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

12 In the Matter of the Accusation Against:	Case No. BPPE23-0976
13 EDWARDS MEDICAL TRAINING	ACCUSATION
14 CENTER,	
15 1913 O'Toole Way	
16 San Jose, CA 95131	
17 Approval to Operate No. 93198023	
18 Respondent.	

18 **PARTIES**

19 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
20 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of
21 Consumer Affairs.

22 2. On or about December 16, 2019, the Bureau issued Approval to Operate Number
23 Institution Code 93198023 to Edwards Medical Training Center (Respondent), owned by
24 Edwards Medical Training Center, Inc. The Approval to Operate was in full force and effect at
25 all times relevant to the charges brought in this Accusation, and will expire on December 15,
26 2024, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Director of the Department of Consumer

1 Affairs (Director) for the Bureau, under the authority of the following laws. All section
2 references are to the Education Code (Code) unless otherwise indicated.

3 4. Business and Professions Code section 118, subdivision (b), provides that the
4 suspension, expiration, surrender, or cancellation of a license shall not deprive the Bureau of
5 jurisdiction to proceed with a disciplinary action during the period within which the license may
6 be renewed, restored, reissued or reinstated.

7 5. Section 94875 provides that the Bureau shall regulate private postsecondary
8 educational institutions.

9 6. Section 94877 states, in relevant part, that:

10 (a) The bureau shall adopt and shall enforce regulations to implement this chapter
11 pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section
11340) of Part 1 of Division 3 of Title 2 of the Government Code).

12 (b) The bureau shall develop and implement an enforcement program, pursuant to
13 Article 18 (commencing with Section 94932) to implement this chapter . . .

14 **STATUTORY PROVISIONS**

15 7. Section 94932 states:

16 The bureau shall determine an institution's compliance with the requirements of
17 this chapter. The bureau shall have the power to require reports that institutions shall
18 file with the bureau in addition to the annual report, to send staff to an institution's
19 sites, and to require documents and responses from an institution to monitor
20 compliance. When the bureau has reason to believe that an institution may be out of
21 compliance, it shall conduct an investigation of the institution. If the bureau
22 determines, after completing an investigation, that an institution has violated any
23 applicable law or regulation, the bureau shall take appropriate action pursuant to this
24 article.

25 **REGULATORY PROVISIONS**

26 8. Title 5, California Code of Regulations, section 74006, states in relevant part:

27 (a) An institution's annual fee is due within 30 days of the date on which the
28 institution originally receives its approval to operate and each year thereafter on the
anniversary of the date of the original approval.

(b) An institution shall pay its annual fee in addition to any other applicable fees.

9. Title 5, California Code of Regulations, section 76130 states:

(a)(1) A qualifying institution shall collect the assessment from each student in an
educational program at the time it collects the first payment from or on behalf of the

1 student at or after enrollment. The assessment shall be collected for the entire period of
2 enrollment, regardless of whether the student pays the institutional charges in increments.

3 (2) The assessment to be collected from a re-enrolling student shall be limited to any
4 amount that is due after crediting any prior assessment amount paid by the student. The
5 enrollment agreement shall clearly identify any prior STRF assessment paid by the student.

6 (b) A qualifying institution shall complete the STRF Assessment report and remit it
7 with the STRF assessments collected from students to be received by the Bureau no later
8 than the last day of the month following the close of the quarter as follows:

- 9 (1) April 30 for the first quarter,
- 10 (2) July 31 for the second quarter,
- 11 (3) October 31 for the third quarter, and
- 12 (4) January 31 for the fourth quarter.

13 If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date
14 shall be extended to the next regular business day for the Bureau.

15 (c) The STRF Assessment report shall contain the following information:

- 16 (1) Total number of students who signed enrollment agreements for educational
17 programs during the reporting period; and
- 18 (2) Total number of students eligible for STRF who signed enrollment agreements for
19 educational programs during the reporting period; and
- 20 (3) The total number of students who signed their enrollment agreement during the
21 reporting period, were eligible for STRF, and who made their first payment during the
22 reporting period; and
- 23 (4) The total number of students who signed their enrollment agreement in a previous
24 reporting period, were eligible for STRF, and who made their first payment during the
25 current reporting period; and
- 26 (5) Total amount of institutional charges after rounding each student's institutional
27 charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was
28 collected in the reporting period; and
- 29 (6) Current contact telephone number of the person preparing the form; and
- 30 (7) A declaration dated and signed under penalty of perjury by the person preparing
31 the form that the form and any attachments are true and correct.

32 (d) In the event of a school closure, any collected assessments shall be remitted to the
33 Bureau within seven days following the cessation of instruction.

34 (e) Submission of all prior reports and assessments required by this section is a
35 condition of renewal.

36 **COST RECOVERY**

37 10. Section 94937, subdivision (d), provides that the Bureau may seek reimbursement

1 costs of investigation and enforcement pursuant Business and Professions Code section 125.3.

2 11. Business and Professions Code section 125.3 provides, in pertinent part, that the
3 Board may request the administrative law judge to direct a licentiate found to have committed a
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
5 investigation and enforcement of the case, with failure of the licentiate to comply subjecting the
6 license to not being renewed or reinstated. If a case settles, recovery of investigation and
7 enforcement costs may be included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**
9 (Failure to Comply with Citation No. 2223035)

10 12. Respondent's approval to operate is subject to disciplinary action under Title 5,
11 California Code of Regulations, section 75050, subdivision (b), in that it failed to comply with
12 Citation and Order of Abatement No. 2223035. The circumstances are as follows:

- 13 a. On April 21, 2023, the Bureau issued Citation No. 2223035 to Respondent for failure
14 to submit all components of its 2020 and 2021 Annual Reports, as well as for failure
15 to submit its Student Tuition Recovery Fund (STRF) Assessment Reporting Forms
16 and STRF assessments collected from students for the fourth quarter 2021, and
17 second and fourth quarter 2022 reporting periods. Additionally, Respondent failed to
18 pay its 90-day late payment penalty fee for failure to pay its 2021 Annual Fee on
19 time, as well as the Annual Fee and late payment penalty fee for the 2022 calendar
20 year.
- 21 b. Citation 2223035 also included violations for failure to timely comply with a Notice
22 to Comply issued to Respondent during an announced compliance inspection
23 conducted on October 31, 2022, as well as failure to provide self-monitoring
24 procedures upon request, and failure to provide records upon request during the
25 inspection, including current financial statements, a school catalog, and an enrollment
26 agreement.
- 27 c. The Bureau issued an administrative fine of \$15,500.00, and ordered Respondent to
28 submit the required Order of Abatement items.

- 1 d. The Respondent did not appeal the Citation.
- 2 e. The Bureau mailed demand letters for payment of fine and order of abatement on
- 3 June 21, 2023, September 27, 2023, and November 6, 2023.
- 4 13. To date, Respondent has failed to respond to the demand letters or comply with
- 5 Citation No. 2223035.

6 **DISCIPLINE CONSIDERATIONS**

7 14. To determine the degree of discipline, if any, to be imposed on Respondent,

8 Complainant alleges that on or about October 15, 2020, in a prior action, the Bureau for Private

9 Postsecondary Education issued Citation Number 2021117. The Order of Abatement

10 accompanying Citation Number 2021117 required Respondent to submit STRF Assessment

11 forms with the STRF Assessments collected for the Fourth Quarter of 2019, and the First and

12 Second Quarters of 2020; pay its late payment penalty fee for calendar year 2019; and pay a

13 \$50.00 fine. That Citation was satisfied on April 6, 2021, and is now final.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this

16 Accusation, and that following the hearing, the Director of the Department of Consumer Affairs

17 issue a decision:

- 18 1. Revoking or suspending Approval to Operate Number 93198023, issued to Edwards
- 19 Medical Training Center, owned by Edwards Medical Training Center, Inc.;
- 20 2. Ordering Edwards Medical Training Center to pay the Bureau for Private
- 21 Postsecondary Education the reasonable costs of the investigation and enforcement of this case,
- 22 pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/15/2024

"Original Signature on File"
DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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