



CITATION ORDER

Citation Issued To: Designlab Learning, Inc. 600 B St., Suite 300 San Diego, CA 92101 Institution Code: 81740095	Citation Number: 24250139
	Total Fine Amount: \$15,005.00
	Order of Abatement Included: Yes

Elizabeth Elias issues this citation in her official capacity as Deputy Bureau Chief of Enforcement at the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

1. On or about June 18, 2021, the Bureau issued an Approval to Operate a Private Postsecondary Institution, Institution Code 81740095, to Designlab Learning, Inc. hereinafter referred to as the "Institution". This Approval to Operate will expire on or about June 18, 2026, unless renewed.

DISCIPLINE HISTORY

2. The Institution has no prior discipline history.

CITATION JURISDICTION

3. This administrative citation is issued to the Institution pursuant to California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CAUSE FOR CITATION & ASSESSMENT OF FINE AND/OR ORDER OF ABATEMENT

4. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

5 CCR section 74112 (m) (1-9) Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (e) – Maintenance of Records

Cause for Citation: On or about May 9, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff requested documentation supporting data reported on the Institutions 2021/2022 School Performance Fact Sheet (SPFS). Upon review of the SPFS, Bureau staff found that the Institution's documentation for 2021/2022 failed to include all the required data points; specifically, the following data points as identified in 5 CCR section 74112 (m) (1-9).

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by providing an electronic copy of the template used by the Institution to document supporting data for SPFS, for the Bureau to verify the Institution is collecting the required data points pursuant to 5 CCR section 74112.

In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the supporting data for SPFS is maintained and immediately available during an inspection. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #2:

CEC section 94902 (a) – General Enrollment Requirements, 5 CCR section 71920 (b)(3) – Student Records and 5 CCR section 71930 (a) – Maintenance of Records

Cause for Citation: On or about May 9, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff inspected a random sampling of student records for current, graduated, and withdrawn students and found that files for non-California residents failed to contain enrollment agreements.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC section 94902 and 5 CCR sections 71920 and 71930. The Institution must submit a statement of attestation that they have corrected the violation and will ensure that all student records contain signed enrollment agreements. The statement of attestation must be signed and dated by an authorized representative of the Institution.

Violation #3:

CEC section 94900 (a) – Required Student Records

Cause for Citation: On or about May 9, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff inspected a random sampling of three current, three graduated, and three withdrawn student records and found that the Institution failed to maintain records of the address and telephone number of each student who has been enrolled in an educational program at the Institution.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit a statement of attestation they will maintain required student records pursuant to CEC sections 94900. The statement of attestation must be signed and dated by an authorized representative of the Institution.

Violation #4:

CEC section 94920 (b) – Mandatory Cancellation, Withdrawal, and Refund Policies and CEC section 94897 – Prohibited Business Practices

Cause for Citation: On or about May 9, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff inspected a random sampling of student records for current, graduated, and withdrawn students and found that the Institution maintains a custom refund policy for shorter courses that is not in accordance with CEC 94920 (b).

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class A” violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by revising their refund policy to ensure its in accordance with CEC 94920 (b). In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the institution adheres to its own attendance policy and issue refunds within the correct timeframe. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #5:

CEC section 94902 (b)(3) – General Enrollment Requirements, CEC section 94912 – Signature, Initials Required, 5 CCR section 71920 (b)(3) – Student Records and 5 CCR section 71930 (a) – Maintenance of Records

Cause for Citation: On or about May 9, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). Bureau staff inspected a random sampling of student records for current, graduated, and withdrawn students and found that the Institution failed to have students sign the SPFS prior to enrollment.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class A” violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC section 94902 and 94912. The Institution must submit statement of attestation that they have corrected the violation and will ensure that all student records contain signed SPFS. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #6:

CEC section 94935 (b) and (h) – Notice to Comply in conjunction with 5 CCR section 75010 (h) – Notice to Comply; Informal Appeal Process

Cause for Citation: On or about May 9, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC section 94932.5 (a). At the conclusion of the inspection, Bureau staff issued a Notice to Comply (NTC) pursuant to CEC section 94935 and 5 CCR section 75010. The Institution failed to remedy the non-compliance for the following violation identified in the NTC:

- 5 CCR 71920 (b)(5)(E) Student Records

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class B” violation. The Institution is issued a fine of \$2,500.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the remaining violation identified in the Notice to Comply and submit proof of compliance pursuant to CEC section 94935.

COMPLIANCE WITH ORDER OF ABATEMENT

5. In accordance with the provisions of CEC section 94936 and 5 CCR section 75020, the Bureau issues the order(s) of abatement described above. Evidence of compliance with the order of abatement must be submitted to the Bureau within 30 days from the date of issuance of this citation. Evidence of compliance with the order of abatement may be sent by mail or email to:
 - Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Nicole Pedersen
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
 - Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

6. In accordance with the provisions of CEC section 94936, and 5 CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fines in the total amount of \$15,005.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of service of this citation unless an informal conference or hearing is requested. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

Citation Number: 24250139
Institution: Designlab Learning, Inc.
Institution Code: 81740095

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Nicole Pedersen
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

7. You have the right to contest this citation through an informal conference with the Bureau pursuant to 5 CCR section 75020 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 may submit a written request to the Bureau or submit the enclosed *Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing* form within 30 days from the date of issuance of this citation.

Failure to submit a written request for an informal conference and/or administrative hearing within 30 days from the date of issuance of this citation will forfeit your ability to appeal the citation.

If a hearing is requested, you are not required to comply with this citation until a final order is entered against you.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

8. Pursuant to BPC section 125.9 and 5 CCR section 75050, payment of fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine.

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BUREAU CONTACT INFORMATION

9. If you have any questions regarding this Citation, please contact Nicole Pedersen, Citation Analyst by email at Nicole.Pedersen@dca.ca.gov or by phone at (916) 232-0510.

“Original Signature on File”

11/27/2024

Elizabeth Elias
Deputy Bureau Chief of Enforcement

Citation Date of Issuance

Enclosures:

- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail