



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
10 Park Place South SE, Suite 200, Atlanta, Georgia 30303
(404) 656-5957

Nathan Deal
GOVERNOR

Bobby Cagle, MSW
COMMISSIONER

June 22, 2011

CERTIFIED MAIL #7007-1490-0002-3524-1559

Ms. Cecilia Omonubi
Registered Agent
Chief Executive Officer
Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
7995 Hillcrest Trail
Jonesboro, Georgia 30236

REGULAR MAIL

Ms. Frances Villard
Director
Agape Christian Academy
1519 Lakewood Avenue
Atlanta, Georgia 30315

RE: Notice of Revocation

Dear Ms. Omonubi and Ms. Villard:

During an investigation, Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) determined that non-correctable deficiencies in the operation or management of the center existed at Agape Christian Academy, located at 1519 Lakewood Avenue, Atlanta, Georgia, 30315. On March 23, 2011, a Bright from the Start Consultant observed Agape Christian Academy transport children enrolled at the center, which was a violation of Agape Christian Academy's restricted license noted below.

The rule violations for which Bright from the Start is basing the revocation, which reflect a flagrant disregard for the Bright from the Start Rules for Child Care Learning Centers that constitutes shocking intentional misconduct, are marked as Exhibit "A". On May 15, 2008, Bright from the Start issued a Notice of Intent to Impose Civil Penalty and Restriction of Transportation, which is marked as Exhibit "B". On August 25, 2008, a consent agreement between Bright from the Start and Agape Christian Academy acknowledging a temporary license restriction in reference to transportation was executed and a copy of this document is marked as Exhibit "C". Then, on November 6, 2008, Bright from the Start issued a Notice of Revocation for violation of transportation regulations, marked as Exhibit "D". On January 15, 2009, Bright from the Start withdrew their notice of revocation in lieu of a consent agreement, which permanently restricted the transportation at Agape Christian Academy, marked as Exhibit "E".

Based on the licensee's noncompliance with Rules and Regulations for Child Care Learning Centers, you are hereby notified that the license to operate Agape Christian Academy is hereby revoked. Bright from the Start's legal authority for revoking a license is found in O.C.G.A. Sec. 20-1A-12(b)(3)(5), Sec. 20-1A-12(c)(5), and 20-1A-10(q), and the Bright from the Start: Georgia Department of Early Care and Learning's Rules for Child Care Learning Centers, Chapter 591-1-1 of the Official Compilation Rules and Regulations of the State of Georgia.

June 22, 2011
Ms. Cecilia Omunobi
Ms. Frances Villard
Page 2 of 3

In accordance with O.C.G.A Section 20-1A-10(o) this revocation becomes effective thirty (30) days from receipt of this Notice. You have the right to appeal the decision to revoke your license to operate a child care learning center by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The request must be made in writing within ten (10) days of receipt of this Notice and addressed to:

J. Ashley Peacock
Chief Legal Officer
Bright from the Start
Georgia Department of Early Care and Learning
10 Park Place South SE, Suite 200
Atlanta, Georgia 30303

A hearing request stays or suspends the revocation.

If you do not appeal this action within ten (10) days of this Notice, the decision to revoke your license will be final. Licensure staff will conduct a follow-up visit to verify closure.

Sincerely,



Brenda Haynesworth
Child Care Services Director

Attachments

cc: Kay Hellwig
J. Ashley Peacock
Ira Sudman
Kristie Lewis
Meggan Hemans-Reese
Candy Prince
Vermisha Thompkins
William P. Cook
Sherry Smith
Elisabetta Kasfir
Janet Goggins
Terri Giles
State File

June 22, 2011
Ms. Cecilia Omunobi
Ms. Frances Villard
Page 3 of 3

List of Rule Violations for:

Agape Christian Academy
1519 Lakewood Ave
Atlanta, Georgia 30315

1. Rule 591-1-1-.36(5) requires parental authorization for children routinely transported that includes the child's name, pick up location and time, delivery location and alternate if the parent is not home and the name of the person to receive the child.

During an investigation on March 23, 2011, it was determined that the center was routinely transporting children from their school to the center and did not have parental authorization to transport. On March 23, 2011, center staff picked up four children from school in the owner's vehicle. On other occasions additional children were picked up from school and delivered to the center. The center did not have parental transportation authorizations on file for the children transported.

This violated the restriction to the license imposed on January 15, 2009, prohibiting the center from providing transportation services.

2. Rule 591-1-1-.36(6)(a-c) requires the center to maintain on the vehicle current information for each child including a) center and passenger information (the child's name, pick-up location and time, delivery and alternate location, and the center's name, driver and telephone number); b) emergency medical information (child's allergies, special medical needs and conditions, current prescribed medications taken daily, name and phone number of the child's doctor, local medical facility and telephone numbers where parents can be reached); and c) a passenger checklist.

During an investigation on March 23, 2011, it was determined that the center did not have the required information on the vehicle while transporting children in care. When asked, the center was not able to produce passenger information to include pickup and delivery times and locations, emergency medical information and a passenger checklist to account for the loading and unloading of the children.

This violated the restriction to the license imposed on January 15, 2009, prohibiting the center from providing transportation services.

3. Rule 591-1-1-.27(a) requires the center to post the current license for public viewing near the front entrance.

During an investigation on March 23, 2011 it was determined that the center's license, which included a restriction from providing transportation, was not posted for public viewing and could not be located. Consultant did not see the license and the center director could not produce the license.



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
10 Park Place, Suite 200, Atlanta, Georgia 30303
(404) 656-5957

Sonny Perdue
GOVERNOR

Holly A. Robinson, Ed.D.
COMMISSIONER

May 15, 2008

CERTIFIED MAIL #7006 0810 0003 5828 3911

Cecilia Omonubi
Registered Agent
Chief Executive Officer
Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
7791 Hana Court
Jonesboro, Georgia 30236

REGULAR MAIL

Bukkey Bucknor, Director
Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
1519 Lakewood Avenue
Atlanta, Georgia 30316

RE: Notice of Intent to Impose Civil Penalty and Restriction of Transportation License

Dear Ms. Omonubi and Ms. Bucknor:

As a result of a complaint investigation received on February 28, 2008, an investigation was conducted at Agape Christian Academy, 1519 Lakewood Avenue, Atlanta, Georgia 30316. The findings of the investigation substantiated that rule violations occurred which jeopardized the health and safety of a child in care. Specifically, on February 27, 2008, center staff unknowingly left a two-year-old child unsupervised on the center's transportation van for approximately one hour. The child was later found by a police officer. Rule violations continued to exist during the March 4, 2008 licensing inspection. Rule violations for which Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) is imposing a civil penalty are attached hereto as Exhibit "A" and incorporated in this Notice by reference.

Based on the facility's noncompliance with the Rules for Child Care Learning Centers as set forth in this Notice, the licensee is hereby notified of the intent of Bright from the Start to impose a civil penalty in the amount of \$299.00, and to restrict the center's ability to transport children for a period of one year from receipt of the notice. Bright from the Start's legal authority for imposition of these types of penalties is found in O.C.G.A. Sections 20-1A-4 (2) & (5), 20-1A-11 (b) (1) (A) and 20-1A-12 (c) (7) and the Bright from the Start's Rules for Child Care Learning Centers, Chapter 591-1-1 of the Official Compilation of Rules and Regulations of the State of Georgia.

The licensee is also advised that failure to correct and maintain compliance with these rules may result in further adverse action which could include the revocation of the license to operate Agape Christian Academy and could also include, but not be limited to, the imposition of daily fines for each day the violations continue.

The licensee has the right to appeal either the decision to impose the civil penalty and/or the restriction of transportation identified in this correspondence by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The licensee also has the opportunity to show in writing why the civil penalty and/or the restriction on transportation should not be imposed. The request for a hearing and/or statement contesting these penalties must be made in writing within ten (10) days of receipt of this Notice and addressed to:

EXHIBIT "A"
(Page 1 of 5)


May 15, 2008
Ms. Cecilia Omonubi
Ms. Bukkey Bucknor
Page 2 of 5

**J. Ashley Peacock
Chief Legal Officer
Bright from the Start
Georgia Department of Early Care and Learning
10 Park Place South, Suite 200
Atlanta, Georgia 30303**

A hearing request stays or suspends the imposition of the penalties called for in this correspondence.

If the licensee does not appeal this action within ten (10) days of receipt of this Notice, the decision to impose a civil penalty and restrict transportation will be final. Payment of the civil penalty, preferably by certified check or money order, would then be expected within thirty (30) days of receipt of this Notice. The certified check or money order should be made payable to Bright from the Start: Georgia Department of Early Care and Learning and mailed to me at the above address. Complete the enclosed Request for Taxpayer Identification Number and Certification and return the form with your certified check or money order. If the licensee does not pay the penalty as finally determined by Bright from the Start, (1) the license to operate the facility may be revoked; (2) a civil lawsuit to collect the penalty may be brought against the licensee by the Attorney General or his designee; or (3) another civil penalty may be imposed.

Sincerely,



Kay K. Hellwig
Division Director Child Care Services

KKH/hn
Attachment

cc: Justine Strickland
J. Ashley Peacock
Mary Mazarky
Jackie Romain
Mona Jackson
Errol Briggs
Debra Keys
Janet Goggins
Elisabetta Kasfir
Takesha Bankston
State File

EXHIBIT "B"
(Page 2 of 5)

May 15, 2008
Ms. Cecilia Omonubi
Ms. Bukkey Bucknor
Page 3 of 5

List of Rule Violations for:

Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
1519 Lakewood Avenue
Atlanta, Georgia 30316

Rule 591-1-1.32 (6) requires that children be supervised at all times.

And

Rule 591-1-1.36 (6) (g) prohibits the center from leaving a child unattended on a vehicle.

During the investigation, it was determined that on February 27, 2008, center staff unknowingly left a two-year-old child unsupervised on the center van. Staff stated that the two-year-old child was placed on the van for transportation to his home between 5:45 p.m. and 6:00 p.m. The driver dropped all the children off at their home and proceeded to take the staff who accompanied the group as the van monitor to the King Memorial MARTA station. The driver returned the van to the center at 7:30 p.m. When the child did not return home the parent called the police. The police then contacted one of the center's directors who contacted the van driver. At approximately 8:49 p.m., the police met the driver at the center. The child was found in the rear of the van sleeping on a bench seat behind the passenger seat. Due to inaccurate information listed on the transportation logs, the exact time that the child remained on the van unsupervised could not be determined.

The lack of supervision and watchful oversight by the center staff placed the child at serious risk of potential harm.

Rule violation 591-1-1.32(6) was subsequently cited on March 4, 2008
Rule violation 591-1-1.32(6) was previously cited on July 3, 2007.

Rule 591-1-1.36 (6) (a-c) the center did not maintain a complete transportation checklist with all required information to be used to account for the loading and unloading of children and did not accurately use the transportation checklist.

During the investigation, it was determined that the center's transportation checklist for February 27, 2008, did not account for the loading and unloading of a two-year-old child and the child was left on the van. According to the staff person that rode the van as a staff monitor, the child was placed on the van between 5:45 p.m. and 6:00 p.m. The transportation checklist did not document that the child loaded or unloaded the vehicle.

Subsequent transportation logs that were provided during the investigation reflected additional noncompliance by the center when completing transportation checklists to account for the transportation of children:

On Monday, March 10, 2008, the transportation log had been completed for both Monday and the following Tuesday. Staff had not actually transported children, but had checked them off as being loaded and unloaded for Tuesday. The center completed the transportation checklist accounting for loading and unloading of children prior to actually transporting the children. In addition, the delivery time was incomplete for Monday.

The failure of center staff to properly complete the transportation checklist placed children at serious risk of potential harm, and resulted in a child being left on a vehicle.

This rule violation was previously cited on December 20, 2007, July 3, 2007, and May 11, 2007.

EXHIBIT "03"
(Page 3 of 5)

May 15, 2008
Ms. Cecilia Omonubi
Ms. Bukkey Bucknor
Page 4 of 5

Rule 591-1-1-.36 (6) (d) requires that at the completion of every trip, a check must be made to assure that no child remains on the vehicle.

During the investigation, it was determined that on February 27, 2008, the driver of the transportation vehicle did not physically check the van to assure that no child was left on the van. This resulted in a two-year-old child being left unsupervised on the vehicle for approximately one hour in the parking lot of the center. The driver told the police that upon arriving back to the center at 7:30 p.m., she parked and locked the van and went home.

The failure of center staff to check the transportation vehicle to ensure that no child remained placed children at serious risk of potential harm, and resulted in a child being left on a vehicle.

A subsequent inspection conducted on March 4, 2008, revealed continued noncompliance with this rule.

This rule violation was previously cited on December 20, 2007.

Rule 591-1-1-.36 (2)(f)1. requires that a child passenger restraining system be in place and used in accordance with the manufacturer's directions for all children under three years being transported.

On February 27, 2008, a two-year-old child was transported and improperly restrained with a seat belt in the center van. The center failed to place the child in an approved car seat and transported the child using just a seat belt.

This rule violation was previously cited on May 11, 2007.

591-1-1-.36 (2)(b) requires that the vehicle's interior be clean, in safe repair, and free of hazardous objects or non-essential items which could impede access/egress or cause injury in the case of collision.

During the investigation, it was determined that the center's vehicle did not meet requirements in that in the van with the tag number ending in 8343, a spare tire was partially hidden underneath a seat and an uncovered bucket with several loose items was sitting on the floor between the driver and passenger seats. On the vehicle ending with the tag number RCH, the vinyl covering of the seats were torn, there was a strong mildew smell, there was a 17 inch tear in the vinyl covering on the front row passenger seat, there was an unsecured box between the driver and passenger seats with loose items, and there was a large tear in the vinyl floor covering from one side of the van to the other, directly behind the driver and front passenger seats.

A subsequent inspection conducted on March 4, 2008, revealed continued noncompliance with this rule.

This rule violation was previously cited on July 3, 2007, and May 11, 2007.

591-1-1-.36 (5) requires parental authorization for children routinely transported that includes the child's name, pick-up location and time, delivery location, and alternate if the parent is not home and the name of the person to receive the child.

The center did not have parental authorization that included all information for children routinely transported. A transportation agreement for a child that was left alone on a vehicle on February 27, 2008, did not include the morning and afternoon pick-up and delivery time, the morning delivery location, the days that transportation services would be provided, and an alternate drop off location if the parent is not there to receive the child

EXHIBIT "B"
(Page 4 of 5)

591-1-1-.36 (2)(f)2. requires that seat safety belts be in place and used in accordance with manufacturer's directions for all children three years old and older being transported.

Children were not properly restrained in that during a monitoring visit on February 29, 2008, it was determined that a four and five-year-old child were improperly restrained with a seat belt. A booster seat was required. On the afternoon route, nine children were restrained in booster seats. The manufacturer for the booster seats that the center used required that a shoulder and lap strap be provided for each booster seat. One center van only had seven of eight shoulder straps accessible and the other van had eight of eight straps, thus, not providing enough shoulder straps on either van for the nine children.

Subsequent transportation logs that were provided during the investigation process reflected the following:

- The week of March 3, 2008, three four and five-year-old children were restrained improperly with seat belts when booster or car seats were required.
- On March 4, 2008, 13 four and five-year-old children were transported in booster seats in one van. The vans can only accommodate seven to eight booster seats based on the number of shoulder straps.
- On March 5, 2008, 14 four and five-year-old children were transported in booster seats in one van. The vans can only accommodate seven to eight booster seats based on the number of shoulder straps.
- On March 7, 2008, nine four and five-year-old children were transported in booster seats in one van. The vans can only accommodate seven to eight booster seats based on the number of shoulder straps.
- On March 10, 2008, a five-year-old child was improperly restrained with a seat belt. A booster seat or car seat was required.

A subsequent inspection conducted on March 4, 2008, revealed continued noncompliance with this rule.

This rule violation was previously December 20, 2007.

591-1-1-.36 (6)(e) restricts a child's travel time to forty-five minutes on each trip between the child care learning center and destination unless accompanied by the parent and excluding field trips.

Transportation logs that were provided by the center during the investigation reflected that during the week of March 3-7, 2008, children were on the vans for times ranging from 49 minutes to 1 hour and 26 minutes.

591-1-1.36 (3)(b) requires that additional staff, in addition to the driver, be provided to maintain supervision of children. A driver, plus two (2) staff members was required when eight (8) or more children under three (3) years of age occupy the vehicle with other children;

Transportation logs that were provided by the center during the investigation reflected that during the week of March 3, 2008, 10 children under the age of three were transported with the driver and one staff member. The center was required to provide an additional staff member.

591-1-1-.36 (3)(c) requires that the driver or another staff member on the vehicle have current infant and children CPR and first aid training. No staff present on the vehicle had current training in both CPR and first aid.

There was no evidence that the van drivers had current CPR training and documentation of First Aid training had an erroneous completion date in that the card indicated that the training was completed on October 2, 2009.

Exhibit "A"

EXHIBIT "B"
(Page 5 of 5)

**BEFORE THE STATE OF GEORGIA
BRIGHT FROM THE START:
GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING**

IN THE MATTER OF:

AGAPE CHRISTIAN ACADEMY

CONSENT AGREEMENT

Bright From the Start: Georgia Department of Early Care and Learning (Bright from the Start), brought this action against Agape Christian Academy to impose a civil penalty and restrict transportation based upon allegations of noncompliance with Rules 591-1-1-.32(6) (A child was not properly supervised), 591-1-1-.36(6)(g)(A child was left unattended on a vehicle), 591-1-1-.36 (a-c) (The center did not maintain a complete transportation checklist with all the required information and did not accurately use said checklist), 591-1-1-.36 (6) (d) (A check must be made to assure that no child remains on the vehicle), 591-1-1-.36 (2)(f)1. (A child passenger restraining system be in place and used in accordance with the manufacturer's directions), 591-1-1-.36 (2)(b) (The vehicle's interior must be clean, in safe repair, and free from hazardous objects), 591-1-1-.36 (5) (Requires parental authorization for children routinely transported that includes the child's name, pick-up location and time, delivery location, and alternate if the parent is not home), 591-1-1-.36 (2)(f)2 (Requires that safety belts be in place and used in accordance with manufacturer's directions), 591-1-1-.36 (6)(e) (Restricts a child's travel time to forty-five minutes), 591-1-1-.36 (3)(b) (Requires additional staff, in addition to the driver, be provided to maintain supervision of the children), 591-1-1-.36 (3)(c) (Requires that the driver and another staff member had current CPR and First AID training) of Bright from the Start's Rules for Child Care Learning Centers, Chapter 591-1-1 of the Official Compilation of Rules and Regulations for the State of Georgia (Rules and Regulations).

EXHIBIT "c"
(Page 1 of 4)

Agape Christian Academy having contested Bright from the Start's action by filing a request for an administrative hearing, and this matter having been discussed by both parties, Agape Christian Academy having reviewed and undertaken measures to improve compliance with the Rules and Regulations, both parties hereby jointly agree, without admitting to or refuting any allegations made by the other, to dispose of this dispute without a hearing and be bound by the terms and conditions set forth in this Consent Agreement. Therefore, it is hereby **ORDERED AND ADJUDGED THAT:**

1.

On May 15, 2008, Bright from the Start issued Agape Christian Academy a Notice of Intent to Impose Civil Penalty and Restrict Transportation for the alleged violations concerning an incident that occurred on or about February 27, 2008. The notice sought to impose a civil penalty in the amount of \$299.00, and a restriction in transportation for the period of one year. On May 25, 2008, Agape Christian Academy appealed Bright from the Start's decision to impose a civil penalty and restriction on transportation, by requesting an administrative hearing before an administrative law judge with the Office of the State Administrative Hearings.

Agape Christian Academy, solely for purposes of compromise settlement and without admitting any allegations that may have been advanced by or on behalf of Bright from the Start regarding the Center, any of its agents or employees, including, without limitation, those allegations contained in the Bright from the Start's May 15, 2008, Notice of Intent to Impose Civil Penalty and Restrict Transportation concerning the incident that occurred at Agape Christian Academy on or about February 27, 2008, hereby agrees to:

- 1) Agape Christian Academy's transportation will be restricted for three (3) months effective the submission and approval of an appropriate transportation company to provide adequate transportation for all effected children during this time frame.
- 2) A third party transportation company may use the vehicles currently owned by Agape Christian Academy, so long as the transportation company A) is in the business of transporting individuals, B) has no direct or indirect affiliation with Agape Christian

EXHIBIT "C"
(Page 2 of 4)

- Academy outside the transportation contract, C) follows all rules and regulations prescribed by Bright from the Start's Rules and Regulations.
- 3) Technical Assistance will be provided to Agape Christian Academy at no cost to the center.
 - 4) Agape Christian Academy will be permitted to use the \$299.00 civil penalty towards training and or the purchase of additional infant car seats.
 - 5) All Agape Christian Academy senior staff members and staff members responsible for transportation must enroll and complete training provided by Safe Kids prior to resuming transportation.
 - 6) Subsequent to Agape Christian Academy resuming transportation, of Agape Christian Academy acknowledges for the next three months Agape Christian Academy will have their transportation monitored. This monitoring will include, but is not limited to, daily and or weekly checks of all transportation requirements.

A copy of the May 15, 2008, Notice of Intent to Impose Civil Penalty and Restrict Transportation concerning the incident that occurred at the Center on February 27, 2008 is attached hereto as Exhibit "A" and incorporated by reference.

2.

Agape Christian Academy, solely for purposes of this compromise settlement and without admitting any allegations that may have been advanced by or on behalf of Bright from the Start regarding Agape Christian Academy, any of its agents or employees, agrees to waive its right to an administrative hearing in conjunction with the Bright from the Start's May 15, 2008 Notice of Intent to Impose Civil Penalty and Restrict Transportation concerning the incident that occurred on or about February 27, 2008. This consent agreement resolves all allegations contained in the May 15, 2008 Notice of Intent to Impose Civil Penalty and Restrict Transportation concerning the incident that occurred on or about February 27, 2008.

3.

In the event that any paragraph, sentence, clause or phrase of this consent agreement construed by any court or administrative body of competent jurisdiction, to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining paragraphs or portions of this consent settlement agreement. The remaining paragraphs or portions in this consent agreement shall remain in full force and effect,

EXHIBIT "C"
(Page 3 of 4)

as if such paragraph or portion of this document so determined or adjudged invalid or unconstitutional were not originally a part of this consent agreement.

AGREED TO THIS 25th DAY OF August, 2008.

Kay Hellwig

Kay Hellwig, Director, Child Care Services
Bright From the Start: Georgia Department of Early Care and Learning
10 Park Place South, Suite 200
Atlanta, Georgia 30303

C. Omonubi

Cecilia Omonubi
Agape Christian Academy
191 Anne Street
Atlanta, Georgia 30315

EXHIBIT "C"
(Page 4 of 4)



BRIGHT FROM THE START
Georgia Department of Early Care and Learning
10 Park Place, Suite 200, Atlanta, Georgia 30303
(404) 656-5957

Sonny Perdue
GOVERNOR

Holly A. Robinson, Ed.D.
COMMISSIONER

November 6, 2008

CERTIFIED MAIL #7007 0220 0004 0730 1001

Cecilia Omonubi
Registered Agent
Chief Executive Officer
Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
7791 Hana Court
Jonesboro, Georgia 30236

REGULAR MAIL

Bukkey Bucknor, Director
Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
1519 Lakewood Avenue
Atlanta, Georgia 30316

RE: Notice of Revocation

Dear Ms. Omonubi and Ms. Bucknor:

On September 30, 2008, the Child Care Services Division of Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) concluded its complaint investigation at Agape Christian Academy, located at 1519 Lakewood Avenue, Atlanta, Georgia 30316. It was determined that rule violations previously cited continued to exist and that the center had not taken adequate measures to correct them and to maintain compliance. These rule violations, which were previously cited on June 9, 2008, May 20, 2008, March 4, 2008, February 28, 2008, and December 20, 2007, seriously affect the health and safety of the children in care and demonstrate an intentional and or reckless disregard for the physical and mental health and safety of the children in care. A Civil Penalty and Restriction of Transportation Plan was imposed on May 15, 2008, for several of these same rule violations. An office conference was conducted with you on June 10, 2008, to discuss rule violations and improvement actions. Technical assistance was provided by a representative of Bright from the Start on August 15, 2008, and March 4, 2008.

On August 25, 2008, Bright from the Start and Agape Christian Academy entered into a consent agreement to resolve the transportation issues as noted in the May 15, 2008, Civil Penalty and Restriction of Transportation. The purpose of the consent agreement was to resolve issues related to the Restriction of Transportation issued on May 15, 2008. Within one week of all parties signing the consent agreement, Agape Christian Academy violated numerous sections of the agreement resulting in this proposed revocation. The rule violations for which Bright from the Start is basing the revocation are marked as Exhibit "A" and incorporated in this Notice by reference; the May 15, 2008, Civil Penalty is marked as Exhibit "B" and incorporated in this Notice by reference; the consent agreement is marked as Exhibit "C" and incorporated in this Notice by reference.

Based on the licensee's noncompliance with Rules and Regulations for Child Care Learning Centers, the licensee is hereby notified that the license to operate Agape Christian Academy is hereby revoked. Bright from the Start's legal authority for revoking a license is found in O.C.G.A. Sec. 20-1A-12(b)(3)(4), Sec. 20-1A-12(c)(5), and 20-1A-10(r), and the Bright from the Start's Rules for Child Care Learning Centers, Chapter 591-1-1 of the Official Compilation Rules and Regulations of the State of Georgia.

EXHIBIT "D"
(Page 1 of 5)

November 6, 2008
Ms. Cecilia Omonubi
Ms. Bukkey Bucknor
Page 2 of 5

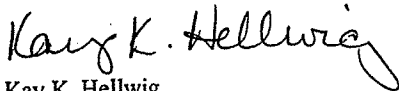
In accordance with O.C.G.A. Section 20-A-10(o) this revocation becomes effective thirty (30) days from receipt of this Notice. The licensee has the right to appeal the decision to revoke the license to operate a child care learning center by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The request must be made in writing within ten (10) days of receipt of this Notice and addressed to:

**J. Ashley Peacock
Chief Legal Officer
Bright from the Start
Georgia Department of Early care and Learning
10 Park Place, Suite 200
Atlanta, Georgia 30303**

A hearing request stays or suspends the revocation.

If the licensee does not appeal this action within ten (10) days of this Notice, the decision to revoke your license will be final. Licensure staff will conduct a follow-up visit to verify closure.

Sincerely,



Kay K. Hellwig
Division Director Child Care Services

KKH/hn
Attachment

cc: Justine Strickland
J. Ashley Peacock
Jackie Romain
Mary Mazarky
Mona Jackson
Erroll Briggs
William Cook
Elisabetta Kasfir
Janet Goggins
Takiesha Bankston
State File

EXHIBIT "D"
(Page 2 of 5)

November 6, 2008
Ms. Cecilia Omonubi
Ms. Bukkey Bucknor
Page 3 of 5
List of Rule Violations for:

Agape Christian Academy, Inc.
d/b/a Agape Christian Academy
1519 Lakewood Avenue
Atlanta, Georgia 30316

Rule 591-1-1-.36 (6) (c) requires a signed checklist to account for the loading and unloading of each child.

During an investigation, it was determined that on September 17, 2008, the center had nine children's names listed on the transportation log, but 10 four-year-old children were observed by consultants on the van. Upon reviewing the transportation log, the 10 children were not accounted for loading the vehicle.

This rule violation was previously cited on June 9, 2008, March 4, 2008, and December 20, 2007. A civil penalty was imposed on May 15, 2008, for this same rule violation.

Rule 591-1-1.31 (9) requires center staff shall comply with all applicable laws and regulations.

AND

O.C.G.A. § 40-8-76 (b)(1) Every driver who transports a child under six years of age shall provide for the proper restraint of such child in an appropriate child passenger restraining system.

During an investigation it was determined that children were not properly restrained. Specifically, on September 17, 2008, consultants observed a van driver transporting 10 four-year-old children. The consultants boarded the van and observed the following:

- Two four-year-old children sitting in the back seat of the van with no restraints
- Two four-year-old children sitting on the second row, restrained only by seatbelts
- Two four-year-old children sitting in booster seats in the first and second row seats, with lap straps only (two shoulder straps were available in the back row)
- One four-year-old child was observed sitting in a car seat without being restrained with the five-point harness and the seat belt was not threaded through the back of the car seat, but across the child's torso.

Also, staff stated that children were improperly restrained when the practice of restraining two children to one seat belt was used.

This rule violation was previously cited under rule 591-1-1-.36(2) (f) 2 on June 9, 2008, March 4, 2008, February 28, 2008, and December 20, 2007. A civil penalty was imposed on May 15, 2008, for this same rule violation.

Rule 591-1-1.36(2) (b) requires the vehicle to be in safe repair.

During an investigation, it was determined that the center vans were not in safe repair. Staff stated that the "check engine" light came on when the white van with red letters was driven for a period of time and the brake light came on because the back wheel cylinder needed to be repaired.

This rule violation was previously cited on June 9, 2008, and March 4, 2008. A civil penalty was imposed on May 15, 2008, for this same rule violation.

Exhibit "A"
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Rule 591-1-1-.36 (3) (b) requires additional staff when transporting children.

During an investigation, it was determined that the center did not provide additional staff as required. Specifically, on September 17, 2008, consultants observed a van driver transporting 10 four-year-old children, alone. Two staff were required to meet the ratio requirement. The same 10 children had been transported to the center that morning and the van driver was the only adult present. Consultants reviewed the transportation logs and observed that the week of September 9 – 12, 2008; nine children ranging in age from seven months to two years old were transported. Three staff were required to meet the ratio requirement. The same week on a different route, 8 four-year-old children were transported. The transportation log for a morning route for the week of the September 15 – 17, 2008, documented that eight children, ranging in age from seven months to four years old were transported. Two staff were needed to meet the ratio requirement. The van driver was the only adult present on all routes during all these time periods.

This rule violation was previously cited on February 28, 2008. A civil penalty was imposed on May 15, 2008, for this same rule violation.

591-1-1-.36 (6) (d) requires that at the completion of every trip, a check must be made to assure that no child remains on the vehicle.

Consultants reviewed the transportation logs and found that one of the two drivers had not documented that a final check had been conducted after each route from August 18 to September 17, 2008.

This rule violation was previously cited on June 9, 2008, March 4, 2008, February 28, 2008, and December 20, 2007. A civil penalty was imposed on May 15, 2008, for this same rule violation.

591-1-1-.36 (6) (e) restricts a child's travel time to forty-five minutes on each trip between the child care learning center and destination unless accompanied by the parent and excluding field trips.

Consultants reviewed the transportation logs and found that some children were transported from fifty minutes to one hour and twenty-five minutes during the period from August 11 to September 17, 2008.

This rule violation was previously cited on February 28, 2008. A civil penalty was imposed on May 15, 2008, for this same rule violation.

591-1-1-.32 (3) requires that children under three years old be housed in separate physical areas from older children except during early morning arrival and late afternoon departure times.

During an investigation, it was determined that the center housed children under the age of three-years-old with children that were older. Specifically, on September 17, 2008, four four-year-old children were housed with nine one and two-year-old children at approximately 3:30 p.m.

This rule violation was previously cited on May 20, 2008, and March 4, 2008.

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November 6, 2008
Ms. Cecilia Omonubi
Ms. Bukkey Bucknor
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591-1-1-.32 (6) requires that children be supervised at all times.

During an investigation, it was determined that the center did not provide watchful oversight to the children in care. Specifically, on September 17, 2008, 15 children in the Georgia Pre-K program classroom were observed to have been left alone in Room A, Building 1. One staff person was observed down the hall in the restroom with children and the other staff person was in another room.

This rule violation was previously cited on March 4, 2008, and February 28, 2008. A civil penalty was imposed on May 15, 2008, for this same rule violation.

591-1-1-.25 (3) requires the center and surrounding premises shall be kept clean, free of debris and in good repair.

During an investigation, it was determined that the center was not kept clean. Consultants observed live roaches crawling throughout the center. Consultants were present in Building 2 when they noticed a strong mildew smell. Infants and toddlers were present in the area.

This rule violation was previously cited on June 9, 2008, and March 4, 2008.

Exhibit "A"
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EXHIBIT "D"
(Page 5 of 5)

OFFICE OF STATE ADMINISTRATIVE HEARINGS

STATE OF GEORGIA

AGAPE CHRISTIAN ACADEMY, INC.

*

Petitioner,

*

* Docket Number: OSAH-DECAL

v.

* -CCLC-0913121-60-Teate

DEPARTMENT OF EARLY CARE AND

*

LEARNING, BRIGHT FROM THE START

*

Respondent.

*

CONSENT AGREEMENT

Bright from the Start: Georgia Department of Early Care and Learning (hereinafter referred to as "the Department") brought this action against Agape Christian Academy, Inc. to revoke its license to operate as a child care learning center based upon alleged non-compliance with the rules and regulations for child care learning centers. Thereafter, Agape Christian Academy, Inc. filed a timely request for an administrative hearing in this matter. The Department maintains that there would be sufficient evidence to prove the allegations contained in Notice of Revocation. On the other hand, Agape Christian Academy, Inc. expressly denies all of the allegations contained therein. Nonetheless, in an effort to resolve the matter, both parties having read the terms of this consent agreement hereby agree as follows:

- (1) Upon execution of this agreement, Agape Christian Academy, Inc. will withdraw its request for hearing in this matter and the Department will withdraw the Notice of Revocation.

EXHIBIT "E"
(Page 1 of 3)

- (2) Agape Christian Academy, Inc. agrees to a permanent restriction on transportation by its facility. The permanent restriction shall include, but is not limited to, any of the following:
- A) Before and after school transportation;
 - B) Field Trips;
 - C) Any transportation by an Agape employee or affiliate;
 - D) Transportation to and from home;
 - E) No endorsing or contracting with a third party vendor to provide any of excluded transportation services, and,
 - F) Nothing contained herein shall prevent the parents of any students from contracting with a third party vendor for the provision of transportation services.

Any lifting of this permanent restriction will be in the sole discretion of the Department and **must** be given in writing.

- (3) The Department shall immediately reissue Agape Christian Academy, Inc. a license, which clearly denotes the transportation restriction. This license must be placed in such a manner that is visible at all times to any individual that enters the facility.

- (4) In the event that any paragraph, sentence, clause or phrase of this Consent Agreement is construed by any court or administrative body of competent jurisdiction, to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining paragraphs or portions of this

EXHIBIT "E"
(Page 2 of 3)

Consent Order. The remaining paragraphs or portions thereof, shall remain in full force and effect, as if such paragraph or portion thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of this Consent Agreement.

This 15th day of Jan, 2009.

CONSENTED TO BY:

Kay K. Hellwig
Kay K. Hellwig, Division Director Child Care Services
Bright from the Start: Georgia Department of Early Care and Learning
10 Park Place South, Suite 600
Atlanta, GA 30303

Bukky Buckner
Bukky Buckner
Agape Christian Academy, Inc.
1519 Lakewood Avenue
Atlanta, GA 30315

EXHIBIT "E"
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