



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

To: Geeta Brown
 Intercoast Colleges
 One Civic Plaza, Suite 110
 Carson, CA 90745

INSTITUTION CODE: 88680462
CITATION NUMBER: 1415005
CITATION ISSUANCE/SERVICE DATE: April 3, 2015
DUE DATE: May 2, 2015
FINE AMOUNT: \$5,000.00
ORDER OF ABATEMENT INCLUDED: YES

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

CITATION

A Citation is hereby issued to Geeta Brown, Owner of Intercoast Colleges located at One Civic Plaza, Suite 110, Carson, CA 90745 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

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5, CCR 71720(b)(3) - Faculty <i>"(b) Instructors in an Educational Program Not Leading to a Degree. (3) The institution shall not employ or continue to employ an instructor who was adjudicated in a judicial or administrative proceeding as having violated any provision of the Act or this chapter, or as having committed any act that would constitute grounds for the denial of a license under Section 480 of the Business and Professions Code."</i></p> <p>On 2/19/14, the Bureau received a confidential complaint that Intercoast Colleges was employing a faculty member who had been convicted of a crime. The complaint included a copy of a criminal</p>

document entitled *The People of the State of California v. [R. B.]*, which stated, in part, that R.B. was convicted of attempted murder, a felony, in 1994. The criminal documentation also stated that R.B. was accused of unlawfully possessing cocaine base for sale and purchase, a felony, in March of 2006. Also included in the complaint was a copy of a Felony Plea Form in which R.B. accepted a plea agreement for cocaine possession on 8/25/08. The complainant also stated that she notified the institution in January of 2014 of R.B.'s criminal background.

On 3/4/14, Bureau staff called Geeta Brown (Brown), institution Owner, and requested faculty records. Brown inquired of Bureau staff if the call was specifically regarding R.B. and Bureau staff confirmed that it was. Brown stated that Intercoast Colleges did not knowingly hire someone convicted of a crime. Later that day, on 3/4/14, J.D., Intercoast Colleges' Human Resources Manager, emailed a copy of R.B.'s employment application to Bureau staff. R. B.'s employment application provided to Intercoast Colleges, dated 10/2006, revealed that he had checked "yes" in the box on the application that asks: "Have you been convicted of a felony within the last 5 years?", and he explained the drug possession charge underneath that question.

On 3/25/15, Bureau staff received a payroll print out from J.D. which showed that R.B. was employed at Intercoast Colleges from 9/27/07 until he was laid off on 8/20/14.

Thus, despite R.B.'s own disclosure of a felony conviction in his employment application in 10/2006, Intercoast Colleges employed him as a massage therapy instructor for approximately six years and 11 months, and continued to employ him after being notified of his criminal record in January 2014 by the complainant and on 3/4/14 by the Bureau, all in violation of 5, CCR 71720(b)(3).

Order of Abatement:

The Bureau orders that the institution provide detailed information of how the institution will ensure its faculty meet the minimum requirements as prescribed in 5, CCR 71720(b)(3). Submit written evidence to the Bureau that indicates faculty has been vetted through an employment process.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

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 **\$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.

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

On 2/19/14, the Bureau received a complaint that the institution was employing a faculty member with a felony record. Investigation revealed that the institution knowingly hired an instructor who had been adjudicated in a judicial or administrative hearing as having committed a felony. On 3/25/15, Bureau staff received a payroll print out from J.D. which showed that R.B. was employed at Intercoast Colleges from 9/27/07 until he was laid off on 8/20/14. Therefore, Intercoast Colleges knowingly employed a faculty member with a felony record for approximately six years and 11 months in violation of 5, CCR 71720 (b)(3).

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 **May 2, 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 **April 3, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 2, 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.

Yvette Johnson
Yvette Johnson
Enforcement Chief

4-3-15
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