



**Bureau for Private Postsecondary Education**  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
P.O. Box 980818, West Sacramento, CA 95798-0818  
P (916) 574-8900 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Cosmotek College, Owner  
Cosmotek College  
2188-B Del Franco Street  
San Jose, CA 95131

**INSTITUTION CODE: 21939625**  
**CITATION NUMBER: 2122001**  
**CITATION ISSUANCE/SERVICE DATE: July 7, 2021**  
**DUE DATE: August 7, 2021**

**FINE AMOUNT: \$ 5,000.00**

**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 of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Cosmotek College, Owner of Cosmotek College (Institution) located at 2188-B Del Franco Street, San Jose, CA 95131, 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 July 11, 2019, the Bureau received a complaint alleging that the Institution sold hours, enforced rules unfairly, charged each student a difference amount for tuition, does not have enough instructors, and forced instructors to sign time cards for students that did not attend classes at the Institution.

On October 22, 2019, Bureau staff conducted an onsite investigation at the Institution. Through the course of the investigation Bureau staff found a potential material violation.

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.	<p><b>Violation:</b>  <b>CEC Section 94897 (j)(3) – Prohibited Business Practices</b>  <i>“(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:</i>  <i>(3) Any other record or document required by this chapter or by the bureau.”</i></p> <p><b>While Bureau staff was onsite at the Institution, the Institution representative confirmed that the attendance is calculated using a computerized time clock and that students must use the student</b></p>

card to punch "in" when entering and "out" when leaving. Bureau staff requested a copy of the attendance log and the Institution representative provided a screenshot of the student attendance roster. Bureau staff reviewed the roster, physically checked to confirm that all students marked as present for the day were actually in class and found that several students were not in class.

Bureau staff determined that the Institution made false and misleading statements related to student attendance records. The attendance records noted that credit hours were granted to students who were not actually present for class.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained with CEC Section 94897.

**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.**

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 **August 7, 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 **July 7, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **August 7, 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](mailto:Cheryl.Lardizabal@dca.ca.gov).

“Original signature on file”

“7/7/2021”

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**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