



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Ayurvedic Academy, Inc., Owner
Ayurvedic Academy Inc. dba Kerala Ayurveda Academy
691 S. Milpitas Blvd., Suite 206
Milpitas, CA 95035

INSTITUTION CODE: 72482254
CITATION NUMBER: 2021087
CITATION ISSUANCE/SERVICE DATE: September 17, 2020
DUE DATE: October 17, 2020

FINE AMOUNT: \$ 3,000.00

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 of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Ayurvedic Academy, Inc., Owner of Ayurvedic Academy Inc. dba Kerala Ayurveda Academy (Institution) located at 691 S. Milpitas Blvd., Suite 206, Milpitas, CA 95035, 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 January 15, 2020, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations were found related to verification of high school diplomas or the equivalent, enrollment agreements, and School Performance Fact Sheets (SPFS).

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.	<p>Violation: CEC Section 94902 – General Enrollment Requirements <i>“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.”</i></p> <p>CEC Section 94912 – Signature, Initials Required</p>

	<p><i>“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”</i></p> <p>Bureau staff reviewed student files and found that the student files contained enrollment agreements and SPFS that were missing a school official’s signature. Institution staff stated that the enrollment agreements previously contained a section for the school official to sign. Bureau staff notified Institution staff that the enrollment agreements and SPFS must be signed by a school official.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with CEC Sections 94902 and 94912.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,000.00</u></p>
2.	<p><u>Violation:</u> 5, CCR Section 71920 (a)(b)(1)(A) – Student Records <i>“(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service. (b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student’s qualifications for admission to the institution or the institution’s award of credit or acceptance of transfer credits including the following: (A) Verification of high school completion or equivalency or other documentation establishing the student’s ability to do college level work, such as successful completion of an ability-to-benefit test;”</i></p> <p>Bureau staff reviewed student files and found that the student files were missing proof of a high school diploma or its equivalent. Institution staff stated that they request students’ high school diploma or its equivalent during the enrollment process, however, Institution staff does not follow up and verify that the students in fact possess a school diploma or its equivalent.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with 5, CCR Section 71920.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u>.</p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$3,000.00</p>	

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 **\$3,000.00** 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 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 **October 17, 2020**, 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 **October 17, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 17, 2020**. 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:

Gabriella Perez, 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“9/17/2020”

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