Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT MODIFIED

To: Origin Code Academy, LLC.
Origin Code Academy
350 10th Avenue, Suite 900
San Diego, CA 92101

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1718041
CITATION ISSUANCE/SERVICE DATE: June 27, 2018
DUE DATE: July 27, 2018
FINE AMOUNT: $ 100,000.00
ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Origin Code Academy, LLC, Owner of Origin Code Academy(Origin) located at 350 10th Avenue, Suite 900, San Diego, CA 92101, pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violation(s) described below.

BACKGROUND

On September 27, 2016, the Bureau received a complaint alleging that Origin was operating without Bureau approval. On November 29, 2016, after discovering that Origin was offering the ".Net Engineering" program on their website (www.origincodeacademy.com) for a tuition price of $12,500.00, the Bureau sent an "Operating Unapproved Letter" (UA) to C.W, Founder & Lead Instructor at Origin Code Academy, at 702 Charleston Road, Raleigh, NC 27606. The UA letter informed C.W, that the Bureau had evidence that Origin was advertising as a private postsecondary educational institution in violation of California Education Code section 94886 and offering educational programs that require Bureau approval. Origin was informed that they had 30 days in which to comply with UA letter and to cease operations as a private postsecondary education institution.

On May 1, 2017, the Bureau received Origin's Application for Approval to Operate an Institution Non-Accredited. On June 21, 2017, Bureau staff sent an acknowledgement letter to Origin advising receipt

of the application. The letter also informed the school that per section 94886, "... 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."

On June 26, 2017, Bureau Enforcement staff traveled to San Diego, CA and made an unannounced visit to the Institution at 101 W. Broadway, Suite 1100, San Diego, CA 92101. While on site, Bureau staff met with the current Lead Instructor, S.C., for Origin, who confirmed that Origin was operating, and classes were currently in session. Bureau staff was escorted to the office of the Admissions Manager, R.D. R.D. shared information regarding the enrollment requirements for the students such as the need for a high school diploma or GED to be allowed into the program. R.D. stated that each student is interviewed to determine whether the student is a good candidate for the program and will be successful in their studies. R.D. stated that students generally pay for their studies up front or may take loans through third party lenders to pay for their education. Bureau staff then met with Owner/Member, J.W. who admitted that Origin was currently operating and had students in attendance. J.W. informed Bureau staff that he had submitted an Application for Approval to Operate an Institution Non-Accredited, and was currently awaiting approval. When Bureau staff informed J.W. that he was not allowed to operate while waiting for an approval to be granted, J.W. asked if he should just pay the fine for doing so, right then and there.

Origin continues to advertise an unapproved Coding Bootcamp via their website at www.origincodeacademy.com.

VIOLATION(S)

#	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."* Definitions: **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."* **CEC 94857. Postsecondary Education** *"Postsecondary education" means a formal institutional educational program whose curriculum is designed primarily for students who have completed or terminated their secondary education or are*

beyond the compulsory age of secondary education, including programs whose purpose is academic, vocational, or continuing professional education.

CEC 94858. Private Postsecondary Educational Institution
"Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.

CEC 94902. 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:
(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.
(2) At the time of the execution of the enrollment agreement, the institution held a valid approval to operate.
(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.
(c) A student shall receive a copy of the signed enrollment agreement, in writing or electronically, regardless of whether total charges are paid by the student.

Order of Abatement:
The Bureau orders that the Institution cease to operate as a Private Postsecondary Educational Institution. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media (including the internet website, www.origincodeacademy.com), and any other websites not listed that are associated with Origin Code Academy, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers, including 619-894-6324 and 858-633-7385, and any other telephone numbers 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 provide a refund to all students enrolled at the school prior to receiving an approval to operate from the Bureau as the enrollment agreements signed by the students are not enforceable since the school does not have a valid approval to operate. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code sections 94926 and 94927.5. The Institution must provide a roster of each student currently enrolled at Origin Code Academy. The roster must include the name of the student, their contact information (including phone number, email address, and physical address), the program in which they were enrolled, the date of enrollment, the amount paid for the programs, and the amount the student was refunded.

Assessment of Fine
The fine for this violation is $100,000.00

TOTAL ADMINISTRATIVE FINE DUE: $100,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **$100,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; 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 must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **July 27, 2018,** you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **June 27, 2018.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 27, 2018**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.

for Christina Villanueva 6/27/18

Christina Villanueva **Date**
Discipline Manager

Enclosures

- Citation-Assessment of Fine and Order of Abatement- Modified
- Declaration of Service by Certified and First-Class Mail