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9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
STATE OF CALIFORNIA

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12 In the Matter of the Accusation Against: Case No. 999091
13 **HORISONS UNLIMITED SCHOOL OF**
14 **CLINICAL MEDICINE; SANDRA HAAR,**
15 **PRESIDENT** ACCUSATION
936 Main Street
Merced, CA 95340
16 **Approval to Operate an Institution Non-**
17 **Accredited No. 12682651**
18 Respondent.

19 Complainant alleges:

20 **PARTIES**

- 21 1. Joanne Wenzel (Complainant) brings this Accusation solely in her official capacity as
22 the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs.
23 2. On or about October 18, 2012, the Bureau for Private Postsecondary Education
24 issued Approval to Operate No. 12682651 to Horisons Unlimited School of Clinical Medicine;
25 Sandra Haar, President (Respondent). The approval to operate will expire on October 18, 2017,
26 unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) for the Bureau for Private Postsecondary Education (Bureau), under the
4 authority of the following laws. All section references are to the Education Code unless
5 otherwise indicated.

6 4. Section 94817 of the Code states:

7 “Approval to operate’ or ‘approval’ means the authorization pursuant to this chapter to
8 offer to the public and to provide postsecondary educational programs, as well as the written
9 document issued to an institution signifying its approval to operate.”

10 5. Section 94933 of the Code states:

11 “The bureau shall provide an institution with the opportunity to remedy noncompliance,
12 impose fines, place the institution on probation, or suspend or revoke the institution's approval to
13 operate, in accordance with this article, as it deems appropriate based on the severity of an
14 institution's violations of this chapter, and the harm caused to students.”

15 6. Section 94937 of the Code states, in pertinent part:

16 “(a) As a consequence of an investigation, and upon a finding that an institution has
17 committed a violation, the bureau may place an institution on probation or may suspend or revoke
18 an institution's approval to operate for:

19 (1) Obtaining an approval to operate by fraud.

20 (2) A material violation or repeated violations of this chapter or regulations adopted
21 pursuant to this chapter that have resulted in harm to students. For purposes of this
22 paragraph, “material violation” includes, but is not limited to, misrepresentation, fraud in
23 the inducement of a contract, and false or misleading claims or advertising, upon which a
24 student reasonably relied in executing an enrollment agreement and that resulted in harm to
25 the student.

26 ...

27 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the Business and
28 Professions Code.

...”

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1 STATUTORY PROVISIONS

2 7. Section 94893 of the Code states, in pertinent part:

3 "If an institution intends to make a substantive change to its approval to operate, the
4 institution shall receive prior authorization from the bureau. ... [I]f the institution makes the
5 substantive change without prior bureau authorization, the institution's approval to operate may
be suspended or revoked."

6 8. Section 94894 of the Code states, in pertinent part:

7 "The following changes to an approval to operate are considered substantive changes and
8 require prior authorization:

9 (a) A change in educational objectives, including an addition of a new diploma or a degree
10 educational program unrelated to the approved educational programs offered by the institution."

11 9. Section 94897 of the Code states, in pertinent part:

12 "An institution shall not do any of the following:

13 ...

14 "(k) Willfully falsify, destroy, or conceal any document of record while that document of
record is required to be maintained by this chapter.

15 ..."

16 10. Section 94899 of the Code states:

17 "If an institution offers an educational program in a profession, occupation, trade, or career
18 field that requires licensure in this state, the institution shall have an educational program
19 approval from the appropriate state licensing agency to conduct that educational program in order
20 that a student who completes the educational program, except as provided in Section 94905, is
eligible to sit for any required licensure examination."

21 REGULATIONS

22 11. Section 71660 of title 5 of the California Code of Regulations (5 CCR 71660)
23 states, in pertinent part:

24 "An institution shall notify the Bureau of a non-substantive change including: change of
25 location of less than 10 miles; addition of a program related to the approved programs offered by
the institution; addition of a new branch five miles or less from the main or branch campus;
26 addition of a satellite; and change of mailing address. All such notifications shall be made within
30 days of the change and sent to the Bureau, in writing, to the address listed in section 70020."

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1 12. 5 CCR 71920 states:

2 "(a) The institution shall maintain a file for each student who enrolls in the institution
3 whether or not the student completes the educational service.

4 (b) In addition to the requirements of section 94900, the file shall contain all of the
5 following pertinent student records:

6 (1) Written records and transcripts of any formal education or training, testing, or
7 experience that are relevant to the student's qualifications for admission to the institution or
8 the institution's award of credit or acceptance of transfer credits including the following:

9 (A) Verification of high school completion or equivalency or other
10 documentation establishing the student's ability to do college level work, such as
11 successful completion of an ability-to-benefit test;

12 (B) Records documenting units of credit earned at other institutions that have
13 been accepted and applied by the institution as transfer credits toward the student's
14 completion of an educational program;

15 (C) Grades or findings from any examination of academic ability or educational
16 achievement used for admission or college placement purposes;

17 (D) All of the documents evidencing a student's prior experiential learning upon
18 which the institution and the faculty base the award of any credit;

19 (2) Personal information regarding a student's age, gender, and ethnicity if that
20 information has been voluntarily supplied by the student;

21 (3) Copies of all documents signed by the student, including contracts, instruments of
22 indebtedness, and documents relating to financial aid;

23 (4) Records of the dates of enrollment and, if applicable, withdrawal from the
24 institution, leaves of absence, and graduation; and

25 (5) In addition to the requirements of section 94900(b) of the Code, a transcript
26 showing all of the following:

27 (A) The courses or other educational programs that were completed, or were
28 attempted but not completed, and the dates of completion or withdrawal;

(B) Credit awarded for prior experiential learning, including the course title for
which credit was awarded and the amount of credit;

(C) Credit for courses earned at other institutions;

(D) Credit based on any examination of academic ability or educational
achievement used for admission or college placement purposes;

1 (E) The name, address, website address, and telephone number of the
2 institution.

3 (6) For independent study courses, course outlines or learning contracts signed by the
4 faculty and administrators who approved the course;

5 (7) The dissertations, theses, and other student projects submitted by graduate
6 students;

7 (8) A copy of documents relating to student financial aid that are required to be
8 maintained by law or by a loan guarantee agency;

9 (9) A document showing the total amount of money received from or on behalf of the
10 student and the date or dates on which the money was received;

11 (10) A document specifying the amount of a refund, including the amount refunded
12 for tuition and the amount for other itemized charges, the method of calculating the refund,
13 the date the refund was made, and the name and address of the person or entity to which the
14 refund was sent;

15 (11) Copies of any official advisory notices or warnings regarding the student's
16 progress; and

17 (12) Complaints received from the student.”

18 13. 5 CCR 71930 states:

19 “(a) An institution shall maintain all records required by the Act and this chapter. The
20 records shall be maintained in this state.

21 (b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of
22 the Code, the institution shall maintain for a period of 5 years the pertinent student records
23 described in Section 71920 from the student's date of completion or withdrawal.

24 (2) Notwithstanding (b)(1), the institution shall maintain records relating to federal
25 financial aid programs as provided by federal law.

26 (c) A record is considered current for three years following a student's completion or
27 withdrawal. A record may be stored on microfilm, microfiche, computer disk, or any other
28 method of record storage only if all of the following apply:

(1) The record may be stored without loss of information or legibility for the period
within which the record is required to be maintained by the Act;

(2) For a record that is current, the institution maintains functioning devices that can
immediately reproduce exact, legible printed copies of stored records. The devices shall be
maintained in reasonably close proximity to the stored records at the institution's primary

1 administrative location in California. For a record that is no longer current, the institution
2 shall be able to reproduce exact, legible printed copies within two (2) business days.

3 (3) The institution has personnel scheduled to be present at all times during normal
4 business hours who know how to operate the devices and can explain the operation of the
5 devices to any person authorized by the Act to inspect and copy records; and

6 (4) Any person authorized by the Act or this chapter to inspect and copy records shall
7 be given immediate access to the document reproduction devices for the purpose of
8 inspecting and copying stored records and shall, upon request, reimburse the institution for
9 the reasonable cost of using the institution's equipment and material to make copies at a rate
10 not to exceed ten cents (\$0.10) per page.

11 (d) The institution shall maintain a second set of all academic and financial records required
12 by the Act and this chapter at a different location unless the original records, including records
13 stored pursuant to subdivision (b) of this section, are maintained in a manner secure from damage
14 or loss. An acceptable manner of storage under this subsection would include fire resistant
15 cabinets.

16 (e) All records that the institution is required to maintain by the Act or this chapter shall be
17 made immediately available by the institution for inspection and copying during normal business
18 hours by the Bureau and any entity authorized to conduct investigations.

19 (f) If an institution closes, the institution and its owners are jointly and severally responsible
20 to arrange at their expense for the storage and safekeeping in California of all records required to
21 be maintained by the Act and this chapter for as long as those records must be maintained. The
22 repository of the records shall make these records immediately available for inspection and
23 copying, without charge except as allowed under subdivision (c)(4) of this section, during normal
24 business hours by any entity authorized by law to inspect and copy records.”

25 COST RECOVERY

26 14. Under section 94937(c) of the Code and section 125.3 of the Business and
27 Professions Code, the Bureau may request the administrative law judge to direct a licentiate found
28 to have committed a violation or violations of the licensing act to pay a sum not to exceed the
reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Failure to Obtain Prior Authorization for Substantive Change)

3 15. Respondent is subject to disciplinary action under Code sections 94893 and 94894,
4 subdivision (a), in that they failed to obtain prior authorization from the Bureau before adding a
5 new diploma or degree educational program unrelated to the approved educational programs
6 offered by the institution, which is a substantive change to the approval to operate. The
7 circumstances are as follows:

8 16. Respondent's approval to operate lists three approved programs: dental assistant,
9 medical assistant, and phlebotomy. On or about April 14, 2015, Respondent advertised a licensed
10 vocational nursing (LVN) program in its catalog and online, without prior approval of the Bureau
11 or the Board of Vocational Nursing and Psychiatric Technicians.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Offering Unapproved Program Leading to Licensed Profession)

14 17. Respondent is subject to disciplinary action under Code section 94899, by and
15 through Code section 94937, subdivision (a), in that respondent advertised or offered a LVN
16 program that was not approved by the appropriate state licensing agency, as set forth in paragraph
17 16 above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Falsified Document of Record)

20 18. Respondent is subject to disciplinary action under Code section 94897, subdivision
21 (k), by and through Code section 94937, subdivision (a), in that Respondent willfully falsified a
22 document of record with the Bureau.

23 19. On or about March 16, 2011, Respondent listed the physical address of the institution
24 as 1743 Ashby, Merced, CA 95348, on its application for approval to operate. On or about July
25 15, 2014, in an interview with a Bureau investigator, Respondent's president, Sandra Haar,
26 admitted the institution had never been located at that address. The actual physical address of the
27 institution is 936 Main Street, Merced, CA, 95340.

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FOURTH CAUSE FOR DISCIPLINE

(Failure to Notify of Non-Substantive Change)

20. Respondent is subject to disciplinary action under section 71660 of title 5 of the California Code of Regulations (5 CCR 71660), by and through Code section 94937, subdivision (a), in that Respondent failed to notify the Bureau of a change in address of the institution within 30 days of the change. The circumstances are as follows:

21. On or about January 2, 2013, Respondent changed locations and failed to notify the Bureau of the new address within 30 days.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Maintain Student Records)

22. Respondent is subject to disciplinary action under 5 CCR 71920, by and through Code section 94937, subdivision (a), in that Respondent failed to maintain student records. The circumstances are as follows:

23. On or about July 15, 2014, during an unannounced school visit, a Bureau investigator asked to review student files. Ms. Haar stated that she did not know the location of the files.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Produce Student Records)

24. Respondent is subject to disciplinary action under 5 CCR 71930, by and through Code section 94937, subdivision (a), in that Respondent failed to produce student records as requested, as set forth in paragraph 23, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Revoking or suspending Approval to Operate Number 12682651, issued to Horisons Unlimited School of Clinical Medicine; Sandra Haar, President.
2. Ordering Horisons Unlimited School of Clinical Medicine to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, pursuant to section 94937(c) of the Education Code and section 125.3 of the Business and Professions Code;
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/19/16


JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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