



**Bureau for Private Postsecondary Education**  
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**NOTICE TO COMPLY – CA-33474499-0316 (Ed. Code § 94935, 5 CCR § 75010)**

<b>Institution Name:</b>	Bay Area Medical Academy	<b>Institution Telephone:</b>	415-217-0077
<b>Institution Code:</b>	33474499	<b>Administrator Name:</b>	Simonida Cvejic
<b>Street Address:</b>	530 Bush Street, Suite 301 San Francisco, CA 94108	<b>Date of Inspection:</b>	March 29, 2016

Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

<b>Education Code</b>	<b>Subsection , Description, and Required Correction</b>
<b>§94909 - Minimum Requirements for School Catalog.</b>	<p>(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:</p> <p><b>The institution failed to include a statement indicating how a school catalog is provided upon request.</b></p> <p><i>The institution shall submit a statement indicating how the institution's school catalog is provided to a prospective student and the general public when requested.</i></p>
<b>§94909 - Minimum Requirements for School Catalog.</b>	<p>(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:</p> <p>(6) If the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list of the requirements for eligibility for licensure.</p> <p><b>The institution failed to include the required information.</b></p> <p><i>The institution shall submit a copy of its revised catalog that contains a list of all the eligibility requirements for licensure for each program.</i></p>
<b>§94909 - Minimum Requirements for School Catalog.</b>	<p>(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:</p> <p>(7) Information regarding the faculty and their qualifications.</p>

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 Administrator's Initial: SC

	<p><b>The institution failed to include the required information.</b></p> <p><i>Institution shall submit a copy of its revised catalog that includes the faculty information to show their experience, minimum of three years, education and training in current practices of the subject area they are teaching.</i></p>
<p><b>§94911 - Minimum Requirements for Enrollment Agreements.</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.</p> <p><b>Institution enrollment agreement did not include required information.</b></p> <p><i>The institution shall submit a copy of its revised enrollment agreements to include a schedule of total charges.</i></p>
<p><b>§94911 - Minimum Requirements for Enrollment Agreements.</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(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.</p> <p><b>Institution enrollment agreement did not contain the language with the above requirements.</b></p> <p><i>Institution shall submit a copy of its revised enrollment agreements which include the aforementioned required language on the same page of the student's signature.</i></p>
<p><b>§94911 - Minimum Requirements for Enrollment Agreements.</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(d) A clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution.</p> <p><b>Institution enrollment agreement did not contain the language with the above requirements.</b></p> <p><i>Institution shall submit a copy of its revised enrollment agreements which include the statement formatted the same.</i></p>
<p><b>§94911 - Minimum Requirements for Enrollment Agreements.</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(e) (3) The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund.</p>

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Inspector's Initial: *JR*

Administrator's Initial: *se*

	<p><b>Institution enrollment agreement does not have all the required information.</b></p> <p><i>The institution shall submit a copy of its revised enrollment agreements with steps to follow to withdraw that are consistent with the catalog.</i></p>
<p><b>§94911 - Minimum Requirements for Enrollment Agreements.</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement."</p> <p>(2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet."</p> <p><b>The institution failed to include the correct information.</b></p> <p><i>Institution shall submit a copy of its revised enrollment agreements that includes the statements verbatim.</i></p>
<p><b>§94912 -Signature, Initials Required.</b></p>	<p>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.</p> <p><b>Institution did not maintain the required documents.</b></p> <p><i>Institution shall submit three (3) recently enrolled student files with SPFS initialed, signed, and dated by student as well as signed and dated by institution.</i></p>
<p><b>§94897 - Prohibited Business Practices.</b></p>	<p>An institution shall not do any of the following:</p> <p>(c) Advertise concerning job availability, degree of skill, or length of time required to learn a trade or skill unless the information is accurate and not misleading.</p>

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	<p><b>Institution did not include accurate job availability information in brochures.</b></p> <p><i>Institution shall submit a copy of its revised brochures for each approved program that include job availability information from a government agency.</i></p>
<p><b>§94897 – Prohibited Business Practices.</b></p>	<p>An institution shall not do any of the following:</p> <p>(1) Use the terms “approval,” “approved,” “approval to operate,” or “approved to operate” without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is “licensed” or “licensed to operate,” but may not state or imply either of the following:</p> <p>(1) The institution or its educational programs are endorsed or recommended by the state or by the bureau.</p> <p>(2) The approval to operate indicates that the institution exceeds minimum state standards as set forth in this chapter.</p> <p><b>Institution did not include complete meaning for “approval to operate.”</b></p> <p><i>Institution shall submit a copy of its revised brochures for each approved program that include the statement with the entire approval to operate meaning as mentioned above.</i></p>
<p><b>§94913 – Institutional Web Site Requirements.</b></p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(1) The school catalog.</p> <p><b>Institution website does not have a current catalog posted.</b></p> <p><i>Institution shall update Internet Web site with a current revised catalog.</i></p>
<p><b>§94913 – Institutional Web Site Requirements.</b></p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(2) A School Performance Fact Sheet for each educational program offered by the institution</p> <p><b>Institution website does not have current SPFS for each educational program.</b></p> <p><i>The institution shall update Internet Web site with current revised SPFS for each approved program.</i></p>

Code of Regulations	Subsection, Description, and Required Correction
<p><b>§71720 – Faculty.</b></p>	<p>(b) Instructors in an Educational Program Not Leading to a Degree.</p> <p>(2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.</p> <p><b>The institution failed to maintain the required continuing education courses information.</b></p> <p><i>Institution shall submit copies of the current instructors continuing education courses completed in the past 12 months.</i></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:</p> <p>(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p> <p><i>The institution shall submit a copy of three (3) current student files with verification of high school completion or equivalent.</i></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:</p> <p>(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;</p> <p>(E) The name, address, website address, and telephone number of the institution.</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p> <p><i>The institution shall submit a copy of three (3) recently graduated student files with the required document mentioned above.</i></p>

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<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p> <p><i>The institution shall submit a copy of three (3) recently withdrawn student files with the required document mentioned above.</i></p>
<p><b>§71750 – Withdrawals and Refunds.</b></p>	<p>(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:</p> <p>(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.</p> <p><b>The institution failed to include complete refund policies.</b></p> <p><i>The institution shall submit a copy of its revised catalog that correctly explains the refund policy to include that the amount owed by the student is derived by the daily charge for the program (total institutional charge, divided by the number of program hours) multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.</i></p>
<p><b>§71810 – Catalog.</b></p>	<p>(a) Each institution shall provide a catalog pursuant to section 94909 of the Code, which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.</p> <p><b>The institution failed to include the required statement.</b></p> <p><i>Institution shall submit a statement indicating how often the catalog is updated.</i></p>
<p><b>§76215 – Student Tuition Recovery Fund Disclosures.</b></p>	<p>(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational</p>

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 Administrator's Initial: *SC*

program and its current schedule of student charges:

"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:

1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and
2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party.

You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:

1. You are not a California resident, or are not enrolled in a residency program, or
2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party."

(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges:

"The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.

You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.
2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.

	<p>3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.</p> <p>4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.</p> <p>5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."</p> <p><b>The institution failed to include the required information.</b></p> <p><b><i>Institution shall submit a copy of its revised Pharmacy Technician enrollment agreements that states the above mentioned statement verbatim.</i></b></p>
<p><b>§71800 – Enrollment Agreement.</b></p>	<p>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:</p> <p>(a) The name and address of the institution and the addresses where instruction will be provided.</p> <p><b>The institution failed to include the required information.</b></p> <p>(d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code.</p> <p><b>The institution failed to include the required information.</b></p> <p><b><i>Institution shall submit a copy of its revised enrollment agreements that state the institutions refund policy that is consistent with the refund policy found in the catalog.</i></b></p>
<p><b>§74110 – Annual Report.</b></p>	<p>(b) In addition to the information required by section 94934 provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution.</p> <p><b>The institution failed to submit the requested information.</b></p>

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Administrator's Initial: *Σ c v*



	<p><b><i>The institution must submit the 2014 Annual Report financial statements.</i></b></p>
<p><b>§74112 - Uniform Data – Annual Report, Performance Fact Sheet.</b></p>	<p>(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by section 94910 of the Code or this chapter.</p> <p><b>Institution did not include correct information on the SPFS.</b></p> <p><b><i>Institution shall submit a copy of its revised SPFS for each approved program to include all required information, including referencing the correct definition for “Annual Salary and Wages Reported Graduates Employed in the Field” in the footnoted information.</i></b></p>
<p><b>§74112 - Uniform Data – Annual Report, Performance Fact Sheet.</b></p>	<p>(h) Documentation supporting all data reported shall be maintained by the institution for at least five years from the time included in either an Annual Report or a Performance Fact Sheet, and shall include at a minimum: student name(s), address, phone number, email address, program completed, program start and completion dates, place of employment and position, salary, hours, and a description of all attempts to contact each student. Documentation shall also include the name, email address, phone number, and position or title of the institution's representative who is 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.</p> <p><b>The institution failed to include the complete supporting data.</b></p> <p><b><i>To remedy this violation the institution must provide the supporting data for 2014 and 2015 that includes at a minimum: student name(s), address, phone number, email address, program completed, program start and completion dates, place of employment and position, salary, hours, and a description of all attempts to contact each student. In addition, the supporting documentation should include the name, email address, phone number, and position or title of the institution's representative who is primarily responsible for obtaining the information.</i></b></p>
<p><b>§76140 - Record-Keeping Requirements.</b></p>	<p>(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 under the Fund. Such records shall include the following for each student:</p> <p>(1) Student identification number,</p> <p>(2) First and last names,</p>

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<p><i>Submitted electronically</i></p>	(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.	
	<p><b>The institution failed to submit the requested information.</b></p> <p><b><i>Institution must submit records to substantiate the data reported on the STRF forms for the past two quarters with all 13 fields listed above completed.</i></b></p>	

**Only minor violations are listed on this Notice to Comply.**

Additional material violations have been found?  Y / N (Circle one)

If yes, material violations will be forwarded to Enforcement for further review. A Bureau representative will contact the institution with additional guidance.

Inspector's Name	Jessica Rodriguez
Inspector's Signature	<i>J. Rodriguez</i>
Institution Administrator Name/Title:	Simonida Cvejic, Owner
Institution Administrator's Signature:	<i>S. Cvejic</i>

Education Code can be located at: [http://www.bppe.ca.gov/lawsregs/ppe\\_act.shtml](http://www.bppe.ca.gov/lawsregs/ppe_act.shtml)  
 Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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 Administrator's Initial: *S.C.*

RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

**IMPORTANT COMPLIANCE NOTICE**

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

**DECLARATION**

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

**THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY APRIL 29, 2016**

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Administrator's Initial: S-C