

North Carolina Department of Health and Human Services
DIVISION OF CHILD DEVELOPMENT



Beverly Eaves Perdue, Governor

Lanier M. Cansler, Secretary

Cynthia L. Bennett, Director

March 10, 2009

Ms. Judy A. Harper
Palmer Leigh Small World Education/Play
501 E. Main Street
Haw River, NC 27258

HAND DELIVERY
Case# 0309-014

Dear Ms. Harper:

Enclosed please find a **Notice of Administrative Action**. This action is taken by the Division of Child Development against you, as operator of **Palmer Leigh Small World Education/Play, ID# 01000007**. Please read the Notice carefully so that you understand all aspects of the administrative action. Instructions to appeal this administrative action are attached to this Notice.

This agency remains available to assist you upon request. If you have questions about this matter or need further assistance, please contact Deanna Hoxworth, Central Child Abuse/Neglect Team Supervisor, at (336)931-1477.

Sincerely,

A handwritten signature in black ink, appearing to read "June Docklear".

June Docklear, Chief
Regulatory Services Section

JL/DH/na

Enclosures

cc: Tiffany Duke, Child Abuse/Neglect Consultant
Boon Trott, Child Care Consultant
Deanna Hoxworth, Central Child Abuse/Neglect Team Supervisor
Jinx Kenan, Child Abuse/Neglect Program Manager
Andrea Lewis, Assistant Section Chief, Child Abuse/Neglect Unit, Regulatory Services
Nikita Whitehead, Alamance County Department of Social Services
Child Care Coordinator, Alamance County Department of Social Services
Debbi Kennerson-Webb, Alamance Partnership for Children
Linda Chappel, Child Care Services Association
Alexandra Gruber, Assistant Attorney General
Arnette Cowan, Special Nutrition Programs
Kellie McCarthy, Subsidy Services

Physical Address:
319 Chapanoke Road
Raleigh, NC 27603



Mailing Address:
2201 Mail Service Center
Raleigh, NC 27699

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NOTICE OF ADMINISTRATIVE ACTION

TYPE OF ACTION: ORDER REQUIRING SUMMARY
SUSPENSION OF LICENSE

ISSUED TO: Judy A. Harper

FACILITY: Palmer Leigh Small World Education/Play
501 E. Main Street
Haw River, NC 27258
ID# 01000007
Case# 0309-014

The Division of Child Development in the Department of Health and Human Services hereby **SUMMARILY SUSPENDS** the One Star License issued to **Judy A. Harper** to operate the above named child care facility, effective upon receipt of this Order. This action is based on the agency's findings that conditions at the center represent imminent danger to the health, safety, and welfare of children receiving care at the center. Therefore, emergency action must be taken. Authority to take this action is provided by North Carolina General Statutes 110-90(9), 110-98, 110-102.2(4), and 150B-3(c) and Child Care Rule 10A NCAC 09 .2207. **The center shall close at the end of the business day on which this Order is delivered.**

BASIS FOR ACTION

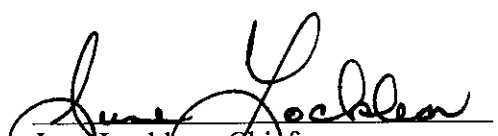
On March 10, 2009, the Division of Child Development received information regarding the fatality of a child which occurred while the child was in attendance at the child care facility on March 9, 2009.

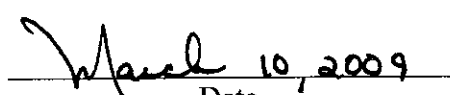
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319 Chapanoke Road
Raleigh, NC 27603



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Raleigh, NC 27699

Based on preliminary information obtained, the Division of Child Development has determined that Palmer Leigh Small World Education/Play, a One Star child care center operated by Judy A. Harper, is not a safe and healthy environment and that circumstances related to the fatality constitute an injurious environment, a violation of Child Care Rule 10A NCAC 09 .0601(a) regarding safe environment.


June Locklear, Chief
Regulatory Services Section


Date

PROCEDURE FOR APPEAL

To appeal an Administrative Action, a request for a contested case hearing may be made in accordance with Chapter 150B, Article 3, and Chapter 110, Article 7 of the North Carolina General Statutes. A Petition for a contested case hearing must be filed with the Office of Administrative Hearings, in accordance with North Carolina General Statute 150B-23(a). **In addition**, a copy of the Petition and certificate of service must be mailed, delivered or faxed to Emery Edwards Milliken, the registered agent for the State agency named on the Petition as Respondent. To file a Petition with the Office of Administrative Hearings, please follow the directions below:

STEP 1 – REQUESTING THE FORM: Contact the Office of Administrative Hearings (OAH) at 919-431-3000. You may request that the Petition form be mailed or faxed to you, or you can obtain the form on line at www.ncoah.com/. The certificate of service is included on the bottom of the Petition form. OAH will also include a page titled, *Instructions for Form H-06 "Petition for a Contested Case" and "Certificate of Service."*

STEP 2 – FILLING OUT THE FORM: Once you receive the Petition and instruction sheet, read the instructions carefully and complete the top and bottom portions of the form.

- Note:
- (1) Item (3) on the Petition (Respondent) is the Division of Child Development/Department of Health and Human Services (the agency about which you are complaining).
 - (2) Item (10) under CERTIFICATE OF SERVICE
Name of person served (10) is: Emery Edwards Milliken, General Counsel for the Division of Child Development.

STEP 3 – SUBMITTING THE COPIES:

- 1) The **ORIGINAL PLUS ONE COPY** of the Petition and certificate of service must be received by the **Office of Administrative Hearings** within thirty (30) days after this Notice is received. (REFER TO OAH INSTRUCTION SHEET FOR MAILING AND PHYSICAL ADDRESSES.) **If a petition is not filed within this time, the right to appeal may be lost and the administrative action explained in this Notice will become effective.**
- 2) A copy of the completed Petition and certificate of service must also be mailed, delivered, or faxed to the registered agent of the State agency, Emery Edwards Milliken. **FAILURE TO DO SO MAY RESULT IN THE DISMISSAL OF THE APPEAL.**

Ms. Emery Edwards Milliken
Department of Health and Human Services
Office of Legal Affairs

Mail Address: 2005 Mail Service Center
Raleigh, NC 27699-2005

Physical Address: Adams Building
101 Blair Drive
Raleigh, NC 27699

Fax No. 919-715-4645

INFORMAL PROCEDURES

In accordance with North Carolina General Statute 150B-22, it is the policy of this agency to try to settle any disputes between the agency and any other person through informal procedures. The Division of Child Development is available at the operator's request for discussion or consultation that might resolve this matter. To arrange for an informal meeting, you must contact the Division of Child Development at (919) 662-4547 or 1-800-859-0829. **Please note that the use of informal procedures does not extend the thirty (30) days allowed to file for a contested case hearing as explained above.**

Judy A. Harper
Palmer Leigh Small World Education/Play

ID#: 01000007

A letter dated March 10, 2009, was hand delivered to the above named person on _____ . The letter was delivered by _____ , a representative of the Division of Child Development.

Signature of Provider/Facility Representative

Signature of Agency Representative

Date Delivered

Judy A. Harper
Palmer Leigh Small World Education/Play

ID#: 01000007

A letter dated March 10, 2009, was hand delivered to the above named person on _____ . The letter was delivered by _____, a representative of the Division of Child Development.

Signature of Provider/Facility Representative

Signature of Agency Representative

Date Delivered