



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

February 27, 2020

The College of the Botanical Healing Arts, Owner
College of Botanical Healing Arts
4170 Gross Road Ext. Suite 5
Capitola, CA 95010

Date of Issuance	Citation Number	Institution Code
February 27, 2020	1920127	4400871

On January 15, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920127 (Citation) against The College of the Botanical Healing Arts, Owner of College of Botanical Healing Arts (Institution). In attendance were Beth Scott, Enforcement Chief and Elizabeth Jones, Owner.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920127.

It is the decision of the Enforcement Chief that on February 24, 2020, Citation No. 1920127 is modified and makes the following change(s):

VIOLATION CODE SECTION

#	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><u>Violation:</u></p> <p>5, CCR Section 76130 (a-e)– Collection and Submission of Assessments</p> <p><i>“(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.</i></p> <p><i>(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:</i></p> <p><i>(1) April 30 for the first quarter,</i></p> <p><i>(2) July 31 for the second quarter,</i></p> <p><i>(3) October 31 for the third quarter, and</i></p> <p><i>(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal</i></p>

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 a STRF Assessment Reporting Form for the following quarter:

- Second Quarter of 2019.

On June 24, 2019, the Institution was mailed a notice at 4170 Gross Road, Ext. Suite 5, Capitola, CA 95010 stating that the STRF Assessment Reporting Form for the 2nd quarter of 2019 was due. As of August 28, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

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

- Second Quarter of 2019.

On June 24, 2019, the Institution was mailed a notice at 4170 Gross Road, Ext. Suite 5, Capitola, CA 95010 stating that the STRF Assessment Reporting Form for the 2nd quarter of 2019 was due. As of August 28, 2019, 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 for the quarter listed above. The Institution shall also submit the student information to substantiate the data reported on the STRF Assessment Reporting Form. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

Order of Abatement has not been satisfied.

	<p><u>Assessment of Fine</u> The fine for this violation is \$50.00</p> <p>The administrative fine for this violation has been modified from \$50.00 to <u>\$00.00</u>.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the informal conference.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$00.00</u></p>	

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND

This modified Citation is effective on February 27, 2020. The Order of Abatement is due by **March 28, 2020**.

Failure to abate the violation within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-5969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“2/27/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Declaration of Service by Certified and First-Class Mail