

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Agrimilda Rodriguez Santana,
Petitioner

v.

Docket No. OC-24-0620

Department of Early Education and Care,
Respondent

Appearance for Petitioner:

Agrimilda Rodriguez Santana, *pro se*

Appearance for Respondent:

Leah Potash, Esq.
Assistant General Counsel
The Department of Early Education and Care

Administrative Magistrate:

Melinda E. Troy, Esq.

SUMMARY OF RECOMMENDED DECISION

The Petitioner applied to the Department of Early Education and Care (“EEC”) for a license to open a family childcare program. The EEC conducted a background check and learned that the Petitioner was the subject of a G.L. c. 119, § 51B report containing four “supported” allegations of neglect in 2015 and related criminal charges, although those were never prosecuted. The EEC concluded that the Petitioner is not a “suitable” family childcare candidate. I recommend that the EEC reverse that decision because the Petitioner has presented “clear and convincing evidence demonstrating [her] suitability ... in light of the concern for children’s safety.” 606 CMR 14.12(e).

RECOMMENDED DECISION

Agrimilda Rodriguez Santana (“the Petitioner” or “Ms. Rodriguez”) appeals a determination by the Department of Early Education and Care (“EEC”) that she is not a “suitable”¹ “family childcare candidate.” Ms. Rodriguez submitted a notice of claim and requested an adjudicatory hearing concerning the EEC’s determination. The matter was referred to the Division of Administrative Law Appeals (“DALA”).

I held an in-person hearing on February 5, 2025. The hearing was digitally recorded. I admitted the Petitioner’s Exhibits 1-17 (referred to in this decision as “P1-P17”) and the Respondent’s Exhibits 1-10 (“R1-R10”) into evidence. I granted the Respondent’s request to impound Exhibit R8. After the hearing, I added to the record Exhibit R11, the Petitioner’s Notice of Claim. A list of these exhibits is included as an addendum at the end of this decision.

Maria Morales, an EEC Background Record Check Unit specialist, testified on behalf of the EEC. Ms. Rodriguez represented herself and testified on her own behalf. She also offered the testimony of Hilitiana Santos, J.D. and Samson Kefei, Esq. Both parties submitted written closing memoranda, after which the record closed.

LEGAL FRAMEWORK

In or around October 2024, Ms. Rodriguez applied to the EEC for a family childcare license, seeking to provide childcare services out of her own home. (Exhibit R1.) Since 2005, the EEC has been the agency responsible for, among other things, the licensing of early education and care programs. G.L. c. 15D, §§ 7-8. The EEC’s mission is to support children in their development

¹ A “final suitability determination” is “a conclusion that a candidate is ‘suitable’ or ‘not suitable’ after completing all mandatory components of the EEC’s Background Record Check process.” 606 CMR 14.04. A “child care candidate” “includes all candidates who operate...a program...” *Id.*

as lifelong learners and contributing members of their community. 606 CMR 7.01. In accordance with its mission, the EEC has developed specific regulations to be met by all providers of early care and education. *Id.*

Family childcare is one type of program that the EEC licenses and oversees. 606 CMR 7.03(5). “Family childcare” is defined, in relevant part, as “temporary custody and care provided in a private residence during part or all of the day for no more than ten children under 14 years old.” 606 CMR 7.02. When an individual applies for a family childcare license, the EEC is authorized to conduct a Background Record Check (“BRC”). A BRC is a review of certain information, including, but not limited to (if applicable), the individual’s history of involvement with the Department of Children and Families² (“DCF”), which is a separate Commonwealth agency that is authorized to investigate reports of child abuse and neglect. 606 CMR 14.05(2)(a). Depending on the results of the BRC, an applicant may be found to be eligible for licensure or the applicant may be disqualified from licensure.

There are three types of disqualification: mandatory disqualification, presumptive disqualification, and discretionary disqualification. An applicant “shall have a discretionary disqualifying background if the BRC discloses either certain criminal charges or... (c) [t]hey have been found to be the person responsible for the abuse or neglect of a child....” 606 CMR 14.10(6). If an applicant’s BRC reveals a discretionary disqualifying background event, the individual is afforded an opportunity for a further review of their application and is provided an opportunity to submit additional information in support of the application. 606 CMR 14.11(7). An applicant must present “clear and convincing evidence demonstrating the candidate’s suitability for

² At the time of Ms. Rodriguez’s involvement with this agency, it was known as the Department of Social Services, and documents in the record refer to it in that manner.

licensure, employment or affiliation in light of the concern for children’s safety.” 606 CMR 14.12(e). Ms. Rodriguez’s appeal proceeds in the context of these laws and regulations.

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. The Petitioner has used several names during her lifetime. She is originally from the outside of the United States and the documentation that she has from her childhood regarding her legal name is unreliable. (Testimony, Rodriguez.)
2. Several documents in the record in this case refer to Ms. Rodriguez by her prior names. (Exhibits R2-R8.)
3. Her name is Agrimilda Rodriguez Santana, which is the name she used on her EEC application. (Testimony, Rodriguez; Exhibit R1.)
4. In or around 2011, Ms. Rodriguez met the man who would become her second husband, who will be referred to in this decision as Mr. A.³ (Testimony, Rodriguez.)
5. Ms. Rodriguez has six children, ranging in age from 18 to 2 years old at the time of the hearing. Mr. A is the father of her youngest three children. (Testimony, Rodriguez.)
6. Ms. Rodriguez was the victim of domestic violence on repeated occasions during the course of her relationship with Mr. A. The parties separated and reconciled several times during their relationship. (Exhibits R9 and R10; Testimony, Rodriguez; Testimony, Santos; Testimony, Kefei.)

³ Some of Ms. Rodriguez’s children share a last name with her former spouse. In the interest of maintaining the confidentiality of their identities, this decision will refer to Ms. Rodriguez’s former spouse without using his legal name.

7. On October 20, 2015, there was an incident at Ms. Rodriguez's home, where Mr. A also lived at the time. The police reports describe the incident as follows⁴: Members of her extended family went to Ms. Rodriguez's home to check on her because she had not responded to them when they tried to reach her about the death of another family member. Mr. A was not home at the time. Ms. Rodriguez met her family at the door and was nervous that Mr. A might return home while they were there. He did, and he became angry when he saw Ms. Rodriguez's family members at the house with her. He went into the home, punching Ms. Rodriguez in the face when he passed through the door. He then returned to the porch and brandished a gun at Ms. Rodriguez's family members. (Exhibits R3-R5.)
8. Ms. Rodriguez's family members were alarmed and called the police. The police reported that when they responded, they searched the home and found both an unsecured firearm and drugs. Both Ms. Rodriguez and Mr. A were arrested. (Exhibit R3-R5.)
9. Ms. Rodriguez did not want to cooperate with the police at the time because she was afraid of Mr. A. He had previously threatened to take the children away. (Testimony, Rodriguez.)
10. Ms. Rodriguez was not aware until the police searched the home that there was an accessible firearm inside. As far as she was aware, Mr. A's gun was in a safe. (Testimony, Rodriguez.)
11. Because there were four young children in the home at the time of the October 2015 incident, the police contacted DCF to investigate conditions there. Ultimately, based on that single incident, DCF substantiated the finding of four counts of neglect against Ms. Rodriguez (one for each child) and the children were removed from the home. The DCF investigation found

⁴ This is a summary of the police reports. I am not making a finding that the incident occurred as described in the reports.

that, “[t]he children were exposed to large amounts of marijuana, narcotics and an unsecured firearm in the home.” (Exhibit R8).

12. Ms. Rodriguez lost custody of her children for approximately a year and a half following the incident. (Testimony, Rodriguez.)
13. As a result of the incident, Ms. Rodriguez was also indicted and arraigned on six charges:
 - a. two counts of possession of a firearm without a license in violation of G.L. c. 269, §10(h);
 - b. one count of possession of ammunition without a license, in violation of G.L. c. 269§10(h)(1);
 - c. one count of reckless endangerment of a child, in violation of G.L. c. 265, § 13L;
 - d. one count of possession of a Class D drug with intent to distribute in violation of G.L. c. 94C, §32C(a); and
 - e. one count of distribution of a Class D drug in violation of G.L. c. 94C, §32B(a) (Exhibit R7.)
14. The Commonwealth declined to pursue the criminal charges that had initially been brought against Ms. Rodriguez, and the charges were “nolle prossed”⁵ on February 6, 2017. Ms. Rodriguez has no criminal convictions in Massachusetts. (Exhibit R7.)
15. After her children were removed from her custody, Ms. Rodriguez became employed and went to therapy and parenting classes. She complied with all of the requirements that DCF imposed to regain custody of her children and has remained employed. Her children were returned to her approximately 18 months after the October 2015 incident and DCF has not been involved with Ms. Rodriguez’s family since the children returned. (Testimony, Rodriguez.)
16. Mr. A served more than 3 years in prison following the incident in October 2015. During his incarceration, he seemed to change – attending church and domestic violence prevention

⁵ “Nolle prosequi” is a Latin term meaning “not to wish to prosecute”. It is used to denote the disposition of a criminal case when a prosecutor declines to pursue charges brought against an individual.

classes and taking medication. As a result, Ms. Rodriguez and Mr. A resumed their relationship after his release. (Testimony, Rodriguez.)

17. Eventually, Mr. A resumed using drugs and his abusive behavior toward Ms. Rodriguez. She separated from him again and he left their home permanently in 2022. She understood that she needed to be a good role model for her children. (Testimony, Rodriguez.)

18. Mr. A does not live with Ms. Rodriguez. They are now divorced. The divorce became final in February 2023. Ms. Rodriguez retained the title to their home in the divorce. Ms. Rodriguez currently seeks to operate a licensed family childcare center in this home. (Testimony, Rodriguez; Exhibit P5.)

19. Ms. Rodriguez remains in contact with Mr. A because they co-parent their children. He lives at another location with members of his family. Mr. A does not go inside Ms. Rodriguez's home. His family members assist with picking up or dropping off the children for visitation sometimes, or they will meet in a neutral location (such as the parking lot of a retail business) to exchange custody. (Testimony, Rodriguez.)

20. In or around October 2024, Ms. Rodriguez applied to the EEC for a family childcare license, seeking to provide childcare services out of her own home. (Exhibit P1.)

21. As a result of Ms. Rodriguez's background check, the EEC learned about Ms. Rodriguez's criminal record and the 51B report the DCF had issued supporting allegations of neglect by Ms. Rodriguez in October 2015 mentioned above.⁶ (Exhibit P1.)

⁶ A 51B report is a "report prepared pursuant to M.G.L. c. 119, § 51B detailing the MA DCF investigation into allegations of abuse or neglect upon a child and a determination by DCF whether there is reasonable cause to believe a child identified in the report has been, or is at risk of being, abused or neglected. A 51B report will either support or unsupport the allegations of abuse or neglect." 606 CMR 14.04.

22. The EEC informed Ms. Rodriguez that, as a result of her criminal history and the 51B report, she had a potentially disqualifying background. It invited her to provide additional information as part of the EEC's review process. (Testimony, Morales; Exhibit R1).
23. In response, Ms. Rodriguez provided a candidate statement, confirmation of therapy attendance and additional references. (Exhibit R1.)
24. Maria Morales was the EEC Background Check Unit specialist who conducted Ms. Rodriguez's review. As of the date of the hearing, Ms. Morales had worked at the EEC for approximately five years. She is currently a Background Record Check Specialist II, and at that time, she had been in that role for approximately one year. (Testimony, Morales.)
25. In conducting her review, Ms. Morales considered the 51B report and the materials submitted by Ms. Rodriguez. (Testimony, Morales.)
26. In her review of Ms. Rodriguez's application, Ms. Morales considered the factors set forth in 606 CMR 14.12(f). The findings below relating to Ms. Morales's consideration of these factors are based on her testimony, as well as from her written report. (Testimony, Morales; Exhibit R1).
27. The first factor ("Time since the incident(s)") was one that Ms. Morales determined to be favorable to Ms. Rodriguez because the incident occurred 9 years before she applied to the EEC. (Testimony, Morales.)
28. Ms. Morales concluded that the second factor ("Age of the candidate at the time of the incident(s)") weighed against Ms. Rodriguez because she was 29 years old (i.e. an adult) at the time of the incident. (Testimony, Morales.)
29. Ms. Morales weighed the third factor ("Seriousness and specific circumstances surrounding the incident(s)") heavily against Ms. Rodriguez. This is because the conduct described in the

criminal charges and the 51B report involved the presence of a firearm and drugs in Ms. Rodriguez's home. (Testimony, Morales.)

30. The same analysis applied to the fourth factor that Ms. Morales considered ("Relationship of the incident(s) to the ability of the candidate to care for children"), which also weighed against Ms. Rodriguez because children in her care were at risk and potentially subject to violence with those items in the home. (Testimony, Morales.)
31. In her assessment of the fifth factor ("Number of criminal offenses or findings of abuse/neglect"), Ms. Morales noted that there were several criminal charges that were initially brought, which were eventually added to as the case proceeded through the courts, including the reckless endangerment charge and the trafficking charge. This factor weighed against Ms. Rodriguez. (Testimony, Morales.)
32. As for the sixth factor ("Dispositions of criminal offenses or findings of abuse/neglect"), Ms. Morales found that the supported 51B report weighed against Ms. Rodriguez because children in her care were at risk and potentially subject to violence with those items in the home. (Testimony, Morales.)
33. Ms. Morales weighed the seventh factor ("Relevant evidence of rehabilitation or lack thereof") favorably to Ms. Rodriguez, stating that she had done a "wonderful job" with therapy and rehabilitative efforts in 2015 and 2016 – she did note that there was no evidence that Ms. Rodriguez was currently in therapy at the time she submitted her application to EEC. (Testimony, Morales.)
34. The eighth factor ("Other relevant information, including information submitted by the candidate") involved Ms. Morales's consideration of Ms. Rodriguez's personal statement and the references she provided. The multiple positive references provided were favorable to Ms.

Rodriguez. Ms. Morales determined that the personal statement was neutral. First, Ms. Rodriguez disclosed that she was a survivor of domestic violence and her statement outlined the considerable progress she had made since the incident, which was positive. However, it also made clear that Ms. Rodriguez had reconciled with Mr. A after the 2015 incident and that she had done so on more than one occasion. Ms. Morales considered the fact that Ms. Rodriguez had renewed her relationship with Mr. A to weigh against her suitability.

(Testimony, Morales.)

35. Weighing the eight factors, Ms. Morales determined that Ms. Rodriguez was “not suitable.”

This determination was reviewed and approved by Ms. Morales’s supervisors. (Testimony, Morales; Exhibit R1.)

36. The EEC informed Ms. Rodriguez that it had denied “discretionary approval of the

Background Record Check” and that she could file a Notice of Claim requesting an adjudicatory hearing. Ms. Rodriguez filed a Notice of Claim and requested an adjudicatory hearing. (Exhibit R11.)

CONCLUSION AND ORDER

For the reasons set forth below, I recommend that the EEC reverse its decision that Ms. Rodriguez is not a “suitable” “family childcare candidate”. Ms. Rodriguez has produced clear and convincing evidence that she is a suitable candidate to provide childcare in her home. She was able to prove that despite a troubling personal history, from which she has moved on, she would be able to provide a safe educational environment for the children in her care. The EEC’s concerns focused on three areas—Ms. Rodriguez’s prior criminal history and involvement with DCF, her relationship with Mr. A, and her use of multiple prior names. Each of those will be discussed in turn below.

Ms. Rodriguez's Criminal History and History with DCF

A review of the record in this case reveals both Ms. Rodriguez's history in the criminal justice system and the supported finding that Ms. Rodriguez neglected her (then) four children in or around October 2015. Ms. Morales testified and explained that at least two of the factors, the seriousness and specific circumstances surrounding the incident(s) and the relationship of the incident(s) to the ability of the candidate to care for children, weighed against Ms. Rodriguez because the criminal charges and the findings in the 51B report related directly to how she had treated children in her care. Ms. Morales found that Ms. Rodriguez's actions had potentially exposed her children to a gun and/or drugs in their home, which put them at risk of harm. Ms. Rodriguez did not deny that the 2015 incident occurred, but she did explain her perspective on it at the time as the victim of domestic violence.

She credibly explained that she was then fearful of Mr. A, that he was very controlling and would threaten to have the children taken away from her. As a result, she did not speak out against him during the related police and DCF investigations, which she believes influenced the decision to file criminal charges against her. After she lost custody of her children and went to domestic violence counseling and parenting classes, Ms. Rodriguez ended her relationship with Mr. A to protect herself and her children, to be a positive role model for her children and to create a safer, healthier environment for her family. In her testimony, Ms. Rodriguez presented as an individual who was remorseful for the conduct in 2015 which led to the criminal charges being brought against her and she took responsibility for it. While Ms. Rodriguez credibly explained her conduct and provided relevant context for it, she did not attempt to have that explanation serve as an excuse for that conduct.

Even the EEC lauded Ms. Rodriguez for her resilience and efforts to overcome the impacts of domestic violence. The EEC counted those efforts and the fact that the events occurred approximately nine years before she applied for a family childcare license in her favor. While there is no disputing the fact that both the criminal charges and the DCF findings were serious, the charges against Ms. Rodriguez were dropped, and Ms. Rodriguez has had no further involvement with DCF since custody of her children was returned to her more than eight years ago. The additional context provided at the hearing provided clear and convincing evidence that Ms. Rodriguez's criminal and DCF involvement is a thing of the past.

Ms. Rodriguez's relationship with Mr. A

In determining that Ms. Rodriguez was not a suitable childcare candidate, Ms. Morales relied in part on the fact that Ms. Rodriguez and Mr. A had separated and reconciled on multiple occasions, even after the 2015 incident and Ms. Rodriguez's receipt of domestic violence counseling. Ms. Morales was concerned that Ms. Rodriguez would repeat this pattern in the present day, thus potentially exposing children attending a childcare program in Ms. Rodriguez's home to the risk of harm. Through her testimony and evidence at the hearing, however, Ms. Rodriguez established that she and Mr. A severed their romantic relationship for the final time in 2022, and that he no longer has access to the home in which Ms. Rodriguez would operate her family childcare center. Although Ms. Rodriguez and Mr. A continue to co-parent their children, the evidence at hearing showed that they do this outside of the proposed location of Ms. Rodriguez's childcare center and that Mr. A no longer has access to those premises. As such, Ms. Rodriguez presented clear and convincing evidence at the hearing to dispel any concerns that the EEC might have had about an ongoing romantic relationship between Ms. Rodriguez and Mr. A that might lead to the risk of harm to any children in her care.

Moreover, the EEC has tools to address this concern if it were to actually become an issue in the future. Assuming *arguendo* that one is initially granted, Ms. Rodriguez's license is also subject to periodic renewal. 606 CMR 7.03(3). As a result, the EEC will be able to periodically reassess her suitability for licensure based on any then-existing circumstances at the family childcare center, including, but not limited to, her relationship with Mr. A. Additionally, if EEC became aware of evidence that Ms. Rodriguez and Mr. A have in fact reunited at some future point and he has resumed either a regular presence or residence in her home, the EEC can address that. Under the EEC's regulations, Mr. A would then be a "household member" of Ms. Rodriguez, the licensee. 606 CMR 14.04 As such, Ms. Rodriguez would be required to disclose that change in circumstances to the EEC. 606 CMR 14.09(2)(b) ("Family childcare licensees must disclose to the EEC any changes to the composition [of] the childcare home, including the addition....of household members....") The EEC could then conduct a background check on Mr. A because he would qualify as a "candidate" for an EEC license, as that term is defined in the EEC's regulations. 606 CMR 14.04 (defining "candidate" as, *inter alia*, a household member of a licensee). The EEC could run this background check immediately. 606 CMR 14.09(3) (permitting the EEC to conduct a BRC more frequently than required by statute if circumstances require to maintain the safety of the children in the family childcare program.)

Consequently, if Ms. Rodriguez and Mr. A were to resume their personal relationship, the EEC could take steps to address that circumstance if and when it occurs. However, in light of the evidence presented at the hearing, the suggestion that Ms. Rodriguez might someday again become romantically involved with Mr. A is nothing more than remote speculation. It is insufficient grounds for the EEC to deny Ms. Rodriguez's current application for a family childcare license.

Ms. Rodriguez's Use of Prior Names

As an initial matter, the EEC regulations state only the eight factors discussed in the findings of fact as factors that it is permitted to consider when evaluating whether a candidate is suitable for licensure. 606 CMR 14.12(f) (“[i]n assessing a candidate’s suitability given the concern for children’s safety, due weight shall be given the following factors when evaluating the candidate’s criminal offense(s) or abuse/neglect finding(s).”) Ms. Morales testified about Ms. Rodriguez’s changes of name. In her testimony, she referred to this as Ms. Rodriguez’s use of “aliases”. Under its regulations, neither the use of a prior name nor an alias is a factor that the EEC can weigh in determining whether Ms. Morales is a suitable family childcare license candidate. Therefore, to the extent that the EEC may have separately relied on this factor in making its determination, doing so was improper.

Even if I could consider Ms. Rodriguez’s use of prior names or aliases when determining if she is a suitable candidate for family childcare licensure, I find that she credibly explained why she used multiple names over the years. In her testimony, Ms. Morales seemed to suggest that Ms. Rodriguez’s use of multiple names during her lifetime indicated Ms. Rodriguez’s intent to mislead the EEC reviewers, or to hide her criminal history. At the hearing, however, Ms. Rodriguez showed that it was neither of those things. She credibly testified that the name changes were related to her history as an immigrant from a country with poor record-keeping. Ms. Rodriguez credibly explained how she entered the United States under one name (which she later found out was not her legal name), and how she changed her name both when she married twice and again when her (successful) efforts to obtain legal immigration status led her to discover what her real name was. Under the circumstances, I do not attribute any ill intent to Ms. Rodriguez. To the extent that this factor may have weighed against her in the EEC’s initial

determination, I find that Ms. Rodriguez provided additional evidence at the hearing to adequately explain that her use of multiple other names in the past was unrelated to her criminal history or any intent to mislead the EEC.

CONCLUSION

Taken together, the evidence in the record shows that Ms. Rodriguez presented clear and convincing evidence of suitability for licensure. For the foregoing reasons, I recommend that the EEC's final agency decision reverse its initial determination that Ms. Rodriguez is not a suitable family childcare candidate.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS,



Melinda E. Troy, Esq.
Administrative Magistrate

Dated: July 24, 2025

Petitioner's Exhibit List

1. Salem (NH) District Court Case Summary, Case No. 473-2013004054.
2. Partial Copy of the EEC BRC rationale for Ms. Rodriguez.
3. Essex County Superior Court Docket Report, Docket No. 1577CR00721.
4. Applicant's Statement to DALA, dated January 29, 2025.
5. Certificate of Divorce Absolute for Ms. Rodriguez.
6. Application for Legal Permanent Residence, dated September 20, 2024.
7. Summary of expected testimony of witness Samson Kefei, Esq.
8. Undated letter by Neysha Rivera and Alberquis Abreu in support of the Respondent.

9. Undated letter from Nicole Cure in support of the Respondent.
10. Letter dated January 24, 2025 from Paul Esielionis, M.D. in support of the Respondent.
11. Letter dated January 26, 2025 from Mandy Chaput in support of the Respondent.
12. Letter dated August 12, 2024 from Alicia Santos in support of the Respondent.
13. Letter dated August 10, 2024 from Hiliana Santos, J.D. in support of the Respondent.
14. Report cards for Ms. Rodriguez's 2 eldest children.
15. Report cards for Ms. Rodriguez's 2 middle children.
16. Report cards for Ms. Rodriguez's 2 youngest children.
17. Business Portfolio Brief Insight for Le Familia Childcare.

Respondent's Exhibit List

1. EEC BRC Rationale for the Petitioner.
2. Salem (NH) District Court Case Summary, Case No. 473-2013004054.
3. Lawrence Police Department Incident Report dated October 20, 2015 completed by Det. Nighosian.
4. Lawrence Police Department Incident Report dated October 20, 2015 completed by Det. Colantuoni.
5. Lawrence Police Department Incident Report dated October 20, 2015 completed by Ptl. Blanco.
6. Docket Sheet for Criminal Docket No. 1518CR005827 involving the Petitioner.
7. Docket Sheet for Criminal Docket No. 1557CR00721 involving the Petitioner.
8. Department of Social Services Emergency Neglect Investigation for incident reported October 21, 2015.
9. Application for Complaint and Police Report dated March 8, 2013, involving Mr. A.

10. Haverhill District Court Criminal Docket No. 1338CR000574, involving Mr. A.
11. Notice of Claim for the Petitioner, sent under cover letter dated October 7, 2024.