



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

April 14, 2022

Stephen Aizenstat, Owner
 Pacifica Graduate Institute
 249 Lambert Road
 Carpinteria, CA 93013

Date of Issuance	Citation Number	Institution Code
April 14, 2022	2122121	4200821

On March 17, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122121 (Citation) against Stephen Aizenstat, Owner of Pacifica Graduate Institute (Institution). In attendance were Ebony Santee, Licensing Chief, Larry Byer, CFO, Tracie Teague, Director of Financial Aid, and Bruce Benton, Accounting Manager.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2122121.

It is the decision of the Licensing Chief that on April 11, 2022, Citation No. 2122121 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5, CCR Section 74112 (m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:</i> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;</i> <i>(4) for each employer from which employment or salary information was obtained, the employer</i></p>

name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;
(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;
(6) a description of all attempts to contact each student. or employer;
(7) any and all documentation used to provide data regarding license examinations and examination results;
(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and
(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."

Prior to the Inspection, the Institution's Accounting Manager provided the Bureau with an electronic copy of the supporting documentation for the 2018-2019 School Performance Fact Sheets (SPFS). In addition, the Institution's Institutional Learning Officer provided additional supporting documentation for the 2018-2019 SPFS. Upon review, Bureau staff found that the supporting documentation did not contain all of the required data listed in 5, CCR Section 74112 (m)(1-9).

Bureau staff also asked the Institution's Institutional Learning Officer if they maintained the required SPFS supporting documentation. The Institution's Institutional Learning Officer stated that the information is collected by a survey that the student submits through survey monkey, however, the student has the option to provide the information anonymously.

Order of Abatement:

The Bureau orders the Institution to submit the most current supporting documentation for the most current SPFS that includes all of the required data to substantiate the data reported. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Section 74112.

New Order of Abatement:

The Bureau orders the Institution to submit the most current supporting documentation (**5 CCR 74112(m)(1-9)**) for the most current SPFS (**2019 and 2020**) that includes all of the required data to substantiate the data reported.

Assessment of Fine

The fine for this violation is \$5,000.00

2.

Violation:

CEC Section 94893 – Authorization Required for Substantive Change

If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior bureau authorization, the institution's approval to operate may be suspended or revoked.

5, CCR, Section 71600(a) – Application for Significant Change in Method of Instructional Delivery

(a) An institution seeking to make a significant change in its method of instructional delivery shall complete the “Significant Change in Method of Instructional Delivery” form (INS rev. 2/10) to obtain prior authorization. For the purposes of this section a “significant change in instructional delivery” is any change that alters the way students interact with faculty or access significant equipment. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885 of the Code, it shall be signed and dated by the signatory(ies) required by section 71380, and for an institution approved under section 94890 of the Code, it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:

Prior to the Inspection, Bureau staff reviewed the Institution’s website and found that the Institution was offering distance education for the Fall Semester. Bureau staff asked the Institution’s Financial Aid Director if the Institution had applied for a Change in Method of Instructional Delivery. The Institution’s Financial Aid Director stated that they notified their accreditor and did not realize that they also needed to submit an application to the Bureau.

The Institution failed to submit an application for a Change in Method of Instructional Delivery, therefore failing to receive Bureau approval prior to making a substantive change.

Order of Abatement:

The Bureau orders the Institution to submit an “Application for a Change in Method of Instructional Delivery” if they wish to offer distance learning education. The Institution shall not offer distance learning education and/or distance learning hours until approval from the Bureau is obtained. The Institution shall submit to the Bureau evidence of having discontinued offering distance learning education.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$500.00

The administrative fine for this violation has been modified from \$500.00 to \$00.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$5,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please

include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **April 14, 2022**. The Order of Abatement and payment are due by **May 14, 2022**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-7427 or at Cheryl.Lardizabal@dca.ca.gov.

“Original Signature on File”

“4/14/2022”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail