



**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE**  
**COMPLAINT INVESTIGATION OF**  
**SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

**DATE OF REPORT**  
11/15/2023

**DVN**  
002964172

**FACILITY NAME**

GINA'S DAYCARE LEARNING ACADEMY LLC

**FACILITY ADDRESS**

500 GW LN

**CITY**

WAYNESVILLE

**ZIP CODE**

65583-1200

**PHONE NUMBER**

(573) 433-2346

**COUNTY**

PULASKI

**ASSIGNED SPECIALIST**

MERTZ, CAYLIN

**RULE/STATUTE VIOLATION(S)**

**VIOLATION(S)**

5 CSR 25-500.122(1)(A)

All persons working in a child care facility in any capacity during child care hours, including volunteers counted in staff/child ratios, shall be in good physical and emotional health with no physical or mental conditions which would interfere with child care responsibilities. These persons shall have a medical examination report, signed by a licensed physician or registered nurse who is under the supervision of a licensed physician, on file at the facility at the time of initial licensure or within thirty (30) days following employment.

5 CSR 25-500.102(1)(A)

Child care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.

5 CSR 25-500.102(2)(A)2.

Center directors and group child care home providers routinely shall be on duty during the hours of highest attendance a minimum of forty (40) hours per week. If the facility operates less than forty (40) hours per week, the center director or group child care home provider shall be on duty at least fifty percent (50%) of the operating hours.

5 CSR 25-500.222(1)

The child care provider shall maintain accurate records to meet administrative requirements and to ensure knowledge of the individual needs of children and their families.

**CONCLUSION SUMMARY**

On November 15, 2023 the Office of Childhood received a report alleging Gina Esguerra forged Staff Bethany Kinder and Staff Daesha Williams' medical examination reports. Ms. Esguerra has told employees to lie when the state inspector asked them questions. After conducting an investigation, Compliance Inspector (CI) Caylin Mertz has found this allegation to be substantiated based on the following evidence and rule violations:

5 CSR 25-500.222(1) which states "The child care provider shall maintain accurate records to meet administrative requirements and to ensure knowledge of the individual needs of children and their families."

AND

5 CSR 25-500.122(1)(A) which states "All persons working in a child care facility in any capacity during child care hours, including volunteers counted in staff/child ratios, shall be in good physical and emotional health with no physical or mental conditions which would interfere with child care responsibilities. These persons shall have a medical examination report, signed by a licensed physician or registered nurse who is under the supervision of a licensed physician, on file at the facility at the time of initial licensure or within thirty (30) days following employment."

On November 30, 2023 Compliance Inspector (CI) Caylin Mertz conducted an unannounced inspection at the facility. A walkthrough of the facility was conducted. CI Mertz observed all employee files. Compliance Inspector (CI) Caylin Mertz observed a medical examination for Aiden Randall. The date area appeared to have ink smudges where it appeared to have been whited out and written over with the date "2022/01/07." The document is signed by a doctor. Compliance Inspector (CI) Caylin Mertz observed a medical examination for Kristen DeWolfe. Both blanks for the date have ink smudges where it appeared to have been whited out. The document is signed by a doctor a one clinic. An additional medical examination was observed dated

10/19/23 and completed by a different doctor at another clinic. CI Mertz contacted the clinic that completed the medical examination for Aiden Randall. The clinic had no record of Aiden Randall being seen on that date. CI Mertz interviewed Caregiver Kristen DeWolfe. Kristen indicated she had never been seen at the clinic listed on the medical examination form with no dates for a medical examination. She has only been to that clinic three days prior to CI Mertz's interview. She indicated she only completed her medical examinations at a different clinic. LLC Member Gina is not sure why both forms are in the file, one might be from an old file. Inaccurate records were kept in that Kristen DeWolfe indicates she was never seen at the clinic listed on her medical examination form with no dates and the clinic listed on Caregiver Aiden Randall's medical examination form denies having record of examining him on 01/07/2022.

5 CSR 25-500.102(1)(A) which states "Child care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children. "

CI Mertz observed screenshots provided by Former Caregiver Bethany Kinder. In a group message with LLC Member Gina Esguerra, Caregiver Andrew Esguerra, and Caregiver Bethany Kinder. Gina tells Bethany that state wants to talk to her and Daesha. Gina states "make sure you don't say too much." Caregiver Andrew Esguerra then sends a picture of Caregiver Bethany's medical examination form dated August 31, 2023. CI Mertz observed screenshots of text messages between LLC Member Gina Esguerra and Caregiver Bethany Kinder. Bethany indicates the CI confirms her personal information and asks about medical reports that were sent to the department. Gina states "make sure you say you did it recently," "don't know the date," and "don't say much." On November 30, 2023 Compliance Inspector (CI) Caylin Mertz interviewed LLC Member Gina Esguerra. When asked about the text messages Gina stated "where's my number" and "how do you know that was me." She later stated she knew the messages CI Mertz was referring to. Caregiver Daesha Williams was also interviewed. She indicated she was not sure what it meant when Gina said "don't say too much." Caregiver Andrew indicated Bethany asked for the date of her medical form which is why he sent that picture.

Caregiver Aiden Randall was interviewed. He indicated when he was hired he completed the medical examination form in the office with Gina or Ivy. He did not see a physician. When asked about the physician stamp located on the bottom of the form he stated the stamp was already present when he arrived in the office.

On December 1, 2023 Former Caregiver Bethany Kinder was interviewed. She indicated she was never seen on August 31, 2023. She stated the form appears to be whited out and looks fake. She provided a copy of a medical examination form dated July 21, 2020. This form appears to be the same original document as the one sent by Caregiver Andrew Esguerra in screenshots, however, the date on the document sent by Andrew is August 31, 2023. Bethany stated she was told by Gina not to say too much when she was interviewed by another CI.

It is not of good character and intent to be dishonest with the Office of Childhood.

5 CSR 25-500.102(2)(A)2 which states "Center directors and group child care home providers routinely shall be on duty during the hours of highest attendance a minimum of forty (40) hours per week. If the facility operates less than forty (40) hours per week, the center director or group child care home provider shall be on duty at least fifty percent (50%) of the operating hours."

On November 30, 2023, CI Mertz observed that the Child Care Regulation Information System (CCRIS) listed Candace Tucker as the approved director. Director Candace Tucker stated she has not been present 40 hours a week since May of 2023. LLC Member Gina Esguerra stated that Director Candace has never been at the facility for 40 hours per week. Candace Tucker is the facility's current approved director.

**PROVIDER COMMENTS**

We take violations seriously and respond immediately to address them. Employee medical forms are required within 30 days of employment and are filed as received. After learning that some forms appeared 'altered,' we required all involved employees to obtain new, verified medical forms. These documents were not altered by us but were filed as provided. To ensure accuracy moving forward, we added a verification step in onboarding, where each employee confirms that all documents, including medical and TB forms, are their own and submitted without changes by others. Additionally, we now have a policy to double-check and reject any forms that appear altered in any way.

Regarding director presence, Candace Tucker faced personal challenges that affected her availability. To meet regulatory requirements, we promptly introduced a new director who meets the required hours on-site.

These violations did not relate to any care of children. We always strive to provide the best care possible.

**CORRECTIVE MEASURES**

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility is hereby placed on close supervision for a period of six months.	Yes	8/27/2024

**CORRECTIVE MEASURE**

The facility shall notify all staff members of the violations which were substantiated, and specify the actions to be taken by all staff in order to comply with all licensing violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood.

**COMPLETED (Y/N)**

Yes

**COMPLETED DATE**

1/5/2024

**DISPOSITION**

SUBSTANTIATED

**DISPOSITION DATE**

2/8/2024

**APPROVING SUPERVISOR**

FOX, ROMENA