



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

September 19, 2022

Farid Assemi, Owner
 Farshid and Sonia Assemi, Owner
 Darius Assemi, Owner
 California Health Sciences University
 120 North Clovis
 North Clovis, CA 93612

Date of Issuance	Citation Number	Institution Code
September 19, 2022	2223002	40231830

On August 17, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2223002 (Citation) against Farid Assemi, Farshid, Sonia Assemi, and Darius Assemi, Owners of California Health Sciences University (Institution). In attendance were Ebony Santee, Licensing Chief, Brian Kim, Provost and Vice President, and Tanya Bohorquez, Chief Financial Officer.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No.2223002.

It is the decision of the Licensing Chief that on September 2, 2022, Citation No. 2223002 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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>WITHDRAWN</p> <p><u>Violation:</u></p> <p>CEC Section 94885(a)(6) and (9)– Minimum Operating Standards</p> <p><i>“(a) The bureau shall adopt by regulation minimum operating standards for an institution that shall reasonably ensure that all of the following occur: [...]</i></p> <p><i>(6) The institution is financially sound and capable of fulfilling its commitments to students. [...]</i></p> <p><i>(9) The institution is maintained and operated in compliance with this chapter and all other applicable ordinances and laws.”</i></p>

5, CCR Section 71745(a)(6)- Financial Resources.

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

(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles, or for an institution participating in Title IV of the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education. 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 loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles.”

Order of Abatement:

The Bureau orders the institution to:

1. Submit a detailed plan to address its financial shortfalls and to meet the ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year in accordance with 5, CCR 71745(a)(6).
2. In addition, please provide an explanation of all measures to be taken by the Institution to ensure it meets future financial responsibilities.
3. Please provide the Bureau with, in electronic format:
 - a) a roster of all currently enrolled students that includes the student (1) names, (2) addresses, (3) telephone numbers, (4) email addresses, (5) program in which they are enrolled, (6) date of enrollment, (7) total cost of the program and (8) the total amount the student has paid.

Reason for modification: New substantive facts were presented at the conference. The Violation has been Withdrawn, as the Institution participates in Title IV Funding and has a composite score of 1.8.

Assessment of Fine: \$0.00

2.

MODIFIED

Violation:

5, CCR Section 74112 (m)(1)(2)(3)(4)(5)(6)(7)(8)(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 for the 2019-2020 calendar year SPFS. Institution staff stated that they only had the SPFS data available for one of the Institution's programs.

Later that day, Institution staff provided Bureau staff with a flash drive as well as a 2020 Alumni Survey. Bureau staff reviewed the flash drive and survey and found that it did not contain all of the required SPFS data points in accordance with 5, CCR Section 74112(m)(1-9). In addition, Bureau staff asked Institution staff if the Institution tracked, collected, and maintained SPFS data, in which the Institution staff stated they did not. By the end of the inspection, the Institution could not provide complete SPFS data for any of the Institution's program.

The SPFS data the Institution provided to the Bureau was determined to be missing sections 74115 (m)(2-9).

Order of Abatement:

The Bureau orders the Institution to submit the missing items from the supporting documentation to substantiate the data reported on the SPFS for all programs. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with 5, CCR Section 74112.

Reason for modification: New substantive facts were presented at the conference.

Modified Order of Abatement:

	<p>The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with 5, CCR Section 74112.</p> <p>Fine Amount: \$5,000.00</p> <p>The administrative fine for this violation has been modified from \$5,000.00 to \$500.00.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$500.00</u></p>	

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **September 19, 2022**. The Order of Abatement and payment are due by **October 19, 2022**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Tessa Barron, Citation Analyst, at (916) 574-7791 or at Tessa.Barron@dca.ca.gov.

“Original Signature on File”

“9/19/2022”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail