

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation Against:

Saint Joseph's School of Nursing

622 W. Lancaster Blvd.

Lancaster, CA 93534

Case No.: 1006701

OAH Case No.: 2021070550

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on March 11, 2023.

It is so ORDERED February 5, 2023.

"Original Signature on File"

RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
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7

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Second Amended
Accusation Against:

14 **SAINT JOSEPH'S SCHOOL OF**
15 **NURSING**

16 622 W. Lancaster Blvd.
Lancaster, CA 93534

17 Institution Code No. 42097062

18 Respondent.

Case No. 1006701

OAH No. 2021070550

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Deborah Cochrane (Complainant) is the Chief of the Bureau for Private
24 Postsecondary Education (Bureau). She brought this action solely in her official capacity and is
25 represented in this matter by Rob Bonta, Attorney General of the State of California, by Kevin J.
26 Rigley, Deputy Attorney General.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Second
3 Amended Accusation No. 1006701.

4 10. Respondent agrees that its Approval to Operate is subject to discipline and they agree
5 to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

6 **CONTINGENCY**

7 11. This stipulation shall be subject to approval by the Director or the Director's designee.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for
9 Private Postsecondary Education may communicate directly with the Director and staff of the
10 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
11 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
12 they may not withdraw its agreement or seek to rescind the stipulation prior to the time the
13 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
14 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
15 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
16 Director shall not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
19 signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Director may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that the Approval to Operate a Private Postsecondary Non-
3 Accredited Institution (Institution Code 42097062) issued to Respondent Excel Nursing School,
4 Inc. dba Saint Joseph's School of Nursing, Niki Joseph is revoked. However, the revocation is
5 stayed and Respondent is placed on probation for three (3) years on the following terms and
6 conditions.

7 **Severability Clause.** Each condition of probation contained herein is a separate and
8 distinct condition. If any condition of this Order, or any application thereof, is declared
9 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
10 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
11 and enforceable to the fullest extent permitted by law.

12 **1. Obey All Laws**

13 Respondent shall obey all federal, state and local laws and regulations governing the
14 operation of a private postsecondary educational institution in California. Respondent shall
15 submit, in writing, a full detailed account of any and all violations of the law to the Bureau within
16 five (5) days of discovery.

17 **CRIMINAL COURT ORDERS:** If Respondent is under criminal court orders, including
18 probation or parole, and the order is violated, this shall be deemed a violation of these probation
19 conditions, and may result in the filing of an Accusation and/or Petition to Revoke Probation.

20 **2. Compliance with Probation and Quarterly Reporting**

21 Respondent shall fully comply with the terms and conditions of probation established by
22 the Bureau and shall cooperate with representatives of the Bureau in its monitoring and
23 investigation of the Respondent's compliance with probation. Respondent, within ten (10) days of
24 completion of the quarter, shall submit quarterly written reports to the Bureau on a Quarterly
25 Report of Compliance form obtained from the Bureau.

26 **3. Personal Appearances**

27 Upon reasonable notice by the Bureau, Respondent shall report to and make personal
28 appearances at times and locations as the Bureau may direct.

1 **4. Notification of Address and Telephone Number Change(s)**

2 Respondent shall notify the Bureau, in writing, within five (5) days of a change of name,
3 title, physical home address, email address, or telephone number of each person, as defined in
4 section 94855 of the Code, who owns or controls 25% or more of the stock or an interest in of the
5 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
6 member or any other person who exercises substantial control over the institution’s management
7 or policies.

8 **5. Notification to Prospective Students**

9 When currently soliciting or enrolling (or re-enrolling) a student for any program,
10 Respondent shall provide notification of this action to each current or prospective student prior to
11 accepting their enrollment, and to those students who were enrolled at the time of the conduct that
12 is the subject of this action as directed by the Bureau. This notification shall include a copy of the
13 Accusation, Stipulated Settlement, and Disciplinary Order.

14 **6. Student Roster**

15 Within 15 days of the effective date of this Decision, and with the Quarterly Reports
16 thereafter, provide to the Bureau the names, addresses, phone numbers, email addresses, and the
17 programs in which they are or were enrolled, of all persons who are currently or were students of
18 the institution within 60 days prior to the effective date of the Decision, and those students who
19 were enrolled at the time of the conduct that is the subject of this action.

20 **7. Instruction Requirements and Limitations**

21 During probation, Respondent shall provide approved instruction in the State of California.
22 If Respondent is not providing instruction, the period of probation shall be tolled during that time.

23 **8. Record Storage**

24 Within 5 days of the effective date of this Decision, provide the Bureau with the location of
25 the repository for all records as they are required to be maintained pursuant to Title 5, California
26 Code of Regulations, section 71930.

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1 **9. Maintenance of Current and Active Approval to Operate**

2 Respondent shall, at all times while on probation, maintain a current and active approval to
3 operate with the Bureau including any period during which approval is suspended or probation is
4 tolled.

5 **10. Comply With Citations**

6 Respondent shall comply with all final orders resulting from citations issued by the Bureau.

7 **11. Cost Recovery Requirements**

8 Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount
9 of \$11,733.13 within 24 months of the effective date of the Decision and Order. Such costs shall
10 be payable to the Bureau and are to be paid regardless of whether the probation is tolled. Failure
11 to pay such costs shall be considered a violation of probation.

12 Except as provided above, the Bureau shall not renew or reinstate the approval to operate of
13 any Respondent who has failed to pay all the costs as directed in a Decision.

14 **12. Violation of Probation**

15 If Respondent violates probation in any respect, the Bureau, after giving Respondent notice
16 and opportunity to be heard, may revoke probation and carry out the disciplinary order which was
17 stayed. If an Accusation or a Petition to Revoke Probation is filed against Respondent during
18 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the period of
19 probation shall be extended, and Respondent shall comply with all probation conditions, until the
20 matter is final.

21 **13. Future Approvals to Operate**

22 If Respondent subsequently obtains other approvals to operate during the course of this
23 probationary order, this Decision shall remain in full force and effect until the probationary period
24 is successfully terminated. Future approvals shall not be granted, however, unless Respondent is
25 currently in compliance with all of the terms and conditions of probation.

26 **14. Comply with All Accreditation Standards**

27 As applicable, Respondent shall comply with all standards set by its accreditor in order to
28 maintain its accreditation. Respondent shall submit to the Bureau, in writing, a full detailed

1 account of any and all actions taken by any accrediting agency against Respondent regarding any
2 institution operated by Respondent, including an order to show cause, or conditions or restrictions
3 placed on accreditation, within five (5) days of occurrence.

4 **15. Completion of Probation**

5 Upon successful completion of probation, Respondent's approval to operate will be fully
6 restored.

7 **ACCEPTANCE**

8 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
9 stipulation and the effect it will have on my Approval to Operate. I enter into this Stipulated
10 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
11 bound by the Decision and Order of the Director of the Department of Consumer Affairs.

12
13 DATED: 1/19/2023

"Original Signature on File"

EXCEL NURSING SCHOOL, INC. DBA SAINT
JOSEPH'S SCHOOL OF NURSING, NIKI JOSEPH
Respondent

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15
16
17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Director of the Department of Consumer Affairs.

20 DATED: January 19, 2023

Respectfully submitted,

21 ROB BONTA
22 Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General

23 "Original Signature on File"

24 KEVIN J. RIGLEY
25 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Second Amended Accusation No. 1006701

1 ROB BONTA
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Second Amended
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15 **SAINT JOSEPH'S SCHOOL OF**
16 **NURSING**
622 W. Lancaster Blvd.
Lancaster, CA 93534

17 Institution Code No. 42097062

18 Respondent.

Case No. 1006701

SECOND AMENDED ACCUSATION

19
20 **PARTIES**

21 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
22 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of
23 Consumer Affairs.

24 2. On or about August 30, 2012, the Bureau issued Approval to Operate Institution Code
25 Number 42097062 to Saint Joseph's School of Nursing, owned by Excel Nursing School, Inc.
26 (Respondent). The Approval to Operate was in full force and effect at all times relevant to the
27 charges herein, and will expire on June 27, 2023, unless renewed.

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JURISDICTION

1
2 3. This Second Amended Accusation is brought before the Director of the Department
3 of Consumer Affairs (Director) for the Bureau, under the authority of the following laws. All
4 section references are to the Education Code (Code) unless otherwise indicated.

5 4. Business and Professions Code section 118, subdivision (b), provides that the
6 suspension, expiration, surrender, or cancellation of a license shall not deprive the Bureau of
7 jurisdiction to proceed with a disciplinary action during the period within which the license may
8 be renewed, restored, reissued or reinstated.

9 5. Code section 94875 provides that the Bureau shall regulate private postsecondary
10 educational institutions.

11 6. Code section 94877 states, in relevant part, that:

12 (a) The bureau shall adopt and shall enforce regulations to implement this chapter
13 pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section
11340) of Part 1 of Division 3 of Title 2 of the Government Code).

14 (b) The bureau shall develop and implement an enforcement program, pursuant to
15 Article 18 (commencing with Section 94932) to implement this chapter . . .

16 7. Code section 94932 states that:

17 The bureau shall determine an institution’s compliance with the requirements of
18 this chapter. The bureau shall have the power to require reports that institutions shall
19 file with the bureau in addition to the annual report, to send staff to an institution’s
20 sites, and to require documents and responses from an institution to monitor
21 compliance. When the bureau has reason to believe that an institution may be out of
22 compliance, it shall conduct an investigation of the institution. If the bureau
23 determines, after completing an investigation, that an institution has violated any
24 applicable law or regulation, the bureau shall take appropriate action pursuant to this
25 article.

26 8. Code section 94937 states that:

27 (a) As a consequence of an investigation, which may incorporate any materials
28 obtained or produced in connection with a compliance inspection, and upon a finding that
an institution has committed a violation, the bureau may place an institution on probation or
may suspend or revoke an institution’s approval to operate for:

 (1) Obtaining an approval to operate by fraud.

 (2) A material violation or repeated violations of this chapter or regulations
adopted pursuant to this chapter that have resulted in harm to students. For purposes
of this paragraph, “material violation” includes, but is not limited to,
misrepresentation, fraud in the inducement of a contract, and false or misleading

1 claims or advertising, upon which a student reasonably relied in executing an
2 enrollment agreement and that resulted in harm to the student.

3 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the Business
4 and Professions Code.

5 (d) An institution shall not be required to pay the cost of investigation to more than
6 one agency.

7 **STATUTORY PROVISIONS**

8 9. Code section 94936 states:

9 (a) As a consequence of an investigation, which may incorporate any materials
10 obtained or produced in connection with a compliance inspection, and upon a finding that
11 the institution has committed a violation of this chapter or that the institution has failed to
12 comply with a notice to comply pursuant to Section 94935, the bureau shall issue a citation
13 to an institution for violation of this chapter, or regulations adopted pursuant to this chapter.

14 (b) The citation may contain any of the following:

15 (1) An order of abatement that may require an institution to demonstrate how
16 future compliance with this chapter or regulations adopted pursuant to this chapter
17 will be accomplished.

18 (2) Notwithstanding Section 125.9 of the Business and Professions Code, an
19 administrative fine not to exceed five thousand dollars (\$5,000) for each violation.
20 The bureau shall base its assessment of the administrative fine on:

21 (A) The nature and seriousness of the violation.

22 (B) The persistence of the violation.

23 (C) The good faith of the institution.

24 (D) The history of previous violations.

25 (E) The purposes of this chapter.

26 (F) The potential harm to students.

27 (3) An order to compensate students for harm, including a refund of moneys
28 paid to the institution by or on behalf of the student, as determined by the bureau.

(c) (1) The citation shall be in writing and describe the nature of the violation and
the specific provision of law or regulation that is alleged to have been violated.

(2) The citation shall inform the institution of its right to request a hearing in
writing within 30 days from service of the citation.

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1 (3) If a hearing is requested, the bureau shall select an informal hearing
2 pursuant to Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1
3 of Division 3 of Title 2 of the Government Code or a formal hearing pursuant to
4 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
5 Government Code.

6 (4) If a hearing is not requested, payment of the administrative fine is due 30
7 days from the date of service, and shall not constitute an admission of the violation
8 charged.

9 (5) If a hearing is conducted and payment of an administrative fine is ordered,
10 the administrative fine is due 30 days from when the final order is entered.

11 (6) The bureau may enforce the administrative fine as if it were a money
12 judgment pursuant to Title 9 (commencing with Section 680.010) of Part 2 of the
13 Code of Civil Procedure.

14 (d) All administrative fines shall be deposited in the Private Postsecondary
15 Education Administration Fund.

16 **REGULATORY PROVISIONS**

17 10. California Code of Regulations, title 5, section 75020 states:

18 (a) The Bureau Chief, or his or her designee, or the Director's designee, is authorized
19 to issue citations containing orders of abatement and/or administrative fines pursuant to
20 section 94936 of the Code against approved private, postsecondary institutions that have
21 committed any acts or omissions that are in violation of the Act or any regulation adopted
22 pursuant thereto.

23 (b) The Bureau Chief, or his or her designee, or the Director's designee, is authorized
24 to issue citations containing orders of abatement and administrative fines not to exceed
25 \$100,000 pursuant to section 94944 of the Code against persons who are without proper
26 approval to operate a private, postsecondary institution. In addition, the citation may
27 contain an order of abatement pursuant to section 149 of the Business and Professions Code
28 that requires the unapproved person to cease any unlawful advertising and to notify the
telephone company furnishing services to the cited person: (1) to disconnect the telephone
services furnished to any telephone number contained in the unlawful advertising, and (2)
that subsequent calls to that number shall not be referred by the telephone company to any
new number obtained by that person. The provisions of section 75040 shall apply to this
subsection.

(c) In addition to the requirements of section 94936 of the Code, each citation shall
inform the cited institution or person that:

(1) if a hearing pursuant to the Administrative Procedure Act (APA) is not
requested, payment of the administrative fine is due 30 days from the date of service,
and shall not constitute an admission of the violation charged.

(2) if a hearing pursuant to the APA is conducted and payment of an
administrative fine is ordered, the administrative fine is due 30 days from when the
order is effective;

///

1 (3) if the cited institution or person desires an informal conference to contest the
2 finding of a violation prior to an APA hearing, the informal conference shall be
requested by written notice to the Bureau within 30 days from service of the citation;

3 (4) failure to comply with any order of abatement within the time set forth in the
4 citation, unless the citation is being appealed, may result in disciplinary action being
taken by the Bureau; and

5 (5) the Bureau may enforce the administrative fine as if it were a money
6 judgment pursuant to the California Code of Civil Procedure (beginning with section
680.010).

7 (d) Each citation shall be served on the cited institution or person, in person, or by
8 certified and regular mail at the address of record on file with the Bureau. Citations
served by certified and regular mail shall be deemed “served” on the date of mailing.

9 (e) The sanction authorized under this section shall be separate from, and in addition
10 to, any civil, criminal, or other administrative remedies.

11 11. California Code of Regulations, title 5, section 75030 states:

12 Where citations pursuant to section 94936 of the Code and section 75020, subsection
13 (a) include an assessment of an administrative fine, the fine shall be not less than \$50 or
14 exceed \$5,000 for each violation. Each violation shall be classified according to the nature
of the violation and shall indicate the classification on the face thereof as follows:

15 (a) A “Class A” violation shall not be less than \$2,501 nor more than \$5,000. A
16 Class A violation is one that the Bureau has, in its discretion, determined to be more serious
17 in nature, deserving the maximum fine. A Class A violation may, in the Bureau’s
discretion, be issued to an institution that has committed one or more prior separate Class B
violations.

18 (b) A “Class B” violation shall not be less than \$1,001 nor more than \$2,500. A
19 Class B violation is one that the Bureau has, in its discretion, determined to be less serious
20 in nature and may include, but is not limited to, a violation that could have resulted in
student harm. Typically some degree of mitigation will exist. A Class B violation may be
issued to an institution that has committed one or more prior separate Class C violations.

21 (c) A “Class C” violation shall not be less than \$501 nor more than \$1,000. A Class
22 C violation is one that the Bureau has, in its discretion, determined to be a minor or
technical violation, which may be directly or potentially detrimental to students or
potentially impacts their education.

23 (d) A “Class D” violation shall not be less than \$50 nor more than \$500. A Class D
24 violation is one that the Bureau has, in its discretion, determined to be a minor or technical
25 violation, which is neither directly or potentially detrimental to students nor potentially
impacts their education.

26 12. California Code of Regulations, title 5, section 75040 states in relevant part:

27 (a) Pursuant to section 94936(c)(2) of the Code, a cited institution or person may,
28 within 30 days of service of the citation, request a hearing in writing to the Bureau, or it is
waived. In addition to contesting a citation by requesting a hearing, the cited institution or

1 person may, within the same 30 days, submit a written request to the Bureau for an informal
2 conference.

3 (b) The Bureau Chief, or his or her designee, or the Director, or his or her designee,
4 shall within 30 days from the Bureau's receipt of a written request for an informal
5 conference, hold an informal conference with the cited institution or person. The 30-day
6 period may be extended by the Bureau Chief or the Director for good cause. The informal
7 conference may be, by telephone.

8 (c) Following the informal conference, the Bureau Chief, or his or her designee, or
9 the Director, or his or her designee, will affirm, modify, or dismiss the citation, including
10 any fine assessed and/or order of abatement issued. A written order affirming, modifying,
11 or dismissing the original citation shall be served on the cited institution or person within 30
12 days from the informal conference. If the order affirms or modifies the original citation,
13 said order shall fix a reasonable period of time for abatement of the violation and/or
14 payment of the fine of not more than 30 days.

15 (d) If the informal conference results in the modification of the findings of
16 violation(s), the amount of the fine and/or the order of abatement, the citation shall be
17 considered modified, but not withdrawn. Unless waived, a cited institution or person is
18 entitled to a hearing to contest the modified citation if the institution or person filed a timely
19 request, but is not entitled to an informal conference to contest an affirmed or modified
20 citation. If a timely request for a hearing was not filed, the decision on the affirmed or
21 modified citation shall be considered final.

22 ...

23 (g) If a written request for a hearing pursuant to section 94936(c)(2) of the Code, or
24 for an informal conference as provided in subsection (a), or both, is not submitted to the
25 Bureau within 30 days from service of the citation, the cited institution or person is deemed
26 to have waived the right to an informal conference and/or administrative hearing.

27 13. California Code of Regulations, title 5, section 75050 states in relevant part:

28 ...

(b) Failure of an applicant or institution issued an approval to operate to abate the
violation or to pay the fine within the time allowed is a ground for denial or discipline of an
approval to operate.

...

14. California Code of Regulations, title 5, section 75100 provides that the Bureau may
suspend, revoke or place on probation with terms and conditions an approval to operate.

COST RECOVERY

15. Code section 94937, subdivision (c), provides that the Bureau may seek
reimbursement for its costs of investigation and enforcement pursuant Business and Professions
Code section 125.3.

1 Abatement to submit the delinquent STRF Assessment Reporting Forms and pay the delinquent
2 Annual Fee, as set forth in Citation No. 1920166.

3 22. Respondent failed to timely comply with the Orders of Abatement to submit the
4 delinquent STRF Assessment Reporting Forms and pay the delinquent Annual Fee, as set forth in
5 Citation No. 1920166. Respondent ultimately submitted its overdue 2015 STRF form for the 3rd
6 quarter (which was due by October 31, 2015) to the Bureau on January 4, 2016; but did not
7 submit its overdue 2015 STRF form for the 4th quarter (which was due by January 25, 2016) to
8 the Bureau until January 10, 2022. Respondent still owes a delinquency fee balance of \$50.00 in
9 connection with its original failure to timely pay its 2019 Annual Fees.

10 **Citation Number 1920206**

11 23. On February 4, 2020, the Bureau issued Citation No. 1920206 to Respondent for
12 failure to submit its 2017 Annual Report. Citation No. 1920206 to ordered Respondent to
13 complete and submit its 2017 Annual Report through the Bureau's online portal, to submit a copy
14 of Respondent's financial statements for the year ending in 2017 by mail to the Bureau. Citation
15 No. 1920206 also assessed an administrative fine of \$5,000.00 for the violation.

16 24. On February 25, 2020, the Bureau received a Request for Informal Conference
17 regarding Citation No. 1920206 from Respondent, along with Respondent's \$50.00 payment of
18 the fine in connection with the previously issued Citation No. 1920166. Respondent did not
19 appeal or otherwise request a formal administrative hearing contesting Citation No. 1920206 at
20 such time.

21 25. On February 28, 2020, the Bureau mailed a letter to Respondent erroneously
22 confirming that Respondent's \$50.00 payment of the fine for Citation No. 1920206 was received,
23 when in fact such \$50.00 payment had been intended by Respondent to satisfy payment of the
24 fine in connection with Citation No. 1920166. The Bureau's February 28, 2020 letter to
25 Respondent also requested evidence of Respondent's compliance with the Order of Abatement as
26 set forth in Citation No. 1920206.

27 26. Thereafter, on March 10, 2020, the Bureau mailed a letter to Respondent clarifying
28 that the \$50.00 payment Respondent tendered to the Bureau on February 28, 2020 was actually

1 applied to previous Citation No. 1920166. The Bureau's March 10, 2020 letter to Respondent
2 also acknowledged that the Bureau received Respondent's Request for Informal Conference as to
3 Citation No. 1920206, and that Citation No. 1920206 was therefore still open and pending.

4 27. On April 2, 2020, the Bureau conducted an Informal Conference with Respondent
5 regarding Citation No. 1920206. As a result of the Informal Conference, the Bureau issued a
6 Modified Citation on April 29, 2020. The Modified Citation stated that the original
7 administrative fine was reduced from \$5,000.00 to \$2,500.00, based on new substantive facts
8 presented by Respondent during the Informal Conference. The original Order of Abatement
9 remained the same in Modified Citation No. 1920206.

10 28. Thereafter, on June 10, 2020, July 22, 2020, and September 17, 2020, the Bureau
11 mailed three subsequent letters to Respondent demanding that Respondent submit payment of the
12 outstanding administrative fine of \$2,500.00, and comply with the Order of Abatement to
13 complete and submit its 2017 Annual Report through the Bureau's online portal and submit a
14 copy of Respondent's financial statements for the year ending in 2017 by mail to the Bureau, as
15 set forth in Modified Citation No. 1920206.

16 29. On October 20, 2020, the Bureau received Respondent's \$2,500.00 payment in full of
17 the administrative fine in connection with Modified Citation No. 1920206.

18 30. On October 22, 2020, the Bureau mailed a letter to Respondent confirming that it had
19 received Respondent's \$2,500.00 payment of the fine, and requested Respondent's compliance
20 with the Order of Abatement as set forth in Modified Citation No. 1920206 by November 5,
21 2020.

22 31. On December 29, 2020, the Bureau mailed another letter to Respondent demanding
23 that Respondent submit proof of its compliance with the Order of Abatement as set forth in
24 Modified Citation No. 1920206.

25 32. Respondent did not submit its 2017 Annual Report and/or a copy of its financial
26 statements for the year ending in 2017 to the Bureau until on or about March 15, 2022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Failure to Comply with Citation)

3 33. Respondent is subject to disciplinary action under Code section 94936 and California
4 Code of Regulations, title 5, section 75050 in that Respondent failed to fully comply with the
5 Orders of Abatement in Citation Number 1920166. Respondent ultimately submitted its overdue
6 2015 STRF form for the 3rd quarter (which was due by October 31, 2015) to the Bureau on
7 January 4, 2016; but then did not submit its overdue 2015 STRF form for the 4th quarter (which
8 was due by January 25, 2016) to the Bureau until January 10, 2022. Respondent still owes a
9 delinquency fee balance in the amount of \$50.00 in connection with its original failure to timely
10 pay its 2019 Annual Fees. Complainant hereby incorporates paragraphs 17 through 22 above as
11 though set forth in full herein.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Failure to Comply with Citation)

14 34. Respondent is subject to disciplinary action under Code section 94936 and California
15 Code of Regulations, title 5, section 75050 in that Respondent failed to fully comply with the
16 Order of Abatement in Modified Citation Number 1920206 until March 15, 2022. Complainant
17 hereby incorporates paragraphs 23 through 32 above as though set forth in full herein.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Repeated Failure to Timely Submit Annual Reports, Student Tuition Recovery Fund (STRF)
20 Assessment Reporting Forms, and Required Fees)

21 35. Respondent is subject to disciplinary action under Code sections 94932 and 94937,
22 and California Code of Regulations, title 5, section 75050, in that Respondent has repeatedly
23 failed to submit completed Annual Reports, Student Tuition Recovery Fund (STRF) Assessment
24 Reporting Forms, and required fees in a timely manner, as follows:

25 a. **2018 Annual Report.** Respondent's Annual Report for the year 2018 was due on or
26 before December 1, 2019. Respondent did not submit this report until March 15, 2022. In so
27 doing, Respondent has since failed to make specific corrections to the report as directed by the
28 Bureau.

1 b. **2019 Annual Report.** Respondent’s Annual Report for the year 2019 was due on or
2 before December 1, 2020. Respondent did not submit this report until March 15, 2022. In so
3 doing, Respondent has since failed to make specific corrections to the report as requested by the
4 Bureau.

5 c. **2020 Annual Report.** Respondent’s Annual Report for the year 2020 was due on or
6 before December 1, 2021. Respondent did not submit this report until March 15, 2022. In so
7 doing, Respondent has since failed to make specific corrections to the report as requested by the
8 Bureau.

9 d. **2020 First Quarter STRF Assessment Reporting Form.** Respondent’s First
10 Quarter STRF Assessment Reporting Form for the year 2020 was due on or before May 4, 2020.
11 Respondent did not submit this required form until August 20, 2021.

12 e. **2020 Second Quarter STRF Assessment Reporting Form.** Respondent’s Second
13 Quarter STRF Assessment Reporting Form for the year 2020 was due on or before July 28, 2020.
14 Respondent did not submit this required form until August 20, 2021.

15 f. **2020 Third Quarter STRF Assessment Reporting Form.** Respondent’s Third
16 Quarter STRF Assessment Reporting Form for the year 2020 was due on or before October 28,
17 2020. Respondent did not submit this required form until August 20, 2021.

18 g. **2020 Fourth Quarter STRF Assessment Reporting Form.** Respondent’s Fourth
19 Quarter STRF Assessment Reporting Form for the year 2020 was due on or before January 25,
20 2021. Respondent did not submit this required form until August 20, 2021.

21 h. **2021 First Quarter STRF Assessment Reporting Form.** Respondent’s First
22 Quarter STRF Assessment Reporting Form for the year 2021 was due on or before May 3, 2021.
23 Respondent did not submit this required form until January 13, 2022.

24 i. **2021 Second Quarter STRF Assessment Reporting Form.** Respondent’s Second
25 Quarter STRF Assessment Reporting Form for the year 2021 was due on or before August 2,
26 2021. Respondent did not submit this required form until January 13, 2022.

27 j. **2020 Annual Fees.** Respondent’s Annual Fees for the year 2020 in the amount of
28 \$2,500.00 was due on or before August 1, 2020. Respondent failed to submit such fees until

1 August 19, 2021. However, in so doing, Respondent failed to also submit the delinquency
2 penalty fee in the amount of \$875.00 that had been assessed and demanded by the Bureau, until
3 she tendered \$825.00 of that delinquency penalty fee on January 13, 2022, leaving an outstanding
4 balance of \$50.00 that is still owed by Respondent in connection therewith.

5 k. **2021 Annual Fees.** Respondent's Annual Fees for the year 2021 in the amount of
6 \$2,500.00 was due on or before August 1, 2021. Respondent failed to submit such fees and the
7 \$875.00 delinquency penalty fee that had been assessed by the Bureau in connection therewith
8 until September 29, 2021.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
11 Second Amended Accusation, and that following the hearing, the Director of the Department of
12 Consumer Affairs issue a decision:

- 13 1. Revoking or suspending Approval to Operate Institution Code Number 42097062,
14 issued to Saint Joseph's School of Nursing;
- 15 2. Ordering Saint Joseph's School of Nursing to pay the Bureau for Private
16 Postsecondary Education the reasonable costs of the investigation and enforcement of this case,
17 pursuant to Business and Professions Code section 125.3; and,
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: " 8 / 1 0 / 2 0 2 2 "

"Original Signature on File"

DEBORAH COCHRANE

Chief

Bureau for Private Postsecondary

Education

Department of Consumer Affairs

State of California

Complainant