



North Carolina Department of Health and Human Services  
Division of Child Development and Early Education

5 Star Rated License • Prekindergarten • Subsidized Early Education for Kids

Beverly Eaves Perdue, Governor

Albert A. Delia, Acting Secretary

Deborah J. Cassidy, Director

July 18, 2012

Diane W. Lee  
Tidilee, Inc.  
300 Lake Royale  
Louisburg, NC 27549

CERTIFIED MAIL  
Case# 1011-001 and 1011-100

Dear Ms. Lee:

The purpose of this letter is to inform you of the status of the Notice of Proposed Administrative Action to Revoke the Four Star License issued to Tidilee, Inc., as operators of Leaps and Bounds Early Learning, ID# 35000082. On May 18, 2012, the Division of Child Development and Early Education sent a Notice of Proposed Action to you by certified mail advising that the Division was preparing to take action against Leaps and Bounds Early Learning. The proposed Administrative Action was based on the following:

**Child Abuse/Neglect Report**  
Case# 1011-001

On October 3, 2011, a Child Abuse/Neglect Consultant of the Division of Child Development and Early Education visited Leaps and Bounds Early Learning to investigate a report alleging sexual abuse of a child. Based on interviews conducted and information received by the Child Abuse/Neglect Consultant, the Division's investigation determined the following:

A preschool child disclosed that Timothy Lee, the facility's co-owner, engaged in inappropriate activities with the child, a violation of North Carolina General Statute 110-91(10) regarding care and treatment of children. A medical professional who conducted a Child Medical Examination (CME) indicated the child was traumatized based on statements of disclosure and the child's significant behavior changes. Mr. Lee was a caregiver for the child at the facility at the time of the incidents. The child is no longer enrolled.

On October 3, 2011, Mr. Lee and his wife, Diane Lee, the center director and co-owner, agreed to implement a Protection Plan developed by the Child Abuse/Neglect Consultant. The plan prohibits Timothy Lee from being on the premises of the child care center while children are present for care. Ten additional visits were conducted by the Child Abuse/Neglect Consultant to monitor the Protection Plan. During the visits, the facility was in compliance with the provisions of the Protection Plan. A former staff member stated that on or about February 1, 2012, Mr. Lee entered the facility at about 5:55 p.m. for a brief time while four children were still present for care. Mr. and Mrs. Lee, an additional staff member, and parents deny Mr. Lee has been on the premises while children were present for care.

**FRANKLIN COUNTY DEPARTMENT OF SOCIAL SERVICES CONCLUSION**

On January 30, 2012, the Division of Child Development and Early Education received written notification from Franklin County Department of Social Services that child sexual abuse and child neglect was substantiated at the conclusion of that agency's investigation of the report due to sexual abuse and an injurious environment for children. Substantiations of child sexual abuse and child neglect in a child care facility are violations of North Carolina General Statute 110-105.2(a).

**Child Abuse/Neglect Report**  
Case# 1011-100

On October 24, 2011, a Child Abuse/Neglect Consultant of the Division of Child Development and Early Education visited Leaps and Bounds Early Learning to investigate a report alleging child neglect due to inappropriate discipline of children. Based on interviews conducted by the Child Abuse/Neglect Consultant, the Division's investigation determined the following:

On October 4, 2011, a four-year-old child climbed on another child while playing in the classroom. Ms. Lee took the child's hand to remove the child off the child that was on the floor and the child fell backwards. The child sustained a dislocated elbow during the incident. Conflicting information was received regarding the time the incident occurred. Staff did not notify the child's parents for forty-five (45) minutes up to two (2) hours after child started complaining about the arm hurting, a violation of Child Care Rule 10A NCAC 09 .0802(a)(5)(A-E) regarding emergency medical care. Ms. Lee denied jerking the child in any manner; however, two former staff members stated they witnessed Ms. Lee jerk children by their arms on different occasions. On those occasions, Ms. Lee handled children in a rough manner, a violation of Child Care Rule 10A NCAC 09 .1801(b)(1) regarding discipline of children.

#### FRANKLIN COUNTY DEPARTMENT OF SOCIAL SERVICES CONCLUSION

On January 30, 2012, the Division of Child Development and Early Education received written notification from Franklin County Department of Social Services that child neglect was substantiated at the conclusion of that agency's investigation of the report due to improper care of children. A substantiation of child neglect in a child care facility is a violation of North Carolina General Statute 110-105.2(a).

#### Licensing Complaint

Case# 0212-055L

On February 15, 2012, a Child Abuse/Neglect Consultant of the Division of Child Development and Early Education visited Leaps and Bounds Early Learning to investigate a report alleging violations of child care requirements regarding discipline of children. Based on interviews conducted by the Child Abuse/Neglect Consultant, the Division's investigation determined the following:

On January 27, 2012, Cynthia Brubaker, staff member, popped the hand of an eighteen-month-old child in her care, a violation of North Carolina General Statute 110-91(10) and Child Care Rule 10A NCAC 09 .1801(b) regarding the discipline of children. In addition, on or about January 30, 2012, Ms. Brubaker restrained the child during naptime by placing her knee in the child's back in order for the child to remain on the mat, a violation of Child Care Rule 10A NCAC 09 .1801(b)(1) regarding discipline of children.

Ms. Brubaker was criminally charged on March 8, 2012, with misdemeanor child abuse. On March 9, 2012, the Division of Child Development and Early Education disqualified Ms. Brubaker from having responsibility for the safety and well-being of children under North Carolina General Statute 110-90.2 regarding Criminal Records Checks. As a result, Ms. Brubaker may not own, operate, be employed, provide transportation, work in a child care facility, or be present when children are present.

As you are aware, the Division was preparing to issue a Revocation of License to you based on the above findings related to Franklin County Department of Social Services substantiations of child neglect and child sexual abuse and based on violations of child care requirements regarding the care and treatment of children, emergency medical care, and repeated violations regarding the discipline of children. However, on June 26, 2012, you provided information to the Lead Child Care Consultant and Child Abuse/Neglect Team Supervisor that you planned to close the child care center located at 2196 Sledge Road, Louisburg, NC 27549 and sell the business to a new operator effective July 1, 2012. During a pre-licensing visit conducted on July 9, 2012, by the Lead Child Care Consultant with the new owner of the center, the license was received and it was verified that you no longer own the child care center. As a result, the Division no longer has authority to issue an administrative action to you at this time.

Please be aware that should you apply for a child care license in the future, the information obtained during the investigations will be considered in making a determination regarding the application. Based on the substantiations of child sexual abuse/neglect, and willful noncompliance with child care requirements, it is unlikely the Division of Child Development and Early Education would issue a license to you.

Please be aware that North Carolina General Statute 110-86(2) and (3) defines child care and child care facility as follows:

- (2) Child care – A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:
  - a) Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
  - b) Recreational programs operated for less than four consecutive months in a year;

- c) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls club
  - d) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
  - d1) Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, (ii) the parents are on the premises, and (iii) there are no more than 25 children in any one group in any one room;
  - e) Public schools;
  - f) Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
  - g) Bible schools conducted during vacation periods;
  - h) Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
  - i) Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
  - j) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.
- (2a) Child care administrator. – A person who is responsible for the operation of a child care facility and is on-site on a regular basis.
- (3) Child care facility. – Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
- a) A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
  - b) A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.
- (4) Repealed by Session Laws 1997-506, s. 3.
- (4a) Department – Department of Health and Human Services.
- (5) Repealed by Session Laws 1975, c. 879, s. 15.
- (5a) Lead teacher – An individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility.
- (6) License – A permit issued by the Secretary to any child care facility which meets the statutory standards established under this Article.
- (7) Operator – Includes the owner, director or other person having primary responsibility for operation of a child care facility subject to licensing.
- (8) Secretary – The Secretary of the Department of Health and Human Services.

If you operate a child care facility without being licensed, you will be in violation of North Carolina General Statute 110-98 and subject to the penalties of North Carolina General Statute 110-103. Namely, providing illegal child care could result in the issuance of a warrant for your arrest and your being convicted of a felony punishable by a fine, imprisonment, or both.

Unannounced visits by a representative of the Division of Child Development and Early Education may be made in the future to assure that you are not providing illegal child care.

This agency remains available to assist you upon request. If you have questions or concerns about this matter, you may contact Holli Britt, Central Child Abuse/Neglect Team Supervisor, at (919)556-2875.

Sincerely,



Tamara Barnes, Chief  
Regulatory Services Section

cc: Danielle Lyons, Child Care Consultant  
Jevonica Greenwood, Child Care Consultant  
Holli Britt, Central Child Abuse/Neglect Team Supervisor  
Janet Curlee, South Central Child Abuse/Neglect Team Supervisor  
Deanna Hoxworth, Child Abuse/Neglect Program Manager

Andrea Lewis, Assistant Section Chief, Regulatory Services Section  
Penny Dickens, Subsidy Services Consultant  
Child Care Coordinator, Franklin County Department of Social Services  
Ashley Leonard, Franklin County Department of Social Services  
Linda Chappel, Child Care Services Association  
Kimiko Knight, Child Care Resource and Referral of FGV