



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

To: Josephine V. Dondriano, Owner  
VIP Nursing School, Inc.  
16388 East 14th Street  
San Leandro, CA, 94578

**INSTITUTION CODE: 4102501**  
**CITATION NUMBER: 1920226**  
**CITATION ISSUANCE/SERVICE DATE: February 19, 2020**  
**DUE DATE: March 20, 2020**  
**FINE AMOUNT: \$ 5,500.00**

**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: Josephine V. Dondriano, Owner of VIP Nursing School, Inc., (Institution) located at 16388 East 14<sup>th</sup> Street, San Leandro, CA 94578, 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 26, 2019, an unannounced Compliance inspection was conducted at the Institution. Bureau staff requested the supporting documentation for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2018 Student Tuition Recovery Fund (STRF). The Institution representative was unable to provide the supporting documentation for the 4<sup>th</sup> quarter of 2018, and the supporting documentation for the 3<sup>rd</sup> quarter of 2018 that was provided was missing six of out thirteen required data points pursuant to 5, CCR section 76140 (a)(1-13).

Additionally, Bureau staff requested the supporting documentation for the 2016-2017 School Performance Fact Sheets (SPFS). The Institution representative was unable to provide the supporting documentation for year 2016, and the supporting documentation for year 2017 that was provided was missing half of the required data points pursuant to 5, CCR 74112 section (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.	<b>Violation:</b> <b>5, CCR Section 76140(a)(1-13) Record-Keeping Requirements</b> <i>“(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility</i>

under the Fund. Such records shall include the following for each student:

- (1) Student identification number,
- (2) First and last names,
- (3) Email address,
- (4) Local or mailing address,
- (5) Address at the time of enrollment,
- (6) Home address,
- (7) Date enrollment agreement signed,
- (8) Courses and course costs,
- (9) Amount of STRF assessment collected,
- (10) Quarter in which the STRF assessment was remitted to the Bureau,
- (11) Third-party payer identifying information,
- (12) Total institutional charges charged, and
- (13) Total institutional charges paid.”

**5, CCR Section 71930 (e) Maintenance of Records**

*(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.*

The Institution representative was unable to provide the supporting documentation for the 4<sup>th</sup> quarter of 2018 STRF reporting period, and the supporting documentation for the 3<sup>rd</sup> quarter of 2018 STRF reporting period failed to include all the required data points.

**Order of Abatement:**

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain compliance with 5, CCR sections 76140 and 71930(e).

**Assessment of Fine**

The fine for this violation is \$500.00

2. **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.

**5, CCR Section 71930 (e) Maintenance of Records**

(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.

The Institution was unable to provide the supporting documentation for year 2016 and failed to include all the required data point on the supporting documentation for year 2017.

**Order of Abatement:**

The Bureau orders the Institution to provide a policy, or procedure, of how all required supporting documentation for the SPFS will be maintained for compliance of 5, CCR sections 74112 (m)(1-9) and 71930(e).

**Assessment of Fine**

The fine for this violation is \$5,000.00

**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 **March 19, 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 **February 19, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 20, 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](mailto:Cheryl.Lardizabal@dca.ca.gov).

“Original signature on file”

“2/20/2020”

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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