



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

June 25, 2020

Jewelry Arts & Design College, Owner
Calstone College
2975 Wilshire Blvd, Suite 103
Los Angeles, CA 90010

| Date of Issuance | Citation Number | Institution Code |
|------------------|-----------------|------------------|
| June 25, 2020 | 1920234 | 1940991 |

On April 24, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920234 (Citation) against Jewelry Arts & Design School. Owner of Calstone College (Institution). In attendance were Beth Danielson, Enforcement Chief, Gerald Park, President, and T.C. Kim, Director of Administration.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920234.

It is the decision of the Enforcement Chief that on April 28, 2020, Citation No. 1920234 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

| # | 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. |
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| 1. | <p><u>Violation:</u></p> <p>CEC Section 94902 – General Enrollment Requirements <i>“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution. (b) An enrollment agreement is not enforceable unless all of the following requirements are met: (1) The student has received the institution’s catalog and School Performance Fact Sheet prior to signing the enrollment agreement.”</i></p> <p>CEC Section 94912 – Signature, Initials Required <i>“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”</i></p> <p>The Institution failed to maintain records of SPFS signed by the students. The Institution stated that</p> |

their SPFS are posted on their website and do not provide students with copies to sign.

Order of Abatement:

The Bureau orders the Institution to submit a written policy of how future compliance will be maintained per CEC Sections 94902 and 94912.

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

Assessment of Fine

The fine for this violation is \$1,000.00

2.

Violation:

5, CCR Section 74112(m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet

“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact’s phone number and email address, and all written communication with employer verifying student’s employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student. or employer;

(7) any and all documentation used to provide data regarding license examinations and examination results;

(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and

(9) the name, email address, phone number, and position or title of the institution’s representative who was primarily responsible for obtaining the students’ completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.”

On August 6, 2015, Bureau staff requested the supporting documentation for the SPFS and the Owner stated they did not collect that information.

Order of Abatement:

The Bureau orders the Institution to submit a written policy of how future compliance will be maintained per 5, CCR Section 74112.

Reason for modification: New substantive facts were presented at the informal conference. The

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| | <p>Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</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>During the onsite inspection in August 2019, the Institution failed to provide supporting documentation to Bureau staff to substantiate the data reported on the 2016/2017 SPFS.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit the supporting documentation for the data reported on the 2016/2017 SPFS.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p> <p>The fine amount has been modified from <u>\$500.00</u> to <u>\$250.00</u>.</p> |
| 4. | <p><u>Violation:</u> 5, CCR Section 76140(a)(1-13)(b) – Record-Keeping Requirements <i>“(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:</i></p> <ul style="list-style-type: none"> <i>(1) Student identification number,</i> <i>(2) First and last names,</i> <i>(3) Email address,</i> <i>(4) Local or mailing address,</i> <i>(5) Address at the time of enrollment,</i> <i>(6) Home address,</i> <i>(7) Date enrollment agreement signed,</i> <i>(8) Courses and course costs,</i> <i>(9) Amount of STRF assessment collected,</i> <i>(10) Quarter in which the STRF assessment was remitted to the Bureau,</i> <i>(11) Third-party payer identifying information,</i> <i>(12) Total institutional charges charged, and</i> <i>(13) Total institutional charges paid</i> <p><i>(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.”</i></p> |

The Institution failed to maintain supporting documentation to substantiate the data reported on the STRF Assessment Reporting Form for 2nd quarter of 2019. The Owner informed Bureau staff that the Institution did not know of the requirement to maintain supporting documentation for what is reported on the STRF forms.

Order of Abatement:

The Bureau orders the Institution to submit a written policy of how future compliance will be maintained per 5, CCR section 76140.

Reason for modification: New substantive facts were 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 fine amount has been modified from \$5,000.00 to \$2,500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$4,750.00

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on June 25, 2020. Payment of the administrative fine is due by **July 25, 2020**.

Failure to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to

enforce the Modified 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 decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“6/25/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

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