



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

December 21, 2022

Jenni Gordon
5898 W Imlay City Rd
Imlay City, MI 48444

RE: License #: DF440390910
Investigation #: 2023D0521005
Jens Playful Penguins

Dear Ms. Gordon:

I conducted a special investigation because the child care licensing division received information regarding your facility that related to licensing rules or law. The information was related to the following:

- R 400.1911(1) Care; supervision; children.

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

- I interviewed the person who made the complaint, licensee, and child care staff members.
- I completed on-site inspections on the following dates: October 24, 2022, and November 3, 2022

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

- **R 400.1923(2) Diapering and toilet learning.**

Due to the violation, you must send us a corrective action plan by 01/11/2023. 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.



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- 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.

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

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,

Catherine S. Edgar, Licensing Consultant
 Child Care Licensing Bureau
 611 W. Ottawa St. PO Box 30664
 Lansing, MI 48909
 (810) 931-1380

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	DF440390910
Investigation #:	2023D0521005
Complaint Receipt Date:	10/20/2022
Investigation Initiation Date:	10/21/2022
Report Due Date:	12/19/2022
Licensee Name:	Jenni Gordon
Licensee Address:	5898 W Imlay City Rd Imlay City, MI 48444
Licensee Telephone #:	(810) 310-0608
Administrator:	N/A
Licensee Designee:	N/A
Name of Facility:	Jens Playful Penguins
Facility Address:	5898 W Imlay City Rd Imlay City, MI 48444
Facility Telephone #:	(810) 310-0608
Original Issuance Date:	03/29/2019
License Status:	REGULAR
Effective Date:	09/29/2021
Expiration Date:	09/28/2023
Capacity:	6
Program Type:	CHILD CARE FAMILY HOME (CAPACITY 1-6)

II. ALLEGATION(S)

	Violation Established?
On October 19, 2022, Jennie Gordon held a child down during nap. Child A (male, age 1) was observed with a mark on his upper right leg after he was picked up on October 17, 2022.	No
Additional Findings	Yes

III. METHODOLOGY

10/20/2022	Special Investigation Intake 2023D0521005
10/21/2022	Special Investigation Initiated - Telephone Interview with Child A's mother.
10/21/2022	Contact - Document Received Two pictures of two different injuries e-mailed from Child A's mother.
10/24/2022	Inspection Completed On-site Unannounced onsite inspection. 11:051m - 12:00pm. Interview with licensee and child care staff member Tatum Cooper.
10/24/2022	Contact - Document Received I received a copy of screen shots between licensee and Child A's mother regarding napping as well as marks on Child A.
10/26/2022	Contact - Telephone call made Interview with child care staff member Katie Ritzert.
10/27/2022	Contact - Telephone call made Message left for child care staff member Kayla Brady.
10/27/2022	Contact - Telephone call received Interview with child care staff member Kayla Brady.
11/02/2022	Contact – Document sent E-mail sent to Jennie Gordon
11/02/2022	Contact – Document sent Text message sent to Child A's mother.

	Text message received from Child A's mother.
11/03/2022	Unannounced onsite inspection. 11:10am – 12:00pm. I interviewed Jenni Gordon and obtained child information.
11/04/2022	Contact – Document sent E-mail sent to Child B's mother.
11/04/2022	Contact – Document sent E-mail sent to Child C's mother.
11/04/2022	Contact – Document sent E-mail sent to Child D's mother.
11/04/2022	Contact – Document sent E-mail sent to Child E's mother.
11/04/2022	Contact – Document sent E-mail sent to Child F's mother.
11/04/2022	Contact – Document sent E-mail sent to Child G's mother.
11/04/2022	Contact – Telephone call received Interview with Child C's mother.
11/04/2022	Contact – Telephone call received Interview with Child FE's mother.
11/04/2022	Contact – Document received E-mail from Child F's mother.
11/04/2022	Contact – Document received E-mail from Child D's mother.
11/04/2022	Contact – Document received E-mail from Child B's mother.
11/04/2022	Exit Conference E-mail sent to Licensee

ALLEGATION: On October 19, 2022, Jennie Gordon held a child down during nap. Child A (male, age 1) was observed with a mark on his upper right leg after he was picked up on October 17, 2022.

INVESTIGATION: I interviewed Child A's mother on October 21, 2022, and she told me that when she picked up Child A from the child care home on October 19, 2022, Jennie Gordon informed her that she had to hold down Child A to get him to nap. Child A has difficulty napping while at child care. She received a notification through the Bright Wheel app that Ms. Gordon uses that Child A had not yet had a nap and it was 1:45pm. She said that she usually gets notification that Child A has started napping around 1pm. Ms. Gordon also sent her a picture of her holding Child A, trying to get him to nap. He asked how his nap went at pick up and this is when Ms. Gordon informed her that she had to hold him down to get him to nap. When she dropped Child A off at Ms. Gordon's child care on October 19, 2022, Jennie Gordon was present along with child care staff members Katie and Tatum. When she picked up Child A that afternoon, child care staff member Kayla was present, along with Ms. Gordon.

Child A's mother noticed a bruise on Child A's upper right leg when she changed his diaper after picking him up from Ms. Gordon's child care. She messaged Ms. Gordon that evening to ask if anyone knew what had happened. Ms. Gordon told her that is most likely was a bite mark from another child. She took a picture of this at 5:50pm on October 19, 2022 and was able to provide me with this picture. In the picture, there is a small, round, reddish bruise approximately the size of a quarter on Child A's upper right leg. The shape and size appear to be consistent with a bite from a younger child. The following day, Child A had an odd pattern of small marks on his right upper leg, above the other mark. She did not know how Child A got this mark and said that Ms. Gordon did not have an explanation as to how Child A got this mark either.

On October 24, 2022, I made an unannounced onsite inspection to the child care home. Jennie Gordon and child care staff member Tatum Cooper were outside with eight children (six unrelated and two related). Jennie Gordon was shocked that Child A's mother would say that she said she held him down to nap. She denied every holding a child down to nap. Child A had been having difficulty napping while at the child care. Per Ms. Gordon, Child A will scream loudly if he is laid down to nap. On October 19, 2022, Child A had napped a little but could not get him back to sleep. She uses the Bright Wheel app to communicate with parents and sent a picture of her holding Child A and telling his mother that he would not sleep. Ms. Gordon provided me with a copy of this picture along with a complete text message exchange with Child A's mother where she let her know what they were doing to get Child A to nap. In the picture provided, Ms. Gordon is holding Child A and Child A is awake. Child A finally fell asleep on her lap at 2:24pm and she put him in a crib where he slept until 3:10pm. Ms. Gordon said that in addition to Tatum Cooper working on October 17, 2022, child care staff members Katie Ritzert and Kayla Brady were also present.

While at the home, I spoke to Tatum Cooper, who confirmed that she had worked on October 19, 2022. She was present at nap time and denied ever seeing Ms. Gordon holding a child down to nap. She said that Ms. Gordon would never do this.

Regarding the marks on Child A's leg, Ms. Gordon thought it could have possibly been a bite as they currently have a child who bites. Child A had long pants on when he was in care on October 17, 2022, so it is possible he was bit and they did not see the bite. She recalled Child A crying after Child B (male, age 18 months) had taken a toy from him, but he quit crying once the toy was returned to him. Child A's mother notified her of the mark approximately one hour after he was picked up on October 17, 2022. She assumed the crying had been due to this but that it was possible that Child A was bitten by Child B at this time as Child B has bitten or attempted to bite other children. She said that they were working with Child B's mother regarding this. Ms. Gordon said that she had a biter, so she knew what to look for prior to biting. She said that Child A's mother was angry when she said that she would not be able to keep Child A and Child B separate at the child care. Tatum Cooper was aware of the two marks on Child A's right leg. She did not work on October 17, 2022, so she could not provide information for this date. Jennie Gordon denied seeing Child A get bitten or hearing a scream like he was bitten on October 17, 2022. Ms. Gordon changed Child A's diaper when he arrived on October 18, 2022 and noticed the bite mark and the odd pattern mark. She said that they assumed that the odd pattern mark had been done at home as they did not see it on Child A the previous day and they noticed it right after drop off on October 18, 2022. Ms. Gordon sent me copies of a text message exchange with Child A's mother from October 18, 2022, in which Child A's mother asks her about the mark and Ms. Gordon said that she noticed it earlier that day and assumed that Child A got that mark at home as Child A had pants on all day while at the child care home.

Jennie Gordon noticed the second mark on Child A's upper leg early on October 18, 2022 and thought that Child A must have gotten this mark at home as he had just arrived when she noticed it while changing his diaper. She denied that Child A received the mark while in her care. Ms. Gordon sent me copies of a text message exchange with Child A's mother from October 18, 2022, in which Child A's mother asks her about the mark and Ms. Gordon said that she noticed it earlier that day and assumed that Child A got that mark at home as Child A had pants on all day while at the child care home. Tatum Cooper noticed the 2nd mark on Child A's leg shortly after he arrived at the child care home on October 18, 2022 and assumed that he received this mark at home as well.

On October 26, 2022, I interviewed child care staff member Katie Ritzert. She worked from 7:41am until 4:15pm on October 19, 2022 and had left just prior to Child A being picked up. She denied seeing Ms. Gordon holding down Child A and told me that they were eventually able to get Child A to sleep on that day by holding him. She worked on October 17, 2022, from 6:55am until 4:13pm. She denied seeing Child A being bitten or injured on that day and she remembered changing Child A's diaper just prior to her leaving for the day and did not see any marks on him. She described that day as being a normal day and she did not see any marks on Child A until October 19 as she did not

work on October 18, 2022. Child A’s mother showed her the marks on Child A’s leg when she dropped him off the morning of October 19, 2022. She thought that the bruise might have been from a car seat as the injury seemed to be right where the car seat clips together. She confirmed that there is a child currently enrolled that has a history of biting and that her own child had been bit by this child recently, but it just left a light, red mark and not a bruise. Because of this, they keep a close eye on Child A. If I child has an incident, they notify the parent using the Bright Wheel app.

On October 27, 2022, I interviewed child care staff member Kayla Brady. She confirmed that she worked on October 19, 2022 and was present at nap time and never saw Jenni Gordon hold down Child A or any child in order to get them to nap. She also worked on October 17, 2022 and denied seeing Child A get bit or hearing Child A scream as though he had been bit, although she characterized Child A as a “tough cookie”. She did not see the pattern mark on Child A. Ms. Brady confirmed that there is a child who had bitten children at the child care home and that her own 1 year old had been bit by this child in the past.

On November 3, 2022, I made an unannounced follow-up inspection to the child care home to clarify information received and to obtain parent contact information. While I was there, an older toddler proceeded to bite another toddler. I observed this happening so quickly that it would have been impossible for a caregiver to intervene prior to the bite occurring as it seemingly happened out of nowhere. Ms. Gordon and her assistant caregiver immediately separated the children, and one comforted the child bitten while the other removed the biter from the situation and discussed biting with him.

I contacted parents of six children who currently attend the child care. None of the parents contacted have had any issues with biting or injuries to their children while in Ms. Gordon’s care. Child B’s mother said that she is always notified of any injuries Child B (male, age 1 ½). Child C’s mother stated that Ms. Gordon is good at giving her a heads up of what is going on. Child D’s mother said that Child D (female, age 1) has never had any injuries while in Ms. Gordon’s care. Child E’s mother feel she is always notified by Ms. Gordon if Child E (female, age 4) is sick or hurt. She feels that Ms. Gordon does great with Child E and that Child E loves going to the child care home. Child F’s mother sad that Ms. Gordon takes biting very seriously and is good at communicating with parents regarding any issues. Child G’s mother just stated she was happy with the child care and had no concerns.

APPLICABLE RULE	
R 400.1911	Care; supervision; children.
	(1) A licensee shall ensure appropriate care and supervision of children at all times.

ANALYSIS:	There is not a preponderance of evidence that children in Ms. Gordon's care are not being properly cared for or supervised.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS: At the time of the November 3, 2022 onsite inspection, I observed two children having their diapers changed on the floor of the playroom and using a receiving blanket underneath the child. Ms. Gordon was not aware of the licensing rule requiring that diapering not be done in child use space, unless a changing table or similar device is used. Ms. Gordon said that they wash the receiving blankets used after each diaper change.

APPLICABLE RULE	
R 400.1923(2)	Diapering and toilet learning.
	(1) Diapering of infants and toddlers shall only occur in a designated area.
ANALYSIS:	I observed 2 children's diapers changed on the living room floor, which is also the main approved child care use space.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Catherine Edgar

December 12, 2022

Catherine S. Edgar
Licensing Consultant

Date

Approved By:

Crecendra Boone

December 21, 2022

Crecendra Boone
Area Manager

Date