



**Bureau for Private Postsecondary Education**  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
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## **CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: San Diego Culinary Institute, Inc., Owner  
San Diego Culinary Institute, Inc.  
8024 La Mesa Blvd.  
La Mesa, CA 91942

**INSTITUTION CODE: 3711771**

**CITATION NUMBER: 2021256**

**CITATION ISSUANCE/SERVICE DATE: May 13, 2021**

**DUE DATE: June 12, 2021**

**FINE AMOUNT: \$ 5,000.00**

**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 of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

### CITATION

A Citation is hereby issued to San Diego Culinary Institute, Inc., Owner of San Diego Culinary Institute, Inc. (Institution) located at 8024 La Mesa Blvd., La Mesa, CA 91942, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

### BACKGROUND

On January 16, 2020, the Bureau issued Citation Number 1920173 to the Institution for failure to submit the Annual Report for the calendar year 2017, and failure to submit the Annual Fee for the calendar year 2019. As of May 13, 2021, the citation remains outstanding.

In addition, on July 16, 2020 the Bureau issued Citation Number 2021018 to the Institution for failure to submit the Student Tuition Recovery Fund (STRF) Assessment Report Forms for the 4<sup>th</sup> quarter of 2019 and the 1<sup>st</sup> quarter of 2020. Furthermore, the Institution was also cited for failure to submit the Late Payment Penalty Fee for the 2019 Annual Fee. As of May 13, 2021, the citation remains outstanding.

Additionally, on June 19, 2019, Bureau staff received a phone call from the Institution's Owner stating that the Institution will cease enrollment and the Institution would be closed as of March 31, 2020.

On July 18, 2019, and September 23, 2019, the Institution's President posted a letter to the Institution's website and the Institution's Facebook profile stating that the Institution would be closing its doors permanently in March 2020.

On March 5, 2020, March 16, 2020 and April 29, 2020, Bureau staff attempted to reach Institution staff and/or the Institution's Owner to obtain the required school closure information. As of May 13, 2021, the Bureau has not received the required school closure information.

VIOLATION

#	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><b>Violation:</b></p> <p><b>CEC Section 94926 (a)(b)(c)(d) - Procedures Prior to Closing, Teach-Out Plans</b>  <i>“At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following:</i></p> <p><i>(a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.</i></p> <p><i>(b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.</i></p> <p><i>(c) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning these programs and institutional closures.</i></p> <p><i>(d) A plan for the disposition of student records.”</i></p> <p><b>5, CCR Section 76240 (a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2) - Required Notices and Teach-Out Plan</b>  <i>“All institutions, including those exempt from Bureau regulation pursuant to the Code, shall do the following prior to closing</i></p> <p><i>(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:</i></p> <p><i>(1) The exact date and reason for the closure.</i></p> <p><i>(2) The last date of instruction for each educational service or program.</i></p> <p><i>(3) A list of students who were enrolled at any time during the 60 days prior to closure.</i></p> <p><i>(4) If any student will not be provided complete educational services or the educational program, the institution shall provide:</i></p> <p><i>(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.</i></p> <p><i>(B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.</i></p> <p><i>(5) A plan for the disposition of student records.</i></p> <p><i>(6) A plan to notify students of their rights and options under the Act and this chapter.</i></p> <p><i>(b) The institution shall notify the students of the following:</i></p> <p><i>(1) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning those programs and institutional closures.</i></p> <p><i>(2) If any student will not be provided complete educational services or the educational program, information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses.”</i></p> <p><b>On June 19, 2019, Bureau staff received a phone call from the Institution's Owner stating that the</b></p>

<p>Institution planned to cease enrollments and the Institution was to be closed by March 31, 2020.</p> <p>On March 5, 2020, Bureau staff reviewed the Institution’s website (<a href="http://www.sandiegoculinary.edu">http://www.sandiegoculinary.edu</a>) and found an “Important Message from the School President” dated July 8, 2019, as well as on the Institution’s Facebook profile dated September 23, 2019, stating that the Institution would be closing its doors permanently in March 2020. Bureau staff sent email correspondence to the email address of record for the Institution’s Contact/Agent for Process with written request for closure notice.</p> <p>On March 16, 2020, Bureau staff attempted to reach the Institution’s Owner by phone, however, was unable to reach them and left a voice message stating that the Bureau needed information on the possible closure of the Institution and requested a return phone call</p> <p>On April 29, 2020, Bureau staff attempted to reach the Institution’s Owner by phone and left another voice message requesting a return phone call. In addition, Bureau staff sent email correspondence to the Institution with a School Closure Plan form and supporting documentation.</p> <p>As of May 13, 2021, the Bureau has not received the required school closure information.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the institution provide the Bureau with a complete school closure plan in accordance with CEC section 94926(a)(b)(c)(d) and 5, CCR section 76240(a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2).</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is \$5,000.00</p>
<p><b>TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00</b></p>

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 **\$5,000.00** 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 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.**

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 **June 12, 2021**, 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 **May 13, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 12, 2021**. 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:**

Gabriella Perez, Discipline Citation Program  
Bureau for Private Postsecondary Education  
1747 N. Market Blvd., Suite 225  
Sacramento, CA 95834

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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or [Gabriella.Perez@dca.ca.gov](mailto:Gabriella.Perez@dca.ca.gov).

“Original signature on file”

“5/12/2021”

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**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