



**Bureau for Private Postsecondary Education**  
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## **CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Ma Antonietta Borruel, Owner  
Trinity School of Nursing  
5500 Telegraph Rd Ste 145  
Ventura, CA 93003

**INSTITUTION CODE: 48441842**

**CITATION NUMBER: 2021263**

**CITATION ISSUANCE/SERVICE DATE: June 10, 2021**

**DUE DATE: July 10, 2021**

**FINE AMOUNT: \$ 8,050.00**

**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 Ma Antonietta Borruel, Owner of Trinity School of Nursing (Institution) located at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, 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 18, 2021, Bureau staff conducted an unannounced Compliance inspection at the Institution. Bureau staff reviewed student files and found possible material violations related to Enrollment Agreements, Schools Performance Fact Sheets (SPFS), documentation supporting documentation to substantiate the data reported on the SPFS, student transcripts, and distance education.

In addition, all institutions are required to submit a Student Tuition Recovery Fund (STRF) Assessment Reporting Form to the Bureau no later than the last day of the month following the close of the quarter.

Pursuant to CEC section 94923(a) The Student Tuition Recovery Fund relieves or mitigates economic loss suffered by a student while enrolled in an institution not exempt from this article pursuant to Article 4 (commencing with section 94874), who, at the time of his or her enrollment, was a California resident or was enrolled in a California residency program, prepaid tuition, and suffered economic loss.

The Bureau sends notifications/reminders to all approved institutions 30 days prior to close of each quarter.

As of June 3, 2021, the Institution has not submitted the STRF Assessment Reporting Forms for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2015, 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of 2016, 1<sup>st</sup> quarter of 2017, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of 2019, and 1<sup>st</sup> quarter of 2021.

VIOLATION(S)

#	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><b><u>Violation:</u></b></p> <p><b>5, CCR Section 76130 (a-e)- Collection and Submission of Assessments</b></p> <p><i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</i></p> <p><i>(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i></p> <p><i>(1) April 30 for the first quarter,</i></p> <p><i>(2) July 31 for the second quarter,</i></p> <p><i>(3) October 31 for the third quarter, and</i></p> <p><i>(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.</i></p> <p><i>If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.</i></p> <p><i>(c) The STRF Assessment Reporting Form shall contain the following information:</i></p> <p><i>(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and</i></p> <p><i>(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and</i></p> <p><i>(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and</i></p> <p><i>(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and</i></p> <p><i>(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and</i></p> <p><i>(6) Current contact telephone number of the person preparing the form; and</i></p> <p><i>(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.</i></p> <p><i>(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.</i></p> <p><i>(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”</i></p> <p><b>The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:</b></p> <ul style="list-style-type: none"> <li>• <b>Third and Fourth Quarter of 2015;</b></li> <li>• <b>First, Second, Third, and Fourth Quarters of 2016;</b></li> </ul>

- First Quarter of 2017;
- Second, Third, and Fourth Quarters of 2019; and
- First Quarter of 2021

On October 1, 2015, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 3<sup>rd</sup> quarter of 2015 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On January 4, 2016, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 4<sup>th</sup> quarter of 2015 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On April 1, 2016, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 1<sup>st</sup> quarter of 2016 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On July 1, 2016, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 2<sup>nd</sup> quarter of 2016 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On October 3, 2016, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 3<sup>rd</sup> quarter of 2016 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On January 3, 2017, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 4<sup>th</sup> quarter of 2016 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On April 3, 2017, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 1<sup>st</sup> quarter of 2017 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On June 24, 2019, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 2<sup>nd</sup> quarter of 2019 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On September 19, 2019, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 3<sup>rd</sup> quarter of 2019 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On December 19, 2019, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 4<sup>th</sup> quarter of 2019 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On September 1, 2020, the Institution was notified via email at [ninetb@yahoo.com](mailto:ninetb@yahoo.com), that the STRF Assessment Reporting Forms for the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of 2019, and 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2020 were due.

On January 8, 2021, the Institution was notified via email at [ninetb@yahoo.com](mailto:ninetb@yahoo.com), that the STRF Assessment Reporting Forms for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2015, 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of

	<p>2016, 1st quarter of 2017, and 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarters of 2019 were due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Forms from the Institution.</p> <p>On March 24, 2021, the Institution was notified via mail at 5500 Telegraph Rd Ste 145, Ventura, CA 93003, that the STRF Assessment Reporting Form for the 1<sup>st</sup> quarter of 2021 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$50.00</u></p>
2..	<p><b><u>Violation:</u></b> <b>CEC Section 94902(a)(b)(1) – General Enrollment Requirements</b> <i>(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.</i> <i>(b) An enrollment agreement is not enforceable unless all of the following requirements are met:</i> <i>(1) The student has received the institution’s catalog and School Performance Fact Sheet prior to signing the enrollment agreement.</i></p> <p><b>CEC Section 94912 – Signature, Initials Required</b> <i>Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.</i></p> <p><b>Violation: CEC Section 94912:</b> During the Inspection, Bureau staff reviewed student files and found that the files were missing a signed and initialed SPFS for the 2018-2019 calendar years. Furthermore, the Institution’s Owner stated that the Institution does not require students to sign and initial the SPFS.</p> <p><b>Violation: CEC Section 94902 (b)(1):</b> During the Inspection, Bureau staff reviewed student files and found that students enrolled at the Institution during the 2020 calendar year were provided SPFS from the 2013 and 2014 calendar years which were not SPFS for the 2020 calendar year.</p> <p><b>Violation: CEC Section 94902 (a):</b> During the Inspection, Bureau staff reviewed student files and found that the files contained an enrollment agreement that was not signed by an authorized employee of the Institution.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance with CEC Sections 94902 and 94912.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$1,500.00</u></p>
3.	<p><b><u>Violation:</u></b> <b>CEC Section 94900 (b)(1)(2)(3) – Required Student Records</b> <i>(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:</i></p>

- (1) The degree or certificate granted and the date on which that degree or certificate was granted.
- (2) The courses and units on which the certificate or degree was based.
- (3) The grades earned by the student in each of those courses.

During the Inspection, Bureau staff reviewed student files of students who had graduated from the Institution and students who had withdrew from the Institution and found that the files were missing student transcripts. Furthermore, the Institution’s Owner stated that it was not part of the Institution’s process to include transcripts in the student files.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance with CEC Section 94900.

**Assessment of Fine**

The fine for this violation is \$1,000.00

4.

**Violation:**

**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;*

*(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.”*

During the Inspection, Bureau staff requested the supporting documentation to substantiate the data reported on the 2018-2019 SPFS. The Institution was unable to provide the requested documentation during the inspection. The Institution’s Owner stated that the information is in the Institution’s system, however they are unable to produce the required data as requested.

**Order of Abatement:**

	<p>The Bureau orders the Institution to submit the supporting documentation to substantiate the data reported on the SPFS. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Section 74112.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$5,000.00</u></p>
5.	<p><b><u>Violation:</u></b> <b>CEC Section 94893 – Authorization Required for Substantive Change</b> <i>If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior bureau authorization, the institution’s approval to operate may be suspended or revoked.</i></p> <p><b>5, CCR, Section 71600(a) – Application for Significant Change in Method of Instructional Delivery</b> <i>(a) An institution seeking to make a significant change in its method of instructional delivery shall complete the “Significant Change in Method of Instructional Delivery” form (INS rev. 2/10) to obtain prior authorization. For the purposes of this section a “significant change in instructional delivery” is any change that alters the way students interact with faculty or access significant equipment. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885 of the Code, it shall be signed and dated by the signatory(ies) required by section 71380, and for an institution approved under section 94890 of the Code, it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:</i></p> <p><i>During the Inspection, Bureau staff spoke to the Institution’s Owner who stated that the Institution is currently offering distance education for the theory portion of their programs. The Institution is not authorized by the Bureau to provide distance education. The Institution’s Owner confirmed with Bureau staff that they did not seek prior authorization from the Bureau for the change in method of delivery as they were not aware that the Bureau needed to approve it</i></p> <p><i>The Institution is in violation of CEC section 94893 and 5, CCR section 71600(a) for failing to submit an Application for a Change in Method of Instructional Delivery and failing to receive Bureau approval prior to making a substantive change.</i></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders the Institution to submit an Application for a Change in Method of Instructional Delivery if they wish to offer distance learning education. The Institution shall not offer distance learning education and/or distance learning hours until approval from the Bureau is obtained. The Institution shall submit evidence of compliance to the Bureau.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$500.00</u></p>
<b>TOTAL ADMINISTRATIVE FINE DUE: \$8,050.00</b>	

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 **\$8,050.00** 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 **July 10, 2021**, 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 **June 10, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 10, 2021**. 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:**

Gabriella Perez, Discipline Citation Program  
Bureau for Private Postsecondary Education  
1747 N. Market Blvd., Suite 225  
Sacramento, CA 95834

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 Gabriella Perez , Citation Analyst, at (916) 574-8969 or [Gabriella.Perez@dca.ca.gov](mailto:Gabriella.Perez@dca.ca.gov).

“Original signature on file”

“6/10/2021”

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**Christina Villanueva**  
**Discipline Manager**

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**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