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

12
13 _____
In the Matter of the Accusation Against:

Case No. 1006428

14 **TRAINING INSTITUTE FOR**
15 **ADDICTION COUNSELORS**
5230 Clark Avenue, Suite 14
16 Lakewood, CA 90712-2610

ACCUSATION

17 **Approval to Operate Institution Code**
18 **No. 1919431**

Respondent.

19 _____
20 **PARTIES**

21 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
22 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of
23 Consumer Affairs.

24 2. On or about December 1, 1989, the Bureau for Private Postsecondary Education
25 issued Approval to Operate Institution Code Number 1919431 to Training Institute for Addiction
26 Counselors (Respondent). Respondent was approved to offer non-degree programs in Alcohol
27 and Drug Counselor Training. The Approval to Operate was in full force and effect at all times
28 relevant to the charges brought herein and will expire on October 16, 2023, unless renewed.

JURISDICTION

1
2 3. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the
4 following laws. All section references are to the Education Code (Code) unless otherwise
5 indicated.

6 4. Business and Professions Code section 118, subdivision (b), provides that the
7 suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of
8 jurisdiction to proceed with a disciplinary action during the period within which the license may
9 be renewed, restored, reissued or reinstated.

10 5. Section 94875 states in pertinent part:

11 The bureau shall regulate private postsecondary educational institutions
12 through the powers granted, and duties imposed, by this chapter. In
13 exercising its powers, and performing its duties, the protection of the
14 public shall be the bureau's highest priority. If protection of the public is
inconsistent with other interests sought to be promoted, the protection of
the public shall be paramount.

15 6. Section 94877 provides in pertinent part:

16 (a) The bureau shall adopt and shall enforce regulations to implement
17 this chapter pursuant to the Administrative Procedure Act (Chapter 3.5
18 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of
the Government Code).

19 (b) The bureau shall develop and implement an enforcement program,
20 pursuant to Article 18 (commencing with Section 94932) to implement
this chapter. . . .

21
22 7. Section 94932 provides in pertinent part:

23 The bureau shall determine an institution's compliance with the
24 requirements of this chapter. The bureau shall have the power to require
reports that institutions shall file with the bureau in addition to the
25 annual report, to send staff to an institution's sites, and to require
documents and responses from an institution to monitor compliance.
26 When the bureau has reason to believe that an institution may be out of
compliance, it shall conduct an investigation of the institution. If the
27 bureau determines, after completing a compliance inspection
28 or investigation, that an institution has violated any applicable law or

1 regulation, the bureau shall take appropriate action pursuant to this
2 article.

3 8. Section 94933 provides in pertinent part:

4 The bureau shall provide an institution with the opportunity to remedy
5 noncompliance, impose fines, place the institution on probation, or
6 suspend or revoke the institution's approval to operate, in accordance
7 with this article, as it deems appropriate based on the severity of an
8 institution's violations of this chapter, and the harm caused to students.

9 **REGULATORY PROVISIONS**

10 9. California Code of Regulations, title 5, section 75050 states in pertinent part:

11 ...

12 (b) Failure of an applicant or institution issued an approval to operate to
13 abate the violation or to pay the fine within the time allowed is a ground
14 for denial or discipline of an approval to operate.

15 **COST RECOVERY**

16 10. Section 94937, subdivision (c), provides that the Bureau may seek reimbursement
17 costs of investigation and enforcement pursuant to Business and Professions Code section 125.3.

18 11. Business and Professions Code section 125.3 provides, in pertinent part, that the Board
19 may request the administrative law judge to direct a licensee found to have committed a violation
20 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
21 and enforcement of the case, with failure of the licensee to comply subjecting the license to not
22 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may
23 be included in a stipulated settlement.

24 **FACTUAL ALLEGATIONS**

25 **Citation Number 2021038**

26 12. On or about August 6, 2020, the Bureau issued Citation Number 2021038 to
27 Respondent for failing to submit Student Tuition Recovery Fund (STRF) Assessment Reporting
28 Forms and applicable assessments collected from students for the third quarter of 2019 and first
and second quarters of 2020, and failing to submit the 2019 Annual Fee and late payment penalty
fee.

1 13. Citation Number 2021038's Order of Abatement required Respondent to submit the
2 delinquent STRF Assessment Reporting Forms and assessments collected from students, pay the
3 2019 Annual Fee, and pay the late payment penalty fee. Citation Number 2021038 also issued to
4 Respondent an administrative fine of \$50.00. Respondent was required to comply with the Order
5 of Abatement and pay all fines and fees within 30 days from the date the citation was served.

6 14. On or about October 13, 2020, the Bureau received Respondent's payment of the
7 \$50.00 administrative fine and 2019 Annual Fee in the amount of \$2,500.00. However,
8 Respondent did not pay the late payment penalty fee of \$875.00 and did not submit the delinquent
9 STRF forms.

10 15. On or about October 15, 2020, the Bureau sent Respondent a letter requesting
11 compliance with the Order of Abatement.

12 16. On or about December 29, 2020, the Bureau sent Respondent a Demand for Order of
13 Abatement letter.

14 17. On or about January 25, 2021, the Bureau received the delinquent STRF forms.

15 18. On or about October 19, 2021, the Bureau sent Respondent an e-mail notifying them
16 again that the 2019 late payment penalty fee was still outstanding.

17 19. On or about March 11, 2021, the Bureau sent Respondent a Demand for Order of
18 Abatement letter.

19 20. On or about April 7, 2021, the Bureau sent Respondent a Demand for Order of
20 Abatement letter.

21 21. To date, Respondent has not paid the 2019 late payment penalty fee of \$875.00 and
22 has failed to comply with the Order of Abatement.

23 **Citation Number 2021118**

24 22. On or about October 15, 2020, the Bureau issued Citation Number 2021118 to
25 Respondent for failing to collect verification of high school completion (or its equivalent), failing
26 to maintain Student Performance Fact Sheets for 2016-2017 and 2017-2018, failing to provide
27 supporting documentation for the Annual Report as required, failing to properly execute an
28 enrollment agreement by not having Respondent's representative sign the enrollment agreements,

1 and failing to comply with the Bureau's Notice to Comply within 30 days. The Notice to Comply
2 identified to Respondent various additional violations, including Respondent's failure to conform
3 to institutional website requirements under the California Private Postsecondary Education Act of
4 2009.

5 23. Citation Number 2021118's Order of Abatement required Respondent to: submit a
6 written policy or procedure of how Respondent will maintain future compliance with collecting
7 proof of high school completion or equivalent; submit a written policy or procedure of how
8 Respondent will maintain future compliance with maintaining Student Performance Fact Sheets
9 and supporting documentation for the Annual Report; submit a written policy or procedure of
10 how Respondent will maintain future compliance with properly executing enrollment agreements
11 with a signature from a representative of the institution; and submit proof of compliance with the
12 violations noted in the Notice to Comply, including proof of compliance with institutional
13 website requirements. Citation Number 2021118 also issued to Respondent an administrative
14 fine of \$8,000.00. Respondent was required to comply with the Order of Abatement and pay all
15 fines and fees within 30 days from the date the citation was served.

16 24. In February 2021, Respondent submitted some of the documentation ordered in the
17 Order of Abatement. However, Respondent did not submit proof of compliance with respect to
18 the institutional website requirements.

19 25. On or about April 7, 2021, the Bureau sent Respondent a Demand for Order of
20 Abatement letter, which also demanded payment of the \$8,000.00 administrative fine.

21 26. On or about May 3, 2021, Respondent requested a payment plan for the \$8,000.00
22 administrative fine. On or about May 7, 2021, with the Bureau's approval, Respondent agreed to
23 make 10 monthly payments of \$800.00, starting on June 1, 2021.

24 27. Respondent failed to make any payments in June 2021 or July 2021.

25 28. On or about August 5, 2021, Respondent made a \$1,600.00 payment. On or
26 September 10, 2021, Respondent made a payment of \$800.00.

27 29. On October 8, 2021, the Bureau sent Respondent a Demand for Order of Abatement
28 letter, which also demanded payment of \$1,600.00 to account for the two payments that

1 Respondent had not made on the administrative fine. For the period of June 2021 through
2 October 2021, Respondent owed 5 monthly payments of \$800.00, or a total \$4,000.00, but had
3 only paid a total \$2,400.00 to date.

4 30. On October 18, 2021, Respondent made a payment of \$1,600.00.

5 31. The remaining balance on the \$8,000.00 administrative fine is \$4,000.00. To date,
6 Respondent has not paid this balance and has also failed to submit proof of compliance with the
7 institutional website requirements, thereby failing to comply with the Order of Abatement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Failure to Comply with Citation)

10 32. Respondent's Approval to Operate is subject to disciplinary action under California
11 Code of Regulation, title 5, section 75050(b) in that Respondent failed to comply with the Order
12 of Abatement in Citation Number 2021038 by failing to pay the late payment penalty fee.
13 Complainant refers to, and by this reference incorporates, the allegations set forth in above
14 paragraphs 12 through 21, as though set forth in full herein.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Citation)

17 33. Respondent's Approval to Operate is subject to disciplinary action under California
18 Code of Regulation, title 5, section 75050(b) in that Respondent failed to comply with the Order
19 of Abatement in Citation Number 2021118 by failing to pay the full citation administrative fine
20 and failing to submit proof of compliance with institutional website requirements. Complainant
21 refers to, and by this reference incorporates, the allegations set forth in above paragraphs 22
22 through 31, as though set forth in full herein.

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1 **DISCIPLINE CONSIDERATIONS**

2 34. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about August 6, 2020, in a prior action, the Bureau for Private
4 Postsecondary Education issued Citation Number 2021038. That Citation is final and further
5 described in above paragraphs 12 through 21.

6 35. To determine the degree of discipline, if any, to be imposed on Respondent,
7 Complainant alleges that on or about October 15, 2020, in a prior action, the Bureau for Private
8 Postsecondary Education issued Citation Number 2021118. That Citation is final and further
9 described in above paragraphs 22 through 31.

10 **PRAYER**

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

- 14 1. Revoking Approval to Operate Institution Code Number 1919431, issued to Training
15 Institute for Addiction Counselors;
- 16 2. Ordering Training Institute for Addiction Counselors to pay the Bureau for Private
17 Postsecondary Education the reasonable costs of the investigation and enforcement of this case,
18 pursuant to Business and Professions Code section 125.3;
- 19 3. Ordering Training Institute for Addiction Counselors to pay the Bureau for Private
20 Postsecondary Education the outstanding fines ordered in Citation Number 2021038 and Citation
21 Number 2021118, pursuant to California Code of Regulations, title 5, section 75050; and
- 22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: “4/22/2022”

25 “Original signature on file”
26 DEBORAH COCHRANE
27 Chief
28 Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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