

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

COLLEGE OF BOTANICAL HEALING ARTS

303 Potrero Street, #62

Mailing Address

P.O. Box 362

Santa Cruz, CA 95060

Case No. 1006499

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of Approval to Operate and Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on “August 9, 2021.”

It is so ORDERED “August 5, 2021.”

“Original signature on file”

RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 JULIANNE MOSSLER
Deputy Attorney General
4 State Bar No. 243749
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 879-1349
Facsimile: (510) 622-2270
7 E-mail: Julianne.Mossler@doj.ca.gov
Attorneys for Complainant

8
9 **BEFORE THE**
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. 1006499

14 **College of Botanical Healing Arts**
303 Potrero Street, #62
15 Santa Cruz, CA 95060

**STIPULATED SURRENDER OF
APPROVAL TO OPERATE AND
ORDER**

16 Mailing Address:
P.O. Box 362
17 Santa Cruz, CA 95060

18 Institution Code 4400871

19 Respondent.

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Deborah Cochrane (Complainant) is the Chief of the Bureau for Private
25 Postsecondary Education (Bureau). Leeza Rifredi was Acting Chief of the Bureau when
26 Accusation No. 1006499 was filed and served, and brought the Accusation in her official capacity
27 as Acting Chief of the Bureau. Complainant is represented in this matter by Rob Bonta, Attorney
28 General of the State of California, by Julianne Mossler, Deputy Attorney General.

1 2. College of Botanical Healing Arts (Respondent) represents itself in this proceeding
2 and has chosen not to exercise its right to be represented by counsel.

3 3. On or about January 8, 2001, the Bureau issued Approval to Operate Institution Code
4 Number 4400871 to Respondent. The Approval to Operate was in full force and effect at all
5 times relevant to the charges brought in this Accusation No. 1006499, and will expire on May 14,
6 2024, unless renewed.

JURISDICTION

7 4. Accusation No. 1006499 was filed before the Director of the Department of
8 Consumer Affairs (Director), and is currently pending against Respondent. The Accusation and
9 all other statutorily required documents were properly served on Respondent on April 9, 2021 and
10 April 13, 2021. Respondent timely filed its Notice of Defense contesting the Accusation. A copy
11 of Accusation No. 1006499 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 1006499. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of Approval to Operate and Order.
15

16 6. Respondent is fully aware of its legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 its own expense; the right to confront and cross-examine the witnesses against it; the right to
19 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.
23

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 1006499, agrees that cause exists for discipline and hereby surrenders its Approval to
28

1 Operate Institution Code Number 4400871 for the Bureau's formal acceptance.

2 9. Respondent understands that by signing this stipulation Entity enables the Director to
3 issue an order accepting the surrender of it Approval to Operate Institution Code Number
4 4400871 without further process.

5 **CONTINGENCY**

6 10. This stipulation shall be subject to approval by the Director or the Director's
7 designee. Respondent understands and agrees that counsel for Complainant and the staff of the
8 Bureau for Private Postsecondary Education may communicate directly with the Director and
9 staff regarding this stipulation and surrender, without notice to or participation by Respondent.
10 By signing the stipulation, Respondent understands and agrees that it may not withdraw its
11 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
12 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
13 Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
14 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
15 from further action by having considered this matter.

16 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Surrender of Approval to Operate and Order, including PDF and
18 facsimile signatures thereto, shall have the same force and effect as the originals.

19 12. This Stipulated Surrender of Approval to Operate and Order is intended by the parties
20 to be an integrated writing representing the complete, final, and exclusive embodiment of their
21 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
22 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
23 Approval to Operate and Order may not be altered, amended, modified, supplemented, or
24 otherwise changed except by a writing executed by an authorized representative of each of the
25 parties.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Director may, without further notice or formal proceeding, issue and enter the following
28 Order:

1 **ORDER**

2 IT IS HEREBY ORDERED that Approval to Operate Institution Code Number 4400871,
3 issued to Respondent College of Botanical Healing Arts, is surrendered and accepted by the
4 Bureau.

5 1. The surrender of Respondent’s Approval to Operate Institution Code Number
6 4400871 and the acceptance of the surrendered Approval to Operate by the Bureau shall
7 constitute the imposition of discipline against Respondent. This stipulation constitutes a record of
8 the discipline and shall become a part of Respondent’s Approval to Operate history with the
9 Bureau.

10 2. Respondent shall lose all rights and privileges as a Private Post-Secondary Institution
11 in California as of the effective date of the Director’s Decision and Order.

12 3. If Respondent ever files an application for an Approval to Operate in the State of
13 California, the Bureau shall treat it as a new application. Respondent must comply with all the
14 laws, regulations and procedures for approval in effect at the time the application is filed, and all
15 of the charges and allegations contained in Accusation No. 1006499 shall be deemed to be true,
16 correct and admitted by Respondent when the Director determines whether to grant or deny the
17 application.

18 4. Respondent shall pay the Bureau the costs of investigation and enforcement in this
19 matter in the amount of \$6,016.25 prior to issuance of any new Approval to Operate.

20 5. The acceptance of the Stipulated Surrender of Approval to Operate an Accredited
21 Institution shall not preclude the filing of any civil claims against Respondent related to the
22 allegations in Accusation No. 1006499.

23
24
25 **ACCEPTANCE**

26 I have carefully read the Stipulated Surrender of Approval to Operate and Order. I
27 understand the stipulation and the effect it will have on my Approval to Operate Institution Code
28 Number 4400871. I enter into this Stipulated Surrender of Approval to Operate and Order

1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
2 Director of the Department of Consumer Affairs.

3
4 DATED: "6/12/2021"

"Original signature on file."

COLLEGE OF BOTANICAL HEALING

ARTS

Respondent

7
8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully
10 submitted for consideration by the Director of the Department of Consumer Affairs.

11 DATED: "6/18/2021"

Respectfully submitted,

ROB BONTA

Attorney General of California

DIANN SOKOLOFF

Supervising Deputy Attorney General

"Original signature on file."

JULIANNE MOSSLER

Deputy Attorney General

Attorneys for Complainant

12
13
14
15
16
17
18
19 OK2021900019
20 91379266.docx