



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



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

December 3, 2021

Institute of Contemporary Psychoanalysis, Owner
Institute of Contemporary Psychoanalysis
10780 Santa Monica Blvd., #350
Los Angeles, CA 90025

Date of Issuance	Citation Number	Institution Code
December 3, 2021	2122041	1922491

On October 21, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122041 (Citation) against Institute of Contemporary Psychoanalysis, Owner of Institute of Contemporary Psychoanalysis (Institution). In attendance were Yvette Johnson, Administrative Chief, Nick Ryan, Psy.D, President, Celeste Birkhofer, Ph.D., Psy.D, Institute of Contemporary Psychoanalysis Member, Mike Ferguson, Director of Operations, and Gabriele Lippmann, Program Coordinator.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2122041.

It is the decision of the Administrative Chief that on November 17, 2021, Citation No. 2122041 is modified and makes the following change(s):

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: 5, CCR Section 71920 (b)(1)(A)(3)(5)(A)(B)(C)(D)(E)(9)(10)– Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:</i> <i>(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;</i> <i>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;</i> <i>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the</i></p>

following:

(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;

(B) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit;

(C) Credit for courses earned at other institutions;

(D) Credit based on any examination of academic ability or educational achievement used for admission

or college placement purposes;

(E) The name, address, website address, and telephone number of the institution.

(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;

(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;"

CEC Section 94902 (a) – General Enrollment Requirements

"(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution."

CEC Section 94912 – Signature, Initials Required

"Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student."

Violation: 5, CCR Section 71920 (b)(1)(A): Bureau staff reviewed student files and found that the files did not contain written records or transcripts relevant to the student's qualifications for admission. Bureau staff asked the Institution for the documentation related to the student's qualifications for admission, and the Institution stated that the documentation is stored offsite. As a result, the Institution was unable to provide the documentation before the end of the inspection.

Violation: 5, CCR Section 71920 (b)(5): Bureau staff reviewed withdrawn and dropped student files and found that the files did not contain transcripts. The Institution stated that transcripts were not generated for students who withdraw and that they are unable to provide a transcript for the students.

Violation: 5, CCR Section 71920 (b)(9)(10): Bureau staff reviewed student files and found that the files did not contain a document showing the total amount of money received from or on behalf of the student. In addition, Bureau staff reviewed withdrawn student files and found that the files did not contain a document specifying the amount of a refund, the method of calculating the refund, the date the refund was made, or the name and address of the person or entity to which the refund was sent. The Institution stated that the financial records, including refund documentation, are maintained offsite and that they are not readily available. The Institution was unable to produce the financial records or refund documentation before the end of the inspection.

Violation: 5, CCR Section 71920 (b)(3) and CEC Section 94902(a): Bureau staff found that student files contained enrollment agreements that were not signed by an Institution representative. The Institution could not explain why the enrollment agreements were not signed by an Institution representative. In addition, Bureau staff found that some student files did not

contain enrollment agreements. The Institution stated that they were unsure as to why the student files did not contain enrollment agreements. As a result, the Institution was unable to provide the missing enrollment agreements upon request.

Violation: CEC Section 94912: Bureau staff reviewed student files and found that files contained SPFS that were not signed by an Institution representative. The Institution stated that they were unsure as to why the SPFS were not signed by an Institution representative. As a result, the Institution was unable to provide the signed SPFS upon request.

Order of Abatement:

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR section 71920 and CEC sections 94902 and 92912 will be maintained.

Reason for Modification: New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$2,500.00

2. **5, CCR Section 74112 (m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet**
(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:
- (1) the list of job classifications determined to be considered gainful employment for the educational program;*
 - (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;*
 - (3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;*
 - (4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;*
 - (5) for students who become self-employed, all documentation necessary to demonstrate self-employment;*
 - (6) a description of all attempts to contact each student. or employer;*
 - (7) any and all documentation used to provide data regarding license examinations and examination results;*
 - (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and*
 - (9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.*

During the Inspection, Bureau staff requested that the Institution provide the supporting documentation to substantiate the data reported on the SPFS. The Institution stated that had not been tracking the data or maintaining the documentation.

	<p><u>Order of Abatement:</u> The Bureau orders the Institution to provide a written policy, or procedure, of how the Institution will maintain the supporting documentation to substantiate the data reported on the SPFS.</p> <p><u>Reason for Modification:</u> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p> <p><u>The Administrative Fine has been modified from \$5,000.00 to \$2,500.00.</u></p>
3.	<p><u>Violation:</u> CEC Section 94897 – Prohibited Business Practices An Institution shall not do anything of the following: <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>(1) A financial report filed with the bureau.</i> <i>(2) Information or records relating to the student’s eligibility for student financial aid at the institution.</i> <i>(3) Any other record or document required by this chapter or by the bureau.</i></p> <p><u>During the Inspection, Bureau staff reviewed the supporting documentation to substantiate the data reported on the 3rd quarter of the 2020 STRF Assessment Reporting Form and compared it to the STRF form for the same period. According to the supporting documentation, the Institution listed five students enrolled at the Institution during the 3rd quarter of 2020, however the STRF form listed 9 students enrolled at the Institution during the same period.</u></p> <p><u>Bureau staff asked the Institution why there was a discrepancy in the data, as mentioned above, and the Institution stated that they were not clear as to why there was a discrepancy in the information reported.</u></p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to provide a written policy, or procedure, to the Bureau of how the Institution will ensure compliance with CEC Section 94897.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,500.00</u></p> <p><u>The Administrative Fine has been modified from \$1,500.00 to \$1,000.00.</u></p>
<p><u>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$6,000.00</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:

Gabriella Perez, 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 modified 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 modified Citation is effective on **December 3, 2021**. The Order of Abatement and payment are due by **January 2, 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 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 Gabriella Perez, Citation Analyst, at (916) 574-7429 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“12/3/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

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