



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

May 10, 2023

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

RE: License #: DF440390910  
Investigation #: 2023D0521015  
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 400.1910(1) Ratio of personnel to children.
- R 400.1911(1) Care; supervision; children.
- R 400.1913(3) Discipline; child handling.
- R 400.1923(2) Diapering and toilet learning.

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

- I interviewed: the person who made the complaint, licensee, child care staff members, witnesses, parents, children, or others with relevant information.
- I completed on-site inspections on the following dates: April 25, 2023, and May 5, 2023.

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

- **R 400.1923(2) Diapering and toilet learning.**
- **R 400.1936(4) Animals and pets.**

I recommend no change to the current license status.

The special investigation report is attached. Due to the violation(s) identified in the report, a written corrective action plan was required. On May 5, 2023, you submitted an acceptable written corrective action plan.

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  
[Edgarc1@michigan.gov](mailto:Edgarc1@michigan.gov)

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	DF440390910
<b>Investigation #:</b>	2023D0521015
<b>Complaint Receipt Date:</b>	04/20/2023
<b>Investigation Initiation Date:</b>	04/21/2023
<b>Report Due Date:</b>	06/19/2023
<b>Licensee Name:</b>	Jenni Gordon
<b>Licensee Address:</b>	5898 W Imlay City Rd Imlay City, MI 48444
<b>Licensee Telephone #:</b>	(810) 310-0608
<b>Administrator:</b>	N/A
<b>Licensee Designee:</b>	N/A
<b>Name of Facility:</b>	Jens Playful Penguins
<b>Facility Address:</b>	5898 W Imlay City Rd Imlay City, MI 48444
<b>Facility Telephone #:</b>	(810) 310-0608
<b>Original Issuance Date:</b>	03/29/2019
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	09/29/2021
<b>Expiration Date:</b>	09/28/2023
<b>Capacity:</b>	7
<b>Program Type:</b>	CHILD CARE FAMILY HOME (CAPACITY 1-6)

## II. ALLEGATION(S)

	<b>Violation Established?</b>
Child care home often out of ratio.	No
Children have found Nicorette gum wrappers on the floor and have put them in their mouth.	No
Provider has smacked children on the hand and on the bottom when they misbehave, has been heard swearing and talking inappropriately in front of children.	No
Diapers have been changed on the living room floor.	Yes
Additional Findings	Yes

## III. METHODOLOGY

04/20/2023	Special Investigation Intake 2023D0521015
04/21/2023	Special Investigation Initiated - Telephone Interview with the complainant.
04/21/2023	Contact - Telephone call made. Message left for Witness 1.
04/25/2023	Inspection Completed On-site Unannounced onsite inspection. 12:30pm - 1:15pm. Interview with licensee and CCSM1, CCSM2, & CCSM3.
04/26/2023	Contact - Document Sent Attempted to e-mail complainant. E-mail address not valid.
04/28/2023	Contact - Telephone call received. Interview with Witness 2.
04/28/2023	Contact - Telephone call made. Interview with Child A's mother.
04/28/2023	Contact - Telephone call made. Interview with Child B's mother.

04/28/2023	Contact - Telephone call made. Interview with Witness 3.
04/28/2023	Contact - Telephone call made. Interview with Child C's mother.
04/28/2023	Contact - Telephone call made. Message left for Child D's mother.
04/28/2023	Contact - Telephone call made. Message left for Child E's mother.
04/28/2023	Contact - Telephone call made. Interview with Child F's mother.
04/28/2023	Contact - Telephone call made. Interview with Child G's mother.
04/28/2023	Contact - Telephone call received. Interview with Child D's mother.
05/05/2023	Inspection Completed On-site Unannounced onsite inspection. 12:30pm - 12:55pm. Follow-up inspection. I spoke with Ms. Gordon and viewed the premises.
05/05/2023	Exit Conference In-person during follow-up inspection.
05/05/2023	Corrective Action Plan Requested and Due on 05/05/2023.
05/05/2023	Corrective Action Plan Received
05/05/2023	Corrective Action Plan Approved
05/05/2023	Inspection Completed-BCAL Sub. Compliance

**ALLEGATION: Child care home often out of ratio.**

**INVESTIGATION:** On April 21, 2023, I interviewed the complainant. Complainant said that there have been times where one child care staff member may have up to nine children alone in the basement while Ms. Gordon remains upstairs for up to an hour. Complainant did not have a time frame as to when this last occurred. Complainant claims that Witness 1 has also witnessed this. I attempted to contact Witness 1 but as of the date of this report, I have not been able to make contact with Witness 1.

I made an unannounced onsite inspection on April 28, 2023. At the time of the onsite inspection, there were seven unrelated children and five related children. The five related children were all under the age of 6 years and therefore would count in the caregiver to child ratio. Ms. Gordon was present, along with child care staff member 1 (CCSM1), child care staff member 2 (CCSM2) and child care staff member 3 (CCSM3). Ms. Gordon was in compliance with caregiver to child ratio. I spoke to the three caregivers and all of them denied that Ms. Gordon is ever out of ratio.

I made a second unannounced onsite inspection on May 5, 2023. There was a total of 11 children that were either unrelated or related children under six years of age, along with Ms. Gordon and two caregivers. Ms. Gordon was in compliance with caregiver to child ratio.

I attempted to contact the parents of seven children currently enrolled in the child care. I was able to interview six of the parents. None of the parents had any concerns regarding caregiver to child ratio in the home. Child B's mother said that she always sees one to two additional caregivers along with Ms. Gordon when she drops off and picks up. Child C's mother said that there are usually three or four caregivers present, including Ms. Gordon.

I also was able to interview two additional witnesses during the investigation. Witness2 said that there were sufficient caregivers for the number of children present when she was at the home. Witness3 had been in the home approximately six weeks prior. At that time, there between 12 and 14 children present and three caregivers, along with Ms. Gordon. Witness2 and Witness3 did not have any concerns regarding caregiver to child ratio. Witness2 and Witness3 did express concerns regarding the number of children being cared for in the home since Ms. Gordon is licensed as a family child care home, with a capacity of 7 unrelated children. When I contacted the parents of children enrolled, I was able to determine that a large number of children being cared for in the home are related to Ms. Gordon. Ms. Gordon is aware that she is currently only licensed for 7 unrelated children.

On April 6, 2023, a variance to licensing rule PA 116 MCL 722.111(2) and MCL 722.111(4) regarding licensed capacity and R 400.1910(1) regarding caregiver to child ratio was approved for Ms. Gordon. This allows a capacity of 7 unrelated children and a caregiver to child ratio of 1:7.

<b>APPLICABLE RULE</b>	
<b>R 400.1910</b>	<b>Ratio of personnel to children.</b>
	<b>(1) The ratio of personnel to children present in the home at any 1 time must be not less than 1 member of the personnel to 6 children. The ratio must include all children in care who are not related to any personnel and any of the following children who are less than 6 years of age:</b> <b>(a) Children of the licensee.</b>

	<p><b>(b) Children of a child care staff member or child care assistant.</b></p> <p><b>(c) Children related to any member of the household by blood, marriage, or adoption.</b></p>
<b>ANALYSIS:</b>	The facility is in compliance with caregiver to child ratios.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** Children have found Nicorette gum wrappers on the floor and have put them in their mouth.

**INVESTIGATION:** The complainant reported seeing children pick up Nicorette gum wrappers off of the floor in the main (living) room on the main floor of the home.

Ms. Gordon stated that her husband uses Nicorette gum but the gum or the wrappers are never accessible to children. She showed me where the gum is stored, which is in an upper cupboard in the kitchen. CCSM1, CCSM2, and CCSM3 denied ever witnessing this. During both of my onsite inspections, I did not see any Nicorette gum wrappers or any other choking hazards accessible to children in care. I did advise that Ms. Gordon primarily use her basement use space since it is only used by children in care and is set up for child use, whereas the main (living) area of the house is used by all household members, including pets.

None of the parents interviewed had concerns about children possibly having access to items that they should not. Child A's mother did tell me that she did have general concerns about cleanliness in the home but did not think that it posed a health or safety hazard for children in care.

I did discuss removing some of the clutter from the kitchen countertops with Ms. Gordon during my second unannounced onsite inspection. Children in care do go through the kitchen in order to enter the home.

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

<b>ANALYSIS:</b>	There is not sufficient evidence to support the allegation that children have not been appropriately cared for or supervised.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** Provider has smacked children on the hand and on the bottom when they misbehave, has been heard swearing and talking inappropriately in front of children.

**INVESTIGATION:** The complainant reported seeing Ms. Gordon grab a child by the hair and throw her to the ground. This happened a few months ago. Complainant also witnessed Ms. Gordon scream at an autistic child who tried to grab a Christmas tree bulb. Ms. Gordon has also grabbed a child's hand and smacked it. The complainant stated that Witness1 could confirm this. Unfortunately, Witness1 did not return my phone call.

Ms. Gordon denied ever striking or yelling at any child in care. CCSM1, CCSM2, and CCSM3 denied ever seeing this. None of the parents interviewed had any concerns regarding physical discipline by Ms. Gordon. None of the parents had ever heard Ms. Gordon yell or swear in front of children in care.

Witness 2 and Witness 3 both denying seeing Ms. Gordon physically discipline a child and neither had heard her yell at or swear at a child in care. Witness 2 described hearing using an abrupt tone with a child in care but nothing that could be described as yelling.

<b>APPLICABLE RULE</b>	
<b>R 400.1913</b>	<b>Discipline; child handling.</b>
	<b>(3) Personnel shall not do any of the following:</b> <b>(a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.</b> <b>(d) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory language.</b>
<b>ANALYSIS:</b>	There is insufficient evidence to support the allegation that Ms. Gordon has used inappropriate discipline with children in care.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION: Diapers have been changed on the living room floor.**

**INVESTIGATION:** The complainant confirmed that when children in care are on the main floor of the home, diapers are changed on the living room floor, as the changing table is located in the basement.

Ms. Gordon denied that children’s diapers are changed on the living room floor and said that diapers are changed in the basement on the changing table. During my April 25, 2023, unannounced onsite inspection, I observed CCSM1 take a child to the basement and change the child’s diaper on the changing table located at the bottom of the stairs. CCSM1, CCSM2 and CCSM3 denied that diapers are changed on the living room floor.

I was able to make contact with six parents of children in care. None of them had concerns regarding diapering. Child D’s mother admitted that she has seen diapers being changed on the living room floor but was not concerned as this is where she changes Child D’s diaper at home.

During the May 5, 2023, unannounced onsite inspection, I discussed this again with Ms. Gordon. She said that sometimes parents will change their child’s diaper at drop off or pick up on the living room floor. Ms. Gordon told me that she had been reviewing child care licensing rules technical assistance manual and that she was going to change children’s diapers on the bathroom floor when diapers are changed on the main level. I confirmed that this was an acceptable method to change diapers.

<b>APPLICABLE RULE</b>	
<b>R 400.1923</b>	<b>Diapering and toilet learning.</b>
	<b>(2) The designated changing area must comply with all of the following:</b> <b>(a) Be used exclusively for changing wet or soiled diapers or underwear.</b> <b>(b) Be located away from food preparation and meal service areas.</b> <b>(c) Have access to a hand washing sink that is not used for food preparation.</b> <b>(d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.</b> <b>(e) Be cleaned and sanitized after each use.</b> <b>(f) Have diapering and changing supplies within easy reach.</b> <b>(g) Have a plastic-lined, tightly covered container that is used exclusively for disposable diapers and diapering supplies that must be emptied and sanitized at the end of each day.</b>

<b>ANALYSIS:</b>	Diapers have been changed on the main (living) room floor.
<b>CONCLUSION:</b>	<b>REPEAT VIOLATION ESTABLISHED</b> <b>SIR 2023D0521005 Dated 12/21/22.</b> <b>Corrective Action Plan Dated 01/09/2023.</b>

**ADDITIONAL FINDINGS:**

At the time of the April 25, 2023, unannounced onsite inspection, I observed dogs in the dining area with the children while they were eating lunch. Ms. Gordon said that the dogs stay in the bedroom during meals but because they heard someone at the door, they came out of the bedroom. During the May 5, 2023, unannounced onsite inspection, I observed that the dogs were in the bedroom and not in the dining area while children were eating.

<b>APPLICABLE RULE</b>	
<b>R 400.1936</b>	<b>Animals and pets.</b>
	<b>(4) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.</b>
<b>ANALYSIS:</b>	I observed dogs in the dining area with children in care while they were eating lunch.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**IV. RECOMMENDATION**

An acceptable corrective action plan was received and approved. I recommend no change in the license status.

*Catherine Edgar*

May 10, 2023

Catherine S. Edgar  
Licensing Consultant

Date

Approved By:

*Crecendra Boone*

May 10, 2023

Crecendra Boone  
Area Manager

Date

