

JUL 09 2012

STATE OF LOUISIANA THROUGH  
THE DEPARTMENT OF CHILDRE  
AND FAMILY SERVICES

DOCKET NO. 715,469, DIV. L DCFS GENERAL COUNSEL

24TH JUDICIAL DISTRICT COURT

VERSUS

MYRT ROBERTSON AND MISS MYRT'S  
SOME PLACE SPECIAL

JEFFERSON PARISH  
STATE OF LOUISIANA

FILED  
JUL 18 2012  
S/ CHERIE SHEFFIELD  
DEPUTY CLERK

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CONSENT ORDER

This matter was set for hearing July 9, 2012 on the State's request for a preliminary injunction to halt the operation of an unlicensed child day care facility. Prior to hearing, the parties reached an agreement and enter into this Consent Order on the following terms:

1. Defendant, **MYRT ROBERTSON** consents to the issuance of a preliminary injunction prohibiting her from operating a child day care facility without a license;
2. In recognition of **MYRT ROBERTSON** cooperation, the State waives its request for statutory fines and penalties so long as **MYRT ROBERTSON** complies with this order;
3. **MYRT ROBERTSON** does agree to allow the Louisiana Department of Children and Family Services access to the facility as necessary to conduct site visits in compliance with state and federal guidelines.

The Court being satisfied that the Consent Order is reasonable under the circumstances, considering the verified petition and supporting affidavits, and is in accordance with law and evidence in this case, therefore

IT IS ORDERED that a preliminary injunction issue, directed to defendant **MYRT ROBERTSON**, and enjoining, restraining and prohibiting her, her officers, directors, agents, employees, representatives, and all others acting on her behalf, from operating a child day care facility without a license; this preliminary injunction to be effective during the pendency of these proceedings;

IT IS FURTHER ORDERED that the State hereby waives the statutory

finances and penalties sought in its petition, contingent upon Defendant's compliance with this Order;

IT IS FURTHER ORDERED that **MYRT ROBERTSON**, consistent with this Order, do allow the Louisiana Department of Children and Family Services access to the facility as necessary to conduct site visits in compliance with state and federal guidelines.

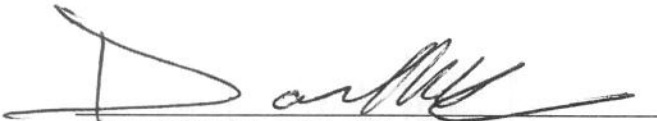
So ordered at Gretna, Louisiana, this 18 day of July, 2012.

**S/ Donald A. Rowan, Jr.**

JUDGE  
24<sup>TH</sup> JUDICIAL DISTRICT COURT

FOR PLAINTIFF:

FOR DEFENDANTS:



DARRICK M. LEE, J.D., LL.M.

LA. BAR ROLL # 28655

DEPARTMENT OF CHILDREN

AND FAMILY SERVICES

BUREAU OF GENERAL COUNSEL

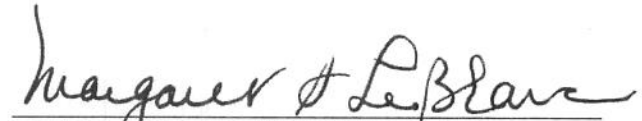
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A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

DEPUTY CLERK  
24TH. JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA THROUGH  
THE DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES

DOCKET NO. \_\_\_\_\_ DIV. \_\_\_\_\_

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**PETITION FOR INJUNCTIVE RELIEF**

NOW INTO COURT, through undersigned Counsel, comes the State of Louisiana, through the Department of Children and Family Services (“the Department”), who files this Petition for preliminary and permanent injunctive relief under the Child Care Facilities and Child-Placing Agencies Licensing Act.

1.

Defendant, **MYRT ROBERSON**, is an adult resident of this Parish.

2.

Defendant, **MYRT ROBERSON** does not possess a license from the State of Louisiana to operate a daycare center as defined by Louisiana Statute.

3.

Defendant is operating a child day care facility at 2148 Laurel Avenue, Terrytown, Louisiana, 70056 without a valid child day care license and has done so continuously since at least March 21, 2012.

4.

Defendant is providing care and supervision on a regular basis to seven or more children whose parents do not remain on the premises and who are not related to the caregiver, and operate their facility on a regular basis in excess of twelve and one-half hours per week.

5.

Because defendant does not have a license to operate lawfully and have continued to operate in violation of law despite actual knowledge that a license was required prior to beginning operation the Department asks that a preliminary injunction issue as provided under La. R.S. 46:1422.

6.

After trial on the merits the Department asks that the preliminary injunction be made permanent.

7.

In addition, the Department seeks the statutory fines provided under La. R.S. 46:1421 of not less than seventy-five dollars (\$75.00) per day, nor more than two hundred fifty dollars (\$250.00) per day, for each day defendants have operated a child day care facility without a valid license.

WHEREFORE the Department respectfully requests:

1. That defendant, **MYRT ROBERSON**, be ordered to appear and show cause, on a date and time to be set by this Court, why a preliminary injunction should not issue, without bond, and enjoining, restraining and prohibiting them, their officers, agents, employees, representatives, and all others acting at their direction or on their behalf, from operating a child day care facility without a license during the pendency of these proceedings;
2. That after trial on the merits there be judgment in favor of the Department, and against Defendants, assessing Defendants the mandatory fines of not less than seventy-five dollars per day nor more than two-hundred fifty dollars per day, for each day they have operated a child day care facility without a license;
3. That after trial on the merits a permanent injunction issue, in form and substance like the preliminary injunction requested above; and
4. That all costs of these proceedings be taxed to Defendants.

BY ATTORNEY:



DARRICK M. LEE, J.D., LL.M.  
LSBA NO. 28655  
DCFS BUREAU OF GENERAL COUNSEL  
627 N. FOURTH STREET  
P.O. BOX 1887  
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(225) 342-1110 FAX 342-1125

STATE OF LOUISIANA THROUGH  
THE DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES

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VERIFICATION

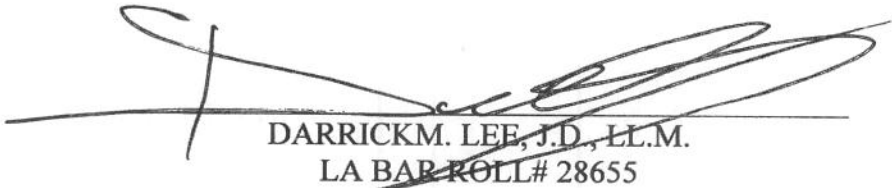
Before me, the undersigned Notary Public, personally came and appeared

ANGIE L. BADEAUX,

627 N. Fourth Street, Baton Rouge, Louisiana, who after being duly sworn stated that she has read the foregoing Petition and that the facts set forth therein are true and correct to the best of her knowledge, ability and belief.

  
ANGIE BADEAUX, LICENSING DIRECTOR

SWORN AND SUBSCRIBED before me, the undersigned Notary Public, this 25 day  
of May, 2012.

  
DARRICKM. LEE, J.D., LL.M.  
LA BAR ROLL# 28655

**STATE OF LOUISIANA THROUGH  
THE DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES**

**DOCKET NO. \_\_\_\_\_ DIV. \_\_\_\_\_**

**VERSUS**

**24TH JUDICIAL DISTRICT COURT**

**MYRT ROBERSON AND MISS MYRT'S**

**JEFFERSON PARISH**

**SOME PLACE SPECIAL**

**STATE OF LOUISIANA**

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**ORDER**

Considering the foregoing verified Petition,

IT IS ORDERED that defendant, **MYRT ROBERSON**, appear and show cause, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_.m., why a preliminary injunction should not issue, without bond, to prevent them, their officers, agents, employees, representatives, and all others acting at their direction or on their behalf, from operating a child day care facility without first having obtained a valid, current license from the Department of Children and Family Services.

Thibodaux, Louisiana this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
JUDGE, 24th JUDICIAL DISTRICT COURT

PLEASE SERVE DEFENDANTS:

**MYRT ROBERSON**  
2148 Laurel Avenue  
Terrytown, Louisiana 70056