



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

November 25, 2019

L.E.N. Business and Language Institute, Owner
 L.E.N. Business and Language Institute
 1254 Market St., Suite #200
 San Francisco, CA 94102

Date of Issuance	Citation Number	Institution Code
November 25, 2019	1920046	3804651

On October 25, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920046 (Citation) against L.E.N. Business and Language Institute, Owner of L.E.N. Business and Language Institute (Institution). In attendance were Marina O'Connor, Licensing Chief, Thomas Ahrens, Administrator and Nancy Rynd, Director.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920046.

It is the decision of the Licensing Chief that on November 14, 2019 Citation No. 1920046 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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.	<p>Violation: 5, CCR Section 74112(h) – Uniform Data - Annual Report, Performance Fact Sheet <i>“(h)Completion Rates. Reporting of completion rates for an institution’s Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data.”</i></p>

The Institution's 2014/2015 School Performance Fact Sheet (SPFS) included incorrect information. Bureau staff found that the Institution considered a student as graduated if employment was obtained, regardless of completion of the program.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Section 74112.

Reason for modification: New substantive facts were presented at the conference.

Assessment of Fine

The fine for this violation is \$2,500.00

The administrative fine for this violation has been modified from \$2,500.00 to \$1,000.00.

2.

Violation:

CEC Section 94902(a)(b)(3) – General Enrollment Requirements

“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.

(b) An enrollment agreement is not enforceable unless all of the following requirements are met:

(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.”

CEC Section 94912. Signature, Initials Required

“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”

The Institution's 2014/2015 SPFS supporting documentation indicated that some students who have already graduated never signed the enrollment agreement.

Additionally, the 2014/2015 SPFS supporting documentation indicated that other students did not sign their enrollment agreement prior to the commencement of educational courses.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, that clearly states how prospective students will be provided the SPFS, and how both students and administrative staff will sign the SPFS as required by CEC sections 94910 and 94912.

Reason for modification: New substantive facts were presented at the conference.

Assessment of Fine

The fine for this violation is \$1,500.00

The administrative fine for this violation has been modified from \$1,500.00 to \$500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,500.00

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
P.O. Box 980818
West Sacramento, CA 95798-0818

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **November 25, 2019**. The payment is due by **December 25, 2019**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail