



AFFIRMED CITATION ORDER

Citation Issued To: M-5 Training School of Protective Services 44806 Elm Avenue Lancaster, CA 93534 Institution Code: 86853439	Citation Number: 2324122
	Total Fine Amount: \$8,002.00
	Order of Abatement Included: Yes

Elizabeth Elias issues this affirmed citation in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

- On or about May 29, 2018, the Bureau issued an Approval to Operate a Private Postsecondary Institution to M-5 Training School of Protective Services (hereinafter referred to as the "Institution"). This Approval to Operate expired on May 29, 2023, and is pending renewal. An application for renewal of the Institution's Approval to Operate a Private Postsecondary Institution was received on May 26, 2023, and is under review.

DISCIPLINE HISTORY

- The Institution has no prior discipline history.

CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to the statutory provisions of California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CITATION HISTORY

- On or about January 25, 2024 the Bureau issued Citation No. 2324122. On or about February 8, 2024, the Bureau received an appeal with a request

Citation Number: 2324122
Institution: M-5 Training School of Protective Services
Institution Code: 86853439

for an informal conference. The informal conference was held on February 26, 2024. No new substantive facts were presented during the informal conference; therefore, the Bureau affirms Citation No. 2324122.

CAUSE FOR CITATION & ASSESMENT OF FINE AND/OR ORDER OF ABATEMENT

5. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

5 CCR section 74110 – Annual Report in conjunction with CEC section 94934 – Annual Report

Cause for Citation: A review of the Bureau's records confirm the Institution failed to submit the 2021 Annual Report which was due to the Bureau by December 1, 2022.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$5,000.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit the 2021 Annual Report pursuant to 5 CCR section 74110 and CEC section 94934.

Violation #2:

CEC Section 94902 (b)(3) – General Enrollment Requirements in conjunction with CEC section 94912 – Signature, Initials Required

Cause for Citation: On or about August 17, 2022, the Bureau conducted an announced compliance inspection pursuant to CEC 94932.5(a). Bureau staff reviewed 2 files for graduated students and determined that the 2 files did not contain signed School Performance Fact Sheets (SPFS). Additionally, Bureau staff inquired with the Institution's Owner if they give copies to the students upon signing enrollment agreements. The Owner stated that they give SPFS copies to students, but do not have them sign or date them.

The institution failed to properly execute an enrollment agreement by failing to have the SPFSs signed and dated by the Institution and student.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class C" violation. The Institution is issued a fine of \$501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC sections 94902 and 94912. The Institution must submit a statement of attestation that they have corrected the violation and will ensure that all student records contain signed Student Performance Fact Sheets (SPFS). The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #3:

5 CCR section 74112 (m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (e) – Maintenance Records

Cause for Citation: Prior to the Announced Inspection, Bureau staff requested a copy of the documentation supporting data reported on the Institution's 2019/2020 School Performance Fact Sheets (SPFS). Bureau staff did not receive the supporting data documentation.

On or about August 17, 2022, the Bureau conducted an announced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff inquired if the school maintained the documentation supporting data for the 2019/2020 SPFS electronically. The Institution's Administrative Assistant stated that they do not. The Administrative Assistant stated they had contact sheets in the individual student files but did not have the data saved electronically.

The Institution failed to provide the records upon immediate request and failed to maintain the supporting data electronically.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by providing an electronic copy of the template used by the Institution to document supporting data for SPFS, for the Bureau to verify the Institution is collecting the required data points pursuant to 5 CCR section 74112.

In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the supporting data for SPFS is maintained and immediately available during an inspection. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #4:

5 CCR section 71745 (c) consistent with 5 CCR section 74115 (d) – Financial Statements

Cause for Citation: On or about August 17, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5(a). During the inspection, the Owner of the Institution provided Bureau staff with their 2020 financial statements and stated that they were the most recent reviewed financial statements. Bureau staff requested 2021 financial statements, but the 2020 financial statements were all the school had available.

Administrative Fine: Pursuant to 5, CCR 75030, the Bureau has determined this to be a "A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5, CCR 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit current financial statements for year-end 2022 which demonstrates compliance with CCR, Title 5, 71745 (c) and CCR, Title 5, 74115 (d).

COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau issues the order(s) of abatement

described above. Evidence of compliance with the order of abatement must be submitted to the Bureau within 30 days from the date of issuance of this affirmed citation. Evidence of compliance with the order of abatement may sent by mail or email to:

- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Tessa Barron
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
- Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in the total amount of \$ 8,002.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of issuance of this affirmed citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Tessa Barron
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

8. Pursuant to 5 CCR section 75040(d), the affirmed decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a hearing. If the Institution has not requested to withdraw the hearing, a hearing will be set to hear the matter.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

Citation Number: 2324122
Institution: M-5 Training School of Protective Services
Institution Code: 86853439

9. Pursuant to 5 CCR section 75050, payment of fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Tessa Barron, Citation Analyst by email at Tessa.Barron@dca.ca.gov or by phone at (916) 574-7791.

“Original signature on file”

“3/6/2024”

Elizabeth Elias
Enforcement Chief

Citation Date of Issuance

Enclosures:

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail