



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

To: Shin Shin General Electric, Inc., Owner
Shin Shin Training Center
2090 Warm Springs Court, Suite 232
Fremont, CA, 94539

INSTITUTION CODE: 4307401

CITATION NUMBER: 2021096

CITATION ISSUANCE/SERVICE DATE: September 30, 2020

DUE DATE: October 30, 2020

FINE AMOUNT: \$ 2,600.00

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 Shin Shin General Electric, Inc., Owner of Shin Shin Training Center (Institution) located at 2090 Warm Springs Court, Suite 232, 94539, 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 August 14, 2015, the Department of Consumer Affairs (DCA) Complaint Resolution Program (CRP) received a complaint from a former student alleging the Institution failed to provide him the contracted training course and issue him a timely refund. DCA CRP resolved the student's complaint and forwarded the information to the Bureau on September 30, 2015 for further investigation into the violation of 5, CCR 71745 (a)(4).

On January 22, 2018, Bureau staff conducted a field investigation at the Institution. During the field investigation, Bureau staff requested a copy of the Institution's cancellation/withdrawal log and the Institution Representative admitted that the Institution did not maintain a cancellation/withdrawal log. In addition, Bureau staff reviewed student files and found that the files did not contain a copy of the student's minimum qualification for beginning the program, a transcript, and did not contain a record of the certificate granted by the Institution. The Institution Representative admitted that the Institution does not maintain electronic or hard copy of records as outlined in 5, CCR section 71920 and CEC section 94900.

Lastly, Bureau staff requested the supporting documentation for 2016/2017 School Performance Fact Sheet (SPFS). The Institution Representative provided Bureau staff with a hard copy of a spreadsheet identified as "Graduate Student 2016/2017." Bureau staff reviewed the SPFS spreadsheets and determined the spreadsheets did not capture all the data points as outlined in 5, CCR section 74112 (m)(1-9).

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><u>Violation:</u> 5, CCR 71750(f)- Withdrawals and Refunds <i>(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year.</i></p> <p style="color: red;">The Institution failed to maintain a cancellation and withdrawal log.</p> <p><u>Order of Abatement:</u> the Bureau orders that the Institution submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 71750.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$100.00</u></p>
2.	<p><u>Violation:</u> 5, CCR 71920(b)(1)(A)(5)(A)- Student Records <i>(b) In 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>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:</i> <i>(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;</i></p> <p>5, CCR, 71930 (a)(b)(1)(e) – Maintenance of Records. <i>(a) An institution shall maintain all records required by the Act and this chapter. The records shall be maintained in this state.</i> <i>(b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of the Code, the institution shall maintain for a period of 5 years the pertinent student records described in Section 71920 from the student's date of completion or withdrawal.</i> <i>(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.</i></p> <p>CEC Section 94900 (b)(1)(2)(3) – 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> <i>(2) The courses and units on which the certificate or degree was based.</i> <i>(3) The grades earned by the student in each of those courses.</i></p>

Bureau staff reviewed student files and found that the Institution failed to include 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 ATB test, transcripts and a record of the certificate granted by the Institution.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with 5, CCR section 71920, 71930 and CEC section 94900.

Assessment of Fine

The fine for this violation is \$1,250.00

3.

Violation:

5, CCR Section 74112 (m)(1-9) - Uniform Data- Annual Report, Performance Fact Sheets

“(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.

CEC Section 94929.7 (a)(1)(2)- Documentation of Performance Data

“(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:

(1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.

(2) Be retained in an electronic format and made available to the bureau upon request.”

The Institution failed to collect and maintain all the required supporting documentation for the data in the 2016/2017 SPFS and failed to retain the supporting documentation in an electronic format.

	<p><u>Order of Abatement:</u> The Bureau orders the Institution to electronically maintain documentation supporting all data reported in the SPFS and submit a written policy of how compliance with the 5, CCR section 74112 and CEC section 9492.7 will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,250.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$2,600.00</p>	

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 **\$2,600.00** 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 **October 30, 2020**, 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 **September 30, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 30, 2020**. 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
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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“9/30/2020”

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