

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

In the Matter of the Accusation Against:

PREMIERE CAREER COLLEGE

12901 Ramona Blvd.

Irwindale, CA 91706

Institution Code: 1921251

Case No.: BPPE22-113

OAH Case No.: 2022060824

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 May 03, 2023.

It is so ORDERED March 30, 2023.

"Original Signature on File"

RYAN MARCROFT
Deputy Director, Legal Affairs Division
Department of Consumer Affairs

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
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Attorneys for Complainant

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

13
14 In the Matter of the Accusation Against:
15 **PREMIERE CAREER COLLEGE**
16 **12901 Ramona Blvd.**
Irwindale, CA 91706
17 **Approval to Operate Institution Code**
Number 1921251
18
19 Respondent.

Case No. BPPE22-113
OAH No. 2022060824
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**
[Bus. & Prof. Code § 495]

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 Dionne
26 Mochon, Deputy Attorney General.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. BPPE22-113.

4 9. Respondent agrees that its Institution is subject to discipline and it agrees to be bound
5 by the Disciplinary Order below.

6 CONTINGENCY

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

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

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

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1 13. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Director may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Approval to Operate Institution Code Number 1921251
6 issued to Respondent Premiere Career College shall be publicly reproved by the Bureau for
7 Private Postsecondary Education under Business and Professions Code section 495 in resolution
8 of Accusation No. BPPE22-113, attached as Exhibit A.

9 **Submission of Student Tuition Recovery Fund (STRF) Claims:** If any student
10 previously enrolled in the Licensed Vocational Nurse Program is deemed eligible by the Bureau
11 for reimbursement through STRF, the Bureau shall notify Respondent and Respondent shall fully
12 reimburse the Bureau within ninety days of notification by the Bureau. If Respondent fails to
13 reimburse the Bureau, Respondent shall not be allowed to renew its Approval to Operate until
14 Respondent reimburses the Bureau in full for all STRF reimbursements made by the Bureau. The
15 Bureau reserves the right to enforce required STRF reimbursement as if it were a money
16 judgment pursuant to Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil
17 Procedure.

18 **Cost Recovery.** No later than six months from the effective date of the Decision,
19 Respondent shall pay \$7,590.00 to the Bureau for its costs associated with the investigation and
20 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If
21 Respondent fails to pay the Bureau costs as ordered, Respondent shall not be allowed to renew
22 their Approval to Operate until Respondent pays costs in full. In addition, the Bureau may
23 enforce this order for payment of its costs in any appropriate court, in addition to any other rights
24 the Bureau may have.

25 **Full Compliance.** As a resolution of the charges in Accusation No. BPPE22-113, this
26 stipulated settlement is contingent upon Respondent's full compliance with all conditions of this
27 Order. If Respondent fails to satisfy any of these conditions, such failure to comply will result in
28

1 revocation of Respondent's Approval to Operate. Respondent hereby waives any right to appeal
2 of Respondent's Approval to Operate Institution Code Number 1921251.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
5 Repeval and have fully discussed it with my attorney, James Victor Kosnett. I understand the
6 stipulation and the effect it will have on Premiere Career College. I enter into this Stipulated
7 Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently,
8 and agree to be bound by the Decision and Order of the Director of the Department of Consumer
9 Affairs.

10
11 DATED: March 6, 2023

"Original Signature on File"

Signature of authorized agent for
PREMIERE CAREER COLLEGE
Respondent

"Original Signature on File"

Printed name of authorized agent for
PREMIERE CAREER COLLEGE
Respondent

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17
18 DATED: March 6, 2023

"Original Signature on File"

JAMES VICTOR KOSNETT
Attorney for Respondent

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ENDORSEMENT

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

DATED: March 23, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General

"Original Signature on File"

DIONNE MOCHON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. BPPE22-113

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E-mail: Dionne.Mochon@doj.ca.gov
8 *Attorneys for Complainant*

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12 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. BPPE22-113

15 **PREMIERE CAREER COLLEGE**
16 **12901 Ramona Blvd.**
Irwindale, CA 91706

ACCUSATION

17 **Approval to Operate Institution Code**
18 **Number 1921251**

Respondent.

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21 **PARTIES**

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

25 2. On or about September 1, 1984, the Bureau issued Approval to Operate Institution
26 Code Number 1921251 to Premiere Career College (Respondent). Premiere Career College is
27 owned by Premiere Educational Corporation. Fe Ludovico-Aragon and Enrique V. Aragon are
28 each 50% owners of the corporation.

chapter 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).

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10. Section 477 of the Business and Professions Code states:

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

STATUTORY PROVISIONS

11. Section 94899 of the Code states:

If an institution offers an educational program in a profession, occupation, trade, or career field that requires licensure in this state, the institution shall have an educational program approval from the appropriate state licensing agency to conduct that educational program in order that a student who completes the educational program, except as provided in Section 94905, is eligible to sit for any required licensure examination.

12. Section 94934.5 of the Code states:

(a) An institution with an approval to operate that knows that it is being investigated by an oversight entity other than the bureau shall report that investigation, including the nature of that investigation, to the bureau within 30 days of the institution's first knowledge of the investigation. An institution with an approval to operate that is the subject of a judgment by, a regulatory action by, increased oversight or monitoring by, or a settlement with, any oversight entity other than the bureau shall report it to the bureau within 30 days. Failure to comply with this section may subject the institution to an administrative citation pursuant to Section 94936.

(b) For the purposes of this section, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards.

(c) For the purposes of this section, "oversight entity" means all of the following:

...

(5) Any accrediting agency.

(6) Any state professional licensing entity that exercises any programmatic or institutional approval over the institution.

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1 **REGULATORY PROVISIONS**

2 13. The California Code of Regulations (CCR), title 5, section 71770 states:

3 (a) The institution shall establish specific written standards for student
4 admissions for each educational program. These standards shall be related to the
5 particular educational program. An institution shall not admit any student who is
6 obviously unqualified or who does not appear to have a reasonable prospect of
7 completing the program. In addition to any specific standards for an educational
8 program, the admissions standards must specify as applicable that:

9 (1) Each student admitted to an undergraduate degree program, or a diploma
10 program, shall possess a high school diploma or its equivalent, or otherwise
11 successfully take and pass the relevant examination as required by section 94904 of
12 the Code.

13

14 **COST RECOVERY**

15 14. Section 125.3 of the Business and Profession Code provides, in pertinent part, that the
16 Board may request the administrative law judge to direct a licensee found to have committed a
17 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
18 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
19 license to not being renewed or reinstated. If a case settles, recovery of investigation and
20 enforcement costs may be included in a stipulated settlement.

21 **FACTUAL ALLEGATIONS**

22 15. In or around October 2019, the California Board of Vocational Nursing and
23 Psychiatric Technicians (BVNPT) initiated an investigation of Respondent based on a student
24 complaint regarding the lack of clinical training. Following the investigation, BVNPT approved
25 Respondent’s vocational nursing program subject to compliance with BVNPT’s regulations
26 (provisional approval). On or about January 21, 2022, the Bureau received an online complaint
27 from BVNPT alleging that Respondent revised admission criteria in an effort to improve
28 licensing pass rates and student retention rates, and knowingly admitted twenty two students to its
vocational nursing program that did not meet the minimum score on the Test of Essential
Academic Skills (TEAS) assessment. On or about February 22, 2022, BVNPT informed the
Bureau that the BVNPT voted to permanently close Respondent’s vocational nursing program
effective February 18, 2022. In addition, BVNPT issued a Decision that denied Respondent’s

1 request to admit a full time evening class of thirty students to commence April 18, 2022, revoked
2 the BVNPT provisional approval issued to Respondent, and removed the vocational nursing
3 program from BVNPT's list of Approved Vocational Nursing Schools effective immediately.
4 The Decision directed Respondent to contact the Bureau for further guidance.

5 16. On March 8, 2022, Bureau Investigator NF conducted an unannounced site visit of
6 the Institution. Investigator NF interviewed Respondent's president. Respondent's president
7 confirmed that Respondent still had an active vocational nurse program and approximately
8 twenty- two students were enrolled in the program although they had not passed TEAS.

9 17. As part of the Bureau's investigation, Investigator NF reviewed Bureau records of
10 this institution and found that the Bureau did not receive any notice from Respondent that it was
11 the subject of an investigation by BVNPT in 2019 or that BVNPT issued a provisional approval
12 to Respondent. In addition, the Bureau only received notice from BVNPT, and not Respondent,
13 that BVNPT formally revoked Respondent's provisional approval on February 22, 2022, effective
14 February 18, 2022.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Revocation of Educational Program Approval by State Licensing Agency)**

17 18. Respondent has subjected its approval to operate to disciplinary action under Code
18 section 94899 in that Respondent's educational program approval was revoked by the BVNPT
19 such that students who complete Respondent's vocational nursing program would be ineligible to
20 sit for any required licensure examination, as more specifically set forth in paragraph 15 above
21 and incorporated herein.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Failure to Give Bureau Notice of Investigation by another Oversight Entity)**

24 19. Respondent has subjected its approval to operate to disciplinary action under Code
25 section 94934.5 by failing to inform the Bureau of the BVNPT's 2019 investigation and issuance
26 of a provisional approval in February 2020, within the required thirty days and failing to notify
27 the Bureau of the BVNPT decision revoking their provisional approval, as more specifically set
28 forth in paragraphs 15 through 17 above and incorporated herein.

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THIRD CAUSE FOR DISCIPLINE

(Admissions Standards and Transferred Credits Policy)

20. Respondent has subjected its approval to operate to disciplinary action under California Code of Regulations, title 5, section 71770, by enrolling students in their vocational nursing program who failed to pass the TEAS entrance examination as more specifically set forth in paragraphs 15 through 17 above and incorporated herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Revoking Approval to Operate Number 1921251, issued to Premiere Educational Corporation, dba Premiere Career College;

2. Ordering Premiere Educational Corporation to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 5/4/2022

"Original Signature on File"
DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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