



**Bureau for Private Postsecondary Education**  
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
P.O. Box 980818, West Sacramento, CA 95798-0818  
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**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Kimm Salerno  
Complete Appraisal School  
8560 Vineyard Ave, Suite 212  
Rancho Cucamonga, CA 91730

**INSTITUTION CODE: 69608305**  
**CITATION NUMBER: 1314008**  
**CITATION ISSUANCE/SERVICE DATE: 5/5/2014**  
**DUE DATE: 6/4/2014**  
**FINE AMOUNT: \$25,552.00**  
**ORDER OF ABATEMENT INCLUDED: YES**

Yvette Johnson issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Kimm Salerno, Owner of Complete Appraisal School located at 8560 Vineyard Ave, Suite 212, Rancho Cucamonga, CA 91730 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violations described below.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><b>Violation:</b> 94902 (c)– General Enrollment Requirements <i>“(c) A student shall receive a copy of the signed enrollment agreement, in writing or electronically, regardless of whether total charges are paid by the student.”</i></p> <p>The complainant, L.C., states he signed documents during the enrollment process but never received a copy. Requests have been made to Kimm Salerno to furnish the documents. To date, no documents have been received.</p> <p><b>Order of Abatement:</b> The Bureau orders that the institution provide the requested student records for L.C.</p>

	<p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$2501.00</u></p>
2.	<p><b><u>Violation:</u></b> 94926 (a)(b)(d)– Procedures Prior to Closing, Teach-Outs  <i>“At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following:  (a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.  (b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.  (d) A plan for the disposition of student records.”</i></p> <p><b>The school failed to properly notify the Bureau of its closing.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the institution provide a close out notice with an original signature.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$2,550.00</u></p>
3.	<p><b><u>Violation:</u></b> 94927.5 (a)(1) – Provision of Records to Bureau Prior to Closing  <i>“(a) Prior to closing, an institution shall provide the bureau with the following:  (1) Pertinent student records, including transcripts, as determined by the bureau, pursuant to regulations adopted by the bureau.”</i></p> <p><b>The school failed to notify the Bureau of its closing and did not provide the Bureau with student records. The owner claims the records are in storage but has failed to provide copies of any requested documents.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the institution provide the requested student records for L.C.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$5,000.00</u></p>
4.	<p><b><u>Violation:</u></b> 71920 (a), (b)(1)(A), (3),(4), (5)(A), (8)(9)(10) - Student Records  <i>“(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.  (b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:  (1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:</i></p>

- (A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;
- (3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;
- (4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and
- (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:
  - (A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;
  - (8) A copy of documents relating to student financial aid that are required to be maintained by law or by a loan guarantee agency;
  - (9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;
  - 10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;"

The student file including documentation of coursework completed, enrollment agreement, and financial records have been requested. Requests have been made to Kimm Salerno to furnish the documents. To date, no documents have been received.

**Order of Abatement:**

The Bureau orders that the institution provides the student records for L.C. as well as provide proof of how the institution has maintained student records in accordance with CCR 71920.

**Assessment of Fine**

The fine for this violation is \$501.00

5. **Violation:**

71930 (e) – Maintenance of Records

*"(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations."*

The Bureau requested copies of L.C.'s student file including copies of payment receipts and refund. Requests have been made to Kimm Salerno to furnish the documents. To date, no documents have been received.

**Order of Abatement:**

The Bureau orders that the institution provide the requested student records for L.C.

**Assessment of Fine**

The fine for this violation is \$5,000.00

6. **Violation:**

71930 (f)– Maintenance of Records

*"(f) If an institution closes, the institution and its owners are jointly and severally responsible to arrange at their expense for the storage and safekeeping in California of all records required to be maintained by the Act and this chapter for as long as those records must be maintained. The repository*

*of the records shall make these records immediately available for inspection and copying, without charge except as allowed under subdivision (c)(4) of this section, during normal business hours by any entity authorized by law to inspect and copy records."*

**The Bureau requested copies of L.C.'s student file including copies of payment receipts and refund. Requests have been made to Kimm Salerno to furnish the documents. To date, no documents have been received.**

**Order of Abatement:**

The Bureau orders that the institution provide the requested student records for L.C. as well as provide proof that the institution is maintaining student records in accordance with CCR 71930 (f).

**Assessment of Fine**

The fine for this violation is \$5000.00

7. **Violation:**

71750 (a), (b), (c)(1)(e)(f) – Withdrawals and Refunds

*"(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.*

*(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)((8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.*

*(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:*

*(1) The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.*

*(e) An institution shall refund any credit balance on the student's account within 45 days after the date of the student's completion of, or withdrawal from, the educational program in which the student was enrolled. For purposes of this subdivision and section 94919(d) of the Code, "day" means calendar day.*

*(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year."*

**To date, Kimm Salerno has failed to provide a refund to L.C.**

**Order of Abatement:**

1. The Bureau orders that the school refunds the complainant, L.C., a refund in the amount of \$690.00. This amount was assessed based on his out of pocket expenses. The total amount of the program less any non-refundable fees equaled \$8690.00. \$8,000.00 was paid directly to the school by adjuster JD Lanier. Therefore, out of pocket expenses owed to L.C. total \$690.00.

**Assessment of Fine**

The fine for this violation is <u>\$5,000.00</u>
<b>TOTAL ADMINISTRATIVE FINE DUE: \$25,552.00</b>

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 **\$25,552.00** for the violations described above.

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

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.**

BACKGROUND

On June 4, 2012 the Bureau received a complaint against Complete Appraisal School. Beginning February 28, 2013, several attempts were made to contact school owner, Kimm Salerno. During the course of the Bureau's investigation, the above mentioned violations were identified.

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 **June 4, 2014**, 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 **May 5, 2014**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 4, 2014**. 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:**

Renee Campos, Discipline Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

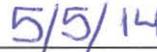
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Renee Campos, Enforcement Analyst, at (916) 431-6940 or Renee.Campos@dca.ca.gov.

  
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**Yvette Johnson**  
Enforcement Chief

  
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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 - Wavier of Appeal
- Declaration of Service by Certified and First Class Mail