



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

To: Thomas Gionis
 61 Sparrowhawk
 Irvine, California 92604

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1314002
AMENDED CITATION ISSUANCE/SERVICE DATE: 01/28/15
MODIFIED CITATION ISSUANCE/SERVICE DATE: 08/21/15
SECOND MODIFIED CITATION ISSUANCE/SERVICE DATE: 2/26/16
THIRD MODIFIED CITATION ISSUANCE/SERVICE DATE: 7/7/17
MODIFIED DUE DATE: 8/6/17
FINE AMOUNT: \$ 00.00

ORDER OF ABATEMENT INCLUDED: YES

Yvette Johnson issues this Third Modified Citation: Assessment of fine and Order of Abatement and Order of Restitution (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Third Modified Citation is hereby issued to Thomas Gionis for operating Aristotle University located at 6185 Paseo Del Norte #200, Carlsbad, California 92011; 701 Palomar Airport Road #240, Carlsbad, California 92011; 560 Carlsbad Village Drive, Carlsbad, California 92011 pursuant to Business and Professions Code Section 148; California Education Code (CEC) Section 94944; and Title 5 of the California Code of Regulations (5 CCR) Section 75020 and for the violation(s) described below. **Your payment of any monies related to this Citation shall not constitute an admission of the violation(s) charged.**

VIOLATION RE: ARISTOTLE UNIVERSITY

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p><u>Violation:</u> CEC 94886 – Approval to Operate Required. <i>“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.”</i></p>

At the conclusion of the Bureau's investigation, the Bureau finds that Aristotle University, a private postsecondary institution, has been operating, providing instruction for a Master's Degree in Public Health, and collecting tuition from enrollees from 2011 to 2013 without obtaining an approval to operate, in violation of CEC Section 94886 as specified above. The Bureau alleges that Thomas Gionis was an operator of Aristotle University.

Order of Abatement:

1. The Bureau finds that Aristotle University ceased to operate in February, 2013. Aristotle University shall continue to cease operation as a private postsecondary educational institution at all locations throughout the State of California.
2. Aristotle University shall not operate as a private postsecondary educational institution at any locations throughout the State of California and agrees to discontinue recruiting or enrolling students and to cease all instructional services and advertising in any form or type of media (including Internet sites), until such time as approval to operate is obtained from the Bureau.
3. Payment in full of \$55,000 to students identified in the Second Revised Attachment A and in the amounts stated therein, less restitution documented as paid to each student. Payments must be made via certified check.
4. Thomas Gionis will not appeal the Third Modified Citation, Order of Abatement and Order of Restitution.

Order of Restitution:

Payments shall be made in full, of \$55,000.00 to the students identified in Second Revised Attachment A within 30 days after service of the Third Modified Citation. Payments to students must be made via certified check. Proof of payment must be provided to the Bureau by August 6, 2017

The modified administrative fine for this violation is \$5,000.00 (Payment was received on September 3, 2015)

TOTAL ADMINISTRATIVE FINE DUE: \$00.00

ASSESSMENT OF FINE

In accordance with CEC 94944; and 5 CCR Section 75020(b) the Bureau hereby issues this assessment of fine in the amount of \$5,000.00 for the violation(s) described above. **Payment of the administrative fine was received on September 3, 2015**

ORDER OF ABATEMENT

In accordance with the provisions of 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 Third Modified Citation.

BACKGROUND

The Bureau previously issued a Citation: Assessment of Fine and Order of Abatement No. 1213016 to the Institution, Xanthi Gionis and Thomas Gionis on May 2, 2013, which was withdrawn without prejudice on June 21, 2013.

On August 20, 2013 the Bureau issued a Citation: Assessment of fine and Order of Abatement No. 1314002 to Thomas Gionis for operating an unapproved institution.

On January 28, 2015, the Bureau issued an Amended Citation: Assessment of Fine and Order of Abatement ordering Aristotle University to cease operating as a private Postsecondary Educational Institution and to provide a refund to all students enrolled in the Master's Degree in Public Health program.

On August 21, 2015, a Second Modified Citation No. 1314002 was also issued to Thomas Gionis for violation of CEC 94886.

On February 26, 2016, a Second Modified Citation No 1314002 was issued to Thomas Gionis to pay restitution in the amount of \$55,000.00 to the students identified in Second Revised Attachment A in accordance with the payment plan, Attachment B to the Second Modified Citation with the first payment being made 30 days after service of the Second Modified Citation. If the institution fails to comply with the terms of the settlement, Third Modified Citation will issue. The institution agrees that the institution will not appeal the Third Modified Citation and Order of Abatement. In addition payment of the remaining balance of student restitution pursuant to Second Revised Attachment A will be due in full thirty (30) days after issuance of the Third Modified Citation. Payments will be made via certified checks.

PAYMENT OF ADMINISTRATIVE FINE

Payment of the administrative fine was received by the Bureau on September 3, 2015.

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.

RESTITUTION

Payment in full of \$55,000.00 to the students identified in Second Revised Attachment A shall be made within 30 days after service of the Third Modified Citation No. 1314002. Payments shall be made by cashier's check or money order in the amounts set forth in 'Second Revised Attachment A'. The cashier's check or money order shall be sent by certified mail to the students at the addresses listed in Second Revised Attachment A.

CONTACT INFORMATION

If you have any questions regarding this Third Modified Citation, or desire further information, please contact Gurinder Sandhu, Enforcement Analyst, at (916) 431-6940 or Gurinder.Sandhu@dca.ca.gov.

Yvette Johnson

Yvette Johnson

7/7/17

Date

Enforcement chief

Declaration of Service by Certified and First Class Mail