



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

May 13, 2020

Ma Antonietta BorrueI, Owner
Trinity School of Nursing
6303 Owensmouth Avenue, 10th Floor
Woodland Hills, CA 91367

Date of Issuance	Citation Number	Institution Code
May 13, 2020	1920190	48441842

On April 3, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920190 (Citation) against Ma Antonietta BorrueI, Owner of Trinity School of Nursing (Institution). In attendance were Leeza Rifredi, Deputy Bureau Chief, Douglas Smith, Department of Consumer Affairs Legal Counsel, Ma Antonietta BorrueI, and Owner Seth Wiener, Attorney.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920190.

It is the decision of the Deputy Bureau Chief that on April 20, 2020, Citation No. 1920190 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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>Violation: 5, CCR Section 74110 (a-d) – Annual Report <i>“(a) The annual report required by section 94934 of the Code shall include the information required by section 94929.5 and 94934 for all educational programs offered in the prior calendar year. (b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution’s prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution. (c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau’s approval. (d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau’s website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog”.</i></p>

CEC Section 94934(a)(1-9) - Annual Report

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

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

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

(3) The degree levels and diplomas offered.

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

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

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

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

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

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

As of November 14, 2019, the Bureau has not received an Annual Report for the year 2017 from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its Annual Report in accordance with 5, CCR section 74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the following:

2017 Annual Report

- Complete and submit the 2017 Annual Report via the Bureau’s Online Annual Report Submission Portal website at https://bppe.ca.gov/annual_report/.
- A hard copy of the financial statements for year-end 2017 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

Assessment of Fine

The fine for this violation is \$5,000.00

2. **Violation:**

CEC Section 94932.5 - Announced and Unannounced Compliance Inspections

“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.

(b) On or before January 1, 2017, the bureau shall adopt regulations setting forth policies and practices to ensure that student protections are the highest priority of inspections and that inspections are conducted based on risk and potential harm to students. The regulations shall also set forth policies and practices for providing notice to students enrolled at an institution of the results of each inspection of the institution.”

5, CCR Section 71930 (e) - Maintenance of Records

(e) All records that the institution is required to maintain by the Act or this chapter shall be made

immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.

5, CCR Section 71500 (a)(b)(1-8)(c) - Application to Change Location.

(a) An institution seeking a change of location as defined in 94823.5 of the Code shall complete the "Change of Location" form (LOC rev. 2/10) to obtain prior authorization. The form shall be submitted at least 60 days prior to the proposed date of the change in location unless an unforeseen and unavoidable circumstance outside the control of the institution requires an earlier change; in which case it shall be submitted no later than 30 days following the change in location. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. It shall be signed by the signatory(ies) required by section 71380 and dated, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:

"I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

(Date) (Signature)

(b) The application shall establish that the institution can meet the minimum operating standards contained in Chapter 3, and shall include:

(1) The name, school code, current and proposed addresses, and telephone and fax numbers of the institution;

(2) A description of the proposed physical facilities, including building diagrams or campus maps. The diagram or maps shall identify at a minimum, the locations of classrooms, laboratories, workshops and libraries;

(3) A description of any equipment to be used at the proposed facilities that is different from the equipment used at the present facility;

(4) The date on which the institution intends to offer instruction at the new location;

(5) The distance between the approved location and the proposed new location;

(6) The reason for the move;

(7) A description of the actions taken to notify students, if any, pursuant to section 94898(d)(1) of the Code, and whether the institution has offered a full refund to students pursuant to section 94898(d)(3) of the Code; and

(8) The name, address, email address, telephone and fax numbers for the institution's contact person for the purpose of this application.

(c) The Bureau may deem the actions that the institution takes to notify students of the proposed change of location to be sufficient notice for purposes of section 94898(d)(2).

CEC Section 94893 – Authorization Required for Substantive Change

"If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior bureau authorization, the institution's approval to operate may be suspended or revoked."

CEC Section 94894(e) – Substantive Change Defined

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

(e) A change of location."

The Institution was not located at the physical address on record at 6303 Owensmouth Avenue, 10th

<p>Floor, Woodland Hills, CA 91367, therefore, Bureau staff was not able to perform an unannounced Compliance inspection.</p> <p>The Ventura location, located at 5500 Telegraph Road, Suite 145, Ventura, CA 93003, is located 43 miles from the Woodland Hills location. Per the Institution's website, the satellite location, located in Ventura, is now the main location. The Institution failed to submit an Application for Change of Location to the Bureau regarding the substantive change of the Institution's location.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit an Application for Change of Location with the appropriate application fee to the Bureau's Licensing Unit.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5000.00</u></p> <p>The administrative fine for this violation has been modified from \$5,000.00 to <u>\$1,000.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$6,000.00</u></p>

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within **30 days** from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **May 13, 2020**. The Order of Abatement and payment are due by **June 12, 2020**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“5/13/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail