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9
10 **BEFORE THE**
DIRECTOR OF THE DEPARTMENT OF CONSUMER AFFAIRS
11 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
STATE OF CALIFORNIA
12
13

14 In the Matter of the Accusation Against:

Case No. 1003085

15 **California Premiere College**
2530 N. Grand Ave.,
16 **Santa Ana, CA 92705**

ACCUSATION

17 **Mailing address:**
P.O. Box 10866
18 **Santa Ana, CA 92711**

19 **Institution Code No. 3006811**

20 Respondent.
21

22
23 **PARTIES**

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

27 2. On or about December 11, 1986, the Bureau for Private Postsecondary Education
28 (Bureau) issued Approval to Operate Number Institution Code: 3006811 to California Premiere

1 College (Respondent). Respondent is currently owned by Technologic Institute of Southern
2 California dba California Premiere College, with Martha Zapien (Zapien) as sole shareholder.
3 The Approval to Operate expired on December 27, 2020, and has not been renewed.
4 Respondent’s Application for Renewal of Approval to Operate an Institution Non-Accredited was
5 denied on August 25, 2022.

6 **JURISDICTION**

7 3. This Accusation is brought before the Director of the Department of Consumer
8 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the
9 following laws. All section references are to the Education Code (Code) unless otherwise
10 indicated.

11 4. Section 94932 of the Education Code states:

12 The bureau shall determine an institution’s compliance with the requirements of
13 this chapter. The bureau shall have the power to require reports that institutions shall
14 file with the bureau in addition to the annual report, to send staff to an institution’s
15 sites, and to require documents and responses from an institution to monitor
16 compliance. When the bureau has reason to believe that an institution may be out of
17 compliance, it shall conduct an investigation of the institution. If the bureau
18 determines, after completing an investigation, that an institution has violated any
19 applicable law or regulation, the bureau shall take appropriate action pursuant to this
20 article.

17 **STATUTORY PROVISIONS**

18 5. Business and Professions Code section 23.7 states, “Unless otherwise expressly
19 provided, “license” means license, certificate, registration, or other means to engage in a business
20 or profession regulated by this code or referred to in Section 1000 or 3600.”

21 6. Section 22 of the Code states, “No rights given by any license or certificate under
22 any act repealed by this code are affected by the enactment of this code or by such repeal, but
23 such rights shall hereafter be exercised according to the provisions of this code.”

24 7. Section 94897 of the Education Code states:

25 An institution shall not do any of the following:

26 ...

27 (j) In any manner make an untrue or misleading change in, or untrue or
28 misleading statement related to, a test score, grade or record of grades, attendance

1 record, record indicating student completion, placement, employment, salaries, or
2 financial information, including any of the following:

3 ...

4 (3) Any other record or document required by this chapter or by the bureau.

5 8. Section 94900.5 of the Education Code states:

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

9 (a) The educational programs offered by the institution and the curriculum for each.

10 (b) The names and addresses of the members of the institution's faculty and records
11 of the educational qualifications of each member of the faculty.

12 (c) Any other records required to be maintained by this chapter, including, but not
13 limited to, records maintained pursuant to Article 16 (commencing with Section
14 94928).

15 9. Code Section 94910 states:

16 Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior
17 to enrollment, an institution shall provide a prospective student with a School Performance
18 Fact Sheet containing, at a minimum, the following information, as it relates to the
19 educational program:

20 (a) Completion rates, as calculated pursuant to Article 16 (commencing with Section
21 94928).

22 (b) Placement rates for each educational program, as calculated pursuant to Article
23 16 (commencing with Section 94928), if the educational program is designed to lead to, or
24 the institution makes any express or implied claim related to preparing students for, a
25 recognized career, occupation, vocation, job, or job title.

26 (c) License examination passage rates for programs leading to employment for
27 which passage of a state licensing examination is required, as calculated pursuant to Article
28 16 (commencing with Section 94928).

(d) Salary or wage information, as calculated pursuant to Article 16 (commencing
with Section 94928).

(e) If a program is too new to provide data for any of the categories listed in this
subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the
number of students who graduate, the number of students who are placed, or the starting
salary you can earn after finishing the educational program are unknown at this time.
Information regarding general salary and placement statistics may be available from
government sources or from the institution, but is not equivalent to actual performance
data."

1 (f) All of the following:

2 (1) A description of the manner in which the figures described in
3 subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader
4 of where he or she may obtain a description of the manner in which the figures
described in subdivisions (a) to (d), inclusive, are calculated.

5 (2) A statement informing the reader of where he or she may obtain from the
6 institution a list of the employment positions determined to be within the field for
7 which a student received education and training for the calculation of job placement
rates as required by subdivision (b).

8 (3) A statement informing the reader of where he or she may obtain from the
9 institution a list of the objective sources of information used to substantiate the
salary disclosure as required by subdivision (d).

10 (g) The following statements:

11 (1) "This fact sheet is filed with the Bureau for Private Postsecondary
12 Education. Regardless of any information you may have relating to completion
13 rates, placement rates, starting salaries, or license exam passage rates, this fact sheet
contains the information as calculated pursuant to state law."

14 (2) "Any questions a student may have regarding this fact sheet that have not
15 been satisfactorily answered by the institution may be directed to the Bureau for
16 Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet
Website address), (telephone and fax numbers)."

17 (h) If the institution participates in federal financial aid programs, the most recent
18 three-year cohort default rate reported by the United States Department of Education for
the institution and the percentage of enrolled students receiving federal student loans.

19 (i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is
20 not required to include students who satisfy the qualifications specified in subdivision (d) of
21 Section 94909, but an institution shall disclose whether the data, information, or both
22 provided in its fact sheet excludes students pursuant to this subdivision. An institution shall
not actively use data specific to the fact sheet in its recruitment materials or other
recruitment

23 10. Section 94934 of the Code states:

24 (a) As part of the compliance program, an institution shall submit an annual
25 report to the bureau, under penalty of perjury, signed by a responsible corporate
26 officer, by July 1 of each year, or another date designated by the bureau, and it shall
include the following information for educational programs offered in the reporting
27 period:

28 (1) The total number of students enrolled by level of degree or for a
diploma.

1 (2) The number of degrees, by level, and diplomas awarded.

2 (3) The degree levels and diplomas offered.

3 (4) The Student Performance Fact Sheet, as required pursuant to Section
4 94910.

5 (5) The school catalog, as required pursuant to Section 94909.

6 (6) The total charges for each educational program by period of
7 attendance.

8 (7) A statement indicating whether the institution is, or is not, current in
9 remitting Student Tuition Recovery Fund assessments.

10 (8) A statement indicating whether an accrediting agency has taken any
11 final disciplinary action against the institution.

12 (9) Additional information deemed by the bureau to be reasonably
13 required to ascertain compliance with this chapter.

14 (b) The bureau, by January 1, 2011, shall prescribe the annual report's format
15 and method of delivery.

16 (c)(1) By July 1, 2019, or another date designated by the bureau, and in each year
17 thereafter, each institution approved to operate by the bureau, that offers specified
18 certificates or degrees related to allied health professionals that require clinical training,
19 shall include in the report submitted pursuant to subdivision (a) clinical placement data
20 delineated by program and occupation.

21 The report shall include all of the following:

22 (A) The number of students participating at each clinical training site. This shall
23 include information about proficiency in languages other than English.

24 (B) Whether any donation, money, compensation, or exchange of consideration was
25 offered or provided to the business, nonprofit, or other organization, clinic, hospital, or
26 other location where the student was placed and, if so, the amount.

27 (C) The license number of each clinical training site. If the license number is not
28 available, the report shall include the employer identification number of the clinical training
site.

(2) The collection and reporting of findings pursuant to paragraph (1) will be
implemented over multiple years, and collected by the bureau as follows:

(A) By the 2019-20 fiscal year, or another date designated by the bureau, each
institution approved to operate by the bureau shall include in the report submitted pursuant
to subdivision (a), the following allied healthcare professional degrees and certificates:

(i) Licensed Vocational Nurse.

1 (ii) Medical Assistant.

2 (iii) Occupational Therapy Aide.

3 (iv) Radiologic Technologist.

4 (v) Respiratory Care Therapist.

5 (vi) Pharmacy Technician and Technologist.

6 (vii) Surgical Technician and Technologist.

7 (B) By the 2020-21 fiscal year, or another date designated by the bureau, each
8 institution approved to operate by the bureau shall include in the report submitted pursuant
9 to subdivision (a), the following allied healthcare professional degrees and certificates:

10 (i) Cardiovascular Technologist.

11 (ii) Certified Nurse Assistant.

12 (iii) Dialysis Technician.

13 (iv) Diagnostic Medical Sonographer.

14 (v) Medical Lab Technician.

15 (vi) Orthopedic Assistant.

16 (vii) Physical Therapy Aide and Assistant.

17 (viii) Psychiatric Technologist.

18 (ix) Radiologic Therapist.

19 (x) Speech Language Pathology Aide.

20
21 (C) By the 2021-22 fiscal year, and in each fiscal year thereafter, each institution
22 approved to operate by the bureau shall include in the report submitted pursuant to
23 subdivision (a), all certificates or degrees related to allied health professionals that require
24 clinical training.

25 (D) Any disclosure under this section shall be in compliance with state and federal
26 privacy laws.

27 (E) For the purposes of this subdivision, “allied health professional” has the same
28 meaning as in Section 295p of Title 42 of the United States Code.

11. Section 94937 of the Education Code states:

(a) As a consequence of an investigation, and upon a finding that an institution

1 has committed a violation, the bureau may place an institution on probation or may
2 suspend or revoke an institution's approval to operate for:

3 (1) Obtaining an approval to operate by fraud.

4 (2) A material violation or repeated violations of this chapter or
5 regulations adopted pursuant to this chapter that have resulted in harm to
6 students. For purposes of this paragraph, material violation includes, but is not
7 limited to, misrepresentation, fraud in the inducement of a contract, and false or
8 misleading claims or advertising, upon which a student reasonably relied in
9 executing an enrollment agreement and that resulted in harm to the student.

10 (b) The bureau shall adopt regulations, within one year of the enactment of this
11 chapter, governing probation and suspension of an approval to operate.

12 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the
13 Business and Professions Code.

14 (d) An institution shall not be required to pay the cost of investigation to more
15 than one agency.

16 **REGULATORY PROVISIONS**

17 12. Title 5, CCR, section 71700 (Regulation 71700) states, "The Bureau may request
18 that an institution document compliance with the standards set forth in the Act and this Division
19 to obtain and maintain an approval to operate."

20 13. Title 5, CCR, section 71710 (Regulation 71710) states:

21 (a) In order to meet its mission and objectives, the educational program defined in
22 Section 94837 of the Code shall be comprised of a curriculum that includes:

23 (1) Those subject areas that are necessary for a student to achieve the
24 educational objectives of the educational program in which the student is enrolled;

25 (2) Subject areas and courses or modules that are presented in a logically
26 organized manner or sequence to students;

27 (3) Course or module materials that are designed or organized by duly
28 qualified faculty. For each course or module, each student shall be provided with a
syllabus or course outline that contains:

(A) A short, descriptive title of the educational program;

(B) A statement of educational objectives;

(C) Length of the educational program;

(D) Sequence and frequency of lessons or class sessions;

(E) Complete citations of textbooks and other required written
materials;

1 (F) Sequential and detailed outline of subject matter to be addressed
2 or a list of skills to be learned and how those skills are to be measured;

3 (G) Instructional mode or methods.

4 ...

5 14. Title 5, CCR, section 71715 (Regulation 71715) states:

6 (a) Instruction shall be the central focus of the resources and services of the
7 institution.

8 (b) The institution shall document that the instruction offered leads to the
achievement of the learning objectives of each course.

9 (c) Direct instruction requires the physical presence of one or more students and
10 one or more faculty members at the same location. Direct instruction includes instruction
11 presented in a classroom, seminar, workshop, lecture, colloquium, laboratory, tutorial, or
other physical learning settings consistent with the mission, purposes, and objectives of
12 the institution.

13 ...

14 15. Title 5, CCR, section 71730 (Regulation 71730) states:

15 (a) Each institution shall have a chief executive officer, a chief operating officer
16 and chief academic officer. One person may serve more than one function.

17 (b) The duties, responsibilities, and performance evaluation criteria for each
18 administrator shall be set forth in a personnel manual or other writing maintained by the
institution.

19 (c) An institution with one or more branch locations shall establish written
20 institutional policies, consistent with subdivision (d), regarding the division and sharing of
administrative responsibilities between the central administration at the main location and
21 the administration at the branch locations.

22 (d) The administrative staffing at each branch location shall reflect the purposes,
23 size, and educational operations at that location and at any satellite location for which the
branch has administrative responsibilities.

24 (e) The chief academic officer shall possess a degree or equivalent acceptable
25 experience at least equal to the highest qualifications required of the institution's faculty.
Chief academic officers employed on the date of implementation of these regulations, who
26 do not meet the qualifications for their positions, shall have three years to earn the
necessary degrees or experience to qualify them for their position.
27

1 (f) The institution shall employ administrative personnel who have the expertise to
2 ensure the achievement of the institution's mission and objectives and the operation of the
educational programs.

3 (g) The institution shall not employ or continue to employ any administrative
4 personnel who were adjudicated in a judicial or administrative proceeding as having
5 violated any provision of the Act or this chapter or as having committed any act that
would constitute grounds for the denial of a license under Section 480 of the Business and
6 Professions Code.

7 16. Title 5, CCR, section 71735 (Regulation 71735) states:

8 (a) An institution shall have sufficient facilities and necessary equipment to
9 support the achievement of the educational objectives of all of the courses and educational
10 programs in which students are enrolled. If an institution represents that the educational
service will fit or prepare a student for employment in a particular occupation or as
described in particular job titles, either of the following conditions shall be met:

11 (1) The equipment used for instruction or provided to the student shall be
12 comparable in model type or features to equipment generally used in those
occupations or job titles at the time the instruction is offered.

13 (2) The institution shall establish that the equipment used for instruction or
14 provided to a student is not obsolete and is sufficient for instructional purposes to
15 reasonably assure that a student acquires the necessary level of education, training,
16 skill, and experience to obtain employment in the field of training and to perform
the tasks associated with the occupation or job title to which the educational
program was represented to lead.

17 (b) An institution's facilities, including heating and cooling, ventilation, lighting,
18 classrooms, laboratories, and campus environs, shall be well-maintained. The institution
19 shall maintain all valid permits required by any public agencies relating to the health and
safety of the institution's facilities and equipment on file, and such permits shall be
available to the Bureau upon request.

20 17. Title 5, CCR, section 71745 (Regulation 71745) states:

21 (a) The institution shall document that it has at all times sufficient assets and
22 financial resources to do all of the following:

23 ...

24 (6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater
25 at the end of the most recent fiscal year when using generally accepted accounting
26 principles, or for an institution participating in Title IV of the federal Higher Education
27 Act of 1965, meet the composite score requirements of the U.S. Department of Education.
28 For the purposes of this section, current assets does not include: intangible assets,
including goodwill, going concern value, organization expense, startup costs, long-term
prepayment of deferred charges, and non-returnable deposits, or state or federal grant or

1 loan funds that are not the property of the institution but are held for future disbursement
2 for the benefit of students. Unearned tuition shall be accounted for in accordance with
3 general accepted accounting principles.

4 ...

5 18. Title 5, CCR, section 71920 (Regulation 71920) states:

6 (a) The institution shall maintain a file for each student who enrolls in the institution
7 whether or not the student completes the educational service.

8 (b) In addition to the requirements of section 94900, the file shall contain all of the
9 following pertinent student records:

10 (1) Written records and transcripts of any formal education or training, testing, or
11 experience that are relevant to the student's qualifications for admission to the institution
12 or the institution's award of credit or acceptance of transfer credits including the
13 following:

14 (A) Verification of high school completion or equivalency or other
15 documentation establishing the student's ability to do college level work such as
16 successful completion of an ability-to-benefit test if required by the institution. For
17 the purposes of this section an "ability-to-benefit test" means an independently
18 administered examination from the list of examinations prescribed by the United
19 States Department of Education pursuant to Section 484(d) of the federal Higher
20 Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.) as it is, from time to time,
21 amended, that is designed to help identify students who possess the basic skills
22 necessary to succeed in a post-secondary education program, but who lack a high
23 school diploma;

24 (B) Records documenting units of credit earned at other institutions that
25 have been accepted and applied by the institution as transfer credits toward the
26 student's completion of an educational program;

27 (C) Grades or findings from any examination of academic ability or
28 educational achievement used for admission or college placement purposes;

(D) All of the documents evidencing a student's prior experiential learning
upon which the institution and the faculty base the award of any credit;

(2) Personal information regarding a student's age, gender, and ethnicity if that
information has been voluntarily supplied by the student;

(3) Copies of all documents signed by the student, including contracts, instruments
of indebtedness, and documents relating to financial aid;

(4) Records of the dates of enrollment and, if applicable, withdrawal from the
institution, leaves of absence, and graduation; and

1 (5) In addition to the requirements of section 94900(b) of the Code, a transcript
2 showing all of the following:

3 (A) The courses or other educational programs that were completed, or
4 were attempted but not completed, and the dates of completion or withdrawal;

5 (B) Credit awarded for prior experiential learning, including the course title
6 for which credit was awarded and the amount of credit;

7 (C) Credit for courses earned at other institutions;

8 (D) Credit based on any examination of academic ability or educational
9 achievement used for admission or college placement purposes;

10 (E) The name, address, website address, and telephone number of the
11 institution.

12 (6) For independent study courses, course outlines or learning contracts signed by
13 the faculty and administrators who approved the course;

14 (7) The dissertations, theses, and other student projects submitted by graduate
15 students;

16 (8) A copy of documents relating to student financial aid that are required to be
17 maintained by law or by a loan guarantee agency;

18 (9) A document showing the total amount of money received from or on behalf of
19 the student and the date or dates on which the money was received;

20 (10) A document specifying the amount of a refund, including the amount
21 refunded for tuition and the amount for other itemized charges, the method of calculating
22 the refund, the date the refund was made, and the name and address of the person or entity
23 to which the refund was sent;

24 (11) Copies of any official advisory notices or warnings regarding the student's
25 progress; and

26 (12) Complaints received from the student.

27 19. Title 5, CCR, section 71930 (Regulation 71930) states:

28 ...

(e) All records that the institution is required to maintain by the Act or this chapter
shall be made immediately available by the institution for inspection and copying during
normal business hours by the Bureau and any entity authorized to conduct investigations.

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20. Title 5, CCR, section 74110 (Regulation 74110) states:

(a) The annual report required by Section 94934 of the Code shall include the information required by this section, subsections (f) through (j) of section 74112, and sections 94929.5 and 94934 of the Code for all educational programs offered in the prior calendar year, and all of the following for the prior calendar year:

(1) Information regarding institutional branch campuses, including addresses and programs offered at each campus, if applicable;

(2) Information regarding satellite locations, including addresses and with which campus(es) the satellite location is affiliated, if applicable;

(3) Name of institutional accreditors for each branch and satellite campus, and for each such campus at which any programs have programmatic accreditation, the names of the programmatic accreditor for each such program, and effective dates for each programmatic accreditation, if applicable;

(4) Information regarding participation in state and federal student loan and grant programs, including the total amount of funding received from each source for those students enrolled in an approved California school regardless of their state of residency;

(5) Information regarding participation in other public funding programs, including the amount of funding received from each public funding source; for purposes of this section, public funding is any financial aid paid on behalf of students or directly to an institution from any public source, such as the Workforce Investment Act, any veterans' financial aid programs pursuant to Section 21.4253 of Title 38 of the Code of Federal Regulations or any other financial aid program that is intended to help students pay education-related expenses, including tuition, fees, room and board, and supplies for education;

(6) The total percentage of institutional income that comes from any public funding sources; and

(7) A blank copy of the institution's enrollment agreement and the catalog for the reporting year.

(b) In addition to the information required by section 94934 of the Code and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution.

1 (c) As part of its annual report to the Bureau, every institution shall provide
2 graduate identification data for each student who graduated from the institution's
educational program(s), which shall include:

3 (1) The graduate's name and federal taxpayer identification number, which is
4 either the graduate's social security number (SSN) or individual taxpayer identification
5 number (ITIN). If the graduate does not have an SSN or ITIN, the graduate's information
shall be reported as "not available";

6 (2) The date of graduation;

7 (3) The following information regarding the educational program in which the
8 graduate was enrolled:

9 (A) The federal Bureau of Labor Statistic's Standard Occupation
10 Classification (SOC) codes for which the institution has identified that the program
prepares its graduates when required for the reporting of job placement rates under
11 subdivision (i)(3) of section 74112 of this Division;

12 (B) Educational program's name;

13 (C) Program length, as measured in clock hours or credit hours; and

14 (D) Type or title of degree, diploma or certificate awarded.

15 (4) The amount of federal student loan debt for the graduate, if any, as reported by
16 the institution under subdivision (g) of section 74112 of this Division.

17 (d) Specific Timeframes for Reporting Graduate Identification Data:

18 (1) The written notice required by Section 94892.6(b)(5) of the Code shall inform
19 the institution that the Director has certified that the Bureau's information technology
20 system has been updated and is capable of processing the data required by that Section
and that the institution has 120 days from receipt of the notice to comply with this section.

21 (2) The first annual report submitted by an institution that contains the graduate
22 identification data required to be reported in subsection (c) shall include information
23 collected on all students who graduated from January 1, 2020 through the end of the prior
24 calendar year. Subsequent annual reports containing graduate identification data filed by
an institution shall include information about students who graduated in the prior calendar
year only.

25 (e) An institution shall file its annual report by December 1 st of each year. The
26 Bureau may extend the period for filing if the institution demonstrates evidence of
27 substantial need but in no case longer than 60 days. The institution shall not change the
28 date of its filing its annual report because of a change in the fiscal year without the
Bureau's approval.

1 (f) The annual report shall be electronically filed by submitting the information
2 required by section 94934 of the Code and this section via the Bureau's online annual
3 reports portal designated on the Bureau's website at: www.bppe.ca.gov, and electronically
4 uploading, as directed, the School Performance Fact Sheet, the enrollment agreement, the
5 school catalog and the graduate identification data required by this section. The following
6 conditions relate to such electronic filings:

7 (1) Institutions submitting their annual report submission shall first have a
8 responsible institution representative register the institution for a user account by creating
9 a user name, password, email address, and the institution representative's first and last
10 name, primary phone number, and address.

11 (2) As part of the annual report, the institution shall provide standard reporting and
12 contact information through the online portal, including:

13 (A) the report year;

14 (B) institution's approval code;

15 (C) institution's name;

16 (D) institution's physical address;

17 (E) the form of business organization of the institution (sole proprietorship,
18 for-profit corporation, non-profit corporation, or limited liability company (LLC));

19 (F) a statement whether the institution is current on its annual fees; and

20 (G) the institution's website address, or notice that it does not maintain an
21 internet website if it does not do so.

22 (3) The graduate identification data reported by the institution shall be provided in
23 the following application and file format: in an Excel spreadsheet (.xls or .xlsx file
24 format), or a text file with a semi-colon, comma, or pipe delimiter (.csv or .txt file format).

25 (4) Electronic Signature: When a signature is required by the particular
26 instructions of any filing to be made through the online portal, including any attestation
27 under penalty of perjury as required by Section 94934 of the Code, a responsible
28 institutional representative of the institution shall affix their electronic signature to the
filing by typing their name in the appropriate field and submitting the filing via the
Bureau's online portal. Submission of a filing in this manner shall constitute evidence of
legal signature by any individual whose name is typed on the filing.

(5) When considered filed with the Bureau: Solely for purposes of a filing made
through the online portal an annual report is considered filed when all information
required by this section has been submitted by the institution and the institution has
received an email to the email address associated with their filing that their submission

1 has been received by the Bureau. Receipt of this email does not constitute confirmation
2 that the information submitted complies with the requirements of this section.

3 (6) The financial statements referenced in subsection (b), which are not permitted
4 to be filed via the Bureau's online portal, shall be filed by providing or mailing hard
5 copies directly to the Bureau's Annual Report Unit at the mailing address of the principal
6 office of the Bureau as provided in section 70020.

7 21. Title 5, CCR, section 76140 (Regulation 76140) states:

8 (a) A qualifying institution shall collect and maintain records of student
9 information to substantiate the data reported on the STRF Assessment Reporting Form
10 and records of the students' eligibility under the Fund. Such records shall include the
11 following for each student:

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

25 (b) The qualifying institution shall maintain the data required under this section in
26 an electronic format that is readily available and open to inspection by the Bureau upon
27 request. The institution shall make the records immediately available to a Bureau
28 representative conducting a site inspection or, upon written request, shall provide a copy
within 14 calendar days of the request. All records shall be provided to the Bureau in an
intelligible and orderly manner and in an electronic format.

COST RECOVERY

22 22. Section 94937, subdivision (c), of the Code states, "The bureau may seek
23 reimbursement pursuant to Section 125.3 of the Business and Professions Code."

24 23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
28

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FACTUAL ALLEGATIONS**

4 24. At all times relevant to this Accusation, Zapien owned Respondent institution. In a
5 letter to the Bureau received February 28, 2022, Zapien admitted to being to the sole shareholder.
6 Respondent's Statement of Information filed with the California Secretary of State on October 25,
7 2022 lists Zapien as the CEO and CFO of Respondent institution.

8 25. On December 28, 2020, Respondent's Application for Renewal to Operate an
9 Institution Non-Accredited was received by the Bureau.

10 26. On April 13, 2022 Bureau Compliance Analyst Laura Cheah conducted an
11 Announced Compliance Inspection of Respondent. On June 29, 2023, the Bureau conducted a
12 joint visit. Noe Fajardo, Special Investigator conducted an investigation based on the complaints
13 the Bureau received in 2017. Joanna Murray, Quality of Education Specialist (Acting Education
14 Administrator according to the report) conducted a site visit.

15 27. On August 25, 2022, the Bureau denied Respondent's Application for Renewal of
16 Approval to Operate, received by the Bureau on December 28, 2020.

17 28. On December 1, 2022, Respondent's Annual Report for 2021 was due to the Bureau.
18 Reminders were sent to Respondent on June 28, 2022, and July 14, 2022, and July 26, 2022. As
19 of the date of filing, the Bureau has not received Respondent's Annual Report for 2021.

20 **April 13, 2022 Announced Compliance Inspection**

21 29. On April 13, 2022, an announced compliance inspection was conducted by a Bureau
22 representative.

23 30. Prior to the onsite inspection, the Bureau representative requested the supporting
24 Student Tuition Recovery Fund (STRF) documentation for the 3rd and 4th quarters of 2021.
25 Respondent did not provide it prior to the inspection, or during the onsite inspection when it was
26 again requested. Zapien ultimately admitted that Respondent is not maintaining that information.

27 31. Prior to the announced inspection, the Bureau representative also requested current
28 financial statements. Respondent submitted financials that were not current, and failed to submit

1 financial statements for an additional five months as requested. As such, the Bureau
2 representative was unable to determine the ratio of current assets to liabilities. Respondent did
3 not provide the documentation prior to the inspection, nor during the onsite inspection when it
4 was again requested.

5 32. During the announced inspection, Zapien provided a site tour. No instruction was in
6 progress during the onsite inspection. The school appeared run-down, with some holes in the
7 walls and doors, flooring and ceiling tile missing, and evidence of past interior leaks. Due to the
8 overall condition of the classroom areas, as well as the number and type of equipment on site, the
9 school facility did not meet the minimum operating standards.

10 33. A Bureau representative also reviewed five student files consisting of the only two
11 current students, and three graduated students. Of those files, none contained a SPFS document,
12 one file did not contain a certificate of completion, and two student files did not contain a
13 document showing money received from, or on behalf of, the student. The five files reviewed
14 contained progress reports with courses and grades listed; however, the files of graduated students
15 did not contain a transcript from the school with all pertinent information.

16 34. During the inspection, Bureau representatives requested the following additional
17 records, which Respondent failed to produce: the Chief Academic Officer file, faculty files, and
18 School Performance Fact Sheet (SPFS) supporting documentation.

19 **June 29, 2022 Joint Investigation and Site Visit**

20 35. In response to a complaint made on behalf of student M.P., and to follow up after the
21 April 13, 2022 inspection, Bureau representatives conducted a joint investigation and site visit on
22 June 29, 2022, during Respondent's advertised hours of operation. The school advertised being
23 open at 9:00 a.m., and Bureau representatives arrived at around 9:30 a.m. However, the school
24 was closed and no staff nor students were on site. Bureau representatives called Zapien, and she
25 arrived over an hour later.

26 36. Zapien gave a tour of the institution to the Bureau representatives, who noted that
27 many of the classrooms appeared unusable as classrooms, either because they were being used as
28 storage or were in a state of disrepair. Additionally, the campus did not have the equipment that

1 it claimed to have in its application for renewal. For example, the facility claimed to have
2 seventeen sewing machines, but there was only one sewing machine that appeared to be non-
3 working.

4 37. During the inspection, Bureau representatives requested copies of student files for
5 currently enrolled students. Zapien provided a file for student M.G. showing that he had attended
6 class on June 29, 2022, the day of the unannounced visit when the school was closed and no one
7 was on campus.

8 38. During the inspection, Bureau representatives requested copies of the institution's
9 current curricula. Zapien could not provide the curricula for current courses, or explain why it
10 was not on site. Ultimately, she stated that faculty would be working on it.

11 39. During the inspection, Bureau representatives requested current learning objectives
12 for the courses offered. Respondent could not provide them and also stated that they are being
13 worked on.

14 40. During the inspection, a Bureau representative requested current faculty files. The
15 representative called all phone numbers listed for each instructor and most were disconnected.
16 The only faculty member to answer the phone indicated he had not been employed with
17 Respondent for over two years.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Failure to Meet Curriculum Requirements)**

20 41. Respondent is subject to disciplinary action under Code section 94837, in conjunction
21 with Code section 94900.5, subdivision (a), and Regulation 71710, subdivisions (a)(3)(E) and
22 (a)(3)(F), in that it failed to meet curriculum requirements imposed by law, and failed to provide
23 the requested curriculum for currently approved programs when requested by the Bureau
24 representative, as more fully set forth in paragraphs 24 through 40, above.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Failure to Document Learning Objectives)**

27 42. Respondent is subject to disciplinary action under Code section 94837, in conjunction
28 with Regulation 71715, subdivision (b), in that during the June 29, 2022 inspection, Respondent

1 did not have documented learning objectives of the courses offered when requested by the Bureau
2 representative, as more fully set forth in paragraphs 24 through 40, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Failure to Instruct)**

5 43. Respondent is subject to disciplinary action under Code section 94837, in conjunction
6 with Regulation 71715, subdivisions (a) and (c), in that no instructors were present, and no direct
7 instruction was taking place, during an inspection on April 13, 2022 and joint investigation and
8 site visit on June 29, 2022, which were conducted during Respondent's regular business hours, as
9 more fully set forth in paragraphs 24 through 40, above.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Failure to Meet Standards Regulating Maintenance of Classrooms/Campus Environs)**

12 44. Respondent is subject to disciplinary action under Code section 94837, in conjunction
13 with Regulation 71735, subdivision (b), in that many of the institution's classrooms were in
14 disrepair or not in useable condition on the dates of inspections, as more fully set forth in
15 paragraphs 24 through 40, above.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(Failure to Provide Proof of Financial Resources)**

18 45. Respondent is subject to disciplinary action under Code section 94837, in conjunction
19 with Regulation 71745, subdivision (a), subdivision (6), in that Respondent failed to provide
20 sufficient documentation of financial resources to the Bureau, as more fully set forth in
21 paragraphs 24 through 40, above.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 **(Failure to Produce Records for Inspection)**

24 46. Respondent is subject to disciplinary action under Code sections 94837 and 94910, in
25 conjunction with Regulations 71920, 71930, subdivision (e), and 76140, in that during the onsite
26 inspections conducted during Respondent's business hours, Respondent failed to make the
27 following records immediately available for inspection, as more fully set forth in paragraphs 24
28 through 40, above:

1 a) Respondent failed to produce complete student files, including transcripts, as
2 required by Regulation 71920, to the Bureau.

3 b) Respondent failed to produce STRF Supporting Documentation, as required by
4 Regulation 76140, to the Bureau.

5 c) Respondent failed to produce SPFS Supporting Documentation, as required by
6 Code section 94910, to the Bureau.

7 d) Respondent failed to produce faculty records, as required by Code section 94900.5,
8 to the Bureau.

9 e) Respondent failed to produce the file of the Chief Academic Officer, and
10 acknowledged there was no Chief Academic Officer, as required by Regulation 71730, to
11 the Bureau.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Submit Annual Report)**

14 47. Respondent is subject to disciplinary action under Code section 94934, in conjunction
15 with Regulation 74110, in that Respondent failed to submit an Annual Report for the year 2021,
16 as more fully set forth in paragraphs 24 through 40, above.

17 **PRAYER**

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

21 1. Revoking or suspending Approval to Operate Number Institution Code: 3006811,
22 issued to California Premiere College;

23 2. Prohibiting Martha Zapien from being employed, or continuing to be employed, by an
24 institution, pursuant to Regulation 71730, subdivision (g);

25 3. Ordering Martha Zapien to pay the Bureau for Private Postsecondary Education the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3; and,

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

DATED: 7/5/2023

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

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