Business, Consumer Services and Housing Agency– Governor Gavin Newsom

Bureau for Private Postsecondary Education
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STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Professional School of Psychology, Inc., Owner
Professional School of Psychology
3550 Watt Avenue, Suite 140
Sacramento, CA 95821

INSTITUTION CODE: 3404931
CITATION NUMBER: 1920231
CITATION ISSUANCE/SERVICE DATE: February 24, 2020
DUE DATE: March 25, 2020
FINE AMOUNT: $ 7,501.00
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 Professional School of Psychology, Inc. Owner of Professional School of Psychology (Institution) located at 3550 Watt Avenue, Suite 140, Sacramento, CA 95821, 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 April 23, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. During the inspection, Bureau staff determined that the Institution failed to collect and maintain substantiating data to support the information reported on the School Performance Fact Sheets (SPFS) and Student Tuition Recovery Fund (STRF) Assessment Reporting Forms. Bureau staff also reviewed students' files and determined that the Institution failed to maintain transcripts of any formal education relevant to the students' qualifications for admission to the Institution.

VIOLATIONS

#	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.	**5, CCR Section 76140(a)(1-13) – Record-Keeping Requirements** *"(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:* *(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."* The Institution failed to collect and maintain any supporting documentation to substantiate the data reported on the 3rd and 4th quarter 2018 STRF Assessment Reporting Forms. On April 23, 2019, the Institution provided a statement regarding how they will maintain future compliance per 5, CCR Section 76140. **<u>Assessment of Fine</u>** The fine for this violation is <u>$1,000.00</u>
2.	**<u>Violation:</u>** **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."*

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	The Institution failed to collect and maintain any supporting documentation to substantiate the data reported on the 2016-2017 SPFS. **Order of Abatement:** The Burau orders the Institution to submit a written policy of how future compliance will be maintained per 5, CCR Section 74112. **Assessment of Fine** The fine for this violation is <u>$5,000.00</u>
3.	**Violation:** **5, CCR Section 71920(a)(b)(1)(A) – Maintenance of Records** *"(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.* *(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:* *(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:"* The Institution failed to maintain transcripts of any formal education relevant to the student's qualifications for admission to the Institution. After review of students' files, Bureau staff determined that files were missing the Bachelor of Arts degree required for admission to the Institution. **Order of Abatement:** The Burau orders the Institution to submit a written policy of how future compliance will be maintained per 5, CCR Section 71770 and 71920. **Assessment of Fine** The fine for this violation is <u>$1,501.00</u>
	## TOTAL ADMINISTRATIVE FINE DUE: $7,501.00

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 **$7,501.00** for the violations described above. **Payment must be made, to the Bureau, within <u>30 days</u> 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 <u>30 days</u> from the date of service of the Citation.**

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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 25, 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 24, 2020.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 25, 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"   "2/24/2020"

_____   _____

Christina Villanueva   **Date**
Discipline Manager

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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

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