this paragraph.

3 B. Respondent understands and agrees that the Department may  
4 deny any application submitted after one year from the effective date of the Order  
5 adopting this Stipulation and Waiver, in whole or in part based upon the findings in  
6 this Stipulation and Waiver. However, Respondent shall be entitled to a hearing  
7 subject to the appeal on the denial of the license and the timely filing of a Notice of  
8 Defense after the Department has served Respondent with a Statement of Issues.

9 5. COMPLETION OF PROBATION: If Respondent has successfully  
10 complied with the terms of this Stipulation, at the end of 18 months from the effective  
11 date, the conditions imposed upon Respondent's license will expire and Respondent's  
12 license shall be granted or restored in full.

13 6. VIOLATION OF STIPULATION AND WAIVER TERM: Respondent  
14 agrees that violation of any of the terms of probation or any of the other terms of this  
15 Stipulation shall constitute sufficient grounds for the revocation of the probationary  
16 license granted herein. In such an event, Respondent shall be entitled to an  
17 administrative hearing before the Office of Administrative Hearings on the sole issues of  
18 whether there was a serious or substantial violation of a material term and/or condition  
19 herein, and whether Respondent has caused and/or permitted such a violation. Upon a  
20 finding that a condition or term of probation or any of the other terms of this Stipulation  
21 was violated, the probationary license shall be revoked. Respondent agrees that valid  
22 service of an accusation to revoke the probationary license provided herein may be  
23 effectuated by certified mail at 1123 12<sup>th</sup> Street, Sacramento, California 95814, or at an  
24 address listed in a subsequently issued probationary license.

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1           7. DEPARTMENT'S AUTHORITY: The fact that the Department may  
2 decline or omit to take immediate disciplinary action for a violation of a condition of  
3 probation or any of the other terms of this Stipulation does not constitute a waiver by the  
4 Department of the right to raise that violation at a later date in a disciplinary proceeding  
5 or in any other context. Respondent understands that nothing in this Stipulation is to be  
6 construed to limit the authority of the Department to impose discipline for violations of  
7 statutes and regulations applicable to Respondent. If any accusation seeking to revoke  
8 probation is filed by the Department during the period of probation, then the period of  
9 probation and the probationary terms shall be extended, if necessary, beyond two years  
10 and shall remain in force and effect until such time as the Department issues a final  
11 Decision and Order on the accusation.

12           8. MONITORING FEE: Respondent understand that it must pay a  
13 probation monitoring fee equal to the annual fee for the license during the period of  
14 probation as required by Health and Safety Code Section 1596.803.

15           9. WAIVER OF HEARING RIGHTS: The parties waive their rights to a  
16 hearing in this matter, to present any evidence on their behalf and to cross-examine  
17 witnesses testifying on the other party's behalf. The parties further waive their rights to  
18 further discovery in this matter.

19           10. WAIVER OF APPEAL/MODIFICATION RIGHTS: Respondent waives  
20 all rights of review arising out of this action or this Stipulation or the Order implementing  
21 it, including but not limited to a petition for reinstatement, reduction of penalty, or  
22 rehearing, writ of administrative mandamus, any other judicial or administrative review  
23 or any other right or ability Respondent may have to seek to have this agreement  
24 modified or set aside on any grounds whatsoever.

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1           11. WAIVER OF CLAIMS: The parties waive all known or unknown legal  
2 actions or claims against each other, or their employees or agents, that they may have  
3 acquired or come to acquire arising out of this matter, with the following exceptions:

4           A. Civil penalties;

5           B. Monitoring fees; and

6           C. Any action arising out of an audit or other review to establish,  
7 modify, preserve, enforce, or to recover an overpayment or to reimburse an  
8 underpayment of public or private funds.

9           12. PUBLIC RECORD: This Stipulation is a public record as required by  
10 section 11517(e) of the Government Code. It is accessible to the public pursuant to the  
11 Public Records Act, section 6250 et seq. of the Government Code.

12           13. SIGNATURES: A facsimile of the signature page of this Stipulation will  
13 bind the signing party or parties to the terms and conditions herein once any remaining  
14 party or parties execute the document and once the Order is executed.

15           14. COUNTERPARTS: This Stipulation may be executed in counterparts.

16           15. EFFECTIVE DATE: This Stipulation and Waiver is effective on the date  
17 on which the Department's Order adopting it is executed.

18           16. NO ORAL MODIFICATION: This Stipulation constitutes the entire  
19 agreement between the parties with respect to the Accusation in this case. Moreover,  
20 the terms of this Stipulation cannot be amended except in writing, signed by all the  
21 parties thereto.

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1 IT IS SO STIPULATED:


2 August 12, 2009  
3 DATED

4   
Authorized Representative for  
The 12<sup>th</sup> Street Collaborative for Montessori  
Respondent

5 8/17/09  
6 DATED

7   
JOSHUA KAIZUKA  
Attorney for Respondent

8 8/24/09  
9 DATED

10   
SEAN P. AVALOS  
Senior Staff Counsel  
Attorney for Complainant

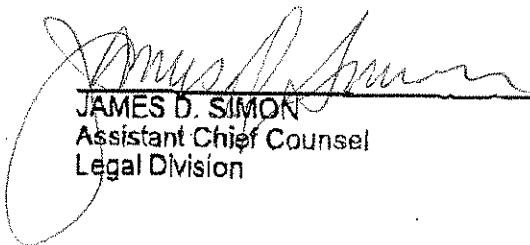
11  
12 DATED

13 for: JEFFREY HIRATSUKA, Complainant  
14 Deputy Director  
Community Care Licensing Division  
Department of Social Services  
State of California

15 DECISION AND ORDER

16 The preceding Stipulation hereby is adopted by the Department as its  
17 Decision in this matter.  
18

19 IT IS SO ORDERED THIS 25<sup>th</sup> DAY OF September, 2009.  
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21   
22 JAMES D. SIMON  
23 Assistant Chief Counsel  
24 Legal Division  
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