BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Fred Stitt, Owner
San Francisco Institute of Architecture (SFIA)
3075 Adeline St
Berkeley, CA 94703

INSTITUTION CODE: Unapproved
CITATION NUMBER: Citation Number1819122
CITATION ISSUANCE/SERVICE DATE: February 20, 2019
DUE DATE: March 22, 2019
FINE AMOUNT: $ 100,000.00
ORDER OF ABATEMENT INCLUDED: Yes

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

CITATION

A Citation is hereby issued to Fred Stitt, Owner of San Francisco Institute of Architecture (Institution) located at 3075 Adeline St, Berkeley, CA 94703 pursuant to Business and Professions Code section 125.9 and 149; 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.

BACKGROUND

On May 12, 2017, Bureau received a TIP from the Department of Consumer Affairs Architecture Board alleging that the Institution is operating without Bureau approval.

Bureau staff discovered the Institution has an active website under www.SFIA.net, which advertises the following degree programs: Green MBA Master of Business Administration in Sustainability $4,800, Master of Science in Green Building $4,800, Master of Project Management $3,600, Master of Architecture $2,800-$12,950, Master of Ecological Design $2,400-$7,500, Bachelor of Science in Architecture $4,200, Bachelor of Science in Ecological Design $3,600, Associate of Arts in Architecture $4,200, and an Associate of Arts in Ecological Design $3,600.

Bureau staff discovered the Institution is offering all courses as online distance learning only; however, the Institution's website advertises a California presence with a mailing address of PO Box 2590, Alameda, California 94501 and a local phone number of (510) 523-5174. The Institution continues to offer programs through its website.

VIOLATION(S)

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	**Violation:** **CEC Section 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 Section 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 Section 94868. To Offer to the Public** "To offer to the public" means to advertise, publicize, solicit, or recruit." **CEC Section 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." **CEC 94857. Postsecondary Education** "Postsecondary education" means a formal institutional educational program whose curriculum is designed primarily for students who have completed or terminated their secondary education or are beyond the compulsory age of secondary education, including programs whose purpose is academic, vocational, or continuing professional education. **CEC 94858. Private Postsecondary Educational Institution** "Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge. On May 12, 2017, during the investigation, Bureau staff discovered that the Institution is in operation through its website www.sfia.net. Bureau staff searched the Institution's website and discovered the following online distance learning programs being offered: Green MBA: Master of Business Administration in Sustainability $4,800. Master of Science in Green Building $4,800. Master of Project Management $3,600. Master of Architecture $2,800-$12,950. Master of Ecological Design $2,400-$7,500. Bachelor of Science in Architecture $4,200. Bachelor of Science in Ecological Design $3,600. Associate of Arts in Architecture $4,200. Associate of Arts in Ecological Design $3,600. Based on the Bureau's investigation, the Institution is conducting business as a private postsecondary educational institution. The Institution has a California presence as on the Institution's website, the listed address is PO Box 2590, Alameda, California 94501 and a local phone number of (510) 523-5174. The Institution advertises programs costing $2400-$12,950. The Institution falls under the definition of a private postsecondary educational institution under CEC

section 94858. As of February 20. 2019, the Institution continues to operate as a private postsecondary educational institution without Bureau approval.

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 the www.SFIA.net and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including but not limited to (800) 634-7779 and (510) 523-5174 that are associated with the Institution 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 school closure plan to the Bureau pursuant to California Education Code section 94926. The institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine
The fine for this violation is $100,000.00

TOTAL ADMINISTRATIVE FINE DUE: $100,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **$100,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) 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 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.**

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 **March 22, 2019,** 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 **Citation Issue Date.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 22, 2019**. 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:

Gurinder Sandhu, 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.

Christina Villanueva
Discipline Manager

2/20/19
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