



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMI

To: Computer Technologies Program, Owner
Computer Technologies Program
3075 Adeline St Ste 240
Berkeley, CA 94703

INSTITUTION CODE: 0101311

CITATION NUMBER: 2223010

CITATION ISSUANCE/SERVICE DATE: August 1, 2022

DUE DATE: August 31, 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 Computer Technologies Program, Owner of Computer Technologies Program (Institution) located at 3075 Adeline St Ste 240, Berkeley, CA 94703, 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 September 1, 2021, at approximately 12:45pm Bureau staff attempted to conduct an unannounced Compliance inspection at the Institution. Bureau staff were unable to enter the building as a key card or fob was needed to open the door. Bureau staff observed signs on the front door that stated, "Building Closed Appointment Only." Bureau staff attempted to reach the Institution's contact person by phone and at approximately 1:00pm left a voice message asking if Institution staff would be available to assist in performing an inspection. In addition, Bureau staff stated that they would wait 30 minutes for a response from the Institution.

Furthermore, at approximately 1:35pm Bureau staff attempted to reach the Institution's contact person a second time with no success. Bureau staff left the Institution at approximately 2:00pm unable to conduct the unannounced Compliance inspection.

At approximately 2:45pm, Bureau staff received a voice message from the Institution's contact person stating that the school classes and staff work are all being completed remotely due to COVID-19.

Bureau staff reviewed the Institution's 2020 School Catalog which states that the Institution's office hours are Monday through Friday 9:00am through 5:00pm. Moreover, the Institution's business

hours are not listed on their website, nor are the business hours posted at the front door of the Institution.

The Bureau was unable to conduct the inspection and found the Institution to be in violation of Bureau laws and regulations.

VIOLATION(S)

#	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> CEC Section 94932.5(a) – 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 <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>Bureau staff was unable to conduct an unannounced Compliance inspection at the Institution’s site and was unable to inspect records during normal business hours in accordance with CEC Section 94932.5 and 5, CCR Section 71930.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with CEC Section 94932.5 and 5, CCR Section 71930.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
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 **August 31, 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 **August 1, 2022**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **August 31, 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:

Gabriella Perez, 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 Gabriella Perez, Citation Analyst, at (916) 574-7429 or Gabriella.Perez@dca.ca.gov.

“Original Signature On File”

“8/01/2022”

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