



MODIFIED CITATION ORDER

Citation Issued To: Bastyr University 4106 Sorrento Valley Blvd. San Diego, CA 92121 Institution Code: 73713030	Citation Number: 24250055
	Total Fine Amount: \$10,504.00
	Order of Abatement Included: Yes

Elizabeth Elias issues this modified citation in her official capacity as Deputy Bureau Chief of Enforcement at the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

- On or about October 22, 2020, the Bureau renewed an Accredited Approval to Operate a Private Postsecondary Institution, Institution Code 73713030, to Bastyr University, hereinafter referred to as the "Institution." This Approval to Operate will expire on or about December 31, 2026, unless renewed.

DISCIPLINE HISTORY

- The Institution has no prior discipline history.

CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CITATION HISTORY

- On or about September 19, 2024, the Bureau issued Citation No. 24250055. On or about October 14, 2024, the Bureau received an appeal with a request for an informal conference. The informal conference was held on November 14, 2024. New substantive facts were presented during the informal conference; therefore, the Bureau modifies the citation as follows:

**CAUSE FOR CITATION &
MODIFIED ASSESSMENT OF FINE AND/OR ORDER OF ABATEMENT**

5. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

CEC section 94902 (b)(1)(3) – General Enrollment Requirements and CEC section 94912 – Signature, Initials Required

Cause for Citation: On or about January 17, 2024, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff reviewed three graduate student files and found that all student files reviewed did not contain signed School Performance Fact Sheets (SPFS).

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class B” violation. The Institution is issued a fine of \$1,001.00.

Administrative Fine: Affirmed

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC sections 94902 and 94912. The Institution must submit a statement of attestation that they have corrected the violation and will ensure that all student records contain signed SPFS. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: The Order of Abatement has been satisfied.

Violation #2:

CEC section 94902 (a) - General Enrollment Requirements

Cause for Citation: On or about January 17, 2024, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff reviewed three graduate student files and found that one of the student files reviewed did not contain a signed enrollment agreement.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$5,000.00.

Administrative Fine: Affirmed.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC section 94902. The Institution must submit a statement of attestation that they have corrected the violation and will ensure that all student records contain signed enrollment agreements. The statement of attestation must be signed and dated by an authorized representative of the Institution.

Order of Abatement: The Order of Abatement has been satisfied.

Violation #3:

5 CCR section 71920 (b)(10) – Student Records and CCR, 5 CCR section 71930 (a) – Maintenance of Records

Cause for Citation: On or about January 17, 2024, the Bureau conducted an announced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff reviewed one dropped/withdrawn student file and determined that the file failed to include a document consistent with 5 CCR section 71920 (b)(10).

Administrative Fine: Pursuant to 5, CCR 75030, the Bureau has determined this to be a "Class B" violation. The Institution is issued a fine of \$1,001.00.

Administrative Fine: Affirmed

Order of Abatement: Pursuant to 5, CCR 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CCR, Title 5, section 71920 and 71930. The Institution must submit a statement of attestation they have corrected the violation and ensured that all student records contain refund information. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: The Order of Abatement has been satisfied.

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Violation #4:

5 CCR section 71930 (e) – Maintenance of Records

Cause for Citation: On or about January 17, 2024, the Bureau conducted an announced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff requested to review three dropped/withdrawn student files but was only provided with one dropped/withdrawn student file for review. The Institution did not make additional dropped/withdrawn student files immediately available for inspection during normal business hours.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class D” violation. The Institution is issued a fine of \$500.00.

Administrative Fine: Affirmed

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records are made immediately available for inspection pursuant to CCR, Title 5, section 71930. The Institution must submit a statement of attestation they have corrected the violation. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: The Order of Abatement has been satisfied.

Violation #5:

5 CCR section 74112 (m) (1-9) - Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (a)(e) – Maintenance Records

Cause for Citation: Prior to the scheduled compliance inspection, Bureau staff requested supporting documentation for the Institution’s 2021/2022 SPFS. The spreadsheet provided failed to include the required data points pursuant to 5 CCR section 74112 (m) (1-9).

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class A” violation. The Institution is issued a fine of \$2,501.00.

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Administrative Fine: Affirmed

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by providing an electronic copy of the template used by the Institution to document supporting data for SPFS, for the Bureau to verify the Institution is collecting the required data points pursuant to 5 CCR section 74112.

In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the supporting data for SPFS is maintained and immediately available during an inspection. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: The Order of Abatement has been satisfied.

Violation #6:

5 CCR section 76130 – Collection and Submission of Assessments

Cause for Citation: The Institution failed to submit the Student Tuition Recovery Fund (STRF) Assessment Reporting form and the collection of assessment fees, if applicable, for the 2nd quarter reporting period of 2024.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class D” violation. The Institution is issued a fine of \$500.00.

Administrative Fine: Dismissed

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit the STRF Assessment Reporting form and the collection of assessment fees, if applicable, for the 2nd quarter reporting period of 2024.

Order of Abatement: Dismissed

Violation #7: 5 CCR section 74006 (a), (b) – Annual Fee in conjunction with CEC 94931(a) – Late Payment
Cause for Citation: On February 7, 2022, the Bureau received payment from the Institution for its annual fee for calendar year 2022. However, the Institution failed to pay its 30-day late payment penalty fee for the 2022 calendar year.
Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class C” violation. The Institution is issued a fine of \$501.00.
Administrative Fine: Affirmed
Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement: The Bureau orders the Institution to pay the 30-day late payment penalty fee for the 2022 calendar year.
Order of Abatement: Affirmed

COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau 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 issuance of this modified citation. Evidence of compliance with the order of abatement may sent by mail or email to:
- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Aspen Grambusch
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
 - Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in the total amount of \$10,504.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of service of this modified citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Aspen Grambusch
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

8. Pursuant to 5 CCR section 75040(d), the modified decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a hearing.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

9. Pursuant to 5 CCR section 75050, payment of the fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

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BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Aspen Grambusch, Citation Analyst by email at Aspen.Grambusch@dca.ca.gov or by phone at (279) 895-6005.

“Original Signature on File”

11/21/2024

Elizabeth Elias
Deputy Bureau Chief of Enforcement

Citation Date of Issuance

Enclosures:

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