

1 ROB BONTA
Attorney General of California
2 KIM KASRELIOVICH
Supervising Deputy Attorney General
3 NANCY CALERO
Deputy Attorney General
4 State Bar No. 261370
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6351
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. BPPE22-043

13 **CALIFORNIA VOCATIONAL ACADEMY**
14 3509 W. Beverly Boulevard
Montebello, CA 90640

ACCUSATION

15 **Approval to Operate Institution Code**
16 **No. 41462892**

17 Respondent.
18
19

20
21 **PARTIES**

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

25 2. On or about August 7, 2020, the Bureau for Private Postsecondary Education issued
26 Approval to Operate Institution Code Number 41462892 to California Vocational Academy
27 (“Respondent”), owned by Blassted Corp., Javier Ibarra-Resa as Chief Executive Officer. The
28

1 Approval to Operate was in full force and effect at all times relevant to the charges brought herein
2 and will expire on August 7, 2025, unless renewed.

3 JURISDICTION

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

8 4. Business and Professions Code section 118, subdivision (b), provides that the
9 suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of
10 jurisdiction to proceed with a disciplinary action during the period within which the license may
11 be renewed, restored, reissued or reinstated.

12 5. Section 94932 of the Code states:

13 The Bureau shall determine an institution’s compliance with the requirements
14 of this chapter. The Bureau shall have the power to require reports that institutions
15 shall file with the Bureau in addition to the annual report, to send staff to an
16 institution’s sites, and to require documents and responses from an institution to
17 monitor compliance. When the Bureau has reason to believe that an institution may
18 be out of compliance, it shall conduct an investigation of the institution. If the Bureau
19 determines, after completing a compliance inspection or investigation, that an
20 institution has violated any applicable law or regulation, the Bureau shall take
21 appropriate action pursuant to this article.

18 6. Section 94933 of the Code states:

19 The Bureau shall provide an institution with the opportunity to remedy
20 noncompliance, impose fines, place the institution on probation, or suspend or revoke
21 the institution’s approval to operate, in accordance with this article, as it deems
22 appropriate based on the severity of an institution’s violations of this chapter, and the
23 harm caused to students.

22 7. Section 94875 provides that the Bureau shall regulate private postsecondary
23 educational institutions.

24 8. Section 94877 provides, in relevant part, that:

25 (a) The bureau shall adopt and shall enforce regulations to implement
26 this chapter pursuant to the Administrative Procedure Act (Chapter 3.5
27 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
28 Government Code).

(b) The bureau shall develop and implement an enforcement program,

1 pursuant to Article 18 (commencing with Section 94932) to implement this
2 chapter. . . .

3 **REGULATORY PROVISIONS**

4 9. California Code of Regulation, title 5, Division 7.5, section 75050, subdivision (b),
5 states:

6 Failure of an applicant or institution issued an approval to operate to abate the
7 violation or to pay the fine within the time allowed is a ground for denial or discipline
8 of an approval to operate.

8 **COST RECOVERY**

9 10. Section 94937, subdivision (c), provides that the Bureau may seek reimbursement
10 costs of investigation and enforcement pursuant to Business and Professions Code section 125.3.

11 11. Business and Professions Code section 125.3 provides, in pertinent part, that the Board
12 may request the administrative law judge to direct a licensee found to have committed a violation
13 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case, with failure of the licensee to comply subjecting the license to not
15 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may
16 be included in a stipulated settlement.

17 **CAUSE FOR DISCIPLINE**

18 (Failure to Abate Violations)

19 12. Respondent's Approval to Operate is subject to disciplinary action under California
20 Code of Regulation, title 5, section 75050, subdivision (b) in that Respondent failed to comply
21 with Orders of Abatement and pay administrative fines, as follows:

22 a. On or around March 11, 2021, the Bureau issued Citation No. 2021198 to
23 Respondent for failing to submit the Student Tuition Recovery Fund (STRF) reporting form for
24 the fourth quarter of 2020, and failing to pay the 30-day late payment penalty fee for the 2020
25 Annual Fee. Pursuant to the Order of Abatement in Citation 2021198, Respondent was required
26 to submit all overdue items. Citation 2021198 also required payment of an administrative fine in
27 the amount of \$50.00. To date, the Bureau has not received the payment of the administrative fine
28 or evidence of compliance with the Order of Abatement.

