



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

February 26, 2020

ELS Educational Services, Inc., dba ELS Language Centers, Owner  
ELS Language Centers  
50 Acacia Avenue  
San Rafael, CA 94901

<b>Date of Issuance</b>	<b>Citation Number</b>	<b>Institution Code</b>
February 26, 2020	1920117	2101311

On January 15, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920117 (Citation) against ELS Educational Services, Inc., dba ELS Language Centers, Owner of ELS Language Centers (Institution). In attendance were Beth Scott, Enforcement Chief and Daniel Nowatnick, Acting Regional Director of Operations.

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. 1920117.

It is the decision of the Enforcement Chief that on January 29, 2020, Citation No. 1920117 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><b><u>Violation:</u></b>  <b>5, CCR Section 76130 (a-e)– Collection and Submission of Assessments</b>  <i>“(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.</i>  <i>(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:</i>  <i>(1) April 30 for the first quarter,</i>  <i>(2) July 31 for the second quarter,</i>  <i>(3) October 31 for the third quarter, and</i></p>

*(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 Assessment Reporting Forms for the following quarters:**

- **Fourth Quarter of 2017**
- **Third and Fourth Quarters of 2018**
- **First and Second Quarters of 2019**

**On January 2, 2018 the Institution was notified via mail at 50 Acacia Avenue, San Rafael, CA 94901, that the STRF Assessment Reporting Forms for the 4<sup>th</sup> quarter of 2017 was due. As of August 12, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.**

**On September 18, 2018 the Institution was notified via mail at 50 Acacia Avenue, San Rafael, CA 94901, that the STRF Assessment Reporting Forms for the 3<sup>rd</sup> quarter of 2018 was due. As of August 12, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.**

**On December 20, 2018 the Institution was notified via mail at 50 Acacia Avenue, San Rafael, CA 94901, that the STRF Assessment Reporting Forms for the 4<sup>th</sup> quarter of 2018 was due. As of August 12, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.**

**On March 27, 2019, 2018 the Institution was notified via mail at 50 Acacia Avenue, San Rafael, CA 94901, that the STRF Assessment Reporting Forms for the 1<sup>st</sup> quarter of 2019 was due. As of August**

<p>12, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.</p> <p>On June 24, 2019, 2018 the Institution was notified via mail at 50 Acacia Avenue, San Rafael, CA 94901, that the STRF Assessment Reporting Forms for the 2nd quarter of 2019 was due. As of August 12, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.</p> <p><b><u>Order of Abatement:</u></b>  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 Forms. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.</p> <p><b><u>Reason for modification:</u></b> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.</p> <p><b><u>Assessment of Fine:</u></b>  The fine for this violation is <u>\$50.00</u></p> <p>The administrative fine for this violation has been modified from \$50.00 to <u>\$00.00</u>.</p>
<p><b>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$00.00</u></b></p>

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

This modified Citation is effective on **February 26, 2020**.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

"Original signature on file"

"2/26/2020"

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosures

- Declaration of Service by Certified and First-Class Mail