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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1006251

ELS LANGUAGE CENTERS
190 Palm Avenue, Pennafort Hall
San Rafael, CA 94901
Mailing Address:
50 Acacia Avenue
San Rafael, CA 94901

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**Approval to Operate Institution Code
No. 2101311**

Respondent.

FINDINGS OF FACT

1. On or about September 14, 2021, Complainant Deborah Cochrane, in her official capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer Affairs, filed Accusation Number 1006251 against ELS Language Centers, owned by ELS Educational Services, Inc., d.b.a. ELS Language Centers/Parent Company: Berlitz Languages Inc. (Respondent), before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

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1 2. On or about August 23, 1996, the Bureau issued Approval to Operate Institution Code
2 Number 2101311 to Respondent. The Approval to Operate will expire on April 30, 2024, unless
3 renewed.

4 3. On or about September 16, 2021, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 1006251, Statement to Respondent, Notice of Defense,
6 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
7 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
8 Code section 136, is required to be reported and maintained with the Bureau. Respondent's
9 address of record was and is: 50 Acacia Avenue, San Rafael, CA 94901.

10 4. The same documents were also served to additional addresses on file for Respondent,
11 as follows: 190 Palm Avenue, Pennafort Hall, San Rafael, CA 94901; 400 Alexander Park,
12 Princeton, NJ 08540; and Agent for Process Dean Wright, 39 Park Tenace, Mill Valley, CA
13 94941.

14 5. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505(c) and/or Business and Professions Code section 124.

16 6. Government Code section 11506(c) states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense . . . and the notice shall be deemed a specific denial of all
19 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
. . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
discretion may nevertheless grant a hearing.

20 7. The Bureau takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon Respondent of the Accusation, and
22 therefore Respondent has waived the right to a hearing on the merits of Accusation No. 1006251.

23 8. California Government Code section 11520(a) states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense . . . or to appear at
25 the hearing, the agency may take action based upon the respondent's express
26 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent

27 9. Pursuant to its authority under Government Code section 11520, the Director finds
28 that Respondent is in default. The Director will take action without further hearing and, based on

1 the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this
2 matter, as well as taking official notice of all the investigatory reports, exhibits and statements
3 contained therein on file at the Director's offices regarding the allegations contained in
4 Accusation No. 1006251, finds that the charges and allegations in Accusation No. 1006251 are,
5 separately and severally, true and correct by clear and convincing evidence.

6 10. The Director finds that the actual costs for Investigation and Enforcement are 7
\$4,036.25 as of October 13, 2021.

8 **DETERMINATION OF ISSUES**

9 1. Based on the foregoing findings of fact, ELS Language Centers, owned by ELS
10 Educational Services, Inc., d.b.a. ELS Language Centers/Parent Company: Berlitz Languages Inc.
11 (Respondent), has subjected its Approval to Operate Institution Code Number 2101311 to
12 discipline.

13 2. The agency has jurisdiction to adjudicate this case by default.

14 3. The Director of the Department of Consumer Affairs is authorized to revoke
15 Respondent's Approval to Operate based upon the following violations alleged in the Accusation
16 which are supported by the evidence contained in the Default Decision Investigatory Evidence
17 Packet in this case.

18 A. Violation of California Code of Regulations, title 5, section 75050(b), in that
19 Respondent failed to comply with a citation and order of abatement issued by the Bureau.

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ORDER

IT IS ORDERED that Approval to Operate Institution Code No. 2101311, issued to ELS Language Centers, owned by ELS Educational Services, Inc., d.b.a. ELS Language Centers/Parent Company: Berlitz Languages Inc. (Respondent), is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on “November 26, 2021.”

It is so ORDERED “October 21, 2021.”

“Original signature on file”
RYAN MARCROFT
DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:SF202140 16 19
Attachment: Exhibit A: Accusation

