



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

January 11, 2017

Luis Amorsolo, Owner
 California University, FCE
 2701 Beverly Blvd.
 Los Angeles, CA 90057

| Date of Issuance | Citation Number | Institution Code |
|------------------|-----------------|------------------|
| January 11, 2017 | 1617024 | Unapproved |

On October 28, 2016 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1617024 (Citation) against Luis Amorsolo, owner of California University, FCE. In attendance were Yvette Johnson, Enforcement Chief; James Kosnett, Attorney for Owner; Luis Amorsolo, owner, and Leandro Amorsolo.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations (5 CCR), §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1617024.

It is the decision of the Bureau Chief that on January 11, 2017 Citation No. 1617024 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

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| # | The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating. |
| 1. | <p>MODIFIED</p> <p><u>Violation of CEC 94886 – Approval to Operate Required</u> <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> |

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| | <p>CUFCE does not have an approval to operate through BPPE nor has it demonstrated eligibility for exemption under CEC 94874. It is not registered with the Bureau, nor does it have any pending applications with the Bureau.</p> <p>Order: The Bureau orders CUFCE to cease offering to the public postsecondary educational programs, until such time an application for approval to operate has been filed with the Bureau and approval to operate has been granted by the Bureau.</p> <p>Reason for modification: CUFCE is not an institution of private postsecondary education as defined by CEC 94858.</p> <p>The administrative fine for this violation has been modified from \$5,000.00 to <u>\$0.00</u>.</p> |
| 2. | <p><u>Violation of 5, CCR 74150 (b) - Use of Term "University."</u> <i>"(b) Unless previously approved by the Bureau, no institution shall use the word "university" in its name or in connection with a description of itself or its educational programs unless (1) the institution is a university as defined in subdivision (a) of this section or (2) the institution uses other words in conjunction with "university" to prevent the use of "university" from being deceptive or misleading in any manner."</i></p> <p>CUFCE is using the term "University" in its name. CUFCE does not have Bureau approval to use the term "University" in its name.</p> <p>CUFCE does not offer a Bachelor's, Master's, or Doctorate degrees so it is not a university as defined by subdivision (a) of 5, CCR 74150. Further, CUFCE does not use other words in conjunction with "university" to prevent "university" from being deceptive or misleading.</p> <p>Reason for modification: CUFCE is not an institution of private postsecondary education as defined by CEC 94858.</p> <p>The administrative fine for this violation has been modified from \$5,000.00 to <u>\$0.00</u>.</p> |
| 3. | <p><u>Violation:</u> CEC 94913 (a)(1)(2)(3)(5) - Institutional Web Site Requirements <i>"(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</i> <i>(1) The school catalog.</i> <i>(2) A School Performance Fact Sheet for each educational program offered by the institution.</i> <i>(3) Student brochures offered by the institution.</i> <i>(5) The institution's most recent annual report submitted to the bureau.</i></p> <p>On May 4, 2015, Bureau Staff reviewed CUFCE's website. CUFCE failed to attach a current School Catalog, School Performance Fact Sheets, Student Brochures or a recent Annual Report on its website.</p> |

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| | <p>Reason for modification: CUFCE is not an institution of private postsecondary education as defined by CEC 94858.</p> <p>The administrative fine for this violation has been modified from \$5,000.00 to <u>\$0.00</u>.</p> |
| 4. | <p><u>Violation:</u> CEC 94897 (i)(1) - Prohibited Business Practices <i>"An institution shall not do any of the following:</i> <i>(i) Use a name in any manner improperly implying any of the following:</i> <i>(1) The institution is affiliated with any government agency, public or private corporation, agency, or association if it is not, in fact, thus affiliated."</i></p> <p>CUFCE claims it is affiliated with the Bureau and the California Department of Education (CDOE), on its website. The Bureau and CDOE are government agencies and not affiliated with CFUCE.</p> <p>Reason for modification: CUFCE has removed all references to BPPVE and BPPE from its website.</p> <p>The administrative fine for this violation has been modified from \$5,000.00 to <u>\$100.00</u>.</p> |
| <p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$100.00</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:

Ben Graber, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the

hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. 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.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal - Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **JANUARY 11, 2017**. The order of abatement and payment are due by **FEBRUARY 10, 2017**.

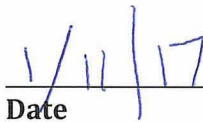
Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Ben Graber, Enforcement Analyst, at (916) 576-2409 or at benjamin.graber@dca.ca.gov.



ELAINEA SHOTWELL
ENFORCEMENT MANAGER



Date

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal - Request for Administrative Hearing
- Notice of Appeal
- Statement of Rights
- Copy of Citation Order Number