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

In the Matter of the Accusation Against:

**DNA PHLEBOTOMY SCHOOL, LLC.
8374 Topanga Canyon Blvd., Unit 201
Canoga Park, CA 91304**

**Mailing:
9025 Oak Park Ave.
Sherwood Forest, CA 91325**

Institution Code No. 96668393

Respondent.

Case No. BPPE23-0958

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 24, 2024, Complainant Deborah Cochrane, in her official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs, filed Accusation No. BPPE23-0958 against DNA Phlebotomy School, LLC., before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)
2. On or about February 21, 2020, the Bureau for Private Postsecondary Education (Bureau) issued Institution Code No. 96668393 to DNA Phlebotomy School, LLC. (Respondent),

1 owned by Ryan Kaplan. The Institution Code was in full force and effect at all times relevant to
2 the charges brought in Accusation No. BPPE23-0958, and will expire on February 20, 2025,
3 unless renewed.

4 3. On or about July 29, 2024, Respondent was served by Certified and First Class Mail
5 copies of the Accusation No. BPPE23-0958, Statement to Respondent, Notice of Defense,
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
7 and 11507.7) at Respondent's addresses of record maintained by the Bureau. Respondent's
8 addresses of record were and are: 8374 Topanga Canyon Blvd., Unit 201, Canoga Park, CA
9 91304; and 9025 Oak Park Ave., Sherwood Forest, CA 91325.

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505(c) and/or Business and Professions Code section 124.

12 5. Government Code section 11506(c) states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense . . . and the notice shall be deemed a specific denial of all
15 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
16 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
17 discretion may nevertheless grant a hearing.

18 6. The Bureau takes official notice of its records and the fact that Respondent failed to
19 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore
20 waived their right to a hearing on the merits of Accusation No. BPPE23-0958.

21 7. California Government Code section 11520(a) states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense . . . or to appear at
23 the hearing, the agency may take action based upon the respondent's express
24 admissions or upon other evidence and affidavits may be used as evidence without
25 any notice to respondent

26 8. Pursuant to its authority under Government Code section 11520, the Director finds
27 Respondent is in default. The Director will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
finds that the charges and allegations in Accusation No. BPPE23-0958, are separately and
severally, found to be true and correct by clear and convincing evidence.

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1 9. The Director finds that the actual costs for Investigation and Enforcement are
2 \$3,708.00, as of August 26, 2024.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent DNA Phlebotomy School, LLC.
5 has subjected its Institution Code No. 96668393 to discipline.

6 2. The agency has jurisdiction to adjudicate this case by default.

7 3. The Director of the Department of Consumer Affairs is authorized to revoke
8 Respondent's Institution Code based upon the following violations alleged in the Accusation
9 which are supported by the evidence contained in the Default Decision Investigatory Evidence
10 Packet in this case:

11 a. Respondent is subject to disciplinary action under California Code of Regulations,
12 title 5, section 75050, subdivision (b), for failure to comply with Citation Number 2223039, in
13 that Respondent failed to comply with the Order of Abatement to submit the 2021 Annual Report
14 components.

15 b. Respondent is subject to disciplinary action under California Code of Regulations,
16 title 5, section 75050, subdivision (b), for failure to comply with Citation Number 2324089, in
17 that Respondent failed to pay the administrative fine of \$6,000.00 and failed to comply with the
18 Order of Abatement to pay the 2023 Annual Fee and 90-day late payment penalty fee.

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ORDER

IT IS SO ORDERED that Institution Code No. 96668393, issued to Respondent DNA Phlebotomy School, LLC., owned by Ryan Kaplan, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 7, 2024.

It is so ORDERED October 4, 2024

"Original Signature on File"

RYAN MARCROFT
DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

67035675.DOCX
DOJ Matter ID:LA2024602023

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6701
6 Facsimile: (916) 731-2126
E-mail: Marissa.Hamilton@doj.ca.gov
7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

Case No. BPPE23-0958

14 **DNA PHLEBOTOMY SCHOOL, LLC.**
15 **8374 Topanga Canyon Blvd., Unit 201**
Canoga Park, CA 91304

ACCUSATION

16 **Mailing:**
17 **9025 Oak Park Ave.**
Sherwood Forest, CA 91325

18 **Institution Code No. 96668393**

19
20 Respondent.

21
22
23 **PARTIES**

24 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
25 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
26 Consumer Affairs.

27 2. On or about February 21, 2020, the Bureau for Private Postsecondary Education
28 issued Institution Code Number 96668393 to DNA Phlebotomy School, LLC. (Respondent),

1 owned by Ryan Kaplan. The Institution Code was in full force and effect at all times relevant to
2 the charges brought herein and will expire on February 20, 2025, unless renewed.

3 **JURISDICTION AND STATUTORY PROVISIONS**

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

8 4. Business and Professions Code section 118, subdivision (b), states:

9 (b) The suspension, expiration, or forfeiture by operation of law of a license
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by
11 order of the board or by order of a court of law, or its surrender without the written
12 consent of the board, shall not, during any period in which it may be renewed,
13 restored, reissued, or reinstated, deprive the board of its authority to institute or
14 continue a disciplinary proceeding against the licensee upon any ground provided by
15 law or to enter an order suspending or revoking the license or otherwise taking
16 disciplinary action against the licensee on any such ground.

17 5. Section 94875 of the Code states:

18 The Bureau for Private Postsecondary Education, as established by Section 6 of
19 Chapter 635 of the Statutes of 2007, is continued in existence and shall commence
20 operations. This chapter establishes the functions and responsibilities of the bureau,
21 for the purposes of Section 6 of Chapter 635 of the Statutes of 2007. The bureau shall
22 regulate private postsecondary educational institutions through the powers granted,
23 and duties imposed, by this chapter. In exercising its powers, and performing its
24 duties, the protection of the public shall be the bureau's highest priority. If protection
25 of the public is inconsistent with other interests sought to be promoted, the protection
26 of the public shall be paramount.

27 6. Section 94932 of the Code states:

28 The bureau shall determine an institution's compliance with the requirements of
this chapter. The bureau shall have the power to require reports that institutions shall
file with the bureau in addition to the annual report, to send staff to an institution's
sites, and to require documents and responses from an institution to monitor
compliance. When the bureau has reason to believe that an institution may be out of
compliance, it shall conduct an investigation of the institution. If the bureau
determines, after completing a compliance inspection or investigation, that an
institution has violated any applicable law or regulation, the bureau shall take
appropriate action pursuant to this article.

7. Section 94933 of the Code states:

The bureau shall provide an institution with the opportunity to remedy
noncompliance, impose fines, place the institution on probation, or suspend or revoke
the institution's approval to operate, in accordance with this article, as it deems

appropriate based on the severity of an institution's violations of this chapter, and the harm that results or may result to students.

8. Section 94936 of the Code states:

(a) As a consequence of an investigation, which may incorporate any materials obtained or produced in connection with a compliance inspection, and upon a finding that the institution has committed a violation of this chapter or that the institution has failed to comply with a notice to comply pursuant to Section 94935, the bureau shall issue a citation to an institution for violation of this chapter, or regulations adopted pursuant to this chapter.

(b) The citation may contain any of the following:

(1) An order of abatement that may require an institution to demonstrate how future compliance with this chapter or regulations adopted pursuant to this chapter will be accomplished.

(2) Notwithstanding Section 125.9 of the Business and Professions Code, an administrative fine not to exceed five thousand dollars (\$5,000) for each violation. . .

...

(c)(1) The citation shall be in writing and describe the nature of the violation and the specific provision of law or regulation that is alleged to have been violated.

(2) The citation shall inform the institution of its right to request a hearing in writing within 30 days from service of the citation.

...

(4) If a hearing is not requested, payment of the administrative fine is due 30 days from the date of service, and shall not constitute an admission of the violation charged.

(5) If a hearing is conducted and payment of an administrative fine is ordered, the administrative fine is due 30 days from when the final order is entered.

...

REGULATORY PROVISIONS

9. California Code of Regulations, title 5, section 74000, subdivision (e)(1) states:

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

10. California Code of Regulations, title 5, section 75050, subdivision (b), states:

(b) Failure of an applicant or institution issued an approval to operate to abate the violation or to pay the fine within the time allowed is a ground for denial or discipline of an approval to operate.

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1 11. California Code of Regulations, title 5, section 76130 states:

2 (a)(1) A qualifying institution shall collect the assessment from each student in
3 an educational program at the time it collects the first payment from or on behalf of
4 the student at or after enrollment. The assessment shall be collected for the entire
5 period of enrollment, regardless of whether the student pays the institutional charges
6 in increments.

7 (2) The assessment to be collected from a re-enrolling student shall be limited
8 to any amount that is due after crediting any prior assessment amount paid by the
9 student. The enrollment agreement shall clearly identify any prior STRF assessment
10 paid by the student.

11 (b) A qualifying institution shall complete the STRF Assessment report and
12 remit it with the STRF assessments collected from students to be received by the
13 Bureau no later than the last day of the month following the close of the quarter as
14 follows:

15 (1) April 30 for the first quarter,

16 (2) July 31 for the second quarter,

17 (3) October 31 for the third quarter, and

18 (4) January 31 for the fourth quarter.

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

21 (c) The STRF Assessment report shall contain the following information:

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

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

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

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

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

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

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

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

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

4 **COST RECOVERY**

5 12. Section 94937, subdivision (c), of the Code provides that the Bureau may seek
6 reimbursement costs of investigation and enforcement pursuant to Business and Professions Code
7 section 125.3.

8 13. Business and Professions Code section 125.3 provides, in pertinent part, that the
9 Board may request the administrative law judge to direct a licensee found to have committed a
10 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
11 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
12 license to not being renewed or reinstated. If a case settles, recovery of investigation and
13 enforcement costs may be included in a stipulated settlement.

14 **FACTUAL ALLEGATIONS**

15 **Citation Number 2223039**

16 14. On or about February 27, 2023, the Bureau issued Citation Number 2223039 to
17 Respondent for failing to pay the 2022 Annual Fee and 90-day late payment penalty, and for
18 failing to submit all components of its 2021 Annual Report.

19 15. The Order of Abatement in Citation Number 2223039 required Respondent to submit
20 the 2021 Annual Report components and pay the 2022 Annual fee and 90-day late payment
21 penalty. Citation Number 2223039 also issued to Respondent an administrative fine of
22 \$5,501.00. Respondent was required to comply with the Order of Abatement and pay all fines
23 and fees within 30 days from the date the citation was issued.

24 16. On or about March 23, 2023, the Bureau received Respondent's payment of the
25 \$5,501.00 administrative fine. On or about April 19, 2023, the Bureau received Respondent's
26 payment for the delinquent 2022 Annual Fee and 90-day late payment penalty fee. However,
27 Respondent failed to submit the delinquent 2021 Annual Report components.

28 ///

1 17. On or about May 12, 2023, the Bureau sent Respondent a demand letter requesting
2 compliance with the Order of Abatement to submit the 2021 Annual Report components.

3 18. On or about June 21, 2023, the Bureau sent Respondent a second demand letter
4 requesting compliance with the Order of Abatement to submit the 2021 Annual Report
5 components.

6 19. On or about September 11, 2023, the Bureau sent Respondent a third demand letter
7 requesting compliance with the Order of Abatement to submit the 2021 Annual Report
8 components.

9 20. To date, Respondent has failed to comply with Citation Number 2223039.

10 **Citation Number 2324089**

11 21. On or about February 16, 2023, the Bureau attempted to conduct an Announced
12 Compliance Inspection pursuant to Code section 94932.5, subdivision (a), but Respondent failed
13 to have personnel present at the inspection time. Bureau staff made attempts to contact
14 Respondent by phone to gain access to the institution for the Announced Compliance Inspection,
15 but were unsuccessful.

16 22. On or about October 24, 2023, the Bureau issued Citation Number 2324089 to
17 Respondent for failing to comply with an Announced Compliance Inspection, and for failing to
18 pay the 2023 Annual Fee and 90-day late payment penalty.

19 23. The Order of Abatement in Citation Number 2324089 required Respondent to pay the
20 2023 Annual fee and 90-day late payment penalty. Citation Number 2324089 also issued to
21 Respondent an administrative fine of \$6,000.00. Respondent was required to comply with the
22 Order of Abatement and pay all fines and fees within 30 days from the date the citation was
23 issued.

24 24. To date, Respondent has failed to comply with Citation Number 2324089.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with Citation)**

27 25. Respondent is subject to disciplinary action under California Code of Regulations,
28 title 5, section 75050, subdivision (b), in that Respondent failed to comply with Citation Number

1 2223039. Respondent failed to comply with the Order of Abatement to submit the 2021 Annual
2 Report components. Complainant refers to, and by this reference incorporates, the allegations set
3 forth in above paragraphs 14-20, as though set forth in full herein.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Citation)**

6 26. Respondent is subject to disciplinary action under California Code of Regulations,
7 title 5, section 75050, subdivision (b), in that Respondent failed to comply with Citation Number
8 2324089. Respondent failed to pay the administrative fine of \$6,000.00, and failed to comply
9 with the Order of Abatement to pay the 2023 Annual Fee and 90-day late payment penalty fee.
10 Complainant refers to, and by this reference incorporates, the allegations set forth in above
11 paragraphs 21-24, as though set forth in full herein.

12 **PRAYER**

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

- 16 1. Revoking or suspending Approval to Operate Institution Code Number 96668393,
17 issued to Respondent DNA Phlebotomy School, LLC., owned by Ryan Kaplan;
- 18 2. Ordering Respondent DNA Phlebotomy School, LLC., owned by Ryan Kaplan, to
19 pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and
20 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.
- 22

23 DATED: 7/24/2024

"Original Signature on File"

24 _____
25 DEBORAH COCHRANE
26 Chief
27 Bureau for Private Postsecondary
28 Education
Department of Consumer Affairs
State of California
Complainant