



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Conrado Banaga, Owner
Gina Guarin, Owner
Bernadette Bautista, Owner
Sierra Pacific College
1200 Arizona St. Ste. A-2
Redlands, CA 92374

INSTITUTION CODE: 90919988

CITATION NUMBER: 1819128

CITATION ISSUANCE/SERVICE DATE: February 27, 2019

DUE DATE: March 29, 2019

FINE AMOUNT: \$10,000.00

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: Conrado Banaga (Banaga) 33% Owner, Gina Guarin, (Guarin) 33% Owner, and Bernadette Bautista, (Bautista) 33% Owner of Sierra Pacific College (Institution) located at 1200 Arizona St. Ste. A-2, Redlands, CA 92374, 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

In accordance with CEC section 94926 and 5, CCR section 76240(a), an institution shall notify the Bureau in writing of its intention to close, at least 30 days prior to closing.

On July 20, 2018, the Bureau received information from a former student that the Institution was closed. Bureau records reflected that the Institution still had an active status and the Institution had not submitted a school closure plan to the Bureau.

On July 31, 2018, Bureau staff visited the Institution's address of record, 1200 Arizona Street, Suite A-2, Redlands, CA 92374, and found that it was no longer in operation and the space was occupied by another business.

On August 6, 2018, Bureau staff spoke to one of the Institution's owner, Banaga, who stated that the school closed when they lost Board of Vocational Nursing and Psychiatric Technicians (BVNPT) approval, around 2015/2016.

As of February 27, 2019, the Institution has not submitted the required school closure form to the Bureau. The Institution failed to provide 30-day advance notice of school closure.

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><u>Violation:</u> CEC Section 94926(a)(b)(c)(d) - Procedures Prior to Closing, Teach-Out Plans "At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following: (a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs. (b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds. (c) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning these programs and institutional closures. (d) A plan for the disposition of student records."</p> <p>5, CCR Section 76240(a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2) - Required Notices and Teach-Out Plan. "All institutions, including those exempts from Bureau regulation pursuant to the Code, shall do the following prior to closing: (a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include: (1) The exact date and reason for the closure. (2) The last date of instruction for each educational service or program. (3) A list of students who were enrolled at any time during the 60 days prior to closure. (4) If any student will not be provided complete educational services or the educational program, the institution shall provide: (A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions. (B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds. (5) A plan for the disposition of student records. (6) A plan to notify students of their rights and options under the Act and this chapter. (b) The institution shall notify the students of the following: (1) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning those programs and institutional closures. (2) If any student will not be provided complete educational services or the educational program,</p>

	<p>information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses.”</p> <p>The Institution failed to provide written notice of closure to the Bureau at least 30 days prior to closing.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
2.	<p><u>Violation:</u> CEC Section 94927.5 (a)(1) - Provision of Records to Bureau Prior to Closing “(a) Prior to closing, an institution shall provide the bureau with the following: (1) Pertinent student records, including transcripts, as determined by the bureau, pursuant to regulations adopted by the bureau.”</p> <p>The Institution failed to provide a plan for the retention of records and transcripts prior to closing, as required by CEC section 94927.5 (a)(1).</p> <p><u>Order of Abatement:</u> The Bureau orders that the owners of the Institution provide the Bureau with the plan of retention of student records, and information on how students may obtain their records as required by CEC section 94927.5 (a)(1).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00</p>	

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 **\$10,000.00** 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(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 **March 29, 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 **February 27, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 29, 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