



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
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CITATION: ORDER OF ABATEMENT

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

INSTITUTION CODE: 27129906

CITATION NUMBER: 2122070

CITATION ISSUANCE/SERVICE DATE: October 6, 2021

DUE DATE: November 5, 2021

FINE AMOUNT: \$ 00.00

ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Citation: 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 Jeffrey Mah, Owner of Vitality University, located at 2499 Industrial Parkway West, Hayward, CA 94545, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

All institutions are required to pay annual fee within 30 days of the date on which the Institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. An institution shall pay its annual fee in addition to any other applicable fees.

In accordance with 5, CCR Section 74006(a) and (b) and CEC Section 94930.5 (d)(1)(A), an institution shall pay its Annual Fee. As of September 2, 2021, the Bureau has not received the Annual Fee for the calendar year 2016 from Vitality University (institution), institution Code 27129906.

Pursuant to CEC section 94930.5 (g). effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus.

As of October 6, 2021, the Bureau has not received the 2016 annual fee from the institution.

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><u>Violation:</u></p> <p>5, CCR 74006(a) and (b) - Annual Fee</p> <p><i>“(a) An institution’s annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval.</i></p> <p><i>(b) An institution shall pay its annual fee in addition to any other applicable fees.”</i></p> <p>CEC 94930.5 (d)(1)(A)(g)- Fee Schedule</p> <p><i>“(d) (1) In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c), inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of the following:</i></p> <p><i>(A) An annual fee for each campus designated by the institution as a main campus location in California, in an amount equal to 0.45 percent of the campus’ total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000).</i></p> <p><i>(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus’ total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus.”</i></p> <p>5, CCR 74000(e)(1)- Fees and Penalties</p> <p><i>“(e)(1) If an institution fails to pay any fee and any penalty fees timely, the Bureau may initiate proceedings to revoke the institution’s approval to operate for failure to pay fees.”</i></p> <p>CEC Section 94931(b)- Late Payment</p> <p><i>“(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee.”</i></p> <p>The institution failed to pay its Annual Fee for 2016.</p> <p>On October 24, 2018, the Institution was notified Invoice # 900337541 via mail at, 2304 S. El Camino Real, San Mateo, CA 94403, stating that the annual fee for calendar year 2016 was due on December 1, 2018.</p> <p>As of October 6, 2021, the Bureau has not received the 2016 annual fee from the Institution.</p> <p><u>Order of Abatement:</u></p> <p>The Bureau orders the Institution to submit its annual fees for calendar year 2016 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(d)(1)(A)(g). In addition, the Institution must pay all late payment penalty fees.</p> <p><u>Assessment of Fine</u></p> <p>The fine for this violation is <u>\$00.00</u></p>

TOTAL ADMINISTRATIVE FINE DUE: \$00.00

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 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 **November 5, 2021**, 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 **October 6, 2021**. Evidence of compliance with the order(s) of abatement shall be due by **November 5, 2021**.

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.

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”

“10/6/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail