



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

To: Thomas Gionis
61 Sparrowhawk
Irvine, California 92604

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1314002
AMENDED CITATION ISSUANCE/SERVICE DATE: 01/28/15
MODIFIED CITATION ISSUANCE/SERVICE DATE: 08/21/15
SECOND MODIFIED CITATION ISSUANCE/SERVICE DATE: 2/26/16
MODIFIED DUE DATE: 02/29/16
FINE AMOUNT: \$ 5,000.00

ORDER OF ABATEMENT INCLUDED: YES

Yvette Johnson issues this Second Modified 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 Second Modified Citation is hereby issued to Thomas Gionis for allegedly operating Aristotle University located at 6185 Paseo Del Norte #200, Carlsbad, California 92011; 701 Palomar Airport Road #240, Carlsbad, California 92011; 560 Carlsbad Village Drive, Carlsbad, California 92011 pursuant to Business and Professions Code Section 148; California Education Code (CEC) Section 94944; and Title 5 of the California Code of Regulations (5 CCR) Section 75020 for the violation(s) described below. Your payment of any monies related to this Citation shall not constitute an admission of the violation(s) charged.

VIOLATION RE: ARISTOTLE UNIVERSITY

Table with 2 columns: # and description. Row 1: #, The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating. Row 2: 1. Violation: CEC 94886 - Approval to Operate Required. "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."

At the conclusion of the Bureau's investigation, the Bureau finds that Aristotle University, a private postsecondary institution, has been operating, providing instruction for a Master's Degree in Public Health, and collecting tuition from enrollees from 2011 to 2013 without obtaining an approval to operate, in violation of CEC Section 94886 as specified above. The Bureau alleges that Thomas Gionis was an operator of Aristotle University.

Order of Abatement:

1. The Bureau finds that Aristotle University ceased to operate in February, 2013. Aristotle University shall continue to cease operation as a private postsecondary educational institution at all locations throughout the State of California.
2. Aristotle University shall discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media (including Internet sites), until such time as approval to operate is obtained from the Bureau.
3. Thomas Gionis shall pay restitution in the amount of \$55,000 to the students identified in Second Revised Attachment A in accordance with the Payment Plan, Attachment B to this Second Modified Citation with the first payment being made within 30 days after service of the Second Modified Citation.

The modified administrative fine for this violation is \$5,000.00 (payment has been received by the Bureau)

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

ASSESSMENT OF FINE

In accordance with CEC 94944; and 5 CCR Section 75020(b) the Bureau hereby issues this assessment of fine in the amount of \$5,000.00 for the violation(s) described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation. (Payment of the administrative fine has been received by the Bureau).**

ORDER OF ABATEMENT

In accordance with the provisions of 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 Second Modified Citation.

BACKGROUND

The Bureau previously issued a Citation: Assessment of Fine and Order of Abatement No. 1213016 to the Institution, Xanthi Gionis and Thomas Gionis on May 2, 2013, which was withdrawn without prejudice on June 21, 2013.

On August 20, 2013 the Bureau issued a Citation: Assessment of fine and Order of Abatement No. 1314002 to Thomas Gionis for operating an unapproved institution.

On January 28, 2015, the Bureau issued an Amended Citation: Assessment of Fine and Order of Abatement ordering Aristotle University to cease operating as a private Postsecondary Educational

Institution and to provide a refund to all students enrolled in the Master's Degree in Public Health program.

On August 20, 2015, a Modified Citation No. 1314002 was also issued to Thomas Gionis for violation of CEC 94886.

PAYMENT OF ADMINISTRATIVE FINE

Payment of the administrative fine has been received by the Bureau.


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.

PAYMENT OF STUDENT REFUNDS

Payment of restitution to students listed in Second Revised Attachment A and in accordance with the Payment Plan in Attachment B to the Second Modified Citation No. 1314002 shall be made by cashier's check or money order in the amounts set forth in Attachment B on a monthly basis, after service of the Second Modified Citation., The cashier's check or money order shall be sent by certified mail to the student at the address listed for the student in Second Revised Attachment A and in accordance with the monthly payment plan included in Attachment B to the Second Modified Citation No. 1314002. Proofs of payment of the student refunds are due to the Bureau no later than the last day of each month.

CONTACT INFORMATION

If you have any questions regarding this Second Modified Citation, or desire further information, please contact Jody Wright, Enforcement Analyst, at (916) 431-6940 or jody.wright@dca.ca.gov.



Yvette Johnson
Enforcement Chief

February 26, 2016
Date

Enclosure

- Declaration of Service by Certified and First Class Mail