



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Dan Guerra & Frana Hamilton, Owners
Flexility, Inc., Owner
Community Business College, Inc.
3800 McHenry Avenue, Suite M
Modesto, CA 95356

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1516028
CITATION ISSUANCE/SERVICE DATE: August 14, 2015
DUE DATE: September 13, 2015
FINE AMOUNT: \$ 50,000.00
ORDER OF ABATEMENT INCLUDED: YES

Alyson Cooney issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Deputy Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Dan Guerra and Frana Hamilton, Owners of Flexility, Inc., Owner of Community Business College, Inc. located at 3800 McHenry Avenue, Suite M, Modesto, CA. 95356 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violations described below.

VIOLATION

Table with 2 columns: # and description of violation. Row 1: # 1. Violation: CEC 94886 - Approval to Operate required. Description: '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.' Note: The institution is operating without approval from the Bureau. Current institution owners, Dan Guerra and Frana Hamilton, submitted a renewal application to the Bureau on 12/12/12 that was...

denied on 4/14/2014. The institution owners were provided the opportunity to appeal the denial of the renewal application by 6/13/14. The owners failed to appeal. As a result the institution is no longer approved to operate. On 7/15/14, Bureau staff visited Community Business College at 3800 McHenry Avenue, Suite M, Modesto CA 95356, and found the school to be fully operational, in violation of CEC 94886.

Order of Abatement:

The Bureau orders that the institution cease to operate immediately until such time that an approval to operate has been obtained from the Bureau. In accordance with CEC 94926, the institution must file a school closure plan with the Bureau.

Assessment of Fine

The fine for this violation is \$50,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$50,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5 CCR Sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$50,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

ORDER OF ABATEMENT

In accordance with the provisions of CEC Section 94936 and 5 CCR Section 75020 the Bureau hereby issues the order(s) of abatement described above. **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.**

BACKGROUND

Community Business College, Inc. submitted an application for Renewal of an Approval to Operate for a Non-Accredited Institution (#25650) on 12/12/12. The Bureau for Private Postsecondary Education (Bureau) denied the application based on application deficiencies, non-payment of annual fees, and non-payment of Student Tuition Recovery Fund fees. The institution had 60 days to appeal the denial. No appeal was received. On July 15, 2014 the Bureau visited the institution and found it to be fully operational.

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 **September 13, 2015**, 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 **August 14, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 13, 2015**. 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.

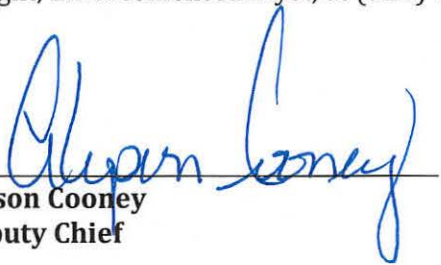
Payment of the administrative fine and/or written request for appeal must be mailed to:

Jody Wright, 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 Jody Wright, Enforcement Analyst, at (916) 431-6940 or Jody.Wright@dca.ca.gov.



Alyson Cooney
Deputy Chief



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