



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Jeffrey Mah, Owner
Vitality University
2499 Industrial Parkway West
Hayward, CA 94545

INSTITUTION CODE: 27129906

CITATION NUMBER: 2122138

CITATION ISSUANCE/SERVICE DATE: April 14, 2022

DUE DATE: May 14, 2022

FINE AMOUNT: \$ 10,000.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Jeffrey Mah, Owner of Vitality University (Institution) located at 2499 Industrial Parkway West, Hayward, CA 94545, 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 October 21, 2021, Bureau staff attempted to conduct an unannounced Compliance inspection at the Institution's main location. Upon Bureau staff's arrival at the Institution, it appeared to be closed and not currently operating as the doors were locked and the lights were off. Bureau staff attempted to reach the Institution by calling the two phone numbers listed on a sign posted on the Institution's window. Both phone calls were unsuccessful in reaching the Institution, therefore Bureau staff traveled to the Institution's satellite location where they spoke to the Institution's Owner.

Bureau staff inquired about the main and satellite locations and whether both were operating or enrolling students. The Institution's Owner stated that the main location and satellite location were not currently operating, nor enrolling students, due to the impacts of the COVID-19 Pandemic. Furthermore, the Institution's Owner stated that they tried to keep the Institution open and attempted to obtain accreditation, however the accreditation was denied.

Additionally, Bureau staff reviewed the supporting documentation to substantiate the data reported on the 2018-2019 School Performance Fact Sheet (SPFS) and found that information was missing, which resulted in potential material violations.

VIOLATION

#	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.	<p><u>Violation:</u> CEC Section 94932.5 – Announced and Unannounced Compliance Inspections <i>“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.”</i></p> <p style="color: red;">Bureau staff was unable to conduct an unannounced Compliance inspection at the Institution’s main location during normal business hours in accordance with CEC Section 94932.5.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with CEC Section 94932.5.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
2.	<p><u>Violation:</u> 5, CCR Section 74112 (m)(3)(4)(5)(6)(7)(8) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(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:</i></p> <p><i>(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;</i></p> <p><i>(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;</i></p> <p><i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i></p> <p><i>(6) a description of all attempts to contact each student. or employer;</i></p> <p><i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i></p> <p><i>(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;”</i></p> <p style="color: red;">During the Inspection, Bureau staff requested the supporting documentation to substantiate the data reported on the 2018-2019 SPFS. Bureau staff reviewed the documentation provided and found that the information was missing the following points:</p> <ul style="list-style-type: none"> • (m)(3) graduate’s place of employment and position, date employment began, date employment ended; • (m)(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;
- (m)(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;
- (m)(6) a description of all attempts to contact each student. or employer;
- (m)(7) any and all documentation used to provide data regarding license examinations and examination results;
- (m)(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;”

Furthermore, the Institution Owner stated that students do not gain employment right after graduation, however they must work for a residence. In addition, the Institution Owner stated that they reached out to the students to obtain the information, however they were unable to provide the substantiating data.

Order of Abatement:

The Bureau orders the Institution to submit the missing information to substantiate the data reported on the 2018-2019 SPFS. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with 5, CCR Section 74112.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$10,000.00** for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the ‘Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing’ form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **May 14, 2022**, 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 **April 14, 2022**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 14, 2022**. 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) 574-7429 or Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“4/14/2022”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail