

APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

June 17, 2019

New California Conservatory of Music, Owner
 New California Conservatory of Music
 7342 Orangethorpe Ave., Ste. C-101
 Buena Park, CA 90621-3329

Date of Issuance	Citation Number	Institution Code
June 17, 2019	1819186	Unapproved

On June 5, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819186 (Citation) against New California Conservatory of Music, Owner of New California Conservatory of Music. In attendance were Leeza Rifredi, Deputy Bureau Chief; and Hye Kyung Lee, Owner.

Pursuant to Business and Professions Code, §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. 1819186.

It is the decision of the Deputy Bureau Chief that on June 5, 2019, Citation No. 1819186 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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: CEC Section 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>

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 94858. Private Postsecondary Educational Institution

"Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.

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 January 17, 2019, Bureau staff reviewed the Institution's website (<http://www.nccmusic.org/conservatory.html>) and found the Institution advertises the following programs along with the respective tuition costs: Private Lessons: \$120.00 and \$180.00; Group Piano: \$90.00; Group Violin: \$90.00; Group Voice for \$80, Group Guitar for \$80 .00; Music Technology for \$99.00; Art Class: \$90.00; Orchestra: \$60.00; Children's Choir: \$40.00; and Early Childhood: \$60.00. In addition, a Master's degree is listed as "Master of Church Music:" \$10,200.00 (\$200.00 per unit x 51 units total), plus \$90.00 application fee, \$50.00 registration fee, and \$60.00-\$120.00 estimated cost for textbooks, which does not allow them to operate under Categories of Exempt Institutions- California Education Code (CEC) section 94874(f) - An institution that does not award degrees and that solely provides educational programs for total charges of \$2500.00.

On October 16, 2018, the Bureau denied the Institution's Verification of Exempt Status Application, under CEC section 94874(e). Additionally, the Bureau advised that under CEC section 94886, the Institution shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate.

Through the course of this investigation and evidence obtained, it was substantiated that the Institution is currently operating as a private postsecondary institution and offering educational programs to the public requiring Bureau approval as the Master of Church educational program, with a tuition cost of more than \$10,200.00, exceeds the \$2,500.00 threshold within CEC Section 94874(f).

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. 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.nccmusic.org/home.html> and any other websites not identified here 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 numbers including, but not limited to, (714) 522-6789 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 section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is **\$5,000.00**

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

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:

Ray Delaney, 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 affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing. 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 do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing. 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 affirmed Citation is effective on June 17, 2019. The order of abatement and payment are due by **July 17, 2019**.


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 affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

Should you have any questions regarding this decision or desire further information, please contact Ray Delaney, Citation Analyst, at (916) 431-6946 or at Ray.Delaney@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail