



## CITATION ORDER

<b>Citation Issued To:</b> M-5 Training School of Protective Services 44806 Elm Avenue Lancaster, CA 93534  <b>Institution Code:</b> 86853439	<b>Citation Number:</b> 2324122
	<b>Total Fine Amount:</b> <span style="color: red; font-weight: bold;">\$8,002.00</span>
	<b>Order of Abatement Included:</b> Yes

Elizabeth Elias issues this 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

1. 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

2. The Institution has no prior discipline history.

### CITATION JURISDICTION

3. This administrative citation is issued to the Institution pursuant to 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.

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

4. 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**

5. In accordance with the provisions of CEC section 94936 and 5 CCR section 75020, 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 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](mailto:bppe.discipline@dca.ca.gov)
  - In the subject line, please include the Institution name and citation number.

### **COMPLIANCE WITH ASSESSMENT OF FINE**

6. In accordance with the provisions of CEC section 94936, and 5 CCR sections 75020 and 75030, 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 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**

7. You have the right to contest this citation through an informal conference with the Bureau pursuant to 5 CCR section 75020 and/or through an administrative hearing in accordance with Chapter 5 (Commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this citation, you may submit a written request to the Bureau or submit the enclosed *Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing* form within 30 days from the date of issuance of this citation.

Failure to submit a written request for an informal conference and/or administrative hearing within 30 days from the date of issuance of this citation will forfeit your ability to appeal the citation.

If a hearing is requested, you are not required to comply with this citation until a final order is entered against you.

### **COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE**

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

8. Pursuant to BPC section 125.9 and 5 CCR 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.

#### **BUREAU CONTACT INFORMATION**

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

“Original Signature on File”

1/25/2024

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Elizabeth Elias  
Enforcement Chief

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Citation Date of Issuance

#### Enclosures:

- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail