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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:
VALLEY SCHOOL OF ALLIED HEALTH
Application for Renewal of Approval to
Operate and Offer Education Programs for
Non-Accredited Institutions Applicant

Respondent.

Case No. 1001039
OAH No. 2016080232
DEFAULT DECISION AND ORDER
[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about March 2, 2017, Complainant Joanne Wenzel, in her official capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer Affairs, filed First Amended Statement of Issues No. 1001039 against Valley School of Allied Health (Respondent) before the Director of Consumer Affairs.
2. On or about April 13, 2012, Respondent filed an application dated April 9, 2012, with the Director of Consumer Affairs to obtain a Renewal of Approval to Operate and Offer Education Programs for Non-Accredited Institutions.
3. On or about August 17, 2015, the Bureau issued a letter denying Respondent's application for a Renewal of Approval to Operate and Offer Education Programs for Non-Accredited Institutions. On or about September 17, 2015, Respondent appealed the Bureau's

1 denial of their application and requested a hearing.

2 4. On or about March 2, 2017, an employee of the Department of Justice, served by
3 Certified and First Class Mail a copy of the First Amended Statement of Issues No. 1001039,
4 Statement to Respondent, Notice of Defense, and Request for Discovery to Respondent's address
5 on the application form, which was and is 18107 Sherman Way, Suite 101 Reseda, CA 91335.

6 The employee also served additional known addresses for Respondent. A copy of the First
7 Amended Statement of Issues is attached as Exhibit A, and is incorporated herein by reference.

8 5. Service of the First Amended Statement of Issues was effective as a matter of law
9 under the provisions of Government Code section 11505, subdivision (c).

10 6. On or about September 17, 2015, Respondent appealed the denial of their application
11 and requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's
12 address on the application and it informed them that an administrative hearing in this matter was
13 scheduled for August 16, 2017.

14 7. The matter was called for hearing at the date, time and location set forth in the Notice
15 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
16 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
17 default was declared and on motion of counsel for Complainant, the matter was remanded to the
18 Bureau under Government Code section 11520.

19 8. Business and Professions Code section 118 states, in pertinent part:

20 (a) The withdrawal of an application for a license after it has been filed with a
21 board in the department shall not, unless the board has consented in writing to such
22 withdrawal, deprive the board of its authority to institute or continue a proceeding
23 against the applicant for the denial of the license upon any ground provided by law or
24 to enter an order denying the license upon any such ground.

23 9. Government Code section 11506(c) states, in pertinent part:

24 (c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense . . . and the notice shall be deemed a specific denial of all
26 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
27 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
28 discretion may nevertheless grant a hearing.

27 10. California Government Code section 11520(a) states, in pertinent part:

28 (a) If the respondent either fails to file a notice of defense . . . or to appear at

1 the hearing, the agency may take action based upon the respondent's express
2 admissions or upon other evidence and affidavits may be used as evidence without
3 any notice to respondent

4 11. Pursuant to its authority under Government Code section 11520, the Bureau finds
5 Respondent is in default. The Bureau will take action without further hearing based upon the
6 allegation set forth in the First Amended Statement of Issues and Respondent's failure to establish
7 entitlement to issuance of a license.

8 **DETERMINATION OF ISSUES**

9 1. Based on the foregoing findings of fact, Respondent has subjected its application for a
10 Renewal of Approval to Operate and Offer Education Programs for Non-Accredited Institutions
11 to denial.

12 2. Service of First Amended Statement of Issues No. 1001039 and related documents
13 was proper and in accordance with the law.

14 3. The agency has jurisdiction to adjudicate this case by default.

15 4. The Director of Consumer Affairs is authorized to deny Respondent's application for
16 licensure based upon the following violations alleged in the First Amended Statement of Issues:

- 17 a. Respondent's application is subject to denial under section 94891, subdivision
18 (b) of the Code and California Code of Regulations, title 5, sections 71475,
19 subdivision (i), 71140 subdivision (c), and 71730 in that Respondent did not
20 properly describe the organization and management.
- 21 b. Respondent's application is subject to denial under section 94891, subdivision
22 (b) of the Code and California Code of Regulations, title 5, sections 71475,
23 subdivision (n), 71170, and 71705 in that the institution failed to provide an
24 updated mission statement.
- 25 c. Respondent's application is subject to denial under sections 94891, subdivision
26 (b), and 94906, subdivisions (a) and (b) of the Code in that the institution did
27 not provide sufficient information in the exemplars of student agreement.
- 28 d. Respondent's application is subject to denial under section 94891, subdivision
(b) of the Code and California Code of Regulations, title 5, sections 71475,

1 subdivision (y)(4), 71260, subdivision (a)(d), and 71735, subdivision (a) in that
2 the institution failed to clearly identify the facilities and equipment.

3 e. Respondent's application is subject to denial under section 94891, subdivision
4 (b) of the Code and California Code of Regulations, title 5, section 71810,
5 subdivision (b)(2) in that the institution failed to provide the proper information
6 in the catalog.

7 f. Respondent's application is subject to denial under sections 94891, subdivision
8 (b) and 94900 of the Code and California Code of Regulations, title 5, sections
9 71920 and 71475, subdivision (dd) in that the institution failed to properly
10 account for student records and recordkeeping.

11 g. Respondent's application is subject to denial under section 94891, subdivision
12 (b) of the Code and California Code of Regulations, title 5, sections 71320,
13 71760, and 71475, subdivision (ee) in that the institution did not identify
14 comprehensive self-monitoring procedures.

15 h. Respondent's application is subject to denial under sections 94891, subdivision
16 (b) and 94910 of the Code and California Code of Regulations, title 5, section
17 74112 in that the institution did not provide sufficient information in the School
18 Performance Fact Sheets.

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ORDER

IT IS SO ORDERED that the application of Respondent Valley School of Allied Health, Nonylon Pedraja and Cora Fajardo is hereby denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on DEC 15 2017

It is so ORDERED November 10, 2017



RYAN MARCROFT
Deputy Director
Legal Affairs Division
Department of Consumer Affairs

DOJ docket number: LA2015603991

Attachment:

Exhibit A: First Amended Statement of Issues No.1001039

Exhibit B: Office of Administrative Hearings Court Reporter Information and Billing

Detail