

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Nicole McClain,**  
Petitioner

Docket No.: OC-25-0737

v.

**Department of Early Education and Care,**  
Respondent

**Appearances:**

For Petitioner: Nicole McClain, pro se

For Respondent: Nicole Munroe, Esq.

**Administrative Magistrate:**

Judi Goldberg

**SUMMARY OF RECOMMENDED DECISION**

The Department of Early Education and Care denied Ms. McClain’s application for a family childcare license because it found no significant change in circumstances from 2018 when it suspended and refused to renew her license. Ms. McClain has demonstrated by a preponderance of the evidence that her circumstances have significantly changed since 2018. I therefore recommend that the Department reverse its decision to the contrary.

**RECOMMENDED DECISION**

Petitioner Nicole McClain timely appeals a decision by the Department of Early Education and Care (EEC) denying her application to renew her family childcare license. I conducted and recorded a virtual hearing on March 30, 2026. EEC presented two witnesses<sup>1</sup> and Ms. McClain and her husband testified. I entered 20 exhibits into evidence (McClain Exs. 1-5 and EEC Exs. 1-15). The parties presented their closing arguments at the hearing. I subsequently requested a

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<sup>1</sup> Maria Torres de Martinez is the EEC Northeast Regional Director and Karen Brown is the Family Childcare Supervisor for the EEC Northeast Region.

copy of Ms. McClain's 2025 home daycare application, which I have labeled as Exhibit A and now enter into the record.

### **Findings of Fact**

Based on the evidence presented by the parties, along with reasonable inferences drawn therefrom, I make the following findings of fact:

1. Ms. McClain has a bachelor's degree in early childhood education. She recently earned a master's degree in educational leadership and policy from Boston College and currently serves as a councilor-at-large for Lynn. She is a United States National Guard veteran and has deployed twice to Iraq. (EEC 5; McClain 3; McClain Appeal Letter.)

2. Ms. McClain shares an adult son with her husband, Arthur McClain. (*Dep't of Early Ed. and Care v. McClain*, No. OC-18-0485 (Div. Admin. L. App. Oct. 12, 2018).<sup>2</sup>)

### 2012 EEC License Process

Facts in this and the next section come from the 2018 recommendation that EEC uphold the decision to suspend and refuse to renew Ms. McClain's family childcare provider license. *Dep't of Early Ed. and Care v. McClain, supra*.

3. In July 2012, Ms. McClain became licensed to provide family childcare in her home for up to ten children. At that time, she used her birth name Nicole Lane.<sup>3</sup>

4. In June 2016, Ms. McClain submitted a consent form for a background record check for her then fiancé (now husband) whom she identified as a person regularly on the

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<sup>2</sup> EEC adopted this recommended decision in full. Ms. McClain appealed and the Superior Court affirmed. *McClain v. Massachusetts Dep't of Early Educ. and Care*, No. 1984CV01336 (Suffolk Superior Ct. Jan. 31, 2020).

<sup>3</sup> I use Ms. McClain's current last name throughout to avoid confusion.

premises of her home. She did not identify him as a household member. That background check revealed a potentially disqualifying background due to his history with the criminal justice system.

5. As a juvenile, Mr. McClain was found to be non-delinquent in three separate instances. As an adult, Mr. McClain was charged and convicted of several crimes. His last conviction was in 2003 for possession with intent to distribute a class D controlled substance. His last charge occurred in 2005 but did not result in a conviction.

6. EEC informed Ms. McClain that she would have to stop providing childcare and assume inactive status pending the result of EEC's review process for Mr. McClain.

7. Rather than assume inactive status, Ms. McClain chose to provide EEC with evidence that Mr. McClain was not a household member and was not regularly on the premises. Ms. McClain submitted a signed statement to EEC that stated in part, "Arthur McClain does not reside in my childcare home at 99 Eutaw Ave nor will he be moving in." She also provided EEC with an electric bill that showed that Mr. McClain resided at another address (95 Park Street) in Lynn.

8. Based on Ms. McClain's representation and the evidence that she provided to EEC, EEC entered into an Agreement with Ms. McClain in December 2016 pursuant to which she could continue to provide childcare but Mr. McClain was not allowed to "reside at or be present at the family child care home during child care hours or when child care children are otherwise present." The Agreement also required that Ms. McClain: join a childcare support system and notify EEC if she left that system; notify EEC if Mr. McClain became a member of her household or would be

regularly on the premises; and have the parents sign a statement acknowledging that they had read the Agreement.

2018 EEC License Renewal Process

9. When Ms. McClain's license was due to expire in 2018, she filed a license renewal application. She did not list Mr. McClain as either a household member or as someone who was regularly on the premises.

10. During the renewal process, EEC received a tip that Mr. McClain was living in Ms. McClain's home. EEC investigators reviewed Ms. McClain's public Facebook page, which led them to believe that Mr. McClain was regularly on the premises of Ms. McClain's home.

11. Two EEC staff members, including Karen Brown, the Family Childcare Supervisor for EEC's Northeast Region, made an unannounced visit to Ms. McClain's home.

12. Ms. McClain produced photo identification which showed her name as "Nicole McClain" rather than her birth name, Nicole Lane.

13. Ms. McClain told the EEC staff that she and Mr. McClain married in October 2016 before she signed the Agreement with EEC that listed Mr. McClain as Ms. McClain's "fiancé."

14. She acknowledged that even though they were married, Mr. McClain did not live at her home but was present from 7:00 p.m. to 5:00 a.m. on weeknights and full-time on weekends.

15. She allowed the EEC staff to inspect her home but would not allow them in her master bedroom. This raised concerns for the EEC staff who were trying to understand whether Mr. McClain lived there.

16. Ms. McClain also acknowledged that she never obtained signed Parent Acknowledgment Statements from the parents of children in her care, as the Agreement required. However, Ms. McClain stated that the parents were aware Mr. McClain was not allowed at her home during childcare hours.

17. Ms. McClain conceded that she did not inform EEC that she had terminated her affiliation with a family childcare system, as required by the Agreement.

18. EEC staff asked Ms. McClain to place her license in inactive status and stop providing care pending the investigation of this matter. Ms. McClain declined.

19. On August 21, 2018, EEC suspended and refused to renew her license and issued a fine of \$250. Ms. McClain appealed from that decision, the Division of Administrative Law Appeals held a full evidentiary hearing, and the administrative magistrate ruled that EEC “established sufficient grounds to suspend and refuse to renew” Ms. McClain’s family childcare license.

20. In April 2019, EEC issued a Final Agency Decision, upholding the emergency suspension, refusal to renew her license, and imposition of the fine. Ms. McClain appealed to the Massachusetts Superior Court and in January 2020, a judge affirmed EEC’s decision. As a result, EEC suspended Ms. McClain’s license for five years pursuant to 102 CMR 1.07(4)(b)(2). (EEC 4, 8-10.)

2025 EEC Application Process

21. Once five years had passed, on August 7, 2025, Ms. McClain applied for a new family childcare license for her home at 99 Eutaw Avenue, Lynn. (Ex. A.)

22. In her application, Ms. McClain indicated that she was the only household member or person regularly on the premises at her home. (*Id.*)

23. Maria Torres de Martinez, EEC's Northeast Regional Director, and Karen Brown, EEC's Northeast Family Childcare Supervisor, reviewed Ms. McClain's application. (Martinez and Brown Testimony.)

24. Both Ms. Torres de Martinez and Ms. Brown had participated in the decision to suspend Ms. McClain's license in 2018. (Martinez Testimony.)

25. After receiving Ms. McClain's new application, Ms. Torres de Martinez and Ms. Brown conducted online research and noticed that Mr. McClain had changed his address at the Registry of Motor Vehicles in July 2025, one month before Ms. McClain submitted her application. Changing his address a month before Ms. McClain submitted her application "felt off" to Ms. Torres de Martinez. They also noted that he was registered to vote at Ms. McClain's address and that he was listed as her campaign manager for her political activities. (Martinez and Brown Testimony.)

26. Ms. Torres de Martinez "felt" as although the 2025 application process was similar to the 2018 interactions and as though Ms. McClain was not being truthful. (Martinez Testimony.)

27. Based on the application and the online research that she had conducted, Ms. Torres de Martinez did not think that Ms. McClain had demonstrated that her circumstances had changed and decided to schedule a call with Ms. McClain to ask some questions. (*Id.*)

28. In September 2025, Ms. Torres de Martinez, Ms. Brown, and Attorney Munroe<sup>4</sup> conducted a virtual meeting with Ms. McClain and two of her friends that lasted less than 15 minutes. The purpose of the meeting was to see if Ms. McClain’s circumstances had substantially changed. EEC staff asked whether she was still married to Mr. McClain. Ms. McClain stated that she and her husband were still married, but that he did not live with her and was not regularly at her home. (EEC 4; Martinez and Brown Testimony.)

29. Ms. Brown did not have any further conversations with Ms. McClain about her application. (Brown Testimony.)

30. After the virtual meeting, Attorney Munroe asked Ms. Torres de Martinez to schedule another call with Ms. McClain. The purpose of this call was to make sure that Ms. McClain understood that the burden is on her to show a “significant change in circumstance” since her 2018 suspension. Ms. McClain indicated that she understood. (Martinez Testimony.)

31. After the second call with EEC, Ms. McClain provided EEC with (a) a utility bill for 215 Fairmount Avenue in Mr. McClain’s name dated April 23, 2025, which was a final disconnection notice for failure to pay; and (b) a declaration from Mr. McClain stating that he was living at a new address, 215 Fairmount Avenue in Lynn and not at Ms. McClain’s home. (EEC 1, 4, Martinez Testimony.)

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<sup>4</sup> Attorney Munroe also represented EEC in this appeal. EEC might consider the wisdom of having the same counsel participating in an applicant meeting and representing EEC in the appeal process relating to that same applicant. *See* Mass. R. Prof. Conduct 3.7 cmt. 2 (“A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof.”).

32. Neither of these documents had any impact on Ms. Torres de Martinez's analysis of Ms. McClain's application. She did not believe that there was enough to suggest or show that Mr. McClain was not a household member or someone who was going to be regularly on the premises of Ms. McClain's home. (Martinez Testimony.)

33. Ms. Torres de Martinez testified that the information Ms. McClain had submitted was the "same information" that she had submitted in 2018. She stated that Ms. McClain had not been "reliable and truthful" in the past and that she had the same feelings about this application. (*Id.*)

34. At some point, Ms. McClain submitted additional documentation to demonstrate that Mr. McClain did not live in her home, which included several utility bills in his name for an address that was different from Ms. McClain's. (*Id.*)

35. When asked what documentation or information would have made her view Ms. McClain's application as having presented a change in circumstances, Ms. Torres de Martinez testified that she had seen other applicants present a restraining order or evidence that they had separated from or divorced their partner. (*Id.*)

36. Ms. Brown agreed with Ms. Torres de Martinez. She felt that Ms. McClain had not provided substantial proof that Mr. McClain was no longer living with her. However, she was unable to articulate what evidence would have satisfied her that this was the case. (Brown Testimony.)

37. In addition to being concerned about where Mr. McClain lives, EEC staff was concerned whether he was regularly at Ms. McClain's house. (Martinez Testimony.)

38. Ms. Torres de Martinez stated that the phrase “regularly on the premises” includes anyone who visits the licensed space during regular business hours or anyone who could potentially come into contact with the children on a regular basis. (*Id.*)

39. Ms. Brown defined “regularly on the premises” as a person who is in the home on a regular basis and has opportunity to be around the children during childcare hours. She also noted that the phrase is meant to be “open ended.” (Brown Testimony.)

40. On November 7, 2025, EEC issued its notice of refusal to issue a license to Ms. McClain, concluding that Ms. McClain failed to demonstrate a significant change in circumstances since 2018. EEC based its refusal to issue primarily on Ms. McClain’s poor judgment in 2018, describing the violation of the Agreement; her failure to inform EEC that she had married Mr. McClain, that he lived in her home, or that she had changed her last name; her refusal to allow EEC staff to view her bedroom; and her decision to allow Mr. McClain in her home when he had a disqualifying background. (EEC 4.)

41. Ms. McClain timely appealed from that refusal.

*Evidence Presented of Significant Changes in Circumstances*

42. Mr. McClain testified that he began to reside at 215 Fairmount Avenue sometime around February 2025. (A. McClain Testimony.)

43. Ms. McClain presented two statements from Mr. McClain, both of which state that he does not live at Ms. McClain’s home. (EEC 15; McClain 4.)<sup>5</sup>

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<sup>5</sup> One of these statements is undated and indicates that he resides at 401 Fairmount Avenue, apartment 401 and the other statement is dated February 2026 stating that he lives at 215 Fairmount Avenue, apartment 401. Considering other evidence presented regarding 215

44. Ms. McClain also submitted the following documents, all of which include Mr.

McClain's name and address at 215 Fairmount Avenue:

- a. April 23, 2025, National Grid notice of disconnection for non-payment;
- b. National Grid bills from June and September through December 2025;
- c. Verizon bills from May 2025 through January 2026;
- d. Pay statements from December 2025 and January 2026;
- e. A life insurance bill dated January 21, 2026; and
- f. Confirmation of address change from the Registry of Motor Vehicles dated January 2026.

(McClain 4.) I credit these documents, except for the April 23, 2025, National Grid notice, as evidence that Mr. McClain lived at 215 Fairmount Avenue from May 2025 through January 2026.

45. The four members of the Lynn legislative delegation (one state senator and three state representatives) submitted a letter in support of Ms. McClain. They recognized that Ms. McClain "has taken meaningful steps forward since prior licensing challenges, and we believe her continued growth, public service, and demonstrated accountability speak to her readiness to responsibly operate a family childcare program." (McClain 2.)

46. Ms. McClain also submitted three letters of support from members of the community. (McClain 1-2.)

47. One letter came from a community organizer in Lynn who has known Ms. McClain for five years. He wrote that Ms. McClain is "dependable, thoughtful, and accountable" and "consistently follows through on commitments and approaches challenges with calm, balanced decision-making." He further wrote that she is "a deeply grounded and trustworthy individual whom I have found to be reliable and principled in both professional and personal settings. I have

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Fairmount Avenue, the logical inference is that the undated statement mistakenly used the apartment number as the street number.

full confidence in her character judgment, and ability to provide a safe, nurturing, and responsible environment for children.” (McClain 1.)

48. Another letter came from a parent whose child was in Ms. McClain’s daycare before 2018. She wrote that she has “been so impressed by Nicole’s integrity, responsibility, and dedication that I have continued to support her over the years, including volunteering during her campaigns and introducing her to members of my community. I have consistently seen her lead with compassion, professionalism, and sound judgment.” (McClain 2.)

49. A third letter came from a family childcare provider. She wrote that Ms. McClain has “consistently demonstrated strong moral character, professionalism, and a deep commitment to children’s development and safety.” She also wrote that she has “the utmost confidence in [Ms. McClain’s] ability to meet and uphold the standards and expectations of [EEC].” (*Id.*)

50. Ms. McClain testified that if she were to receive a family childcare license, she understood that Mr. McClain would have to undergo a background records check if he would be regularly on the premises of her home, although she expressed confusion about how EEC defined “regularly on the premises.” (N. McClain Testimony.)

51. Mr. McClain testified that he would undergo a full background record check if asked. (A. McClain Testimony.)

52. Since moving out, Mr. McClain has spent time at Ms. McClain’s home to visit and to help with chores and renovations. They both acknowledged that they have spent time together at her house. She also visits him at his apartment. (N. McClain, A. McClain Testimony.)

### Analysis

EEC has the statutory authority to issue and regulate family childcare licenses. G.L. c. 15D, § 6(a). EEC also has the authority to decline to issue or renew a license if a person fails to comply with EEC's rules and regulations, provides any misleading or false statements to EEC, or refuses to allow its staff into the childcare home. 102 CMR 1.07(4)(a). Once EEC has suspended or refused to renew a license, the applicant generally does not qualify for a license or approval from EEC for five years. *Id.* 1.07(4)(b)(2). After five years have passed, "an applicant or licensee shall be eligible only if he/she can demonstrate a significant change in circumstances." *Id.*

This specific section of EEC's regulations does not state for what action the applicant or licensee is then eligible. However, the next part of the regulation contains an answer: EEC also has the discretion to "entertain an application for approval or licensure" before the end of five years if there has been a significant change in circumstances. *Id.* 1.07(4)(b)(3). Using this phrase to better understand section 102 CMR 1.07(4)(b)(2), an applicant or licensee is eligible to have EEC to entertain an application for approval or licensure after five years if she demonstrates a significant change in circumstances.<sup>6</sup> Thus, if EEC finds a change in circumstances, EEC would then move forward with any necessary background checks under 606 CMR 14.00 and freshly consider the grounds for refusing the license found in 102 CMR 1.07(4)(a).

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<sup>6</sup> See *Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663, 695-96 (2010) ("Words used in one part of a statute to connote a particular meaning should be given the same meaning in another part of the same statute." (internal quotation marks and citation omitted)); *Beverly Port Marina, Inc. v. Comm'r of Dep't of Env't Prot.*, 84 Mass. App. Ct. 612, 620 (2013) (courts interpret regulations in same manner as statutes).

Review of EEC's 2025 decision. Appeals from EEC decisions at the Division of Administrative Law Appeals (DALA) are *de novo*. See, e.g., *Ramirez v. Dep't Early Educ. and Care*, No. OC-25-0251, 2026 WL 539320, at \*6-7 (Div. Admin. L. App. Feb. 19, 2026). This means that DALA considers all the evidence anew regardless of any previous determination that EEC has made. See *Dunn v. Contributory Ret. App. Bd.*, 46 Mass. App. Ct. 359, 363-64 (1999); *In re Richard Ligols*, DEP No. SE 004-0633, 2026 WL 926291, at \*8 (Dep't Env't Prot. Jan. 7, 2026).

In the absence of statutory guidance, the standard of proof in administrative proceedings is a preponderance of the evidence. See, e.g., *Craven v. State Ethics Comm'n*, 390 Mass. 191, 200 (1983).<sup>7</sup> Under this standard, a party must prove that the facts are more likely or probable to be true than not. See, e.g., *Continental Assurance Co. v. Diorio-Volungis*, 51 Mass. App. Ct. 403, 408 n.9 (2001).

Ms. McClain has appealed from EEC's refusal to issue her a license. In support of its refusal, EEC cited Ms. McClain's history of demonstrating poor judgment and her failure to demonstrate a significant change in circumstances.<sup>8</sup> As set forth below, the question here is not

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<sup>7</sup> The standard of review of a candidate's suitability for licensure when EEC has performed a discretionary review of a household member whose background check reveals a record with certain specified crime is, by regulation, clear and convincing evidence. 606 CMR 14.12(2)(e). As there is no statutory or regulatory standard, the standard of review for the revocation of a license and change in circumstances is a preponderance of the evidence. See, e.g., *Craven, supra*, at 201.

<sup>8</sup> As the legal grounds for its refusal to issue, EEC cited G.L. c. 15D, § 10 (allowing EEC to refuse to issue or renew a license for failure to comply with rules and regulations, making any misleading or false statements, failing to provide any required records, or refusing to admit EEC staff for an investigation or inspection), 102 CMR 1.07(4)(a)(6) (applicant failed to obtain a license before opening a program or changing its location), and *id.* 1.07(4)(b)(2) (applicant eligible only if can demonstrate change in circumstances). EEC did not specify which of the factors in G.L. c. 15D, § 10 apply to Ms. McClain's 2025 application or how 102 CMR 1.07(4)(a)(6) applies here. Only the last of these citations appears to apply to Ms. McClain's 2025 application.

whether Ms. McClain demonstrated poor judgment in 2018, but rather whether she has demonstrated that it is more likely than not, or that it is probably true, that there has been a significant change in her circumstances since 2018.

History of poor judgment. In its 2025 refusal to issue Ms. McClain's license, EEC recites in detail examples of Ms. McClain's poor judgment in 2018 when she: violated the Legal Agreement; provided false and misleading information to EEC; prevented EEC staff from inspecting her master bedroom; failed to comply with EEC regulations regarding the change of her household composition; and allowed someone into her home who had a disqualifying background. Ms. McClain demonstrated poor judgment and lost her license as a result. However, the events from 2018 should not serve as the primary reason to deny her 2025 application. Rather, the information from 2018 should be relevant as a baseline from which to measure whether Ms. McClain has demonstrated a significant change in her circumstances.

Significant change in circumstances. Turning to Ms. McClain's 2025 application, EEC refused to issue her a family childcare license because it found that she did not demonstrate a significant change in circumstances since 2018. However, EEC based this finding almost exclusively on events from 2018, devoting 21 out of 25 paragraphs of its 2025 refusal to issue a license to the 2018 events.

In the four paragraphs EEC devoted to post-2018 events, EEC noted that Ms. McClain stated in her application that Mr. McClain did not live in her home and was not regularly on the premises. EEC confirmed the occurrence of the two brief meetings between Ms. McClain and EEC staff. EEC described the limited evidence of changed circumstances, which, at that point, included a statement from Ms. McClain and a utility bill indicating that Mr. McClain lived at 215 Fairmount

Avenue in Lynn. Because this was a final notice that the utility would be terminated for nonpayment, EEC “believe[d] that Mr. McClain is no longer living at this address in Lynn.” EEC noted that its staff had later learned that Mr. McClain’s legal voting address was the same as Ms. McClain’s address. Using the events from 2018 as the baseline from which to evaluate Ms. McClain’s circumstances, EEC understandably took these facts as evidence that not much had changed with Mr. McClain’s living situation or with Ms. McClain’s forthrightness.

At this point, however, Ms. McClain has submitted enough additional information to demonstrate by a preponderance of the evidence that her circumstances have changed since 2018. Ms. McClain presented additional evidence of where Mr. McClain lives, including a variety of documents from mid-2025 through early 2026, all of which indicate that Mr. McClain’s address is 215 Fairmount Avenue. They both testified under oath that he lives at 215 Fairmount Avenue.<sup>9</sup> Mr. McClain testified that he changed his RMV address in July 2025 so that he could make sure that he had “nothing to do with her stuff.” This is all evidence of a change in Mr. McClain’s residence and demonstrates a significant change in Ms. McClain’s circumstances since 2018.

They both testified that Mr. McClain currently helps with chores and visits Ms. McClain at her home because there is currently no childcare occurring there. They both also testified that they understood that if she receives a license and if he is going to be regularly on the premises, he would need to undergo a full background check. Both Mr. and Ms. McClain testified that they

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<sup>9</sup> They both testified that they were unsure of the exact time when he moved. She testified he moved out of her home towards the end of 2024; he testified that it was closer to February 2025.

would be willing to have him undergo a such a check, which they were not willing to do in 2016. This is another significant change from 2018.

Pausing here for a moment is important because both Mr. and Ms. McClain expressed confusion about what it means for a person to be “regularly on the premises.” The McClain’s understanding is guided, at least in part, by EEC’s language from the 2016 Agreement:

The Educator is prohibited from permitting her fiancé, Arthur McClain, reside at or to be present at the family child care home during child care hours or when child care children are otherwise present. She is also prohibited from allowing Mr. McClain to enter the family child care space or from allowing him to interact with family child care children while they attend the Educator’s child care program or otherwise participate or engage in any component of her program.

*Dep’t of Early Ed. and Care v. McClain, supra*, at 7 ¶ 18. Based on this language, it would be reasonable to believe that “regularly on the premises” includes times when childcare children are present, but not times when they are not.

That belief is consistent with the EEC regulations, which require that “any person regularly on the premises when family day care children are present” have a background free of conduct that “adversely bears on the provider’s ability to care for children.” 102 CMR 1.05. Indeed, both EEC witnesses testified that they understand the phrase “regularly on the premises” to include a person who visits the licensed space during childcare hours or anyone who could be around the children on a regular basis. EEC’s counsel, however, expressed her view that “regularly on the premises” includes people who are present at night and on weekends on a recurring basis.<sup>10</sup>

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<sup>10</sup> During cross-examination, Ms. McClain stated that she understood that Mr. McClain would need to have a background check conducted if she had a family childcare license and he was going to be regularly on the premises. Attorney Munroe then stated: “And that would include nights and weekends [and] him just generally visiting the home on a recurring basis.”

Deciding which of these regulatory interpretations is correct is beyond the scope of this case, but it appears that EEC does not have internal agreement on what this phrase means. The McClains' confusion is understandable.

With this backdrop, Ms. McClain's negative response on her 2025 application to the question: "Have you or any member of your household or any person regularly on the premises ever been arrested or charged with any crime in any state?" cannot be treated as a misleading or false statement. Her response was accurate according to the EEC witnesses' definition of being regularly on the premises. Although Mr. McClain has been regularly at her home to help with repairs and maintenance and to visit, he has not been there during childcare hours because she has not been engaging in childcare. This response is also consistent with both McClains' testimony that he would not be regularly on the premises during childcare hours and with the 2018 agreement's limitation on his presence at her home during daycare hours.

Returning to Ms. McClain's 2025 application, she also presented evidence about her personal growth and character development over the past five years. She has earned a master's degree in educational leadership and policy from Boston College. She became a councilor-at-large for Lynn. She received support from the Lynn legislative delegation who wrote about her having taken "meaningful steps forward since prior licensing challenges" and her demonstrated sound judgment and responsibility, as well as her empathy, respect, and integrity.

She also received support from community members. One letter from a family childcare provider offered her "utmost confidence in her ability to meet and uphold the standards and expectations of [EEC]." Another community member commented that Ms. McClain had led over the years "with compassion, professionalism, and sound judgment." The third letter describes

Ms. McClain's work over the past five years and expressed "full confidence in her character, judgment, and ability to provide a safe, nurturing, and responsible environment for children."

Using the 2018 findings as a baseline, these letters add to the evidence of a change in Ms. McClain's circumstances since EEC found that she failed to exercise good judgment or follow EEC's regulations.

### Conclusion and Recommendation

Pursuant to 102 CMR 1.07(4)(b), I find that Ms. McClain has demonstrated by a preponderance of the evidence that she has undergone a significant change in circumstances.<sup>11</sup> I therefore recommend that EEC reverse its decision that Ms. McClain has not demonstrated a significant change in her circumstances and find that she is eligible for consideration as a childcare provider based on her current circumstances. I further recommend that EEC clarify for Ms. McClain what it means to have a person “regularly on the premises.” If Mr. McClain would be regularly on the premises based on that clarification, EEC could then move forward with any necessary background checks under 606 CMR 14.00 et seq. and reconsider the grounds for refusing to issue her a license. *See* 102 CMR 1.07(4)(a).

Dated: April 30, 2026

/s/ Judi Goldberg  
Judi Goldberg  
Administrative Magistrate  
DIVISION OF ADMINISTRATIVE LAW APPEALS  
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<sup>11</sup> Despite the evidence of the substantial changes in Ms. McClain’s circumstances since 2018, she did not bolster her standing during Mr. McClain’s testimony. When EEC’s attorney was asking him about when he spent time at Ms. McClain’s home, she attempted to prompt him to provide responses that would match her own testimony when he appeared to be contradicting her. This weighs both against her credibility and good judgment, and it would be fair for EEC to consider this as part of its consideration of her application.