



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

February 11, 2021

Shin Shin General Electric, Inc., Owner
Shin Shin Training Center
2090 Warm Springs Court, Suite 232
Fremont, CA, 94539

Date of Issuance	Citation Number	Institution Code
February 11, 2021	2021096	4307401

On December 10, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021096 (Citation) against Shin Shin General Electric, Inc., Owner of Shin Shin Training Center (Institution). In attendance were Beth Scott, Enforcement Chief and Jian Li, Manager.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021096.

It is the decision of the Enforcement Chief that on January 29, 2021, Citation No. 2021096 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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><u>Violation:</u> 5, CCR 71750(f)- Withdrawals and Refunds <i>(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year.</i></p> <p>The Institution failed to maintain a cancellation and withdrawal log.</p> <p><u>Order of Abatement:</u> the Bureau orders that the Institution submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 71750.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$100.00</u></p>

2. **Dismissed:**

Violation:

5, CCR 71920(b)(1)(A)(5)(A)- Student Records

(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;

(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:

(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;

5, CCR, 71930 (a)(b)(1)(e) – Maintenance of Records.

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

(b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of the Code, the institution shall maintain for a period of 5 years the pertinent student records described in Section

71920 from the student's date of completion or withdrawal.

(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.

CEC Section 94900 (b)(1)(2)(3) – Required Student Records

(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:

(1) The degree or certificate granted and the date on which that degree or certificate was granted

(2) The courses and units on which the certificate or degree was based.

(3) The grades earned by the student in each of those courses.

Bureau staff reviewed student files and found that the Institution failed to include verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ATB test, transcripts and a record of the certificate granted by the Institution.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with 5, CCR section 71920, 71930 and CEC section 94900.

Reason for modification: New substantive facts were presented at the conference.

Assessment of Fine

The fine for this violation is \$1,250.00

The administrative fine for this violation has been modified from \$1,250.00 to \$00.00.

3.

Violation:

5, CCR Section 74112 (m)(1-9) - Uniform Data- Annual Report, Performance Fact Sheets

“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

- (1) the list of job classifications determined to be considered gainful employment for the educational program;*
- (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;*
- (3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;*
- (4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact’s phone number and email address, and all written communication with employer verifying student’s employment or salary;*
- (5) for students who become self-employed, all documentation necessary to demonstrate self-employment;*
- (6) a description of all attempts to contact each student. or employer;*
- (7) any and all documentation used to provide data regarding license examinations and examination results;*
- (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and*
- (9) the name, email address, phone number, and position or title of the institution’s representative who was primarily responsible for obtaining the students’ completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.*

CEC Section 94929.7 (a)(1)(2)- Documentation of Performance Data

“(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:

- (1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.*
- (2) Be retained in an electronic format and made available to the bureau upon request.”*

The Institution failed to collect and maintain all the required supporting documentation for the data in the 2016/2017 SPFS and failed to retain the supporting documentation in an electronic format.

Order of Abatement:

The Bureau orders the Institution to electronically maintain documentation supporting all data reported in the SPFS and submit a written policy of how compliance with the 5, CCR section 74112 and CEC section 9492.7 will be maintained.

Assessment of Fine

The fine for this violation is \$1,250.00

Reason for modification: New substantive facts were presented at the conference.

	The administrative fine for this violation has been modified from \$1,250.00 to \$100.00.
	TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$200.00</u>

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **February 11, 2021**. The Order of Abatement and payment are due by **March 13, 2021**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“2/11/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail