



**Bureau for Private Postsecondary Education**  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
 P (916) 431-6959 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

August 22, 2014

Alan Revere, Owner  
 Revere Academy of Jewelry Arts  
 760 Market Street, Ste. 900  
 San Francisco, CA 94102

Date of Issuance	Citation Number	Institution Code
May 19, 2014	1314007	3803441

On July 11, 2014 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1314007 (Citation) against Alan Revere, Owner of Revere Academy of Jewelry Arts. In attendance were Joanne Wenzel, Bureau Chief; Kurt Heppler, DCA Legal; Alan Revere, Owner; and Glenda Ruth, Registrar for institution.

Pursuant to Business and Professions Code, §125.9; California Education Code, §94936; and Title 5 of the California Code of Regulations, §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1314007.

It is the decision of the Bureau Chief that on August 21, 2014 Citation No. 1314007 is modified and makes the following change(s):

**VIOLATION CODE SECTIONS**

#	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><b>MODIFIED</b></p> <p><u>Violation of 94920(b) - Mandatory Cancellation, Withdrawal, and Refund Policies</u>  <i>"An institution that does not participate in the federal student financial aid programs shall do all of the following:</i>  <i>(b) Institutions shall refund 100 percent of the amount paid for institutional charges, less a reasonable deposit or application fee not to exceed two hundred fifty dollars (\$250), if notice of cancellation is made through attendance at the first class session, or the seventh day after enrollment, whichever is</i></p>

later.”

Violation of 71750(a) - Withdrawals and Refunds

“(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.”

**The institution did not refund 100 percent of the institutional charges paid, not including the application fee of \$50.00 (non-refundable), to S.M., a student who cancelled enrollment from the Jewelry Technician Intensive Program within seven days from the first day of class.**

**The student paid a total of \$8,418.82 in institutional charges to the institution to enroll for the Jewelry Technician Intensive Program. On March 8, 2012 the student enrolled in the program, to be held May 7, 2012 to June 29, 2012. On March 8, 2012 he also paid \$1,000.00 deposit. On April 27, 2012 the student sent an e-mail to cancel enrollment with the institution. On July 12, 2012 the institution refunded the student \$7,368.82. The institution owes the student a remaining total refund of \$1,000.00.**

**Order of Abatement:**

1. The institution shall pay the student, S.M., the remaining total refund due in the amount of \$1,000.00.
2. The institution shall submit to the Bureau proof of payment, of the remaining balance of \$1,000.00 paid to S.M.

**Reason for modification: The institution has agreed to come into compliance with CEC 94920 (b) and CCR 71750 (a). Upon receipt of proof of payment to S.M., and an updated catalog establishing compliance with CEC 94920 (b) and CCR 71750 (a), the fine for this violation will be waived.**

The administrative fine for this violation is \$1,250.00.

2. **MODIFIED**

Violation of 94920(e) - Mandatory Cancellation, Withdrawal, and Refund Policies

“An institution that does not participate in the federal student financial aid programs shall do all of the following:

(e) The institution shall pay or credit refunds within 45 days of a student's cancellation or withdrawal.”

Violation of 71750(e) - Withdrawals and Refunds.

“(e) An institution shall refund any credit balance on the student's account within 45 days after the date of the student's completion of, or withdrawal from, the educational program in which the student was enrolled. For purposes of this subdivision and section 94919(d) of the Code, "day" means calendar day.”

**The institution failed to refund student, S.M., the total refund due within 45 days of cancellation. The institution refunded the student \$7,368.82 seventy-six days after the**

**student submitted the cancellation. As of date, the institution has not refunded the student the remaining \$1,000.000 due.**

**Order of Abatement:**

1. The institution shall pay the student, S.M., the remaining total refund due in the amount of \$1,000.00.
2. The institution shall submit to the Bureau proof of payment, of the remaining balance of \$1,000.00 paid to S.M.

**Reason for modification: The institution has agreed to come into compliance with CEC 94920 (e) and CCR 71750 (e). Upon receipt of proof of payment to S.M, and an updated catalog establishing compliance with CEC 94920 (e) and 71750 (e), the fine for this violation will be waived.**

**The administrative fine for this violation is \$1,250.00.**

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,500.00**

**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:

Renee Campos, 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 August 22, 2014. The order of abatement and payment are due by September 22, 2014. Only upon receipt of proof of payment to S.M, and an updated catalog showing compliance with CEC 94920 (b) (e) and 71750 (a) (e), will the fine for this violation be waived.

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 Renee Campos, Enforcement Analyst, at (916) 431-6940 or at Renee.Campos@dca.ca.gov.

  
\_\_\_\_\_  
**JOANNE WENZEL**  
**BUREAU CHIEF**

\_\_\_\_\_  
August 22, 2014  
**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 1314007