



CITATION: ASSESSMENT OF FINE

To: Feldenkrais Institute of San Diego, LLC., Owner
Feldenkrais Institute of San Diego
3680 6th Avenue
San Diego, CA, 92103

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1819118
CITATION ISSUANCE/SERVICE DATE: February 14, 2019
DUE DATE: March 16, 2019
FINE AMOUNT: \$ 50,000.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Feldenkrais Institute of San Diego, LLC., Owner, of Feldenkrais Institute of San Diego (Institution) located at 3680 6th Avenue, San Diego, CA, 92103 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On February 26, 2018, Bureau staff conducted a field visit to the Institution’s location at 3680 6th Avenue, San Diego, CA, 92261. The Bureau staff member contacted the Institution staff and was told a private class was in session, Bureau staff gathered evidence during the course of the investigation that indicated the Institution is offering classes at that location and is currently operating without Bureau approval.

VIOLATION(S)

#	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.	Violation: 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</i>

business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”

CEC Section 94817.5. Approved to Operate or Approved

“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.”

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 September 17, 2012, the Institution submitted an Application for an Approval to Operate an Institution (Non-Accredited) to the Bureau. On September 18, 2012, Bureau staff sent an acknowledgement letter to the Institution advising receipt of the application. The letter also informed the school that per section 94886, “... 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.”

According to a statement on the Institution’s application document, the school “currently has twenty-two (22) students enrolled in the fourth year of an ongoing training”.

On June 23, 2016, Bureau staff accessed the Institution’s website at www.feldenkraisresources.com and located the following documents:

- Feldenkrais Institute of San Diego Tuition and Price List;
- San Diego Professional Feldenkrais Method Training Program Student Application;
- The San Diego Feldenkrais Professional Training Program Catalog, undated.

The tuition was listed at a price of \$4,500.00 per year, with a total cost of \$18,000.00 for a four-year program. The Institution does not qualify as an exempt institution as defined by CEC 94874. Categories of Exempt Institutions.

On February 26, 2018, Bureau staff conducted a field visit to the Institution’s location at 3680 6th Avenue, San Diego, CA, 92261., and collected an Institution business card and captured photographs of the Institution’s exterior business sign, advertisement flyer, and student sign-in sheet and attendance records.

On April 19, 2018, the Institution obtained an Approval to Operate an Institution Non-Accredited.

Assessment of Fine

The fine for this violation is \$50,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$50,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$50,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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 **March 16, 2019**, 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 **February 14, 2019**. Payment of the administrative fine shall be due by **March 16, 2019**. 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:

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

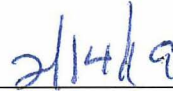
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.



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