*** § 260.31 Misrepresentation by a child day care provider.**

A person is guilty of misrepresentation by a child day care provider when, being a child day care provider or holding himself or herself out as such, he or she makes any willful and intentional misrepresentation, by act or omission, to a parent or guardian of a child in the care of such provider (or a child whose prospective placement in such care is being considered by such parent or guardian) to any state or local official having jurisdiction over child day care providers, or to any police officer or peace officer as to the facts pertaining to such child day care provider, including, but not limited to: (i) the number of children in the facility or home where such number is in violation of the provisions of section three hundred ninety of the social services law, (ii) the area of the facility, home, or center used for child day care, or (iii) the credentials or qualifications of any child day care provider, assistant, employee, or volunteer. A misrepresentation subject to the provisions of this section must substantially place at risk the health or safety of a child in the care of a child day care provider.

Misrepresentation by a child day care provider is a class A misdemeanor.

* NB There are 2 § 260.31's