



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: EC USA Holding, Inc., Owner
 EC San Diego
 7979 Ivanhoe Avenue #225
 La Jolla, CA 92037

INSTITUTION CODE: 41424517
CITATION NUMBER: 1920091
CITATION ISSUANCE/SERVICE DATE: September 25, 2019
DUE DATE: October 25, 2019
FINE AMOUNT: \$ 2,001.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to EC USA Holding, Inc, Owner of EC San Diego (Institution) located at 7979 Ivanhoe Avenue #225, La Jolla, CA, 92037, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On July 26, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations related to the current, graduate, and withdrawn/incomplete student files were detected.

VIOLATION

1.	<p><u>Violation:</u> 5, CCR Section 71770 (a)(1) – Admissions Standards and Transferred Credits Policy <i>(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</i></p>

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.

5, CCR Section 71920 (a)(b)(1)(A) – Student Records

(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.

(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;

The Bureau reviewed student files and found that verification of a high school diploma, Ability to Benefit, or equivalent were missing. The Institution failed to ensure that each student admitted to an undergraduate degree program, or a diploma program, possessed a high school diploma or its equivalent, or otherwise successfully took and passed the relevant examination as required. The Institution stated that they do not require students to provide them with proof of a high school diploma, or equivalent.

Order of Abatement:

The Bureau orders the Institution to submit an established policy and procedure of how the Institution will remain in compliance with 5, CCR sections 71770(a)(1) and 71920 (a)(b)(1)(A).

Assessment of Fine

The fine for this violation is \$1,501.00

2. **Violation:**

CEC Section 94902 (a)(b)(1)(3) – 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.

(b) An enrollment agreement is not enforceable unless all of the following requirements are met:

(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.

(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.

The Institution did not ensure that prior to the execution of the enrollment agreement, the student and the Institution signed and dated the information required to be disclosed in the Student Performance Fact Sheet (SPFS).

During the inspection, the Institution representative stated that they were not aware of the requirement to obtain signed copies of the SPFS and will immediately follow and implement the requirements of CEC section 94902 (a)(b)(1)(3).

Assessment of Fine: The fine for this violation is <u>\$500.00</u>

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$2,001.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; 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 must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **October 25, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **September 25, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 25, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

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

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 621-2593 or Gabriella.Perez@dca.ca.gov.

Signature on file

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- 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