



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

December 10, 2019

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

| Date of Issuance | Citation Number | Institution Code |
|-------------------|-----------------|------------------|
| December 10, 2019 | 1920091 | 41424517 |

On November 15, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920091 (Citation) against EC USA Holding, Inc., Owner of EC San Diego (Institution). In attendance were Beth Danielson, Enforcement Chief, Douglas Smith, DCA Legal Counsel, Haviva Parnes, Compliance Director, Kirk Blackburn, Attorney, and Pat Whalen, Attorney.

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. 1920091.

It is the decision of the Enforcement Chief that on November 20, 2019, Citation No. 1920091 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

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| # | 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 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 reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:</i> <i>(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.</i></p> |

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).

Reason for modification: New substantive facts were presented at the conference. The above referenced violations are dismissed.

Assessment of Fine

The fine for this violation is \$1,501.00

The administrative fine for this violation has been modified from \$1,501.00 to \$00.00.

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).

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| | <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p><u>The administrative fine for this violation has been modified from \$500.00 to \$250.00.</u></p> |
| TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$250.00</u> | |

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
Post Office Box 980818
West Sacramento, CA 95798-0818

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified 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 modified Citation is effective on December 10, 2019. Payment is due by **January 9, 2019**.

Failure 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 Modified 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 Gabriella.Perez@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail