

DEPARTMENT OF HUMAN RESOURCES MUST CEASE VIOLATIONS



A Circuit Court Judge in the Montgomery County area recently ordered that the Human Resources Department must stop the current tactics it has been using to shut down a business that helps adolescent children. The program has been in existence for the past four decades and is designed to help children in the Maryland and DC areas. The decision from the judge was made on the 27th of July in which Judge Eric M. Johnson said, "Public interest mandates that this Court issue a preliminary injunction. More specifically, this Court finds that Defendant MDHR's failure to follow governing regulations is public interest issues that warrant issuing a preliminary injunction." Because Johnson has referred to this as a public interest matter, he has made the indication that harm can be caused by the Department of Human Resources actions. It is believed that the actions would not only cause damage to the Koba Institute Incorporation but also to the general public. The Koba Institute Incorporation first started operating a number of different child care facilities for the past two decades. These facilities have received licensing from the Department of Human Resources. Back in October of 2011, the Interim Executive Director for the Department of Human Resources, Darlene Ham, issued out a letter with the intent to revoke the licenses of Koba without giving Koba any sort of notice beforehand. This action violated a number of different regulations within the Code of Maryland. In late February of 2012, the Judge Johnson ended up issuing a restraining order due to the fact that Koba suffered from harm because of the Department of Human Resources and their violating tactics. On May of 2012, Ms. Ham sent out a letter to two dozen social services agencies, asking them not to refer any of their residents to the homes that Koba provides. In the preliminary injunction, Judge Johnson said, "Plaintiff is likely to succeed on the merits of its claims that Defendant [DHR] failed to follow governing administrative regulations in the notice, violation and sanctions process employed by MDHR in placing the Koba Institute, Inc. on the 'hot list' by not following regulations pertaining to COMAR 07.05.01.18 and 07.05.01.19, which require that prior to sanctions or a suspension being imposed, Plaintiff must be notified of the violation(s) and given the opportunity to cure the violation." Because of the actions of the Department of Human Resources, Koba and its staff members have had to suffer. In fact, nearly 50 of those staff members had been laid off because of what the Department ended up doing.