



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Advertising & Design Education Corporation, Owner
Advertising & Design Education Corp dba Miami Ad School San Francisco
500 Sansome Street
San Francisco, CA 94111

INSTITUTION CODE: 3806471
CITATION NUMBER: 1920258
CITATION ISSUANCE/SERVICE DATE: March 17, 2020
DUE DATE: April 16, 2020
FINE AMOUNT: \$ 5,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this 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 Citation is hereby issued to Advertising & Design Education Corporation, Owner of Advertising & Design Education Corp dba Miami Ad School San Francisco (Institution) located at 500 Sansome Street, San Francisco, CA 94111, 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

On July 23, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations related to current, graduate, and dropped/withdrawn student files as well as faculty files were found.

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>Violation: CEC Section 94902(b)(1)(3) – General Enrollment Requirements <i>“(b) An enrollment agreement is not enforceable unless all of the following requirements are met:</i> <i>(1) The student has received the institution’s catalog and School Performance Fact Sheet prior to signing the enrollment agreement.</i> <i>(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.”</i></p>

	<p>Institution staff informed the Bureau’s Inspector that students enroll in a program through an automated online system, and the application and enrollment agreement are electronically signed at that time. Furthermore, the Institution staff stated that students review, initial, and sign the School Performance Fact Sheets (SPFS) at orientation on the first day of classes, which is after the enrollment agreement has already been signed. Per CEC Section 94902, the Institution failed to provide students with the SPFS prior to signing an enrollment agreement.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance with CEC Section 94902.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
2.	<p><u>Violation:</u> CEC Section 94900.5(b) – Required Institutional Records <i>“An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information: (b) The names and addresses of the members of the institution’s faculty and records of the educational qualifications of each member of the faculty.”</i></p> <p>5, CCR Section 71720(b)(2) – Faculty <i>“(b) Instructors in an Educational Program Not Leading to a Degree. (2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.”</i></p> <p>Institution staff provided a written statement to the Bureau Inspector explaining that their faculty are not required to present proof of continuing education courses as the faculty are professionals within the field. Furthermore, the Institution failed to require their faculty to maintain their knowledge by completing continuing education courses in their subject area, classroom management or other courses related to teaching.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure that identifies how faculty will maintain knowledge by completing continuing education courses as required by 5, CCR Section 71720(b)(2). Additionally, the Institution shall submit to the Bureau proof of documentation of how each of the current faculty members meet the minimum qualifications and complete continuing education courses.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,500.00</u></p>
3.	<p><u>Violation:</u> 5, CCR Section 71930(e) – Maintenance of Records <i>“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”</i></p>

	<p style="color: red;">Institution staff was unable to provide the supporting documentation to substantiate the data reported on the 2016/2017 School Performance Fact Sheets (SPFS) for each of the Institution's educational programs.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit to the Bureau the supporting documentation to substantiate the data reported on the 2016/2017 SPFS. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 71930(e).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,500.00</u></p>
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.**

COMPLIANCE WITH 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.**

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 **April 16, 2020**, 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 **March 17, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 16, 2020**. 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:

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

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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“3/17/2020”

Christina Villanueva
Discipline Manager

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