



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

To: Steve Schechter, Owner
Natural Healing Institute Naturopathy, Inc.
2240 Encinitas Blvd., Suite D, SPC 370
Encinitas, CA 92024

INSTITUTION CODE: Unapproved
CITATION NUMBER: 2021253
CITATION ISSUANCE/SERVICE DATE: May 12, 2021
DUE DATE: June 11, 2021
FINE AMOUNT: \$100,000.00
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 for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Steve Schechter, Owner of Natural Healing Institute Naturopathy, Inc. (Institution) located at 2240 Encinitas Blvd., Suite D, SPC 370, Encinitas, CA 92024 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On March 8, 2017 the Bureau issued a Decision and Order to the Institution, effective April 15, 2017, to cease enrolling new students and to close beginning on the effective date. The Decision was a result of the Institution’s Application for Renewal for Approval to Operate an Institution Non-Accredited being denied for failing to meet the minimum operating standards.,

On September 4, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval. Through the course of the investigation and evidence obtained, it was determined that the Institution is operating without Bureau approval or a valid exemption.

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.	<u>Violation:</u> CEC Section 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>

CEC Section 94817.5. Approved to Operate or Approved

“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”

CEC Section 94868. To Offer to the Public

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC Section 94869. To Operate

“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”

On September 4, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

From September 29, 2020 to January 22, 2021, Bureau staff and the Institution exchanged emails regarding the complaint, however, the Institution’s Owner responded to one of the several emails that was sent from the Bureau.

On March 1, 2021, Bureau staff reviewed the Institution’s website and found that the Institution was active with the ability to enroll prospective students, by selecting the “APPLY HERE” tab, and the prospective student is directed to an enrollment agreement.

The website advertises the following Residential and Distance Learning Educational Programs (with tuition fees):

- Certified Nutritionist Consultant CNC* \$1,350.00
- Certified Clinical Master Herbalist CCMH* \$1,350.00
- Holistic Health Practitioner HHP* \$3,249.00
- Naturopathic Practitioner NP* \$9,999.00
- Yoga Instructor, Somatics & Movement Therapist YISMT \$2,395.00
- Certified Massage Therapist \$5,675.00
- Exercise/Sports Therapist \$5,675.00
- Spa & Massage Therapist \$5,675.00
- Thai Massage Therapist \$768.00
- Lomi-Lomi Therapist \$816.00
- Certified Ayurvedic Wellness Consultant CAWC \$1,296.00
- Certified Clinical Master Aromatherapist CCMA \$595.00

*Indicates distance learning

In addition, the website contained an electronic Residential and Distance Learning Catalog. The Distance Learning Catalog identified the following courses and tuition fees:

- Certified Nutritionist Consultant CNC, normally \$1,975.00 reduced to \$1,350.00
- Certified Clinical Master Herbalist CCMH, normally \$1,975.00 reduced to \$1,350.00
- Holistic Health Practitioner HHP, normally \$6,500.00 reduced to \$3,249.00

- Naturopathic Practitioner NP, normally \$22,000.00 reduced to \$9,999.00
- Certified Clinical Master Aromatherapist CCMA, normally \$1,995.00 reduced to \$1,196.00.

Additionally, the website contained a letter dated February 8, 2021, written by the Owner, addressed to New Friend & Prospective Students. The letter stated that the Institution was state-approved in 1997, the distance learning programs were state-approved in 2003, distance learning discounts for prospective new distance learning students were available until March 1, 2021, and that the rates would increase for most programs and books.

Between March 2, 2021 and March 8, 2021, Bureau staff spoke to the Owner regarding the information being advertised the Institution's website. The Owner stated that he did have an approval on file with the Bureau, that he did not need approval as he was not operating as a private postsecondary institution, and that he did not have an exemption verified by the Bureau. He confirmed that he maintained an active website for the Institution, offered distance learning, and wrote the letter posted to the website. The Owner confirmed that he received the Bureau's previously issued Order and Decision, effective April 15, 2017, and that the Decision stated that the Institution was to cease operating.

As of May 10, 2021, the Institution continues to operate without Bureau approval or a valid exemption.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including nhicollege.net, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (760) 652-6521, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is \$100,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$100,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$100,000.00** 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 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **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 **June 11, 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 **May 12, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 11, 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:

Cheryl Lardizabal, 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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“5/12/2021”

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