



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

To: Christopher Becker, Owner
New School of Cooking
8690 Washington Boulevard
Culver City, CA 90232

INSTITUTION CODE: 29369850
CITATION NUMBER: 2021219
MODIFIED CITATION ISSUANCE/SERVICE DATE: August 12, 2022
MODIFIED DUE DATE: September 11, 2022
FINE AMOUNT: \$ 2,000.00
ORDER OF ABATEMENT INCLUDED: NO

Christina Villanueva issues this Modified 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 Modified Citation is hereby issued to Christopher Becker, Owner of New School of Cooking (Institution) located at 8690 Washington Boulevard, Culver City, CA 90232, 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

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 2021219 to the Owner of the Institution on April 8, 2021, which was appealed by the Institution and subsequently withdrawn without prejudice on August 11, 2022.

VIOLATION(S)

#	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>MODIFIED</p> <p><u>Violation:</u> CEC Section 94926 (a)(b)(c)(d) – Procedures Prior to Closing, Teach-Out Plans <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> <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> <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>

(c) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning these programs and institutional closures.
(d) A plan for the disposition of student records.”

5, CCR Section 76240 (a)(5) – Required Notices and Teach-Out Plan

“All institutions, including those exempt from Bureau regulation pursuant to the Code, shall do the following prior to closing:

(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:

(5) A plan for the disposition of student records.”

Bureau staff found that that the Institution did not provide the Bureau with prior notice of closure, plans for teach-outs, refund arrangements, or for the disposition of students records prior to closing the Institution on May 31, 2020.

Order of Abatement:

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)(5). In addition, the Bureau orders the Institution to issue refunds of all institutional charges to all students affected by the closure within 45 days of the issued Citation. The Institution must provide the Bureau with the roster of each student. The roster must include the name of the student, their contact information (including phone number, email address, and physical address) the date of enrollment, the amount paid for the program, the amount the student was refunded and proof of refund.

Reason for Modification: New substantive facts presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$5,000.00

The Administrative Fine has been modified from \$5,000.00 to \$00.00.

2. **MODIFIED**

CEC Section 94927 – Institutions in Default of Enrollment Agreement

“An institution shall be considered in default of the enrollment agreement when an educational program is discontinued or canceled or the institution closes prior to completion of the educational program. When an institution is in default, student institutional charges may be refunded on a pro rata basis if the bureau determines that the school has made provision for students enrolled at the time of default to complete a comparable educational program at another institution at no additional charge to the students beyond the amount of the total charges in the original enrollment agreement. If the institution does not make that provision, a total refund of all institutional charges shall be made to students.”

Bureau staff found that the Institution ceased all instruction prior to allowing enrolled students to complete their program.

Assessment of Fine

The fine for this violation is \$5,000.00

	<p>Reason for Modification: New substantive facts presented at the informal conference. The Order of Abatement has been resolved.</p> <p>The Administrative Fine has been modified from <u>\$5,000.00</u> to <u>\$1,000.00</u>.</p>
3.	<p>MODIFIED</p> <p>CEC Section 94927.5 (a)(1) – Provision of Records to Bureau Prior to Closing <i>“(a) Prior to closing, an institution shall provide the bureau with the following: (1) Copies of pertinent student records, including transcripts, in hardcopy or electronic form, as determined by the bureau, pursuant to regulations adopted by the bureau.”</i></p> <p>The Institution did not provide the Bureau with student records or a plan of retention of student records prior to closing the Institution on May 31, 2020.</p> <p>Order of Abatement: The Bureau orders that the Institution provide the Bureau with the plan of retention of student records, and information on how students may obtain their records as required by CEC section 94927.5 (a)(1).</p> <p>Reason for Modification: New substantive facts presented through the appeal process. The Order of Abatement has been resolved.</p> <p>Assessment of Fine The fine for this violation is <u>\$2,500.00</u></p> <p>The Administrative Fine has been modified from <u>\$2,500.00</u> to <u>\$500.00</u>.</p>
4.	<p>MODIFIED</p> <p>CEC Section 94897(j)(1)(2)(3)(k) – Prohibited Business Practices <i>An institution shall not do any of the following: “(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following: (1) A financial report filed with the bureau. (2) Information or records relating to the student’s eligibility for student financial aid at the institution. (3) Any other record or document required by this chapter or by the bureau. (k) Willfully falsify, destroy, or conceal any document of record while that document of record is required to be maintained by this chapter.”</i></p> <p>Bureau staff reviewed email correspondence between students and Institution staff dated May 29, 2020, that stated the Institution would be mailing diplomas to the students. Bureau staff reviewed the diploma received by mail and found that the diploma was signed by two Institution staff members, dated on April 15, 2020. As a result, Bureau staff found that the diploma falsely makes an untrue and misleading statement regarding the student’s completion of the program that they were enrolled in. Therefore, the Institution falsified the student’s diploma to show that they completed the program.</p>

	<p>Assessment of Fine The fine for this violation is <u>\$2,500.00</u></p> <p>The Administrative Fine has been modified from <u>\$2,500.00</u> to <u>\$500.00</u>.</p>
5.	<p>MODIFIED</p> <p>Violation: 5, CCR Section 76130 (a-e)- Collection and Submission of Assessments <i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</i> <i>(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i> <i>(1) April 30 for the first quarter,</i> <i>(2) July 31 for the second quarter,</i> <i>(3) October 31 for the third quarter, and</i> <i>(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau. If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.</i> <i>(c) The STRF Assessment Reporting Form shall contain the following information:</i> <i>(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and</i> <i>(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and</i> <i>(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and</i> <i>(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and</i> <i>(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and</i> <i>(6) Current contact telephone number of the person preparing the form; and</i> <i>(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.</i> <i>(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.</i> <i>(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”</i></p> <p>The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:</p> <ul style="list-style-type: none"> • Third and Fourth Quarters of 2020

On September 18, 2020, the Institution was notified via mail at 817 Stratford Avenue, South Pasadena, CA 91030, that the STRF Assessment Reporting Form for the 3rd quarter of 2020 was due. As of April 1, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On December 14, 2020, the Institution was notified via mail at 817 Stratford Avenue, South Pasadena, CA 91030, that the STRF Assessment Reporting Form for the 4th quarter of 2020 was due. As of April 1, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.

Assessment of Fine

The fine for this violation is \$50.00

Reason for Modification: New substantive facts presented through the appeal process. The Order of Abatement has been resolved.

The Administrative Fine has been modified from \$50.00 to \$00.00.

6. **MODIFIED**

Violation:

5, CCR Section 74006(a) and (b) - Annual Fee

"(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees."

CEC Section 94930.5 (g)- Fee Schedule

"(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus."

CEC Section 94931(b)- Late Payment

"(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee."

The Institution has failed to pay its annual fee and late payment penalty for calendar year 2019.

On September 1, 2020, the Institution was notified, Invoice # 900352203, via mail at 817 Stratford Avenue, South Pasadena, CA 91030, stating that the annual fee for calendar year 2020 was due on October 1, 2020.

	<p>On November 16, 2020, the Institution was notified, Invoice # 900353951, via mail at 817 Stratford Avenue, South Pasadena, CA 91030, stating that the annual fee for calendar year 2020 was due on October 1, 2020.</p> <p>On January 15, 2021, the Institution was notified, Invoice # 900353951, via mail at 817 Stratford Avenue, South Pasadena, CA 91030, stating that the annual fee for calendar year 2020 was due on October 1, 2020.</p> <p>As of April 1, 2021, the Bureau has not received the annual fee from the Institution.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit its annual fees for calendar year 2019 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(g). In addition, the Institution must pay all late payment penalty fees.</p> <p><u>Reason for Modification:</u> New substantive facts presented through the appeal process. The Order of Abatement has been resolved.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$00.00</u></p>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$2,000.00</u>	

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 **\$2,000.00** for the violations described above.

Payment of the administrative must be made to the Bureau by September 11, 2022.

PAYMENT OF ADMINISTRATIVE FINE

The Institution shall pay the civil penalty in the amount of \$2,000.00 by way of cashiers' check or money order. The payment shall be mailed to:

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

The civil penalty must be paid to the Bureau by September 11, 2022. Payment of an administrative citation is not an admission of guilt or liability.

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the Modified Citation civil penalty pursuant to the terms of this settlement will result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

CONTACT INFORMATION

If you have any questions regarding this Modified Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at Cheryl.Lardizabal@dca.ca.gov.

"Original Signature on File"

"8/12/2022"

Christina Villanueva
Discipline Manager

Date

Enclosure

- Declaration of Service by Certified and First-Class Mail
- Payment of Fine