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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 999023

13 **GOLD COAST CAREER CENTER;**
14 **SHONDOR CARRASCO, PATRICIA**
15 **CARRASCO, a General Partnership**
43770 15th Street, Suite 115
Lancaster, CA 93534

STATEMENT OF ISSUES

16 **Approval to Operate an Institution Non-**
17 **Accredited Applicant**

18 Respondents.
19

20 Complainant alleges:

21 PARTIES

22 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
23 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
24 Consumer Affairs.

25 2. On or about June 27, 2006, the Bureau for Private Postsecondary and Vocational
26 Education (BPPVE) received an Application for Approval to Provide Educational Services from
27 Gold Coast Career Center; a general partnership owned by Shondor Carrasco 50%, and Patricia
28

1 Carrasco 50% owner (Respondent). Respondents sought approval to offer the educational
2 program of Nursing Assistant.

3 3. On August 30, 2006 Respondent was notified that additional information was
4 required to be submitted to the BPPVE.

5 4. On February 14, 2011, May 6, 2011 and February 26, 2013, Gold Coast Career
6 Center was notified that additional information was required to be submitted to the Bureau. On
7 February 26, 2013, Gold Coast Career Center was provided until April 26, 2013 to submit
8 required fees and documentation and it was notified that failure to do so could result in the denial
9 of pending application. The Bureau denied the application on May 9, 2013.

10 APPLICANT'S LICENSE HISTORY

11 5. On or about June 27, 2006, the former Bureau for Private Postsecondary and
12 Vocational Education ¹(BPPVE) received Application Number 20408 from Respondent, Gold
13 Coast Career Center, a general partnership owned by Shondor Carrasco 50 % owner and Patricia
14 Carrasco 50% owner, seeking approval to offer the educational program of Nursing Assistant.
15 On or about March 15, 2006, Shondor Carrasco and Patricia Carrasco each certified under penalty
16 of perjury to the truthfulness of all statements, answers, and representations in the application.

17 6. On June 29, 2007, the former BPPVE issued, to Respondent, a Temporary Approval
18 to operate, Institution Code 74722243.

19 7. On June 30, 2007, the BPPVE was subject to sunset. At that time Respondent had
20 not obtained full approval to operate from the BPPVE.

21 8. On January 1, 2010, the California Private Postsecondary Education Act of 2009 was
22 established and the Bureau for Private Postsecondary Education (Bureau) began operations.

23 9. Respondent had not been granted full approval to operate prior to the sunset of the
24 former BPPVE. Therefore, the application for licensure to the former BPPVE was deemed
25 pending pursuant to California Education Code section 94809. At that time, Respondent was

26 ¹ The former Bureau for Private Postsecondary and Vocational Education sunsetted on
27 July 1, 2007. On October 11, 2009, the Bureau for Private Postsecondary Education Act of 2009
28 (AB48) was signed into law. The Act, which became operative on January 1, 2010, established
the Bureau for Private Postsecondary Education (hereinafter "Bureau").

1 permitted to continue operating, but was required to submit an application within six months of
2 the new application becoming available.

3 **JURISDICTION**

4 10. This Statement of Issues is brought before the Director of the Department of
5 Consumer Affairs (Director) for the Bureau, under the authority of the following laws. All
6 section references are to the California Education Code unless otherwise indicated.

7 **STATUTORY PROVISIONS**

8 11. Business and Professions Code section 22 defines the term "board" to include
9 "bureau."

10 12. Business and Professions Code section 480 states, in pertinent part:

11 "(a) A board may deny a license regulated by this code on the grounds that the applicant
12 has one of the following:

13

14 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
15 would be grounds for suspension or revocation of license.

16 13. Education Code section 94885² states:

17 "The bureau shall, by January 1, 2011, adopt by regulation minimum operating standards
18 for an institution that shall reasonably ensure that all of the following occur:

19 "(a) The content of each educational program can achieve its stated objective.

20 "(b) The institution maintains specific written standards for student admissions for each
21 educational program and those standards are related to the particular educational program.

22 "(c) The facilities, instructional equipment, and materials are sufficient to enable students
23 to achieve the educational program's goals.

24 "(d) The institution maintains a withdrawal policy and provides refunds.

25 "(e) The directors, administrators, and faculty are properly qualified.

26 "(f) The institution is financially sound and capable of fulfilling its commitments to

27 ² California Private Postsecondary Education Act of 2009, California Education Code
28 sections 94800 et seq.

1 students.

2 “(g) That, upon satisfactory completion of an educational program, the institution gives
3 students a document signifying the degree or diploma awarded.

4 “(h) Adequate records and standard transcripts are maintained and are available to
5 students.

6 “(i) The institution is maintained and operated in compliance with this chapter and all
7 other applicable ordinances and laws.

8 14. Education Code section 94886 states:

9 “Except as exempted in Article 4 (commencing with Section 94874) or in compliance with
10 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,
11 conduct, or do business as a private postsecondary educational institution in this state without
12 obtaining an approval to operate under this chapter.”

13 15. Education Code section 94887:

14 “An approval to operate shall be granted only after an applicant has presented sufficient
15 evidence to the bureau, and the bureau has independently verified the information provided by the
16 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant
17 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application
18 for an approval to operate if the application does not satisfy those standards.”

19 16. Education Code section 94909 provides minimum content requirements for the
20 educational institution’s catalog and states in pertinent part:

21 “(a) Prior to enrollment, an institution shall provide a prospective student, either in writing
22 or electronically, with a school catalog containing, at a minimum, all of the following:

23 (6) If the educational program is designed to lead to positions in a profession, occupation,
24 trade, or career field requiring licensure in this state, a notice to that effect and a list of the
25 requirements for eligibility for licensure.

26 (8) A detailed description of institutional policies in the following areas:

27 (A) Admissions policies, including the institution's policies regarding the acceptance of
28 credits earned at other institutions or through challenge examinations and achievement tests,

1 admissions requirements for ability-to-benefit students, and a list describing any transfer or
2 articulation agreements between the institution and any other college or university that provides
3 for the transfer of credits earned in the program of instruction. If the institution has not entered
4 into an articulation or transfer agreement with any other college or university, the institution shall
5 disclose that fact."

6 17. Section 94910 of the Education Code states:

7 "Prior to enrollment, an institution shall provide a prospective student with a School
8 Performance Fact Sheet containing, at a minimum, the following information, as it relates to the
9 educational program:

10 "(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section
11 94928).

12 "(b) Placement rates, for each educational program as calculated pursuant to Article 16
13 (commencing with Section 94928), if the educational program is designed to lead to, or the
14 institution makes any express or implied claim related to preparing students for, a recognized
15 career, occupation, vocation, job, or job title.

16 "(c) License examination passage rates for programs leading to employment for which
17 passage of a state licensing examination is required, as calculated pursuant to Article 16
18 (commencing with Section 94928).

19 "(d) Salary or wage information, as calculated pursuant to Article 16 (commencing with
20 Section 94928).

21 "(e) If a program is too new to provide data for any of the categories listed in this
22 subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the
23 number of students who graduate, the number of students who are placed, or the starting salary
24 you can earn after finishing the educational program are unknown at this time. Information
25 regarding general salary and placement statistics may be available from government sources or
26 from the institution, but is not equivalent to actual performance data."

27 ///

28 ///

1 "(f) All of the following:

2 "(1) A description of the manner in which the figures described in subdivisions (a) to (d),
3 inclusive, are calculated or a statement informing the reader of where he or she may obtain a
4 description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are
5 calculated.

6 "(2) A statement informing the reader of where he or she may obtain from the institution a
7 list of the employment positions determined to be within the field for which a student received
8 education and training for the calculation of job placement rates as required by subdivision (b).

9 "(3) A statement informing the reader of where he or she may obtain from the institution a
10 list of the objective sources of information used to substantiate the salary disclosure as required
11 by subdivision (d).

12 "(g) The following statements:

13 "(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education.
14 Regardless of any information you may have relating to completion rates, placement rates,
15 starting salaries, or license exam passage rates, this fact sheet contains the information as
16 calculated pursuant to state law."

17 "(2) "Any questions a student may have regarding this fact sheet that have not been
18 satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary
19 Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and
20 fax numbers).""

21 (h) If the institution participates in federal financial aid programs, the most recent three-
22 year cohort and full rate reported by the United States Department of Education for the institution
23 and percentage of enrolled students receiving federal student loans.

24 18. Section 94930.5 of the Education Code states:

25 An institution shall remit to the bureau for deposit in the Private Postsecondary Education
26 Administration Fund the following fees, in accordance with the following schedule:

27 (a) The following fees shall be remitted by an institution submitting an application for an
28 approval to operate, if applicable:

1 (1) Application fee for an approval to operate: five thousand dollars (\$5,000).

2 (2) Application fee for the approval to operate a new branch of the institution: three
3 thousand dollars (\$3,000).

4 (3) Application fee for an approval to operate by means of accreditation: seven hundred
5 fifty dollars (\$750).

6 (b) The following fees shall be remitted by an institution seeking a renewal of its approval
7 to operate, if applicable:

8 (1) Renewal fee for the main campus of the institution: three thousand five hundred
9 dollars (\$3,500).

10 (2) Renewal fee for a branch of the institution: three thousand dollars (\$3,000).

11 (3) Renewal fee for an institution that is approved to operate by means of accreditation:
12 five hundred dollars (\$500).

13 (c) The following fees shall apply to an institution seeking authorization of a substantive
14 change to its approval to operate, if applicable:

15 (1) Processing fee for authorization of a substantive change to an approval to operate: five
16 hundred dollars (\$500).

17 (2) Processing fee in connection with a substantive change to an approval to operate by
18 means of accreditation: two hundred fifty dollars (\$250).

19 (d)(1) In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c),
20 inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of
21 the following:

22 (A) An annual institutional fee, in an amount equal to three-quarters of 1 percent of the
23 institution's annual revenues derived from students in California, but not exceeding a total of
24 twenty-five thousand dollars (\$25,000) annually.

25 (B) An annual branch fee of one thousand dollars (\$1,000) for each branch or campus of
26 the institution operating in California.

27 (2) The amount of the annual fees pursuant to paragraph (1) shall be proportional to the
28 bureau's cost of regulating the institution under this chapter.

1 (e) If the bureau determines that the annual cost of providing oversight and review of an
2 institution, as required by this chapter, is less than the amount of any fees required to be paid by
3 that institution pursuant to this article, the bureau may decrease the fees applicable to that
4 institution to an amount that is proportional to the bureau's costs associated with that institution.

5 19. Section 94934 of the Education Code states:

6 "(a) As part of the compliance program, an institution shall submit an annual report to the
7 bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year,
8 or another date designated by the bureau, and it shall include the following information for
9 educational programs offered in the reporting period:

10 "(1) The total number of students enrolled by level of degree or for a diploma.

11 "(2) The number of degrees, by level, and diplomas awarded.

12 "(3) The degree levels and diplomas offered.

13 "(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.

14 "(5) The school catalog, as required pursuant to Section 94909.

15 "(6) The total charges for each educational program by period of attendance.

16 "(7) A statement indicating whether the institution is, or is not, current in remitting Student
17 Tuition Recovery Fund assessments.

18 "(8) A statement indicating whether an accrediting agency has taken any final disciplinary
19 action against the institution.

20 "(9) Additional information deemed by the bureau to be reasonably required to ascertain
21 compliance with this chapter.

22 "(b) The bureau, by January 1, 2011, shall prescribe the annual report's format and method
23 of delivery."

24 REGULATORY PROVISIONS

25 20. California Code of Regulations, title 5, division 7.5, section 71100 states:

26 "(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code,
27 other than Approval to Operate by Accreditation pursuant to Section 94890(a)(1) of the Code,
28 shall complete the "Application for Approval to Operate for an Institution Not Accredited," Form

1 Application 94886 (rev. 2/10). An applicant seeking approval to operate by accreditation pursuant
2 to Section 94890(a)(1) of the Code shall comply with section 71390.

3 “(b) An applicant shall submit the completed form, the information or documentation,
4 required by this Article, the appropriate application fee as provided in Section 94930.5(a)(1) of
5 the Code, and any appropriate annual fee as required by Article 1 of Chapter 5 of this Division, to
6 the Bureau.

7 “(c) An application that fails to contain all of the information required by this article shall
8 render it incomplete.”

9 21. California Code of Regulations, title 5, division 7.5, section 71770, subdivision (b)
10 states:

11 “(b) The institution shall specify the maximum credit it will transfer from another
12 institution for each educational program, and the basis upon which the transferred credit will be
13 awarded.

14 (1) Except as limited by subdivision (c) of this section, a maximum of 75 percent of the
15 units or credit that may be applied toward the award of a bachelor's degree may be derived from a
16 combination of any or both of the following:

17 (A) Units earned at institutions approved by the Bureau, public or private institutions of
18 higher learning accredited by an accrediting association recognized by the U. S. Department of
19 Education, or any institution of higher learning, including foreign institutions, if the institution
20 offering the undergraduate program documents that the institution of higher learning at which the
21 units were earned offers degree programs equivalent to degree programs approved by the Bureau
22 or accredited by an accrediting association recognized by the U.S. Department of Education;

23 (B) Challenge examinations and standardized tests such as the College Level
24 Placement Tests (CLEP) for specific academic disciplines.

25 (2) No more than 20% of graduate semester units or the equivalent in other units awarded
26 by another institution may be transferred for credit toward a Master's degree. An institution may
27 accept transfer credits only from the institutions of higher learning described in subsection (1)(A).

28 (3) No more than 30 graduate semester credits or its equivalent awarded by another

1 institution may be credited toward a doctoral degree. This subdivision does not apply to graduate
2 programs that lead to a profession or an occupation requiring state licensure where the licensing
3 agency has a regulation permitting a different standard."

4 22. California Code of Regulations, title 5, division 7.5, section 71800 provides the
5 minimal information required within the enrollment agreement in addition to the requirements of
6 section 94911 and states:

7 "In addition to the requirements of section 94911 of the Code, an institution shall provide to
8 each student an enrollment agreement that contains at the least the following information:

9 (a) The name and address of the institution and the addresses where instruction will be
10 provided.

11 (b) Period covered by the enrollment agreement.

12 (c) Program start date and scheduled completion date.

13 (d) Date by which the student must exercise his or her right to cancel or withdraw, and the
14 refund policy, including any alternative method of calculation if approved by the Bureau pursuant
15 to section 94921 of the Code.

16 (e) Itemization of all institutional charges and fees including, as applicable:

17 (1) tuition;

18 (2) registration fee (non-refundable);

19 (3) equipment;

20 (4) lab supplies or kits;

21 (5) Textbooks, or other learning media;

22 (6) uniforms or other special protective clothing;

23 (7) in-resident housing;

24 (8) tutoring;

25 (9) assessment fees for transfer of credits;

26 (10) fees to transfer credits;

27 (11) Student Tuition Recovery Fund fee (non-refundable);

28 (12) any other institutional charge or fee.

1 (f) Charges paid to an entity other than an institution that is specifically required for
2 participation in the educational program."

3 23. California Code of Regulations, title 5, division 7.5, section 71810 provides minimum
4 content requirements for the school's catalog pursuant to Education Code section 94909 and
5 states in pertinent part:

6 "(b) The catalog shall contain the information prescribed by Section 94909 of the Code and
7 all of the following:

8 (13) Housing information including all of the following:

9 (A) Whether the institution has dormitory facilities under its control;

10 (B) The availability of housing located reasonably near the institution's facilities and an
11 estimation of the approximate cost or range of cost of the housing; and

12 (C) If the institution has no responsibility to find or assist a student in finding housing, a
13 clear and conspicuous statement so indicating. A statement that the program is "non- residential"
14 does not satisfy this subparagraph.

15 24. California Code of Regulations, title 5, division 7.5, section 74000 states:

16 (a) An institution shall pay the fees established by Article 17 of the Act. A failure to include
17 a fee with an application or other request renders the application or request incomplete.

18 (b) All fees lawfully collected are non-refundable.

19 (c) A fee that is not paid timely is subject to penalty as set forth in section 94931 of the
20 Code.

21 (d) The Bureau shall deny a renewal of an approval to operate if the institution fails to
22 submit at the time it files its application for renewal of an approval to operate: all unpaid fees;
23 penalty fees; penalties; orders for reimbursement of costs and expenses; and assessments for, and
24 reimbursement of all payments made to students from, the Student Tuition Recovery Fund.

25 (e)(1) If an institution fails to pay any fee and any penalty fees timely, the Bureau may
26 initiate proceedings to revoke the institution's approval to operate for failure to pay fees.

27 (2) Any proceeding to revoke an institution's approval to operate is subject to the
28 provisions of Chapter 5 of the Administrative Procedures Act. If a hearing is requested, it shall be

1 limited to the issues of whether any fee or penalty was owed and, if so, whether the fee or penalty
2 were paid when originally due.

3 (3) The procedure specified in this subdivision is cumulative to any other right or remedy
4 the Bureau may invoke against an institution which fails to pay its annual fee or a penalty fee
5 when originally due. Nothing in this subdivision restricts the Bureau's authority to bring other
6 administrative or judicial action against an institution that fails to pay its fees when due.

7 (4) An institution whose approval to operate was revoked because of nonpayment of an
8 annual fee or penalty fee may seek to obtain approval to operate only by filing an application for
9 a new approval to operate.

10 25. California Code of Regulations, title 5, division 7.5, section 74006 states:

11 (a) An institution's annual fee is due within 30 days of the date on which the institution
12 originally receives its approval to operate and each year thereafter on the anniversary of the date
13 of the original approval.

14 (b) An institution shall pay its annual fee in addition to any other applicable fees.

15 (c) The annual institutional fee is based on the institution's annual revenue. For purposes of
16 this article, annual revenue is annual gross revenue.

17 26. California Code of Regulations, title 5, division 7.5, section 74110 states:

18 (a) The annual report required by section 94934 of the Code shall include the information
19 required by section 94934 for all educational programs offered in the prior calendar year.

20 (b) In addition to the information required by section 94934 provided under penalty of
21 perjury, the institution shall have annual financial statements prepared for the institution's prior
22 fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover
23 of such statements in conjunction with its annual report. The form, content and mode of
24 preparation of financial statements shall comply with section 74115 of this Division. The Bureau
25 may request that the institution immediately make available for inspection to a representative of
26 the Bureau, these financial statements at the offices of the institution.

27 (c) An institution shall file its annual report by September 1st. The Bureau may extend the
28 period for filing if the institution demonstrates evidence of substantial need but in no case longer

1 than 60 days. The institution shall not change the date of its filing its annual report because of a
2 change in the fiscal year without the Bureau's approval.

3 (d) The annual report shall be electronically filed by submitting the information required
4 by section 94934 of the Code via the Bureau's website, electronically attaching, as directed, the
5 School Performance Fact Sheet and the school catalog. An institution without the capability to
6 submit the information electronically shall inform the Bureau not less than 45 days prior to the;
7 date the information is required by subdivision (c), and receive direction on alternative means of
8 submission.

9 27. California Code of Regulations, title 5, division 7.5, section 74112 states:

10 (a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an
11 easily readable font, with 1.15 line spacing. The Performance Fact Sheet shall contain all and
12 only the information required or specifically permitted by section 94910 of the Code or this
13 chapter.

14 (b) In addition to the definitions contained in section 94928 of the Code:

15 (1) "Number of Students Who Began Program" means the number of students who began
16 a program who are scheduled to complete the program within 100% of the published program
17 length within the reporting calendar year, and includes all the students who remained enrolled
18 after their cancellation period.

19 (2) "Number of Graduates" means the number of students who completed the program
20 within 100% of the published program length within the reporting calendar year.

21 (3) "Graduates Employed in the Field" means those graduates who meet the definition of
22 section 94928(e) of the Code, who have reported their employment to the institution.

23 (c) Reporting periods:

24 (1) An Annual Report shall include data for all educational programs as defined in section
25 94837 of the Code for the previous one calendar year.

26 (2) A Performance Fact Sheet shall be current and available not later than August 1st, and
27 shall report data for the previous two calendar years based upon the "number of students who
28

1 began program" or the "number of graduates," as defined in subdivision (b), for each reported
 2 calendar year.

3 (d) Completion Rates. Reporting of completion rates for an institution's Annual Report
 4 and Performance Fact Sheet shall include, for each educational program, the number of students
 5 who began program as defined in subdivision (b), the number of students available for
 6 graduation, number of graduates, and completion rate(s). An optional column may be added to
 7 include completion rate data for students completing within 101-150% of the published program
 8 length. For an institution reporting completion data pursuant to section 94929(b) of the Code,
 9 completion data shall be separately reported for each program. The Performance Fact Sheet shall
 10 disclose, if true, that the completion data is being reported for students completing within 150%
 11 of the published program length, and that data is not being separately reported for students
 12 completing the program within 100% of the published program length.

13 Completion rates shall be included in the Performance Fact Sheet in a format substantially
 14 similar to the chart below, including the footnoted information below (dates, numbers, and other
 15 data shown are for example only):

16 Completion Rates (includes data for the two calendar years prior to reporting)

17 Name of Educational Program (Program Length)

18 -----

19 Calendar 20 Year	21 Number of 22 Students Who 23 Began Program ¹	24 Students 25 Available for 26 Graduation ²	27 Graduates ³	28 Completion Rate ⁴
20XX	100	98	70	71%
20XY	80	80	55	69%

24 Students Completing After Published Program Length -- 150% Completion Rate

25 Name of Educational Program (Program Length)

26 -----

27 Calendar 28 Year	Number of Students Who Began Program ¹	Students Available for Graduation ²	150% Graduates	150% Completion Rate ⁶
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1	20XX	100	98	25	26%
2	20XY	80	80	23	29%

3

4 ¹"Number of Students Who Began Program" is the number of students who began the
5 program who are scheduled to complete the program within the reporting calendar year.

6 ²"Students available for graduation" is the number of students who began program minus
7 the number of "Students unavailable for graduation," which means those students who have died,
8 been incarcerated, or called to active military duty.

9 ³"Graduates" is the number of students who completed the program within 100% of the
10 published program length.

11 ⁴"Completion Rate" is the number of Graduates divided by the Number of Students
12 Available for Graduation.

13 ⁵"150% Graduates" is the number of students who completed the program within 101-
14 150% of the published program length.

15 ⁶ "150% Completion Rate" is the number of students who completed the program in the
16 reported calendar year within 101-150% of the published program length divided by the Number
17 of Students Available for Graduation in the published program length period.

18 (e) Placement Rates.

19 (1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be
20 reported for the number of students who began the program as defined in subdivision (b) for each
21 reported calendar year.

22 (2) Placement is measured six months from the graduation date of each student. Reporting
23 of placement rates shall include for each educational program: the number of students who began
24 the program, the number of graduates as defined in subdivision (b), graduates available for
25 employment, graduates employed in the field and placement rate(s).

26 (3) Placement rate shall be calculated as follows: the number of graduates employed in the
27 field as defined in subsection 74112(b)(3) divided by the number of graduates available for
28 employment as defined in section 94928(d) of the Code.

(4) Graduates employed in the field shall be reported for those graduates employed in the field in a single position that averages under 32 hours per week and those employed in the field in a single position that averages at least 32 hours per week.

References to the Code are to the California Education Code where the California Private Postsecondary Education Act of 2009 is located.

Placement rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only):

Placement Rates (includes data for the two calendar years prior to reporting)
 "Name of Educational Program (Program Length)

Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began Program ¹	Number of Graduates ²	Graduates Available for Employment ³	Graduates Employed in the Field ⁴	Placement Rate % Employed in the Field ⁵	Graduates Employed in the Field an average of less than 32 hours per week	Graduates Employed in the Field at least 32 hours per week
20XX	100	70	70	55	79%	5	50
20XY	80	55	55	20	36%	9	11

¹ "Number of Students Who Began Program" means the number of students who began the program who are scheduled to complete the program within the reporting calendar year.

² "Number of Graduates" is the number of students who have completed the program within 100% of the published program length.

³ "Graduates available for employment" means the number of graduates minus the number of graduates unavailable for employment. "Graduates unavailable for employment" means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.

⁴ "Graduates employed in the field" means graduates who report that they are gainfully

1 employed within six months of graduation in a position for which the skills obtained through the
2 education and training provided by the institution are required or provided a significant advantage
3 to the graduate in obtaining the position.

4 ⁵ Placement Rate is calculated by dividing the number of graduates gainfully employed in
5 the field by the number of graduates available for employment.

6 (f) License Examination Passage Rates. If license examination passage rates are not
7 available from the appropriate state agency, an institution shall collect the information directly
8 from its graduates. If an institution demonstrates that, after reasonable efforts, it is unable to
9 obtain the examination passage information from its graduates, the institution shall report the
10 number of students it could not contact and note in a font the same size as the majority of the data
11 on the Performance Fact Sheet, "License examination passage data is not available from the state
12 agency administering the examination. We were unable to collect data from [enter the number]
13 graduates."

14 Reporting of license examination passage rates for the Annual Report and the
15 Performance Fact Sheet shall include, for each educational program: the number of students
16 completing the program within 150% of published program length in the reported year, the
17 number of documented graduates who passed the first examination, number of documented
18 graduates who failed the first examination, the number of graduates for whom data is not
19 available. An optional column may be added to separately report licensing examination data for
20 students who take and pass the exam after failing initially. The Annual Report shall also include a
21 description of the processes for attempting to contact those students.

22 For licensing examinations that are not continuously administered, license examination
23 passage rates shall be included in the Performance Fact Sheet in a format substantially similar to
24 the chart below, including the footnoted information below (dates, numbers, and other data shown
25 are for example only):

26 Examination Passage Rates (includes data for the two calendar years prior to reporting)
27 Name of Educational Program (Program Length)

28

Number of Students Taking Exam ¹	Exam Date ²	Number Who Passed Exam	Number Who Failed Exam	Passage Rate ³
80	2/1/20XX	40	40	50%
100	6/1/20XX	75	25	75%
82	10/1/20XX	68	14	76%
80	2/1/20XY	40	40	50%
100	6/1/20XY	70	30	70%
92	10/1/20XY	62	30	67%

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 32 graduates.

¹ Number of Students Taking Exam is the number of students who completed the program within 150% of published program length and for whom the reported exam is the first exam that was available after their completion of the program.

² Exam Date is the date for the first available exam after the students completed the program.

³ Passage Rate is calculated by dividing the number of students who pass the exam by the number of graduates who take the reported licensing exam. For licensing examinations that are continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only):

Examination Passage Rates (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Calendar Year	Number of Students Taking Exam ¹	Number Who Passed First Exam Taken ²	Number Who Failed First Exam Taken	Passage Rate ³
20XX	80	40	40	50%

Calendar Year	Number of Students Taking Exam ¹	Number Who Passed First Exam Taken ²	Number Who Failed First Exam Taken	Passage Rate ³
20XY	100	75	25	75%

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 10 graduates.

¹ Number of Students Taking Exam is the number of students who completed the program within 150% of the published program length and who took the exam in the reported calendar year for the first time.

² Number Who Passed First Exam Taken is the number of students who took and passed the licensing exam in the reported calendar year on the first attempt.

³ Passage Rate is calculated by dividing the number of graduates who pass the exam the first time that they take it by the number of graduates who took the licensing exam for the first time after completion of the program.

(g) Salary and Wage Information.

All Salary and Wage Information shall be reported to the Bureau pursuant to section 94929.5(c) of the Code and, if required by section 94910(d) of the Code, shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below, including the footnoted information (dates, numbers, salaries, and other data shown are for example only).

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Annual Salary and Wages Reported by Graduates Employed in the Field³

Calendar Year	Graduates Available for Employment ¹	Graduates Employed in the Field ²	\$15,000.00	\$20,000.00	\$25,000.00	\$30,000.00	Students Not Reporting Salary
			\$20,000.00	\$25,000.00	\$30,000.00	\$35,000.00	
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

¹ "Graduates available for employment" means the number of graduates minus the number of graduates unavailable for employment. Graduates unavailable for employment means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.

² "Graduates employed in the field" means graduates who are gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided a significant advantage to the graduate in obtaining the position.

³ Salary is as reported by the student. Not all graduates reported salary.

(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.

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1 28. California Code of Regulations, title 5, division 7.5, section 76120 states:

2 (a) Each qualifying institution shall collect an assessment of fifty cents (\$.50) per one
3 thousand dollars (\$1,000) of institutional charges, rounded to the nearest thousand dollars, from
4 each student in an educational program who is a California resident or is enrolled in a residency
5 program. For institutional charges of one thousand dollars (\$1,000) or less, the assessment is fifty
6 cents (\$.50).

7 (b) Unless a student has a separate agreement to repay the third party, a student whose
8 costs are paid to the institution by third-party payer shall not pay the STRF assessment to the
9 qualifying institution.

10 (c) Except when an institution provides a 100% refund pursuant to section 94919(d) or
11 94920(b) of the code, the assessment is non-refundable.

12 29. California Code of Regulations, title 5, division 7.5, section 76130 states:

13 (a) A qualifying institution shall collect the assessment from each student in an
14 educational program at the time it collects the first payment from or on behalf of the student at or
15 after enrollment. The assessment shall be collected for the entire period of enrollment, regardless
16 of whether the student pays the institutional charges in increments.

17 (b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev.
18 2/10) and remit it with the STRF assessments collected from students to be received by the
19 Bureau no later than the last day of the month following the close of the quarter as follows:

- 20 (1) April 30 for the first quarter,
21 (2) July 31 for the second quarter,
22 (3) October 31 for the third quarter, and
23 (4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or
24 federal holiday, the due date shall be extended to the next regular business day for the Bureau.

25 If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be
26 extended to the next regular business day for the Bureau.

27 (c) The STRF Assessment Reporting Form shall contain the following information:

28

1 (1) Total number of students who signed enrollment agreements for educational programs
2 during the reporting period; and

3 (2) Total number of students eligible for STRF who signed enrollment agreements for
4 educational programs during the reporting period; and

5 (3) The total number of students who signed their enrollment agreement during the
6 reporting period, were eligible for STRF, and who made their first payment during the reporting
7 period; and

8 (4) The total number of students who signed their enrollment agreement in a previous
9 reporting period, were eligible for STRF, and who made their first payment during the current
10 reporting period; and

11 (5) Total amount of institutional charges after rounding each student's institutional charges
12 to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the
13 reporting period; and

14 (6) Current contact telephone number of the person preparing the form; and

15 (7) A declaration dated and signed under penalty of perjury by the person preparing the
16 form that the form and any attachments are true and correct.

17 (d) In the event of a school closure, any collected assessments shall be remitted to the
18 Bureau within seven days following the cessation of instruction.

19 (e) Submission of all prior reports and assessments required by this section is a condition of
20 renewal.

21 CAUSES FOR DENIAL OF APPLICATION

22 (Incomplete Application)

23 30. Respondent's application is subject to denial under Business and Professions Code
24 sections 480, subdivision (a)(3)(A), Education Code sections 94885, 94886 and 94887 and
25 California Code of Regulations, title 5, division 7.5, section 71100, subdivisions (a) – (c) in that
26 Respondent submitted an incomplete application to the Bureau. Each ground set forth below is a
27 sole and separate cause for denial. The grounds are as follows:

28 31. On or about June 27, 2006, Respondent, Gold Coast Career Center, with Shondor

1 Carrasco and Patricia Carrasco as general partners, submitted an incomplete application on
2 August 30, 2006 to the BPPVE. Respondent was requested to submit additional information on
3 February 14, 2011, May 6, 2011 and February 26, 2013, however, Respondent failed to submit a
4 complete application.

5 a. Catalog Deficiencies. Respondent failed to provide a catalog that contains a notice
6 and a list of the requirements for eligibility for licensure, where the educational program is
7 designed to lead to positions in a profession, occupation, trade, or career field requiring licensure
8 in this state. (A violation of Educational Code sec. 94909, subdivision (a)(6)).

9 b. Catalog Deficiencies. Respondent failed to provide a catalog that contains admission
10 policies. Such policies should include the acceptance of credits earned at other institutions or
11 through challenge examinations and achievement tests; the requirements for "ability to benefit"
12 students; and a list describing any transfer or articulation agreements between the institution and
13 any other college or university that provides for the transfer of credits earned in the program of
14 instruction. If the subject institution has not entered into an articulation or transfer agreement
15 with any other college or university, the institution shall disclose that fact. (A violation of
16 Education Code section 94909, subdivision (a)(8)(A) and California Code of Regulations, title 5,
17 division 7.5, section 71770, subdivision (b)(1-3)).

18 c. Catalog Deficiencies. Respondent failed to provide a catalog that contains housing
19 information. The housing information must include all of the following: (A) whether the
20 institution has dormitory facilities under its control; (B) The availability of housing located
21 reasonably near the institution's facilities and an estimation of the approximate cost or range of
22 cost of the housing; and (C) if no assistance is provided to find housing, a clear and conspicuous
23 statement so indicating. (A violation of California Code of Regulations, title 5, division 7.5,
24 section 71810, subdivisions (b)(13) (A-C)).

25 d. School Performance Fact Sheet. Respondent failed to provide a School Performance
26 Fact Sheet. (A violation of California Education Code section 94910, and 5 California Code of
27 Regulations section 74112).

28 e. Failure to Submit Annual Reports. Respondent failed to submit the 2010 Annual

1 Report and the 2011 Annual Report to the Bureau. (A violation of California Education Code
2 section 94934 and 5 California Code of Regulations section 74110.

3 f. Failure to Remit STRF Assessments. Respondent failed to remit Student Tuition
4 Recovery Fund assessments for 2013: 1st Quarter; 2012: 4th Quarter, 2nd Quarter; 2011: 3rd
5 Quarter; 2010: 4th Quarter, 3rd, 1st Quarter. (A violation of 5 California Code of Regulations
6 sections 76120 and 76130).


7 g. Failure to Remit Annual Fee. Respondent failed to submit the 2011 and 2012 Annual
8 Fees. (A violation of California Education Code section 94930.5(d), and 5 California Code of
9 Regulations sections 74000 and 74006).

10 PRAYER

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

- 14 1. Denying the application of Gold Coast Career Center; Shondor Carrasco 50% owner,
15 Patricia Carrasco 50% owner, for an Approval to Operate an Institution Non-Accredited;
16 2. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: 4/9/14


20 JOANNE WENZEL
21 Chief
22 Bureau for Private Postsecondary Education
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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