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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES  
11 CENTRAL DISTRICT, STANLEY MOSK COURTHOUSE

13 **KIM JOHNSON, DIRECTOR OF THE  
14 DEPARTMENT OF SOCIAL SERVICES,**

15 Plaintiff,

16 v.

17 **SUMMERKIDS, INC., DBA ANGELUS  
18 MOUNTAIN CENTER; SUMMERKIDS,  
19 INC., DBA SUMMERKIDS; CARA  
20 DIMASSA, IN HER CAPACITY AS DIRECTOR  
21 OF SUMMERKIDS, INC.; DOES 1 THROUGH  
22 20, INCLUSIVE,**

Defendants.

Case No. 20STCV06374

**COMPLAINT FOR INJUNCTIVE  
RELIEF**

Unlimited Civil Case

23 Plaintiff Kim Johnson, in her official capacity as Director of the Department of Social  
24 Services for the State of California, alleges as follows:

25 **INTRODUCTION**

26 1. Summerkids, Inc., dba Angelus Mountain Center and Summerkids (Summerkids)  
27 operates a child day care facility in Altadena on an expansive piece of land located at the edge of  
28 the Angeles National Forest. Summerkids offers child-care programs for children as young as

1 three-years-old and claims to hold its programs on a campground that includes meadows, a  
2 stream, a lodge, cabins, fields, a kitchen, and a pool.

3 2. Six-year-old R. F. drowned in the Summerkids pool on Friday, June 28, 2019. At  
4 that time, Summerkids was not licensed to operate a child day care facility. Summerkids remains  
5 unlicensed to this day and plans to resume its child day care programs this summer despite being  
6 notified by the Department of Social Services that doing so would be unlawful. In order to  
7 protect the health and safety of the children of the State of California, Director Johnson brings  
8 this action to enjoin Summerkids from continuing to operate an unlicensed child day care facility,  
9 pursuant to Health and Safety Code<sup>1</sup> section 1596.80.

10 **PARTIES**

11 3. Plaintiff Kim Johnson is the Director of the Department of Social Services  
12 (Department) for the State of California and brings this action in her official capacity and not  
13 otherwise.

14 4. The Community Care Licensing Division (Division) within the Department is  
15 charged with, among other things, licensing child day care facilities, monitoring child day care  
16 facilities for compliance with applicable statutes and regulations, and investigating complaints  
17 against licensed and unlicensed child day care facilities.

18 5. Defendant Summerkids, Inc., dba Angelus Mountain Center and defendant  
19 Summerkids, Inc., dba Summerkids (collectively, Summerkids) maintain an office located at  
20 1000 E. Walnut Street, Suite 226, Pasadena, California, 91106, and operate a campground located  
21 at 3697 N. Fair Oaks Avenue, Altadena, California, 91001.

22 6. Defendant Cara DiMassa is the Director of Summerkids and oversees daily  
23 operations at the site.

24 7. The true names and capacities of defendants DOES 1 through 20, whether  
25 individual, corporate, associate, or otherwise, are unknown to plaintiff at the time of filing this

26 \_\_\_\_\_  
27 <sup>1</sup> All further statutory references are to the Health and Safety Code unless stated  
28 otherwise.

1 complaint, and plaintiff therefore sues these defendants by fictitious names. Plaintiff is informed  
2 and believes and thereon alleges that each DOE defendant is responsible for the events set forth  
3 herein, and, further, that each DOE defendant, either in concert with the other defendants or  
4 separately, is unlawfully operating an unlicensed child day care facility at the Summerkids site.

#### 5 JURISDICTION

6 8. Jurisdiction is proper in this Court pursuant to section 1596.89, which authorizes the  
7 Director of the Department to bring an action to enjoin the violation or threatened violation of  
8 section 1596.80 in the superior court in and for the county in which the violation occurred or is  
9 about to occur.

#### 10 APPLICABLE LAW

11 9. In enacting the California Child Day Care Facilities Act, which is set forth in  
12 section 1596.70 et seq., the Legislature found that child day care facilities can contribute  
13 positively to a child's emotional, cognitive, and educational development; that good quality child  
14 care is essential for working parents; that California had a tremendous shortage of regulated child  
15 care; and that good quality, affordable child care creates opportunities for families and  
16 communities. (§ 1596.72, subs. (a), (e), (f), (g).) The Legislature intended to establish a  
17 comprehensive, quality system for licensing child day care facilities to ensure a quality child care  
18 environment. (§ 1596.72, subd. (b).)

19 10. Pursuant to the California Child Day Care Facilities Act, no person or entity shall  
20 operate, establish, manage, conduct, or maintain a child day care facility in this state without a  
21 current valid license from the Department. (§ 1596.80; Cal. Code Regs., tit. 22, § 101156.)

22 11. The purpose of this licensure requirement is to protect the health and safety of  
23 children receiving care outside their home, and this is "a compelling state interest of the highest  
24 order." (*North Valley Baptist Church v. McMahon* (E.D. Cal. 1988) 696 F.Supp. 518, 526.)

25 12. "Child day care facility" means "a facility that provides nonmedical care to  
26 children under 18 years of age in need of personal services, supervision, or assistance essential for  
27 sustaining the activities of daily living or for the protection of the individual on less than a 24-  
28 hour basis." (§ 1596.750.) The term "child day care facility" is not limited to programs operated

1 out of brick and mortar structures; the term includes “*any place or building* in which less than 24-  
2 hour per day nonmedical care and supervision . . . are provided to children in a group setting.”  
3 (Cal. Code Regs., tit. 22, § 101152, subd. (c)(9), emphasis added.)

4 13. “Child day care facility includes day care centers, employer-sponsored child care  
5 centers, and family day care homes.” (§ 1596.750.)

6 14. “Day care center” means a child day care facility other than a family day care  
7 home, and it includes infant centers, preschools, extended day care facilities, and school age  
8 child-care centers. (§ 1596.76.)

9 15. The California Child Day Care Facilities Act does not apply to health facilities,  
10 clinics, community care facilities, certain family day care homes, certain cooperative  
11 arrangements between parents, public recreation programs, extended day care programs run by  
12 public or private schools, certain school parenting programs or adult education child care  
13 programs, any child day care program that operates only one day per week for no more than four  
14 hours on that day, certain programs that offer only temporary child care services, certain  
15 programs that provide activities for children of an instructional nature in a classroom-like setting,  
16 certain programs administered by the Department of Corrections and Rehabilitation, any crisis  
17 nursery, and certain state preschool programs. (§ 1596.792.)

18 16. If a person or entity is operating an unlicensed child care center, the Department  
19 shall conduct a site visit or evaluation of the center. (Cal. Code Regs., tit. 22, § 101157, subd.  
20 (b).)

21 17. If the Department finds that the child care center is operating without a license and  
22 that it is not exempt from licensure, the Department shall issue a Notice of Operation in Violation  
23 of Law (NOV Letter), shall refer the case for criminal prosecution and/or civil proceedings, and  
24 has the authority to issue a civil penalty. (Cal. Code Regs., tit. 22, § 101157, subs. (c), (d).)

25 18. A penalty of \$200 per day shall be assessed for the operation of an unlicensed  
26 child care center when the operator of the center has not submitted a completed application for  
27 licensure within 15 calendar days of issuance of an NOV Letter and continues to operate, or when  
28

1 unlicensed operation continues after the Department denies the operator's initial application.  
2 (Cal. Code Regs., tit. 22, § 101198.) The penalty shall be assessed on the 16th calendar day after  
3 the operator has been issued the NOV Letter and has not submitted a completed application as  
4 required, and the penalty shall continue until the operator ceases operation or submits a completed  
5 application for licensure. (*Ibid.*)

6 19. The Los Angeles County Code governs children's camps in Los Angeles County.

7 20. Pursuant to Los Angeles County Code section 11.08.010, a "children's camp"  
8 means "any place maintained for recreational or other purposes where 10 or more children  
9 under the age of 21 are kept for five days or more while away from their usual place of  
10 residence."

#### 11 **FACTUAL ALLEGATIONS**

12 21. Summerkids does not have a license to operate a child day care facility in  
13 California.

14 22. Summerkids is not exempt from the child day care facility licensure requirements.

15 23. Plaintiff is informed and believes and thereon alleges that Summerkids does not  
16 hold a permit, license, or authorization to operate a children's camp in Los Angeles County.

17 24. Plaintiff is informed and believes and thereon alleges that Summerkids would not  
18 qualify to operate a children's camp in Los Angeles County because children are not kept for five  
19 days or more at Summerkids while away from their usual place of residence.

20 25. Plaintiff is informed and believes and thereon alleges that Summerkids began in  
21 1978, and that the DiMassa family has owned and operated Summerkids since then.

22 26. Plaintiff is informed and believes and thereon alleges that the Summerkids site  
23 includes a main lodge, cabins, a pool, a garden, playgrounds, and a kitchen.

24 27. Summerkids offers five programs for children: "SK-PreK," for three and four-  
25 year-olds; "Summerkids," for children in kindergarten through sixth grade; "Summer Challenge,"  
26 for children in junior high; "Holiday Camp," for children ages three-years-old through junior  
27 high; and "Extended Day," for all children who attend Summerkids.  
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28. SK-PreK is for children who have turned three-years-old before their session begins and who are not entering a regular kindergarten program in the fall. In this program, Summerkids provides snacks and milk to campers, a rest period, and swimming instruction. Summerkids runs the SK-PreK program in a dedicated area that includes four cabins. The SK-PreK program begins at 8:30 a.m. and ends at 3:30 p.m.

29. Plaintiff is informed and believes and thereon alleges that Summerkids plans to operate its SK-PreK program from on or about June 10, 2020, to August 21, 2020.

30. The Summerkids program is for children entering kindergarten through sixth grade.

31. The Summer Challenge program is for children entering seventh, eighth, or ninth grade.

32. Both the Summerkids and the Summer Challenge programs begin at 9:00 a.m. and end at 3:00 p.m.

33. Summerkids plans to operate its Summerkids program from on or about June 8, 2020, to August 21, 2020.

34. Summerkids plans to operate its 2020 Summer Challenge program from on or about June 17, 2020, to August 14, 2020. The 2020 Summer Challenge program sessions range in length from one week to nine weeks.

35. The 2020 SK-PreK and Summerkids program sessions range in length from two weeks to ten weeks.

36. The Extended Day program is for parents who need additional care for their children. It operates from 7:00 a.m. to 9:00 a.m. and again from 3:00 p.m. to 6:00 p.m., Monday through Friday. The Extended Day program is available to all children enrolled at Summerkids, regardless of age. According to the Summerkids website, nearly half of its attendees participate in the Extended Day program. Plaintiff is informed and believes and thereon alleges that Summerkids plans to operate the Extended Day program during the summer of 2020.

37. Summerkids offered a Holiday Camp from December 23, 2019, through December

1 27, 2019, and again from December 30, 2019, through January 3, 2020. The Holiday Camp was  
2 open to children in kindergarten through sixth grade. The Holiday Camp program began at 9:00  
3 a.m. and ended at 3:00 p.m.

4 38. The Summerkids website reads, "Registration for Summer 2020 is underway!" and  
5 "Registration for Summer 2020 is Now Open!" True and correct copies of screenshots of the  
6 Summerkids website are attached hereto as Exhibit A and incorporated herein by reference.

### 7 **COMPLAINT INVESTIGATIONS**

8 39. On August 6, 2019, the Division received a complaint that Summerkids was  
9 providing unlicensed child care services. The complaining party had enrolled her son and her  
10 niece, who was from China, in one of Summerkids' two-week summer sessions that ran from  
11 8:00 a.m. to 6:00 p.m. The complaining party pulled her son and niece out of the program after  
12 only four days because the assistant director of Summerkids made disparaging comments about  
13 her niece's English language skills. The complaining party later informed the Division on August  
14 14, 2019, that a child had drowned at Summerkids six weeks earlier.

15 40. On August 15, 2019, in response to the August 6 complaint, Division analysts  
16 Justin Dorsey and Betty Bell conducted a visit to Summerkids to investigate whether Summerkids  
17 was operating an unlicensed day care facility. They interviewed DiMassa during their visit and  
18 learned that 18 children were attending the Summerkids pre-K program at that time. DiMassa  
19 informed the analysts that she would send documentation to the Division showing that  
20 Summerkids was exempt from licensure as a child day care facility. DiMassa sent the following  
21 documentation to the Department in an attempt to establish that Summerkids was exempt as a  
22 summer camp: an invoice from the American Camp Association, printouts from the Summerkids  
23 website, a conditional use permit from the Los Angeles County Department of Regional Planning,  
24 a swimming pool inspection report, and a fire department inspection report. These documents did  
25 not establish that Summerkids was exempt from child day care facility licensing requirements.  
26 Accordingly, the Division's investigation into Summerkids closed on November 1, 2019, at  
27 which time the Division substantiated the August 6 complaint after determining that Summerkids  
28

1 was not exempt from child day care facility licensure. The Division notified DiMassa of the  
2 substantiated complaint. DiMassa responded that operations at Summerkids had ceased.

3 41. On December 23, 2019, the Division received an additional and different  
4 complaint that Summerkids was providing unlicensed care. The complaining party informed the  
5 Division of the drowning of R. F. at the camp in June.

6 42. On December 31, 2019, analysts Dorsey and Bell conducted an unannounced visit  
7 to Summerkids to investigate the December 23 complaint. Summerkids' "Holiday Camp" was in  
8 session at the time, and 18 children were present. Dorsey and Bell determined that Summerkids  
9 was operating a child day care facility at that time.

10 43. On January 13, 2020, the Division issued an NOV Letter to DiMassa, notifying her  
11 that Summerkids was operating an unlicensed facility in violation of the law. The NOV Letter  
12 warned that continued operation without a license could result in civil and/or criminal action and  
13 was subject to civil penalties. The NOV Letter informed that DiMassa could file an application  
14 for licensure and provided her with a corresponding telephone number. A true and correct copy  
15 of the Division's January 13 NOV Letter is attached hereto as Exhibit B and incorporated herein  
16 by reference.

17 44. To date, neither DiMassa nor Summerkids has applied to the Department or the  
18 Division for a license to operate a child day care facility.

19 **FIRST CAUSE OF ACTION – INJUNCTIVE RELIEF**

20 (Against all Defendants)

21 (Health & Saf. Code, §§ 1596.80, 1596.89)

22 45. Plaintiff incorporates by reference each and every allegation set forth in the  
23 foregoing paragraphs as though set forth in full herein.

24 46. Plaintiff is informed and believes and thereon alleges that each defendant has been  
25 unlawfully operating a child day care facility in this state without a current valid license from the  
26 Department, in violation of section 1596.80.

27 47. Plaintiff is informed and believes and thereon alleges that each defendant plans to  
28



1 resume operating a child day care facility without a license in June 2020.

2 48. Plaintiff seeks preliminary and permanent injunctive relief pursuant to section  
3 1596.89, enjoining each defendant from the violation and threatened violation of section 1596.80.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, plaintiff prays for judgment against each defendant as follows:

6 1. For preliminary and permanent injunctive relief restraining each defendant from  
7 operating an unlicensed child day care facility;

8 2. For civil penalties in the amount \$200 per day for each day that defendants operate an  
9 unlicensed child day care facility in California and continuing each day thereafter until defendants  
10 cease illegal operations;

11 3. For costs of suit;

12 4. For a Statement of Decision pursuant to Code of Civil Procedure section 632; and

13 5. For any other relief the Court deems proper.

14  
15 **THIS COMPLAINT IS DEEMED VERIFIED PURSUANT TO**  
16 **CODE OF CIVIL PROCEDURE SECTION 446. IF YOU FILE**  
17 **AN ANSWER, IT MUST BE VERIFIED.**

18 Dated: February 14, 2020

Respectfully Submitted,

19 XAVIER BECERRA  
20 Attorney General of California  
21 JENNIFER M. KIM  
22 Supervising Deputy Attorney General

23 

24 CHARA L. CRANE  
25 Deputy Attorney General  
26 *Attorneys for Plaintiff Kim Johnson,*  
27 *Director of the Department of Social*  
28 *Services*

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# **EXHIBIT A**



**Registration for Summer 2020 is underway!**

## 2020 SK-PREK SESSIONS & PRICING

BEGIN OUR APPLICATION PROCESS

SK-PreK runs from June 10, 2020 to August 21, 2019. Pricing for Extended Care is listed here.

Session	Date	Weeks	Price
10 weeks: Monday-Friday	June 15 to August 21 (M-F)	Weeks 1-10	\$4720
10 weeks: Monday, Wednesday and Friday	June 15 to August 21 (MWF)	Weeks 1-10	\$2950
10 weeks: Tuesday and Thursday	June 15 to August 21 (TTh)	Weeks 1-10	\$2040
8 weeks: Monday-Friday	June 15 to August 7 (M-F)	Weeks 1-8	\$3865
8 weeks: Monday, Wednesday and Friday	June 15 to August 7 (MWF)	Weeks 1-8	\$2375



**Off-Season Office/Mailing Address: 1000 East Walnut St.,  
Suite 226, Pasadena, CA 91106**

*(please address all correspondence and payments to this  
address)*

***Please call us if you would like to come by and say hello or  
need to drop anything off,  
as there is a security gate at the entrance to our building.***

**Office Phone: (626) 577-9979**

**Fax: (626) 577-9974**

# **EXHIBIT B**



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM  
GOVERNOR

LICENSING OFFICE:

Monterey Park Regional Office

NAME OF LICENSING AGENCY

1000 Corporate Ctr. Dr. #200B Monterey Park, CA

LOCATION (CITY, STATE, ZIP CODE)

(323) 981-3350

91754

(AREA CODE) TELEPHONE NUMBER

TO:

NAME

Cara DiMassa of SummerKids Camp

ADDRESS

3697 N. Fair Oaks Ave.

CITY

LOCATION:

Altadena, CA 91001

SUBJECT:

NOTICE OF OPERATION IN VIOLATION OF LAW

You are hereby notified that the facility at the above location is operating without a license in violation of California Health and Safety Code Sections 1508, 1568.03, 1569.10, or 1596.80. These sections prohibit any person, firm, partnership, association, or corporation within the state from operating, establishing, managing, conducting, or maintaining a community care facility, residential care facility for chronically ill, residential care facility for the elderly, or child care facility in this state without a current valid license. In accordance with Health and Safety Code Sections 1540, 1541, 1568.03, 1568.0823, 1569.40, 1569.41, 1596.89 and/or 1596.890 and other applicable laws, your continued operation without a license could result in civil and/or criminal action being taken against you.

You may file an application for license by contacting the licensing agency at (323) 981-3350 if the Department has not taken any of the following actions in accordance with Health and Safety Code Section 1520.3, 1550.5, 1568.065, 1569.16, 1569.50, 1596.851, or 1596.885:

- Denied your license application within the last 12 months;
- Currently suspended your license;
- Revoked your license or certification within the last 2 years; and
- Excluded you from licensed facilities without reinstatement.

However, continued operation pending process of your application is a violation of law, subject to civil penalties under Health and Safety Code Section 1547, 1568.0821, 1569.485, or 1596.893b, and applicable regulations, as well as other actions by the Department.

*Ann Chui for Deborah Ajao*  
Regional Office Manager/Courtesy Licensing Office Manager

1/13/2020

Date of Issuance