Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE DECISION: CITATION MODIFIED

July 5, 2018

Difai Training Institute, Owner
Difai City College
2107 West Manchester Avenue, # 206
Los Angeles, CA 90047

Date of Issuance	Citation Number	Institution Code
July 3, 2018	1718029	1940981

On May 29, 2018, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1718029 (Citation) against Difai Training Institute, Owner of Difai City College. In attendance were Beth Scott, Enforcement Chief; and Chimezie Chik Duruhesie Director, and Victor Duruhesie.

Pursuant to Business and Professions Code, section125.9; 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 Citation No. 1718029.

It is the decision of the Enforcement Chief that on June 21, 2018, Citation No. 1718029 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.	**Violation:** **5, CCR Section 74110 (a-d) – Annual Report** *"(a) The annual report required by section 94934 of the Code shall include the information required by section 94929.5 and 94934 for all educational programs offered in the prior calendar year. (b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with*

Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution. (c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval. (d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog".

CEC 94934(a)(1-9) - Annual Report

"(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:
(1) The total number of students enrolled by level of degree or for a diploma.
(2) The number of degrees, by level, and diplomas awarded.
(3) The degree levels and diplomas offered.
(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.
(5) The school catalog, as required pursuant to Section 94909.
(6) The total charges for each educational program by period of attendance.
(7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.
(8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.
(9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter".

As of April 30, 2018, the Bureau has not received an annual report for the year 2016 from the Institution. The Institution failed to electronically file its 2016 annual report.

Order of Abatement:

The Bureau orders the Institution to submit its annual report in accordance with 5, CCR section74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the annual report via the Bureau website at www.bppe.ca.gov.

Assessment of Fine

The fine for this violation is $5,000.00

Reason for modification: The Institution submitted the 2016 annual report.
The administrative fine for this violation has been modified from $5,000.00 to $0.00.

2.	**Violation:** 5, CCR section 76130 (a-e)– Collection and Submission of Assessments *"(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.* *(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:* *(1) April 30 for the first quarter,* *(2) July 31 for the second quarter,* *(3) October 31 for the third quarter, and* *(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau. If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.* *(c) The STRF Assessment Reporting Form shall contain the following information:* *(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and* *(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and* *(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and* *(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and* *(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest $1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and* *(6) Current contact telephone number of the person preparing the form; and* *(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.* *(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.* *(e) Submission of all prior reports and assessments required by this section is a condition of renewal."* The Institution has failed to submit STRF for the following quarters: 3rd quarter for 2010; 2nd quarter for 2012 and 3rd quarter for 2017. On October 1, 2010, the Institution was notified via mail at 2107 West Manchester Avenue, #202, Los Angeles, CA 90047, that the STRF Assessment Reporting Form for the 3rd quarter of 2010 was due. As of April 30, 2018, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

	On July 2, 2012, the Institution was notified via mail 2107 West Manchester Avenue, #202, Los Angeles, CA 90047, that the STRF Assessment Reporting Form for the 2nd quarter of 2012 was due. As of April 30, 2018, the Bureau has not received the STRF Assessment Reporting Form from the Institution. On October 2, 2017, the Institution was notified via mail 2107 West Manchester Avenue, #202, Los Angeles, CA 90047, that the STRF Assessment Reporting Form for the 3rd quarter of 2017 was due. As of April 30, 2018, the Bureau has not received the STRF Assessment Reporting Form from the Institution. **Order of Abatement:** The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The Institution shall also submit the student information to substantiate the data reported on the STRF Assessment Reporting Form(s). The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140. **Assessment of Fine** The fine for this violation is $50.00 Reason for modification: The Institution submitted the delinquent STRF Assessment Reporting forms. The administrative fine for this violation has been modified from $50.00 to $0.00.
3.	**Violation:** **5, CCR Section 74006(a) and (b) - Annual Fee** *"(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.* **CEC 94930.5 (d)(1)(A) and/or(B) if applicable - Fee Schedule** *(d) (1) In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c), inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of the following:* *(A)An annual fee for each campus designated by the institution as a main campus location in California, in an amount equal to 0.45 percent of the campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars ($2,500) and not to exceed sixty thousand dollars ($60,000).* *(B) An annual campus fee for each branch of the institution in an amount equal to 0.45 percent of the branch's total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars ($2,500) and not to exceed sixty thousand dollars ($60,000)."* CEC 94931(a) or (b) – Late Payment

	"(a) A fee that is not paid on or before the 30th calendar day after the due date for the payment of the fee shall be subject to 25 percent late payment penalty fee." *"(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee."* On September 1, 2017, the Institution was notified (invoice #900327739), via mail at 2107 West Manchester Avenue, #202, Los Angeles, CA 90047 that the annual fee for calendar year 2017 was due on October 1, 2017. As of April 30, 2018, the Bureau has not received the annual fee from the Institution. On November 15, 2017, the Institution was mailed a delinquency notification (invoice #900329509) via mail at 2107 West Manchester Avenue, #202, Los Angeles, CA 90047, that the annual fee for calendar year 2017 was due on October 1, 2017. As of April 30, 2018, the Bureau has not received the annual fee from the Institution. On January 16, 2018, the Institution was mailed a delinquency notification (invoice #900329509) via mail at 2107 West Manchester Avenue, #202, Los Angeles, CA 90047, that the annual fee for calendar year 2017 was due on October 1, 2017. As of April 30, 2018, of this citation the Bureau has not received the annual fee from the Institution. The Institution failed to pay its annual fee for calendar year 2017. **Order of Abatement:** The Bureau orders the Institution to submit its annual fees for 2017 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(d)(1)(A). In addition, the Institution must pay all late payment penalty fees. **Assessment of Fine** The fine for this violation is $00.00 Reason for modification: The Institution submitted the annual fee for the year 2017.
	TOTAL MODIFIED ADMINISTRATIVE FINE DUE: $00.00

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 modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. 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 did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

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 **July 5, 2018.**

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.

Christina Villanueva
Discipline Manager

7/5/18
Date

Enclosures

- Copy of Citation Order Number
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail