



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Careda, Owner
United Medical Institute
5280 Auburn Boulevard
Sacramento, CA 95841

INSTITUTION CODE: 90323820
CITATION NUMBER: 1920296
CITATION ISSUANCE/SERVICE DATE: April 30, 2020
DUE DATE: May 30, 2020
FINE AMOUNT: \$ 6,000.00
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 Careda, Owner of United Medical Institute (Institution) located at 5280 Auburn Boulevard, Sacramento, CA, 95841, 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 January 15, 2019, Bureau staff conducted an unannounced compliance inspection at the Institution and student files were reviewed. It was determined that the Institution failed to properly refund students per 5, CCR section 71750 (a)(c)(1-3).

In addition, the Enrollment Agreement did not contain the cost for textbooks purchased from an entity other than the Institution.

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 71750 (a)(b)(c)(1)(2)(3) – Withdrawals and Refunds <i>(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.</i> <i>(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)((8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the</i></p>

notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.

(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:

(1) The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.

(2) Except as provided for in subdivision (a)(3) of this section, all amounts paid by the student in excess of what is owed as calculated in subdivision (a)(1) shall be refunded.

(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.

The Institution was issued Citation No. 1718033 on May 9, 2018 for failing to comply with 5, CCR section 71920 and subsequently came into compliance. On January 15, 2019, the Bureau found that the Institution failed to properly refund students, A.Z. and L.D., in accordance with the pro rata refund per 5, CCR section 71750 (c)(1)(2)(3). The Institution failed to calculate the total institutional charges divided by the hours in the program and failed to input the correct program hours resulting in incorrect refunds.

Order of Abatement:

The Bureau orders the Institution to provide a refund to students A.Z and L.D. and provide proof of refund to the Bureau. In addition, 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.

Assessment of Fine

The fine for this violation is \$5000.00

2. **Violation:**

5, CCR Section 71800 (f) – Enrollment Agreement

In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:

(f) Charges paid to an entity other than an institution that is specifically required for participation in the educational program.

CEC Section 94911(a) – Minimum Requirement for Enrollment Agreements

“An enrollment agreement shall include, at a minimum, all of the following:

(c) In underlined capital letters on the same page of the enrollment agreement in which the student’s signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.

The enrollment agreement failed to contain the cost of textbooks purchased from an entity other than the Institution. Students were provided a list of books that were required for participation in the education program, however, the students were informed by the instructor that one of the books was no longer being used.

	<p><u>Order of Abatement:</u> The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 71800 and CEC section 94911.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
TOTAL ADMINISTRATIVE FINE DUE: \$6,000.00	

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 **\$6,000.00** 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 **May 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 **April 30, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 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”

“4/29/2020”

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