

CHILD CARE CENTER COMPLAINT

Name of Center: ABC Learning and Development Center	Enrollment: 150	License ID: 52530
Street: 15 Nightengale LN	City: Dubuque	IA Zip Code: 52003 County: Dubuque
Mailing Address: 15 Nightengale LN		
Mailing City: Dubuque	IA Zip Code: 52003	
Director's Name: Holly Richards	Center Phone Number: 563-583-6654	
On-Site Supervisors:	E-Mail Address: hollyabclearn@gmail.com	

Date of Complaint: 08-26-2025**Date of Visit:** 09-09-2025
☐ Scheduled
☒ Unannounced
☐ NA

☒ Non-Compliance with Regulations Found
☐ Compliance with Regulations Found
RECOMMENDATION FOR LICENSE☒ **NO CHANGES to licensing status recommended**☐ **PROVISIONAL license from** to☐ **SUSPENSION of License**☐ **REVOCATION of License****Complaint Details:**Did this complaint result in a serious injury? ☐ Yes ☒ NoDid this complaint result in a death to a child? ☐ Yes ☒ No**Summary of Complaint:**

The following concerns were reported on the dates noted:

8/26/25 :

Unknown staff left bruising in the shape of fingerprints on both wrists of a four year old child.
 Ratio is not in compliance as there have been as many as 15 children with one staff at times.
 Staff are not completing incident reports.

8/28/25:

Staff expose children to allergens from the food staff are eating.
 Cribs are covered with blankets.
 Staff do not wash hands after diaper changes.
 Staff are constantly on their phones.
 Staff take pictures of children and send them to people

9/8/25:

An unknown staff member gave a child a black eye on 8/8/25. There was no account as to what occurred or incident report made.
 A staff used inappropriate language referring to another staff in a derogatory fashion in the two year old room in the presence of the children on 8/8/25.

10/7/25:

The center had an expired epi pen for a child with severe allergies and could not provide the current medication back to the parent when requested.

Licensing Rules Relevant to the Complaint:

237A.7 Information regarding a child in a child care center or their relative is confidential. If this information is released by visual, verbal or written means, written consent from the parent or guardian is in the file or a court order allowing the release of the information.

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109.8(2) Ratio maintained in center as required: Brief absence of staff person permitted for 5 or less minutes when another staff person is present. At least one staff is present in every room where children are resting. If ratio reduced to one staff per room during nap time, does not exceed one hour and ratio in center is still maintained. Ratio in infant rooms is always maintained. When more than eight children are present on the licensed premises, at least two staff members shall be present. For a period of two hours or less at the beginning and end of the center's hours of operation, one staff member may care for eight or fewer children, provided no more than four of the children are under two years of age and there are no more than eight children in the center. Ratio exceeded for school-age children when school classes unexpectedly start late, are dismissed early, or cancelled. For no more than four hours, care is limited to children already in the program and licensed capacity is not exceeded.

109.10(1) Medications: The center shall have written procedures for dispensing, storage, and authorization, and recording of all prescription and non-prescription medications. Staff must be over 18 to administer medication. All medications shall be stored in original containers with physician or pharmacist directions. Labels should be intact and stored so they are inaccessible to children and public. Nonprescription medications shall be labeled with the child's name. For every day an authorization for medication is in effect and child is in attendance, there shall be a notation of administration including the name of medicine, date, time, dosage, given or applied, and the initials of the person administering the medication or the reason the medication was not given. For ongoing, long term medications, authorization shall be obtained for a period not to exceed the duration of prescription. Staff shall not provide medications to a child if pre-service/orientation training for medication management has not been completed.

109.10(5) Staff hand washing: The center shall ensure staff demonstrate clean personal hygiene sufficient to prevent or minimize the transmission of illness or disease

109.10(8) Recording incidents: Parents shall be notified on the day of the incident involving a child that includes: Minor injuries. Minor changes in health status. Minor behavioral concerns. Incidents resulting in injury to a child. Shall be verbally notified immediately when there is: A serious injury to a child. An incident resulting in a significant change in health status. An incident includes the child being involved in inappropriate, sexually acting out behavior. A WRITTEN report, fully documenting every incident, shall be provided to the parent or authorized person. This should be completed by staff that witnessed the incident and retained in child file. Serious injuries and deaths must be reported to the Department within 24 hours.

109.10(14)a The center and supervisor shall ensure that staff knows names and number of children assigned. Staff shall provide careful supervision.

109.12(4)e The provider shall follow safe sleep practices for infants under one year of age: Infants shall always be placed on their backs for sleep. Infants shall be placed on a firm mattress with a tight fitted sheet. Infants shall not be allowed to sleep on a bed, sofa, air mattress or other soft surface. No child shall be allowed to sleep in any item not designed for infant sleeping, including but not limited to an infant seat, car seat, swing, or bouncy seat. No toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding shall be allowed in the sleeping area with the infant. No co-sleeping shall be allowed. Sleeping infants shall be actively observed by sight and sound. If an alternate sleeping position is needed, a signed physician or physician assistant authorization with statement of medical reason is required and an expiration date.

Inspection Findings:

The center was visited unannounced on 9/9/25 and then again on 10/13/25 to discuss the reported concerns with the center owner/director, Holly Richards, the assistant director, Jenna Sorensen, and other staff. The staff were spoken to individually. It is noted that HHS workers Melissa Wohlers and Carrie Habel are also involved. HHS Wohlers was present for a portion of the 9/9/25 visit. HHS Habel visited the center on a separate occasion and spoke with additional staff at that time as well. HHS Wohlers and HHS Habel met with the two of the children and their families separately. HHS Wohlers and HHS Habel provided additional information to the licensing consultant relative to those meetings.

Holly stated she has obtained legal counsel due to what she reports as slander to the center that has been happening recently via social media. Holly described several former disgruntled employees who have recently left the center. Holly stated the former employees are disgruntled about not receiving raises they thought they were entitled to and are unhappy about some of the other policy changes Holly has made since taking over this center from the previous owner. Holly stated there were families who were also not happy with some of the business practice changes Holly has made since taking over the center. Holly stated these employees are friendly with some of these families and have also provided care to their children outside of the center. Holly stated there is a mother's chat group that she has become aware of that involves some of these families. Holly stated some of these families have now also left the center. Holly stated she is at the center typically all day every day. She stated she helps out in the rooms especially in the infant and toddler rooms. Jenna stated she is also moving around throughout the center daily. She stated she typically helps out more in the two years and older rooms.

109.8(2) Ratio maintained in center as required. VIOLATED

Holly and Jenna denied that the center had been out of ratio. They stated they may have had 15 two

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year old children, however, they would have three staff with this group. Discussion occurred regarding specifically in the mornings when breakfast is occurring at the center, and a larger group of children is combined. HHS Habel also interviewed a staff in regards to this arrangement and reports the staff person stated there are typically 12 to 15 children with three to four staff. HHS Habel interviewed several other staff who all denied that they had been out of ratio in their rooms. HHS Habel described walking through a portion of the center during her visit and ratio was in compliance at that time per her description. Though there is not definitive evidence to indicate the center has been out of ratio, the center is cited with regard to this rule because Holly admits they have been mixing age groupings outside of what is allowed by rule during those morning hours.

109.10(1) Medications: The center shall have written procedures for dispensing, storage, and authorization, and recording of all prescription and non-prescription medications. Staff must be over 18 to administer medication. All medications shall be stored in original containers with physician or pharmacist directions. Labels should be intact and stored so they are inaccessible to children and public. Nonprescription medications shall be labeled with the child's name. For every day an authorization for medication is in effect and child is in attendance, there shall be a notation of administration including the name of medicine, date, time, dosage, given or applied, and the initials of the person administering the medication or the reason the medication was not given. For ongoing, long term medications, authorization shall be obtained for a period not to exceed the duration of prescription. Staff shall not provide medications to a child if pre-service/orientation training for medication management has not been completed. VIOLATED

In regards to the specific complaint, it is not possible to conclude whether or not the center had an expired epi pen or that a newer epi pen had been provided to and then was misplaced by the center, however, at the 10/13/25 visit a review of the center's medications found an expired over the counter medication present and medications present without current parent authorization forms completed. The center is cited with regard to medication compliance.

109.10(5) Staff hand washing: The center shall ensure staff demonstrate clean personal hygiene sufficient to prevent or minimize the transmission of illness or disease. NOT VIOLATED
The center is not cited with regard to this portion of the complaint. Several staff were spoken to regarding diapering procedures, and compliance issues were not identified or observed at this visit.

109.10(8) Recording incidents: Parents shall be notified on the day of the incident involving a child that includes: Minor injuries. Minor changes in health status. Minor behavioral concerns. Incidents resulting in injury to a child. Shall be verbally notified immediately when there is: A serious injury to a child. An incident resulting in a significant change in health status. An incident includes the child being involved in inappropriate, sexually acting out behavior. A WRITTEN report, fully documenting every incident, shall be provided to the parent or authorized person. This should be completed by staff that witnessed the incident and retained in child file. Serious injuries and deaths must be reported to the Department within 24 hours. VIOLATED

Holly and Jenna denied that staff are not completing incident reports. Holly stated there was a time when their Procure system was requiring management to approve the incident reports before the reports would be released to the parents, and this caused some delay. Holly stated they have since turned this feature off so that reports could go out right away. Holly stated staff have been told to notify she or Jenna if there is an incident report and that either she or Jenna are checking Procure at the end of each day to be certain all incident reports have gone out. Holly stated that Procure does show them if there is something pending. The center is cited with regard to this portion of the complaint. Based on the information gathered and regardless of the reason, it is apparent that there have been times when incidents have not been reported and/or not been reported timely as specified in the rule.

In regards to the concern about the child having bruises on the child's wrist, Holly and Jenna stated it was not clear how the child might have obtained those bruises. Holly and Jenna discussed learning that some of the children grab and try to swing from branches of a willow tree in the outdoor play area. Holly and Jenna stated the child does not have any behavioral issues that would warrant staff needing to grab ahold of the child in a manner that might cause bruising. HHS Habel spoke with several other staff individually and reported they each denied that they had grabbed this child or had witnessed anyone else grabbing the child. HHS Habel spoke with the child and reported the child did not know how the child obtained the bruises and that the child denied that anyone at the center had ever hurt the child. The center is not cited with regard to this portion of the complaint.

In regards to the concern reported about the child getting a black eye at the center, Holly stated she recalled the parent inquiring about a time when the child was observed crying while outside at pick up and when the child was asked why the child was crying, the child reportedly stated the child was hit in the head by another child. Holly stated she asked staff about this, and staff did not recall anything. Holly stated there was nothing mentioned about a black eye. Holly stated she watched the video from that date and did not see anything. Holly stated the child is three years old. Two staff who worked with this child were spoken to individually and neither recalled any incident involving a significant injury or a black eye for this child. Both stated they would definitely recall such an injury if it happened. HHS Wohlers spoke with the family and child subsequent this visit. HHS Wohlers reported the following: The parents indicated the child did have a black eye. They did not think someone intentionally hurt the child at the center. The child is active and it could have happened anywhere. The child denied that anyone

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had hit the child in the eye at daycare. The center is not cited with regard to this portion of the complaint.

109.10(14)a The center and supervisor shall ensure that staff knows names and number of children assigned. Staff shall provide careful supervision. NOT VIOLATED

In regards to concerns reported that staff are on their cell phones, Holly stated they were having issues with this about six weeks ago. Holly stated they were constantly telling staff to put their phones away. Holly stated the staff that they were having the most problems with have left the center. Holly stated they have been working on a more formal plan for this but have not finalized anything yet because they have not had more recent issues. The center is not cited with regard to this portion of the complaint. Though admittedly this has been an issue, Holly has identified it and is addressing it. It does not rise to the level of a violation at this time.

In regards to concerns reported that staff are exposing children to allergens with staff food, Holly states it is the center's policy that if staff bring their own food or order in food that it must be eaten in the break room, not with children. Holly and Jenna described an incident that occurred when a staff ordered food, and Jenna discovered at the door that it had peanut butter. Holly stated the center is a peanut free center, and that Jenna made the employee remove the item immediately to the dumpster outside before it traveled farther into the center. Holly stated this incident involved one of the former disgruntled employees. The center is not cited with regard to this portion of the complaint.

In regards to concerns reported about a staff using inappropriate language in the presence of the children, Holly stated she watched the video of the incident when she became aware of the accusation, and nothing was observed in the video. Holly stated she did not have concerns regarding the accused staff and that he is a quiet and non-confrontational person. Holly stated this accusation occurred as one of the former disgruntled staff, who she believes is one of the staff making these complaints, was in the process of walking out of the center. Holly described that this former staff person was herself yelling, cussing, and acting inappropriately in the hallway as she was being asked to leave. The center is not cited with regard to this portion of the complaint as there is not definitive evidence to suggest that there has been a specific licensing violation.

109.12(4)e The provider shall follow safe sleep practices for infants under one year of age: No toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding shall be allowed in the sleeping area with the infant. NOT VIOLATED

The room was visited and observed at the 9/9/25 visit, and there were no concerns observed for safe sleep requirements. Staff denied that they use blankets with children not yet at least 12 months old. Safe sleep requirements were reviewed with the director and staff in the room. The center is not cited with regard to this portion of the complaint as there is not definitive evidence of a licensing violation.

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Holly stated staff are using the center equipment to put photos on Procure for parents to access, and she has not been made aware of or observed concerns that staff are using their personal devices. The center is not cited with regard to this portion of the complaint as there is not definitive evidence of a licensing violation.

Special Notes and Action Required:

The center is reminded, again, regarding the rules regarding combining different age groupings of children and what is allowed and when. Two year old children may not be combined with four year old children and three year old children may not be combined with six year old children unless under the very specific rule 109.8(2)h for the very beginning and/or end of the day with only the number of children and staff present at the center as defined by the rule. The center will need to ensure compliance.

Subsequent this visit, Holly provided correspondence indicating she had obtained a new medication and the required parent authorization forms for those that were found out of compliance. Center administration will need to track very closely the medications and required documentation on site to ensure all are current and not expired.

Center administration will need to continue to monitor closely that incident reporting is completed properly and timely and reported to parents as required.

It is recommended that the center administration develop a policy regarding cell phones, enact that policy immediately, and closely monitor staff for compliance. The center is reminded that staff in ratio shall be engaged in program activities with the children.

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Consultant's Signature:

Heidi Hungate

Date:

10-17-2025