Business, Consumer Services and Housing Agency– Governor Gavin Newsom

Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov

MODIFIED CITATION:
ASSESSMENT OF FINE

To: Tradecraft Group LLC, Owner
        Tradecraft
        100 Broadway Street
        San Francisco, CA 94111

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1920075
MODIFIED CITATION ISSUANCE/SERVICE DATE: October 1, 2020
MODIFIED DUE DATE: October 31, 2020
FINE AMOUNT: $ 2,500.00
ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Modified Citation: Assessment of Fine (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 Modified Citation is hereby issued to Tradecraft Group LLC, Owner of Tradecraft (Institution) located at 100 Broadway Street, San Francisco, CA 94111, 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

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 1920075 to the Owner of the Institution on September 9, 2019, which was appealed by the Institution and subsequently withdrawn without prejudice on September 10, 2020.

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.	**Violation:** **CEC 94886. Approval to Operate Required** *"Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."* **CEC 94817.5. Approved to Operate or Approved** *"Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."*

CEC 94868. To Offer to the Public
"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC 94869. To Operate
"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On April 25, 2016 Bureau staff mailed a letter to the Institution informing them they were required to obtain an approval to operate from the Bureau in order to continue offering educational programs to the public.

On July 13, 2016, Bureau staff conducted a visit at the Institution located at 150 Minna Street, San Francisco, CA 94105. The Institution's Owner indicated the Institution had been in operation since January 2014, and that the school moved frequently. The Owner stated that the Institution was planning to submit an Application for Approval to Operate an Institution Non-Accredited for Bureau approval and that there were approximately 30 students enrolled in the Product Design and Website Marketing programs.

On November 8, 2018, Bureau staff found that the Institution was listed to be operating at 100 Broadway Street, San Francisco, CA 94111. Additionally, an address at 150 Minna Street, San Francisco, CA 94105, was also located through DataSF.

Bureau staff review the Institution's website, www.tradecraft.com, and found the Institution offers educational programs to the public for a charge of $14,000.00.

On December 13, 2018, Bureau staff visited the Institution at 100 Broadway Street, San Francisco, CA 94111, and witnessed students were present. The Institution's Director confirmed the Institution was in operation at the Broadway address for approximately two (2) years.

On December 20, 2018, Bureau staff spoke to the Owner and stated he would send the Bureau information regarding the business and an outline of the Institution's operations demonstrating how the Institution does not require Bureau approval. As of May 29, 2019, the Bureau has not received the outline of the Institution's operations.

As of September 9, 2019, the Bureau has not received an Application for an Approval to Operate.

Order of Abatement:
The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including http://www.tradecraft.com/, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email

address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Modified Order of Abatement: The Institution shall cease to operate as a private postsecondary education institution, unless the Institution qualified for an exemption under CEC section 94874. The Institution shall discontinue recruiting or enrolling students and cease all instructional services and advertising. The Institution shall also disconnect all telephone service numbers that are associated with the Institution. The Institution shall comply with the Order of Abatement within thirty (30) days of the issuance of this Modified Citation.

Reason for modification: New substantive facts provided to the Bureau during the appeal process. The Order of Abatement has been satisfied.

Assessment of Fine:
The fine for this violation is $75,000.00

The modified administrative fine for this violation is $2,500.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: $2,500.00

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 **$2,500.00** for the violations described above. **Payment must be made to the Bureau by October 31, 2020.**

PAYMENT OF ADMINISTRATIVE FINE

The Institution shall pay the civil penalty in the amount of $2,500.00 by way of cashiers' check or money order. The payment shall be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

The civil penalty must be paid to the Bureau by October 31, 2020. Payment of an administrative citation is not an admission of guilt or liability.

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the Modified Citation civil penalty pursuant to the terms of this settlement will result in this matter being referred to collection and will result in the full original penalty being imposed and due in full. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

<u>CONTACT INFORMATION</u>

If you have any questions regarding this Modified Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

"Original signature on file"   "10/1/2020"

_____   _____

Christina Villanueva   **Date**
Discipline Manager

Enclosure

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