



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: PCOM Holdings, LLC, Owner
Pacific College of Health and Science
7445 Mission Valley Rd, Ste 105
San Diego, CA, 92108

INSTITUTION CODE: 3706241
CITATION NUMBER: 2021056
CITATION ISSUANCE/SERVICE DATE: August 19, 2020
DUE DATE: September 18, 2020
FINE AMOUNT: \$ 501.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to PCOM Holdings, LLC, Owner of Pacific College of Health and Science (Institution) located at 7445 Mission Valley Rd, Ste 105, San Diego, CA, 92108, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On May 9, 2018, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result of seven violations that were unable to be cleared before the end of the inspection, the Institution was issued Notice to Comply #CU 3706241 0518 (NTC). The Institution was given thirty days from the date of the inspection to either remedy all violations listed in the NTC or submit a written Notice of Disagreement. The Bureau did not receive a Notice of Disagreement, and the Institution was only able to clear one of the seven violations.

VIOLATION

#	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>Violation: CEC Section 94935(b)(h) – Notice to Comply <i>“(b) An institution that receives a notice to comply shall have no more than 30 days from the date of inspection to remedy the noncompliance.</i> <i>(h) If an institution fails to comply with a notice to comply within the prescribed time, the bureau shall take appropriate administrative enforcement action.”</i></p>

The Institution failed to comply with the NTC within the prescribed time of 30 days. The Institution was unable to submit proof of compliance with the following laws and regulations:

5, CCR Section 71800(b) – Enrollment Agreement

In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:

(b) Period covered by the enrollment agreement

5, CCR Section 71800(e)(11) – Enrollment Agreement

In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:

(e) Itemization of all institutional charges and fees including, as applicable:

(11) Student Tuition Recovery Fund fee (non-refundable);

5, CCR Section 76140(a) – Record-Keeping Requirements

(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:

5, CCR Section 76140(b) – Record-Keeping Requirements

(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.

CEC Section 94913(a)(3) – Institutional Web Site Requirements

(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:

(3) Student brochures offered by the institution.

CEC Section 94897(o) – Prohibited Business Practices

An institution shall not do any of the following:

(o) Require a prospective student to provide personal contact information in order to obtain, from the institution's Internet Web site, educational program information that is required to be contained in the school catalog or any information required pursuant to the consumer information requirements of Title IV of the federal Higher Education Act of 1965, and any amendments thereto.

Order of Abatement:

The Institution shall submit proof of compliance with all NTC violations listed above. (See attached NTC)

Assessment of Fine

The fine for this violation is \$501.00

TOTAL ADMINISTRATIVE FINE DUE: \$501.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$501.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; 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 must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **September 18, 2020**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **August 19, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 18, 2020**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“8/19/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Notice to Comply #CU 3706241 0518
- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- 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