

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**Anne Osula,**  
Petitioner

v.

Docket No. OC-25-0549

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

**Appearance for Petitioner:**

Anne Osula, pro se

**Appearance for Respondent:**

Fatima Islam, Esq.

**Administrative Magistrate:**

Kenneth J. Forton

**SUMMARY**

The Department of Early Education and Care’s refusal to issue a regular license to a Large Group and School Aged child care program should be upheld because, while Petitioner was operating under a provisional license, she was cited for a multitude of regulatory non-compliances that posed a significant risk to the health, safety, and welfare of the children enrolled in the program.

**RECOMMENDED DECISION**

Petitioner Anne Osula requested an adjudicatory hearing to challenge Respondent Department of Early Education and Care’s (EEC) decision not to issue her a “regular” license to operate a Large Group and School Aged child care program. The parties filed separate pre-hearing memoranda and 6 agreed upon proposed exhibits.

On April 28, 2026, I held an evidentiary hearing by Webex video platform. It was digitally recorded. I entered the 6 agreed upon proposed exhibits into evidence as marked. (Exs. 1-6.) EEC called 5 witnesses: Licensor Patrice Boussy, Licensor Deadra Lopes-Dixon, GSA Supervisor Michelle Campbell-Gaylord, Metro West Regional Director Renee Collyer, and Investigator Alessandra DePass. Ms. Osula testified on her own behalf. The parties made oral closing arguments.

**FINDINGS OF FACT**

Based on the testimony and documents in the record, and reasonable inferences drawn from them, I make the following findings of fact:

1. On May 26, 2023, EEC first issued Ms. Osula a Large Group and School Aged Center (GSA) “provisional” license with a capacity to care for 18 children. This GSA, Kiddies Corner (Program), is located in Brockton, MA. On November 26, 2023, EEC renewed the provisional license. The provisional license expired on May 24, 2024. (Ex. 1; Testimony Campbell-Gaylord, Osula.)

2. Ms. Osula operates two other child care programs, both in Mattapan, MA. One is a family daycare that runs out of her home and the other is another Large GSA. Neither of these businesses or licenses is the subject of this appeal. (Testimony Osula, Collyer, Campbell-Gaylord.)

3. Between September 21, 2023, and June 26, 2025, EEC cited Ms. Osula for a wide array of non-compliances with EEC regulations. Some of them re-occurred several times. The following is a summary of those non-compliances:

- Administrator not present on-site, and no qualified person designated in her absence during a visit – September 21, 2023, September 3, 2024, November 7, 2024;
- Lack of attendance records available during monitoring visits – September 21, 2023;
- Failure to post staff schedules found during monitoring visits – September 21, 2023, March 5, 2024, March 26, 2024, September 3, 2024, November 7, 2024;
- Evacuation drill information unavailable and/or not current during visits – September 21, 2023, June 26, 2025;
- Lack of EEC/DPH required notices posted on premises – September 21, 2023;
- Expiration of Building and Inspection Certifications – March 5, 2024, March 26, 2024, September 3, 2024;
- Providing transportation without EEC approval, lack of Background Record Checks (BRC) on driver – March 5, 2024, August 2, 2024;
- No evidence of current insurance coverage for transportation vans – June 26, 2025;
- Lack of transportation attendance log – June 26, 2025;
- Lack of bi-annual 7D (school pupil transportation) inspections on file – February 13, 2025;
- Lack of progress notes on file for enrolled children– March 5, 2024;
- Failure to sign in all children attending on “Brightwheel” app – March 5, 2024;
- Incomplete staff records and children records – September 21, 2023, March 5, 2024, March 26, 2024, September 3, 2024, August 2, 2024, November 7, 2024, January 14, 2025, February 13, 2025, June 26, 2025;
- Various health and safety code violations – September 21, 2023, March 5, 2024, March 26, 2024, September 3, 2024, November 7, 2024, February 13, 2025, June 26, 2025;
- Lack of EEC Lead preschool certified or Qualified Teacher, or Administrator – March 26, 2024;

- Lack of emergency medications on premises – November 7, 2024; and
- Improper record keeping including Background Record Check compliance – September 21, 2023, March 5, 2024, March 26, 2024, September 3, 2024, November 7, 2024, February 13, 2025, June 26, 2025.

(Exs 1, 2; Testimony Boussy, Lopes-Dixon.)

4. After several of the visits, EEC reviewed the non-compliances with Ms. Osula, met with her, and asked her for an action plan to address them. For internal bookkeeping, it was EEC's practice to accept her representations that she had addressed the non-compliances. EEC was comfortable with this practice because it always conducted follow-up visits to check whether she had addressed the problems. (Exs. 1, 2; Testimony Boussy, Osula.)

5. On March 5, 2024, EEC conducted a Large Group GSA Full Review visit at Kiddies Corner. They noted several non-compliances, such as failure to sign in all of the children present in a pre-school classroom; expiration of building and inspection certifications; and provision of transportation without EEC approval and without proper BRCs on drivers. (Exs. 1, 2; Testimony Boussy, Osula.)

6. After the visit on March 5, 2024, EEC licensing staff held a virtual meeting with Ms. Osula. EEC attendees included the Program's Licensor, EEC's GSA Supervisor, and the Regional Director for the Metro West region. The purpose of the meeting was to discuss the non-compliances found at that visit and the corrective actions that she needed to take to become compliant. (Testimony Collyer, Campbell-Gaylord, Boussy, Osula.)

7. On March 21, 2024, EEC held an in-person meeting with Ms. Osula at EEC's Boston Metro Regional Office. Present at the meeting representing EEC were Ms. Osula's Licensors, the GSA Supervisor, and the Metro West Regional Director. The purpose of the meeting was to provide Ms. Osula with resources to help support Kiddies Corner. (Testimony Collyer, Campbell-Gaylord, Boussy, Lopes-Dixon, Osula.)

8. On March 26, 2024, EEC staff conducted a follow-up visit. Several non-compliances were found, including expired building inspection certificate; expired indoor/outdoor pest management certificate; incomplete staff files and schedules; lack of EEC "Strong Start Essentials" training for staff; lack of a certified Lead teacher in the Program; lack of incident/injury log; and lack of a Children's Record check list. EEC also found many health and safety code violations such as lack of impact absorbing materials; artificial grass covering the playground; unsecured housekeeping area in preschool classroom; sharp items in a preschool classroom, such as pushpins, accessible to children; unsanitary items, such as toilet brush and mop/bucket, accessible to children; gas grill accessible to children; missing thermometer in refrigerator used to store perishable items for children; hand sanitizer accessible to children; and uncovered trash and flickering lights in the boys' bathroom. (Exs. 1, 2; Testimony Boussy, Osula.)

9. On July 17, 2024, a second in-person meeting was held with Ms. Osula at EEC's Quincy Regional Office. Present at the meeting representing EEC were Ms. Osula's Licensors, the GSA Supervisor, and the Metro West Regional Director. The purpose of the meeting was to review the significant non-compliances identified during recent licensing monitoring visits including, but not limited to, continued operation of Program

transportation without EEC approval; expired BRCs; unqualified staff; incomplete staff and children files; and improper classroom ratios. EEC informed Ms. Osula that Kiddies Corner must cease providing transportation services until she submitted the proper paperwork and an EEC Licensor approved it. (Testimony Collyer, Campbell-Gaylord, Boussy, Lopes-Dixon, Osula.)

10. On April 19, 2024 EEC received a complaint alleging that the Director of the Program, Mary Reed, placed children in the front seat of a transportation van without a booster and left a child unbuckled in the back seat; teachers were not certified; assistants were opening up the Program; assistants were left alone with children; and a Program employee, Ann Egbadon, falsely stated that she was Director Mary Reed. (Ex. 3; Testimony DePass, Boussy, Campbell-Gaylord.)

11. As a result of the complaint, EEC conducted an investigation on August 2, 2024. Staff files and records checklists were once again incomplete or missing, and the current schedule was not posted in the Program. EEC also found sufficient evidence to determine that Assistant Teachers were left to care for children in the Infant/Toddler classroom without a Qualified Teacher present. EEC also found that Ann Egbadon did in fact pose as Director Mary Reed during visits conducted on March 5, 2024, and March 26, 2024. The investigation did *not* find sufficient evidence to determine that Mary Reed placed a child in the front seat of the transportation van or placed a child in the back seat of the van without buckling them in the safety seat. However, upon inspection, EEC found additional violations: the van did not have the required seat belt cutter; there was no current 7D (school pupil transportation) license or inspection for

the Program Director; and the Program had not submitted the required documentation to provide Program transportation. EEC determined that, for the time being, the Program would continue to provide transportation despite the lack of approval from EEC. (Ex. 3; Testimony DePass, Boussy, Campbell-Gaylord.)

12. On November 19, 2024, EEC imposed an enrollment freeze on the Program based on the ongoing non-compliances noted above. EEC lifted this freeze on January 29, 2025, because it determined the Program had made significant progress toward implementing the necessary corrective actions. Ms. Osula provided training for her staff, collaborated with a coach from the Professional Development Center at UMass Boston, and connected with the Coordinator at Massasoit Community College regarding staff coursework. Additionally, there were three monitoring visits to ensure compliance with EEC regulations and no non-compliances were found during those visits. (Ex. 5; Testimony Campbell-Gaylord, Collyer, Bousy.)

13. After lifting the enrollment freeze, EEC continued conducting enhanced monitoring visits. An EEC investigator conducted two announced visits on April 9, 2025, and April 17, 2025, because two complaints were made against Kiddies Corner. Again, EEC identified significant non-compliances, including that the Program was caring for two age groups in the same classroom without the proper license to do so; Teacher Assistants were working alone without supervision of a Qualified Teacher; a staff member failed to count the number of children under their supervision; a lack of human resources-related policies led to the improper termination of two staff members; violation of the EEC Safe Sleep Policy and regulations; lack of a staff member's required

CPR certification and one improper CPR certification; staff caring for too many children (out of ratio); and the enrollment of one child during the enrollment freeze. (Exs. 1, 2, 3; Testimony DePass, Bousy.)

14. On June 26, 2025, EEC conducted an unannounced GSA monitoring visit. EEC found the following non-compliances at this visit: mop accessible to children in one of the bathrooms; incomplete transportation plan; lack of evidence of current insurance plan for three transportation vans; chipping and peeling paint on chain-link fence in outdoor play area; most recent evacuation drill recorded took place in April 2025; incomplete staff files; unavailable transportation attendance log; two teachers lacked teacher qualifications; and unavailable staff schedule. These non-compliances led EEC to place a second enrollment freeze effective June 27, 2025. The freeze continues to the present day. The Program is down to 7 children. (Ex. 6; Testimony Collyer, Campbell-Gaylord, Bousy, Osula.)

15. On September 5, 2025, EEC issued an Order to Protect Children and Notice of Refusal to issue a regular license to the Program. Ms. Osula appealed EEC's decision. (Ex. 1; Testimony Collyer; Campbell-Gaylord, Osula.)

### **CONCLUSION AND RECOMMENDATION**

Early education and care programs in Massachusetts may operate only under licenses from EEC. G.L. c. 15D, §§ 6-7. Ms. Osula had been operating under a "provisional" license, with the goal of eventually receiving a "regular" license. 606 CMR 7.03(6)(b)(1), (b)(2). EEC may issue a child care license provided that, "in the opinion of [EEC], the services offered by the program are adequate to protect the health and safety

of the children,” among other requirements. 606 CMR 7.03(1)(a). An applicant must also submit

evidence of the ability to provide appropriate supervision of children and staff/child ratios, as required by 606 CMR 7.10(1) and (2) and staff schedules, as required by 606 CMR 7.10(8)(b); . . . the written plan for staff supervision, as required by 606 CMR 7.09(17)(b); . . . evidence of the ability to provide an administrative designee, as required by 606 CMR 7.04(17)(m); . . . and personnel policies, if applicable, as required by 606 CMR 7.04(17)(l).

606 CMR 7.03(6)(a)(2), (4), (8), (11).

EEC now refuses to issue Ms. Osula a regular license. EEC is authorized to promulgate regulations about the circumstances in which it will deny licenses to applicants. G.L. c. 15D, § 10. EEC may refuse to issue a license if it finds that “the applicant or licensee failed to comply with any applicable regulation, or any deficiency correction order, notice of sanction, suspension, agreement or terms of probation.” 102 CMR 1.07(4). Here, EEC has determined that Ms. Osula has failed to comply with multiple regulations over an extended period.

When deciding whether to refuse to issue a license, the regulations direct EEC to consider the following factors:

- (a) any non-compliance at the facility or program;
- (b) the risk the non-compliances present to the health, safety, and welfare of children;
- (c) the nature, scope, severity, degree, number, and frequency of the non-compliances;
- (d) the licensee’s failure to correct the non-compliances;
- (e) any previous non-compliances; and

(f) any previous enforcement action(s).

102 CMR 1.07(2).

The only factor that weighs in Ms. Osula's favor is that she regularly corrected many of the non-compliances that EEC noted on its visits (factor (d)). Ms. Osula argues that this factor should be weighed more heavily than the others, but the regulations give no such guidance. The regulation merely requires that EEC consider the six factors in making the decision and does not assign any particular factor any particular weight.

Ms. Osula had a general duty to ensure that the Program was soundly administered. *See* 606 CMR 7.04(1). She has failed to fulfill that duty. EEC investigations and monitoring visits revealed many, sometimes recurrent, regulatory violations involving Ms. Osula's caretaking practices and recordkeeping (factors (a), (c)). Most of the non-compliances involved undue risk to the health, safety, and welfare of children (factor (b)).

The non-compliances fall into some general categories. First, she had considerable difficulty with hiring and managing staff. She repeatedly failed to maintain a Qualified Administrator on site. *See* 606 CMR 7.04(17)(m)(7). Ms. Osula employed staff members without EEC certifications and/or qualifications. *See* 606 CMR 7.04(17)(m). At the most recent visit on June 26, 2025, EEC found Ms. Osula continued to employ teachers without the proper qualifications. *See id.* Two Assistant Teachers were working in a classroom alone without the supervision of a Qualified Teacher. *See* 606 CMR 7.09(18)(c)(1). A staff member did not maintain proper attendance in her classroom and was working without supervision. *See* 606 CMR 7.04(4)(a)(1), (2).

Moreover, a lack of human resources-related policies led to the improper termination of two staff members. *See* 606 CMR 7.04(17)(i)(1). Ms. Osula failed to even maintain a personnel record for each staff member. *See* 606 CMR 7.04(5). This is important because she must also keep track of staff CPR and First Aid certifications. *See* 606 CMR 7.09(9), 7.04(18)(d)(1).

Second, Ms. Osula violated regulations regarding the direct care of children. She grouped the infant/toddler and preschool children in one classroom with three staff members. The Program was not licensed to care for two age groups in the same classroom and infants were in the preschool room, which was not conducive to the care of infants because there were no cribs or infant toys. *See* 606 CMR 7.07(13). This also meant a violation of EEC's Safe Sleep regulations because an infant was placed to sleep on a cot instead of a crib or port-a-crib. *See* 606 CMR 7.11(13)(e)(2).

Third, Ms. Osula had difficulty maintaining the records required of a GSA. These were not mere bureaucratic boilerplate forms; they were all related to the health and safety of the children in her care. Attendance records were not observed to be kept during visits. *See* 606 CMR 7.10(9). Children's and staff records check lists were unavailable during visits. *See* 606 CMR 7.04(7), 7.04(18)(d)(1). Children's records were incomplete, and important documents related to the health and safety of enrolled children were missing from their files. *See* 606 CMR 7.10(9)(a)(5). For instance, she failed to post the allergy/medical condition of a child with two known allergies. *See* 606 CMR 7.04(14)(c). Additionally, evacuation drill documentation was unavailable, and

building and fire inspections were not posted and had expired. *See* 606 CMR 7.11(7)(h), 7.07(3).

Fourth, Ms. Osula further endangered the health and safety of children in her care by slipshod transportation practices. Ms. Osula was required to maintain a written plan for the safety and supervision of children during transport. *See* 606 CMR 7.13(2). On a visit on June 26, 2025, EEC found the transportation plan was incomplete. She provided transportation to the children in her care without proper EEC approval or BRCs on drivers. *See* 606 CMR 7.13(4)(b). She could not make available a transportation attendance log. The van driver was not even aware of an attendance log. *See* 606 CMR 7.10(5)(f), 7.13(4)(j). EEC further found no evidence of current insurance coverage for three transportation vans contracted by the Program. *See* 606 CMR 7.13(5).

Finally, additional health and safety risks cited at the Program included a gas grill accessible to children, hand sanitizer accessible to children, pushpins in a preschool classroom accessible to children, unsanitary items such as a toilet brush and mop/bucket accessible to children, and a refrigerator not equipped with a thermometer to verify proper food storage. *See* 606 CMR 7.07(13), 7.12(8), 7.07(7)(d). The most recent non-compliance relating to health and safety was found during a visit on June 26, 2025, where EEC found that a mop was accessible to children in a bathroom, and paint was chipped and peeling on a chain-link fence in the outdoor play area. *See* 606 CMR 7.07(10), 7.07(13)(d).

I must also take into consideration the fact that Ms. Osula regularly incurred a significant number of non-compliances on every single visit (factor (e)), and she had her

Program's enrollment frozen on two occasions (factor (f)). After EEC removed the first freeze, EEC cited her for several violations just months later.

It is clear that both EEC and Ms. Osula were trying to bring Kiddies Corner into compliance with the regulations. EEC offered ample resources for Ms. Osula to use to accomplish that goal, and she took advantage of several of those resources. Ms. Osula has plenty of experience with successful compliance, as she currently runs a child care program out of her home and also owns another GSA. She has a successful track record with EEC at her other locations. Nonetheless, it seems that Ms. Osula has stretched herself too far with a third Program. Perhaps things would have run smoother if she had hired a Qualified Administrator from the outset. But, for whatever reasons, at this time Ms. Osula is not able to run this third Program as successfully as she has her other two Programs.

For the above-stated reasons, I recommend that EEC not issue a regular license to Ms. Osula to run Kiddies Corner in Brockton.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

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Kenneth J. Forton  
Administrative Magistrate

DATED: May 6, 2026