



MODIFIED CITATION ORDER

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| Citation Issued To: The Culinary Institute of America 2555 Main St. St Helena, CA 94574 Institution Code: 2800341 | Citation Number: 2324187 |
| | Total Fine Amount: \$6,502.00 |
| | Order of Abatement Included: Yes |

Elizabeth Elias issues this modified citation in her official capacity as Deputy Bureau Chief of Enforcement at the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

- On or about January 1, 2019, the Bureau granted an Accredited Institution Approval to Operate a Private Postsecondary Institution to The Culinary Institute of America (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about December 26, 2026, unless renewed.

DISCIPLINE HISTORY

- The Institution has no prior discipline history.

CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CITATION HISTORY

- On or about April 23, 2024 the Bureau issued Citation No. 2324187. On or about May 9, 2024, the Bureau received an appeal with a request for an informal conference. The informal conference was held on June 7, 2024.

New substantive facts were presented during the informal conference; therefore, the Bureau modifies the citation as follows:

**CAUSE FOR CITATION &
MODIFIED ASSESMENT OF FINE AND/OR ORDER OF ABATEMENT**

5. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

5 CCR section 76140 (a)(3-5, 7&9),(b) – Record-Keeping Requirements and 5 CCR section 71930 (e) – Maintenance Records

Cause for Citation: On or about November 30, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff requested supporting documentation in electronic format in effort to substantiate the 2022 2nd and 3rd quarter Student Tuition Recovery Funds (STRF) Assessment Reporting Forms. Bureau staff also provided the Associate Registrar with a printout of requirements per 5 CRR Section 76140. The Associate Registrar provided Bureau staff with the documentation and Bureau staff noted that the documentation was missing several of the required data points; specifically, the following data points as identified in 5 CCR section 76140 (a)(3-5, 7&9)(b).

Bureau staff asked the Associate Registrar if he could gather the required information into an orderly manner before the conclusion of the inspection. The Institution was not able to make the necessary corrections prior to the conclusion of the onsite inspection.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class B” violation. The Institution is issued a fine of \$2,500.00.

Administrative Fine: Affirmed.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by providing an electronic copy of the template used by the Institution to document student information for the STRF supporting documentation, for the Bureau to verify the Institution is collecting the required data points pursuant to 5 CCR section 76140.

In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the substantiating data for STRF is maintained in an electronic format and readily available to a Bureau representative upon request per 5 CCR 76140. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: Affirmed.

Violation #2:

5 CCR section 74112 (m)(2-4, 6, 8-9) – Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (e) – Maintenance Records

Cause for Citation: On or about November 30, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff requested the Institution provide an electronic copy of documentation which supports the data reported on the 2019/2020 SPFS. Bureau staff received the requested information via email in two spreadsheets, one which included completion data and the other which included job placement and wage data.

After the inspection, Bureau staff analyzed the data provided and noted the supporting data failed to contain all elements required by 5, CCR §74112(m); in particular, sections 74112 (m) 2-4, 6, 8-9).

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class A” violation. The Institution is issued a fine of \$2,501.00.

Administrative Fine: Affirmed.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by providing an electronic copy of the template used by the Institution to document supporting data for SPFS, for the Bureau to verify the Institution is collecting the required data points pursuant to 5 CCR section 74112.

In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the supporting data for SPFS is maintained and immediately available during an inspection. The statement of

attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: Affirmed.

Violation #3:

CEC Section 94902 (b)(3) – General Enrollment Requirements in conjunction with CEC section 94912 – Signature, Initials Required

Cause for Citation: On or about November 30, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5(a). Bureau staff reviewed files for current students and determined that the files contained executed enrollment agreements signed and dated by students several days or weeks before the signed and dated Student Performance Fact Sheets (SPFS).

During the inspection Bureau staff informed, the Associate Registrar, that pursuant to CEC 94902 (b)(3) and 94912, students shall sign the SPFS prior to the execution of the enrollment agreement.

The institution failed to properly execute an enrollment agreement by failing to have students sign and date the SPFS prior to execution of the enrollment agreement.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class B" violation. The Institution is issued a fine of \$1,001.00.

Administrative Fine: Affirmed.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC sections 94902 and 94912. The Institution must submit a statement of attestation that they have corrected the violation and will ensure that all student records contain signed and dated Student Performance Fact Sheets (SPFS) prior to the execution of the enrollment agreement. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: Affirmed.

Violation #4:

CEC section 94935 (b) – Notice to Comply in conjunction with 5 CCR 75010 (h)

Cause for Citation: On or about November 30, 2022, Bureau staff issued a Notice to Comply (NTC) for violations of CEC section 94909 (a)(3)(C) and 94909 (a)(9) Minimum Requirements for School Catalog.

The Institution failed remedy the noncompliance as noted in the Notice to Comply by the due date of December 30, 2022.

Modification: During the informal conference the Institution provided documentation as evidence they complied with the NTC. The documentation confirmed the Institution timely corrected CEC section 94909 (a)(9). However, the Institution failed to remedy noncompliance of CEC section 94909 (a)(3)(c).

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class B” violation. The Institution is issued a fine of \$2,500.00.

Administrative Fine: Modified. The Bureau modifies the administrative fine from \$2,500.00 to \$500.00. The violation is modified from a “Class B” to a “Class D” violation.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violations identified in the Notice to Comply and submit proof of compliance pursuant to CEC section 94935.

Order of Abatement: Modified. The Institution shall remedy noncompliance of CEC section 94909 (a)(3)(c). The Institution shall provide evidence to demonstrate the correction has been made.

COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau issues the order(s) of abatement described above. Evidence of compliance with the order of abatement

must be submitted to the Bureau within 30 days from the date of issuance of this modified citation. Evidence of compliance with the order of abatement may sent by mail or email to:

- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Tessa Barron
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
- Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in the total amount of \$6,502.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of service of this modified citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Tessa Barron
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

8. Pursuant to 5 CCR section 75040(d), the modified decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a hearing.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

9. Pursuant to 5 CCR section 75050, payment of the fine and/or compliance with any order of abatement does not constitute an admission of the

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Institution: The Culinary Institute of America
Institution Code: 2800341

violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Tessa Barron, Citation Analyst by email at Tessa.Barron@dca.ca.gov or by phone at (916) 574-7791.

“Original Signature on File”

6/20/2024

Elizabeth Elias
Deputy Bureau Chief of Enforcement

Citation Date of Issuance

Enclosures:

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail