

**STATE OF CONNECTICUT
OFFICE OF EARLY CHILDHOOD
LEGAL DIVISION**

CONSENT ORDER
Illegal Family Child Care Home Operation

IN RE: MICHELLE KYNARD

WHEREAS, the Connecticut Office of Early Childhood (“Agency”) alleges that Michelle Kynard (“Provider”), operated and maintained a Family Child Care Home at 89 Cold Spring Lane, Suffield, CT 06078, without a license from approximately April 23, 2023, through May 17, 2023.

WHEREAS, the operation and maintenance of a Family Child Care Home without a license violates § 19a-87b (a) of the Connecticut General Statutes (“Statutes”);

WHEREAS, the Agency, in accordance with General Statutes § 19a-87c (a) and § 19a-87b-15 (f) of the Regulations of Connecticut State Agencies has the authority to impose a Civil Penalty of not more than \$100.00 (one hundred dollars) per day for each day of operation without a license, and has proposed a maximum civil penalty of one thousand five hundred dollars (\$1,500);

WHEREAS, the Provider has been informed of her right to a hearing regarding the above allegations and has chosen not to request a hearing, thereby waiving her right to a hearing;

WHEREAS, this is a contested case which, under § 4-177 (c) of the Statutes, may be resolved by Consent Order and the parties desire to fully resolve the matter; and,

WHEREAS, this Consent Order embodies the entire agreement of the parties with respect to the subject matter involved herein. All previous communications and agreements, with regard to the subject matter of this Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof;

THEREFORE, the Provider hereby agrees to the following:

1. This Consent Order fully and completely resolves the allegations referenced above without any further proceeding and shall have the same effect as if ordered after a full administrative hearing pursuant to § 19a-87(c) of the Statutes;
2. This Consent Order may be considered as proof of the above violations in any subsequent proceeding before the Agency or in any judicial forum for purposes of enforcement;
3. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack, or judicial review under any form or in any forum, including any right of review under the Uniform Administrative Procedure Act, Chapter 368a of the Statutes, or the Regulations of Connecticut State Agencies that exist at the time the agreement is executed or may become available in the future;
4. This Consent Order is a revocable offer of settlement that may be modified by mutual agreement or withdrawn at any time prior to its being signed by the Commissioner of Connecticut’s Office of Early Childhood designee;
5. This Consent Order is a matter of public record;

6. The Provider shall pay a total civil penalty of five hundred dollars (\$500) for failure to comply with the Regulations, due and payable upon the Provider's signing this Consent Order. The Provider shall submit the payment by check payable to "Treasurer, State of Connecticut" and mailed to: Connecticut Office of Early Childhood, Legal Division, 450 Columbus Blvd., Suite 303, Hartford, CT 06103, Attention: MaryBeth Miller, Staff Attorney.
7. If the Agency substantiates that illegal child day care has been provided by the Provider on or after May 17, 2023, the Provider shall pay the entire outstanding balance of the proposed maximum civil penalty of one thousand five hundred dollars (\$1,500) initially proposed by the Agency, within ten days of receiving notice of the Agency's substantiation. Such amount shall be submitted by check payable to "Treasurer, State of Connecticut" and mailed to: Connecticut Office of Early Childhood, Legal Division, 450 Columbus Blvd., Suite 303, Hartford, CT 06103, Attention: MaryBeth Miller, Staff Attorney.
8. Legal notice of any action shall be deemed sufficient if sent to the Provider's last known address of record reported to the Division of Licensing of the Connecticut Office of Early Childhood;
9. The Provider understands this Consent Order is effective upon approval and acceptance by the Commissioner's representative if a hearing has not been scheduled and by the Commissioner if a hearing has been scheduled, at which time it shall become final and an Order of the Commissioner of Connecticut Office of Early Childhood; and,
10. The Provider has had the opportunity to consult an attorney before signing this Consent Order.

IN WITNESS WHEREOF, the parties hereto, which have caused this Order to be executed by their respective officers and officials, declare the execution of this Consent Order to be their free act and deed.

PROVIDER

CONNECTICUT OFFICE OF EARLY CHILDHOOD

Beth Bye, Commissioner

By: Michelle Kynard

Michelle Kynard

By: _____

Elizabeth Proietti, Director

Division of Licensing

Connecticut Office of Early Childhood

Date Signed: 6-7-23

Date Signed: 6/9/2023