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

To: Walter Miller
College for Appraisers
12301 Whittier Blvd.
Whittier, CA 90602

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1516095
CITATION ISSUANCE/SERVICE DATE: June 23, 2016
DUE DATE: July 22, 2016
FINE AMOUNT: $ 50,000.00
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 Walter Miller, Owner of College for Appraisers located at 12301 Whittier Blvd. Whittier, CA 90602 pursuant to Business and Professions Code section 125.9and 148; California Education Code (CEC) section 94936 and 94944; 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 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."* 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.

Assessment of Fine
The fine for this violation is $50,000.

TOTAL ADMINISTRATIVE FINE DUE: $50,000.00

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 **$50,000** for the violation 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. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers; 1-714-952-2727 and 1-800-232-1980, used by an unapproved Institution. **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

An internal tip was submitted to the Bureau's Complaints & Investigations Unit on January 21, 2014 due to College for Appraisers failing to submit documentation in accordance with the Bureau's desk compliance inspection process, and advertising a different operating address, 12301 Whittier Blvd. Whittier, CA 90602, from the physical institution address on file with the Bureau, 5573 Market Place, Cypress, CA 90630.

On December 31, 2014, Bureau staff sent two letters to College for Appraisers notifying the school that it is operating without the Bureau's approval; one to the institution's mailing address, 12301 Whittier Blvd., Whittier, CA 90602, and one to the institution's physical location, 5573 Market Place, Cypress, CA 90630. College for Appraisers did not respond to either letter.

On September 8, 2015, Bureau staff verified that College for Appraisers was still advertising classes via their institution website, http://www.cfacollege.org/, as well as on Facebook.

On September 10, 2015, Bureau staff drove by the advertised institution address, 12301 E. Whittier Blvd., Whittier, CA 90602, and verified College for Appraisers was open and advertising classes via their brochures, inside King Richard's Antiques Center in Whittier, CA.

As of May 4, 2016, College for Appraisers has not renewed their approval to operate after it expired on January 31, 2014, and has not demonstrated eligibility for exemption from the provisions of the California Private Postsecondary Education Act. In addition, the institution is offering antique appraising classes with a tuition cost of $150-$4,150, and is still advertising classes via their institution website, http://www.cfacollege.org/, as well as on Facebook. This is a violation of the California Education Code section 94886.

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 **July 22, 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 **June 23, 2016.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 22, 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.

Elainea Shotwell
Enforcement Manager

6/23/16
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