



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Ryokan College, Owner
Ryokan College
11965 Venice Blvd., Suite 304
Los Angeles, CA 90066

INSTITUTION CODE: 1901131
CITATION NUMBER: 1920064
CITATION ISSUANCE/SERVICE DATE: August 30, 2019
DUE DATE: September 29, 2019

FINE AMOUNT: \$10,000.00

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 Ryokan College, Owner of Ryokan College (Institution) located at 11965 Venice Blvd., Suite 304, Los Angeles, CA 90066, 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

In accordance with CEC Section 94926 and 5, CCR Section 76240(a), an institution shall notify the Bureau in writing of its intention to close, at least 30 days prior to closing.

On November 27, 2018 the Bureau received an incomplete, unsigned, closed school notice from the Institution, identifying a school closure date of December 1, 2018. The Institution failed to provide the Bureau with the required 30-day advance notice of school closure.

Additionally, the Institution failed to provide the Bureau with a plan for the disposition of student records. To date, the Institution has not complied with this requirement. The Bureau has received multiple complaints from students indicating that they have requested transcripts from the school, and the Institution is denying the requests.

VIOLATION

#	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>Violation: CEC Section 94926(a)(b)(c)(d) – Procedures Prior to Closing, Teach-Out Plans <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:</i> <i>(a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.</i> <i>(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.</i> <i>(c) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning these programs and institutional closures.</i> <i>(d) A plan for the disposition of student records.”</i></p> <p>5, CCR Section 76240(a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2) – Required Notices and Teach-Out Plan <i>“All institutions, including those exempts from Bureau regulation pursuant to the Code, shall do the following prior to closing:</i> <i>(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:</i> <i>(1) The exact date and reason for the closure.</i> <i>(2) The last date of instruction for each educational service or program.</i> <i>(3) A list of students who were enrolled at any time during the 60 days prior to closure.</i> <i>(4) If any student will not be provided complete educational services or the educational program, the institution shall provide:</i> <i>(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.</i> <i>(B) If no teach-out 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.</i> <i>(5) A plan for the disposition of student records.</i> <i>(6) A plan to notify students of their rights and options under the Act and this chapter.</i> <i>(b) The institution shall notify the students of the following:</i> <i>(1) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning those programs and institutional closures.</i> <i>(2) If any student will not be provided complete educational services or the educational program, information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses.”</i></p> <p>The Institution failed to provide the required 30-day advance notice of school closure.</p> <p>Additionally, after multiple attempts made by the Bureau, the Institution failed to provide a plan for the disposition of student records. To date, the Institution has still not complied with this requirement.</p>

Order of Abatement:

The Bureau orders the Institution to provide a plan for the disposition of student records to the Bureau within 30 days, via email to BPPE.Compliance@dca.ca.gov.

Assessment of Fine

The fine for this violation is \$5,000.00

2. **Violation:**

CEC Section 94926(d) – Procedures Prior to Closing, Teach-Out Plans

“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:

(d) A plan for the disposition of student records.”

5, CCR Section 76240(a)(5) – Required Notices and Teach-Out Plan.

“All institutions, including those exempts from Bureau regulation pursuant to the Code, shall do the following prior to closing:

(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:

(5) A plan for the disposition of student records.”

CEC Section 94885(a)(8) – Minimum Operating Standards

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

(8) Adequate records and standard transcripts are maintained and are available to students.”

5, CCR Section 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 Institution has failed to provide the following students with a copy of their transcripts:

- E.M.
- J.H.
- A.T.
- A.F.
- C.P.
- R.V.
- J.T.
- F.R.

Order of Abatement:

The Bureau orders the Institution to provide the aforementioned students a copy of their transcripts. In addition, the Institution shall provide proof of delivery to the Bureau within 30 days.

The Institution shall also submit to the Bureau a policy for how they will maintain compliance with 71930(f).

Assessment of Fine

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

TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00

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 **\$10,000.00** 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 29, 2019**, 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 30, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 29, 2019**. 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:

Ray Delaney, 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

Should you have any questions regarding this Citation, or desire further information, please contact Ray Delaney, Citation Analyst, at (916) 431-6946 or Ray.Delaney@dca.ca.gov.



Christina Villanueva
Discipline Manager



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