

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

In the Matter of the Citation Against:

MD MOBILE LABS, INC.,  
dba MD MOBILE LABS,

Case No. 1718054

OAH No. 2019011119

Respondent.

**PROPOSED DECISION**

This matter was heard by Julie Cabos-Owen, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, on May 15, 2019, in Los Angeles, California. Complainant was represented by William D. Gardner, Deputy Attorney General. MD Mobile Labs, Inc., dba MD Mobile Labs (Respondent), was represented by its owner and Chief Executive Officer, Rosa Provencio-Small (Ms. Small).

Oral and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on May 15, 2019.

**FACTUAL FINDINGS**

*Jurisdiction*

1. On July 25, 2018, Citation Number 1718054 (Citation) was issued to Respondent by Christina Villanueva (Complainant) while acting in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau or BPPE), Department of Consumer Affairs. The Citation was served on Respondent between July 25, 2018, and August 28, 2018.

2. Respondent appealed the Citation and this hearing ensued.

///

///

## *Background*

### RESPONDENT INFORMATION

3. Respondent is a corporation registered with the California Secretary of State. Articles of Incorporation were filed with the Secretary of State on February 24, 2015. A Statement of Information was filed on August 17, 2015, listing Ms. Smalls as the Chief Executive Officer, Chief Financial Officer, Secretary, and sole Director of Respondent. The “Type of Business” was listed as “phlebotomy service/training.” A Statement of Information filed on September 13, 2016 indicated that no changes had been made to any of the information in the August 17, 2015 Statement of Information.

4. Respondent is operated by Ms. Smalls.

5. There is no Bureau-approved institution with the name “MD Mobile Labs,” nor was there ever an application for approval sent by Respondent to the Bureau.

### HISTORY OF OTHER ENTITY OPERATED BY MS. SMALLS

6. The Bureau has a record for another entity run by Ms. Smalls, named Romona’s Vocational Schools, Inc. (Romona’s or RVS). RVS began operation in about 2001.

7. In 2005, Romona Lawson owned 66 percent of RVS, and Barbara Ayule owned 34 percent. Around that time, the curriculum changed focus from a variety of non-medical programs to medical programs.

8. In July 2012, an application for renewal of approval to operate RVS was sent to the Bureau. According to the application, all non-medical programs were discontinued.

9. Around November 2013, Ms. Smalls became the RVS contact for the Bureau.

10A.<sup>1</sup> At some point in time, Ms. Lawson apparently had approval from the California Department of Public Health, Laboratory Field Services (CDPH-LFS) to operate a phlebotomy training program until about November 2013.

10B. In April 2014, RVS, doing business as Health Career Specialist, was in the process of seeking renewal of approval from the CDPH-LFS to operate a phlebotomy training program. Judy Schlosser with the CDPH-LFS contacted Leeza Rifredi, Licensing Chief with the Bureau, to determine whether Health Career Specialist had Bureau approval to operate.

---

<sup>1</sup> The Bureau did not have a record of Ms. Lawson’s phlebotomy training program. At the hearing, Ms. Smalls provided the documentation on which Factual Findings 10A through 10H are based.

10C. On April 14, 2014, Ms. Schlosser sent Ms. Rifredi an email with the subject line “Health Career Specialist.” The email stated:

F.Y.I. We denied their renewal on August 6, 2013 and sent them the letter giving 90 [*sic*] for them to finish program. The denial was due to the fact that they were not approved by your agency yet. We kept the program going for as long as we could. Now I find out that they never stopped the phlebotomy program and Romona Lawson the coordinator is saying she got caught between two agencies and “what was I supposed to do” and that your agency said you were behind until July 2014. She seems to not understand what our letter meant. I don’t know who she talked to at your agency. Did they have approval to operate?

(Exhibit B.)

10D. On April 14, 2014, Ms. Rifredi responded to Ms. Schlosser’s email, asking: “Is this Romona’s Vocational Schools? If so, the institution has an approval to operate at this point but is going through the renewal process.” (Exhibit B.)

10E. On May 2, 2014, Ms. Smalls sent an email to Ms. Rifredi stating:

Can you please let us know what else is needed to complete our approval process. . . . [The CDPH-LFS] are not accepting the email as the BPPE completes the renewal process for RVS. We have students awaiting their phlebotomy license so they can start working and without BPPE providing something in a written letter [to] the LFS, they will not continue approving passed students’ applications.

We do not know what else to do and we do not want student [*sic*] suffering and unable to continue with their employment goals because LFS wants a letter from BPPE and will not accept the email from [Ms. Rifredi]. Please assist us with a letter indicating the process so LFS will be satisfied and finish processing the applications they have received from our prior students.

(Exhibit B.)

10F. In a May 5, 2014 email to Ms. Rifredi, Ms. Smalls explained that “LFS does not want to honor students [who] have completed their 80 hour program because they want a letter from the BPPE indicating RVS is under renewal. The LFS won’t honor your email indicating RVS is going through renewal and approved to operate.” (Exhibit B.)

//

10G. On May 7, 2014, Ms. Rifredi sent an email to Ms. Smalls with an attached May 7, 2014 letter. The letter was addressed to Ms. Lawson at RVS and stated:

This letter is confirmation that the [Bureau] received the Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions on November 16, 2012.

The Renewal Application was received by the Bureau within 6 months of the expiration date of October 26, 2012. Therefore, the institutional approval shall continue until such time as the Bureau processes the application. . . .

See attached documents outlining the remaining deficiencies that must be corrected to meet the minimum operating standards.

(Exhibit B.)

10H. On December 18, 2014, Ms. Schlosser sent a letter addressed to Ms. Smalls, as the “Contact Person,” and Michelle Woods, RN as the “Phlebotomy Program Director” for Romona’s Vocational School / dba Health Career Specialist. The letter confirmed that CDPH-LFS had received the phlebotomy program renewal application for “Romona’s Vocational School/dba Health Career Specialist Phlebotomy Training Program” and had renewed the program to train phlebotomists, “effective through December 18, 2016.” (Exhibit C.) The letter noted that “Reportable changes include: 1. Changes in the phlebotomy program director or instructor; 2. Change in ownership; 3. Change of address of the phlebotomy training program. . . .” (*Ibid.*)

11. On April 26, 2016, the Bureau recommended denial of RVS’s re-licensure. At that time, the Bureau determined that Ms. Smalls owned 50 percent of RVS and Ms. Lawson owned 50 percent, although no documentation had been provided by RVS to the Bureau about the change in ownership control. Additionally, the Bureau had no records connecting RVS with Health Career Specialist.

12. On April 11, 2017, RVS’s renewal application was denied.

#### *Complaint, Investigation, and Citation*

13A. On July 21, 2017, the Bureau received a complaint from Jill Mezzanotti (Mezzanotti), regarding a phlebotomy training program she attended at “Health Career Specialists (now called MD Mobile Labs in Downey Ca).” (Exhibit 3, p. AG 28.)

13B. After paying \$1,100 in tuition to “MD Mobile Labs” in February 2017 (Exhibit A), Mezzanotti attended Respondent’s phlebotomy training program in March of 2017.

13C. It was Mezzanotti’s understanding from Respondent’s online advertisements and representations by Ms. Smalls that the training program would include an internship which was required to become a certified phlebotomist. Ms. Mezzanotti believed that, upon completion of Respondent’s program, she would be eligible to become a state-certified phlebotomist. However, Respondent did not provide Mezzanotti with any internship opportunity, and therefore, after completing Respondent’s program, Mezzanotti was unable to become a certified phlebotomist.

14A. The cover of Respondent’s program handbook for 2017 appeared as follows:

Health Career Specialist  
“Fast Track Employment”

PROGRAM HANDBOOK  
2016-2017

Rose Smalls J.D., Director . . . []

MD Mobile Labs Inc.  
HEALTH CAREER SPECIALIST  
[] . . . []

(Exhibit 8, p. AG 57.)

14B. Throughout the 10-page handbook, the program provider is referred to as “Health Career Specialist.” For example:

#### APPROVALS

Health Career Specialist is registered with the State of California and was granted approved [*sic*] by the Laboratory Field Services Department of Health Services to provide required didactic and practical training leading towards receiving a State Certified Phlebotomy Technician I Certificate.

Health Career Specialist is a dba of Romona’s Vocational School. Romona’s Vocational School (RVS) was granted institutional approval from the [Bureau] and is a private institution that is approved to operate by the Bureau (Ed. Code 94909(a)(2)[]). The Bureau’s approval means that the institution is in compliance with the Private Postsecondary Act of 2009. Institutional approval must be renewed every five years and is subject to continuing review. . . .

(Exhibit 8, p. AG 59.)

15A. Respondent’s website noted that their program in phlebotomy training offered different types of certifications. On its home page, Respondent asserted, “MD Mobile Labs, formerly Health Career Specialists” is the areas [sic] most efficient and cost-effective health care training organization in the area.” (Exhibit 7, p. AG 50.) “Once you’ve graduated our program will help you get phlebotomy certification. This can give you a competitive edge when seeking employment with organizations like blood-donor clinics and hospitals.” (*Ibid.*)

15B. On August 7, 2017, Abby Boxwell, Enforcement Analyst with the Bureau, reviewed Respondent’s online presence. She determined that Respondent was offering classes and that the start date of the next program was August 8, 2017.

16. On August 8, 2017, Ms. Boxwell sent a letter by mail and email to Respondent and Ms. Smalls which stated, in relevant part:

The Bureau has evidence that MD Mobile Labs is advertising as a postsecondary educational institution without Bureau approval and offering educational programs that require Bureau approval.  
[] . . . []

MD Mobile Labs has not been issued Approval to Operate by the Bureau. Therefore, the Bureau hereby orders that you cease operating as a private postsecondary educational institution and submit evidence of compliance with this order to the Bureau within 30 days of the date of this order. This means you must stop enrolling students and cease all instructional services, advertising (including websites), programs, and/or operations. Operation without Bureau approval will subject you to a \$100,000.00 fine under section 94944 of the [Private Postsecondary Education] Act. . . .

(Exhibit 6, pp. AG 48-49.)

17A. On August 18, 2017, Ms. Smalls sent a letter to Ms. Boxwell, stating:

MD Mobile Labs, Inc., demands a re-track [sic] on the [Bureau] letter dated Tuesday, August 8, 2017. MD Mobile Labs, Inc., is not governed by the [Bureau]. MD Mobile Labs is a California Licensed Clinical Laboratory approved and therefore governed by CDPH Laboratory Field Services to offer phlebotomy training program.

[I]n addition, phlebotomy training programs operating in California must be approved by Laboratory Field Services. . . . Thus, not required, nor governed by the [Bureau].

[] . . . []

I demand immediate retraction of the statements . . . by the [Bureau].

(Exhibit 9, pp. AG 71-72.)

17B. Ms. Smalls August 18, 2017 letter also gave specific responses to the allegations leveled in the Bureau's August 8, 2017 letter as follows:

[Regarding the Bureau's assertion that it had evidence of Respondent advertising as a private postsecondary educational institution without Bureau approval and offering educational programs that require Bureau approval:]

This statement by the Bureau is clearly inaccurate, incorrect, misleading, negligent, and false. MD Mobile Labs demands immediate retraction. The assertion by the Bureau is factually untrue, and no such records exist. In addition, no such evidence of MD Mobile Labs, Inc., advertising as a private postsecondary education instruction [*sic*] and/or claims approval under the Bureau on the website exist. Clearly the [Bureau's] assertion qualifies as untrue. [] . . . []

[In response to the Bureau's assertion that MD Mobile Labs had not been issued Approval to Operate by the Bureau, and therefore, the Bureau ordered that Respondent cease operating as a private postsecondary educational institution, i.e., stop enrolling students and cease all instructional services, advertising (including websites), programs, and/or operations:]

This statement by the Bureau is clearly inaccurate, incorrect, misleading, negligent, and false. MD Mobile Labs demands immediate retraction. The assertion by the Bureau is factually untrue, and no such records exist. In addition, no such evidence of MD Mobile Labs, Inc., enrolling students and/or providing instructional services and/or advertising (including websites), programs, and/or operations as a private postsecondary education institution exists. . . .

(Exhibit 9, p. AG 72.)

17C. The August 18, 2017 letter further stated: "Therefore, MD MobileLabs, Inc., demands the [Bureau] to retract all false claims made in the letter dated Tuesday, August 8, 2017. Moreover, false claims made by the Bureau may qualify MD Mobile Labs, Inc. for financial reimbursement and/or damages." (Exhibit 9, p. AG 73.)

