



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: George Eliades, Owner
Orange County Dental Careers
15541 Beach Blvd., Suite D
Westminster, CA 92683

INSTITUTION CODE: 25448491

CITATION NUMBER: 1920040

CITATION ISSUANCE/SERVICE DATE: August 15, 2019

DUE DATE: September 14, 2019

FINE AMOUNT: \$ 8,000.00

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 George Eliades, Owner of Orange County Dental Careers (Institution) located at 15541 Beach Blvd., Suite D, Westminster, CA 92683, 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

On June 23, 2018, an unannounced Compliance Inspection was conducted at the Institution. Bureau staff observed a banner on the exterior of the building that contained the Dental Board of California's name and logo. During the inspection, Bureau staff informed the Owner that the use of the government agency logo was against Bureau laws and regulations and suggested the banner be removed.

Additionally, Bureau staff requested the supporting documentation for the 2015-2016 School Performance Fact Sheets (SPFS), and the Owner was only able to provide a binder with emails from students reporting their job placement. Bureau staff provided a copy of the Bureau regulation to the Owner that states supporting documentation is required to be maintained for SPFS. The Owner stated that he did not have the data.

In addition, Bureau staff requested the supporting documentation for the 1st Quarter - 2018 Student Tuition Recovery Fund (STRF). The Owner stated he did not have, and was unable to provide, the supporting documentation. On June 27, 2018, Bureau staff received an email from the Owner that contained a word document identified as the "STRF reporting backup documentation." Bureau staff reviewed the supporting documentation and found that the information was incomplete.

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>5, CCR Section 74112(m) (1-9) <i>“(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:</i> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(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;</i> <i>(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;</i> <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i> <i>(6) a description of all attempts to contact each student, or employer;</i> <i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i> <i>(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</i> <i>(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.”</i></p> <p>CEC Section 94929.7(a)(2) -Documentation of Performance Data <i>(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:</i> <i>(2) Be retained in an electronic format and made available to the bureau upon request.</i></p> <p>The Owner stated that he did not have the supporting documentation to substantiate the data reported on the 2015-2016 SPFS.</p> <p>Order of Abatement: The Bureau orders the Institution to provide a policy, or procedure, of how all required supporting documentation for the SPFS will be maintained for future compliance of 5, CCR section 74112 (m).</p> <p>Assessment of Fine The fine for this violation is \$5,000.00</p>
2.	<p>5, CCR Section 76140(a)(1-13) <i>“(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility</i></p>

under the Fund. Such records shall include the following for each student:

- (1) Student identification number,
- (2) First and last names,
- (3) Email address,
- (4) Local or mailing address,
- (5) Address at the time of enrollment,
- (6) Home address,
- (7) Date enrollment agreement signed,
- (8) Courses and course costs,
- (9) Amount of STRF assessment collected,
- (10) Quarter in which the STRF assessment was remitted to the Bureau,
- (11) Third-party payer identifying information,
- (12) Total institutional charges charged, and
- (13) Total institutional charges paid."

CEC Section 94900.5(c)- Required Institutional Records

An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information:

(c) Any other records required to be maintained by this chapter, including, but not limited to, records maintained pursuant to Article 16 (commencing with Section 94928).

The Owner stated he did not have, and was unable to provide, the supporting documentation for the 1st Quarter – 2018 STRF reporting period.

Order of Abatement:

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain compliance with 5, CCR section 76140.

Assessment of Fine

The fine for this violation is \$500.00

3. **CEC Section 94897(i)(1)**

An institution shall not do any of the following:

(i) Use a name in any manner improperly implying any of the following:

(1) The institution is affiliated with any government agency, public or private corporation, agency, or association if it is not, in fact, thus affiliated.

Bureau staff observed a banner on the exterior of the Institution that contained the Dental Board of California's name and logo. The banner implies that the Institution is affiliated with the government agency.

Order of Abatement:

The Bureau orders the Institution to remove the sign and submit evidence of compliance.

Assessment of Fine

The fine for this violation is \$2500.00

TOTAL ADMINISTRATIVE FINE DUE: \$8,000.00

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 **\$8,000.00** 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 **September 14, 2019** 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 **August 15, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 14, 2019**. 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
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

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) 621-2591 or Cheryl.Lardizabal@dca.ca.gov.

Beth Scott

8-15-19

Beth Scott
Enforcement Chief

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