



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

May 14, 2019

Conrado Banaga, Owner
 Gina Guarin, Owner
 Bernadette Bautista, Owner
 Sierra Pacific College
 1200 Arizona Street, Suite A-2
 Redlands, CA 92374

Date of Issuance	Citation Number	Institution Code
May 14, 2019	1819128	90919988

On April 18, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819128 (Citation) against Conrado Banaga 33% Owner, Gina Guarin 33% Owner, and Bernadette Bautista 33% Owner of Sierra Pacific College (Institution). In attendance were Beth Scott, Enforcement Chief; and Bernadette Bautista, Owner.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819128.

It is the decision of the Enforcement Chief that on April 23, 2019, Citation No. 1819128 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>CEC Section 94926(a)(b)(c)(d) - Procedures Prior to Closing, Teach-Out Plans <i>"At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following:</i> <i>(a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.</i></p>

- (b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.*
- (c) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning these programs and institutional closures.*
- (d) A plan for the disposition of student records."*

5, CCR Section 76240(a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2) - Required Notices and Teach-Out Plan.

"All institutions, including those exempts from Bureau regulation pursuant to the Code, shall do the following prior to closing:

(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:

- (1) The exact date and reason for the closure.*
- (2) The last date of instruction for each educational service or program.*
- (3) A list of students who were enrolled at any time during the 60 days prior to closure.*
- (4) If any student will not be provided complete educational services or the educational program, the institution shall provide:*

(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.

(B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.

- (5) A plan for the disposition of student records.*
- (6) A plan to notify students of their rights and options under the Act and this chapter.*

(b) The institution shall notify the students of the following:

(1) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning those programs and institutional closures.

(2) If any student will not be provided complete educational services or the educational program, information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses."

The Institution failed to provide written notice of closure to the Bureau at least 30 days prior to closing.

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$300.00

2. CEC Section 94927.5 (a)(1) - Provision of Records to Bureau Prior to Closing

"(a) Prior to closing, an institution shall provide the bureau with the following:

(1) Pertinent student records, including transcripts, as determined by the bureau, pursuant to regulations adopted by the bureau."

The Institution failed to provide a plan for the retention of records and transcripts prior to closing, as required by CEC section 94927.5 (a)(1).

Order of Abatement:

The Bureau orders that the owners of the Institution provide the Bureau with the plan of retention of student records, and information on how students may obtain their records as required by CEC section 94927.5 (a)(1).

Reason for modification: New substantive facts were presented at the conference. Order of Abatement dismissed

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$300.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$600.00

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:

Ray Delaney, 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. 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.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on May 14, 2019. The payment is due by **June 13, 2019**.

Failure 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

Should you have any questions regarding this decision or desire further information, please contact Ray Delaney, Citation Analyst, at (916) 431-6946 or at Ray.Delaney@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail