



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

November 5, 2019

J & R Film Co., Inc., Owner
 Moviola Education Center
 1015 N. Hollywood Way
 Burbank, CA 91505

Date of Issuance	Citation Number	Institution Code
September 9, 2019	1920076	1937761

On September 27, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920076 (Citation) against J & R Film Co., Inc., Owner of Moviola Education Center (Institution). In attendance were Yvette Johnson, Administrative Chief; Norine Marks, Bureau Counsel, and Jim Turner, Manager.

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. 1920076.

It is the decision of the Administrative Chief that on October 29, 2019, Citation No. 1920076 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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 71920 (b)(1)(A) – Student Records <i>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(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:</i> <i>(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;</i></p> <p>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</i></p>

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.

The Institution failed to collect verification of high school completion or its equivalent, such as an Ability-to-Benefit test. The Institution stated they did not ask students if they were high school graduates and did not request any documentation to verify high school completion or equivalent.

Order of Abatement:

The Bureau orders the Institution to provide a policy, or procedure, of how all required documentation will be collected and maintained for future compliance of CEC Sections 71920 (b)(1)(A) and 71770 (a)(1).

Assessment of Fine

The fine for this violation is \$1,000.00

2. **CEC, Section 94900(a) – Required Student Records**

(a) An institution shall maintain records of the name, address, e-mail address, and telephone number of each student who is enrolled in an educational program in that institution.

CEC, Section 94902(a)(b)(1)(3)(c) – 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.

(c) A student shall receive a copy of the signed enrollment agreement, in writing or electronically, regardless of whether total charges are paid by the student.

The Institution failed to maintain records of student addresses. Furthermore, the Institution did not require students to sign student enrollment agreements. The Institution also failed to provide students with School Performance Fact Sheets (SPFS) prior to signing an enrollment agreement.

Order of Abatement:

The Bureau orders the Institution to provide a policy, or procedure, of how all required documentation will be collected and maintained for future compliance of CEC Sections 94900(a) and 94902 (a)(b)(1)(3)(c).

Assessment of Fine

The fine for this violation is \$1,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,000.00

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 affirmed 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 affirmed Citation is effective on **November 5, 2019**. The order of abatement and payment are due by **December 5, 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 Affirmed 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