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9  
10 **BEFORE THE**  
11 **DIRECTOR OF THE DEPARTMENT OF CONSUMER AFFAIRS**  
12 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Statement of Issues  
15 Against:

16 **California Premiere College**  
17 **2530 N. Grand Ave.,**  
**Santa Ana, CA 92705**

18 **Mailing address:**  
19 **P.O. Box 10866**  
**Santa Ana, CA 92711**

20 **Institution Code No. 3006811**

21 Respondent.

Case No. BPPE 22-0737

**STATEMENT OF ISSUES**

22  
23  
24 **PARTIES**

25 1. Deborah Cochran (Complainant) brings this Statement of Issues solely in her official  
26 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of  
27 Consumer Affairs (Bureau).

28 ///

1           2.     On or about December 28, 2020, the Bureau received an Application for Renewal of  
2 Approval to Operate an Institution, Non-Accredited, from California Premiere College  
3 (Respondent). Respondent is currently owned by Technologic Institute of Southern California  
4 dba California Premiere College, with Martha Zapien as sole shareholder. On or about December  
5 23, 2020, Jose Munoz certified under penalty of perjury to the truthfulness of all statements,  
6 answers, and representations in the application. The Bureau denied the application on August 25,  
7 2022.

### **JURISDICTION**

9           3.     This Statement of Issues is brought before the Director of the Department of  
10 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the  
11 authority of the following laws. All section references are to the Education Code (Code) unless  
12 otherwise indicated.

13           4.     Code Section 94886 states:

14           Except as exempted in Article 4 (commencing with section 94874) or in  
15 compliance with the transition provisions in Article 2 (commencing with Section  
16 94802), a person shall not open, conduct, or do business as a private  
postsecondary educational institution in this state without obtaining an approval  
to operate under this chapter.

17           5.     Code Section 94887 states:

18           An approval to operate shall be granted only after an applicant has presented  
19 sufficient evidence to the bureau, and the bureau has independently verified the  
20 information provided by the applicant through site visits or other methods  
21 deemed appropriate by the bureau, that the applicant has the capacity to satisfy  
the minimum operating standards. The bureau shall deny an application for an  
approval to operate if the application does not satisfy those standards.

### **STATUTORY PROVISIONS**

22           6.     Code section 94891, subdivision (b) states, “To be granted a renewal of an approval  
23 to operate, the institution shall demonstrate its continued capacity to meet the minimum operating  
24 standards.”

25           7.     Code section 94897, in relevant part, states:

26           An institution shall not do any of the following:

27           ...

28

1 (c) Advertise concerning job availability, degree of skill, or length of time required to  
2 learn a trade or skill unless the information is accurate and not misleading.

3 ...

4 (j) In any manner make an untrue or misleading change in, or untrue or misleading  
5 statement related to, a test score, grade or record of grades, attendance record, record  
6 indicating student completion, placement, employment, salaries, or financial information,  
7 including any of the following:

8 ...

9 (2) Information or records relating to the student's eligibility for student  
10 financial aid at the institution.

11 ...

12 (k) Willfully falsify, destroy, or conceal any document of record while that document  
13 of record is required to be maintained by this chapter.

14 ...

15 8. Code section 94898, subdivision (a), states:

16 An institution shall not merge classes unless all of the students have received the  
17 same amount of instruction. This subdivision does not prevent the placement of students,  
18 who are enrolled in different educational programs, in the same class if that class is part of  
19 each of the educational programs and the placement in a merged class will not impair the  
20 students' learning of the subject matter of the class.

21 9. Code section 94900.5, in relevant part, states:

22 An institution shall maintain, for a period of not less than five years, at its principal place of  
23 business in this state, complete and accurate records of all of the following information:

24 (a) The educational programs offered by the institution and the curriculum for each.

25 ...

26 10. Code section 94902, in relevant part, states:

27 (b) An enrollment agreement is not enforceable unless all of the following  
28 requirements are met:

(1) The student has received the institution's catalog and School Performance  
Fact Sheet prior to signing the enrollment agreement.

11. Code section 94909, in relevant part, states:

(a) Except as provided in subdivision (d), before enrollment, an institution shall  
provide a prospective student, either in writing or electronically, with a school catalog  
containing, at a minimum, all of the following:

...

1 (5) A description of the programs offered and a description of the instruction  
2 provided in each of the courses offered by the institution, the requirements for completion  
3 of each program, including required courses, any final tests or examinations, any required  
4 internships or externships, and the total number of credit hours, clock hours, or other  
5 increments required for completion.

6 ...

7 12. Code Section 94910 states:

8 Prior to enrollment, an institution shall provide a prospective student with a  
9 School Performance Fact Sheet containing, at a minimum, the following information,  
10 as it relates to the educational program:

11 (a) Completion rates, as calculated pursuant to Article 16 (commencing with  
12 Section 94928).

13 (b) Placement rates, as calculated pursuant to Article 16 (commencing with  
14 Section 94928), if the educational program is designed to lead to, or the institution  
15 makes any express or implied claim related to preparing students for, a particular  
16 career, occupation, vocation, job, or job title.

17 (c) License examination passage rates for programs leading to employment for  
18 which passage of a state licensing examination is required, as calculated pursuant to  
19 Article 16 (commencing with Section 94928).

20 (d) (1) Salary or wage information, as calculated pursuant to Article 16  
21 (commencing with Section 94928), if the institution or a representative of the  
22 institution makes any express or implied claim about the salary that may be earned  
23 after completing the educational program.

24 (2) Additionally, each institution that offers an educational program  
25 designed to lead to a particular career, occupation, vocation, trade, job, or job  
26 title shall disclose the wage and salary data for the particular career, occupation,  
27 trade, job, or job title, as provided by the Employment Development  
28 Department's Occupational Employment Statistics, if that data is available.

(e) If a program is too new to provide data for any of the categories listed in this  
subdivision, the institution shall state on its fact sheet: This program is new.  
Therefore, the number of students who graduate, the number of students who are  
placed, or the starting salary you can earn after finishing the educational program are  
unknown at this time. Information regarding general salary and placement statistics  
may be available from government sources or from the institution, but is not  
equivalent to actual performance data.

(f) All of the following:

(1) A description of the manner in which the figures described in  
subdivisions (a) to (d), inclusive, are calculated or a statement informing the  
reader of where he or she may obtain a description of the manner in which the  
figures described in subdivisions (a) to (d), inclusive, are calculated.

(2) A statement informing the reader of where he or she may obtain  
from the institution a list of the employment positions determined to be within  
the field for which a student received education and training for the calculation

of job placement rates as required by subdivision (b).

(3) A statement informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).

(g) The following statements:

(1) This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law.

(2) Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers).

### **REGULATORY PROVISIONS**

13. Title 5, CCR, section 71400.5 (Regulation 71400.5) states:

(a) The inclusion of false or misleading information, or the intentional or negligent omission of pertinent information on any application may result in the denial of the application or a delay in processing, and may be grounds for action pursuant to Article 18 of the Act.

(b) In addition to denying an application pursuant to section 94887 of the Code, the Bureau may deny any application based on any act that constitutes grounds for the denial of a license under Section 480 of the Business and Professions Code, incorporated herein by reference.

14. Title 5, CCR, section 71405, subdivision (a) (Regulation 71405(a)), states:

If, after the submission of an application but prior to the Bureau's decision to approve or deny an approval to operate, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Bureau in writing.

15. Title 5, CCR, section 71475 (Regulation 71475), in relevant part, states:

(t) In addition, the institution shall list in the application, the following for each educational program offered unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation.

...

(5) The mode of instruction;

...

1 (7) Whether the educational program is designed to fit or prepare students for  
2 employment in any occupation. If so, the application shall identify each occupation and  
3 job title to which the institution represents the educational program will lead.

4 ...

5 (u) For each educational program that the institution offers or proposes to offer, the  
6 application shall contain a statement that the educational program meets the requirements  
7 of section 71710, as well as the following unless there have been no substantive changes  
8 since the last submission. If there have been no substantive changes made the institution  
9 may so state and is not required to provide documentation:

10 ...

11 (7) Upon request, the institution shall provide to the Bureau copies of the  
12 curriculum or syllabi required pursuant to section 71710.

13 ...

14 (v) If the institution offers an educational program, or a portion of it, in a language other  
15 than English, the application shall contain a description of all of the following for each  
16 educational program or portion thereof unless there have been no substantive changes  
17 since the last submission. If there have been no substantive changes made the institution  
18 may so state and is not required to provide documentation.

19 (1) The language in which each educational program will be offered.

20 (2) A statement that the institution has contracted with sufficient duly qualified  
21 faculty who will teach each language group of students.

22 (3) The language of the textbooks and other written materials to be used by each  
23 language group of students.

24 ...

25 (x) The application shall include a statement that the institution has contracted with  
26 sufficient duly qualified faculty members who meet the qualifications of section 71720  
27 unless there have been no substantive changes since the last submission. If there have  
28 been no substantive changes made the institution may so state and is not required to  
provide documentation.

...

(dd)(1) The application shall contain a description of how records required by Article 9 of  
the Act or this chapter are or will be organized and maintained, the types of documents  
contained in student files, how the records are stored, and whether academic and financial  
records are maintained in separate files. The description shall include a statement of the  
institution's procedures for security and safekeeping of records unless there have been no

1 substantive changes since the last submission. If there have been no substantive changes  
2 made the institution may so state and is not required to provide documentation.

3 (2) The description in the application shall include the name, physical address,  
4 email address, and telephone number of the custodian of records, and the physical  
5 addresses and telephone numbers of the offices or buildings where the records will be  
6 maintained unless there have been no substantive changes since the last submission. If  
7 there have been no substantive changes made the institution may so state and is not  
8 required to provide documentation.

9 ...

10 16. Title 5, CCR, section 71600 (Regulation 71600) states:

11 An institution seeking to make a significant change in its method of instructional delivery  
12 shall complete the “Significant Change in Method of Instructional Delivery” form (INS  
13 rev. 2/10) to obtain prior authorization. For the purposes of this section a “significant  
14 change in instructional delivery” is any change that alters the way students interact with  
15 faculty or access significant equipment. The form shall be submitted to the Bureau along  
16 with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution  
17 approved under section 94885 of the Code, it shall be signed and dated by the  
18 signatory(ies) required by section 71380, and for an institution approved under section  
19 94890 of the Code, it shall be signed and dated by the signatory(ies) required by section  
20 71390, and each fact stated therein and each attachment thereto shall be declared to be  
21 true under penalty of perjury, in the following form:

22 “I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing and all attachments are true and correct.

24 .....  
25 (Date) (Signature)”

26 17. Title 5, CCR, section 71700 (Regulation 71700) states “the Bureau may request that  
27 an institution document compliance with the standards set forth in the Act and this Division to  
28 obtain and maintain an approval to operate.”

18 18. Title 5, CCR, section 71710 (Regulation 71710) states:

19 (a) In order to meet its mission and objectives, the educational program defined in Section  
20 94837 of the Code shall be comprised of a curriculum that includes:

21 (1) Those subject areas that are necessary for a student to achieve the educational  
22 objectives of the educational program in which the student is enrolled;

1 (2) Subject areas and courses or modules that are presented in a logically  
2 organized manner or sequence to students

3 (3) Course or module materials that are designed or organized by duly qualified  
4 faculty. For each course or module, each student shall be provided with a syllabus or  
5 course outline that contains:

6 (A) A short, descriptive title of the educational program;

7 (B) A statement of educational objectives;

8 (C) Length of the educational program;

9 (D) Sequence and frequency of lessons or class sessions;

10 (E) Complete citations of textbooks and other required written materials;

11 (F) Sequential and detailed outline of subject matter to be addressed or a  
12 list of skills to be learned and how those skills are to be measured;

13 (G) Instructional mode or methods.

14 (4) If degree granting, require research of an appropriate degree that utilizes a  
15 library and other learning resources;

16 (5) Specific learning outcomes tied to the sequence of the presentation of the  
17 material to measure the students' learning of the material; and

18 (6) Evaluation by duly qualified faculty of those learning outcomes.

19 (b) An educational program of 32 hours or less as described in Section 94837 of the Code  
20 shall be presumed to be "designed to lead to employment" if any of the following apply:

21 (1) It is on the Eligible Training Provider List the Employment Development  
22 Department published on its website at [www.edd.ca.gov](http://www.edd.ca.gov) pursuant to the Workforce  
23 Innovation and Opportunity Act (Public Law 113-128) section 122 (29 U.S. Code section  
24 3152) and Code of Federal Regulations, Title 20, section 680.500;

25 (2) The institution represents that the course or module, either separately or as part  
26 of a set of related courses or modules, leads to employment or a career, either as stated by  
27 the institution to the Bureau on any application submitted to the Bureau for approval of  
28 any institution or educational program, including sections 71100, 71105, 71210, 71220,  
and 71390, or in any other written correspondence provided to the Bureau, or in any  
advertising or publication used to solicit or recruit prospective students. "Advertising"  
shall have the meaning set forth in section 74140;



1 (3) The institution represents in its course or module materials, syllabus, or course  
2 outline that the educational objectives of the course or module includes preparing or  
3 fitting students with the skills and knowledge necessary to satisfy the qualifications for  
4 licensure in a specified career, occupation, vocation, job, or job title.

5 ...

6 19. Title 5, CCR, section 71715 (Regulation 71715) states, in relevant part:

7 (a) Instruction shall be the central focus of the resources and services of the institution.

8 (b) The institution shall document that the instruction offered leads to the achievement of  
9 the learning objectives of each course.

10 (c) Direct instruction requires the physical presence of one or more students and one or  
11 more faculty members at the same location. Direct instruction includes instruction  
12 presented in a classroom, seminar, workshop, lecture, colloquium, laboratory, tutorial, or  
13 other physical learning settings consistent with the mission, purposes, and objectives of  
14 the institution.

15 ...

16 20. Title 5, CCR, section 71720 (Regulation 71720), subdivision (b) states:

17 Instructors in an Educational Program Not Leading to a Degree.

18 (1) An institution shall employ instructors who possess the academic, experiential and  
19 professional qualifications to teach, including a minimum of three years of experience,  
20 education and training in current practices of the subject area they are teaching. If an  
21 instructor does not possess the required three years of experience, education and training  
22 in the subject area they are teaching, the institution shall document the qualifications the  
23 instructor possesses that are equivalent to the minimum qualifications.

24 (2) Each instructor shall maintain their knowledge by completing continuing education  
25 courses in his or her subject area, classroom management or other courses related to  
26 teaching.

27 (3) The institution shall not employ or continue to employ an instructor who was  
28 adjudicated in a judicial or administrative proceeding as having violated any provision of  
the Act or this chapter, or as having committed any act that would constitute grounds for  
the denial of a license under Section 480 of the Business and Professions Code.

29 21. Title 5, CCR, section 71735 (Regulation 71735) states:

30 (a) An institution shall have sufficient facilities and necessary equipment to support the  
achievement of the educational objectives of all of the courses and educational programs  
in which students are enrolled. If an institution represents that the educational service will  
fit or prepare a student for employment in a particular occupation or as described in  
particular job titles, either of the following conditions shall be met:

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28

(1) The equipment used for instruction or provided to the student shall be comparable in model type or features to equipment generally used in those occupations or job titles at the time the instruction is offered.

(2) The institution shall establish that the equipment used for instruction or provided to a student is not obsolete and is sufficient for instructional purposes to reasonably assure that a student acquires the necessary level of education, training, skill, and experience to obtain employment in the field of training and to perform the tasks associated with the occupation or job title to which the educational program was represented to lead.

(b) An institution's facilities, including heating and cooling, ventilation, lighting, classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall maintain all valid permits required by any public agencies relating to the health and safety of the institution's facilities and equipment on file, and such permits shall be available to the Bureau upon request.

22. Title 5, CCR, section 71740, subdivision (b) (Regulation 71740(b)) states:

(b) An institution shall provide or make provisions for the library and other learning resources needed to support each educational program it offers, including resources such as reference works, periodicals, monographs, and media and equipment specific to the educational programs offered.

23. Title 5, CCR, section 71930 (Regulation 71930), in relevant part, states:

(a) An institution shall maintain all records required by the Act and this chapter. The records shall be maintained in this state.

...

(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.

...

24. Title 5, CCR, section 74000, subdivision (d) (Regulation 74000(d)), states:

(d) The Bureau shall deny a renewal of an approval to operate if the institution fails to submit at the time it files its application for renewal of an approval to operate: all unpaid fees; penalty fees; penalties; orders for reimbursement of costs and expenses; and assessments for, and reimbursement of all payments made to students from, the Student Tuition Recovery Fund.

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**FACTS**

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2           25. On December 28, 2020, the Bureau received an Application for Renewal of Approval  
3 to Operate a Non-Accredited Institution, Application Number 34089, from Respondent.

4 Respondent was previously approved to offer the following non-degree educational programs:  
5 Auto - Electric Technician, Auto Electric / Fuel Injection, Business Office Administration,  
6 Computer Repair / Data Entry, Computer Repair Technician, Electricity Technician Residential  
7 and Commercial, Electro - Mechanical Assembly, Electronics Tester, Electronics Tester and  
8 Assembly Technician, Fashion Design and Sewing, Floral Designer, Fuel Injection Technician,  
9 Human Resources Generalist, Medical Assistant Front/Back Office, and Professional Child Care.

10           26. The institution's renewal application also referenced that the institution was seeking  
11 to offer some courses remotely due to the COVID-19 pandemic. The Bureau allowed the  
12 institution to provide only the following courses via distance learning while the institution's  
13 Change in Method application was pending: Business Office Administration, Computer Repair  
14 Technician, Medical Assistant Front/Back Office, Human Resources Generalist, Electricity Tech.  
15 Residential & Commercial and Auto-Electric/Fuel Injection Tech.

16           27. On February 18, 2021, the Bureau mailed a deficiency letter identifying deficiencies  
17 in the following sections of the renewal application: #10 Exemplars of Student Agreements, #16  
18 Financial Resources and Statements, and #21 Catalog.

19           28. On May 31, 2021, the Bureau received the institution's emailed deficiency response  
20 (hard copy received 6/21/21), which sought to address deficiencies noted in the Bureau's  
21 deficiency letter.

22           29. On August 11, 2021, the Bureau mailed a second deficiency letter identifying  
23 deficiencies in the following sections of the renewal application: #1 Institution, #16 Financial  
24 Resources and Statements, and #21 Catalog.

25           30. On August 16, 2021, the Bureau denied the institution's Change in Method  
26 application, and the institution was therefore no longer permitted to offer any distance education  
27 as of this date.

28 ///

1 31. Between December 28, 2021 and February 28, 2022, the Bureau received the  
2 institution's response to the second deficiency letter seeking to remedy deficiencies in sections  
3 10, 16 and 21 of the application.

4 32. On April 8, 2022, the Bureau mailed a third deficiency letter identifying deficiencies  
5 in the following sections of the application: #1 Institution, #4 Owner(s), #6 Organization and  
6 Management, #10 Exemplars of Student Agreements, #11 Financial Aid Policies, Practices, and  
7 Disclosures, #13 Instruction and Degrees Offered, #14 Description of Educational Program, #15  
8 Instruction in Languages other than English, #16 Financial Resources and Statements, #17  
9 Faculty, #18 Facilities and Equipment, and #21 Catalog.

10 33. On June 8, 2022, the Bureau received an emailed copy of the institution's deficiency  
11 response (a hard copy was procured by the Bureau during an unannounced campus visit that  
12 occurred June 29, 2022), which sought to address all of the areas of deficiencies identified in the  
13 third deficiency letter with the exception of #13, Instruction and Degrees Offered.

14 34. On June 29, 2022, Bureau investigators conducted an unannounced visit to the  
15 institution during hours that the institution claimed to be providing class instruction, and found  
16 the school closed. The owner was contacted and arrived over an hour later.

17 35. On August 25, 2022, the Bureau denied Respondent's Application for Renewal of  
18 Approval to Operate a Non-Accredited Institution and sent Respondent a "Notice of Denial."

19 **FIRST CAUSE FOR DENIAL OF APPLICATION**

20 **(Offering Unapproved Method of Instruction)**

21 36. Respondent's application is subject to denial under Code section 94891 and  
22 Regulation 71700, in conjunction with Code Section 94909, subdivision (a)(5), and Regulations  
23 71475(t)(5) and 71405(a), for offering distance instruction without the Bureau's approval. The  
24 circumstances are that the institution represented it only provided instruction at the Bureau-  
25 approved campus and satellite locations. However, despite having no approval to operate any  
26 programs online after August 16, 2021, the institution's June 7, 2022 catalog stated, "California  
27 Premiere College does offer distance education, temporarily." Additionally, page 4 of the  
28 enrollment agreement includes disclosures regarding distance instruction. Moreover, Respondent

1 failed to immediately inform the Bureau in writing of a material change in the information that  
2 they provided in their application (i.e. mode of instruction).

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**  
4 **(Deficient Descriptions of Educational Programs and/or Programs**  
5 **Do Not Meet Minimum Acceptable Standards)**

6 37. Respondent's application is subject to denial under Code section 94891 and  
7 Regulation 71700, in conjunction with the following Codes and Regulations, as follows:

8 a. Respondent provided misleading information regarding the length of time  
9 required to learn a trade or skill, in violation of Code section 94897(c), in that syllabi  
10 submitted with the institution's application contain misleading information such as the  
11 syllabus for the Auto-Electric Tech program, which stated the program was 480 hours  
12 although it was approved by the Bureau for 600 hours.<sup>1</sup>

13 b. Respondent failed to demonstrate its ability to achieve course objectives, in  
14 violation of Regulation 71710, subdivision (a), and Regulation 71715, subdivision (b), in  
15 that syllabi were inadequately organized or stated subject matter that did not make sense  
16 for the course. For example, the syllabus for Medical Assisting lists medical billing as a  
17 course objective but does not identify any lessons in medical billing. It also schedules the  
18 midterm after only 70 of 480 hours have been completed. Business Office Administration  
19 career objectives noted on the syllabus do not make sense for the course and do not  
20 obviously relate to the subject matter. Additionally, programs that combine other  
21 approved programs into a single program do not allot sufficient time to some course-  
22 critical objectives. For example, Electronics Tester includes 260 hours for Equipment  
23 Safety and Tool Use: Proper use of test equipment. But the Electronics Tester and  
24 Assembly Technician program only has 80 hours for this important subject. The same  
25 program objectives cannot be met given the dramatic reduction in required hours on the  
26 subject of safety and tool use.

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27 <sup>1</sup> The institution did ultimately send a revised syllabus to the Bureau after three deficiency letters, indicating  
28 that the Auto-Tech program is 600 hours; however, it does not appear class instruction is actually taking place, as  
described below.

1 c. The institution failed to communicate the intended career outcome of  
2 certain programs, in violation of Regulation 71475(t)(7). For example, the institution’s  
3 catalog represented that at the completion of the Professional Child Care program, the  
4 student would have earned 16 Early Education Units. However the institution was  
5 approved to offer a 480-hour Professional Child Care program, not 16 units in Early  
6 Education. The description of the Professional Child Care program and earning Early  
7 Education units is unclear and misleading.

8 d. The institution’s catalog indicates that classes are provided in English and  
9 Spanish, and that distance education is offered, despite the fact that these methods of  
10 instruction were not approved by the Bureau and the institution did not apply in writing  
11 for permission to change the mode of instruction, in violation of Regulation 71600(a).

12 e. The institution failed to comply with curricula requirements in violation of  
13 Regulation 71710, Regulation 71715(b), and Regulation 71475(u)(7), by failing to  
14 disclose curriculum creators and their qualifications; and by failing to provide curriculum  
15 for all education programs, including during an in-person visit to the institution’s main  
16 campus by a Bureau representative on June 29, 2022. Owner Martha Zapien alternately  
17 stated it had been created, it was being created, and it would be created and later admitted  
18 the only documents available for review at the time were out of date (having been created  
19 decades before).

20 f. The institution failed to maintain complete and accurate records of the  
21 educational programs offered by the institution and the curriculum for each program, a  
22 violation of Code section 94900.5.

23 **THIRD CAUSE FOR DENIAL OF APPLICATION**

24 **(Merging of Classes)**

25 38. Respondent's application is subject to denial under Code section 94891 and  
26 Regulation 71700, in conjunction with Code section 94898, subdivision (a) and Regulation  
27 71710, subdivisions (a)(1) and (a)(2), in that the institution follows a “rolling admissions” model,  
28 allowing a new student to join any course on any given Monday. This is problematic as some

1 subject areas may be missed because of the “rolling start” model employed; additionally,  
2 numerous programs offered by the institution require a student to be exposed to foundational  
3 ideas that they then later build on; they cannot successfully begin a program many weeks into the  
4 established sequence of subjects and modules.

5 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Untrue Statements Relating to Grades and Attendance)**

7 39. Respondent's application is subject to denial under Code section 94891 and  
8 Regulation 71700, in conjunction with Code section 94897, subdivision (j), in that student files  
9 reviewed on site indicate students maintained perfect attendance and earned A’s in some  
10 programs despite classes not being offered. One student, M.G., posted attendance for June 29,  
11 2022, even though the Bureau conducted an unannounced site visit this day and found the school  
12 to be closed. Despite the fact that some courses could not be offered either through direct  
13 instruction or online instruction due to COVID restrictions, lack of Bureau approval, and the  
14 program’s being inappropriate for delivery through distance education methods, more than a  
15 dozen other students were enrolled and graduated even though it was impossible to deliver these  
16 programs in compliance with the law. The institution has either been offering numerous programs  
17 in an unapproved method of instruction (distance education), or the institution is failing to instruct  
18 students altogether.

19 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

20 **(Unauthorized Instruction in Languages Other than English)**

21 40. Respondent's application is subject to denial under Code section 94891 and  
22 Regulation 71700, in conjunction with Regulations 71475(v) (regulating disclosures required if  
23 instruction in language other than English), 71600(a), and 71715(b), in that instruction is  
24 bilingual despite the fact that the Bureau has not approved this method of instruction, and it does  
25 not appear that all students are bilingual and therefore cannot benefit from portions of the  
26 instruction. Both the catalog and initial renewal application reference unapproved Spanish or  
27 bilingual instructions, and during the Bureau’s unannounced inspection on June 29, 2022, Owner  
28 Zapien stated that instruction is bilingual, English and Spanish.

1 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Failure to Provide Instruction and Show Faculty Qualifications)**

3 41. Respondent’s application is subject to denial Code section 94891 and Regulation  
4 71700, in conjunction with Code section 94897(j)(2) and Regulations 71715(b)-(c), 71475(x)  
5 (requiring statement of compliance with Regulation 71720 in application), 71700, and 71720(b)  
6 (regulating faculty requirements), in that during an unannounced Bureau visit on June 29, 2022,  
7 approved direct instruction was not observed as occurring during scheduled class times.  
8 Furthermore, attendance records were provided which showed student M.G. as having attended  
9 class that day, despite the fact that the school was closed, no faculty was present, and classes were  
10 not being provided. Additionally, the institution has failed to provide evidence that some of the  
11 faculty identified on the institution’s current class schedule are duly qualified and contracted to  
12 instruct, despite the Bureau’s request to do so.

13 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

14 **(Deficient Facilities and Equipment)**

15 42. Respondent's application is subject to denial under Code section 94891 and  
16 Regulation 71700, in conjunction with Regulations 71735(a) and (b) (requiring equipment and  
17 facilities to be well-maintained), 71740(b) (requiring a library and other learning resources), and  
18 71400.5 (misleading information in application is grounds for denial) in that many of the  
19 institution’s classrooms failed to meet the regulatory standard of classrooms and campus environs  
20 being well-maintained. During the Bureau’s June 29, 2022 visit, investigators found that more  
21 than half of the 13 classrooms noted in the catalog were not in useable condition, and the facilities  
22 were not “fully accessible to the disabled” as described in the catalog. Additionally, equipment  
23 identified by the institution in their application for renewal were not at the school during the  
24 Bureau’s visit. This equipment included a library of children’s books for the Professional  
25 Childcare program, a mannequin and wheelchair for the Medical Assistant program, and sewing  
26 machines for the Fashion Design and Sewing program.

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1 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Lack of Recordkeeping; Custodian of Records)**

3 43. Respondent's application is subject to denial under Code section 94891 and  
4 Regulation 71700, in conjunction with Code sections 94902(b)(1) (requiring School Performance  
5 Fact Sheet), 94910 (information required to be maintained in School Performance Fact Sheet),  
6 and 94897(k) (institution shall not conceal records), and Regulations 71930(a)&(e) (records shall  
7 be maintained and made available to the Bureau), 71475(dd)(1)&(2) (recordkeeping  
8 requirements), in that student files did not contain School Performance Fact Sheets. Additionally,  
9 during the Bureau's on site visit, the institution's owner attempted to conceal documents of record  
10 required to be maintained by refusing to show student files for students R.V. and M.R.G. to the  
11 Bureau investigator.

12 **NINTH CAUSE FOR DENIAL OF APPLICATION**

13 **(The Institution Has Outstanding Fees)**

14 44. Respondent's application is subject to denial under Code section 94891 and  
15 Regulation 71700, in conjunction with Code section 74000(d) (stating the Bureau shall deny an  
16 application if institution has outstanding fees) of the California Code of Regulations in that the  
17 institution owes the 2012 30-day penalty fee for the annual fee and the branch fee. The annual  
18 fee owed is \$82.50 and the branch fee owed is \$250.00.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Denying the application of California Premiere College for Renewal of Approval to Operate; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 6/2/2023

"Original Signature on File"  
DEBORAH COCHRANE  
Chief  
Bureau for Private Postsecondary  
Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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