



Bureau for Private Postsecondary Education
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P.O. Box 980818, West Sacramento, CA 95798-0818
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MODIFIED CITATION:
ASSESSMENT OF FINE

To: Deane Nishimura, Owner
South Bay Medical Coding Learning Center, Inc.
350 Crenshaw Blvd., Suite A202
Torrance, CA 90503

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1920103
MODIFIED CITATION ISSUANCE/SERVICE DATE: September 3, 2020
MODIFIED DUE DATE: October 2, 2020
FINE AMOUNT: \$ 5,000.00
ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Modified Citation: Assessment of Fine (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 Modified Citation is hereby issued to Deane Nishimura, Owner of South Bay Medical Coding Learning Center, Inc. (Institution) located at 350 Crenshaw Blvd., Suite A202, CA 90505, 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

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 1920103 to the Owner of the Institution on October 3, 2019, which was appealed by the Institution and subsequently withdrawn without prejudice on August 26, 2020.

VIOLATION

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| # | 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: CEC 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), 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.”</i></p> <p>CEC 94817.5. Approved to Operate or Approved <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p> |

CEC 94868. To Offer to the Public

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC 94869. To Operate

“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”

On May 15, 2019, Bureau staff reviewed the institution’s website at <http://www.sbmedicalcoding.com/> and found that the Institution offers courses both online and in the classroom. Further review found that three of the courses the Institution offers exceed the scope of CEC Section 94874(f). The courses are as follows:

- CPC (Certified Professional Coder) Classroom Course- \$2,800
- Medical Billing & Coding Online Course- \$5,800
- Medical Billing & Coding in Classroom- \$10,000

The Institution is not operating as an exempt institution as several of the program tuition fees exceed the threshold that permits them to operate under Categories of Exempt Institutions- CEC Section 94874(f)- An institution that does not award degrees and that solely provides educational programs for total charges of \$2500.00 or less.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including www.sbmedicalcoding.com, and any other websites not identified here that are associated with the Institution, until an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (310) 532-3200, that are associated with the Institution until an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Reason for modification: New substantive facts provided to the Bureau during the appeal process. The Order of Abatement has been satisfied.

Assessment of Fine:

The fine for this violation is \$50,000.00

The modified administrative fine for this violation is \$5,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$5,000.00

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 **\$5,000.00** for the violations described above.
Payment must be made to the Bureau by October 2, 2020.

PAYMENT OF ADMINISTRATIVE FINE

The Institution shall pay the civil penalty in the amount of \$5,000.00 by way of cashiers' check or money order. The payment shall be mailed to:

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

The civil penalty must be paid to the Bureau by October 2, 2020. Payment of an administrative citation is not an admission of guilt or liability.

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the Modified Citation civil penalty pursuant to the terms of this settlement will result in this matter being referred to collection and will result in the full original penalty being imposed and due in full. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

CONTACT INFORMATION

If you have any questions regarding this Modified Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

"Original signature on file"

"9/2/2020"

Christina Villanueva
Discipline Manager

Date

Enclosure

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