OFFICE OF
ADJUDICATION AND HEARINGS

2000 OCT 16 A 10: 11

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
OFFICE OF ADJUDICATION AND HEARINGS
825 North Capitol Street, N.E., Suite 5100
Washington, D.C. 20002

DEPARTMENT OF HEALTH	)	
HEALTH REGULATION	)	
ADMINISTRATION,	)	
	)	
Petitioner	)	**Case No. C-00-30015**
	)	
v.	)	
	)	
BERTHA TUCKER	)	
TUCKER DAY CARE	)	
	)	
3215 11th Street, S.E.	)	
Washington, D.C.,	)	
	)	
Respondent	)	

CONSENT ORDER

The Department of Health, Health Regulation Administration ("Petitioner"), issued to Tucker Day Care Center ("Respondent") a notice proposing to revoke the child development facility license issued for Tucker Day Care Center at 3215 11th Street, S.E. Respondent filed a timely request for a hearing. A hearing before the Office of Adjudication and Hearings was scheduled for August 18, 2000. Based on Respondent's request for a continuance, the hearing was rescheduled for September 28, 2000. The parties appeared on September 28, 2000 before the Office of Adjudication and Hearings and now desire to enter into the following Agreement:

1) Respondent shall pay to the District of Columbia Treasurer within ten (10) days of the execution of this agreement, the sum one thousand dollars ($1,000).

2) If within one (1) year of the execution of this Agreement, Petitioner observes and/or confirms that Respondent is in violation of 29 DCMR 316.2, which provides that each group of children shall have a teacher and

BZA
Case No. 16570
Exhibit No. 86

Board of Zoning Adjustment
District of Columbia
CASE NO.16570
EXHIBIT NO.86

an assistant teacher at all times, Respondent shall voluntarily surrender the child development facility license to Petitioner within ten (10) days of written notice of the violation to Respondent by Petitioner.

3) If within one (1) year of the execution of this Agreement, Petitioner observes and/or confirms that Respondent exceeds has exceeded its licensed capacity as shown on the face of the issued license, Respondent shall voluntarily surrender the child development facility license to Petitioner within ten (10) days of written notice of the violation to Respondent by Petitioner.

4) If within one (1) year of the execution of this Agreement, Petitioner observes and/or confirms that Respondent is in violation of 29 DCMR 306.1(c), which prohibits any licensee from committing, aiding, abetting or permitting the commission of any illegal act in connection with the operation of the facility, including acts of dishonesty and fraud, Respondent shall voluntarily surrender the child development facility license to Petitioner within ten (10) days of written notice of the violation to Respondent by Petitioner.

5) Respondent shall not expand program operations at the licensed premises within eight (8) months of the execution of this Agreement. Respondent acknowledges that at the end of the eight (8) month period, if Respondent intends to be licensed for a program capacity that is greater than for which Respondent is currently licensed, Respondent must apply to Petitioner for a different license capacity and any such operation must be in compliance with applicable law.

6. This Agreement shall become effective upon execution by all parties to this Agreement.

The District of Columbia, Department of Health, Health Regulation Administration

By: _____ Date: 10-16-00

Title: Attorney Advisor

Counsel for Tucker Day Care
Vanessa Carpenter Lourie

Tucker Day Care Center

By: Barbara A. Tucker Date: 10-13-00

Title: Owner

SO ORDERED

Judge John Dean, Office of Adjudication and Hearings

By: _____ Date: 11/1/00



DEPARTMENT OF HEALTH
HEALTH REGULATION ADMINISTRATION
825 NORTH CAPITOL STREET, NE
2ND FLOOR
WASHINGTON, DC 20002

FACSIMILE TRANSMIT SHEET

TO: Paul Hart	FROM: Candia Fausti
COMPANY:	DATE: 11/2/00
FAX NUMBER: 202-727-6072	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 202-727-0348	SENDER'S FAX NUMBER: (202) 442-4831
RE: Tucker Day Care	SENDER'S TELEPHONE NUMBER: (202) 442-5888

□ URGENT □ FOR REVIEW □ PLEASE COMMENT □ PLEASE REPLY □ PLEASE RECYCLE

NOTES/COMMENTS:

DISTRICT OF COLUMBIA
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