Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov

APPEAL OF CITATION INFORMAL CONFERENCE DECISION:

CITATION MODIFIED

June 6, 2016

Jose Salas
Ester Vargas
Hollywood Cultural Center
3540 Wilshire Blvd, PH 6
Los Angeles, CA 90010

Date of Issuance	Citation Number	Institution Code
June 6, 2016	1516066	13317183

On June 3, 2016, an informal conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1516066 (Citation) against Jose Salas, Owner of Hollywood Cultural Center. In attendance were Robert Bayles, Enforcement Chief and Ester Vargas, Senior Executive Assistant.

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. 1516066.

It is the decision of the Enforcement Chief that on June 6, 2016, Citation No. 1516066 is modified and makes the following change(s):

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.	**MODIFIED** **Violation:** 5, CCR 71720(b)(2) - Faculty *"(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."*

	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." **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 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). **Assessment of Fine** The fine for this violation is $501.00 Reason for modification: The institution submitted evidence of compliance to the Bureau. The administrative fine for this citation has been modified from $501.00 to $100.00
2.	**MODIFIED** **Violation:** 5 CCR 71920(b)(1) – Student Records *"(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;"* 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. **Order of Abatement:** 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). **Assessment of Fine** The fine for this violation is $5000.00 Reason for modification: The institution changed their entrance/admissions requirements. The administrative fine for this citation has been modified from $5000.00 to $1000.00
3.	**MODIFIED** **Violation:** 5, CCR 71920(b)(10) – Student Records *"(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 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 Reason for modification: The institution submitted evidence that students were properly refunded. The administrative fine for this citation has been modified from $2500.00 to $00.00
	TOTAL MODIFIED ADMINISTRATIVE FINE DUE: $1,100.00

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:

Jody Wright, 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 modified Citation. You *do*, however, have the right to appeal this modified 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.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on June 6, 2016. The payment is due by July 5, 2016.

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 Jody Wright, Citation Analyst, at (916) 431-6940 or at Jody.Wright@dca.ca.gov.

June 6, 2016

ROBERT BAYLES
ENFORCMENT CHIEF

Enclosures

- Payment of Fine