



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

To: Joseph Carter
 Acupressure Institute
 1533 Shattuck Avenue
 Berkeley, CA 94709

INSTITUTION CODE: 0101831
 CITATION NUMBER: 1415073
 CITATION ISSUANCE/SERVICE DATE: May 4, 2015
 DUE DATE: June 3, 2015
FINE AMOUNT: \$5,000.00
 ORDER OF ABATEMENT INCLUDED: YES

Yvette Johnson issues this Citation: Assessment of Fine and Order of Abatement (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 Citation is hereby issued to Joseph Carter, Owner of Acupressure Institute located at 1533 Shattuck Avenue, Berkeley, CA 94709 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.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p>Violation: CEC 94926 (a,b,d) - Procedures Prior to Closing, Teach-Out Plans</p> <p><i>"At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following: (a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.</i></p> <p><i>(b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning</i></p>

federal student financial aid program funds. (d) A plan for the disposition of student records."

5, CCR 76240 (a) - Required Notices and Teach-Out Plan

"All institutions, including those exempt from Bureau regulation pursuant to the Code, shall do the following prior to closing: (a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include: (1) The exact date and reason for the closure. (2) The last date of instruction for each educational service or program. (3) A list of students who were enrolled at any time during the 60 days prior to closure. (4) If any student will not be provided complete educational services or the educational program, the institution shall provide: (A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions."

On 4/24/15, Joseph Carter, owner of Acupressure Institute, informed Bureau staff via voicemail that he had closed his institution on 12/31/13. Joseph Carter failed to submit written notification to the Bureau of his intention to close the institution. Additionally, Joseph Carter failed to provide the exact reason and date of the closure, a teach out plan, a list of students that were enrolled during the 60 days prior to the closure, and a plan for the disposition of student records as required by CEC 94926 (a,b,d) and 5, CCR 76240 (a).

Order of Abatement:

The Bureau orders the institution to submit the closure documentation in accordance with 5, CCR 76240 (a) and CEC 94926 (a,b,d).

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

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 **\$5,000.00** for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

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.**

BACKGROUND

In accordance with CEC Section 94934 and 5, CCR Section 74110 (c) an institution shall file its annual report by September 1st of every year. To date, the Bureau has not received an annual report for the 2013 calendar year from Acupressure Institute (institution), institution Code

0101831. Joseph Carter, owner, failed to submit written notice of closure to the Bureau and the required documentation in accordance with 5, CCR 76240 (a) and CEC 94926 (a,b,d).

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 **June 3, 2015**, 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 **May 4, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 3, 2015**. 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:

Jody Wright, 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 Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.



Yvette Johnson
Enforcement Chief

May 4, 2015
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