///

18. On August 23, 2017, Ms. Boxwell sent Ms. Smalls an email seeking proof of Respondent's licensure through CDPH-LFS. The email stated:

Thank you for your response. I will review this information and get back to you with any questions. At this time, I would like to request that you provide me with proof of proper licensure of MD Mobile Labs, Inc. with the California Department of Public Health and a statement or documentation from them indicating that your phlebotomy program is recognized by their office. Please supply me with that information as soon as possible and no later than August 30, 2017. I appreciate your help and will work toward closure of this matter upon receipt of the information requested.

(Exhibit 10, p. AG 74.)

19. On August 23, 2017, Ms. Boxwell also sent an email to CDPH-LFS informing them of her investigation and seeking verification of Respondent's purported licensure. The email stated:

I have a case I am working on regarding MD Mobile Labs. ....I contacted MD Mobile Labs and was informed by the person in charge that MD Mobile Labs does not require the Bureau's approval to provide a program in Phlebotomy. Please verify that this lab is properly licensed under CDPH and is approved to offer Phlebotomy programs without being approved by the [Bureau].

(Exhibit 12, p. AG 78.)

20. On August 30, 2017, Ms. Smalls sent Ms. Boxwell an email stating:

MD Mobile Labs received verbal authorization April 2017 from the [CDPH-LFS] to teach an 80 hour phlebotomy program under MD Mobile Labs['] moderate complexity lab.

MD Mobile Labs will provide the [Bureau] documentation, once the [CDPH-LFS] completes their review and notifies their Laboratory Licensing and Registration section.

(Exhibit 10, p. AG 75.)

21. On August 31, 2017, Ms. Boxwell sent Ms. Smalls an email stating, "At this time I must request all 2017 phlebotomy student rosters and enrollment agreements generated since January 1, 2017. Please have this information to me by September 14, 2017." (Exhibit 10, p. AG 76.)



22. In response to Ms. Boxwell's August 31, 2017 email, Ms. Smalls sent Ms. Boxwell a letter refusing to turn over the requested 2017 phlebotomy student rosters and enrollment agreements. The letter asserted:

MD Mobile Labs, Inc., maintains a reasonable expectation of privacy in their dealings. In addition, it is implied from the business-customer and/or student relationship that a business should not disclose customer and/or student information without authorization, and that any unauthorized disclosures could make MD Mobile Labs, Inc. subject to liability for breach of implied contract and/or confidentiality.

Moreover, MD Mobile Labs, Inc., is a California Licensed Clinical Laboratory, thus approved and governed by CDPH Laboratory Field Services to offer a phlebotomy training program.

(Exhibit 11.)

23. On September 1, 2017, Ms. Boxwell received an email from Shoreh Ershadi, Pharm.D., Ph.D., Section Chief of CDPH LFS Personnel Licensing and Certification. In her email, Dr. Ershadi stated:

MD Mobile Labs Phlebotomy Training School has applied to LFS for approval pursuant to [Business and Professions Code] section 1035.1. This application is under review and has not been approved at this time.

MD Mobile Phlebotomy Training Program has been informed that they are not approved to register students as long as the application is under review and has not been approved.

(Exhibit 12, p. AG 79.)

24A. Respondent has never provided the Bureau with proof of licensure as a clinical laboratory.

24B. Respondent has never received approval from CDPH-LFS to operate as a phlebotomy training provider in California.

25. Respondent has never been approved by the Bureau to operate a private postsecondary educational institution nor has it applied to the Bureau for approval to operate.

26A. On July 25, 2018 Complainant issued the Citation for operating without approval, pursuant to Business and Professions Code sections 125.9 and 149, Education Code sections 94943, 94944, and California Code of Regulations, title 17, section 1065.1, and title 5, section 75020.

26B. The Citation contained a fine assessment of \$100,000, as well as an order of abatement, directing Respondent to cease operating as a private postsecondary educational institution. Specifically, the Order of Abatement stated:

The Bureau orders that [Respondent] cease to operate as a private postsecondary educational institution. [Respondent] must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including, but not limited to, <http://www.mdmobilelabs.com>, and any other websites not listed that are associated with [Respondent], until such time as approval to operate is obtained from the Bureau. [Respondent] must disconnect all telephone services for (562) 307-2939; (800) 818-2409 and (800) 905-1209 and any other telephone numbers not identified here that are associated with [Respondent] until such time as an approval to operate is obtained from the Bureau. [Respondent] must provide a refund to all students enrolled at the school prior to receiving an approval to operate from the Bureau as the Enrollment Agreements signed are not enforceable since the school does not have a valid approval to operate. To comply with the Order of Abatement, [Respondent] must submit a school closure plan to the Bureau pursuant to California Education Code section 94926 and 94927.5. [Respondent] must provide a roster of each student enrolled at [Respondent] since January 1, 2017. The roster must include the name of the student, their contact information (including phone number, email address, and physical address), the program in which they are enrolled, the date of enrollment, the amount paid for the program, and the amount the student was refunded.

(Exhibit 1, p. AG 4.)

*Testimony of Ms. Smalls*

27. Ms. Smalls testified on behalf of Respondent. She graduated from law school and obtained a Juris Doctor degree.

28. Ms. Smalls admitted that Respondent never applied to the Bureau for approval to operate and never received Bureau approval to operate as a private postsecondary educational institution. However, she disagreed that the Bureau had the authority to “govern” Respondent. She asserted that Respondent is “governed” by CDPH-LFS, the entity to which Respondent applied for licensure.

29. Ms. Smalls noted that she and Ms. Lawson previously had a partnership, but agreed to separate. As of January 1, 2017, Respondent had separated from Health Career Specialist.

30A. According to Ms. Smalls, Respondent is “an actual laboratory” which received “approval as a moderate complexity laboratory” in 2015 and applied for phlebotomy program approval with CDPH-LFS in September 2016. Ms. Smalls insisted that CDPH-LFS gave approval for Respondent’s phlebotomy training program in April 2017, but “took it away” in September 2017, and she is now awaiting an appeal hearing date.

30B. Ms. Smalls provided no documentation to support her assertions that Respondent was licensed as a clinical laboratory and that it was previously authorized by CDPH-LFS to operate a phlebotomy training program. Her assertions are contrary to the totality of the evidence.

30C. Ms. Smalls testified that she did not bring any documentation of Respondent’s clinical laboratory licensure and prior approval by CDPH-LFS to operate a phlebotomy training program because she was under the impression that this hearing would focus only on Mezzanotti. According to Ms. Smalls, she “did not know [she] had to discuss LFS.” Her testimony in this regard was not credible given that, in response to the Bureau’s inquiry, she repeatedly asserted that Respondent was already licensed by CDPH-LFS (see Factual Findings 17A, 20, and 22), and given that the Bureau had requested proof of proper licensure and operation approval by CDPH-LFS (see Factual Finding 18). Moreover, despite Ms. Smalls’ assertion that she was focused solely on Mezzanotti for this hearing, Ms. Smalls brought all of the background documentation about RVS and Health Career Specialist referenced in Factual Finding 10, above.

30D. Given the foregoing, Ms. Smalls’ assertions that Respondent was licensed as a clinical laboratory and had received approval from CDPH-LFS to operate a phlebotomy training program between April and September 2017 were given no weight.

30E. Furthermore, even assuming Respondent was a licensed clinical laboratory and approved to operate its phlebotomy training program between April and September 2017, it was not authorized to operate its program when Mazzonotti attended. Mazzonotti paid tuition in February 2017 and attended Respondent’s program in March 2017, prior to its purported licensure and approval to operate. Although Ms. Smalls asserted that it was “not unusual for LFS to backdate approvals,” there is no evidence that any such alleged “backdating” occurred in this case.

///

///

///

## LEGAL CONCLUSIONS

1. Business and Professions Code section 125.9, subdivision (a) provides that “any board, bureau, or commission within the department . . . may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.”

2. Education Code section 94886 provides in pertinent part: “[A] person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”

3. Education Code section 94943, provides in pertinent part: “The following violations of this chapter are public offenses: (a) Knowingly operating a private postsecondary institution without an approval to operate is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code.”

4. Education Code section 94944 provides: “Notwithstanding any other provision of law, the bureau shall cite any person, and that person shall be subject to a fine not to exceed one hundred thousand dollars (\$100,000), for operating an institution without proper approval to operate issued by the bureau pursuant to this chapter.”

5. California Code of Regulations, title 5, section 75020, subdivision (b), provides:

The Bureau Chief, or his or her designee, or the Director's designee, is authorized to issue citations containing orders of abatement and administrative fines not to exceed \$100,000 pursuant to section 94944 of the Code against persons who are without proper approval to operate a private, postsecondary institution. In addition, the citation may contain an order of abatement pursuant to section 149 of the Business and Professions Code that requires the unapproved person to cease any unlawful advertising and to notify the telephone company furnishing services to the cited person:

(1) to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and (2) that subsequent calls to that number shall not be referred by the telephone company to any new number obtained by that person. The provisions of section 75040 shall apply to this subsection.

///

///

6. California Code of Regulations, title 17, section 1035.1, subdivision(a), provides:

(a) In order to be eligible for approval by the [CDPH] to provide didactic and/or practical phlebotomy instruction leading to certification of phlebotomists, a phlebotomy training program shall meet the requirements of this section and be offered by either a:

- (1) National Accrediting Agency for Clinical Laboratory Sciences (NAACLS) approved program for training phlebotomists; or
- (2) Accredited college or university; or
- (3) Private, post-secondary program or occupational program registered or approved by the Bureau for Private Postsecondary and Vocational Education; or
- (4) California Adult Education or Regional Occupational Program (ROP); or
- (5) United States of America military medical laboratory specialist program; or
- (6) California licensed clinical laboratory.

7. Cause exists to affirm the Citation, including the \$100,000 fine, against Respondent, pursuant to Business and Professions Code sections 125.9 and 149, Education Code sections 94943 and 94944, and California Code of Regulations, title 17, section 1065.1, and title 5, section 75020, for violation of Education Code section 94886, in that Respondent conducted business as a private postsecondary educational institution in California without obtaining an approval to operate, as set forth in Factual Findings 1 through 30, and Legal Conclusions 1 through 6.

8A. The Bureau's jurisdiction extends to entities operating private postsecondary educational institutions operating without Bureau approval. Respondent asserts that it is not subject to the Bureau's citation jurisdiction because it purportedly obtained approval from CDPH-LFS to operate a phlebotomy training program as a licensed clinical laboratory. However, the evidence established otherwise, particularly for the time period in question (February 2017 through March 2017), during which Respondent admittedly did not have CDPH-LFS approval to operate its phlebotomy training program. (Factual Findings 24 and 30E.)

8B. In order to obtain approval from CDPH-LFS to operate a phlebotomy training program in California, an entity must meet the requirements of California Code of Regulations, title 17, section 1035.1, subdivision (a). Applicable here, Respondent must have been either a California licensed clinical laboratory (Cal. Code Regs., tit. 17, § 1035.1, subd. (a)(6)) or a private post-secondary program registered or approved by the Bureau (Cal. Code Regs., tit. 17, § 1035.1, subd. (a)(3)). Respondent never provided documentation of

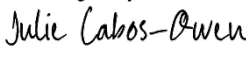
licensure as a clinical laboratory, despite Ms. Smalls' numerous assertions of such licensure and despite the Bureau's request for proof of such licensure. Additionally, Respondent appeared to be operating as a private postsecondary educational institution during February and March 2017, when Respondent's ties to entities previously overseen by the Bureau are evident. The connection between those entities are noted in Respondent's 2017 program handbook which connects "MD Mobile Labs, Inc." and "Health Career Specialist" (Factual Finding 14A) and indicates that the program provider "Health Career Specialist is a dba of Romona's Vocational School . . . [which] was granted institutional approval from the [Bureau] and is a private institution that is approved to operate by the Bureau." (Factual Finding 14B.) Given the foregoing, the only apparent route for Respondent's CDPH-LFS approval to operate a phlebotomy training program in 2017 would have been through approval by the Bureau (Cal. Code Regs., tit. 17, § 1035.1, subd. (a)(3)).

8C. Respondent has never been approved by the Bureau to operate a private postsecondary educational institution nor has it applied to the Bureau for approval to operate as such.

#### ORDER

1. Citation Order 1718054 is affirmed.
2. Within 30 days of the effective date of this Decision and Order, Respondent shall pay an administrative fine in the amount of \$100,000, made payable to the Bureau for Private Postsecondary Education, and sent to the address listed in the Citation.

DATED: June 14, 2019

DocuSigned by:  
  
18236F95DE98452...

---

JULIE CABOS-OWEN  
Administrative Law Judge  
Office of Administrative Hearings