Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
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CITATION: ASSESSMENT OF FINE, ORDER OF ABATEMENT and RESTITUTION

To: Four–D College, Inc.
Linda Smith, Owner
1020 East Washington Avenue
Colton, CA 92324

INSTITUTION CODE: 1921711
CITATION NUMBER: 1516067
CITATION ISSUANCE/SERVICE DATE: April 5, 2016
DUE DATE: May 4, 2016, 2016
FINE AMOUNT: $ 20,000.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to of Four-D College, Inc. and Linda Smith, Owner, located at 1020 East Washington Avenue, Colton, CA 92324 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.	**Violation:** CEC 94926 (a)(b)(c)(d) -- Procedures Prior to Closing, Teach-Out Plans *"At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following:* *(a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.* *(b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds. (c) If the institution is a participant in federal student aid*

programs, it shall provide students information concerning these programs and institutional closures.
(d) A plan for the disposition of student records."

5, CCR 76240 (a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2) -- Required Notices and Teach-Out Plan.
"All institutions, including those exempt from Bureau regulation pursuant to the Code, shall do the following prior to closing:
(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:
(1) The exact date and reason for the closure.
(2) The last date of instruction for each educational service or program.
(3) A list of students who were enrolled at any time during the 60 days prior to closure.
(4) If any student will not be provided complete educational services or the educational program, the institution shall provide:
(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.
(B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.
(5) A plan for the disposition of student records.
(6) A plan to notify students of their rights and options under the Act and this chapter.
(b) The institution shall notify the students of the following:
(2) If any student will not be provided complete educational services or the educational program, information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses."

On 7/12/15 Four-D College posted a note on the institution's door informing students that the school was no longer accredited with Accrediting Bureau of Health Education Schools (ABHES) and was now closed.

On 7/13/15, Bureau staff verified that the institutions doors were locked and the school appeared to be empty.

On 7/13/15, A.T., Four-D College Vice President, called Bureau staff in the closed school unit. Bureau staff requested a roster of current students along with their transcripts.

On 7/14/15, Bureau staff emailed A.T. the required school closure forms and instructions. To date, the institution has failed to submit the required school closure forms.

On 7/15/15, ABHES released a statement that Four-D College had ceased its operations.

Four-D College failed to notify the Bureau of its intent to close and did not provide a teach-out plan prior to closing in violation of 5, CCR 76240(a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2) and CEC 94926(a)(b)(d).

Order of Abatement:
The Bureau orders that owner of Four-D College submit a completed closure plan to the Bureau as required by CEC 94926 (a)(b)(d), 5, CCR 76240 (a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2).

	Assessment of Fine The fine for this violation is $5,000
2.	**Violation:** 5, CCR 74200 – Cessation of Educational Program *"Every institution shall notify the Bureau in writing at least 30 days before the institution ceases to offer to the public any educational program."* Four-D College did not notify the Bureau in writing of their intention to close at least 30 days prior to ceasing to offer Associate of Science in Health Care Administration, Dental Assistant, Massage Therapy, Medical Assisting, Medical Billing and Coding, Pharmacy Technician Training and Vocational Nurse Training in violation of 5, CCR 74100. **Assessment of Fine** The fine for this violation is $5,000
3.	**Violation:** CEC 94927 – Institutions in Default of Enrollment Agreement *"An institution shall be considered in default of the enrollment agreement when an educational program is discontinued or canceled or the institution closes prior to completion of the educational program. When an institution is in default, student institutional charges may be refunded on a pro rata basis if the bureau determines that the school has made provision for students enrolled at the time of default to complete a comparable educational program at another institution at no additional charge to the students beyond the amount of the total charges in the original enrollment agreement. If the institution does not make that provision, a total refund of all institutional charges shall be made to students."* On 7/16/15, the Bureau received an email from Four-D College's vice president, A.T., which included the school roster of 205 students that were enrolled on the date of closure. Four-D College failed to make provisions for these students to complete their educational programs in Associate of Science in Health Care Administration, Dental Assistant, Massage Therapy, Medical Assisting, Medical Billing and Coding, Pharmacy Technician Training and Vocational Nurse Training and did not provide refunds to the students who were unable to complete their educational program due to the school closure. **Order of Abatement:** The Bureau orders that the owner of Four-D College provide refunds to the 205 students enrolled at the time of Four-D College's closure. Submit proof of refunds to the students. Acceptable proof includes copies of cashed checks. **Assessment of Fine** The fine for this violation is $5,000
4.	**Violation:** CEC 94927.5 (a)(1)(2) -- Provision of Records to Bureau Prior to Closing *"(a) Prior to closing, an institution shall provide the bureau with the following:* *(1) Pertinent student records, including transcripts, as determined by the bureau, pursuant to regulations adopted by the bureau.* *(2) If the institution is an accredited institution, a plan for the retention of records and transcripts, approved by the institution's accrediting agency, that provides information as to how a student may*

	obtain a transcript or any other information about the student's coursework and degrees completed." Four-D College failed to provide a plan, prior to closing, for the retention of records and transcripts, approved by the accreditation agency ABHES as required by CEC 94927.5 (a)(1)(2). **Order of Abatement:** The Bureau orders that owner of Four-D College provide the Bureau with a plan for the retention of student records, and information on how students may obtain their records as required by CEC 94927.5 (a)(1)(2). **Assessment of Fine** The fine for this violation is $5,000
	TOTAL ADMINISTRATIVE FINE DUE: $20,000

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 **$20,000** 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

On 7/12/15, Four-D College posted a note on the institution's door informing students that the school was no longer accredited with Accrediting Bureau of Health Education Schools (ABHES) and was now closed.

On 7/13/15, Bureau staff conducted a site visit to 1020 East Washington Avenue, Colton, CA 92324 and confirmed that the institutions doors were locked and the school appeared to be empty.

On 7/13/15, A.T., Four-D College Vice President, called Bureau staff in the closed school unit. Bureau staff requested as roster of current students along with their transcripts.

On 7/14/15, Bureau staff emailed A.T. the required school closure forms with instructions. To date, the institution has failed to submit the required school closure forms.

On 7/15/15, ABHES released a statement that Four-D College had ceased its operations.

On 7/16/15, the Bureau received an email from Four-D College's vice president, A.T., which included the school roster of 205 students were enrolled at the date of closure. Four-D College failed to make provisions for these students to complete their educational programs prior to closure on 7/12/15.

Four-D College failed to notify the Bureau of its intent to close and did not provide a teach-out plan prior to closing.

Four-D College failed to provide a plan, prior to closing, for the retention of records and transcripts, approved by the accreditation agency ABHES.

Four-D College failed to make provisions to the 205 students enrolled prior to Four-D College's closure on 7/12/15.

Four-D College did not respond to the Bureau's request to submit a School Closure Plan.

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 **May 4, 2016, 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 **April 5, 2016.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 4, 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.

April 5 , 2016

Elainea Shotwell
Enforcement Manager

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