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

In the Matter of the Accusation Against:

**FOUNDRY COLLEGE**  
100 Bush Street, Suite 1812aa  
San Francisco, CA 94104

**Institution Code No. 47807355**

Respondent.

Case No. BPPE24-0017

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1.aa On or about June 12, 2024, Complainant Deborah Cochrane, in her official capacityaa as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs. filed Accusation No. BPPE24-0017 against Foundry College (Respondent), owned by Foundry College, Inc.. before the Director of the Department of Consumer Affairs. (A copy of the Accusation is attached as Exhibit A.)

2.aa On or about March 21, 2021, the Bureau for Private Postsecondary Educationaa (Bureau) issued Institution Code No. 47807355 to Respondent. The Institution Code was in full force and effect at all times relevant to the charges brought in Accusation No. BPPE24-0017 and will expire on March 22, 2021, unless renewed.

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1 3.ee On or about June 13, 2024, Respondent was served by Certified and First Class Mailee  
2 copies of the Accusation No. BPPE24-0017, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, are required to be reported and maintained  
5 with the Bureau. Respondent's address of record was and is: 100 Bush Street, Suite 1812, San  
6 Francisco, CA 94104.

7 4.ee Service of the Accusation was effective as a matter of law under the provisions of ee  
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9 5.ee Government Code section 11506(c) states, in pertinent part: ee

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent ee  
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
14 discretion may nevertheless grant a hearing.

15 6.ee The Bureau takes official notice of its records and the fact that Respondent failed to ee  
16 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore  
17 waived their right to a hearing on the merits of Accusation No. BPPE24-0017.

18 7.ee California Government Code section 11520(a) states, in pertinent part: ee

19 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
20 the hearing, the agency may take action based upon the respondent's express  
21 admissions or upon other evidence and affidavits may be used as evidence without  
22 any notice to respondent . . . .

23 8.ee Pursuant to its authority under Government Code section 11520, the Director find ee  
24 Respondent is in default. The Director will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 finds that the charges and allegations in Accusation No. BPPE24-0017, are separately and  
27 severally, found to be true and correct by clear and convincing evidence.

28 9.ee The Director finds that the actual costs for Investigation and Enforcement are ee  
\$5,085.00 as of July 9, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Foundry College owned by  
3 Foundry College, Inc. has subjected its Institution Code No. 47807355 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Director of the Department of Consumer Affairs is authorized to revoke  
6 Respondent's Approval to Operate based upon the following violations alleged in the Accusation  
7 which are supported by the evidence contained in the Default Decision Investigatory Evidence  
8 Packet in this case.

9 a. Respondent is subject to disciplinary action under Educ. Code § 94937, subd. (b) and  
10 Cal. Code Regs., title 5, § 75050, subd. (b), in that it failed to timely abate a cited violation or pay  
11 the fine set forth in a citation.

12 **ORDER**

13 IT IS SO ORDERED Approval to Operate, Institution Code No. 47807355, issued to  
14 Respondent Foundry College, owned by Foundry College, Inc., is revoked.

15 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
16 written motion requesting that the Decision be vacated and stating the grounds relied on within  
17 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
18 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

19 This Decision shall become effective on October 16, 2024.

20 It is so ORDERED September 12, 2024

21  
22 "Original Signature on File"  
23 \_\_\_\_\_  
24 RYAN MARCROFT  
25 DEPUTY DIRECTOR  
26 LEGAL AFFAIRS DIVISION  
27 DEPARTMENT OF CONSUMER AFFAIRS

26 default decision\_LIC.docx  
27 DOJ Matter ID:SF2024400928

28 Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(FOUNDRY COLLEGE, INC. DBA FOUNDRY COLLEGE)

1 ROB BONTA  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 CARTER OTT  
Deputy Attorney General  
4 State Bar No. 221660  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3485  
6 Facsimile: (415) 703-5480  
E-mail: Carter.Ott@doj.ca.gov  
7 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against: Case No. BPPE24-0017  
14 **FOUNDRY COLLEGE**  
100 Bush Street, Suite 1812  
15 San Francisco, CA 94104 **ACCUSATION**  
16 **Institution Code No. 47807355**  
17 Respondent.

18  
19 **PARTIES**

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

23 2.ee On or about March 22, 2021, the Bureau for Private Postsecondary Education issued  
24 Institution Code Number 47807355 to Foundry College (Respondent), owned by Foundry  
25 College, Inc. The Institution Code was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on March 22, 2026, unless renewed.

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**JURISDICTION**

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

4. Section 94875 states, in part:oo

“ . . . The bureau shall regulate private postsecondary educational institutions through the powers granted, and duties imposed, by this chapter. . . .”

5. Section 94876 states, in part:oo

“(a) The powers and duties set forth in this chapter are vested in the Director of Consumer Affairs, who may delegate them to a bureau chief, subject to the provisions of this section. The bureau chief shall work in collaboration with the director. The director is responsible for the implementation of this chapter and he or she shall ensure that the protection of the public is the bureau's highest priority.

...

“(c) Each power granted to, or duty imposed upon, the bureau under this chapter shall be exercised and performed in the name of the bureau, subject to any conditions and limitations the director may prescribe. The bureau chief may delegate any powers or duties to a designee.

....”

6. Section 94885, subdivision (a)(9) states:oo

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

...

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

7.oo Section 94932 states:oo

“The bureau shall determine an institution's compliance with the requirements of this chapter. The bureau shall have the power to require reports that institutions shall file with the

1 bureau in addition to the annual report, to send staff to an institution's sites, and to require  
2 documents and responses from an institution to monitor compliance. When the bureau has reason  
3 to believe that an institution may be out of compliance, it shall conduct an investigation of the  
4 institution. If the bureau determines, after completing a compliance inspection or investigation,  
5 that an institution has violated any applicable law or regulation, the bureau shall take appropriate  
6 action pursuant to this article.”

7 **STATUTORY AND REGULATORY PROVISIONS**

8 8.ee Section 94937, subdivision (b):ee

9 “(b) The bureau shall adopt regulations, within one year of the enactment of this chapter,  
10 governing probation and suspension of an approval to operate.”

11 9.ee California Code of Regulations, title 5, subdivision (b):ee

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

15 **COST RECOVERY**

16 10.ee Section 94937, subdivision (a) states that the “[B]ureau may seek reimbursement  
17 pursuant to Section 125.3 of the Business and Professions Code.”

18 11.ee Business and Professions Code section 125.3 provides, in part, that the Bureau may  
19 request the administrative law judge to direct a licentiate found to have committed a violation or  
20 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 licentiate to comply subjecting the license to not  
22 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
23 may be included in a stipulated settlement.

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1 **FACTUAL BACKGROUND**

2 **Citation Number 2223051**

3 12.aa On or about March 1, 2023, the Bureau issued to Respondent Citation Numberaa  
4 2223051, which included an administrative fine and order of abatement. Respondent did not  
5 appeal the citation, and the citation is now final and incorporated by reference herein.

6 13.aa Respondent failed to timely comply with the citation, including payment of theaa  
7 administrative fine and order of abatement.

8 **Citation Number 2324041**

9 14.aa On or about August 18, 2023, the Bureau issued to Respondent Citation Numberaa  
10 2324041, which included an administrative fine and order of abatement. Respondent did not  
11 appeal the citation, and the citation is now final and incorporated by reference herein.

12 15.aa Respondent failed to timely comply with the citation, including payment of theaa  
13 administrative fine and order of abatement.

14 **CAUSE FOR DISCIPLINE**

15 (Failure to Comply with Citation)

16 16.aa Respondent subjected its Approval to Operate Institution Code Number 47807355 toaa  
17 discipline for failing to timely abate a cited violation or pay the fine set forth in a citation. (Educ.  
18 Code § 94937, subd. (b) and Cal. Code Regs., title 5, § 75050, subd. (b).) The circumstances are  
19 set forth in paragraphs 12 through 15, above.

20 **PRAYER**

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

24 1.aa Revoking or suspending Approval to Operate Institution Code Number 47807355,aa  
25 issued to Respondent Foundry College, owned by Foundry College, Inc.;

26 2.aa Ordering Respondent Foundry College, owned by Foundry College, Inc., to pay theaa  
27 Bureau for Private Postsecondary Education for the reasonable costs of the investigation

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and enforcement of this case, pursuant to Section 94937, subdivision (c) and Business and Professions Code Section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 6/12/2024

"Original Signature on File"  
DEBORAH COCHRANE  
Chief  
Bureau for Private Postsecondary  
Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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