



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

February 25, 2021

Austin University, Owner
Austin University
Bishop Ranch 8, 5000 Executive Parkway, Suite 230
San Ramon, CA 94583

Date of Issuance	Citation Number	Institution Code
February 25, 2021	2021154	92601579

On February 4, 2021, an informal telephone conference was held in the matter of Citation: Order of Abatement No. 2021154 (Citation) against Austin University, Owner of Austin University (Institution). In attendance were Beth Scott, Enforcement Chief, and Ashraf Al Moustafa, 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. 2021154.

It is the decision of the Enforcement Chief that on February 11, 2021, Citation No. 2021154 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> 5, CCR Section 74006(a) and (b) - Annual Fee <i>“(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.”</i></p> <p>CEC Section 94930.5 (g)- Fee Schedule <i>“(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that 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) for each campus.”</i></p> <p>CEC Section 94931(b)- Late Payment <i>“(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee</i></p>

shall be subject to a 35 percent late payment penalty fee.”

The Institution has failed to pay its annual fee and late payment penalty fee for calendar years 2019 and 2020.

2019 Annual Fee and Late Payment Penalty Fee

On May 1, 2019, the Institution was notified, Invoice # 900341770, via mail at Bishop Ranch 8, 5000 Executive Parkway, Suite 230, San Ramon, CA 94583, stating that the annual fee for calendar year 2019 was due on June 1, 2019.

On July 15, 2019, the Institution was notified, Invoice # 900343665 via mail at Bishop Ranch 8, 5000 Executive Parkway, Suite 230, San Ramon, CA 94583, stating that the annual fee for calendar year 2019 was due on June 1, 2019.

On September 16, 2019, the Institution was notified, Invoice # 900343665 via mail at, Bishop Ranch 8, 5000 Executive Parkway, Suite 230, San Ramon, CA 94583, stating that the annual fee for calendar year 2019 was due on June 1, 2019.

2020 Annual Fee and Late Payment Penalty Fee

On May 1, 2020, the Institution was notified, Invoice # 900349673 via mail at Bishop Ranch 8, 5000 Executive Parkway, Suite 230, San Ramon, CA 94583, stating that the annual fee for calendar year 2020 was due on June 1, 2020.

On July 15, 2020, the Institution was notified, Invoice # 900351687 via mail at Bishop Ranch 8, 5000 Executive Parkway, Suite 230, San Ramon, CA 94583, stating that the annual fee for calendar year 2020 was due on June 1, 2020.

On September 15,2020, the Institution was notified, Invoice # 900351687 via mail at Bishop Ranch 8, 5000 Executive Parkway, Suite 230, San Ramon, CA 94583, stating that the annual fee for calendar year 2020 was due on June 1, 2020.

As of November 18, 2020, the Bureau has not received the annual fee and late payment penalty fee for calendar years 2019 and 2020 from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its annual fees for calendar year 2019 and 2020 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(g). In addition, the Institution must pay all late payment penalty fees.

Modified Order of Abatement:

The Bureau orders the Institution to submit its annual fees for calendar year 2019 and 2020 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(g). In addition, the Institution must pay the late payment penalty fee for calendar year 2019.

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

Assessment of Fine

The fine for this violation is \$00.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$00.00

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.

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 25, 2021**. The Order of Abatement is due by **March 27, 2021**.

Failure to abate the violation 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 Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

"Original signature on file"

"2/25/2021"

Christina Villanueva
Discipline Manager

Date

Enclosures

- Declaration of Service by Certified and First-Class Mail