



**Bureau for Private Postsecondary Education**  
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**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION AFFIRMED**

October 14, 2021

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

Date of Issuance	Citation Number	Institution Code
October 14, 2021	2021263	48441842

On August 27, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021263 (Citation) against Ma Antonietta Borrueal, Owner of Trinity School of Nursing (Institution). In attendance were Ebony Santee, Licensing Chief, Linh T. Nguyen, Department of Consumer Affairs Legal Counsel, Ma Antonietta Borrueal, Owner, and Seth Wiener, Trinity School of Nursing Legal Counsel.

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. 2021263.

It is the decision of the Licensing Chief that on September 27, 2021, Citation No. 2021263 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

**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><b>Violation:</b>  <b>5, CCR Section 76130 (a-e)– Collection and Submission of Assessments</b>  <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>  <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>  <i>(1) April 30 for the first quarter,</i>  <i>(2) July 31 for the second quarter,</i></p>

*(3) October 31 for the third quarter, and*

*(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.*

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*(c) The STRF Assessment Reporting Form shall contain the following information:*

*(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and*

*(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and*

*(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*

*(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*

*(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*

*(6) Current contact telephone number of the person preparing the form; and*

*(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.*

*(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.*

*(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”*

**The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:**

- **Third and Fourth Quarter of 2015;**
- **First, Second, Third, and Fourth Quarters of 2016;**
- **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 3rd 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 4th 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 1st 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 2nd 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 3rd 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 4th 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 1st 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 2nd 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 3rd 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 4th 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 2nd, 3rd, and 4th quarters of 2019, and 1st and 2nd 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 3rd and 4th quarters of 2015, 1st, 2nd, 3rd, and 4th quarters of 2016, 1st quarter of 2017, and 2nd, 3rd, and 4th quarters of 2019 were due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Forms from the Institution.

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 1st quarter of 2021 was due. As of June 10, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

**Order of Abatement:**

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.

**Assessment of Fine**

The fine for this violation is \$50.00

2.

**Violation:**

**CEC Section 94902(a)(b)(1) – General Enrollment Requirements**

*(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.  
(b) An enrollment agreement is not enforceable unless all of the following requirements are met:  
(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.

**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.

**Violation: CEC Section 94912:** 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.

**Violation: CEC Section 94902 (b)(1):** 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.

**Violation: CEC Section 94902 (a):** 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.

**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 Sections 94902 and 94912.

**Assessment of Fine**

The fine for this violation is \$1,500.00

3.

**Violation:**

**CEC Section 94900 (b)(1)(2)(3) – Required Student Records**

(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:

- (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

<p>4.</p>	<p><b>Violation:</b>  <b>5, CCR Section 74112 (m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet</b>  <i>“(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;</i>  <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i>  <i>(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;</i>  <i>(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;</i>  <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i>  <i>(6) a description of all attempts to contact each student. or employer;</i>  <i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i>  <i>(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</i>  <i>(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.”</i></p> <p>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.</p> <p><b>Order of Abatement:</b>  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>Assessment of Fine</b>  The fine for this violation is <u>\$5,000.00</u></p>
<p>5.</p>	<p><b>Violation:</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</b></p>

**Delivery**

*(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:*

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

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.

**Order of Abatement:**

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.

**Assessment of Fine**

The fine for this violation is \$500.00

**TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: \$8,050.00**

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:

Gabriella Perez, 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 affirmed Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **October 14, 2021**. The order of abatement and payment are due by **November 13, 2021**.

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 Affirmed 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“10/14/2021”

\_\_\_\_\_  
**Christina Villanueva**  
**Discipline Manager**

\_\_\_\_\_  
**Date**

Enclosures

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail