

1 LEGAL DIVISION  
2 Department of Social Services  
3 Office of Chief Counsel  
4 KEVIN P. MORA  
5 Assistant Chief Counsel  
6 FRANCES VALDEZ, State Bar No. 285730  
7 Staff Attorney  
8 1515 Clay Street, Suite 800  
9 Oakland, CA 94612  
10 Telephone Number: (510) 622-3075  
11 Facsimile Number: (510) 622-2710

12 Attorneys for Complainant

13 BEFORE THE  
14 DEPARTMENT OF SOCIAL SERVICES  
15 STATE OF CALIFORNIA

16 IN THE MATTER OF:

17 FIRST PRESBYTERIAN  
18 CHURCH OF NEWARK dba  
19 PARKSIDE PRESCHOOL  
20 35450 Newark Blvd.  
21 Newark, California 94560

22 CDSS No. 6818311101  
23 OAH No.

24 **ACCUSATION**  
25 (LICENSE REVOCATION)

26 Respondent.

27 **JURISDICTION**

1. This matter arises under the California Child Day Care Facilities Act, Health and Safety Code section 1596.70 et seq., which governs the licensing and operation of child day care centers.

2. The regulations which govern the licensing and operation of child day care centers are contained in California Code of Regulations, title 22, section 101151 et seq.<sup>1</sup>

3. The California Department of Social Services ("Department") is the agency of the State of California responsible for the licensing and inspection of child day care centers.

<sup>1</sup> Subsequent references to any regulation section(s) are to Title 22 of the California Code of Regulations.



1 APPLICABLE LAW: Health and Safety Code section 1596.885  
2 Regulation sections 101238, 101238.2(e) and 101239(o)

3 ALLEGATIONS:

4 10. On or about October 19, 2018, Respondent failed to anchor a play  
5 structure to the ground, which allowed the play structure to tip over, causing the death  
6 of Child #1.

7 11. On or about October 19, 2018, Respondent failed to cushion the area  
8 around the play structure with material that absorbs falls.

9 SUBJECT MATTER: CONDUCT INIMICAL

10 APPLICABLE LAW: Health and Safety Code section 1596.885(c)

11 ALLEGATIONS:

12 12. Respondent engaged in conduct that is inimical to the health, morals,  
13 welfare, or safety of either an individual in or receiving services from the facility, or the  
14 people of the State of California as alleged in paragraphs 10 through 11, above, and  
15 incorporated by reference.

16 CAUSE FOR DISCIPLINE

17 13. The facts alleged in paragraphs 10 through 12, individually and/or jointly,  
18 constitute violations of licensing laws. These facts provide cause, pursuant to Health  
19 and Safety Code section 1596.885(a)-(b) to revoke Respondent's license to operate the  
20 facility.

21 14. The facts alleged in paragraphs 10 through 11, individually and/or jointly,  
22 constitute conduct by Respondent which is inimical to the health, morals, welfare, or  
23 safety of either an individual in or receiving services from the facility or the people of this  
24 state. These facts provide cause, pursuant to Health and Safety Code section  
25 1596.885(c), to revoke the license to operate the facility.

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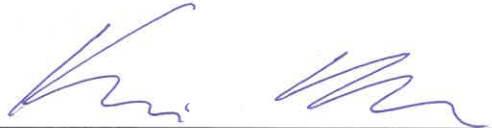
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**PETITION FOR RELIEF**

15. WHEREFORE, Complainant requests that Respondent **FIRST PRESBYTERIAN CHURCH OF NEWARK dba PARKSIDE PRESCHOOL**'s license to operate a child day care center be revoked.

DATED: FEB 27 2019



KEVIN P. MORA  
Assistant Chief Counsel  
Legal Division  
California Department of Social Services