



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

To: Jose S. Salas
 Hollywood Cultural Center
 3540 Wilshire Boulevard, Suite 777
 Los Angeles, CA 90010

INSTITUTION CODE: 13317183
CITATION NUMBER: 1516066
CITATION ISSUANCE/SERVICE DATE: March 25, 2016
DUE DATE: April 24, 2016
FINE AMOUNT: \$ 8,001.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine and 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 Jose S. Salas, Owner of Hollywood Cultural Center located at 3540 Wilshire Boulevard, Suite 777, Los Angeles, CA 90010, 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>Violation: 5, CCR 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>Bureau staff conducted an announced compliance inspection on September 4, 2014. A random sample of five faculty files were reviewed and were found in violation of 5, CCR 71720(b)(2) as none of the files contained any documentation of continuing education completed by the faculty. A Notice to Comply was issued and the institution's response included this statement, "Henceforth, documentation of continuing education will be generated and be included in the appropriate faculty files."</p> <p>Order of Abatement: The Bureau orders the Institution to submit and provide a written policy addressing the requirement for completion of continuing education by its faculty and for the maintaining of</p>

	<p>documentation of continuing education in faculty files. Additionally, the Institution must submit proof of documentation of continuing education completed by its faculty members between October 2014 and Oct 2015, in order to validate the institution's response, as well as compliance with 5, CCR 71720(b)(2).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$501.00</u></p>
2.	<p><u>Violation:</u> 5 CCR 71920(b)(1) – Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student’s qualifications for admission to the institution or the institution’s award of credit or acceptance of transfer credits including the following: (A) Verification of high school completion or equivalency or other documentation establishing the student’s ability to do college level work, such as successful completion of an ability-to-benefit test;”</i></p> <p>Bureau staff conducted an announced compliance inspection on September 4, 2014. A random sample of five student files were reviewed and were found in violation of 5, CCR 71920(b)(1) because none of the files contained documentation or evidence relevant to the student’s possession of minimum education requirements. A Notice to Comply was issued and the institution’s response included the following, “The Bureau approved list of Ability to Benefit tests does not include a Spanish language ATB test. Since all of our programs are offered in Spanish only, we have created our own ATB test. A copy of our test has been sent to the Bureau to be considered as a satisfactory replacement test for this institution to use as an ATB test that is acceptable to the Bureau.” Verification was made that the ATB tests created and submitted by the institution had never been approved by the Bureau. A check of the institution’s admission requirements in its 2016 Catalog reveals the institution is currently using the CELSA exam to determine applicants’ ability to benefit.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy or procedure addressing its admission processes relative to the verification of student minimum education requirements for admission and the collection and maintenance of documentation demonstrating high school completion or equivalent, or ability to benefit test results. The Institution must also provide a list of all students, enrolled within the last 60 days, who do not have a high school diploma or GED. For those students, the Institution must submit copies of all documents demonstrating the students’ ability to benefit as required by 5, CCR 71920(b)(1).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5000.00</u></p>
3.	<p><u>Violation:</u> 5, CCR 71920(b)(10) – Student Records <i>“(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service. (b) In addition to the requirements of Section 94900, the file shall contain all of the following pertinent student records: (10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was</i></p>

made, and the name and address of the person or entity to which the refund was sent.”

Bureau staff conducted an announced compliance inspection on September 4, 2014. A random sample of five withdrawn student files was reviewed. The files for students I.M. and C.G. did not contain a document specifying the amount of the refund, or containing any of the information required by 5, CCR 71920(b)(1). The institution’s response to the Notice to Comply included a copy of a Refund Calculation Worksheet to be used to document future refunds and refund calculations.

Order of Abatement:

The Bureau orders the Institution to submit a written policy or procedure addressing the processing of refunds for dropped/withdrawn students, to include the use of its Refund Calculation Worksheet. Additionally, the Institution must submit copies of completed Refund Calculation Worksheets for all students who withdrew or dropped within the last 90 days, in order to demonstrate compliance with documentation of refunds per 5, CCR 71920(b)(10).

Assessment of Fine

The fine for this violation is \$2500.00

TOTAL ADMINISTRATIVE FINE DUE: \$8,001.00

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 **\$8,001.00** 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

Hollywood Cultural Center (Institution), Institution Code 13317183, was issued a Notice to Comply #CA 13317183 0914 (NTC) located at 3540 Wilshire Boulevard, Suite 777, Los Angeles, CA, 90010, on September 4, 2014 by Bureau staff as a result of minor violations detected during the desk review and on-site compliance inspection. The institution was given 30 days from the date of the inspection to either remedy the violations or submit a written notice of disagreement. The Bureau received documents from the Institution to remedy some of the violations listed on the NTC, but did not receive documents or a written notice of disagreement regarding the other violations on the NTC. Outstanding violations remain. Attempts were made to contact the Institution by phone and email but the Bureau received no responses.

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 24, 2016**, 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 25, 2016**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 24, 2016**. 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.



Elainea Shotwell
Enforcement Manager

March 25, 2016
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