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7  
8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. 1000958

12 **RECORDING RADIO FILM AND**  
13 **CULINARY CONNECTION, JAMES**  
14 **PETULLA, OWNER**

**STATEMENT OF ISSUES**

15 **Application to Operate an Institution**

16 **Non-Accredited Applicant**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Joanne Wenzel (“Complainant”) brings this Statement of Issues solely in her official  
21 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of  
22 Consumer Affairs.

23 2. On or about April 14, 2014, the Bureau for Private Postsecondary Education received  
24 an Application to operate a Institution Non-Accredited from Recording Radio Film and Culinary  
25 Connection, James Petulla, Owner (“Respondent”). On or about February 24, 2014, James Petulla  
26 certified under penalty of perjury to the truthfulness of all statements, answers, and representations  
27 in the application. The Bureau denied the application on July 21, 2015.  
28

1 JURISDICTION

2 3. This Statement of Issues is brought before the Director of the Department of  
3 Consumer Affairs (“Director”) for the Bureau for Private Postsecondary Education, under the  
4 authority of the following laws.

5 4. California Education Code section 94885 states:

6 “(a) The bureau shall adopt by regulation minimum operating standards for an institution  
7 that shall reasonably ensure that all of the following occur:

8 “(1) The content of each educational program can achieve its stated objective.”

9 . . . .

10 “(9) The institution is maintained and operated in compliance with this chapter and all  
11 other applicable ordinances and laws.”

12 5. California Education Code section 94886 states:

13 “Except as exempted in Article 4 (commencing with Section 94874) or in compliance with  
14 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,  
15 conduct, or do business as a private postsecondary educational institution in this state without  
16 obtaining an approval to operate under this chapter.”

17 6. California Education Code section 94887 states:

18 “An approval to operate shall be granted only after an applicant has presented sufficient  
19 evidence to the bureau, and the bureau has independently verified the information provided by the  
20 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant  
21 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application  
22 for an approval to operate if the application does not satisfy those standards.”

23 7. California Education Code section 94837 states:

24 “‘Educational program’ means a planned sequence composed of a single course or module,  
25 or set of related courses or modules, that provides the education, training, skills, and experience or  
26 a combination of those.”

27 8. California Education Code section 94868 states:

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

REGULATIONS

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9. Title 5 of the California Code of Regulations, section 70000, subdivision (r), states:  
“Objectives’ are the goals and methods by which the institution fulfills its mission and transforms it into measurable student learning outcomes for each educational program.”

10. Title 5 of the California Code of Regulations, section 71700 states:  
“The Bureau may request that an institution document compliance with the standards set forth in the Act and this Division to obtain and maintain an approval to operate.”

11. Title 5 of the California Code of Regulations, section 71705 states:  
“An institution shall have a written statement of its mission and the objectives for each educational program. The mission and the objectives shall indicate the kind of education offered, for whom the instruction is intended and the expected outcomes for graduates.”

12. Title 5 of the California Code of Regulations, section 71710 states:  
“In order to meet its mission and objectives, the educational program defined in section 94837 of the Code shall be comprised of a curriculum that includes:

“(a) those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled;

....

“(c) course or module materials that are designed or organized by duly qualified faculty. For each course or module, each student shall be provided with a syllabus or course outline that contains:

- “(1) a short, descriptive title of the educational program;
- “(2) a statement of educational objectives;
- “(3) length of the educational program;
- “(4) sequence and frequency of lessons or class sessions;
- “(5) complete citations of textbooks and other required written materials;
- “(6) sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured;
- “(7) instructional mode or methods.

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....

“(e) specific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material . . . .”

13. Title 5 of the California Code of Regulations, section 71715 states:

“(a) Instruction shall be the central focus of the resources and services of the institution.

“(b) The institution shall document that the instruction offered leads to the achievement of the learning objectives of each course.

....

“(d) Distance education as defined in section 94834 of the Code, does not require the physical presence of students and faculty at the same location but provides for interaction between students and faculty by such means as telecommunication, correspondence, electronic and computer augmented educational services, postal service, and facsimile transmission. In addition to the other requirements of this chapter and the Act, an institution offering distance education shall:

“(1) ensure that the educational program offered through distance education is appropriate for delivery through distance education methods;

“(2) assess each student, prior to admission, in order to determine whether each student has the skills and competencies to succeed in a distance education environment;

“(3) ensure that the materials and programs are current, well organized, designed by faculty competent in distance education techniques and delivered using readily available, reliable technology;

“(4) provide for meaningful interaction with faculty who are qualified to teach using distance education methods;

“(5) maintain clear standards for satisfactory academic progress;

“(6) timely complete student evaluations of learning outcomes by duly qualified faculty, which are appropriate for use with the distance education methods used, and evaluated by duly qualified faculty. . . .”

14. Title 5 of the California Code of Regulations, section 71200 states:

1           “(a) The institution shall include in its Form Application 94886 copies of advertising and  
2 other statements disseminated to the public in any manner by the institution or its representatives  
3 that concern, describe, or represent each of the following:

4                   “(1) The institution.

5                   “(2) Each educational program offered by the institution.

6           “(b) If advertising is broadcast by television or radio, the Form Application 94886 shall also  
7 include a copy of the script.”

8           15. Title 5 of the California Code of Regulations, section 71220 states:

9           “For each educational program that the institution offers or proposes to offer, the Form  
10 Application 94886 shall contain a statement that the educational program meets the requirements  
11 of section 71710, as well as the following:

12                   “(a) A description of the educational program.

13                   . . . .

14                   “(e) A description of the learning, skills, and other competencies to be acquired by  
15 students who complete the educational program.

16                   . . . .

17           “Upon request, the institution shall provide to the Bureau copies of the curriculum or syllabi  
18 required pursuant to section 71710.”

19                                   **FIRST CAUSE FOR DENIAL OF APPLICATION**

20   **(Description of Education Program)**

21           16. Respondent’s application is subject to denial under California Education Code sections  
22 94837, 94885, subdivision (a)(1), and 94887, in conjunction with California Code of Regulations,  
23 title 5, sections 70000, subdivision (r), 71705, 71700, 71220, and 71710, subdivisions (a), (c), and  
24 (e), in that Respondent’s educational programs do not meet the minimum standards established for  
25 an educational program. The circumstances are as follows:

26                   a. On or around May 4, 2015, Respondent provided syllabi to the Bureau, which  
27 described programs that are 30% theory and 70% externship (“the Syllabi”). The Syllabi are  
28 deficient in several material respects:



1 a. Respondent's central focus of the resources and services does not appear to be  
2 instruction.

3 b. Respondent failed to provide documentation that the instruction offered leads to  
4 the achievement of the learning objectives of each program. The Performance Evaluation  
5 Templates are insufficient as described in paragraph 16, subparagraph a, which is hereby  
6 incorporated by reference as though fully set forth herein.

7 c. Respondent failed to demonstrate that the distance education portion of its  
8 programs are designed by faculty competent in distance education techniques.

9 d. Although a catalog states that the theory portion of the program will be  
10 delivered online, Respondent failed to provide any meaningful details on the Syllabi about the  
11 platform and how students are to gain access. The Syllabi also fails to provide instruction on how  
12 to submit assignments online, attendance policies to ensure interaction between faculty and  
13 students, expectations of online students, quizzes or tests to measure learning, and clear standards  
14 for academic progress throughout the program.

15 **THIRD CAUSE FOR DENIAL OF APPLICATION**

16 **(Failure to Operate in Compliance with the Law )**

17 18. Respondent's application is subject to denial under California Education Code sections  
18 94868, 94885, 94886, and 94887, in conjunction with California Code of Regulations, title 5,  
19 section 71200 and 71700 in that Respondent is operating and offering education programs in  
20 California without approval from the Bureau. On or around August 30, 2013, the Bureau denied a  
21 prior application from Respondent, Application for Approval to Operate an Institution Non  
22 Accredited, No. 22864. One of the causes for denial was that Respondent did not have an  
23 approval to operate in California but was nonetheless operating as an unapproved institution.  
24 Respondent initially appealed the denial but, on or around April 11, 2014, withdrew the appeal.  
25 Three days later, the Bureau received another application from Respondent, Application for  
26 Approval to operate an Institution Non Accredited, No. 27250. Respondent has continued to  
27 operate an offer educational programs since April 11, 2014, including by way of advertising,  
28 without approval from the Board.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Department of Consumer Affairs issue a decision:

1. Denying the application of Recording Radio Film and Culinary Connection, James Petulla, Owner, to operate a Non-Accredited Institution; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 7/8/16

  
\_\_\_\_\_  
JOANNE WENZEL  
Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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