

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 ANDREW AMARA
Deputy Attorney General
4 State Bar No. 271311
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6531
6 Facsimile: (916) 731-2126
Attorneys for Complainant
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1005602

13 **PANAMERICAN LEARNING CENTER,**
14 **RICHARD ROSSI, OWNER**
15 **2225 W. Commonwealth Ave., Suite 103**
Alhambra, CA 91803

ACCUSATION

16 **Institution Code No. 50123433**

17 Respondent.

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19 **PARTIES**

20 1. Deborah Cochrane (complainant) brings this Accusation solely in her official capacity
21 as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs.

22 2. On or about June 15, 2016, the Bureau for Private Postsecondary Education issued
23 Approval to Operate Institution Code Number 50123433 to PanAmerican Learning Center,
24 owned by Richard Rossi (respondent). Respondent was approved to offer non-degree programs.
25 The Approval to Operate was in full force and effect at all times relevant to the charges brought
26 herein, expired on or about June 15, 2021, and has not been renewed.

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1 **JURISDICTION**

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

6 4. Business and Professions Code, section 118, subdivision (b), provides that the
7 suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau of
8 jurisdiction to proceed with a disciplinary action during the period within which the license may
9 be renewed, restored, reissued or reinstated.

10 5. Section 94875 provides that the Bureau shall regulate private postsecondary
11 educational institutions.

12 6. Section 94877 provides, in relevant part, that:

13 “(a) The bureau shall adopt and shall enforce regulations to implement this chapter pursuant
14 to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
15 Division 3 of Title 2 of the Government Code).

16 “(b) The bureau shall develop and implement an enforcement program, pursuant to Article
17 18 (commencing with Section 94932) to implement this chapter..... ”

18 **REGULATORY PROVISIONS**

19 7. California Code of Regulations (C.C.R), title 5, section 75050, subdivision (b),
20 provides: “Failure of an applicant or institution issued an approval to operate to abate the
21 violation or to pay the fine within the time allowed is a ground for denial or discipline of an
22 approval to operate.”

23 **COST RECOVERY**

24 8. Section 94937, subdivision (d), provides that the Bureau may seek reimbursement
25 costs of investigation and enforcement pursuant to Business and Professions Code section 125.3.

26 9. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
27 the Bureau may request the administrative law judge to direct a licentiate found to have
28 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable

1 costs of the investigation and enforcement of the case, with failure of the licentiate to comply
2 subjecting the license to not being renewed or reinstated. If a case settles, recovery of
3 investigation and enforcement costs may be included in a stipulated settlement.

4 **FACTUAL BACKGROUND**

5 10. On or about August 20, 2020, the Bureau issued Citation No. 2021057 (citation) to
6 respondent for the following violations: 1) failure to maintain verification of high school
7 completion or the equivalent, or other documentation establishing [the] student's ability to do
8 college level work, such as successful completion of an Ability-to-Benefit (ATB) test; 2) failure
9 to submit the Student Tuition Recovery Fund (STRF) reporting forms for the first and second
10 quarters of 2020¹; and 3) failure to submit the Annual Fee and Late Payment Penalty Fees for
11 calendar years 2019 and 2020. Respondent was assessed an administrative fine of \$1,551.00 in
12 connection with the citation.

13 11. The citation also ordered respondent to take the following action: 1) submit an
14 established policy or procedure addressing respondent's future plan for compliance with 5,
15 C.C.R., sections 71770(a)(1) and 71920(a)(b)(1)(a); 2) submit the name of the ATB exam they
16 planned to administer to incoming students, subject to Bureau approval; 3) submit the first and
17 second quarter 2020 STRF reporting forms; and 4) submit the Annual Fee and Late Payment
18 Penalty Fees for calendar years 2019 and 2020.

19 12. The Bureau additionally mailed respondent three consecutive demand letters, seeking
20 payment of the Administrative Fine and compliance with the Orders of Abatement on or about
21 September 24, 2020, December 22, 2020, and February 11, 2021, respectively. To date the
22 Institution has not paid the Administrative Fine or complied with the citation's Orders of
23 Abatement.

24 **CAUSE FOR DISCIPLINE**

25 13. Respondent's Approval to Operate is subject to revocation under California Code of
26 Regulations, title 5, section 75050, subdivision (b), in that respondent failed to comply with
27

28 ¹ Respondent subsequently filed the STRF forms for the first and second quarter on or
about October 7, 2020.

1 Orders of Abatement and payment of Administrative Fine, pursuant to Citation 2021057, issued
2 by the Bureau on or about August 20, 2020, as is more fully set forth in paragraphs 10 – 12,
3 above, which are incorporated herein by reference.

4 **PRAYER**

5 WHEREFORE, complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Director of the Department of Consumer Affairs issue a
7 decision:

- 8 1. Revoking or suspending Approval to Operate Institution Code Number 50123433,
9 issued to Panamerican Learning Center, Richard Ross, Owner;
- 10 2. Ordering PanAmerican Learning Center to pay the Bureau for Private Postsecondary
11 Education the reasonable costs of the investigation and enforcement of this case, pursuant to
12 Business and Professions Code section 125.3; and,
- 13 3. Taking such other and further action as deemed necessary and proper.
- 14
- 15

16 DATED: "8/25/2021" _____

17 "Original signature on file" _____
18 DEBORAH COCHRANE
19 Chief
20 Bureau for Private Postsecondary
21 Education
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

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