

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

In the Matter of the Accusation Against:)	Case No. 1000697
)	
PREFERRED COLLEGE OF NURSING)	OAH No. 2017040205
)	
7400 Van Nuys Boulevard, Suite 207 Van Nuys, CA 91405)	DEFAULT DECISION AND ORDER
)	
Bernadita R. Sanchez, Anthony Sanchez, Bernard Mathew Sanchez, Fernando Sanchez, Giovanni Sanchez, Kristina Ultra, and Mark Sanchez, Owners)	[Gov. Code, § 11520]
)	
Institution Code No. 1927791)	
)	
Respondents.)	
)	

FINDINGS OF FACT

1. On or about September 27, 2016, Complainant Joanne Wenzel, in her official capacity as the Bureau Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs, filed Accusation No. 1000697 against Preferred College of Nursing, Bernadita R. Sanchez, Bernard Mathew Sanchez, Fernando Sanchez, et al (Respondents) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)
2. On or about October 1, 1997, the Bureau for Private Postsecondary Education (Bureau) issued Approval to Operate Institution License No. 1927791 to Respondents.
3. On or about September 29, 2016, Respondents were served by Certified and First Class Mail copies of the Accusation No. 1000697, Statement to Respondent, Request for Discovery, Notice of defense (2 copies), and Government Code Sections 11507.5, 11507.6, and 11507.7 at Respondents' address of record which, pursuant to Education Code section 94943.5, is required to be reported and maintained with the Bureau. Respondents' address of record was and is:

7400 Van Nuys Boulevard, Suite 207
Van Nuys, CA 91405.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. Government Code section 11506, subdivision (c) states, in pertinent part:

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

6. Respondents filed the Notice of Defense; however, on or about May 3, 2017, Respondents filed Respondents' Withdrawal of Notice of Defense and Request for Hearing, and therefore waived their right to a hearing on the merits of Accusation No. 1000697.

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

(a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent

8. Pursuant to its authority under Government Code section 11520, the Director finds Respondents are in default. The Director will take action without further hearing based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, which includes:

Exhibit 1: Pleadings offered for jurisdictional purposes: Accusation No. 1000697, Statement to Respondent, Request for Discovery, Notice of Defense, Government Code sections 11507.5, 11507.6 and 11507.7, proof of service; and Respondent's Notice of Withdrawal of Notice if Defense/Request for Hearing;

Exhibit 2: License History Certification for Preferred College of Nursing., Approval to Operate Institution License No. 1927791;

Exhibit 3: Certification of Costs, Office of the Attorney General, dated May 31, 2017;

Exhibit 4: Investigative Report (without attachments) re: Complaint No. 1000697, dated March 1, 2016.

The Director finds that the charges and allegations in Accusation No. 1000697 are separately and severally, found to be true and correct by preponderance of the evidence.

9. A Certification of Costs for prosecution in the amount of \$4,995.00 as of May 31, 2017, was submitted as part of the evidence packet. Pursuant to Business and Professions Code section 125.3, it is hereby determined that there is prima facie evidence that the costs are reasonable. No Certification of Costs of investigation was submitted as part of the evidence packet.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondents Preferred College of Nursing, Bernadita R. Sanchez, Anthony Sanchez, Bernard Mathew Sanchez, Fernando Sanchez, Giovanni Sanchez, Kristina Ultra, and Mark Sanchez, Owners, have subjected their Approval to Operate Institution No. 1927791 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Director of Consumer Affairs is authorized to revoke Respondents' Approval to Operate based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. California Code of Regulations, title 5, section 71745, subdivision (a)(5) and (6) (Failure to Maintain Sufficient Financial Resources), and

b. Education Code section 94913, subdivision (a)(4) and (5) (Failure to Comply With Minimum Institutional Website Requirements).

ORDER

IT IS SO ORDERED that Approval to Operate Preferred College of Nursing, Institution Code No. 1927791, heretofore issued to Bernadita R. Sanchez, Anthony Sanchez, Bernard Mathew Sanchez, Fernando Sanchez, Giovanni Sanchez, Kristina Ultra, and Mark Sanchez, Owners, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents 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 Respondents. 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 AUG 20 2017.

IT IS SO ORDERED July 13, 2017



RYAN MARCROFT
Deputy Director, Legal Affairs
Department of Consumer Affairs

Attachments:

Exhibit A: Accusation