

APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

September 11, 2019

Mashdots College, Owner
 Mashdots College
 117 South Louise Street #309
 Glendale, CA 91205

Date of Issuance	Citation Number	Institution Code
September 11, 2019	1920012	1923011

On August 28, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920012 (Citation) against Mashdots College, Owner of Mashdots College (Institution). In attendance were Beth Scott, Enforcement Chief and Garbis Der-Yeghiayan, President.

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 Citation No. 1920012.

It is the decision of the Enforcement Chief that on September 9, 2019, Citation No. 1920012 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>Violation: 5, CCR Section 71930(e) – Maintenance of Records <i>(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.</i></p> <p>The Institution was unable to provide several student and Institution records to Bureau staff upon request. The Institution’s President stated that his secretary had access to all of the records however was she was not in the office that week.</p> <p>Order of Abatement:</p>

The Bureau orders the institution to submit a written policy of how future compliance with 5, CCR section 71930 and CEC section 94900.5 will be maintained.

Fine amount: The fine for this violation is \$1,500.00

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

The administrative fine for this violation has modified from \$1,500.00 to \$500.00.

2. **Violation:**

5, CCR Section 71770(a)(1) – Admissions Standards and Transferred Credits Policy.

"(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:

{1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code."

CEC Section 94904(a) – Ability to Benefit Students

"(a) Except as provided in subdivision (c), before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education,"

Bureau staff reviewed student files that failed to include verification of high school completion or equivalency. Institutional staff indicated that some students were unable to obtain their student records from institutions they had previously attended; therefore, the Institution offered these students an Ability-to-Benefit (ATB) examination that was not approved by the US Department of Education. Students who passed the unapproved ATB examination were then permitted for enrollment and to participate in educational programs.

Order of Abatement:

The Bureau orders the Institution to submit the name of the ATB examination it would like to utilize that meets the requirements of CEC section 94904 (a) for Bureau review and approval.

Fine Amount: The fine for this violation is \$1,000.00

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

The administrative fine for this violation has been modified from \$1,000.00 to \$500.00.

3. **CEC Section 94902(a) – General Enrollment Requirements**
“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.

CEC Section 94912 – Signature, Initials Required

“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”

Bureau staff reviewed student files that contained 2016 and 2017 Enrollment Agreements that were not signed by an authorized employee of the Institution.

Order of Abatement:

The Bureau orders the Institution to submit a policy or procedure of how the Enrollment Agreement will be signed by both prospective students and the administration staff as required by CEC section 94902 and CEC section 94912.

Fine Amount: The fine for this violation is \$1,000.00

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

The administrative fine for this violation has been modified from \$1,000.00 to \$500.00.

4. **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.

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(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:

- Third Quarter of 2015;
- Fourth Quarter of 2015

As of July 18, 2019, the Bureau has not received the delinquent STRF Assessment Reporting Forms from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms 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.

Assessment of Fine:

The fine for this violation is \$50.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,550.00

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.

PENALTY - ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

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.

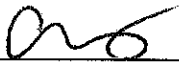
EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on September 11, 2019. The Order of Abatement and payment is due by **October 11, 2019**.

Failure to abate the violation or to pay the administrative fine 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 Gabriella Perez, Citation Analyst, at (916) 621-2593 or at Gabriella.Perez@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail