



## **CITATION: ORDER OF ABATEMENT**

To: President and Fellows of Middlebury College, Owner  
Middlebury Language Schools at Mills  
5000 MacArthur Blvd  
Oakland, CA 94613

**INSTITUTION CODE: 56429785**

**BRANCH CODE: 20708903**

**CITATION NUMBER: 2122103**

**CITATION ISSUANCE/SERVICE DATE: December 9, 2021**

**DUE DATE: January 8, 2022**

**FINE AMOUNT: \$ 00.00**

**ORDER OF ABATEMENT INCLUDED: YES**

Christina Villanueva issues this Citation: 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 President and Fellows of Middlebury College, Owner of Middlebury Language Schools at Mills (Institution) located at, 5000 MacArthur Blvd., Oakland, CA 94613 (Branch location), pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

### BACKGROUND

All institutions are required to pay annual fee 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. An institution shall pay its annual fee in addition to any other applicable fees.

Pursuant to CEC section 94930.5 (g). 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.

As of December 9, 2021, the Bureau has not received the annual fee for the 2020 and 2021 calendar year for the branch location.

VIOLATION

#	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 74006(a) and (b) - Annual Fee</b> <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><b>CEC Section 94930.5 (g)- Fee Schedule</b> <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><b>CEC Section 94931(b)- Late Payment</b> <i>“(b) A fee that is not paid on or before the 90<sup>th</sup> calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee.”</i></p> <p>The Branch has failed to pay its annual fee for calendar year 2020 and 2021 for the branch location.</p> <p>On March 3, 2020, the Institution was notified, Invoice # 900347957, via mail at, 14 Old Chapel Road, Middlebury, VT 05753, stating that the annual fee for calendar year 2020 was due on April 1, 2020.</p> <p>On May 15, 2020, the Institution was notified, Invoice # 900349835, via mail at, 14 Old Chapel Road, Middlebury, VT 05753, stating that the annual fee for calendar year 2020 was due on April 1, 2020.</p> <p>On March 1, 2021, the Institution was notified, Invoice # 900355959, via mail at, 14 Old Chapel Road, Middlebury, VT 05753, stating that the annual fee for calendar year 2020 was due on April 1, 2020.</p> <p>On May 17, 2021, the Institution was notified, Invoice # 900357774, via mail at, 14 Old Chapel Road, Middlebury, VT 05753, stating that the annual fee for calendar year 2020 was due on April 1, 2020.</p> <p>On July 15, 2021, the Institution was notified, Invoice # 900357774, via mail at, 14 Old Chapel Road, Middlebury, VT 05753, stating that the annual fee for calendar year 2020 was due on April 1, 2020.</p> <p>As of December 9, 2021, the Bureau has not received the annual fees for the branch location.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders the Institution to submit its annual fees for calendar year 2020 and 2021 for the</p>

	<p>branch location 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.</p> <p><b><u>Assessment of Fine</u></b>  The fine for this violation is <u>\$00.00</u></p>
<p><b>TOTAL ADMINISTRATIVE FINE DUE: \$00.00</b></p>	

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 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 **January 8, 2022**, 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 **December 9, 2021**. Evidence of compliance with the order(s) of abatement shall be due by **January 8, 2022**.

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.

**Written request for appeal must be mailed to:**

Tessa Barron, Discipline Citation Program  
Bureau for Private Postsecondary Education  
1747 N. Market Blvd., Suite 225  
Sacramento, CA 95834

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 Tessa Barron, Citation Analyst, at (916) 574-7791 or Tessa.Barron@dca.ca.gov.

“Original signature on file”

“12/9/2021”

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

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**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
- Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail