



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

To: Pinewood Karate, Inc. Owner  
Napa Valley School of Massage  
1139 Trancas Street  
Napa, CA 94558

**INSTITUTION CODE: 2800431**  
**CITATION NUMBER: 2021174**  
**CITATION ISSUANCE/SERVICE DATE: January 7, 2021**  
**DUE DATE: February 6, 2021**  
**FINE AMOUNT: \$ 6,750.00**  
**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 Pinewood Karate, Inc., Owner of Napa Valley School of Massage (Institution) located at 1139 Trancas Street, Napa, CA 94558, 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 October 24, 2019, Bureau staff conducted an Unannounced Compliance Inspection at the Institution. Through the course of the inspection, Bureau staff 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.	<b>5, CCR Section 71770 (a)(1) – Admissions Standards and Transferred Credits Policy</b> <i>“(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that: (1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.”</i>

**5, CCR Section 71920 (b)(1)(A) – Student Records**

*“(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;”*

On October 24, 2019, Bureau staff reviewed student files and found that files failed to include verification of high school completion, equivalency, or other documentation establishing the student's ability to do college level work, such as a successful completion of an Ability to Benefit (ATB) exam upon admissions. Institution staff stated that the Institution did not request evidence of high school completion nor an ATB test.

The Institution was previously made aware of the requirement to collect this information on NTC #CA2800431 0914 which was issued after the Announced Compliance Inspection that took place on September 29, 2014. The Institution failed to adhere to its written policy that was provided to the Bureau in response to the NTC #CA2800431 0914.

**Order of Abatement:**

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections 71770(a)(1) and 71920(b)(1)(a).

**Assessment of Fine**

The fine for this violation is \$500.00

2. **Violation**

**5, CCR Section 71920 (b)(4)(10) – Student Records**

*“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:*

*(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and*

*(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;”*

Bureau staff reviewed withdrawn/cancelled student files and found that files failed to contain a record showing the date of withdrawal from the school. In addition, the Institution failed to maintain the documentation showing the amount of a refund, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity the refund was sent to.

**Order of Abatement:**

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with 5, CCR Section 71920 (b)(4)(10).

**Assessment of Fine**

The fine for this violation is \$250.00

3.

**Violation:**

**CEC Section 94902 (b)(3) – General Enrollment Requirements**

*“(b) An enrollment agreement is not enforceable unless all of the following requirements are met:  
(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.”*

**CEC Section 94912 – Signature, Initials Required**

*“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.”*

**5, CCR Section 74112 (m)(1-9) - Annual Report, Performance Fact Sheet**

*“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:*

- (1) the list of job classifications determined to be considered gainful employment for the educational program;*
- (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;*
- (3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;*
- (4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact’s phone number and email address, and all written communication with employer verifying student’s employment or salary;*
- (5) for students who become self-employed, all documentation necessary to demonstrate selfemployment;*
- (6) a description of all attempts to contact each student. or employer;*
- (7) any and all documentation used to provide data regarding license examinations and examination results;*
- (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and*
- (9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered”*

**CEC Section 94929.7 (a)(1-2) – Documentation of Performance Data**

*“(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:*

- (1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.*
- (2) Be retained in an electronic format and made available to the bureau upon request.”*

**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.”*

**Violation: CEC sections 94902 (b)(3) and 94912:**

Bureau staff reviewed student files and found that files failed to include signed and dated Student Performance Fact Sheets (SPFS) to show that prior to the execution of an Enrollment Agreement the Institution disclosed the required information. According to Institution staff, the Institution does not have the student sign, initial or date the SPFS. The Institution was made aware of the requirement to collect this information on NTC #CA2800431 09414 issued after the Announced Compliance Inspection that took place on September 29, 2014.

The Institution failed to adhere to its written policy that was provided to the Bureau in response to the NTC #CA2800431 0914.

**Violation: 5, CCR sections 74112 (m)(1-9) and 71930 (e) and CEC section 94929.7(a)(1-2):**

The Institution failed to provide supporting documentation used to substantiate the data reported in the 2016/2017 School Performance Fact Sheet (SPFS) as well as the for the first and second quarters of 2019 Student Tuition Recovery Fund (STRF).

Additionally, Institution failed to electronically maintain the supporting data for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet. Institution staff stated that they did not have the data.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with CEC sections 94902(b)(3) and 94912, and 5, CCR sections 74112 (m)(1-9) and 71930(e) will be maintained.

**Assessment of Fine**

The fine for this violation is \$5,000.00

4. **CEC Section 94897 (b)(I) – Prohibited Business Practices**

*“(b) Promise or guarantee employment, or otherwise overstate the availability of jobs upon graduation.*

*(I) Use the terms “approval,” “approved,” “approval to operate,” or “approved to operate” without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is “licensed” or “licensed to operate,” but may not state or imply either of the following...”*

**Violation: CEC Section 94897 (b)**

The Institution provided Bureau staff with a flyer that contained the following statement:

- “In just a few weeks or months you can own your own massage business or be working a busy day spa or hotel spa.”

The Institution was not able to provide documentation to substantiate the statement made on the flyer. The Institution overstated the availability of jobs upon graduation.

**Violation: CEC Section 94897 (I)**

The Institution provided Bureau staff with a flyer that contained the following statement:

- “...we are proud to offer BPPE approved...”

The Institution uses the term “approved” without clearly and conspicuously stating what approval to operate means.

**Order of Abatement:**

The Bureau orders the Institution to submit proof of removal of any promise of guarantee employment, or otherwise overstate the availability of jobs upon graduation, in their advertisements in accordance with CEC section 94897(b). In addition, the Institution shall submit proof that their advertisements include clearly and conspicuously what approval to operate means in accordance with CEC section 94897 (l).

**Assessment of Fine**

The fine for this violation is \$1,000.00

**TOTAL ADMINISTRATIVE FINE DUE: \$6,750.00**

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 **\$6,750.00** 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 **February 6, 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 **January 7, 2021**. Payment of the administrative fine and evidence of compliance

with the order(s) of abatement shall be due by **February 6, 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 at Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“1/7/2021”

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**Christina Villanueva**  
**Discipline Manager**

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**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