



CDSS

JOHN A. WAGNER  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

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ARNOLD SCHWARZENEGGER  
GOVERNOR

2010 FEB -4 PM 2:18

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

**CERTIFICATION PURSUANT TO 1 CCR 280**

I, Frank Furtek, Deputy Director / Chief Counsel of the Legal Division, California Department of Social Services (Department), hereby certify:

1. The Department is the agency of the State of California responsible for the licensing and inspection of child day care centers. The California Child Day Care Facilities Act, Health and Safety Code section 1596.70 *et seq.*, governs the licensing and operation of child day care centers. The regulations which govern the licensing and operation of day care centers are contained in California Code of Regulations, title 22, section 101151 *et seq.*
2. The Department issued a license to Leap and Bound Child Development Center, LLC to operate a child care center dba "Leap and Bound Academy". Mr. Charles Thacker (Thacker) is one of the two Managing Members of the limited liability company.
3. The Department received on or about December 24, 2009 a letter dated December 17, 2009 from the Office of Administrative Law (OAL) indicating that OAL accepted for consideration a petition from Thacker alleging that the Department has issued, used, enforced or attempted to enforce an alleged underground regulation. A copy of the December 17, 2009 letter and the November 10, 2009 petition from Thacker are attached hereto as **EXHIBIT A**.
4. The California Code of Regulations, title 22, sections 101173, 101212 and 101219, were duly adopted as regulations pursuant to the Administrative Procedures Act (APA) and filed with the Secretary of State. The challenged regulations are not, therefore, underground regulations.
5. The Department will not issue, use, enforce or attempt to enforce the child care center evaluator manual, general licensing requirements, Plan of Operation 101173(b) (1) (A) through (H). The manual language will not be enforced against, or applied to, the petitioner/licensee and will not be used as a basis for a citation for a violation of day care center licensing rules and regulations.
6. A copy of the certification was sent to the petitioner by certified mail, and a copy of the proof of service is attached hereto as **EXHIBIT B**.

*Frank Furtek*

FRANK FURTEK  
Deputy Director/ Chief Counsel  
Legal Division  
Department of Social Services

*2/2/10*

DATE