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8  
9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues  
14 Against:

15 **CALIFORNIA INSTITUTE OF THE**  
16 **HEALING ARTS AND SCIENCES**

17 **Application for Renewal of Approval to**  
18 **Operate and Offer Educational Programs**  
19 **for Non-Accredited Institutions**

20 **Institution Code No. 3404281**

Respondent.

Case No. BBPE22-207

**STATEMENT OF ISSUES**

21 **PARTIES**

22 1. Deborah Cochrane (Complainant) brings this Statement of Issues solely in her official  
23 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of  
24 Consumer Affairs.

25 2. On or about April 21, 2020, the Bureau received an application for Renewal of  
26 Approval to Operate and Offer Educational Programs for Non-Accredited Institutions from  
27 California Institute of the Healing Arts and Sciences (Respondent), owned by 121 Venus  
28

1 Corporation, Carol DiGirolamo as President. On or about April 13, 2020, Carol DiGirolamo  
2 certified under penalty of perjury to the truthfulness of all statements, answers, and  
3 representations in the application. The Bureau denied the application on January 31, 2022.

#### 4 **JURISDICTION**

5 3. This Statement of Issues is brought before the Director of the Department of  
6 Consumer Affairs (Director) for the Bureau, under the authority of the following laws. All  
7 section references are to the Education Code (Code) unless otherwise indicated.

8 4. Code section 94886 states:

9 Except as exempted in Article 4 (commencing with Section 94874) or in  
10 compliance with the transition provisions in Article 2 (commencing with Section  
11 94802), a person shall not open, conduct, or do business as a private postsecondary  
12 educational institution in this state without obtaining an approval to operate under  
13 this chapter.

14 5. Code section 94887 states:

15 An approval to operate shall be granted only after an applicant has presented  
16 sufficient evidence to the bureau, and the bureau has independently verified the  
17 information provided by the applicant through site visits or other methods deemed  
18 appropriate by the bureau, that the applicant has the capacity to satisfy the  
19 minimum operating standards. The bureau shall deny an application for an  
20 approval to operate if the application does not satisfy those standards.

#### 21 **STATUTORY PROVISIONS**

22 6. Code section 94891 states:

23 (a) The bureau shall adopt by regulation the process and procedures  
24 whereby an institution may obtain a renewal of an approval to operate.

25 (b) To be granted a renewal of an approval to operate, the institution shall  
26 demonstrate its continued capacity to meet the minimum operating standards.

27 (c)(1) An institution that is denied renewal of an approval to operate may  
28 file an appeal in accordance with the procedures established by the bureau  
pursuant to Section 94888.

(2) An institution that has filed an appeal of a denial of a renewal  
application may continue to operate during the appeal process, but must disclose  
in a written statement, approved by the bureau, to all current and prospective  
students, that the institution's application for renewal of approval to operate was

1 denied by the bureau because the bureau determined the application did not  
2 satisfy the requirements to operate in California, that the institution is appealing  
3 the bureau's decision, and that the loss of the appeal may result in the institution's  
4 closure.

5 (3) If the bureau determines that the continued operation of the institution  
6 during the appeal process poses a significant risk of harm to students, the bureau  
7 shall make an emergency decision pursuant to its authority provided in Section  
8 94938.

9 7. Code section 94898, subdivision (a) provides, in pertinent part:

10 (a) An institution shall not merge classes unless all of the students have  
11 received the same amount of instruction. This subdivision does not prevent the  
12 placement of students, who are enrolled in different educational programs, in the  
13 same class if that class is part of each of the educational programs and the  
14 placement in a merged class will not impair the students' learning of the subject  
15 matter of the class.

16 ...

17 8. Code section 94909, subdivision (a)(5) and (a)(7) provide, in pertinent part:

18 (a) Except as provided in subdivision (d), before enrollment, an institution  
19 shall provide a prospective student, either in writing or electronically, with a  
20 school catalog containing, at a minimum, all of the following:

21 ...

22 (5) A description of the programs offered and a description of the  
23 instruction provided in each of the courses offered by the institution, the  
24 requirements for completion of each program, including required courses, any  
25 final tests or examinations, any required internships or externships, and the total  
26 number of credit hours, clock hours, or other increments required for completion.

27 ...

28 (7) Information regarding the faculty and their qualifications.

...

### **REGULATORY PROVISIONS**

9. California Code of Regulations (CCR), title 5, section 71250, states: “[t]he Form  
Application 94886 shall include a statement that the institution has contracted with sufficient duly  
qualified faculty members who meet the qualifications of section 71720.”

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10. CCR, title 5, section 71405, states:

(a) If, after the submission of an application but prior to the Bureau's decision to approve or deny an approval to operate, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Bureau in writing.

(b) For the purposes of this section, a change in circumstance is “material” if, without the inclusion of the new or different information into the application, the information contained in or the supporting documentation to the application would be false, misleading, or incomplete.

11. CCR, title 5, section 71700 states: “The Bureau may request that an institution document compliance with the standards set forth in the Act and this Division to obtain and maintain an approval to operate.”

12. CCR, title 5, section 71710, provides, in pertinent part:

In order to meet its mission and objectives, the educational program defined in section 94837 of the Code shall be comprised of a curriculum that includes:

(a) those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled;

(b) subject areas and courses or modules that are presented in a logically organized manner or sequence to students;

(c) course or module materials that are designed or organized by duly qualified faculty. For each course or module, each student shall be provided with a syllabus or course outline that contains:

...

(2) a statement of educational objectives;

(3) length of the educational program;

...

(6) sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured;

...

(e) specific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material; and

(f) evaluation by duly qualified faculty of those learning outcomes.

13. CCR, title 5, section 71715 provides, in pertinent part:

...

(b) The institution shall document that the instruction offered leads to the achievement of the learning objectives of each course.

...

(d) Distance education as defined in section 94834 of the Code, does not require the physical presence of students and faculty at the same location but provides for interaction between students and faculty by such means as telecommunication, correspondence, electronic and computer augmented educational services, postal service, and facsimile transmission. In addition to the other requirements of this chapter and the Act, an institution offering distance education shall:

...

(3) ensure that the materials and programs are current, well organized, designed by faculty competent in distance education techniques and delivered using readily available, reliable technology;

...

(5) maintain clear standards for satisfactory academic progress;

(6) timely complete student evaluations of learning outcomes by duly qualified faculty, which are appropriate for use with the distance education methods used, and evaluated by duly qualified faculty.

(7) employ a sufficient number of faculty to assure that (A) the institution's response to, or evaluation of, each student lesson is returned to the student within 10 days after the lesson is received by the institution; and (B) the institution's response to, or evaluation of, each student project or dissertation is returned to the student within the time disclosed in the catalog; and

(8) shall maintain a record of the dates on which lessons, projects, and dissertations were received and responses were returned to each student.

14. CCR, title 5, section 71720 provides, in pertinent part:

...

(b) Instructors in an Educational Program Not Leading to a Degree.

(1) An institution shall employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area

1 they are teaching. If an instructor does not possess the required three years of  
2 experience, education and training in the subject area they are teaching, the  
3 institution shall document the qualifications the instructor possesses that are  
4 equivalent to the minimum qualifications.

5 (2) Each instructor shall maintain their knowledge by completing continuing  
6 education courses in his or her subject area, classroom management or other  
7 courses related to teaching.

8 (3) The institution shall not employ or continue to employ an instructor who  
9 was adjudicated in a judicial or administrative proceeding as having violated any  
10 provision of the Act or this chapter, or as having committed any act that would  
11 constitute grounds for the denial of a license under Section 480 of the Business and  
12 Professions Code.

### 13 **FIRST CAUSE FOR DENIAL**

14 (Instruction and Degrees Offered)

15 15. Respondent's application is subject to denial under CCR, title 5, section 71710,  
16 subdivisions (a), (b), and (c)(6); and section 71715, subdivision (d)(3), in that Respondent was  
17 unable to document that Respondent is offering instruction in those subject areas that are  
18 necessary for a student to achieve the educational objectives of the educational program in which  
19 the student is enrolled. Additionally, syllabi submitted lack a sequential and detailed outline of  
20 subject matter to be addressed or a list of skills to be learned and how those skills are to be  
21 measured.

### 22 **SECOND CAUSE FOR DENIAL**

23 (Instruction and Degrees Offered)

24 16. Respondent's application is subject to denial under CCR, title 5, section 71710,  
25 subdivisions (c)(2) and (e); and section 71715, subdivision (b), in that Respondent did not  
26 document that curriculum includes specific learning outcomes tied to the sequence of the  
27 presentation of the material to measure the students' learning of the material. Articulated  
28 objectives for each program overlap greatly between programs; there is little differentiation  
between programs despite their distinctly different titles and associated intended career outcomes.  
Program objectives do not clearly correspond to content referenced in the descriptions of modules  
found in the catalog. Which objectives are addressed will depend on which modules a student

1 completes, and which modules are taken by each student is dictated wholly by where their  
2 enrollment date places them on the schedule and the length of the program they select.  
3 Respondent did not document that the instruction offered leads to the achievement of the learning  
4 objectives of each course.

5 **THIRD CAUSE FOR DENIAL**

6 (Instruction and Degrees Offered)

7 17. Respondent's application is subject to denial under Code section 94898, subdivision  
8 (a), in that Respondent is merging classes in which not all students have received the same  
9 amount of instruction, and in a manner that impairs the students' learning of the subject matter.  
10 This merging is negatively impacting the students' learning of the subject matter necessary for the  
11 achievement of learning objectives in four distinctly different programs.

12 **FOURTH CAUSE FOR DENIAL**

13 (Description of Educational Program)

14 18. Respondent's application is subject to denial under CCR, title 5, section 71715 (d)(6),  
15 (7) and (8), in that formal evaluations of students are not timely completed, in compliance with  
16 the institution's stated policy, or consistently recorded. Additionally, Respondent was unable to  
17 provide documentation to support grades received by students for each completed module.

18 **FIFTH CAUSE FOR DENIAL**

19 (Description of Educational Program)

20 19. Respondent's application is subject to denial under CCR, title 5, section 71710,  
21 subdivisions (e) and (f) in that Respondent student achievement of program-specific learning  
22 outcomes is not appropriately measured or evaluated. The culminating final exam appears to be  
23 the same for all four currently offered programs, and this singular culminating exam cannot  
24 effectively measure learning outcomes for programs of such varying lengths and stated career  
25 outcomes.

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1 **SIXTH CAUSE FOR DENIAL**

2 (Description of Educational Program)

3 20. Respondent’s application is subject to denial under CCR, title 5, subdivision 71715,  
4 subdivision (d)(5) in that Respondent does not maintain clear standards for satisfactory academic  
5 progress. Respondent was unable to document recorded mid-point grades, evaluations or  
6 communications to students regarding their progress.

7 **SEVENTH CAUSE FOR DENIAL**

8 (Description of Educational Program)

9 21. Respondent’s application is subject to denial under CCR, title 5, section 71715,  
10 subdivision (d)(5), (6) and (7); and section 71710, subdivision (f), in that Respondent does not  
11 reference graded assignments, or the use of a rubric or other written feedback, and hence there is  
12 no documented way to calculate whether a student is achieving a cumulative grade point average  
13 of at least 70% (2.0) as Respondent purports to require.

14 **EIGHTH CAUSE FOR DENIAL**

15 (Description of Educational Program)

16 22. Respondent’s application is subject to denial under CCR, title 5, section 71710,  
17 subdivision (c)(3), in that Respondent misrepresents the programs’ lengths in the syllabi  
18 embedded in the catalog and in the catalog program descriptions. Specifically, hour-long lunches  
19 taken during weekly Saturday classes are not subtracted from the represented hours of instruction.

20 **NINTH CAUSE FOR DENIAL**

21 (Faculty)

22 23. Respondent’s application is subject to denial under CCR, title 5, section 71405, in  
23 that Respondent failed to immediately notify the Bureau in writing of any material change in  
24 circumstances affecting any information contained in the application. Specifically, Respondent  
25 failed to notify the Bureau that M.M. has been instructing new students in breakout sessions and  
26 occasionally substituting for somewhere between 1.5 – 3 years. Respondent never provided  
27 M.M.’s credentials, qualifications, or contract to the Bureau, and M.M. does not appear in  
28



1 Respondent’s catalog. M.M. was not referenced in any of Respondent’s renewal application  
2 materials.

3 **TENTH CAUSE FOR DENIAL**

4 (Faculty)

5 24. Respondent’s application is subject to denial under CCR, title 5, section 71720,  
6 subdivision (b) and section 71250, in that Respondent failed to provide the Bureau with contracts  
7 for identified faculty assigned to teach Aromatherapist and Master Herbal Practitioner programs,  
8 and failed to provide documentation for instructor M.M.

9 **ELEVENTH CAUSE FOR DENIAL**

10 (Catalog)

11 25. Respondent’s application is subject to denial under Code section 94909, subdivision  
12 (a)(7), in that instructor M.M., who had been an instructor of new student breakout sessions and  
13 occasionally substituting regular class sessions for 1.5 – 3 years, was omitted from Respondent’s  
14 catalog.

15 **TWELFTH CAUSE FOR DENIAL**

16 (Catalog)

17 26. Respondent’s application is subject to denial under Code section 94909, subdivision  
18 (a)(5), in that the requirements for completion of each program, including required courses and  
19 accurate disclosures of the total number of clock hours for each program are lacking in the  
20 catalog. Programs do not communicate which modules are required due to the lack of fixed  
21 requirements. Additionally, program lengths are misrepresented in the catalog as hour-long  
22 lunches taken during weekly Saturday classes are not subtracted from the represented hours of  
23 instruction in the catalog and program descriptions.

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**PRAYER**

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

- 1. Denying the application of California Institute of Healing Arts and Sciences, owned by 121 Venus Corporation, Carol DiGirolamo as President for an Application for Renewal of Approval to Operate and offer Educational Programs for Non-Accredited Institutions; and
- 2. Taking such other and further action as deemed necessary and proper.

DATED: “6/10/2022”

“Original signature on file”  
DEBORAH COCHRANE  
Chief, Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*