



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

To: Cooking & More, Inc., Owner
California Premier Culinary School
6950 Beach Boulevard, Unit E-203
Buena Park, CA 90621

INSTITUTION CODE: 93794246 (Exempt on 3/25/2021)

CITATION NUMBER: 2021221

CITATION ISSUANCE/SERVICE DATE: April 8, 2021

DUE DATE: May 8, 2021

FINE AMOUNT: \$ 8,501.00

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 Cooking & More, Inc., Owner of California Premier Culinary School (Institution) located at, 6950 Beach Boulevard, Unit E-203, Buena Park, CA 90621, 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.

BACKGROUND

All institutions are required to pay annual fee within 30 days of the date on which the Institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. An institution shall pay its annual fee in addition to any other applicable fees.

Pursuant to CEC section 94930.5 (g). effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus.

As of April 8, 2021, the Bureau has not received the annual fee nor the late payment penalty fee for the 2016, 2017, 2018, and 2019 calendar years from the Institution.

In addition on September 17, 2019, Bureau staff attempted to conduct an Unannounced Compliance Inspection at the Institution. When Bureau staff arrived, they were unable to enter the premise.

Furthermore, Bureau staff reviewed the Institution's catalog and found multiple material violations.

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.	<p>Violation: 5, CCR Section 74006(a) and (b) - Annual Fee <i>“(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.”</i></p> <p>CEC Section 94930.5 (g) - Fee Schedule <i>“(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus.”</i></p> <p>CEC Section 94931(b)- Late Payment <i>“(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee.”</i></p> <p>The Institution has failed to pay its annual fee and late payment penalty fee for calendar years 2016, 2017, 2018, and 2019.</p> <p><u>2016 Annual Fee and Late Payment Penalty Fee</u> On July 5, 2016, the Institution was notified Invoice #900315008 via mail at 6950 Beach Boulevard, Unit E-203, Buena Park, CA 90621, stating that the annual fee for calendar year 2016 was due on August 1, 2016.</p> <p>On September 21, 2016, the 1st Delinquency Notice (Invoice #900315008) was sent via mail at 266 S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2016 was due on August 1, 2016.</p> <p>On November 15, 2016, the 2nd Delinquency Notice (Invoice #900315008) was sent via mail at 266 S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2016 was due on August 1, 2016.</p> <p>As of April 8, 2021, the Bureau has not received the annual fee nor the late payment penalty fee from the Institution.</p> <p><u>2017 Annual Fee and Late Payment Penalty Fee</u> On July 3, 2017, the Institution was notified Invoice #900326910 via mail at 6950 Beach Boulevard, Unit E-203, Buena Park, CA 90621, stating that the annual fee for calendar year 2017 was due on August 1, 2017.</p> <p>On September 15, 2017, the 1st Delinquency Notice (Invoice #900326910) was sent via mail at 266 S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2017 was due on August 1, 2017.</p> <p>On November 15, 2017, the 2nd Delinquency Notice (Invoice #900327914) was sent via mail, at 266</p>

S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2017 was due on August 1, 2017.

As of April 8, 2021, the Bureau has not received the annual fee nor the late payment penalty fee from the Institution.

2018 Annual Fee and Late Payment Penalty Fee

On July 3, 2018, the Institution was notified Invoice #900335290 via mail, at 6950 Beach Boulevard, Unit E-203, Buena Park, CA 90621, stating that the annual fee for calendar year 2018 was due on August 1, 2018.

On September 17, 2018, the 1st Delinquency Notice (Invoice #900336125) was sent via mail at 266 S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2018 was due on August 1, 2018.

On November 15, 2018, the 2nd Delinquency Notice (Invoice #900336125) was sent via mail at 266 S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2018 was due on August 1, 2018.

As of April 8, 2021, the Bureau has not received the annual fee nor the late payment penalty fee from the Institution.

2019 Annual Fee and Late Payment Penalty Fee

On July 1, 2019, the Institution was notified Invoice #900343463 via mail at 6950 Beach Boulevard, Unit E-203, Buena Park, CA 90621, stating that the annual fee for calendar year 2019 was due on August 1, 2019.

On September 16, 2019, the 1st Delinquency Notice (Invoice #900344298) was sent via mail at 266 S. Harvard Blvd., Suite 304, Los Angeles, CA 90004, stating that the annual fee for calendar year 2019 was due on August 1, 2019.

On November 19, 2019, the 2nd Delinquency Notice (Invoice #900344298) was sent via mail, at 6950 Beach Boulevard, Unit E-203, Buena Park, CA 90621, stating that the annual fee for calendar year 2019 was due on August 1, 2019.

As of April 8, 2021, the Bureau has not received the annual fee nor the late payment penalty fee from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its annual fees for calendar year 2016, 2017, 2018, and 2019 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(g). In addition, the Institution must pay all late payment penalty fees.

Assessment of Fine

The fine for this violation is \$00.00

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.”

On September 17, 2019, Bureau staff attempted to conduct an Unannounced Compliance Inspection at the Institution. Bureau staff was unable to gain access to the Institution as the property is on a fenced lot with a locked gate.

Bureau staff called the numbers on Bureau record for the Institution as well as the Institution’s contact person and found that both numbers had been disconnected. Additionally, Bureau staff was unable to get a hold of the Institution owners via phone. Bureau staff also called the Agent for Process of Service and was informed that they had not been in contact with the Institution since its initial opening.

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

Assessment of Fine:

The fine for this violation is \$5,000.00

3.

Violation:

5, CCR Section 71810(b)(1)(3)(4) – Catalog

“(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:

- (1) The specific beginning and ending dates defining the time period covered by the catalog;*
- (3) If the institution admits students from other countries, whether visa services are provided or whether the institution will vouch for student status, and any associated charges;*
- (4) Language proficiency information, including: (A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and (B) whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;”*

CEC Section 94909 (a)(2)(8)(A)(9)(12) – Minimum Requirements for School Catalog

“(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

- (2) Except as specified in Article 2 (commencing with Section 94802), a statement that the institution is a private institution and that it is approved to operate by the bureau.*
- (8) A detailed description of institutional policies in the following areas:*
 - (A) Admissions policies, including the institution’s policies regarding the acceptance of credits earned at other institutions or through challenge examinations and achievement tests, admissions requirements for ability-to-benefit students, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction. If the institution has not entered into an articulation or transfer agreement with any other college or university, the institution shall disclose that fact.*
 - (9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.*
 - (12) A statement specifying whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five years, or has had a petition in*

bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).”

Bureau staff reviewed the Institution’s catalog and found the following:

5. CCR Section 71810 (b)(1): The Institution failed to provide an updated catalog to the Bureau’s Annual Report Unit as well as update the catalog on the Institution’s website.

5. CCR Section 71810 (b)(3): The Institution failed to include in its catalog information on whether the Institution will vouch for student status and any associated charges.

5. CCR Section 71810 (b)(4): The Institution failed to include in its catalog the level of English language proficiency and the kind of documentation of proficiency required of students.

CEC Section 94909 (a)(2): The Institution failed to include in its catalog the required approval to operate disclosure required on page 4 of the catalog where the Institution states it is approved by the Bureau.

CEC Section 94909 (a)(8)(A): On page 10 of the Institution’s catalog it states within the admissions information that, “a minimum set score of 14 on the Wonderlic Test...” This score is not one specified by the United States Department of Education that demonstrates the student’s ability to benefit from the program.

CEC Section 94909 (a)(9): The Institution failed to in its catalog the total charges for the period of attendance and an estimated schedule of total charges for the entire education program.

CEC Section 94909 (a)(12): The Institution failed to include the required bankruptcy statement in its catalog.

Assessment of Fine:

The fine for this violation is \$3,001.00

4.

Violation:

5, CCR Section 76215 (a)(b) -Student Tuition Recovery Fund Disclosures

“(a) A qualifying institution shall include the following statement on both its enrollment agreement and school catalog:

‘The State of California established the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic loss suffered by a student in an educational program at a qualifying institution, who is or was a California resident while enrolled, or was enrolled in a residency program, if the student enrolled in the institution, prepaid tuition, and suffered an economic loss. Unless relieved of the obligation to do so, you must pay the state-imposed assessment for the STRF, or it must be paid on your behalf, if you are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition.

You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if you are not a California resident, or are not enrolled in a residency program.’

(b) In addition to the statement required under subdivision (a) of this section, a qualifying institution shall include the following statement in its school catalog:

‘It is important that you keep copies of your enrollment agreement, financial aid documents, receipts, or any other information that documents the amount paid to the school. Questions regarding the STRF may be directed to the Bureau for Private Postsecondary Education, 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, (916) 431-6959 or (888) 370-7589.

To be eligible for STRF, you must be a California resident or are enrolled in a residency program, prepaid tuition, paid or deemed to have paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The institution, a location of the institution, or an educational program offered by the institution was closed or discontinued, and you did not choose to participate in a teach-out plan approved by the Bureau or did not complete a chosen teach-out plan approved by the Bureau.
2. You were enrolled at an institution or a location of the institution within the 120 day period before the closure of the institution or location of the institution, or were enrolled in an educational program within the 120 day period before the program was discontinued.
3. You were enrolled at an institution or a location of the institution more than 120 days before the closure of the institution or location of the institution, in an educational program offered by the institution as to which the Bureau determined there was a significant decline in the quality or value of the program more than 120 days before closure.
4. The institution has been ordered to pay a refund by the Bureau but has failed to do so.
5. The institution has failed to pay or reimburse loan proceeds under a federal student loan program as required by law, or has failed to pay or reimburse proceeds received by the institution in excess of tuition and other costs.
6. You have been awarded restitution, a refund, or other monetary award by an arbitrator or court, based on a violation of this chapter by an institution or representative of an institution, but have been unable to collect the award from the institution.
7. You sought legal counsel that resulted in the cancellation of one or more of your student loans and have an invoice for services rendered and evidence of the cancellation of the student loan or loans.

To qualify for STRF reimbursement, the application must be received within four (4) years from the date of the action or event that made the student eligible for recovery from STRF. A student whose loan is revived by a loan holder or debt collector after a period of noncollection may at any time, file a written application for recovery from STRF for the debt that would have otherwise been eligible for recovery. If it has been more than four (4) years since the action or event that made the student eligible, the student must have filed a written application for recovery within the original four (4) year period, unless the period has been extended by another act of law.

However, no claim can be paid to any student without a social security number or a taxpayer identification number.'

The Institution failed to include the required updated Student Tuition Recovery Fund (STRF) Language in its enrollment agreement.

Assessment of Fine

The fine for this violation is \$500.00

TOTAL ADMINISTRATIVE FINE DUE: \$8,501.00

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 **\$8,501.00** 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 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 **May 8, 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 **April 8, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 8, 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 Nicole.Mitchell@dca.ca.gov.

"Original signature on file"

"4/8/2021"

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