



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

October 11, 2016

Ellen Antler, Owner
 College for Appraisers
 12301 Whittier Blvd.
 Whittier, CA 90602

Date of Issuance	Citation Number	Institution Code
October 11, 2016	1510696	Unapproved

On September 8, 2016 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1516096 (Citation) against Ellen Antler, owner of College for Appraisers. In attendance were Yvette Johnson, Enforcement Chief; Walter Miller and Ellen Antler, owners.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations (5 CCR), §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1510696.

It is the decision of the Bureau Chief that on October 6, 2016 Citation No. 1510696 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p><u>Violation:</u> CEC 94886. Approval to Operate Required</p> <ul style="list-style-type: none"> ○ <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i>

CEC 94889. Term of Approval to Operate

"Except as provided in subdivision (b) of Section 94890, an approval to operate shall be for a term of five years."

CEC 94817.5 Approved to Operate or Approved

"Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."

CEC 94868 To Offer to the Public

"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC 94869 To Operate

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

5, CCR 71475 (jj) Renewal of an Approval to Operate for a Non-Accredited Institution, Cancellation of an Approval to Operate

"An approval to operate that has expired may be renewed at any time within 6 months after its expiration on filing of an application for renewal and, as a condition precedent to renewal, payment of all accrued and unpaid renewal fees, late payment penalty fees prescribed in subdivision (e) of this section, and any other fees that would have been due in order to renew timely. After an approval to operate has expired for more than 6 months, the approval is automatically cancelled and the institution must submit a complete application pursuant to section 71100, meet all current requirements, and pay all fees that would have been due in order to timely renew, in order to apply for approval."

College for Appraisers had the Bureau's approval to operate, which expired on January 31, 2014. Since then, College for Appraisers has neither renewed its approval to operate nor demonstrated eligibility for exemption from the provisions of the California Private Postsecondary Education Act. In addition, College for Appraisers is still advertising antique appraising classes with a tuition cost of \$150-\$4,150, via their institution website, <http://www.cfacollege.org/>, as well as on Facebook, without a current approval from the Bureau. Furthermore, during a Bureau field investigation on September 10, 2015, Bureau staff verified College for Appraisers was open and advertising classes via their brochures, inside King Richard's Antique Center in Whittier, CA.

Order of Abatement:

The Bureau orders that the institution cease to operate as a Private Postsecondary Educational Institution. The institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media (including Internet web sites), until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers: 1-714-952-2727 and 1-800-232-1980, until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the institution must submit a closure plan to the Bureau pursuant to California Education Code 94926. The institution must provide a roster of each student enrolled at the institution between January 31, 2014 and present. The roster must include the name of the student, their contact information (including phone number, email address and physical address), the program in which they were enrolled, and the amount paid for the program.

	<p><u>Assessment of Fine</u> The fine for this violation is <u>\$50,000.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: <u>\$50,000.00</u></p>	

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

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:

Elainea Shotwell, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. 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.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

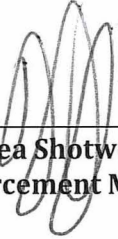
EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on October 11, 2016. The order of abatement and payment are due by **November 10, 2016**

Failure to abate the violation or 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 Affirmed 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 Elainea Shotwell, Enforcement Manager, at (916) 246 3910 or at Elanea.shotwell@dca.ca.gov.



Elainea Shotwell
Enforcement Manager

October 11, 2016

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal – Request for Administrative Hearing
- Notice of Appeal
- Copy of Citation Order Number