



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

To: Jodi Liano and Anthony Liano
San Francisco Cooking School
690 Van Ness Avenue
San Francisco, California 94102

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1718003
CITATION ISSUANCE/SERVICE DATE: October 11, 2017
DUE DATE: November 10, 2017
FINE AMOUNT: \$ 100,000.00
ORDER OF ABATEMENT INCLUDED: YES

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

CITATION

A Citation is hereby issued to Jodi Liano and Anthony Liano, owner of San Francisco Cooking School (Institution) located at 690 Van Ness Avenue, San Francisco, California 94102 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) §94944; and Title 5 of the California Code of Regulations (5, CCR) §75020 for the violation(s) described below.

BACKGROUND

On March 18, 2016, Bureau received the Institution's Application for Approval to Operate an Institution Non-Accredited. On March 25, 2016, the Bureau staff sent an acknowledgment letter to the Institution advising receipt of the application. The letter also referenced the prohibitions against operating without Bureau approval.

On March 27, 2017, Bureau received a complaint alleging that the Institution is operating without Bureau approval.

On August 7, 2017, the Bureau sent Jodi Liano and Anthony Liano a Notice of Denial of Application for Approval to Operate. The denial was based on the Institution operating without Bureau approval and for failure to maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater. In the letter the Bureau advised the Institution that unless exempt as outlined in Article 4 of the Act or in compliance with the transition provisions contained in Article 2 of the Act, an Institution is prohibited from operating without Bureau approval.

As of September 26, 2017, the Institution has not appealed the Bureau's denial. However, the Institution continues to advertise their Culinary Arts and Pastry Arts programs for the 2018 calendar year.

The Bureau determined that the Institution is conducting business as a private postsecondary educational institution based on an unannounced visit to the Institution on July 14, 2017 and the 2016-2017 student roster that the Institution submitted to the Bureau on July 17, 2017 which was previously requested during the field visit.

VIOLATION(S)

#	The California Education Code (CEC) and Title 5 of the California Code of Regulations (5 CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><u>Violation:</u></p> <p>CEC 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 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> <p>CEC 94868. To Offer to the Public <i>"To offer to the public" means to advertise, publicize, solicit, or recruit."</i></p> <p>CEC 94869. To Operate <i>"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."</i></p> <p>CEC 94857. Postsecondary Education <i>"Postsecondary education" means a formal institutional educational program whose curriculum is designed primarily for students who have completed or terminated their secondary education or are beyond the compulsory age of secondary education, including programs whose purpose is academic, vocational, or continuing professional education.</i></p> <p>CEC 94858. Private Postsecondary Educational Institution <i>"Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.</i></p> <p>CEC 94902. General Enrollment Agreement Requirements <i>"(b) An enrollment agreement is not enforceable unless all of the following requirements are met: (2) At the time of the execution of the enrollment agreement, the institution held a valid approval to operate."</i></p>

During the Bureau staff's field investigation on July 14, 2017, Bureau staff discovered that the Institution is in operation and had a class in session with approximately 10 students. During the interview, Jodi Liano stated to Bureau staff that the Institution has been in operation since 2012 and currently has 20-25 students enrolled in Professional Culinary Arts and Professional Pastry and Baking Arts programs.

On July 17, 2017, in response to the Bureau staff's request, Jodi Liano emailed Bureau staff the 2016-2017 student roster which indicates that 22 students are currently enrolled at the Institution. According to the roster, the students in the Culinary Arts program paid \$29,275 and students in the Pastry and Baking Arts program paid \$28,450. The enrollment dates on the roster were January 2016, January 2017, and May 2017.

The Institution advertises programs on its website at www.sfcooking.com and Facebook page at <https://www.facebook.com/SFCooking/>. The Institution also has a Yelp page at <https://www.yelp.com/biz/san-francisco-cooking-school-san-francisco> that listed an address of 690 Van Ness Ave, San Francisco, CA 94102 and a phone number of (415) 346-2665.

Based on the Bureau's investigation, the Institution is conducting business as a private postsecondary educational institution at 690 Van Ness Ave, San Francisco, CA 94102, and is not exempt from the provisions of the California Private Postsecondary Act. The Institution advertises at least two cooking programs costing up to \$29,275. As such, the Institution falls under the definition of a private postsecondary educational institution under CEC section 94858. Although the Institution had submitted an application to the Bureau, the Bureau denied the application on August 7, 2017. The Institution continues to operate as a denied private postsecondary educational institution without Bureau approval and has been operating since 2012.

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 Internet web sites), until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers associated or utilized by the Institution including, but not limited to, (415) 346-2665 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 CEC 94926.

Evidence of compliance shall be submitted within 30 days of the issuance of the citation.

Assessment of Fine

The fine for this violation is \$100,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$100,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$100,000.00** 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 5, CCR Section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **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 **November 10, 2017**, 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 **October 11, 2017**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **November 10, 2017**. 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:

Gurinder Sandhu, 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 Gurinder Sandhu, Discipline Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.


Yvette Johnson
Enforcement 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