



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

September 18, 2018

Learn Academy, LLC
 Learn Academy
 704 J Street
 San Diego, CA 92101

Date of Issuance	Citation Number	Institution Code
September 18, 2018	1718053	Unapproved

On July 30, 2018 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1718053 (Citation) against Learn Academy, LLC, Owner of Learn Academy. In attendance were Yvette Johnson, Enforcement Chief; and Chelsea Kaufman, CEO.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1718053.

It is the decision of the Enforcement Chief that on September 12, 2018 Citation No. 1718053 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><u>MODIFIED</u> Violation: CEC 94886. Approval to Operate Required “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.”</p> <p>CEC 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.”</p>

CEC 94868. To Offer to the Public

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC 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 27, 2016, the Bureau received an anonymous tip that Learn Academy was operating a private postsecondary educational institution without the Bureau’s approval.

On October 13, 2016, review of the Institution’s website, www.learnacademy.org, revealed that the Institution was offering the public “Ruby on Rails” and “Javascript” programs for a tuition of \$11,000.

On October 25, 2016, the Bureau sent an Unapproved Institution letter (UA Letter) to the Institution and ordered the Institution to cease operating; submit evidence of compliance to the Bureau within 14 days; and to immediately contact the Bureau’s closed school unit.

On November 7, 2016, Bureau staff conducted a telephone conference with C.K, Co-founder of the Institution, and confirmed with C.K. that the Institution continued to operate unapproved after receiving the Bureau’s UA Letter. On November 30, 2016, the Bureau received Institution’s Application for Approval to Operate an Institution Non-Accredited.

On December 5, 2016, the Bureau sent the Institution an acknowledgment letter regarding the 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.” The Institution is operating without approval and is in violation of CEC section 94886.

On June 26, 2017, Bureau staff traveled to San Diego to conduct an unannounced visit at the Institution and discovered that the Institution was no longer operating at 3808 Ray Street, San Diego, CA 92101 and moved to 704 J Street, San Diego, CA 92101. At that location Bureau staff noticed signage for the Institution on the front window and front door of the building. Upon entering the building, they saw additional signage and collected a promotional postcard from a table display. There were classrooms located on the second floor of the structure. A minimum of six students were observed to be in attendance, and receiving instruction in two of those classrooms.

On April 17, 2018, Bureau staff visited the Institution’s website and confirmed that institution is currently offering the “Ruby on Rails” and “JavaScript” programs. The advertising lists the new program sessions dates as May 29, 2018 through September 14, 2018, and July 30, 2018 through November 16, 2018. The price for these programs is offered at the price of \$12,500.00.

The Institution is conducting business as a private postsecondary educational institution at 704 J Street, San Diego, CA 92101, and is not exempt from the provisions of the California Private Postsecondary Education Act. The Institution advertises at least two programs that cost \$12,500 each. As such, the Institution falls under the definition of a private postsecondary educational institution under CEC section 94858. Despite the Bureau's requests for compliance and/or to cease operation as a private postsecondary educational institution, the Institution has ignored such requests and knowingly continues to operate without Bureau approval.

On April 17, 2018, during the review of the Institution's website (www.learnacademy.org), staff found that the Institution is representing itself as having the Bureau's approval to operate.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media (including <http://www.learnacademy.org>) and any other websites not listed that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service for (619) 940-7848 and any other telephone numbers not identified here that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code 94926 and 94927.5. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the name of the student, their contact information (including phone number, email address, and physical address), the program in which they were enrolled, the date of enrollment, the amount paid for the program, and the amount the student was refunded.

Reason for modification: The Institution obtained Bureau approval to operate as a Non-Accredited Institution.

The administrative fine for this violation has been modified from \$75,000.00 to \$25,000.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$25,000.00

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:

Gurinder Sandhu, 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 **September 18, 2018**. The order of abatement and payment are due by **October 18, 2018**.

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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Copy of Modified Citation