



MODIFIED CITATION ORDER

Citation Issued To: Calusa Institute 1240 S. State College Blvd, Suite 101 Anaheim, CA 92806 Institution Code: 42058928	Citation Number: 24250146
	Total Fine Amount: \$5,502.00
	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 February 14, 2019, the Bureau issued an Approval to Operate a Private Postsecondary Institution, Institution Code 42058928, to Calusa Institute hereinafter referred to as the "Institution". This Approval to Operate expired on or about February 14, 2024. An application for renewal of the Institution's Approval to Operate a Private Postsecondary Institution was received on February 15, 2024, and is under review.

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 November 21, 2024, the Bureau issued Citation No. 24250146. On or about December 2, 2024, the Bureau received an appeal with a request for an informal conference. The informal conference was held on

December 11, 2024. New substantive facts were presented during the informal conference; therefore, the Bureau modifies the citation as follows:

**CAUSE FOR CITATION &
MODIFIED ASSESSMENT 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 74112 (m) (8-9) Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (e) – Maintenance of Records

Cause for Citation: On or about June 25, 2024, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff requested documentation supporting data reported on the Institutions 2021/2022 School Performance Fact Sheet (SPFS). Upon review of the SPFS, Bureau staff found that the Institution's documentation for 2021/2022 failed to include all the required data points; specifically, the following data points as identified in 5 CCR section 74112 (m)(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 #2:

5 CCR section 71775 (b) – Pre-Enrollment Disclosure; Notice to Prospective Degree Program Students

Cause for Citation: On or about June 25, 2024, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff inspected a random sampling of nine student records for current, graduated, and withdrawn students and found that all nine files reviewed failed to contain the required “Notice to Prospective Degree Program Students” disclosure pursuant to 5 CCR section 71775.

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 \$5,000.00.

Administrative Fine: Modified. The Bureau modifies the administrative fine from \$5,000.00 to \$2,501.00. The violation remains a Class “A” violation.

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

The Bureau must submit a statement of attestation they have corrected the violation by ensuring all student files contain the required “Notice to Prospective Degree Program Students” disclosure pursuant to 5 CCR section 71775. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Order of Abatement: Affirmed.

Violation #3:

CEC section 94935 (b) and (h) – Notice to Comply in conjunction with 5 CCR 75010 (h) - Notice to Comply; Informal Appeal Process

Cause for Citation: On or about June 25, 2024, Bureau staff issued a Notice to Comply (NTC) for the following violations:

- 5 CCR section 71775 (c)(2) Pre-Enrollment Disclosure; Notice to Prospective Degree Program Students
- CEC section 94913 Institutional Web Site Requirements.

The Institution failed remedy the noncompliance as noted in the Notice to Comply within 30 days.

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" violation 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 and 5 CCR section 75010.

Order of Abatement: Affirmed.

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 – Nicole Pedersen
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 \$5,502.00 for the violations described above. Payment

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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 – Nicole Pedersen
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 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.

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BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Nicole Pedersen, Citation Analyst by email at Nicole.Pedersen@dca.ca.gov or by phone at (916) 232-0510.

"Original Signature on File"

1/10/2025

Elizabeth Elias
Deputy Bureau Chief of Enforcement

Citation Date of Issuance

Enclosures:

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