

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
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9 Oakland, CA 94612
10 Telephone Number: (510) 622-3075
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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
23 Respondent.

24 CDSS No. 6818311101
25 OAH No. 2019030708
26
27 **STIPULATION,
WAIVER AND ORDER**

18 **RESPONDENT, FIRST PRESBYTERIAN CHURCH OF NEWARK dba**
19 **PARKSIDE PRESCHOOL**, having obtained the counsel of Sarah Jane Truong, has
20 been fully advised of the charges of the Accusation in this matter (a copy of which is
21 attached hereto as **Exhibit 1** and incorporated herein by reference), and hereby enters
22 into the following Stipulation and Waiver; and Order ("Stipulation") with the
23 **COMPLAINANT, PAMELA DICKFOSS**, as a means of achieving a full and final
24 resolution of the Accusation in lieu of an evidentiary hearing and decision.

25 Respondent and Complainant hereby stipulate and agree as follows:

- 26 1. **FINDINGS:** Respondent admits the allegations in the Accusation and
27 agrees that for purposes of this matter and all other matters between the Department

1 and Respondent, the allegations of the Accusation are found to be true and to constitute
2 a legally sufficient basis to revoke Respondent's license. Any admissions, implied,
3 general or specific, do not constitute admissions for any other purpose or proceeding to
4 which the Department is not a party, including third party civil, criminal, or administrative
5 proceedings.

6 2. REVOCATION OF LICENSE: Respondent's license is revoked upon the
7 Department's adoption of this Stipulation as its Order.

8 3. FUTURE APPLICATION FOR A LICENSE, REGISTRATION,
9 CERTIFICATION OR APPROVAL:

10 A. Licensure, Certification or Approval: Respondent shall not apply
11 for, receive or hold, an administrator certificate or any license to operate, any
12 facility licensed by the Department of Social Services including but not limited to
13 any community care facility (CCF), certified family home (CFH), residential care
14 facility for the elderly (RCFE), residential care facilities for persons with chronic,
15 life-threatening illnesses (RCFCI), child day care facility (CDCF) or home care
16 organization (HCO) (as CCF, CFH, RCFCI, RCFE, CDCF and HCO are defined in
17 sections 1502(a), 1506(c), 1568, 1568.01, 1569.2, 1596.750, and 1796.37 of the
18 Health and Safety Code) for a period of two (2) years from the effective date of the
19 Stipulation and Order.

20 B. Application Denial: Respondent understands and agrees that the
21 Department, Foster Family Agency or a county may deny any application for
22 licensure, certification, registration or approval submitted in whole or in part based
23 upon the findings in this Stipulation. However, Respondent understands that if the
24 license, certification, registration or approval is denied by the Department or a
25 county, Respondent shall be entitled to a hearing subject to the timely filing of an
26 appeal to a notice of action, or the timely filing of a Notice of Defense after the
27 Department has served Respondent with a Statement of Issues.

1 4. WAIVER OF HEARING RIGHTS: The parties waive their rights to a
2 hearing to contest the allegations of the Accusation, to present any evidence on their
3 behalf and to cross-examine witnesses testifying on the other party's behalf. The
4 parties further waive their rights to further discovery in this matter.

5 5. WAIVER OF APPEAL/MODIFICATION RIGHTS: Respondent waives all
6 rights of review arising out of this action or this Stipulation or the Order implementing it,
7 including but not limited to a petition for reinstatement, reduction of penalty, or
8 rehearing, reconsideration, writ of administrative mandamus, any other judicial or
9 administrative review or any other right or ability Respondent may have to seek to have
10 this Stipulation modified or set aside on any grounds whatsoever.

11 6. WAIVER OF CLAIMS: The parties waive all known or unknown legal
12 actions or claims against each other, or their employees or agents, that they may have
13 acquired or come to acquire arising out of this matter, with the following exceptions:

- 14 A. Civil penalties;
15 B. Monitoring fees; and
16 C. Any action arising out of an audit or other review to establish,
17 modify, preserve, enforce, or to recover an overpayment or to reimburse an
18 underpayment of public or private funds.

19 7. PUBLIC RECORD: This Stipulation is a public record as required by
20 section 11517(d) of the Government Code. It is accessible to the public pursuant to the
21 Public Records Act, section 6250 et seq. of the Government Code.

22 8. SIGNATURES: All parties agree that a facsimile or scanned copy of the
23 signature page of this Stipulation will bind the signing party or parties to the terms and
24 conditions herein once any remaining party or parties execute the document and once
25 the Order is executed.

26 9. COUNTERPARTS: This Stipulation may be executed in counterparts.

27 //


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3 IT IS SO STIPULATED:

4 May 30 2019
5 DATED



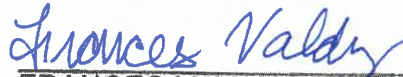
6 MIKE MARZANO
7 Representative of Respondent FIRST
8 PRESBYTERIAN CHURCH OF
9 NEWARK dba PARKSIDE PRESCHOOL

10 May 30, 2019
11 DATED



12 SARAH JANE TRUONG
13 Attorney for Respondent

14 June 3, 2019
15 DATED



16 FRANCES M. VALDEZ
17 Staff Attorney
18 Attorney for Complainant

19 6/16/19
20 DATED



21 PAMELA DICKFOSS, Complainant
22 Deputy Director
23 Community Care Licensing Division
24 Department of Social Services
25 State of California

26 DECISION AND ORDER

27 The preceding Stipulation hereby is adopted by the Department as its
Decision in this matter.

IT IS SO ORDERED THIS 17TH DAY OF JUNE, 2019.



28 KEVIN P. MORA
29 Assistant Chief Counsel
30 Legal Division