



## CITATION ORDER

<b>Citation Issued To:</b> BAMA Institute, LLC 530 Bush Street, Suite 301 San Francisco, CA 94108  <b>Institution Code:</b> 61543712	<b>Citation Number:</b> 2324005
	<b>Total Fine Amount:</b> <span style="color: red; font-weight: bold;">\$12,002.00</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 21, 2019, the Bureau renewed an Approval to Operate a Private Postsecondary Institution to BAMA Institute, (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about May 20, 2024, unless renewed.

### DISCIPLINE HISTORY

2. The Institution has the following discipline history:
  - [Citation No. 2122073 issued October 8, 2021](#)
    - Evidence of compliance; citation satisfied April 24, 2023

### 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 71745 (a)(c) – Financial Resources, in conjunction with CEC section 94885 (a)(6)(9) – Minimum Operating Standards**

**Cause for Citation:** On or about April 12, 2022, Bureau staff reviewed the Institution's 2020 audited financial statements which were submitted on February 1, 2022 and determined that the Institution's current assets to current liabilities ratio is 0.67 to 1. The Institution failed to maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater. In addition, on April 28, 2022, Bureau staff conducted an announced compliance inspection pursuant to CEC 94932.5 (a). During the inspection, Bureau staff requested a copy of the Institution's 2021 financial statements for review; however, the Institution failed to provide a copy upon request.

**Administrative Fine:** Pursuant to 5 CCR section 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 section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit the following:

1. Current financial statements for year-end 2022 which demonstrates compliance with 5 CCR section 71745 (a)(c).
2. In an electronic format, a roster of all currently enrolled students that includes the student: (1) names, (2) addresses, (3) telephone numbers, (4) email addresses, (5) program in which they are enrolled, (6) date of enrollment, (7) total cost of the program and (8) the total amount the student has paid.

**Violation #2:**

**5 CCR section 71600 (a) Application for Significant Change in Method of Instructional Delivery in conjunction with CEC section 94893 Authorization Required for Substantive Change and CEC section 94894 (g) Substantive Change Defined**

**Cause for Citation:** On or about April 28, 2022, the Bureau conducted an announced inspection. Bureau staff reviewed the Institution's website and found that the Institution is advertising a Phlebotomy program as hybrid (which combines in-person and online training) course. According to Bureau records, the Institution is only approved to offer an in-person Phlebotomy program. The Institution failed to notify the Bureau of the change in the method of instructional delivery.

**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 cease offering the hybrid Phlebotomy program. If the Institution wishes to offer distance-learning education, it must submit an "Application for Significant Change in Method of Instructional Delivery". The Institution shall not offer distance learning education and/or distance learning hours until approval from the Bureau is obtained.

Provide a roster of each student who has enrolled for the hybrid Phlebotomy program. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

The Institution shall submit a statement of attestation they have ceased offering the hybrid Phlebotomy program and have complied with the order of abatement. The statement of attestation shall be dated and signed by an authorized representative of the Institution.

**Violation #3:**

**CEC section 94900 (b)(1)(2)(3) Required Student Records**

**Cause for Citation:** On or about April 28, 2022, the Bureau conducted an announced inspection. Bureau staff reviewed student files and found that the files contained transcripts with a different institution name "Bay Area Medical Academy" when the transcript should have identified the Institution "BAMA Institute, LLC". The Institution representative was aware of the record keeping issues between the two institutions with similar name.

**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 \$1,000.00.

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

The Bureau orders the Institution to submit a statement of attestation they have ensured that all student file contains a transcript from the Institution. The statement of attestation must be dated and signed by an authorized representative of the Institution.

**Violation #4:**

**CEC section 94902 (b)(3)(a) General Enrollment Requirements**

**Cause for Citation:** On or about April 28, 2022, the Bureau conducted an announced inspection. Bureau staff reviewed student files and found that the files did not contain School Performance Fact Sheets (SPFS) with a different institution name "Bay Area Medical Academy" when the SPFS should have identified the Institution "BAMA Institute, LLC". The Institution representative was aware of the record keeping issues between the two institutions with similar name.

**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 \$1,000.00.

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

The Bureau orders the Institution to submit a statement of attestation they have ensured that all student file contains SPFS from the Institution. The statement of attestation must be dated and signed by an authorized representative of the Institution.

**Violation #5:**

**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 all components of the 2021 Annual Report which was due to the Bureau by December 1, 2022. A reminder notice was sent to the Institution on or about the following dates: June 28, 2022, July 14, 2022, and July 26, 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.

**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 – Cheryl Lardizabal

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 \$12,002.00 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 – Cheryl Lardizabal  
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**

8. Pursuant to BPC section 125.9 and 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.

### **BUREAU CONTACT INFORMATION**

9. If you have any questions regarding this Citation, please contact Cheryl Lardizabal, Citation Analyst by email at Cheryl.Lardizabal@dca.ca.gov or by phone at (916) 574-7427.

"Original Signature on File"

7/25/2023

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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