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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. BPPE24-0017

14 **FOUNDRY COLLEGE**
100 Bush Street, Suite 1812
15 San Francisco, CA 94104

ACCUSATION

16 **Institution Code No. 47807355**

17 Respondent.

18
19 **PARTIES**

20 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
21 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
22 Consumer Affairs.

23 2. On or about March 22, 2021, the Bureau for Private Postsecondary Education issued
24 Institution Code Number 47807355 to Foundry College (Respondent), owned by Foundry
25 College, Inc. The Institution Code was in full force and effect at all times relevant to the charges
26 brought herein and will expire on March 22, 2026, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) for the Bureau for Private Postsecondary Education (Bureau), under the
4 authority of the following laws. All section references are to the Education Code unless
5 otherwise indicated.

6 4. Section 94875 states, in part:

7 “ The bureau shall regulate private postsecondary educational institutions through the
8 powers granted, and duties imposed, by this chapter. . . .”

9 5. Section 94876 states, in part:

10 “(a) The powers and duties set forth in this chapter are vested in the Director of Consumer
11 Affairs, who may delegate them to a bureau chief, subject to the provisions of this section. The
12 bureau chief shall work in collaboration with the director. The director is responsible for the
13 implementation of this chapter and he or she shall ensure that the protection of the public is the
14 bureau's highest priority.

15 . . .

16 “(c) Each power granted to, or duty imposed upon, the bureau under this chapter shall be
17 exercised and performed in the name of the bureau, subject to any conditions and limitations the
18 director may prescribe. The bureau chief may delegate any powers or duties to a designee.

19 ”

20 6. Section 94885, subdivision (a)(9) states:

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

23 . . .

24 “(9) The institution is maintained and operated in compliance with this chapter and all other
25 applicable ordinances and laws.”

26 7. Section 94932 states:

27 “The bureau shall determine an institution's compliance with the requirements of this
28 chapter. The bureau shall have the power to require reports that institutions shall file with the

1 bureau in addition to the annual report, to send staff to an institution's sites, and to require
2 documents and responses from an institution to monitor compliance. When the bureau has reason
3 to believe that an institution may be out of compliance, it shall conduct an investigation of the
4 institution. If the bureau determines, after completing a compliance inspection or investigation,
5 that an institution has violated any applicable law or regulation, the bureau shall take appropriate
6 action pursuant to this article.”

7 **STATUTORY AND REGULATORY PROVISIONS**

8 8. Section 94937, subdivision (b):

9 “(b) The bureau shall adopt regulations, within one year of the enactment of this chapter,
10 governing probation and suspension of an approval to operate.”

11 9. California Code of Regulations, title 5, subdivision (b):

12 “(b) Failure of an applicant or institution issued an approval to operate to abate the violation
13 or to pay the fine within the time allowed is a ground for denial or discipline of an approval to
14 operate.”

15 **COST RECOVERY**

16 10. Section 94937, subdivision (a) states that the “[B]ureau may seek reimbursement
17 pursuant to Section 125.3 of the Business and Professions Code.”

18 11. Business and Professions Code section 125.3 provides, in part, that the Bureau may
19 request the administrative law judge to direct a licentiate found to have committed a violation or
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
21 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
22 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
23 may be included in a stipulated settlement.

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1 **FACTUAL BACKGROUND**

2 Citation Number 2223051

3 12. On or about March 1, 2023, the Bureau issued to Respondent Citation Number
4 2223051, which included an administrative fine and order of abatement. Respondent did not
5 appeal the citation, and the citation is now final and incorporated by reference herein.

6 13. Respondent failed to timely comply with the citation, including payment of the
7 administrative fine and order of abatement.

8 Citation Number 2324041

9 14. On or about August 18, 2023, the Bureau issued to Respondent Citation Number
10 2324041, which included an administrative fine and order of abatement. Respondent did not
11 appeal the citation, and the citation is now final and incorporated by reference herein.

12 15. Respondent failed to timely comply with the citation, including payment of the
13 administrative fine and order of abatement.

14 **CAUSE FOR DISCIPLINE**

15 (Failure to Comply with Citation)

16 16. Respondent subjected its Approval to Operate Institution Code Number 47807355 to
17 discipline for failing to timely abate a cited violation or pay the fine set forth in a citation. (Educ.
18 Code § 94937, subd. (b) and Cal. Code Regs., title 5, § 75050, subd. (b).) The circumstances are
19 set forth in paragraphs 12 through 15, above.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Director of the Department of Consumer Affairs issue a
23 decision:

24 1. Revoking or suspending Approval to Operate Institution Code Number 47807355,
25 issued to Respondent Foundry College, owned by Foundry College, Inc.;

26 2. Ordering Respondent Foundry College, owned by Foundry College, Inc., to pay the
27 Bureau for Private Postsecondary Education for the reasonable costs of the investigation

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1 and enforcement of this case, pursuant to Section 94937, subdivision (c) and Business and
2 Professions Code Section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.
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6 DATED: 6/12/2024

Deborah Cochrane

DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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