



DEC 01 2023

Ms. Julie K. Ha
President
Mayfield College
35-325 Date Palm Drive
Suite 101
Cathedral City, CA 92234-7014

Sent: United Parcel Service
Tracking #: 1Z 37X 7Y3 01 0070 9906

OPE-ID: 04115600

Dear Ms. Ha:

In a letter dated September 26, 2022, the U.S. Department of Education (“Department”) notified Mayfield College (“MC” or “the College”) of its intent to fine MC a total of \$130,000 for its failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“the *Clery Act*”) in Section 485(f) of the Higher Education Act (“HEA”), 20 U.S.C. § 1092(f), as reflected in 34 C.F.R. §§ 668.41 and 668.46. The fine notice was based upon two single audit reports of MC prepared by Almich & Associates, P.C., Certified Public Accountants (“CPA”). The reports were prepared in accordance with the Department’s Guide for Audits of Proprietary Schools and For Compliance Attestation Engagements of Third-Party Servicers Administering Title IV Programs servicers, covering the period January 1, 2017 through December 31, 2017 and January 1, 2018 through December 31, 2018. The two audits also included a review of MC’s compliance with applicable laws and regulations, including the *Clery Act* and the HEA. The audit covering the period January 1, 2017 through December 31, 2017 included findings that MC’s Annual Security Report (“ASR”) for calendar year 2017 omitted numerous required policy statements. The audit covering the period January 1, 2018 through December 31, 2018 included findings that MC’s ASR for calendar year 2018 omitted numerous required policy statements and that the statistical data in the 2018 ASR did not match the data the College submitted to the Department. The Department reviewed the audit reports and issued its Final Audit Determination (“FAD”) letters to MC on January 25, 2019 and December 12, 2019, respectively. The two FAD reports found that MC had failed to comply with the HEA and the *Clery Act*.

The Department’s September 26, 2022 letter notified MC that it could request a hearing or submit written material contesting the proposed fine by October 17, 2022. On October 19, 2022, the Department received a letter from you, dated October 17, 2022, on behalf of MC. In the letter, you specifically stated that MC was not requesting a hearing on the proposed fine action. The letter stated that MC was requesting that the Director of the Administrative Actions and Appeals Service Group (“AAASG”) consider reducing the \$130,000 fine proposed in the Department’s September 26, 2022 letter.

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION

Administrative Actions and Appeals Service Group
830 First St., N.E. Washington, D.C. 20002-8019
StudentAid.gov

The Department has considered the arguments and facts presented in your October 17, 2022 letter and all the attachments. This letter provides the Department's final decision on MC's request that the proposed fine be reduced.

The Department's September 26, 2022 notice included fines for the following findings:

1. A fine of \$32,500 for MC's failure to include eight (8) required policy statement components in its 2017 ASR; and a fine of \$83,000 for MC's failure to include fourteen (14) required policy statement components in its 2018 ASR.
2. A fine of \$14,500 for MC's failure to include in its 2018 ASR, crime statistics for calendar years 2015 and 2016, that matched the crime statistics MC submitted to the Department for those years.

MC challenged finding 1 and provided supporting documentation, including copies of MC's original 2017 and 2018 ASRs that the institution distributed to its students and employees in the 2017 and 2018 calendar years. Those ASRs included all required policy statements listed in the fine action as missing from the ASR.

MC acknowledged finding 2, that the crime statistics for calendar years 2015 and 2016 included in MC's 2018 ASR did not match the crime statistics the College submitted to the Department for those years. Since MC acknowledged and did not contest finding 2 above, the Department upholds the total fine of \$14,500 proposed in the Department's September 26, 2022 notice.

Final Decision

The Department has carefully reviewed the evidence MC submitted in its October 17, 2022 request for reconsideration. The Department relied on the auditor's findings when assessing these fines, along with MC's concurrence with those findings. However, as described above, the documentation MC provided with its reconsideration request supports the Department's waiver of the \$32,500 fine for the policy statements missing in the 2017 ASR and the \$83,000 fine for the policy statements missing in the 2018 ASR.

As noted above, MC acknowledged, and did not contest, that the crime statistics for the calendar years 2015 and 2016, included in MC's 2018 ASR, did not match the crime statistics submitted to the Department for those years; therefore, the Department affirms the fine of \$14,500.

MC must pay a total fine of \$14,500 to the Department within 30 days of the date of this letter.

Payment of the fine must be made to the Department's Office of Finance and Operations (OFO) Accounts Receivable and Bank Management Division via an electronic transfer of funds through the Treasury Financial Communications System, which is known as FEDWIRE. **The Department is unable to accept any other method of payment for this fine.** The FEDWIRE payment must be made via the Federal Reserve Bank in New York. If WCC's bank does not maintain an account at the Federal Reserve Bank, it must use the services of a correspondent bank when making the payments through FEDWIRE.

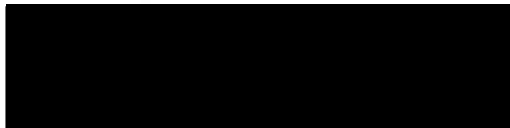
A FEDWIRE form and instructions are enclosed to assist MC in completing the electronic funds transfer message format. (Enclosure 1). Please identify the payment as Bill No. AAA202302036 to ensure proper crediting of your payment account.

As a result of this imposed fine, the Department has created a receivable for this amount, and payment must be received by the Department within 30 days of the date of this letter. If payment is not received within the 30-day period, interest will accrue in monthly increments until payment is received.

If MC has any questions regarding the payment of this debt, or wishes to request a payment plan, those inquiries should be sent by email to OCFOAccountsReceivable@ed.gov before the end of the 30-day period. If payment is not made within 30 days, the Department will refer the debt to Centralized Receivables Service (CRS) for servicing and collection, and interest will accrue in monthly increments from the date of this letter.

If you have any questions about this letter, please contact Lawrence Mwethuku of my staff at Lawrence.Mwethuku@ed.gov.

Sincerely,



Susan D. Crim, Director
Administrative Actions and Appeals Service Group
Federal Student Aid
U.S. Department of Education

Enclosure

cc: Dr. Kirk Nooks, President/CEO, Council on Occupational Education, via kirk.nooks@council.org
Ms. Kimberly Kirchmeyer, Director, California Bureau for Private Postsecondary Education, via bppe.compliance@dca.ca.gov