



**Bureau for Private Postsecondary Education**  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
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## **CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Haven University, Owner  
Haven University dba California Graduate School of Theology  
12761 Euclid Street  
Garden Grove, CA 92840

**INSTITUTION CODE: 1900831**

**CITATION NUMBER: 2021062**

**CITATION ISSUANCE/SERVICE DATE: August 28, 2020**

**DUE DATE: September 27, 2020**

**FINE AMOUNT: \$ 5,050.00**

**ORDER OF ABATEMENT INCLUDED: Yes**

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

### CITATION

A Citation is hereby issued to Haven University, Owner of Haven University dba California Graduate School of Theology (Institution) located at 12761 Euclid Street, Garden Grove, CA 92840, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

### BACKGROUND

On February 12, 2020, Bureau staff attempted to conduct an unannounced Compliance inspection at the Institution. Upon arrival, at approximately 11:30am, Bureau staff was unable to locate anyone at the Institution.

Bureau staff contacted the Institution Representative via telephone, and he informed Bureau staff that he no longer was employed by the Institution and that the Institution moved to another location but did not know the new address. Bureau staff left the school at 12:00pm and could not complete the unannounced Compliance inspection.

Additionally, all institutions are required to submit a Student Tuition Recovery Fund (STRF) Assessment Reporting Form to the Bureau no later than the last day of the month following the close of the quarter.

Pursuant to CEC section 94923(a) The Student Tuition Recovery Fund relieves or mitigates economic loss suffered by a student while enrolled in an institution not exempt from this article pursuant to Article 4 (commencing with section 94874), who, at the time of his or her enrollment, was a California resident or was enrolled in a California residency program, prepaid tuition, and suffered economic loss.

The Bureau sends notifications/reminders to all approved institutions 30 days prior to close of each quarter.

As of August 28, 2020, the Institution has not submitted the STRF Assessment Reporting Form for the 3<sup>rd</sup> quarter of 2019.

VIOLATION(S)

| #  | 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><b><u>Violation:</u></b><br/> <b>CEC Section 94932.5 – Announced and Unannounced Compliance Inspections</b><br/> <i>“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.”</i></p> <p><b>5, CCR Section 71500 (a)(b)(1-8)(c) - Application to Change Location.</b><br/> <i>(a) An institution seeking a change of location as defined in 94823.5 of the Code shall complete the “Change of Location” form (LOC rev. 2/10) to obtain prior authorization. The form shall be submitted at least 60 days prior to the proposed date of the change in location unless an unforeseen and unavoidable circumstance outside the control of the institution requires an earlier change; in which case it shall be submitted no later than 30 days following the change in location. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. It shall be signed by the signatory(ies) required by section 71380 and dated, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:<br/> <i>“I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.</i></i></p> <p>_____</p> <p><i>(Date)                      (Signature)</i></p> <p><i>(b) The application shall establish that the institution can meet the minimum operating standards contained in Chapter 3, and shall include:</i></p> <p><i>(1) The name, school code, current and proposed addresses, and telephone and fax numbers of the institution;</i></p> <p><i>(2) A description of the proposed physical facilities, including building diagrams or campus maps. The diagram or maps shall identify at a minimum, the locations of classrooms, laboratories, workshops and libraries;</i></p> <p><i>(3) A description of any equipment to be used at the proposed facilities that is different from the equipment used at the present facility;</i></p> <p><i>(4) The date on which the institution intends to offer instruction at the new location;</i></p> <p><i>(5) The distance between the approved location and the proposed new location;</i></p> <p><i>(6) The reason for the move;</i></p> <p><i>(7) A description of the actions taken to notify students, if any, pursuant to section 94898(d)(1) of the Code, and whether the institution has offered a full refund to students pursuant to section 94898(d)(3) of the Code; and</i></p> <p><i>(8) The name, address, email address, telephone and fax numbers for the institution's contact person for the purpose of this application.</i></p> <p><i>(c) The Bureau may deem the actions that the institution takes to notify students of the proposed change of location to be sufficient notice for purposes of section 94898(d)(2).</i></p> <p><b>CEC Section 94893 – Authorization Required for Substantive Change</b><br/> <i>“If an institution intends to make a substantive change to its approval to operate, the institution shall</i></p> |

receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior bureau authorization, the institution's approval to operate may be suspended or revoked."

**CEC Section 94894(e) – Substantive Change Defined**

"The following changes to an approval to operate are considered substantive changes and require prior authorization:

(e) A change of location."

The Institution was not located at the physical address of 12761 Euclid Street Garden Grove, CA 92840 that the Bureau had on record. Therefore, Bureau staff was not able to perform an unannounced Compliance inspection.

The Institution failed to submit an Application for Change of Location to the Bureau regarding the substantive change of the Institution's location.

**Order of Abatement:**

The Bureau orders the Institution to submit an Application for Change of Location with the appropriate application fee to the Bureau's Licensing Unit.

**Assessment of Fine**

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

2.

**Violation:**

**5, CCR Section 76130 (a-e)- Collection and Submission of Assessments**

"(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.

(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:

(1) April 30 for the first quarter,

(2) July 31 for the second quarter,

(3) October 31 for the third quarter, and

(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

(c) The STRF Assessment Reporting Form shall contain the following information:

(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and

(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and

(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and

(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and

(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting

period; and

(6) Current contact telephone number of the person preparing the form; and

(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.

(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Form for the following quarter:

- Third Quarter of 2019

On September 18, 2019, the Institution was notified via mail at 12761 Euclid Street, Garden Grove, CA 92840, that the STRF Assessment Reporting Form for the 3rd quarter of 2019 was due. As of August 28, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

**Order of Abatement:**

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Form with the STRF Assessments collected from students for the quarter listed above. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

**Assessment of Fine**

The fine for this violation is \$50.00

**TOTAL ADMINISTRATIVE FINE DUE: \$5,050.00**

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$5,050.00** for the violations described above.

**Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the ‘Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing’ form (enclosed) within 30 days from the date

of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **September 27, 2020**, you will be deemed to have waived or forfeited your right to appeal this matter.

**EFFECTIVE DATE OF CITATION**

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **August 28, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 27, 2020**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

**Payment of the administrative fine and/or written request for appeal must be mailed to:**

Cheryl Lardizabal, Discipline Citation Program  
Bureau for Private Postsecondary Education  
1747 N. Market Blvd., Suite 225  
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or [Cheryl.Lardizabal@dca.ca.gov](mailto:Cheryl.Lardizabal@dca.ca.gov).

“Original signature on file”

“8/28/2020”

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail