



## AFFIRMED CITATION ORDER

<b>Citation Issued To:</b> Nourish the Brain Institute 206 Nieto Avenue Long Beach, CA 90803  <b>Institution Code:</b> 46614985	<b>Citation Number:</b> 23240293
	<b>Total Fine Amount:</b> <b>\$500.00</b>
	<b>Order of Abatement Included:</b> Yes

Elizabeth Elias issues this affirmed citation in her official capacity as Deputy Bureau Chief of Enforcement at the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

### LICENSING HISTORY

- On or about December 21, 2023, the Bureau renewed an Approval to Operate a Private Postsecondary Institution, Institution Code 46614985, to Nourish the Brain Institute, hereinafter referred to as the "Institution". This Approval to Operate will expire on or about December 20, 2028, unless renewed.

### DISCIPLINE HISTORY

- The Institution has no prior discipline history.

### CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to the statutory provisions of California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

### CITATION HISTORY

- On or about June 19, 2024, the Bureau issued Citation No. 23240293. On or about July 2, 2024, the Bureau received an appeal with a request for an informal conference. The informal conference was held on July 26, 2024. No new substantive facts were presented during the informal conference; therefore, the Bureau affirms Citation No. 23240293.

### CAUSE FOR CITATION & ASSESSMENT OF FINE AND/OR ORDER OF ABATEMENT

5. The Institution is in violation of the following Bureau laws and regulations:

<b>Violation #1:</b>  <b>5 CCR section 74006(a), (b) – Annual Fee, in conjunction with CEC section 94931(a) – Late Payment</b>
<b>Cause for Citation:</b> The Institution failed to pay its 90-day late payment penalty fee for the 2023 calendar year. On or about May 23, 2024, the Institution paid its 2023 Annual fee which was due February 1, 2024. However, the Institution failed to pay the 90-day late payment penalty fee.
<b>Administrative Fine:</b> Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class D” violation. The Institution is issued a fine of \$500.00.
<b>Order of Abatement:</b> Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:  The Bureau orders the Institution to pay its 90-day late payment penalty fee for the 2023 calendar year.

### COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau issues the order(s) of abatement described above. Evidence of compliance with the order of abatement must be submitted to the Bureau within 30 days from the date of issuance of this affirmed citation. Evidence of compliance with the order of abatement may sent by mail or email to:

- Mail: Bureau for Private Postsecondary Education  
Attn: Discipline Unit – Aspen Grambusch  
1747 North Market, Blvd., Suite 225  
Sacramento, CA 95834
- Email: [bppe.discipline@dca.ca.gov](mailto:bppe.discipline@dca.ca.gov)

- In the subject line, please include the Institution name and citation number.

### **COMPLIANCE WITH ASSESSMENT OF FINE**

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in the total amount of \$500.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of issuance of this affirmed citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education  
Attn: Discipline Unit – Aspen Grambusch  
1747 North Market, Blvd., Suite 225  
Sacramento, CA 95834

### **NOTICE OF APPEAL RIGHTS**

8. Pursuant to 5 CCR section 75040(d), the affirmed decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a hearing. If the Institution has not requested to withdraw the hearing, a hearing will be set to hear the matter.

### **COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE**

9. Pursuant to 5 CCR section 75050, payment of fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to

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operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

### **BUREAU CONTACT INFORMATION**

10. If you have any questions regarding this Citation, please contact Aspen Grambusch, Citation Analyst by email at [Aspen.Grambusch@dca.ca.gov](mailto:Aspen.Grambusch@dca.ca.gov) or by phone at (279) 895-6005.

“Original Signature on File”

8/15/2024

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Elizabeth Elias  
Deputy Bureau Chief of Enforcement

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Citation Date of Issuance

Enclosures:

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail