



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

To: Nizhoni Institute of Midwifery, Owner
Nizhoni Institute of Midwifery
3944 Murphy Canyon Road, Suite C-200
San Diego, CA 92123

INSTITUTION CODE: 44971472
CITATION NUMBER: 1920256
CITATION ISSUANCE/SERVICE DATE: March 13, 2020
DUE DATE: April 12, 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 Nizhoni Institute of Midwifery, Owner of Nizhoni Institute of Midwifery (Institution,) located at 3944 Murphy Canyon Road, Suite C-200, San Diego, CA 92123, 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 September 27, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations related to current, graduate, and dropped/withdrawn student files were found. In addition, Bureau staff requested Institution staff to provide supporting documentation to substantiate the data reported on the 2016-2017 School Performance Fact Sheet (SPFS). After reviewing the documentation provided, Bureau staff determined it to be incomplete as it did not capture all of the requirements in accordance with 5, CCR section 74112(m).

VIOLATION(S)

#	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.	Violation: CEC Section 94902(a) – General Enrollment Requirements <i>“(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. “</i>

CEC 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.”

Bureau staff reviewed student files which contained enrollment agreements that were not signed by an authorized employee of the Institution. Furthermore, Bureau staff reviewed additional student files which contained SPFS that were not signed by the Institution.

Order of Abatement:

The Bureau orders the Institution to submit a written policy on how the Institution will maintain future compliance with CEC Sections 94902 and 94912.

Assessment of Fine

The fine for this violation is \$1,000.00

2.

Violation:

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.”

Bureau staff reviewed the supporting documentation to substantiate the data reported on the 2016-2017 SPFS. Bureau staff determined that the information provided was incomplete as it failed to include all of the requirements as outlined in 5, CCR section 74112(m)(1-9).

	<p><u>Order of Abatement:</u> The Bureau orders the Institution to submit the supporting documentation to substantiate the data reported for the 2016-2017 SPFS. In addition, the Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance per 5, CCR section 74112(m)(1-9).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</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 **April 12, 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 **March 13, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 12, 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:

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

“Original signature on file”

“3/13/2020”

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