



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 9, 2022

Konstance Tariske
Portside Child Development Center, LLC
4759 Airline Rd.
Muskegon, MI 49444

RE: License #: DC610382998
Investigation #: 2022D1080005
Portside Child Development Center

Dear Mrs. Tariske:

I conducted a special investigation because the child care licensing division received a complaint against your facility that related to licensing rules or law. The allegations were related to the following:

R 400.8182 (3) Ratio and group size requirements.
R 400.8345 (4) Water supply; plumbing.

The details of the allegations are in the attached report. To investigate the allegations:

- I interviewed the program director, licensee designee, caregivers, and parents.
- I completed on-site inspections on the following dates: 01/18/2022, 02/17/2022.

As a result of this investigation, I found the following violation(s):

R 400.8125 (1) Staff; volunteer; requirements.
R 400.8176 (6) Sleeping equipment.
R 400.8176 (8) Sleeping equipment.
R 400.8176 (13) Sleeping equipment.
R 400.8188 (3) Sleeping, resting, and supervision.
R 400.8188 (6) Sleeping, resting, and supervision.
R 400.8188 (11) Sleeping, resting, and supervision.
R 400.8345 (4) Water supply; plumbing.

I recommend no change to the current license status. Due to the violations, you must send us a corrective action plan by 03/20/2022. You can use our [corrective action plan](#) form or create your own. If you need help writing the corrective action plan, please

contact me. If you do not send a corrective action plan, you may face disciplinary action. **The corrective action plan must include the following:**

- **How compliance with each rule will be achieved.**
- **Who is directly responsible for implementing the corrective action for each violation.**
- **Specific time frames for each violation as to when the correction will be completed or implemented.**
- **How continuing compliance will be maintained once compliance is achieved.**
- **The signature of the responsible party and a date.**

Due to the infant safe sleep violation(s), all of your infant caregivers must take training on infant safe sleep. This must be included in your corrective action plan. In addition, a follow up inspection may be made to check compliance with the infant safe sleep rules.

During this special investigation:	Yes	No
A rule or law violation was found and a serious injury or death occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A rule or law violation was found and abuse and/or neglect of a child occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This report and any related corrective action plans must be filed in your licensing notebook. This report and any related corrective action plans will be online for parents to review under the [Statewide Search for Licensed Child Care Centers and Homes](#).

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (517) 284-9730.

Sincerely,

Amanda Wendell

Amanda Wendell, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(231) 492-5410

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	DC610382998
Investigation #:	2022D1080005
Complaint Receipt Date:	01/14/2022
Investigation Initiation Date:	01/18/2022
Report Due Date:	03/15/2022
Licensee Name:	Portside Child Development Center, LLC
Licensee Address:	4759 Airline Rd. Muskegon, MI 49444
Licensee Telephone #:	Unknown
Administrator:	Konstance Tariske, Designee
Licensee Designee:	Konstance Tariske, Designee
Name of Facility:	Portside Child Development Center
Facility Address:	4759 Airline Rd. Muskegon, MI 49444
Facility Telephone #:	(231) 747-7658
Original Issuance Date:	09/08/2016
License Status:	REGULAR
Effective Date:	06/16/2020
Expiration Date:	06/15/2022
Capacity:	30
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
The child care center does not maintain the required child care staff member to child ratios and is understaffed.	No
Ms. Tariske did not maintain the building's water pipes in good working condition.	Yes
Additional Findings	Yes

III. METHODOLOGY

01/14/2022	Special Investigation Intake 2022D1080005
01/18/2022	Special Investigation Initiated - On Site 10:30 A.M.-12:30 P.M. Interviews with licensee designee Ms. Konstance Tariske, program director Ms. Melissa Bentoske, and child care staff members Ms. Victoria Rewalt, Ms. Katelynn Meister, and Ms. Ariel Bullers
01/21/2022	Contact - Telephone call made Interview with Ms. Bentoske
02/16/2022	Contact - Telephone call made Interviews with Child A and Child B's Mother, Child C's Mother, and Child D's Mother
02/17/2022	Inspection Completed On-site
02/22/2022	Inspection Completed-BCAL Sub. Compliance
02/24/2022	Exit Conference with Ms. Tariske

ALLEGATION: The child care center does not maintain the required child care staff member to child ratios and is understaffed.

INVESTIGATION: On 01/14/2022, I received a complaint alleging that child care children are not in their assigned classrooms and that the center is very understaffed. This center is composed of the infant room with a capacity of 12 infants, the Toddler 1 room with a capacity of 8 children, ages 18 months to 2 years 11 months, and the Toddler 2 room with a capacity of 10 children ages birth to 3

years. This center is attached by an adjoining door to another center under the same licensee group. The second center is for preschool-aged children, with children moving from the Toddler 2 room to the other center.

During my original onsite inspection, program director Ms. Melissa Bentoske, who is also the lead caregiver in the infant room, denied knowing where the allegation regarding the classrooms came from. She reported that they “stick pretty close to the classroom ages she [Ms. Tarske] has set up.” The Infant room has children ages birth to 1 year. The Toddler 1 classroom has children aged 12-18 months. The Toddler 2 room has children ages 18-30 months. Ms. Bentoske stated that children get moved to the next level classroom based on the center’s numbers. Regarding the allegation that the center is understaffed, Ms. Bentoske reported that last week they were overstaffed. The center might be out of ratio if staff call in or don’t show up for work. She clarified that they will only be out of ratio until another staff member can arrive.

I interviewed Ms. Konstance Tarske, the licensee designee of the center. Ms. Tarske agreed that she has fewer staff working for what she prefers her ratios to be, but that she was in compliance with the child care licensing rules regarding ratio. They sometimes move children to different rooms when numbers are low at the end of the day so that staff can leave on time. She also sometimes moves children around to different classrooms based on the specific numbers of a day. She denied that they are ever out of the required child to caregiver ratio for each age group served. I informed Ms. Tarske of the ages listed for each room on the original licensing study report. She stated that she thought she had changed that. I requested that she submit a request for modification to her licensing consultant. As the indoor space requirement is the same for all age groups served, I provided technical assistance on this issue.

When I arrived for the onsite inspection, Ms. Victoria Rewalt, the lead caregiver for the Toddler 2 room, was in the infant room. Ms. Sue Tarske, an unsupervised volunteer, was providing care in the Toddler 2 room. Ms. Rewalt and Ms. Bentoske informed me that Ms. Tarske has a “hard time” caring for infants all day, so Ms. Rewalt sometimes trades duties with her for a couple of hours. When they trade rooms, Ms. Rewalt leaves craft activities for Ms. Tarske to do with the children, much like she would if there was a substitute caregiver in the room. Staff try to keep the children in their own classrooms, only moving them around when it is necessary due to their numbers. The center is always in compliance with the required child to caregiver ratios. They sometimes must move children until additional staff arrive. They do not often combine the Toddler 2 class with the Infant class; this happens only as a “last resort”. She denied that the children in the Toddler 2 room spend much time in the Infant room.

Ms. Katelynn Meister is the lead caregiver in the Toddler 1 room. Ms. Meister reported that children are often in the wrong classrooms. Children 18 months to 30 months often go into the infant room, where they are bored because there are not

toys in there appropriate to their age and developmental level. She denied that this moving of children is always due to a shortage of staff, but rather because Ms. Rewalt wants to be around Ms. Bentoske. Ms. Meister identified that the center has been understaffed since November 2020. She was hired as an assistant caregiver but obtained her CDA because she was operating as a lead caregiver. Ms. Meister identified that child care staff member to child ratios are generally followed but that children must be moved around a lot to accomplish this.

It should be noted that Ms. Rewalt is Ms. Bentoske's daughter.

I interviewed Ms. Ariel Bullers, child care staff member in the Toddler 1 room. The center is often understaffed, and children are moved to different classrooms to alleviate staffing issues. There are currently two-year-old children in the Toddler 1 room who should be moved to the Toddler 2 class. There is no room for the two-year-olds in the Toddler 2 room because the room only has one child care staff member. In order to maintain ratios, staff move children to different classrooms, including to the preschool side of the building. Often, the Toddler 2 class must move into the Infant room so that the appropriate ratios can be maintained for both groups.

As part of my investigation, I obtained a week's worth of child and staff member attendance records. While the attendance sheets are not broken down by room, it appears that the center was in compliance with the required child care staff member to child care child ratios at all times.

I interviewed Child A and Child B's Mother. Child A and Child B are cared for in the infant room, with Ms. Bentoske and Ms. Rewalt providing care in the mornings and Ms. Konstance Tarske and Ms. Sue Tarske providing care in the afternoon. Child A and Child B's Mother reported that things are going well and that she trusts the child care staff members. Child A and Child B are always cared for in the room where they are supposed to be.

I interviewed Child C's Mother. Child C is in the Toddler 2 room. Ms. Rewalt is the child care staff member in that room in the morning, but Child C's Mother doesn't know who is in there in the afternoon. Child C's Mother does not have concerns with the care Child C receives, except that sometimes he has a dirty diaper at pickup or snot on his face. She denied that she has any concerns about the center being understaffed, stating that Child C was moved up to the younger preschool class one day with parental permission because of staffing issues in the toddler room. Child C is usually in the infant room at pickup with around seven other infants and toddlers. There are two or three staff members in the room as well.

I interviewed Child D's Mother. Child D attends care in the infant room. The child care staff member in that room is normally Ms. Bentoske. Ms. Rewalt assists her in the morning and Ms. Sue Tarske assists in the afternoon. Child D's Mother does not know how many children are present in the infant room when she drops Child C off but does know that all the children are dropped off to the infant room and not all the

children in there are infants. She denied knowing what time the children split off to their own rooms. Child C's Mother denied any concerns with the center and stated that things are "going fine." The children largely seem to be in the appropriate age group rooms. There does seem to be a lot of turnover in staff, but they always have enough staff to cover.

APPLICABLE RULE	
R 400.8182	Ratio and group size requirements.
	(3) In each room or well-defined space, the maximum group size and ratio of child care staff members to children, including children related to a staff member or the licensee, must be as shown in Table 4: ...
ANALYSIS:	There is insufficient evidence to support the allegation that the center is understaffed or that the appropriate child care staff member to child care child ratios are not being maintained.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: Ms. Tariske did not maintain the building's water pipes in good working condition.

INVESTIGATION: Ms. Tariske reported that the kitchen sink is slow to drain and has been that way for a few weeks. It started before Christmas and has gradually gotten worse. She first monitored it for a couple of weeks to see if the issue resolved itself. When it continued, she contacted the landlord. A septic company was working on it the day prior. The adjoining church had a plumber come out the same day because the plugged sink line is connected to the church. As of the time of the first onsite inspection, the issue had not been resolved. Ms. Tariske was going to talk to the pastor after my inspection. Ms. Tariske denied that the issue with the drain is interfering with her ability to provide food service. She reported that they have a 3-compartment sink, with compartment 1 holding soapy water for washing dishes, compartment 2 being where they rinse dishes, and compartment 3 holding a bleach sanitizing solution. So long as water is not left running for an extended period, the drain works. Ms. Tariske reported that they fill compartment 1 and 3 in the morning and do not drain them until the center closes. The water is always gone by the next day. Food and other particles have come up the center sink drain, but never compartment 1 or 3. Staff have never told her of food coming up the drain in compartment 1 or 3.

Ms. Bontoske reported that the kitchen sink is usable but does get backed up. There were people at the center working on it the day prior, but it is still backed up. It has been doing this since the last week or the week before that.

Ms. Rewalt reported that the sink has been backed up for one or two weeks. It drains slowly but is still functional. Someone came to fix it yesterday, but they were not successful.

Ms. Meister reported that the sink has been clogged since before Christmas. She stated that food comes up the drain in the sanitizing compartment and that nothing has been done to fix it. She worked the previous day and she did not see anyone working on the lines. She identified that the sinks will eventually drain, but that it leaves the sinks dirty, and food and “gunk” come up the drains.

Ms. Bullers confirmed that the sink in the kitchen does not work properly. In the beginning of December, she pulled the drain on the bleach sink and food came up all three sink drains. She told Ms. Tariske, but she is unaware of anyone being called to fix it.

While present in the center, I inspected the sink area in the kitchen. The first and third compartment had water in them. I ran water in the second compartment, and it drained, albeit slowly.

When I returned for a follow-up inspection, Ms. Tariske reported that the plumbers could not get the sink unclogged, so she attempted plunging it. Things came out of the sink and it has worked fine since then. I ran the water in compartment two and it drained appropriately. The first and third compartments were full of water, with child plates and silverware in the first compartment, so I did not drain those two compartments.

None of the parents interviewed had any knowledge of the kitchen sink being backed up.

APPLICABLE RULE	
R 400.8345	Water supply; plumbing.
	(4) All plumbing fixtures and water and waste pipes must be properly installed and maintained in good working condition.
ANALYSIS:	Ms. Tariske did not ensure that the water pipes are maintained in good working condition. She noticed that sink was draining slowly in December, did not report it until January, and was unable to get it fixed until later that month.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION: During my interview with her, Ms. Meister reported that Ms. Rewalt works two jobs and sleeps while working at the center. Sometimes she sleeps during naptime and sometimes when children are awake. Ms. Rewalt will leave her classroom during naptime and go take a nap in the infant room, leaving children in her classroom unattended. Ms. Meister provided me a photograph of Ms. Rewalt lying reclined in a chair in the infant room. She is covered with a blanket and lying to the side. It appears as though she is asleep. There are four infants in the frame. Ms. Meister stated that, at the time of this photograph, Ms. Bentoske and Ms. Rewalt were present with more than four children.

Ms. Bullers stated that Ms. Rewalt “sleeps all the time.” Yesterday she was asleep on the floor of the infant room with a blanket. She will also nap in her classroom during naptime on a mat or on the floor. She has slept a lot in the past two weeks, at least four or five times. The classrooms are not meeting the required ratios when she is asleep.

Ms. Rewalt works another second shift job but denied that she has fallen asleep while working at the center. She denied that there have been any situations where she has looked like she was asleep. I showed her the picture that was provided to me. She confirmed that it was her but denied knowing when that picture could have been taken and had no answer for why she appeared to be asleep or what was actually occurring in the photograph.

Ms. Tariske denied being aware that Ms. Rewalt has napped at the center. She stated that the infant room is cold, so Ms. Rewalt will sometimes wrap up in a blanket but denied that she ever naps. I showed her the photograph provided to me and she could not offer an explanation.

Ms. Melissa Bentoske stated that “if she (Ms. Rewalt) does (nap), it was at naptime.” She confirmed that Ms. Rewalt napped once in the infant room and other times in her own classroom. When she napped in the infant room, infants were awake with children in her class napping in their own classroom while being supervised by another child care staff member.

Child A and Child B’s Mother has never seen a caregiver napping while children are in care. She recently heard of a staff member napping while on break.

Neither Child C’s Mother nor Child D’s Mother had any knowledge of staff members sleeping while at work at the center.

APPLICABLE RULE	
R 400.8125	Staff; volunteer; requirements.
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	Ms. Bentoske does not ensure that staff provide appropriate care and supervision of children at all times. Ms. Rewalt does not provide appropriate care and supervision when she is napping while at work.
CONCLUSION:	REPEAT VIOLATION ESTABLISHED SIR Dated 10/02/2020 Corrective Action Plan Dated 10/19/2020 SIR Dated 11/14/2019 Corrective Action Plan Dated 12/27/2019

INVESTIGATION: When I arrived for my second onsite inspection, Ms. Bentoske and Ms. Sue Tariske were present in the infant room. I observed an eight-month-old infant napping in a bouncer while swaddled in a blanket. Ms. Tariske was sitting in a chair near the infant and stated that the child had just fallen asleep. She picked up the infant at my request.

APPLICABLE RULE	
R 400.8176	Sleeping equipment.
	(6) Car seats, infant seats, swings, bassinets, and play yards are not approved sleeping equipment.
ANALYSIS:	Ms. Bentoske did not ensure that staff do not allow infants to sleep in unapproved sleeping equipment. An infant was sleeping in a bouncer.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8176	Sleeping equipment.
	(8) Swaddling with a sleep sack swaddle attachment or swaddle wrap is allowed only for infants up to 2 months of age.

ANALYSIS:	Ms. Bentoske did not ensure that children are not swaddled after two months of age and are only placed in an appropriate swaddler. An eight-month-old infant was swaddled with a blanket.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8176	Sleeping equipment.
	(13) Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could smother a child must not be placed in, or within reach of, a crib or porta-crib with a resting or sleeping infant.
ANALYSIS:	Ms. Bentoske did not ensure that soft objects are not placed with a resting or sleeping infant. An infant was sleeping wrapped in a blanket.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8188	Sleeping, resting, and supervision.
	(3) Infants shall rest or sleep alone in cribs or porta-cribs.
ANALYSIS:	Ms. Bentoske did not ensure that infants only nap in cribs or porta-cribs. I observed an infant napping in a bouncer.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8188	Sleeping, resting, and supervision.
	(11) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.

ANALYSIS:	Ms. Bentoske did not ensure that infants and toddlers who fall asleep in unapproved sleep equipment are immediately moved. An infant was napping in a bouncer with a staff member nearby.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During my second onsite inspection, I looked in the infant nap room and Ms. Bentoske was attempting to get an infant to sleep by rubbing her back while the infant was placed on her stomach. Both Ms. Bentoske and Ms. Konstance Tariske stated that they thought infants could be placed on their stomachs to sleep once they can roll over.

APPLICABLE RULE	
R 400.8188	Sleeping, resting, and supervision.
	(6) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but shall be allowed to adopt whatever position they prefer for sleep.
ANALYSIS:	Ms. Bentoske did not ensure that all infants, regardless of whether they can roll over, are initially placed on their backs for sleeping.
CONCLUSION:	VIOLATION ESTABLISHED

During the exit conference, technical assistance/consultation was provided regarding the following:

- I reviewed with Ms. Tariske the requirements of how much time a lead caregiver must be present and providing care in their classroom per day.
- I reminded Ms. Tariske that the sanitizing portion of her sink must have water at least 75 degrees Fahrenheit.
- I encouraged Ms. Tariske to drain and refill the wash compartment of the sink to ensure that serving dishes and utensils are washed in hot water.
- I reminded Ms. Tariske to request a modification to correct the age ranges served in each room.

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend no change to the status of this license.

Amanda Wendell

03/09/2022

Amanda Wendell
Licensing Consultant

Date

Approved By:

Candice Case-French

03/09/2022

Candice Case-French
Area Manager

Date