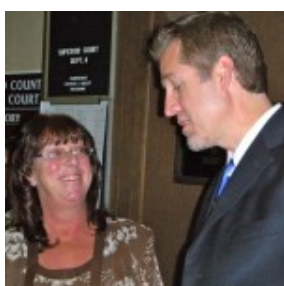


# Kindertown still in business

By Kathryn Reed

Kindertown is open.

El Dorado County Superior Court Judge Steven Bailey issued a stay on Wednesday morning for the South Lake Tahoe day care-preschool. This means Kindertown can keep operating until a final decision is made.



Maria Barrows-Crist thanks her attorney Mike McLaughlin after Wednesday's hearing.  
Photo/Kathryn Reed

Maria Barrows-Crist is eager to welcome back the parents who have left while uncertainty hung over the center. About 35 kids have stayed at the facility during the fight with the state.

The state Department of Social Services wants to shut the center down based on 15 citations.

As Bailey went through each of the accusations he said he

didn't think the state had a case.

For him to make a more concrete decision, Bailey has requested a transcript of the hearing before the administrative law judge and all supporting documents.

A status conference is scheduled for Dec. 9. When the final outcome may be reached is not known.

Mike McLaughlin with Feldman Shaw and McLaughlin LLP in Zephyr Cove is representing Barrows-Crist. He would like Bailey to return the case to the state for it to issue a "reasonable if any penalty" against Barrows-Crist.

Brenda Ray, deputy attorney general with the state Department of Justice, argued keeping Kindertown open is a dangerous situation. However, no one from the state has explained why it hasn't automatically shut down the facility if it is so horrible.

On Wednesday, Ray told the court, "Children could get seriously injured or killed. There is a substantial or likely outcome of that if you leave this facility open."

Gasps were heard in the courtroom at that statement.

McLaughlin countered with, "The bottom line is whether children are at-risk at Kindertown and clearly they are not. Parents wouldn't keep their kids there if there were."

The judge then went through the allegations outlined in the 28-page document the state sent to Barrows-Crist explaining why it is trying to close her down after operating for nearly 30 years.

Bailey questioned the lack of medical records which rendered one incident inconclusive, questioned due process, and where the supporting evidence was to prove Barrows-Crist's daughter was under the influence of drugs or alcohol while on the job.

After the hearing, Barrows-Crist was visibly relieved and emotional as parent after parent hugged her. About 50 people attended the hearing.

Roseanne Brant came from Fremont to hear what might happen to her grandson's day care.

"It's insulting to imply parents would allow their children to stay there when they could die," Brant said. She thought the state's argument was absurd and out of line.

Rich Williamson, whose 5-year-old daughter attends Kindertown, was glad to see locals could rally to effect change.

"It's not the state watching our kids. It's nice to hear a judge side with locals," Williamson said.