

Washoe County Human Services Agency

Regulations for Child Care Facilities

Penalty for Violation

SECTION 15 PENALTY FOR VIOLATION

*15.1 Administrative Fines. The Agency may impose a \$100 administrative fine for the following violations:

- A. Failure to satisfy requirements of Regulations relating to background checks and personal history requirements; or
- B. Failure to satisfy requirements of the staff-to-child ratio, outlined in Section 24, two or more times during the licensing period of the facility; or
- C. Failure to satisfy the training requirements of Section 23 of these Regulations by the end of the licensing period of the facility; or
- D. The failure to correct any violation of a provision of these Regulations or 432A of NRS within the time frame set forth in the notice of the violation, a fine may be imposed for each day a facility is in noncompliance with the notice of violation; or
- E. The Agency may impose an administrative fine of \$200 in addition to any administrative fine if a violation results in an injury to any person; or
- F. Failure to submit a completed application for reissuance before the expiration of the license of the facility, in addition to any renewal or late fine set forth in Section 10.1.

*15.2 Penalty.

- A. Any person violating any of the provisions of Chapter 45 of the Washoe County Code or these Regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment in the county jail for a term of not more than six months or by any combination of such fine and imprisonment.
- B. If a child care facility violates any law or regulation related to its licensure, including any provision of these Regulations or Regulations outlined in 432A of the NRS, the Agency may:
 - 1. Prohibit the facility from accepting additional children until it determines that the facility has corrected the violation;
 - 2. Limit the number of children to which the facility may provide care until it determines that the facility has corrected the violation;
 - 3. Impose an administrative fine of not more than \$1000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum;

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4. Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the children to whom the facility providers care until:
 - a. It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statute, condition, standard or regulation; or
 - b. Improvements are made to correct the violation; or
 5. Impose any combination of the sanctions prescribed in paragraphs 1 to 4
- C. If the child care facility fails to pay any fine imposed pursuant to paragraph 3 of Subsection B, the Agency may:
1. Suspend the license of the facility until the penalty is paid; and
 2. Collect court costs, reasonable attorney's fees and other costs incurred to collect the penalty.
- D. The Agency may require any child care facility that violates any provisions of these Regulations, to make any improvements necessary to correct the violation.
- E. The Agency may impose a civil penalty against person, state or local government unit or agency if Section 17.16 has been violated.

*15.3 Fines Protocol.

- A. The Agency will prescribe the circumstances and manner in which each sanction applies within the parameters of these Regulations;
- B. The Agency will minimize the time between identification of a violation and the imposition of a fine;
- C. The Agency will provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations;
- D. The Agency will provide for less severe sanctions for lesser violations of applicable statutes, conditions, standards or regulations;
- E. The licensee, caregiver, or Director on whom the Agency imposes an administrative fine may appeal the action as outlined in Section 16.5;
- F. The administrative fine will be paid to Washoe County's General Fund; or
- G. Any fines collected related to Section 15.2, must be accounted for separately and used to administer and carry out the Regulations, to protect the health, safety, well-being and

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property of the children to which child care facilities provide care in accordance with applicable stands for any other purpose authorized by the Legislature.

*15.4 Penalty for Operating a Child Care Facility without a License or Suspended License:

- A. If the person, state or local government unit or agency thereof does not cease operating the child care facility without a license or apply for licensure within 30 days after the date of the notice of violation or does not cease operating the child care facility with a suspended license, the Agency may bring pursue further action;
- B. Should the Agency take court action, the court may:
 - 1. Instruct the person, state or local government unit or agency thereof from operating the facility;
 - 2. Impose a civil penalty on the person, state or local government unit or agency thereof, to be recovered by the Agency, of not more than \$10,000 for the first offense or not less than \$10,000 or more than \$25,000 for a second or subsequent offense.
- C. Any money collected as an administrative penalty pursuant to Section 15.4 must be accounted for separately and used to administer and carry out the provisions of this Section, to protect the health, safety, well-being and property of the children to which child care facilities provide care in accordance with applicable standards or for any other purpose authorized by the legislature.