



**Bureau for Private Postsecondary Education**  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
 P (916) 431-6959 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION AFFIRMED**

July 16, 2018

United Medical Institute, Corp  
 United Medical Institute  
 Inna Lisker, Owner  
 5280 Auburn Blvd  
 Sacramento, CA 95841

Date of Issuance	Citation Number	Institution Code
July 16, 2018	1718033	90323820

On May 22, 2018, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1718033 (Citation) against United Medical Institute, Corp, Owner of United Medical Institute. In attendance were Yvette Johnson, Enforcement Chief; and Inna Lisker, Owner.

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. 1718033.

It is the decision of the Enforcement Chief that on July 11, 2018, Citation No. 1718033 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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><b><u>AFFIRMED</u></b></p> <p><b><u>Violation:</u></b></p> <p><b>CCR 71750(a)(b)(c) (c1)(c2) (c3)(c4) - Withdrawals and Refunds.</b></p> <p><i>(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.</i></p> <p><i>(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a</i></p>



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student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)((8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.

(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:

(1) The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.

(2) Except as provided for in subdivision (a)(3) of this section, all amounts paid by the student in excess of what is owed as calculated in subdivision (a)(1) shall be refunded.

(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.

(4) For purposes of determining a refund under the Act and this section, a student shall be considered to have withdrawn from an educational program when he or she withdraws or is deemed withdrawn in accordance with the withdrawal policy stated in its catalog.

#### **CEC 94920(d)- Mandatory Cancellation, Withdrawal, and Refund Policies**

An institution that does not participate in the federal student financial aid programs shall do all of the following:

(d) The institution shall have a refund policy for the return of unearned institutional charges if the student cancels an enrollment agreement or withdraws during a period of attendance. The refund policy for students who have completed 60 percent or less of the period of attendance shall be a pro rata refund.

Student A.K. enrolled on May 1, 2013 and withdrew on September 23, 2013 and completed 231.68 hours, which is 12% of the program. A.K. is due an additional refund in the amount of \$9,921.96. UMI's receipt of their refund check paid to A.K. is dated November 8, 2013 and the refund was short \$9,921.96. A.K. completed approximately 12% of the program, less than 60%, and UMI is required to use a pro rata refund. UMI calculated A.K.'s completed classes, not taking into consideration the 1,920 hours needed to complete the program which includes clinical and lab hours. UMI did not use a pro rata rate for calculating the correct refund, therefore the Institution did not refund the correct amount.

UMI calculated A.K.'s initial refund by breaking up the 1,920-hour program by course and course fee although UMI did not inform A.K. that each course has a separate cost.

UMI calculated the refund by taking the entire program and breaking it up into courses and the fees for each course. and then subtracted what A.K. had completed. UMI left out the total hours of lab/clinical time, however, Bureau staff reviewed the information and UMI stated that the lab/clinical time is required to graduate the program.

Total Institutional charges were \$25,300.00, total ultrasound program hours were 1920 hours. \$25,000.00 divided by 1920 hours is \$13.18 per hour. A.K. and UMI agreed that she attended 231.68 hours. A. K's hours 231.68 multiplied by \$13.18 per hour equals \$ 3,053.54. A.K owed UMI \$3053.54 for education received. A.K. paid UMI a total of \$16,566.00. UMI has a \$100.00 nonrefundable application fee. UMI also had a \$12.50 nonrefundable Student Tuition Recovery Fund(STRF)fee. UMI refunded Kaur \$3,490.50. Take total amount paid by A.K. to UMI and subtract refund A.K. received, education received and non-refundable fees. Total refund due is \$9,921.9.

UMI incorrectly calculated A.K.'s refund, as it was not calculated as a pro rata refund.

**Order of Abatement:**

1. The Institution shall pay former student, A.K. the remaining total refund due, in the amount of \$9,921.96.
2. The Institution shall submit to the Bureau proof of payment of the remaining balance of \$9,921.96 paid to A.K. The total amount paid by A.K. is \$16,578.50 subtract refund received \$3,490.50 plus education received \$3,053.54 plus nonrefundable fees of \$112.50.

**Assessment of Fine**

The fine for this violation is \$5000.00

**AFFIRMED**

2.

**Violation:**

**5, CCR 71800(e) - Enrollment Agreement**

*(e) Itemization of all institutional charges and fees including, as applicable:*

- (1) Tuition;*
- (2) Registration fee (non-refundable);*
- (3) Equipment;*
- (4) Lab supplies or kits;*
- (5) Textbooks, or other learning media;*
- (6) Uniforms or other special protective clothing;*
- (7) in-resident housing;*
- (8) Tutoring;*
- (9) Assessment fees for transfer of credits;*
- (10) Fees to transfer credits;*
- (11) Student Tuition Recovery Fund fee (non-refundable);*
- (12) Any other institutional charge or fee.*

**CEC 94911(b)- Minimum Requirements for Enrollment Agreements**

***"An enrollment agreement shall include, at a minimum, all of the following***

*(b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.*

The withdrawal notice states that if a student withdraws from the school they will be charged for supplies, materials, a processing fee, and a technology fee. Supplies, materials, a processing fee, and a technology fee are not scheduled or itemized in the enrollment agreement therefore UMI cannot enforce the charges for these items. A.K. was also charged \$45.00 for scrubs which was paid for by a check made out to UMI on May 1, 2013. The check payment description is "Scrubs." The enrollment

agreement does not list or itemize scrubs or any kind of uniform. A.K. was verbally informed by UMI that scrubs must be purchased.

**Order of Abatement:**

The Institution's Enrollment Agreement shall have a schedule of total charges. The Institution shall submit to the Bureau an Enrollment Agreement, that complies with the minimum requirements for Enrollment Agreements, pursuant to CEC section 94911 and 5, CCR section 71800.

**Assessment of Fine**

The fine for this violation is \$500.00

**TOTAL ADMINISTRATIVE FINE DUE: \$5,500.00**

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:

Gurinder Sandhu, Discipline Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. 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.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **July 16, 2018**. The order of abatement and payment are due by **August 15, 2018**.

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 Affirmed 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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at [Gurinder.Sandhu@dca.ca.gov](mailto:Gurinder.Sandhu@dca.ca.gov).



\_\_\_\_\_  
**Christina Villanueva**  
**Discipline Manager**



\_\_\_\_\_  
**Date**

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal – Request for Administrative Hearing
- Copy of Affirmed Citation





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**WITHDRAWAL – REQUEST FOR ADMINISTRATIVE HEARING**

Citation No.	Case Number	Institution Name	Owner(s) of Institution	School Code
1718033	999564	United Medical Institute	United Medical Institute, Corp	90323820

I, United Medical Institute, Corp, owner(s) of United Medical Institute, Institution Code Number 90323820, herein give notice to the Bureau for Private Postsecondary Education of the **WITHDRAWAL** of our request for an appeal through an Administrative Hearing to contest Citation: Assessment of Fine and Order of Abatement Number 1718033.

\_\_\_\_\_  
Owner's Printed Name

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date