



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

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

INSTITUTION CODE: 4200821
CITATION NUMBER: 2122121
CITATION ISSUANCE/SERVICE DATE: January 27, 2022
DUE DATE: February 26, 2022
FINE AMOUNT: \$ 5,500.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Stephen Aizenstat, Owner of Pacifica Graduate Institute (Institution) located at 249 Lambert Road, Carpinteria, CA 93013, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On July 21, 2021, Bureau staff conducted an unannounced Compliance inspection at the Institution. Bureau staff found possible material violations related to the supporting documentation to substantiate the data reported on the School Performance Fact Sheet (SPFS) and distance education.

VIOLATION(S)

#	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>Violation: 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.

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.

Assessment of Fine

The fine for this violation is \$500.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,500.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$5,500.00** for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **February 26, 2022**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **January 27, 2022**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 26, 2022**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

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

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-7427 or Cheryl.Lardizabal@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail