

Kindertown faces state closure; owner going to court

By Kathryn Reed

Kindertown parents found out Monday night at an emergency meeting the state intends to shutdown the South Lake Tahoe day care center Friday.

This is the second time in 16 months the state Department of Social Services has issued such a notice.

Mike McLaughlin, who successfully defended owner Maria Barrows-Crist in El Dorado County Superior Court last year, intends to file a stay on Thursday. If granted, it would mean the center with 90 youngsters and 18 employees would at least temporarily remain open.



Maria Barrows-Crist on Jan. 31 tells parents Kindertown's future is in jeopardy.
Photo/Kathryn Reed

Barrows-Crist, holding back tears at Kindertown, told the more than 40 adults and about a dozen children she is going to

fight the current allegations just like she did the prior ones.

The most serious of the allegations in the 25-page document is a young boy with Downs syndrome wandering away from the facility to Highway 50, which parallels the facility a block away.

The report details how the boy was found by a family driving down the highway, how police were called, and the subsequent interview of Barrows-Crist and one of her employees.

In addition to a child being able to leave the premise unattended, the state says Barrows-Crist did not file the proper Unusual Incident Report.

“I thought he was hiding. We looked everywhere. I got in my car and searched the neighborhood,” Barrows-Crist said in an exclusive interview with *Lake Tahoe News* before the Jan. 31 meeting with parents. “I reported it. They said they didn’t get the Unusual Incident Report.”

Police officers are also obligated to report such incidents to the state, so it’s not like Barrows-Crist could hide what happened.

The paperwork ordering the license for the preschool and the license for the infant center be revoked was signed by Administrative Law Judge Ann Elizabeth Sarli on Jan. 3.

Barrows-Crist, unable to hire an attorney, represented herself at the late-November hearing that led to that decision. It was Jan. 26 that Frank S. Furtek, deputy director of the legal division for the Department of Social Services, signed the paperwork for the closure to be effective Feb. 5.

The state Department of Education will be at the center at 6:45 Tuesday morning telling parents where else they can enroll their children. Part of Barrows-Crist’s funding is from

the state through subsidies parents receive.

"We've got your back" and "we'll be here" were said by parents gathered on Monday. Many have been through this before.

John Cocores was at the Sept. 23, 2009, meeting Barrows-Crist conducted to let parents know about the first threat of closure. He was there Jan. 31, 2011, too.

Cocores took his 4-year-old son, Ryan, out of Kindertown for a bit during the uncertainty of whether it would remain open. The second day at the new place, which Cocores would not name, Ryan suffered a head injury.

"He is progressing wonderfully," Cocores says of his son at Kindertown. He only has good things to say about the care his child receives.

Cocores goes on to say, "At some point you have to wonder when it's harassment. Do they inspect all the schools as much as this do (Kindertown)?"

Kori Tomlin, senior staff attorney with the Department of Social Services, deferred comments to the public affairs section of DSS. A representative could not immediately be reached for comment.

Throughout the report Barrows-Crist's credibility is called into question.

The report says, "Respondent's attitude towards [sic] these two citations for lack of care and supervision demonstrated her lack of understanding of the seriousness of her violations. She maintained that the Department was unreasonable for citing her and was persecuting her because of her success in opposing earlier disciplinary action. She maintained that no child had been hurt in the almost 30 years she has been operating her facilities. Her position was that she had been set up for license revocation. She completely

disregarded the fact that the Department is obligated to respond and investigate when a child is found running into and along side Highway 50, choosing instead to view the investigation and citation as persecution.”

In speaking with *Lake Tahoe News*, Barrows-Crist does believe she is being singled out. She also acknowledged the gravity of the charge, but says her site is not the first the child has run from, just the first to be closed because of it.

Barrows-Crist said the child’s father continues to bring the youngster to Kindertown.

Barrows-Crist said the worst that will happen if the state prevails in shuttering the facility that opened in July 1973 is she files for bankruptcy, the children must find other care facilities, and the employees new jobs.

For now, though, she is counting on a judge issuing the stay this week. Then she needs to raise \$20,000 to keep McLaughlin on as her attorney. She’s already in arrears on paying Feldman, Shaw, McLaughlin LLP.

She has spent more than \$100,000 in attorneys’ fees in the last 16 months. The Kindertown bus is for sale. If Barrows-Crist can get through this chapter of turmoil, she plans to sell the center. She has a meeting with a real estate agent Tuesday.