



Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

May 8, 2013

Joseph Antouri, Owner
US Private Trainers Association, Inc.
PROPTA Personal Trainers Association
3835 E. Thousand Oaks Boulevard No. 199
West Lake Village, California 91362

Date of Issuance	Citation Number	Institution Code
May 8, 2013	1213015	Unapproved

On April 9, 2013, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement (Citation) #1213015 against Joseph Antouri, Owner of US Private Trainers Association, Inc. PROPTA Personal Trainers Association. In attendance were Laura Metune, Bureau Chief; Kurt Hepler, DCA Legal Counsel; and Joseph Antouri, Respondent.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations, §75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation #1213015.

It is the decision of the Bureau Chief that on May 8, 2013, Citation #1213015 is affirmed for the following reason(s):

- No new substantive facts were presented at the informal conference.

During the informal conference, you indicated that you believed the institution was exempt under CEC §94874(a), §94874(d)(2), and §94874(f). However, you were notified in writing by the Bureau on November 28, 2012, that your institution did not meet with the requirements of these exemptions.

The institution does not meet the exemption contained in CEC §94874(a) as the educational programs are not solely avocational or recreational; as you indicated, while some students enroll in the program for personal enrichment, many enroll in the program for career development purposes. The institution does not meet the exemption contained in CEC §94874(d)(2) as the institution is offering educational programs that teach new skills, these programs do not fall within the exemption for test preparation. The institution does not meet the exemption contained in CEC §94874(f) as the institution's programs are eligible for public funding through the California State Approving Agency for Veterans Education.

The institution was notified on November 28, 2012, that the institution was not exempt. Between the time of this notification and the informal office conference, the institution has not taken action to achieve compliance with the law and regulations.

VIOLATION

California Education Code § 94886 – Approval to Operate Required

The institution did not obtain an approval to operate a private postsecondary educational institution from the Bureau. This law prohibits a person from opening, conducting, or engaging in a business as a private postsecondary education institution in this State without obtaining an approval to operate from the Bureau.

You are hereby notified that you are in violation of Section 94886 of the California Education Code and cause for issuance of a citation and assessment of an administrative fine exists.

ORDER OF ABATEMENT

The Bureau orders that, unless the institution achieves compliance with an exemption outlined in CEC §94874, you must cease operating as a private postsecondary educational institution at any and all locations until such time you receive approval to operate from the Bureau. You must submit within 30 days from the date of this Affirmed Citation evidence of compliance. This means, until approved or exempt, you must stop enrolling students, and cease all instructional services, advertising (including Web sites), programs, and/or operations.

PENALTY – ASSESSMENT OF A FINE

In accordance with Cal. Ed. Code section 94944; and California Code of Regulations section 75020(b), the Bureau hereby orders the issuance of an Affirmed Citation order and the assessment of a fine in the amount of **\$50,000.00** for operating an institution without proper approval to operate issued by the Bureau.

Please complete the Payment of Fine form. Payment of the administrative fine 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:

Janel Quayle, 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, *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 order was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

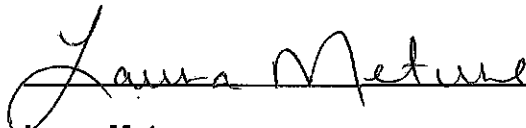
This Affirmed Citation is effective on **May 8, 2013**. The order of abatement and payment are due by **June 7, 2013**.

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

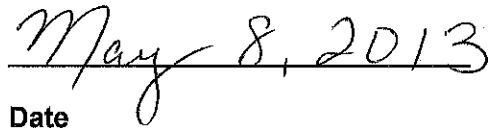
enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or at Janel.Quayle@dca.ca.gov.



Laura Metune
Bureau Chief



Date

Enclosures

- Payment of Fine
- Copy of Citation: Assessment of Fine and Order of Abatement #1213015
- Declaration of Service by Certified and First Class Mail