

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

May 21, 2013

William Nelson & Lla Nelson, 34.5% Owner
Donna Woo, 34.5% Owner
Ron VonSooston, 18% Owner
Syble Taylor, 13% Owner
Pacific College, Inc.
3160 Red Hill Avenue
Costa Mesa, CA 92626

| Date of Issuance | Citation No. | Institution Code No. |
|------------------|--------------|----------------------|
| 05/21/13 | 1213014 | 3009311 |

On April 29, 2013, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement (Citation) No. 1213014 against William Nelson & Lla Nelson, 34.5% Owner; Donna Woo, 34.5% Owner; Ron VonSooston, 18% Owner; and Syble Taylor, 13% Owner; of Pacific College, Inc. (Institution). In attendance were Laura Metune, Bureau Chief; Kurt Heppler, DCA Legal Counsel; and William Nelson and Donna Woo, owners of the Institution; and David Walker, Institution Director of Education.

Pursuant to Business and Professions Code, Section 125.9; California Education Code, Section 94936; and California Code of Regulations, Section 75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of Citation No. 1213014.

It is the decision of the Bureau Chief that on May 21, 2013, Citation No. 1213014 is modified and makes following changes:

VIOLATION CODE SECTIONS

| # | Below you will find the section(s) of the California Education Code (CEC) and the California Code of Regulations (CCR) you are charged with violating and any modifications. |
|----|--|
| 1. | <p>Modified</p> <p><u>Violation of CCR §76140(a)(4)(5)(6)(9)(11)(12)(13) – Record-Keeping Requirements.</u> “(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: (4) Local or mailing address, (5) Address at the time of enrollment, (6) Home address, (9) Amount of STRF assessment collected, (11) Third-party payer identifying information, (12) Total institutional charges charged, and (13) Total institutional charges paid.”</p> <p>The Institution has come into compliance with CCR §76140(a)(4),(5),(6),(9),(11),(12),(13). The Bureau</p> |

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| | <p>orders that Institution maintain compliance with this code section.</p> <p>Reason for modification: On, May 14, 2013, the Bureau received a sample of an enrollment agreement showing an itemization of total institutional fees which included a "Non-refundable, \$.50 for every \$1,000 rounded to the nearest \$1,000" Student Tuition Recovery Fund fee assessed at \$13.50 for a tuition amount of \$26,811.50. After review, it was determined that the enrollment agreement demonstrated a STRF assessment fee separately charged to the student and not paid by the Institution.</p> <p>On, May 16, 2013, the Bureau received an electronic "STRF Assessment Data Report for the 1st Qtr (1/1/13 to 3/30/13)" to substantiate the data reported on the STRF Assessment Report Form. After review it was determined that the STRF documentation contained all data elements and the data elements, required by CCR §76140, were accurate.</p> <p>The administrative fine for this violation has been modified from \$500.00 to <u>\$0.00</u>.</p> |
| <p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$0.00</u></p> | |

APPEAL OF CITATION

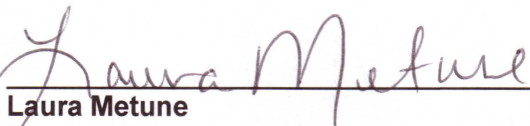
You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. 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.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

If you withdraw your request for an appeal through administrative hearing, this modified Citation is effective on **May 21, 2013** and payment of fine due by **June 20, 2013**.

If you have any questions regarding this decision or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or at Janel.Quayle@dca.ca.gov.



 Laura Metune
 Bureau Chief

5/21/13

 Date

Enclosures

- Withdrawal – Request for Administrative Hearing
- Copy of Citation No. 1213014
- Declaration of Service by Certified and First Class Mail