



MODIFIED CITATION ORDER

Citation Issued To: Institute of Oriental Medicine 2497 Industrial Pkwy West Hayward, CA, 94545 Institution Code: 44374986	Citation Number: 2324086
	Total Fine Amount: \$1,001.00
	Order of Abatement Included: Yes

Elizabeth Elias issues this modified citation in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

- On or about March 3, 2020, the Bureau issued an Approval to Operate a Private Postsecondary Institution to Institute of Oriental Medicine (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about March 3, 2025, unless renewed.

DISCIPLINE HISTORY

- The Institution has no prior discipline history.

CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CITATION HISTORY

- On or about October 3, 2023, the Bureau issued Citation No. 2324086. On or about October 11, 2023, the Bureau received an appeal with a request for an informal conference. The informal conference was held on November 17, 2023. New substantive facts were presented during the informal conference; therefore, the Bureau modifies the citation as follows:

**CAUSE FOR CITATION &
MODIFIED ASSESMENT OF FINE AND/OR ORDER OF ABATEMENT**

5. The Institution is in violation of the following Bureau laws and regulations:

<p>Violation #1:</p> <p>5 CCR section 74110 – Annual Report in conjunction with CEC section 94934 – Annual Report</p>
<p>Cause for Citation: A review of the Bureau's records confirm the Institution failed to submit all components of the 2021 Annual Report which was due to the Bureau by December 1, 2022.</p> <p>To date, the Bureau has not received financial statements as required.</p> <p>Notices were sent to the Institution on or about the following dates: June 28, 2022, July 14, 2022, July 26, 2022, April 18, 2023, June 16, 2023, and August 3, 2023.</p>
<p>Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$2,501.00.</p> <p>Administrative Fine: Modified. The Bureau modifies the administrative fine to a "Class B" violation. The Institution is issued a fine of \$1,001.00.</p>
<p>Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:</p> <p>The Bureau orders the Institution to submit all components of the 2021 Annual Report, pursuant to 5 CCR section 74110 and CEC section 94934.</p> <p>Order of Abatement: Affirmed. The Order of Abatement has been satisfied.</p>

COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau issues the order(s) of abatement described above. Evidence of compliance with the order of abatement

must be submitted to the Bureau within 30 days from the date of issuance of this modified citation. Evidence of compliance with the order of abatement may sent by mail or email to:

- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Giovanni Alon
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
- Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in the total amount of \$1,001.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of service of this modified citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Giovanni Alon
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

8. Pursuant to 5 CCR section 75040(d), the modified decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a hearing.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

9. Pursuant to 5 CCR section 75050, payment of the fine and/or compliance with any order of abatement does not constitute an admission of the

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violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Giovanni Alon, Citation Analyst by email at Giovanni.Alon@dca.ca.gov or by phone at (916) 574-7703.

"Original Signature on File"

11/22/2023

Elizabeth Elias
Enforcement Chief

Citation Date of Issuance

Enclosures:

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