



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

To: Altamont Healthcare, Owner
Altamont Healthcare
2027 W March Lane, Suites 3-7
Stockton, CA 95207

INSTITUTION CODE: 86853450
CITATION NUMBER: 2021240
CITATION ISSUANCE/SERVICE DATE: April 22, 2021
DUE DATE: May 22, 2021
FINE AMOUNT: \$ 1,000.00
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 Altamont Healthcare, Owner of Altamont Healthcare (Institution) located at 2027 W March Lane, Suites 3-7, Stockton, CA 95207, 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 November 14, 2019, Bureau staff conducted an Announced Compliance Inspection. After a review of documentation obtained, it was substantiated that the Institution miscalculated a student refund.

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)(4) – 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 notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective,</i></p>

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.

(4) For purposes of determining a refund under the Act and this section, a student shall be considered to have withdrawn from an educational program when he or she withdraws or is deemed withdrawn in accordance with the withdrawal policy stated in its catalog.”

CEC Section 94920 (d) - Mandatory Cancellation, Withdrawal, and Refund Policies

“An institution that does not participate in the federal student financial aid programs shall do all of the following:

(d) The institution shall have a refund policy for the return of unearned institutional charges if the student cancels an enrollment agreement or withdraws during a period of attendance. The refund policy for students who have completed 60 percent or less of the period of attendance shall be a pro rata refund.”

On November 14, 2019, Bureau staff conducted an Announced Compliance Inspection. Bureau staff reviewed student files and found that the Institution failed to follow their attendance policy and miscalculated a student’s refund.

The Institution’s attendance policy states, “Students are expected to attend the courses 80% of the time... Students will be dropped from the course for failure to meet the minimum number of hours indicated above.” Based off this policy, a student can miss 20% of scheduled classes before being dropped from the program.

Student NP enrolled in a 100-hour program. Per the Institution’s attendance policy, NP could miss 20 hours of the 100-hour program which equates to 20% of missed attendance before being dropped from the program.

NP attended 40 hours (40%) of the 100-hour program.

The Institution dropped NP after an accumulated 48 hours (48%) of missed classes. As the Institution dropped the student NP after an additional 28 hours passed the allotted 20 hours that the attendance policy stated, NP was placed into a non-refundable period and was not able to be issued a refund.

Bureau staff calculated the refund based off when Student NP should have been dropped from the course at 20% of missed attendance, and it was determined that the Institution owes Student NP a refund in the amount of \$342.00.

To date, the Institution has failed to issue a refund to Student NP.

Order of Abatement:

The Bureau orders the Institution to provide Student NP a refund in the amount of \$342.00 and provide the Bureau proof of the refund. In addition, the Institution shall review their withdrawn student files and rectify any issues regarding dropped students and students owed a refund. The

	Institution shall provide the Bureau with a copy of their findings. Furthermore, the Institution shall submit a written policy or procedure of how future compliance with 5, CCR section 71750 will be maintained.
	<u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u>
	TOTAL ADMINISTRATIVE FINE DUE: \$1,000.00

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 **\$1,000.00** 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 22, 2021**, 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 22, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 22, 2021**. 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:

Nicole Mitchell, 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 Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

“Original signature on file”

“4/22/2021”

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