



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

June 10, 2019

Arash Abbassi, Owner
 Encore Flight Academy
 7900 Balboa Boulevard, Suite D3
 Van Nuys, CA 91406

Date of Issuance	Citation Number	Institution Code
June 10, 2019	1819095	Unapproved

On March 27, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819095 (Citation) against Arash Abbassi, Owner of Encore Flight Academy. In attendance were Marina O'Connor, Licensing Chief; Mina Hamilton, BPPE Attorney; Arash Abbassi, Owner; and Parham Hendifar, Attorney.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819095.

It is the decision of the Licensing Chief that on May 23, 2019, Citation No. 1819095 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>CEC Section 94886. Approval to Operate Required <i>"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."</i></p> <p>CEC Section 94817.5. Approved to Operate or Approved <i>"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."</i></p>

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 August 16, 2018, Bureau staff discovered the Institution advertises the following programs and pricing from its website www.encoreflight.com: Commercial Pilot Program for \$62,500.00, Private Pilot Training for \$8,500.00 (minimum FAA requirements), \$11,600.00 (standard), and \$13,200.00 (comprehensive), Instrument Rating Course for \$10,600.00, Multi-Engine Course for \$4,700.00, Private Pilot License, Multi-Engine Rating, and Instrument Rating for \$29,300.00, and a Flight Instructor Course for \$7,900.00.

Based on the Bureau's investigation, the Bureau found the Institution is operating as a private postsecondary educational institution located at 7900 Balboa Blvd., Suite D3, Van Nuys, CA 91406 and is not exempt from the provisions of the California Private Postsecondary Act. The Institution falls under the definition of a private postsecondary educational institution under CEC section 94858. The Institution continues to operate as a private postsecondary educational institution without Bureau approval.

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 www.encoreflight.com <https://www.yelp.com/biz/encore-flight-academy-van-nuys> 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 (888)-359-5869 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.

Reason for modification: New substantive facts were presented at the conference. Evidence of compliance obtained.

Assessment of Fine

The fine for this violation is \$100,000.00

<p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$100,000.00 to <u>\$5,000.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,000.00</u></p>

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:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

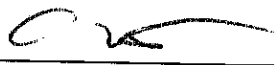
EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on June 10, 2019. The payment is due by **July 10, 2019**.

Failure 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

Should you have any questions regarding this decision or desire further information, please contact Ray Delaney, Citation Analyst, at (916) 431-6946 or at Ray.Delaney@dca.ca.gov.



Christina Villanueva
Discipline Manager

10/10/19
Date

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail