



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

September 20, 2021

Gabriel Moncayo, Owner
Always Hired
1161 Mission St.
San Francisco, CA 94103

Date of Issuance	Citation Number	Institution Code
September 20, 2021	2021151	Unapproved

On August 6, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021151 (Citation) against Gabriel Moncayo, Owner of Always Hired (Institution). In attendance were Yvette Johnson, Administrative Chief, Gabriel Moncayo, Owner/CEO, and Mike Colonnese, COO.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021151.

It is the decision of the Administrative Chief that on September 7, 2021, Citation No. 2021151 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	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:</p> <p>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></p> <p>CEC Section 94817.5. Approved to Operate or Approved <i>“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.”</i></p>

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 February 21, 2020, the Bureau received a tip alleging that the Institution was operating without Bureau approval.

On April 11, 2020, the Institution responded to the Bureau’s correspondence sent on March 10, 2020, stating that students who choose to work with the Institution’s hiring partners only pay a \$200.00 sign-up fee. The hiring partners then pay the Institution \$10,000.00 per student hired. Students who do not choose to work with the Institution’s hiring partners, or do not want to subject to the terms in the Enrollment Agreement, sign up as a “Paid Student” with zero exclusions.

According to Institution staff, diplomas and certificates are given to students upon request. Students who withdraw from the Institution do not receive a refund, certificate, or diploma.

On April 13, 2020, Bureau staff asked the Institution if they would remove the Income Sharing Agreement (ISA) information off their website since the Institution no longer offered them.

On April 23, 2020, Institution staff stated that the ISA is scheduled to be removed from the website. Additionally, Institution staff explained that “Paid Students” pay \$4,000.00 in tuition. In addition, the Institution provided the Bureau with a copy of the Enrollment Agreement they provide to students.

On May 1, 2020, Bureau staff informed the Institution that charging \$4,000.00 for tuition without an approval to operate or without meeting one of the exemptions is unlicensed activity.

On May 27, 2020, Bureau staff informed the Institution that they had until June 5, 2020 to verify their school status by applying for an approval to operate or verification of exemption with the Bureau. Per Institution staff, the Institution would have the paperwork ready within the next few weeks. Additionally, Institution staff stated that their website would be updated within three weeks.

Through the course of the investigation and evidence obtained, Bureau staff determined that the Institution is operating without Bureau approval while charging student \$4,000.00 in tuition.

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 www.alwayshired.com, 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, (415) 840-0566, 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

	<p>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.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$25,000.00</u></p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$25,000.00</u></p>	

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **September 20, 2021**. The order of abatement and payment are due by **October 20, 2021**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed 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 decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original Signature on File”

“9/20/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail