



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, NH 03301
TEL. (603) 271-3495
FAX (603) 271-1953

In the Matter of:
Trigram Education Partners, LLC
d/b/a American School of Nursing
and Medical Studies

Docket No. 2020-001

**ORDER OF EMERGENCY SUSPENSION OF LICENSE TO OPERATE A PRIVATE
POSTSECONDARY CAREER SCHOOL FOR TRIGRAM EDUCATION PARTNERS,
LLC D/B/A AMERICAN SCHOOL OF NURSING AND MEDICAL STUDIES**

1. RSA 541-A:30, III authorizes state licensing entities, including the New Hampshire Higher Education Commission (the “Commission”) to suspend a license pending completion of an adjudicatory proceeding, in cases involving “public health, safety, or welfare.” In such cases, the Commission must commence a hearing not later than ten (10) working days after the date of the emergency suspension order. If the Commission does not commence such a hearing within ten (10) working days, the emergency suspension order shall be automatically vacated. See NH RSA 541-A:30, III. Postponement of the proceeding is prohibited unless the licensee agrees to continue the suspension pending issuance of the Commission’s final decision. See *id.*

2. Trigram Education Partners, LLC d/b/a American School of Nursing and Medical Studies (formerly Salter College)(“Trigram”) is an approved, private postsecondary school.

3. Pursuant to NH RSA 188-G:2, II, the Commission is required to adopt administrative rules establishing “criteria for rejecting a licensing applicant and for suspending or revoking a license.”

4. The Commission has received information indicating that the continued licensure of Trigram as a private postsecondary school pursuant to NH RSA 188-G poses a threat to public welfare within the meaning of NH RSA 541-A:30, III. Trigram has failed to maintain its adherence to all of the statutory requirements for licensure, including those set forth in NH RSA 188-G:3, which warrants the temporary suspension of Trigram’s career school license pending a hearing to assess the factors set forth in Hedc 307.02 on whether permanent revocation should be imposed.

5. In support of this *Order of Emergency Suspension of License to Operate a Postsecondary Career School for Trigram Education Partners, LLC d/b/a American School of Nursing and Medical Studies*, the Commission alleges the following facts:

A. The Commission received notice on September 25, 2020 that Trigram’s surety bond, as required for career school licensure pursuant to NH RSA 188-G:3, had been cancelled. As required by the statute, the bond company issued a 90-day cancellation notice with an effective date of December 26, 2020. To date, Trigram has not secured a replacement bond as required by statute.

B. Accrediting Council for Continued Education and Training (ACCET) has initiated an action to revoke Trigram’s accreditation. Trigram issued a show cause order from its accreditor, ACCET effective September 29, 2020.

C. On October 9, 2020, a Writ of Possession was issued by the 9th N .H. Circuit Court Manchester District Division against Trigram, effectively evicting Trigram

from its campus; to date, Trigram has not secured an alternative space to provide instruction to its students.

D. On October 16, 2020, the Board of Nursing issued an emergency suspension order for Trigram's nursing program. The revocation hearing pursuant to NH RSA 541-A:30 was postponed at Trigram's request, and is now scheduled for Dec. 30, 2020.

E. Trigram has not provided any instruction to its students for at least two months. Trigram informed its students that it would be undertaking a two-week break to commence on October 12, 2020, but has not resumed classes since that time.

F. On Monday, December 14, 2020, NH Department of Education (the "Department") personnel, acting on behalf of the Higher Education Commission, inspected the premises of Trigram's former campus after obtaining permission from the property owner. The Department personnel found significant amounts of equipment and student records that have been effectively abandoned by Trigram, belying any intention on the part of Trigram to resume school operations.

G. On December 4, 2020, Trigram sent an email to students stating:

"Trigram Education Partners, LLC continues to struggle with securing the funding necessary to support the operation of American School of Nursing and Medical Careers. This funding issue has led to the delay in the delivery of education which you have been experiencing. All students who began their program in August of 2020 will be unregistered and will be entitled to a full return

all monies paid. At this time, we believe this resolution is in your best interest both academically and financially. Trigram Education Partners apologize for any frustration and inconvenience this caused you, as it was not intentional at all.”

H. In response to a student inquiry about the December 4, 2020 Trigram email, a Trigram official told the student that he could not say when or if students will actually receive a refund because Trigram does not have any money. He also indicated to the student that Trigram teachers had not been paid for months.

I. Trigram has collected tens of thousands of dollars in tuition from students in the fall of 2020, even as it failed to pay teacher salaries and rent.

6. Based on the above information, the Commission finds that Trigram’s continued operation as a NH career school is a threat to public welfare, as Trigram has demonstrated itself unable to faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between itself and its students and to comply with the statutory obligations of NH career schools. Thus, the Commission finds there is a reasonable basis for immediately suspending Trigram’s career school license on an emergency basis and for commencing an expedited adjudicative proceeding against Trigram pursuant to RSA 541-A:30, III seeking permanent license revocation.

7. The specific issues to be determined at this proceeding are whether upon re-evaluation Trigram is in compliance with the statutes and rules of the State of New Hampshire. Specifically, whether the Respondent has failed to meet the requirements under NH RSA 188:G and Hedc 300, et seq.

8. The Commission intends to complete this adjudicative proceeding within the ten (10) working days’ time period provided by RSA 541-A: 30, III. Accordingly, neither

the date of the initial evidentiary hearing nor the date for concluding this proceeding shall be postponed or extended unless Trigram agrees to continue the suspension period pending issuance of the Commission's final decision in this matter.

THEREFORE, **IT IS ORDERED** that Trigram's New Hampshire career school license is **IMMEDIATELY SUSPENDED** until further order of the Commission; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:30, III.

To the extent that this order or the Commission's rules do not address an issue of procedure, the Commission shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that Trigram shall appear before the Commission on Tuesday, December 29, 2020 at 1:30 PM via a remote video hearing (ZOOM) pursuant to the current State of Emergency declared by the Governor of the State of New Hampshire. A link will be provided to Trigram via email prior to the hearing. In the event the Commission is authorized to meet in person, the hearing will be held at the Commission offices located at the New Hampshire Department of Education, 101 Pleasant Street, Concord, NH, to participate in an adjudicatory hearing, and

IT IS FURTHER ORDERED that if Trigram elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Trigram's failure to appear at the time and place specified above may result in the hearing being held in absentia; and,

IT IS FURTHER ORDERED that Commission Chair Dr. Donald Birx, or any other person whom he may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Commission, in the form of an original and seven (7) copies, and with an additional copy mailed to any party to the proceeding. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Commission; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Commission no later than five (5) days before the date of the hearing. Trigram shall pre-mark its exhibits with capital letters, and Hearing Counsel shall pre-mark his exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings shall be made by a certified shorthand court reporter provided by the agency and,

IT IS FURTHER ORDERED that all documents shall be filed with the Commission by mailing or delivering them to Director Stephen Appleby, Department of Education, 101 Pleasant St., Concord, NH 03301, (603)271-2408 or via email Stephen.Appleby@doe.nh.gov; and

IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Director Stephen Appleby, N.H. Department of Education, at (603) 271-2408, but that all other communications with the Commission shall be in writing and filed as provided above. Ex parte communications are forbidden by statute; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Trigram by certified mail addressed to the office address it supplied to the Commission in its latest renewal application and to its attorney if Trigram notifies the Commission that he will be represented. A copy shall also be delivered to Hearing Counsel, Attorney Christopher G. Bond, Department of Education, 101 Pleasant St., Concord, NH, 03301.