



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Steven T. Hurst, DDS, Inc., Owner
San Diego Dental Careers
4690 Genesee Avenue
San Diego, CA, 92117

INSTITUTION CODE: 68973607

CITATION NUMBER: 1920036

CITATION ISSUANCE/SERVICE DATE: August 9, 2019

DUE DATE: September 8, 2019

FINE AMOUNT: \$ 5500.00

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 Steven T. Hurst, DDS, Inc., Owner of San Diego Dental Careers (Institution) located at 4690 Genesee Avenue, San Diego, CA, 92117, 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 December 12, 2018, an announced Compliance inspection was conducted at the Institution. During the inspection, Bureau staff reviewed student file for current, graduated, and dropped/withdrawn students. The files did not include copies of high school diplomas, Ability to Benefit (ATB) exams, 2015/2016 School Performance Fact Sheets (SPFS), Enrollment Agreements, transcripts, certificates/diplomas, and documents showing money received from or on behalf of the student. Additionally, the SPFS was missing the School Official's signature, student's initials, and dates.

In addition, Bureau staff reviewed faculty files that did not include proof of continuing education and training, proof of a minimum of three years of experience, education and training.

Institution staff could not produce a copy of the documents missing from the files and stated that they were aware that the records were lacking the required records and would work on fixing the record keeping errors.

VIOLATION

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>Violation: 5, CCR Section 71920 (a)(9)(b)(1)(A)(B)(C)(D)(3) -Student Records <i>(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.</i> <i>(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;</i> <i>(b) addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:</i> <i>(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;</i> <i>(B) Records documenting units of credit earned at other institutions that have been accepted and applied by the institution as transfer credits toward the student's completion of an educational program;</i> <i>(C) Grades or findings from any examination of academic ability or educational achievement used for admission or college placement purposes;</i> <i>(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;</i> <i>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;</i></p> <p>CEC Section 94900 (b)(1) -Required Student Records <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> <i>(1) The degree or certificate granted and the date on which that degree or certificate was granted.</i></p> <p>Violation: 5, CCR section 71920 (a)(9): The Institution failed to include a document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received in its current, graduated and dropped/withdrawn files.</p> <p>Violation: 5, CCR section 71920 (b)(1)(A)(B)(C)(D)(3): The graduate student files failed to include verification of high school diploma, or successful completion of an ATB test, and standard transcripts. In addition, multiple student files failed to include a copy of a completed Enrollment Agreement and a copy of a completed 2015/2016 SPFS.</p> <p>Violation: CEC section 94900 (b)(1): The graduate student files failed to include a document signifying the degree and diploma awarded.</p> <p>Order of Abatement: The Bureau orders the Institution to submit a written policy and procedure of how future compliance with 5, CCR section 71920 and CEC section 94900 will be maintained.</p>

Assessment of Fine

The fine for this violation is \$1,0000

2. **Violation:**

5, CCR Section 71720 (b)(1)(2) -Faculty

(b) Instructors in an Educational Program Not Leading to a Degree.

(1) An institution shall employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area they are teaching. If an instructor does not possess the required three years of experience, education and training in the subject area they are teaching, the institution shall document the qualifications the instructor possesses that are equivalent to the minimum qualifications.

(2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.

Violation: 5, CCR section 71720 (b)(1): The faculty files failed to include documentation that substantiates that the Institution employs instructors who possess the academic, experimental and professional qualifications to teach, a minimum of three years of experience, education and training in current practices of the subject area they are teaching.

Violation: 5, CCR section 71720 (b)(2): The faculty files failed to include documentation that substantiates the Institution's instructors maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.

Order of Abatement:

The Bureau orders the Institution to submit an established policy and procedure that identifies how faculty files will be maintained and will include the documentation, as required by 5, CCR section 71720 (b)(1)(2). Additionally, the Institution shall provide the Bureau with proof of documentation of how each of the current faculty members meet the minimum qualifications and complete continuing education courses.

Assessment of Fine

The fine for this violation is \$1000.00

3. **Violation:**

5, CCR Section 71770 (a)(1) -Admissions Standards and Transferred Credits Policy

(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not

admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:

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

CEC Section 94904 (a) Ability to Benefit Students

(a) Except as provided in subdivision (c), before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education, demonstrating that the student may benefit from the education and training being offered.

The Institution staff stated they were not aware of what an ATB consisted of regarding student admissions and have not been requiring diplomas or ATB tests for enrollment of their students.

Order of Abatement:

The Bureau orders the Institution to submit an established policy and procedure of how the Institution will maintain compliance with 5, CCR section 71770 and CEC section 94904 (a). In addition, the Bureau orders the Institution to submit for Bureau approval the name of the ATB test they would like to use.

Assessment of Fine

The fine for this violation is **\$2500.00**

5. **CEC Section 94910. Minimum Requirements for School Performance Fact Sheet**

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

CEC Section 94912. Signature, Initials Required

"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."

The copy of the 2015/2016 SPFS for multiple graduate, dropped, and/or withdrawn student files failed to include the student's initials and date, and the School Official's signature and date.

Order of Abatement:

The Bureau orders the Institution to submit a written policy and procedure of how the Institution will ensure that all students and an authorized employee at the Institution sign and date the SPFS, and how compliance with CEC sections 94940 and 94912 will be maintained

Assessment of Fine

The fine for this violation is **\$1000.00**.

TOTAL ADMINISTRATIVE FINE DUE: \$5,500.00

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 **\$5,500.00** 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 **September 8, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **August 9, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 8, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 621-2591 or Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine - Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail