

**PINELLAS COUNTY LICENSE BOARD  
IN AND FOR PINELLAS COUNTY, FLORIDA**

**IN RE THE MATTER OF THE APPEAL OF:**

**WONDER KIDZ ACADEMY LLC,**

**Petitioner/Operator,**

**vs.**

**NOTICE OF CLASS II ADMINISTRATIVE FINE-\$60**

**PINELLAS COUNTY LICENSE BOARD  
FOR CHILDREN'S CENTERS AND FAMILY  
DAY CARE HOMES,**

**Respondent.**

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDATIONS OF HEARING OFFICER**

THIS CAUSE came for hearing on September 1, 2021 at 9:30 a.m. via Zoom before the Honorable Senior Judge W. Douglas Baird, acting in the capacity of Hearing Officer. Both parties were present and Colleen M. Flynn, Esquire appeared as Counsel for Pinellas County License Board. Petitioner/Operator, Wonder Kidz Academy LLC ("Wonder Kidz"), appeared *pro se*.

The issue before the undersigned was whether the facts and law supported the imposition of a Class II fine on Wonder Kidz on July 30, 2021 (for a violation that occurred on July 20, 2021) in the amount of \$60 for violation of Pinellas County Licensing regulation.

Having heard the testimony of witnesses for both parties, observed the demeanor of the witnesses and taken that into consideration, argument of both parties, and after reviewing the evidence presented, the undersigned submits the following

findings of fact, conclusions of law and recommendations based on the clear and convincing evidence presented at the hearing:

### **Facts**

1. On July 21, 2021 licensing specialist, Michelle Leland, conducted a routine inspection at Wonder Kidz.

2. During that inspection, the licensing specialist observed that the closing log for July 20, 2021 was not signed, nor was the time noted on the log.

3. On July 20, 2021 Wonder Kidz staff failed to sign and put the time on the closing log verifying that they had completed the visual sweep of the premises.

4. Wonder Kidz admitted that it failed to sign the closing log on July 20, 2021.

### **Conclusions of Law**

1. V.A.13.f of the Licensing Regulations Governing Pinellas County Children's Centers (version April 1, 2020) states: Before closing a children's center each day, an assigned staff member must do a visual sweep of the premises to ensure that no child is left on the premises. The assigned staff member must sign and date a log designed for this purpose to document that all children have departed the premises.

2. Based on the clear and convincing evidence, Wonder Kidz violated V.A.13.f of the Licensing Regulations Governing Pinellas County Children's Centers on July 20, 2021 as on that date, staff did not sign and date the closing log verifying that the visual sweep of the premises had been conducted.

3. Because it was the third violation of the same Class 2 standard within 2 years for failing to sign the closing log a \$60 fine is assessed in accordance with the Licensing Regulations Governing Pinellas County Children's Centers.

**RECOMMENDATION**

Based on the foregoing findings, it is hereby RECOMMENDED that the Imposition of the Class II Fine for violation of V.A.13.f of the Licensing Regulations Governing Pinellas County Children's Centers (version effective April 1, 2020) be upheld.

RESPECTFULLY SUBMITTED to the Pinellas County License Board this 1st day of September, 2021.

  
\_\_\_\_\_  
Honorable Senior Judge W. Douglas Baird

cc: Colleen M. Flynn, Esquire  
Wonder Kidz Academy LLC

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**NOTICE OF FINAL AGENCY ACTION**

The Pinellas County License Board for Children's Centers and Family Day Care Homes (PCLB) issued a Notice of Class II Administrative Fine in the amount of \$60.00 to Wonder Kidz Academy LLC, 557 Clearwater Lago Road N, Largo, FL 33770, on July 30, 2021. The hearing on the Request for Hearing was held on September 1, 2021, and the Findings of Fact, Conclusions of Law and Recommendations of Hearing Officer was entered recommending that the Class II Administrative Fine in the amount of \$60.00 be upheld. Neither party filed exceptions.

**YOU ARE HEREBY NOTIFIED** that the License Board met on November 17, 2021 and took final agency action regarding the Class II Administrative Fine in the amount of \$60.00 issued to Wonder Kidz Academy LLC. As no exceptions were filed, no hearing was held and thus, Final Agency Action was taken by the Board adopting without further hearing the Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer, upholding the imposition of the Class II Administrative Fine in the amount of \$60.00.

**RIGHT TO APPEAL.** Pursuant to Section 402.310(4) of the Florida Statutes you have the right to appeal a decision of the local licensing agency to a representative of the Department of Children & Families within fifteen (15) days from the date the Notice of Final Agency Action was served upon you. You may mail your request for an appeal of the decision to the attention of Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 100, Tallahassee, FL 32303 or fax 850-922-3947 or email at [Agency.Clerk@myflfamilies.com](mailto:Agency.Clerk@myflfamilies.com). Concurrent with your request for an appeal to DCF, send a copy of it to PCLB at 8751 Ulmerton Road, Suite 2000, Largo, FL 33771.

**DONE AND ORDERED** at Clearwater, Pinellas County, Florida, this 17<sup>th</sup> day of November 2021.

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Michael Mikurak, Board Chair  
Pinellas County License Board for Children's  
Centers and Family Day Care Homes

cc: Chad Elnaji  
Wonder Kidz Academy LLC  
557 Clearwater Largo Road N  
Largo, FL 33770

Colleen M. Flynn, Esquire  
Johnson, Pope, et al.  
911 Chestnut Street  
Clearwater, FL 33756

PCLB  
8751 Ulmerton Road, Suite 2000  
Largo, FL 33771

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**NOTICE OF SERVICE OF HEARING OFFICER'S RECOMMENDED  
ORDER AND NOTICE OF RIGHT TO FILE WRITTEN EXCEPTIONS**

**TO: VIA CERTIFIED MAIL AND REGULAR U.S. MAIL**

Chad Elnaji  
Wonder Kidz Academy LLC  
557 Clearwater Largo Road N  
Largo, FL 33770

**I HEREBY CERTIFY** that a copy of the Hearing Officer's Findings of Facts, Conclusions of Law and Recommendations filed by the Honorable Senior Judge W. Douglas Baird regarding the September 1, 2021 hearing was provided by first class and certified mail to Wonder Kidz Academy LLC at the address shown above, this 8<sup>th</sup> day of September 2021.

**PLEASE TAKE NOTICE** that pursuant to §120.57(1)(k), Florida Statutes, either party has the right to file with the Pinellas County License Board for Children's Centers and Family Day Care Homes or the PCLB's attorney written exceptions to the Findings of Fact, Conclusions of Law and Recommendations contained in the Recommendation of the Hearing Officer within fifteen (15) days after the above-referenced service of the Recommendation. Any written exceptions will be considered by and ruled upon by the Board, along with the Hearing Officer's Recommendation, at its November 17, 2021 meeting at 8751 Ulmerton Road, Suite 2000 at 1:30 p.m. at which time the Final Agency Action will be taken.

**ANY PARTY DESIRING OR REQUIRING A VERBATIM TRANSCRIPT** for appeal or other purposes, may, at its own expense, arrange to have a certified

court reporter report the hearing portion of the meeting. If the court reporter records the proceeds, the recordation shall become the official transcript.

JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS, LLP

By:



Colleen M. Flynn  
FBN 0190470/SPN 02510190  
911 Chestnut Street  
Clearwater, FL 33756  
Telephone: 727-461-1818  
Facsimile: 727-441-8617  
Attorneys for PCLB

NOTICES TO PERSONS WITH DISABILITIES: If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Within two (2) working days of your receipt of this Notice, please contact the Human Rights Office, 400 S. Ft. Harrison Avenue, Suite 300, Clearwater, FL 33756, phone 727-464.4062 (V/TDD).

cc: PCLB – Faith N. Bornoff, Executive Director

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AND RECOMMENDATIONS OF HEARING OFFICER**

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findings of fact, conclusions of law and recommendations based on the clear and convincing evidence presented at the hearing:

### **Facts**

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2. During that inspection, the licensing specialist observed that the closing log for July 20, 2021 was not signed, nor was the time noted on the log.
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### **Conclusions of Law**

1. V.A.13.f of the Licensing Regulations Governing Pinellas County Children's Centers (version April 1, 2020) states: Before closing a children's center each day, an assigned staff member must do a visual sweep of the premises to ensure that no child is left on the premises. The assigned staff member must sign and date a log designed for this purpose to document that all children have departed the premises.
2. Based on the clear and convincing evidence, Wonder Kidz violated V.A.13.f of the Licensing Regulations Governing Pinellas County Children's Centers on July 20, 2021 as on that date, staff did not sign and date the closing log verifying that the visual sweep of the premises had been conducted.

3. Because it was the third violation of the same Class 2 standard within 2 years for failing to sign the closing log a \$60 fine is assessed in accordance with the Licensing Regulations Governing Pinellas County Children's Centers.

**RECOMMENDATION**

Based on the foregoing findings, it is hereby RECOMMENDED that the Imposition of the Class II Fine for violation of V.A.13.f of the Licensing Regulations Governing Pinellas County Children's Centers (version effective April 1, 2020) be upheld.

RESPECTFULLY SUBMITTED to the Pinellas County License Board this 1st day of September, 2021.

  
\_\_\_\_\_  
Honorable Senior Judge W. Douglas Baird

cc: Colleen M. Flynn, Esquire  
Wonder Kidz Academy LLC

**PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS AND FAMILY DAY CARE HOMES**  
**RULES OF PROCEDURE FOR HEARINGS**

**1. PURPOSE:**

In accordance with the authority given to this Board by its enabling acts, and in accordance with this Board's desire to conduct its hearing procedures in a fair and impartial manner, the following rules of procedure are hereby adopted. These rules shall be binding upon the Board in its hearings and shall only be subject to change by the affirmative vote of a simple majority of members. The Board may adopt further "guidelines" as it deems necessary to further assist the parties in preparing for the conduct of these proceedings, however, such guidelines shall not have the force or effect of these rules. The adoption of these rules supersedes all Board Rules adopted previously.

**2. AVAILABILITY OF HEARING:**

Any licensed provider or applicant who has been issued a Notice of Imposition of Fine, Notice of Intent to Revoke, Notice of Intent to Suspend, Notice of Intent to Convert to Probationary Status, or Notice of Intent to Deny Application is entitled to request a hearing under these procedures.

**3. REQUEST FOR HEARING:**

Providers or applicants entitled to a hearing shall, as a condition precedent to being granted a hearing, file a written Request for Hearing. Such Request for Hearing must be received by the Pinellas County License Board for Children's Centers and Family Day Care Homes within fifteen (15) calendar days of receipt of written notice of fine, intent to revoke, suspend or deny to which the provider or applicant is being subjected. The Request shall be deemed effective upon actual receipt. Failure to provide such written request within the fifteen (15) day period shall constitute a voluntary waiver by the provider or applicant of all rights to an administrative appeal and the license will be deemed suspended, revoked, or converted to probationary status, or the application denied, or the administrative fine shall be imposed.

The Request for Hearing shall contain, as a minimum, the following items:

- (a) a statement that the person filing the Request for Hearing is entitled to an appeal;
- (b) a brief statement of the action which is being appealed and the basis for the appeal; and
- (c) a specific request for relief (i.e. a request to the hearing officer to take specific action).

The appealing provider or applicant shall be limited in the scope of his or her appeal to the issues which are raised in the Request for Hearing.

**4. NOTICE TO PROVIDER, APPLICANT, BOARD AND INTERESTED PARTIES:**

Within two (2) working days of receipt of the provider or applicant's Notice of Appeal/Request for Hearing, the PCLB staff shall transmit to the PCLB Attorney the Notice of Appeal/Request for Hearing and the underlying action being appealed. The Attorney shall then schedule a hearing with a senior judge and this information shall be furnished by U. S. mail by the Attorney to all interested parties forthwith. Absent a waiver from the provider, the hearing must be held within thirty (30) days of the effective date the Notice of Appeal/Request for Hearing.

**5. HEARINGS:**

All hearings and proceedings related thereto shall be conducted according to the rules followed by the Department of Administrative Hearings, as found in Florida Statutes, Chapter 120, as may be amended.

**6. APPEALING PARTY FAILS TO APPEAR:**

Where a proceeding is commenced by a party pursuant to the Special Act or the procedures adopted pursuant thereto, and said party, after filing their initial Request for Hearing, fails to appear for any scheduled proceedings, such party shall be deemed to have waived their appeal, and accepted the decision of the PCLB staff as final. Further, said party agrees that the Hearing Officer is authorized by this Rule, to dismiss said appeal and submit a Recommended Order to that effect.

**7. REVIEW BY BOARD:**

Upon receipt by the PCLB Attorney of executed Findings of Fact and Recommendations of the Hearing Officer (Order) from the Hearing Officer, the same shall be distributed to all interested parties. Either the PCLB or the appealing provider or applicant – whichever is aggrieved by the Order – shall have the right to file written Exceptions to the Board within fifteen (15) days of their receipt of the Order. If both parties are aggrieved, then the party against whom the written Exceptions are filed, would have the right to file written Cross-Exceptions within fifteen (15) days of their receipt of the original Exceptions.

Responses to Exceptions shall be filed within ten (10) days of the service of the Exceptions, and time shall be computed in accordance with Florida Administrative Code, rules 28-106.217 and 28-106.103, as may be subsequently amended. The Board will schedule or calendar hearings in such a manner as to accommodate the time frames provided in this section and the Board Attorney will notify all parties of the date and time of the hearing.

**8. WRITTEN EXCEPTIONS:**

Each exception shall specify with particularity the finding of fact, conclusion of law, or recommendation which is objectionable and the reasons therefore. The exceptions themselves shall state with specificity if the finding of fact excepted to is not supported by competent substantial evidence or that the proceedings did not comply with the essential requirements of law or that the conclusion of law excepted to departs from the essential requirements of law. In accordance with Florida Statutes, section 120.57(1)(k), the Board has the right to decline to rule upon Exceptions which do not identify the disputed portion of the recommended order by page number or paragraph, do not identify the legal basis for the exception, or do not include appropriate and specific citations to the record.

Facts upon which exceptions to findings of fact or conclusions of law are based which are not set forth in the Recommended Order shall be provided by the party filing the exceptions. It is the responsibility of the excepting party to notify the PCLB Attorney so that a transcript may be promptly ordered and made available to the provider or applicant at actual cost.

**9. BOARD HEARING:**

All exceptions to the recommended order shall be considered at a hearing before the Board. In the event a conflict exists, the party in conflict may file a written request for continuance of the hearing, which will be considered at the hearing.

At the hearing before the Board, in cases where exceptions have been filed, each party or their representative shall each be given 15 minutes to present their argument as to why the Hearing Officer's recommended order should be adopted by the Board or why the order should be rejected or modified. The excepting party shall proceed first. The parties are limited in their presentation to matters of law and to the facts contained within the record of the administrative hearing and may not argue any facts not contained within that record. If no exceptions have been filed, no argument shall be received by the board.

Following presentations of the parties, the Board shall deliberate and either adopt the Hearing Officer's recommendation or reject or modify the recommended order, as it deems appropriate. The Board may not reject or modify findings of fact unless the Board first determines from a review of the entire record and states with particularity in the order that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law.

Board hearings shall be recorded and minutes prepared following each hearing.

Any party desiring or requiring a verbatim transcript, is responsible for retaining and compensating a court reporter to record the proceeding.

**10. FINAL AGENCY ACTION:**

The Chairman, or in the Chairman's absence, the Secretary or designee, shall execute the Final Agency Action prepared by the Board Attorney and reflecting the decision of the Board at the hearing held on this cause. The determination of the Board becomes final within fifteen (15) days of service of the decision if not appealed.

**11. APPEALS OF FINAL AGENCY ACTION:**

An aggrieved party may file an appeal of the Final Agency action with the Department of Children and Families by filing a Notice of Appeal within fifteen (15) days of service of the Final Agency Action.

(July 26, 2017 – Board Approval)