



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMI

To: Elaine Lavan, Owner
 SOFTTECH
 3150 Hilltop Mall Road, Suite 27
 Richmond, CA 94806

INSTITUTION CODE: 0703001
CITATION NUMBER: 2122137
CITATION ISSUANCE/SERVICE DATE: April 14, 2022
DUE DATE: May 14, 2022
FINE AMOUNT: \$ 5,000.00
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 Elaine Lavan, Owner of SOFTTECH (Institution) located at 3150 Hilltop Mall Road, Suite 27, Richmond, CA 94806, 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 June 28, 2021, Bureau staff attempted to complete an unannounced Compliance inspection at the Institution at approximately 9:15am. Upon their arrival, the front door was locked and there was not anyone at the Institution. In addition, the hours of business were not posted at either of the two doors. Bureau staff attempted to call the three phone numbers associated with the Institution, however there was no answer. Upon waiting, Bureau staff located hours that were listed in the Institution's 2019 Catalog that stated the Institution is open Monday-Thursday, 8:30am-6:30pm, and closed Fridays. Bureau staff left the Institution at 10:00am as they were unable to conduct the inspection.

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>Violation: CEC Section 94932.5 – Announced and Unannounced Compliance Inspections <i>“(a) As part of its compliance program, the bureau shall perform announced and unannounced inspections of institutions at least every five years.”</i></p> <p>5, CCR Section 71930 (e) – Maintenance of Records</p>

“(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.”

Bureau staff were unable to conduct the inspection and unable to review any of the requested documents as the Owner and/or Institution staff were not located at the Institution site and were unable to be reached by phone.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained per CEC Section 94932.5 and 5, CCR Section 71930. The Bureau also orders the Institution to provide the Bureau with the hours of when the institution is staffed, as well as the operating hours of the Institution.

Assessment of Fine

The fine for this violation is \$5,000.00.

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

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 **\$5,000.00** 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 **May 14, 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 **April 14, 2022**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 14, 2022**. 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:

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

“Original signature on file”

“4/14/2022”

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