



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: Prospect Education, LLC, Owner
Charter College - Oxnard
2000 Outlet Center Drive, Suite 150
Oxnard, CA 93036

INSTITUTION CODE: 81701402
CITATION NUMBER: 1920325
CITATION ISSUANCE/SERVICE DATE: June 18, 2020
DUE DATE: July 18, 2020
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 Prospect Education, LLC, Owner of Charter College - Oxnard (Institution) located at 2000 Outlet Center Drive, Suite 150, Oxnard, CA 93036, 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 September 18, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations were found related to the 2016-2017 School Performance Fact Sheet (SPFS) and supporting documentation.

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>Violation: 5, CCR Section 74112(h)(i)(2)(4)(k)(m)(3)(4)(5)(6)(7)(8)(9) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(h) Completion Rates. Reporting of completion rates for an institution’s Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published</i></p>

program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data.

(i) Job Placement Rates

(2) Placement is measured six months from the graduation date of each student. For programs that require passage of a licensing examination, placement shall be measured six months after the announcement of the examination results for the first examination available after a student completes an applicable educational program. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b) section 94842 of the Code, the graduates available for employment, graduates employed in the field and job placement rate(s).

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

(k) Salary and Wage Information. All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only)

(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:

(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;

(4) for each employer from which employment or salary information was obtained, the employer 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."

Violation: 5 CCR, Section 74112(h): Bureau staff reviewed the 2016-2017 SPFS and the supporting documentation and found that the documentation provided does not substantiate the information listed:

2017 Dental Assisting SPFS Data

- SPFS reports 24 graduates completed within 150%; supporting documentation identifies 21 students

2017 Veterinary Assistant SPFS Data

- SPFS reports 43 graduates completed within 150%; supporting documentation identifies 36 students

Violation: 5 CCR, Section 74112(i)(2)(4): Bureau staff reviewed the 2016-2017 SPFS and the supporting documentation and found that the supporting documentation provided does not substantiate the 2016-2017 Job Placement Rates and Gainful Employment data

2017 Dental Assisting SPFS Data

- **Job Placement Rate**
 - The SPFS reports 13 “Number of Graduates”; supporting documentation identifies 24 graduates
 - The SPFS reports 12 “Graduates Available for Employment”; supporting documentation identifies 24 graduates
 - The SPFS reported 6 “Graduates Employed in the Field”; supporting documentation identifies 10 graduates

Gainful Employment Categories

- The SPFS reports 6 “Total Graduates Employed in the Field”; supporting documentation identifies 10

2017 Medical Assistant SPFS Data

- **Job Placement Rate**
 - The SPFS reports 16 “Number of Graduates”; supporting documentation identifies 24 graduates
 - The SPFS reports 15 “Graduates Available for Employment”; supporting documentation identifies 21 graduates
 - The SPFS reported 9 “Graduates Employed in the Field”; supporting documentation identifies 11 graduates

Gainful Employment Categories

- The SPFS reports 9 “Total Graduates Employed in the Field”; supporting documentation identifies 11

2017 Veterinary Assistant SPFS Data

- **Job Placement Rate**
 - SPFS reports 9 “Graduates in the Field”; supporting documentation identifies 8 graduates

Gainful Employment Categories

- SPFS reports 9 “Total Graduates Employed in the Field”; supporting documentation identifies 8

Violation: 5 CCR, Section 74112(k): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation does not substantiate the Salary and Wage data reported in the 2016-2017 Dental Assisting SPFS, Medical Assistant SPFS and Veterinary

Assistant SPFS.

2017 Dental Assisting SPFS Data

- Salary and Wage Data
 - The SPFS reports 12 “Graduates Available for Employment”; supporting documentation identified 24
 - The SPFS reports 6 “Graduates Employed in the Field”; supporting documentation identifies 10

2017 Medical Assistant SPFS Data

- Salary and Wage Data
 - The SPFS reports 15 “Graduates Available for Employment”; supporting documentation identified 21
 - The SPFS reports 9 “Graduates Employed in the Field”; supporting documentation identifies 11

2017 Veterinary Assistant SPFS Data

- Salary and Wage Data
 - The SPFS reports 9 “Graduates Employed in the Field”; supporting documentation identifies 8

Violation: 74112(m)(3)(4)(5)(6)(7)(8)(9): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation failed to contain the following elements for all students:

- Graduate Employment Information:
 - Date employment ended (if applicable)
 - Actual salary
 - Hours per week
- Employer Information:
 - All written communication with employer verifying employment or salary
 - Description of all attempts to contact each student or employer
- License examination data/results
- Documentation of “unavailable for graduation” or “unavailable for employment”:
 - Type of unavailability
 - Dates of unavailability
 - Documentation of unavailability
- Institutional representative primarily responsible for collecting performance data:
 - Name
 - Email address
 - Phone number
 - Position or Title
 - Date information was gathered
 - Copies of notes, letters, and/or emails

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with 5, CCR Section 74112 will be maintained.

	Assessment of Fine The fine for this violation is <u>\$5,500.00</u>
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 **July 18, 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 **June 18, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 18, 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:

Gabriella Perez, 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“6/18/2020”

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