



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

July 14, 2022

Jeffrey Mah, Owner  
 Vitality University  
 2499 Industrial Parkway West  
 Hayward, CA 94545

Date of Issuance	Citation Number	Institution Code
July 14, 2022	2122138	27129906

On May 13, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122138 (Citation) against Jeffrey Mah, Owner of Vitality University (Institution). In attendance were Ebony Santee, Licensing Chief, Dr. Jefferey Mah, Owner and Chief Executive Officer, and Lixin Zhang, Vice President.

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. 2122138.

It is the decision of the Licensing Chief that on June 17, 2022, Citation No. 2122138 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><b>WITHDRAWN</b></p> <p><b><u>Violation:</u></b>  <b>CEC Section 94932.5 – Announced and Unannounced Compliance Inspections</b>  <i>“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.”</i></p> <p><b>Bureau staff was unable to conduct an unannounced Compliance inspection at the Institution’s main location during normal business hours in accordance with CEC Section 94932.5.</b></p> <p><b><u>Order of Abatement:</u></b>            The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with CEC Section 94932.5.</p>

	<p><b><u>Assessment of Fine</u></b>  The fine for this violation is <u>\$5,000.00</u></p>
2.	<p><b>MODIFIED</b></p> <p><b><u>Violation:</u></b>  <b>5, CCR Section 74112 (m)(3)(4)(5)(6)(7)(8) – Uniform Data – Annual Report, Performance Fact Sheet</b></p> <p><i>“(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:</i></p> <p><i>(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;</i></p> <p><i>(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;</i></p> <p><i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i></p> <p><i>(6) a description of all attempts to contact each student. or employer;</i></p> <p><i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i></p> <p><i>(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;”</i></p> <p>During the Inspection, Bureau staff requested the supporting documentation to substantiate the data reported on the 2018-2019 SPFS. Bureau staff reviewed the documentation provided and found that the information was missing the following points:</p> <ul style="list-style-type: none"> <li>• (m)(3) graduate’s place of employment and position, date employment began, date employment ended;</li> <li>• (m)(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;</li> <li>• (m)(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</li> <li>• (m)(6) a description of all attempts to contact each student. or employer;</li> <li>• (m)(7) any and all documentation used to provide data regarding license examinations and examination results;</li> <li>• (m)(8) for each student determined to be unavailable for graduation or unavailable for</li> </ul>

employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability;”

Furthermore, the Institution Owner stated that students do not gain employment right after graduation, however they must work for a residence. In addition, the Institution Owner stated that they reached out to the students to obtain the information, however they were unable to provide the substantiating data.

**Order of Abatement:**

The Bureau orders the Institution to submit the missing information to substantiate the data reported on the 2018-2019 SPFS. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with 5, CCR Section 74112.

**Modified Order of Abatement:** The Bureau Orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with 5, CCR Section 74112.

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

**Assessment of Fine**

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$2,500.00.

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,500.00**

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:

Gabriella Perez, 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 **July 14, 2022**. The Order of Abatement and payment are due by **August 13, 2022**.

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 Gabriella Perez, Citation Analyst, at (916) 574-7429 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“7/14/2022”

\_\_\_\_\_  
**Christina Villanueva**  
**Discipline Manager**

\_\_\_\_\_  
**Date**

Enclosures

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail