

CASE NO. 1414160013

IN THE MATTER OF	§	BEFORE THE TEXAS
	§	
YMCA OF METROPOLITAN	§	DEPARTMENT OF STATE
FORT WORTH	§	HEALTH SERVICES
	§	
FORT WORTH, TX	§	AUSTIN, TX

AGREED ORDER

I. JURISDICTION

The Department of State Health Services, Division for Regulatory Services ("Department") is authorized to enforce the Texas Youth Camp and Safety Act ("Act"), Health and Safety Code 141, and the Texas Youth Camp Safety and Health Rules ("Rules"), 25 Texas Administrative Code, Chapter 265, Subchapter B.

II. RESPONDENT

YMCA of Metropolitan Fort Worth ("Respondent") holds Youth Camp Registration No. 250620 and, as such, is subject to the aforementioned Act and Rules.

III. FACTS

On June 20, 2016, a representative from the Department conducted a youth camp inspection at Camp Whatchwannabe - Lake Pointe, 5501 Park Drive in Fort Worth, Texas. The purpose of the inspection was to determine the facility's compliance with the Rules and Act as referenced in "I. Jurisdiction."

As a result of the subsequent review of DSHS files, it was determined that Respondent failed to comply with provisions of the Rules and Act as referenced in "I. Jurisdiction." The violations are more specifically described in the Department's August 22, 2016, Notice of Violation Letter ("NOV"), which is adopted and incorporated in this Agreed Order ("Order") by reference.

IV. NOTICE

By the NOV, Joe Contreras, Division for Regulatory Services, informed Respondent of the Department's intent to assess an administrative penalty of \$2,000.00. The letter was received by Respondent.

V. RESPONSE

Barbara Cooper, representing Respondent, responded to the Department's NOV by requesting an informal conference.

VI. SETTLEMENT

On November 10, 2016, an informal conference was held between representatives of the Department and Respondent. The parties reached a proposed settlement, the terms of which are contained in the "It is Ordered" section of this Order, based on various factors including the desire to avoid litigation.

Respondent agrees to terms of this Order as evidenced by signing the Order. The following terms were agreed upon:

- **VIOLATION 1 - FAILURE TO PROVIDE ANNUAL CRIMINAL BACKGROUND AND SEX OFFENDER CHECK ON ADULT STAFF AND VOLUNTEERS.** This violation has been withdrawn by the department.

- **VIOLATION 2 - FAILURE TO PROVIDE SEXUAL ABUSE AND CHILD MOLESTATION TRAINING AND EXAMINATION PROGRAM DOCUMENTATION.** The administrative penalty for this violation is \$0.00.

Respondent has no objection to this Order being signed by the Commissioner of State Health Services or his designee.

VII. COMPLETE SETTLEMENT

The facts contained herein are the complete settlement of all issues regarding the violations described in "IV. Notice" of this Order.

A. WAIVER OF HEARING

In exchange for the execution of this Order, Respondent waives the right to a hearing.

B. NO WAIVER WITH REGARD TO FUTURE VIOLATIONS

The Department does not waive the right to enforce future violations committed by Respondent.

C. COMPLETE UNDERSTANDING

The Department and Respondent acknowledge that they understand the terms of this settlement, enter into the settlement freely, and agree to the terms.

D. NO RIGHT TO APPEAL

Respondent waives the right to judicial review of this Order.

NOW THEREFORE, IT IS ORDERED:

Respondent shall henceforth comply with this Order and with all applicable laws, rules, and regulations governing the Texas Youth Camp and Safety Act. Failure to comply may result in additional enforcement action and the Department seeking administrative penalties as originally proposed in the NOV, dated August 22, 2016.

Signed and ordered this 6th day of December, 2016.

Chris D. Drews

Chris D. Drews
Enforcement Unit Manager
Division for Regulatory Services

AGREED TO BY RESPONDENT:

[Signature]
Signature of Authorized Agent

Barbara Cooper
Printed Name

11-17-16
Signature Date

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