



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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RAQUEL HATTER, MSW, Ed.D.
COMMISSIONER

Certified Mail - Return Receipt Requested # 70153430000103003808

July 7, 2016

Juanita Boyce Brown, Owner/Director
Rising Stars Childcare
P.O. Box 304
Atoka, TN 38004

RE: Notice of Termination and Disqualification of Child and Adult Care Food Program Agreement Number 03-47-70698-00-1

Dear Ms. Brown

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with Rising Stars Childcare and Juanita Boyce Brown, Owner/Director (collectively, "Institution"). The grounds for this action are the Institution's failure to correct the serious deficiencies with the Institution's CACFP. The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3)(iii)(E).

The action in this letter is based on the Institution's failure to provide an acceptable Corrective Action Plan that meets the requirements contained on Page 4 of Memo Code CACFP 14-2012 dated May 1, 2012. On February 17, 2016, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following: Rising Stars Childcare, CACFP application failed to demonstrate sufficient financial viability, as required under federal law. Because Rising Stars Childcare, could not provide documentation that it had adequate financial resources to operate CACFP on a daily basis, continue to pay employees during period of non-payment, as well as pay any debts that may arise as a result of fiscal claims assessed against the institution, the Institution was deemed to not be financially viable. The

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Department determined that the Institution failed to demonstrate adequate financial viability, as required pursuant to the CACFP regulations at 7 C.F.R. § 226.6(b)(2) (vii)(A)-(B).

This failure resulted in the Department determining that the Institution and the Owner are seriously deficient in their operation of the CACFP.

The responsible individual was asked to complete acceptable corrective action. However, the Institution and responsible individuals failed to complete an adequate Corrective Action Plan (CAP). Accordingly, the Department determined that the Institution and the Owner have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to submit an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued May 18, 2016. The Institution did not appeal the Notice of Proposed Termination. As a result, the Institution's CACFP Provider Agreement is formally terminated as of the date of this letter and Rising Stars Childcare and the Juanita Boyce Brown, Owner/Director are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the NDL until the debt and any accrued interest is repaid. In accordance with 7 C.F.R. § 226.14(a), in part, the State agency must assess interest beginning July 27, 2015. For information about applied interest rates please visit the following website:

http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Allette Vayda at (615) 313-3769.

Sincerely,


Raquel Hatter, MSW, Ed.D.
Commissioner
AV/ba