



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Phlebotomy Training Specialists CA, LLC., Owner
 Phlebotomy Training Specialists
 14258 Beach Blvd
 Westminster, CA 92683

INSTITUTION CODE: 22574123
CITATION NUMBER: 1819153
CITATION ISSUANCE/SERVICE DATE: March 18, 2019
DUE DATE: April 20, 2019

FINE AMOUNT: \$ 6,002.00

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 Phlebotomy Training Specialist CA, LLC., Owner of Phlebotomy Training Specialists (Institution) located at 14258 Beach Blvd, Westminster, CA 92683, 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 March 27, 2018, Bureau Staff conducted an announced compliance inspection at the Institution located at 14258 Beach Blvd, Westminster, CA 92683, and an Enforcement Referral was issued. The Enforcement Referral alleges material violations of 5, CCR section 71920(a)(1)(A) Student Records, CEC section 94920. General Enrollment Requirements and 5, CCR section 74112(m). Uniform Data-Annual Report, Performance Fact Sheet.

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 71920(a)(1)(A) Student Records (a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.</p>

	<p>(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following: (A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;</p> <p>On March 27, 2018, during an announced compliance inspection, Bureau staff conducted a review of student files. The student files were missing a high school diploma or equivalency, or other documentation establishing the student's ability to do college level work.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit an established policy and procedure of how the Institution will stay in compliance with 5, CCR section 71920(a)(1)(A)</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$501.00</u></p>
2.	<p><u>Violation:</u> CEC section 94902(b)(3). General Enrollment Requirements (b)An enrollment agreement is not enforceable unless all of the following requirements are met: (3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.</p> <p>On March 27, 2018, Bureau staff conducted a review of student files and found they were missing the signed copy of the School Performance Fact Sheet. B.S.T., CEO of the Institution, stated the Institution does not keep a signed copy of the SPFS in the student file.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution ensure that all students, and an authorized employee of the Institution, sign and date the required documents. The Institution shall submit to the Bureau written evidence of compliance with CEC section 94902(b)(3).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$501.00</u></p>
3.	<p><u>Violation:</u> 5, CCR section 74112(m)(1-9). Uniform Data- Annual Report, Performance Fact Sheet. (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: (1) the list of job classifications determined to be considered gainful employment for the educational program; (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates; (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;</p>

- (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.

On February 15, 2018, prior to the announced compliance inspection, the Bureau requested the electronic supporting documentation for the 2015/2016 SPFS from the Institution. The Institution failed to provide the Bureau with the electronic supporting documentation for the 2015/2016 SPFS.

Order of Abatement:

The Bureau orders the Institution to electronically submit to the Bureau the supporting documentation for the 2015/2016 School Performance Fact Sheet, per 5, CCR section 74112(m)(1-9).

Assessment of Fine:

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$6,002.00

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 **\$6,002.00** 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 **April 20, 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 **March 21, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 20, 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:

Gurinder Sandhu, 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.



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