



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Ma Antonietta Borrueal, Owner
Trinity School of Nursing
6303 Owensmouth Avenue, 10th Floor
Woodland Hills, CA 91367

INSTITUTION CODE: 48441842

CITATION NUMBER: 1920190

CITATION ISSUANCE/SERVICE DATE: January 31, 2020

DUE DATE: March 1, 2020

FINE AMOUNT: \$ 10,000.00

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 Ma Antonietta Borrueal, Owner of Trinity School of Nursing (Institution) located at 6303 Owensmouth Avenue, 10th Floor, Woodland Hills, CA 91367 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

In accordance with CEC section 94934 and 5, CCR section 74110 (c) and (d) an Institution shall file its annual report by December 1st of every year. As of November 14, 2019, the Bureau has not received an annual report for the 2017 calendar year from the Institution.

On December 20, 2018, the Bureau's Annual Report Unit (ARU) notified institutions by mail, to the addresses on record, informing them that the online portal to submit the 2017 Annual Report would be opening with an April 20, 2019 due date. On or about February 14, 2019, institutions were notified by mail, sent to the addresses on record, that the online portal was open. On April 18, 2019, ARU mailed reminder letters to the institutions, sent to the addresses on record, that the online portal opened January 16, 2019 and that submission deadlines were extended to May 16, 2019. On or about September 18, 2019, the institutions were notified by mail, sent to the addresses on record, that the 2017 Annual Report and/or its components had not been received by the Bureau. Institutions were provided with a deadline of October 10, 2019 to submit the 2017 Annual Report. As of November 14, 2019, the Institution has not submitted the Annual Report for the 2017 calendar year.

Additionally, on October 27, 2019, the Bureau conducted an unannounced Compliance inspection at the Institution. Bureau staff informed the security guard that they were there to visit the Institution and were informed that the Institution was not at the location. Bureau staff was not able to perform the unannounced Compliance inspection of the Institution.

Bureau staff contacted the Institution’s phone number listed on the Institution’s website and an Institution representative confirmed that the Institution moved to 5500 Telegraph Road, Suite 145, Ventura, CA 93003.

VIOLATION

#	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></p> <p>5, CCR Section 74110 (a-d) – Annual Report</p> <p><i>“(a) The annual report required by section 94934 of the Code shall include the information required by section 94929.5 and 94934 for all educational programs offered in the prior calendar year. (b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution. (c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval. (d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog”.</i></p> <p>CEC Section 94934(a)(1-9) - Annual Report</p> <p><i>“(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:</i></p> <ul style="list-style-type: none"> <i>(1) The total number of students enrolled by level of degree or for a diploma.</i> <i>(2) The number of degrees, by level, and diplomas awarded.</i> <i>(3) The degree levels and diplomas offered.</i> <i>(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.</i> <i>(5) The school catalog, as required pursuant to Section 94909.</i> <i>(6) The total charges for each educational program by period of attendance.</i> <i>(7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.</i> <i>(8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.</i> <i>(9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter”.</i> <p>As of November 14, 2019, the Bureau has not received an Annual Report for the year 2017 from the Institution.</p>

Order of Abatement:

The Bureau orders the Institution to submit its Annual Report in accordance with 5, CCR section 74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the following:

2017 Annual Report

- Complete and submit the 2017 Annual Report via the Bureau’s Online Annual Report Submission Portal website at https://bppe.ca.gov/annual_report/.
- A hard copy of the financial statements for year-end 2017 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

Assessment of Fine

The fine for this violation is \$5,000.00

2. **Violation:**

CEC Section 94932.5 - Announced and Unannounced Compliance Inspections

“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.

“(b) On or before January 1, 2017, the bureau shall adopt regulations setting forth policies and practices to ensure that student protections are the highest priority of inspections and that inspections are conducted based on risk and potential harm to students. The regulations shall also set forth policies and practices for providing notice to students enrolled at an institution of the results of each inspection of the institution.”

5, CCR Section 71930 (e) - Maintenance of Records

“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.

5, CCR Section 71500 (a)(b)(1-8)(c) - Application to Change Location.

“(a) An institution seeking a change of location as defined in 94823.5 of the Code shall complete the “Change of Location” form (LOC rev. 2/10) to obtain prior authorization. The form shall be submitted at least 60 days prior to the proposed date of the change in location unless an unforeseen and unavoidable circumstance outside the control of the institution requires an earlier change; in which case it shall be submitted no later than 30 days following the change in location. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. It shall be signed by the signatory(ies) required by section 71380 and dated, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:

“I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

(Date) (Signature)

“(b) The application shall establish that the institution can meet the minimum operating standards contained in Chapter 3, and shall include:

“(1) The name, school code, current and proposed addresses, and telephone and fax numbers of the institution;

“(2) A description of the proposed physical facilities, including building diagrams or campus maps. The diagram or maps shall identify at a minimum, the locations of classrooms, laboratories, workshops and libraries;

- (3) A description of any equipment to be used at the proposed facilities that is different from the equipment used at the present facility;
 - (4) The date on which the institution intends to offer instruction at the new location;
 - (5) The distance between the approved location and the proposed new location;
 - (6) The reason for the move;
 - (7) A description of the actions taken to notify students, if any, pursuant to section 94898(d)(1) of the Code, and whether the institution has offered a full refund to students pursuant to section 94898(d)(3) of the Code; and
 - (8) The name, address, email address, telephone and fax numbers for the institution's contact person for the purpose of this application.
- (c) The Bureau may deem the actions that the institution takes to notify students of the proposed change of location to be sufficient notice for purposes of section 94898(d)(2).

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.”

CEC Section 94894(e) – Substantive Change Defined

“The following changes to an approval to operate are considered substantive changes and require prior authorization:

(e) A change of location.”

The Institution was not located at the physical address on record at 6303 Owensmouth Avenue, 10th Floor, Woodland Hills, CA 91367, therefore, Bureau staff was not able to perform an unannounced Compliance inspection.

The Ventura location, located at 5500 Telegraph Road, Suite 145, Ventura, CA 93003, is located 43 miles from the Woodland Hills location. Per the Institution’s website, the satellite location, located in Ventura, is now the main location. The Institution failed to submit an Application for Change of Location to the Bureau regarding the substantive change of the Institution’s location.

Order of Abatement:

The Bureau orders the Institution to submit an Application for Change of Location with the appropriate application fee to the Bureau’s Licensing Unit.

Assessment of Fine

The fine for this violation is \$5000.00

TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00

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 **\$10,000.00** 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 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 **March 1, 2020**, 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 31, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 1, 2020**. 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., Ste. 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) 574-8968 or Cheryl.Lardizabal@dca.ca.gov.

"Original signature on file"
Christina Villanueva
Discipline Manager

"1/31/2020"
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