



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Adam Zucker, Owner
Plant Lab
1009 Abbot Kinney Boulevard
Venice, CA 90291

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1819145
CITATION ISSUANCE/SERVICE DATE: March 12, 2019
DUE DATE: April 11, 2019

FINE AMOUNT: \$ 100,000.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Adam Zucker, Owner of Plant Lab (Institution) located at 1009 Abbot Kinney Boulevard, Venice, CA 90291 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

Between July 27, 2017 and January 24, 2019, the Bureau received 6 complaints from current and former students of the Institution alleging the Institution was operating without Bureau approval in violation of CEC section 94886. Bureau staff investigated the complaints and found the Institution charges \$2,500-\$19,500 in tuition for its plant-based food preparation courses. Bureau staff gathered evidence of this violation via emails, corporate records, and the Institutions website at www.Plantlab.com. The Bureau determined that the Institution is operating a private postsecondary institution without Bureau approval, is charging over \$2,500.00 in tuition, and is not exempt under any provision of the Private Postsecondary Act of 2009.

VIOLATION(S)

#	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.
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1.

Violation:

CEC Section 94886. Approval to Operate Required

"Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."

CEC Section 94817.5. Approved to Operate or Approved

"Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."

CEC Section 94868. To Offer to the Public

"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On July 27, 2017, the first of 6 complaints were received by the Bureau alleging that the Institution was operating without Bureau approval, in violation of CEC section 94886.

On January 12, 2018, Bureau staff researched the website maintained by the Institution at www.plantlab.com. The website listed a course catalog with tuition prices and a 2018 course schedule. The Institution was advertising the following courses and tuition prices:

- Level 1- Fundamentals of Raw Cuisine- 4-week course- \$6,500
- Level 2- Advanced Raw Cuisine- 4-week course- \$6,500
- Level 3- Professional Raw Cuisine- 4-week course- \$6,500
- Fermentation & Cheese- 2-week course- \$2,500

Bureau staff conducted a search on the California Secretary of States website and found an Articles of Organization filing for Plant Lab Culinary CA, LLC with a business address of 1636 S Beverly Glen Blvd. #201, Los Angeles, CA 90024 dated July 31, 2017.

The Secretary of State website also listed a Limited Liability Company listing for Plant Lab Culinary CA, LLC., listing Adam Zucker as a Manager/Member and Chief Executive Officer, dated August 14, 2017.

On April 13, 2018, Bureau staff received an email from the Owner who was COO of Matthew Kenney Culinary Academy regarding a pending application for an Approval to Operate with the Bureau. The Owner stated the Institution would like to withdraw the Application for an Approval to Operate a Non-Accredited Institution. He stated, Matthew Kenney Culinary Academy was sold to Plant Lab in July of 2017, and that deficiencies outlined in the application did not apply to the new company. He stated that he would be working on submitting a new Application for an Approval to Operate specific to the Institution and that the Institution is currently operating as an exempt institution under the Bureaus exemption CEC Section 94784 (f) "An institution that does not award degrees and that solely provides educational programs for total charges of two thousand five hundred dollars (\$2,500) or less when no part of the total charges is paid from state or federal student financial aid programs."

As of March 12, 2019, the Bureau has not received a new Application for an Approval to Operate from the Institution and the Institution is still advertising they are open for business and are currently offering courses to the public and enrolling students for total charges that exceed \$2,500

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the www.plantlab.com and any other websites not identified here, that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including but not limited to, 1-888-418-5795, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is **\$100,000.00**

TOTAL ADMINISTRATIVE FINE DUE: \$100,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$100,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **April 11, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **March 12, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 11, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833


Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at 916-621-2591 or Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail