



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Jorge Porta, Owner
Creative Career Options
19 Wimbledon Court
Dana Point, Orange, 92629

INSTITUTION CODE: 25861237
CITATION NUMBER: 2021169
CITATION ISSUANCE/SERVICE DATE: December 29, 2020
DUE DATE: January 30, 2021
FINE AMOUNT: \$ 6,500.00
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 of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Jorge Porta, Owner of Creative Career Options (Institution) located at 19 Wimbledon Court, Dana Point, Orange, 92629, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On August 27, 2018, the Bureau received a complaint alleging that the Institution stopped providing instruction and did not refund tuition. Throughout the course of the investigation, the Bureau was unable to obtain student records from the Institution.

Additionally, on February 12, 2020, Bureau staff attempted to conduct an unannounced Compliance Inspection at the Institution. Bureau staff was unable to access the Institution’s site since the Institution’s address was within a gated community without a gate guard. Bureau staff called the Agent for Service of Process listed in Bureau records in attempts to gain access to the Institution, however the Agent for Service of Process stated they no longer worked for the Institution. The Bureau was therefore unable to conduct the inspection.

VIOLATION

#	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: 5, CCR Section 76140 (b) – Record-Keeping Requirements

“(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.”

On September 9, 2018, Bureau staff requested, via email, that the Institution provide a copy of student’s academic and financial file as well as a copy of the catalog provided to students at the time of their enrollment.

Bureau staff sent a follow up request for the documentation via email and phone call on September 12, 2019.

On September 23, 2019, the Bureau received a letter via fax from an attorney representing the Institution Owner stating that the Institution Owner would not provide the requested documentation.

The Institution failed to make records immediately available, in violation of 5, CCR, section 76140 (b).

Assessment of Fine

The fine for this violation is \$1,500.00

2.

Violation:

CEC Section 94932.5 (a) – Announced and Unannounced Compliance Inspections

“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.”

5, CCR Section 71930 (e) – Maintenance of Records

“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”

5, CCR Section 74190 – Agents for Service of Process; Changes

“Each institution shall maintain the name, physical address, telephone number, and e-mail address for the agent for service of process in California as required by 94943.5 of the Code. The agent shall be at an address other than the address of the institution or any branch. The agent must confirm the information and acknowledge in writing that he or she is the designated agent for service of process. The institution shall inform the Bureau in writing of any change in the information for the agent for service of process, signed by the agent, within 7 days. Until the Bureau actually receives written notice of any change in the agent's name and/or address, service on the prior agent shall be valid. This information is considered public information.”

On February 12, 2020, Bureau staff attempted to conduct an unannounced Compliance Inspection at the Institution. Bureau staff was unable to access the Institution due to the fact the Institution’s address is within a gated community without a gate guard. Neither the Institution nor the Owner was listed in the directory at the gated community.

Bureau staff was unable to reach the Owner via phone. Additionally, Bureau staff called the Agent for Service of Process listed in Bureau records, who informed the Bureau that they no longer worked for the school. The Institution failed to inform the Bureau in writing of any change in the

information for the agent for service of process, signed by the agent, within 7 days of the change.

The Institution failed to have personnel present during their posted normal business hours to allow Bureau staff access to inspect and copy records.

Order of Abatement:

The Bureau orders the institution to submit an established policy, or procedure, that identifies how personnel will be present during normal business hours to allow the Bureau access to the Institution to inspect all records that are required to be maintained per 5, CCR Section 71930 (e). Additionally, the Institution shall submit in writing the name, physical address, telephone number, and e-mail address for current Agent for Service of Process in accordance with 5, CCR section 74190.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$6,500.00

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 **\$6,500.00** 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 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.**

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 **January 30, 2021**, 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 **December 29, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **January 30, 2021**. 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:

Nicole Mitchell, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 Nicole Mitchell, Citation Analyst, at (916) 574-8995 or Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”	“12/29/2020”
_____	_____
Christina Villanueva Discipline 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