



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

June 30, 2022

Elaine LaVan, Owner
 SOFTTECH
 3150 Hilltop Mall Road, Suite 27
 Richmond, CA 94806

Date of Issuance	Citation Number	Institution Code
June 30, 2022	2122137	0703001

On June 7, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122137 (Citation) against Elaine Lavan, Owner of SOFTTECH (Institution). In attendance were Ebony Santee, Licensing, Chief and Elaine LaVan, Owner.

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. 2122137.

It is the decision of the Licensing Chief that on June 24, 2022, Citation No. 2122137 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><u>Violation:</u> CEC Section 94932.5 – Announced and Unannounced Compliance Inspections <i>“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.”</i></p> <p>5, CCR Section 71930 (e) – Maintenance of Records <i>“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”</i></p>

Bureau staff were unable to conduct the inspection and unable to review any of the requested documents as the Owner and/or Institution staff were not located at the Institution site and were unable to be reached by phone.

Order of Abatement: The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained per CEC Section 94932.5 and 5, CCR Section 71930. The Bureau also orders the Institution to provide the Bureau with the hours of when the institution is staffed, as well as the operating hours of the Institution.

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

New Order of Abatement:

The Institution shall submit a policy or procedure of how they will update the Bureau with any future changes to contact information for any identified representative(s) of the Institution.

Fine Amount: \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$500.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

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:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on June 30, 2022. The Order of Abatement and payment are due by **July 30, 2022**.

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 Tessa Barron, Citation Analyst, at (916) 574-7791 or at Tessa.Barron@dca.ca.gov.

“Original signature on file”

“6/30/2022”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail