



## CITATION ORDER

<b>Citation Issued To:</b> Marston Polygraph Academy 1845 Business Center Drive Suite #210 San Bernardino, CA 92408  <b>Institution Code:</b> 25448403	<b>Citation Number:</b> 2324124  <b>Total Fine Amount:</b> <b style="color: red;">\$7,000.00</b>  <b>Order of Abatement Included:</b> Yes
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Elizabeth Elias issues this citation in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

### LICENSING HISTORY

1. On or about December 16, 2022, the Bureau renewed an Approval to Operate a Private Postsecondary Institution to Marston Polygraph Academy (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about December 16, 2027, unless renewed.

### DISCIPLINE HISTORY

2. The Institution has the following discipline history:
  - [Citation No. 2021075, issued September 2, 2020](#)
    - Evidence of compliance; citation satisfied August 4, 2021
  - [Citation No. 2223031, issued October 27, 2022](#)
    - Evidence of compliance; citation satisfied December 5, 2022

### CITATION JURISDICTION

3. 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.

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

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

**Violation #1:**

**5 CCR section 71930 (c)(3), (c)(4), (e) – Maintenance of Records**

**Cause for Citation:** On or about December 15, 2021, the Bureau conducted an unannounced compliance inspection pursuant to CEC section 94932.5 (a). Prior to the inspection, Bureau staff confirmed that the Institution's hours of operation are listed as Monday-Friday, 8:00 am-5:00 pm, via the Institution's school catalog. On December 15, 2021, Bureau staff arrived at the Institution and found the Institution was occupied by a third-party training course. Bureau staff determined that the instructor of the third-party training course was contracted by the Institution and was not an official employee or representative of the school. Bureau staff contacted the Institution's representative that was, at the time, listed as the Institution's contact person and custodian of records per the Bureau's records. Upon speaking with the representative, Bureau staff was told that they were no longer a representative of the school.

Bureau staff then contacted the Institution's Owner and was told that there was no one available for the unannounced compliance inspection and that the Institution is closed when courses are not in session, despite the Institution's hours of operations being listed as Monday-Friday, 8:00 am-5:00 pm.

The Institution failed to have personnel scheduled to be present who could provide Bureau staff immediate access to inspect and copy records.

**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.

**Order of Abatement:** N/A

**Violation #2:**

**5 CCR section 76130 – Collection and Submission of Assessments**

**Cause for Citation:** The Institution failed to submit the Student Tuition Recovery Fund (STRF) Assessment Reporting form and the collection of assessment fees as required for the 4<sup>th</sup> quarter reporting period of 2022 and 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> quarter reporting periods of 2023.

**Administrative Fine:** Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class C” violation. The Institution is issued a fine of \$1,000.00.

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

The Bureau orders the Institution to submit the Student Tuition Recovery Fund (STRF) Assessment Reporting form and the collection of assessment fees as required for the 4<sup>th</sup> quarter reporting period of 2022 and 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> quarter reporting period of 2023.

**Violation #3:**

**5 CCR section 74006 (a), (b) – Annual Fee in conjunction with CEC section 94931(b) – Late Payment**

**Cause for Citation:** The Institution failed to pay its annual fee and 90-day late payment penalty fee for the 2023 calendar year.

**Administrative Fine:** Pursuant to 5, CCR 75030, the Bureau has determined this to be a “Class C” violation. The Institution is issued a fine of \$1,000.00.

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

The Bureau orders the Institution to pay its annual fee and 90-day late payment penalty fee for the 2023 calendar year.

### **COMPLIANCE WITH ORDER OF ABATEMENT**

5. In accordance with the provisions of CEC section 94936 and 5 CCR section 75020, 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 citation. Evidence of compliance with the order of abatement may be 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](mailto:bppe.discipline@dca.ca.gov)
    - In the subject line, please include the Institution name and citation number.

### **COMPLIANCE WITH ASSESSMENT OF FINE**

6. In accordance with the provisions of CEC section 94936, and 5 CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fines in the total amount of \$7,000.00 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 citation unless an informal conference or hearing is requested. 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**

7. You have the right to contest this citation through an informal conference with the Bureau pursuant to 5 CCR section 75020 and/or through an administrative hearing in accordance with Chapter 5 (Commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this citation, you may submit a written request to the Bureau or submit the enclosed *Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing* form within 30 days from the date of issuance of this citation.

Failure to submit a written request for an informal conference and/or administrative hearing within 30 days from the date of issuance of this citation will forfeit your ability to appeal the citation.

If a hearing is requested, you are not required to comply with this citation until a final order is entered against you.

### **COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE**

8. Pursuant to BPC section 125.9 and 5 CCR 75050, payment of 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 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.

### **BUREAU CONTACT INFORMATION**

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

“Original Signature on File”

12/21/2023

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Elizabeth Elias  
Enforcement Chief

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Citation Date of Issuance

Citation Number: 2324124  
Institution: Marston Polygraph Academy  
Institution Code: 25448403

Enclosures:

- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail