



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

January 28, 2019

Sacramento Ultrasound, Inc., Owner
 Sacramento Ultrasound Institute
 2233 Watt Avenue, Suite 150
 Sacramento, CA 95825

Date of Issuance	Citation Number	Institution Code
January 28, 2019	1819065	3402661

On January 14, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine No. 1819065 (Citation) against Sacramento Ultrasound, Inc., Owner of Sacramento Ultrasound Institute. In attendance were Beth Scott, Enforcement Chief; and Samuel Yarmagyn, Agent.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819065.

It is the decision of the Enforcement Chief that on January 14, 2019, Citation No. 1819065 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>MODIFIED</u> <u>Violation:</u> 5, CCR Section 76120(a) Amount of STRF Assessment. <i>(a) Each qualifying institution shall collect an assessment of zero dollars (\$0) per one thousand dollars (\$1,000) of institutional charges, rounded to the nearest thousand dollars, from each student in an educational program who is a California resident or is enrolled in a residency program. For institutional charges of one thousand dollars (\$1,000) or less, the assessment is zero dollars (\$0).</i></p> <p>On December 7, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the random sampling of student's files and Student Tuition Recovery Fund (STRF) back up documentation. Three of the nine current</p>

	<p>student files accounting ledgers showed \$16.50 was collected for STRF from the students. Effective January 1, 2015, the STRF assessment rate was changed to zero, and schools were to no longer to collect STRF. All four quarters of the 2015 STRF Assessment Reporting Forms that were submitted to the Bureau indicated \$0 was collected for STRF and the Bureau does not have a record showing that payment was sent to the Bureau.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,500.00</u></p> <p><u>Reason for modification:</u> New Substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$2500.00 to <u>\$50.00</u>.</p>
2	<p><u>MODIFIED</u> <u>Violation:</u> CEC Section 94897(j)(1)- Prohibited Business Practices An institution shall not do any of the following: (j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following: (1) A financial report filed with the bureau.</p> <p>On December 7, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff interviewed the COO and asked him if the Institution collected the STRF fee after January 1, 2015. The COO stated that the Institution did collect STRF fees after January 1, 2015. All four quarters of the 2015 STRF Assessment Reporting Forms that were submitted to the Bureau indicated \$0 was collected for STRF and the Bureau does not have a record showing that payment was sent to the Bureau.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p> <p><u>Reason for modification:</u> New Substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$1000.00 to <u>\$50.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$100.00</u></p>	

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be

represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **January 28, 2019**. The payment is due by **February 27, 2019**.


Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Copy of Modified Citation
- Withdrawal- Request for Administrative Hearing