



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Austin University, Owner
Austin University
Bishop Ranch 8, 5000 Executive Parkway, Ste. 230
San Ramon, CA 94583

INSTITUTION CODE: 92601579

CITATION NUMBER: 2122038

CITATION ISSUANCE/SERVICE DATE: August 19, 2021

DUE DATE: September 18, 2021

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 Austin University, Owner of Austin University (Institution) located at Bishop Ranch 8, 5000 Executive Parkway, Ste. 230, San Ramon, CA 94583, 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 May 20, 2021, Bureau staff attempted to conduct an unannounced Compliance inspection at the Institution. Bureau staff arrived at first floor of the building, located an informational sign that included the names and addresses of all occupants of the building; found that the Institution was not included on the list.

Bureau staff arrived at the Institution's office space located on the second floor of the building and found that there was no one at the school, the front door was locked, and there was no furniture inside and the lights were off. Bureau staff could not locate any signage with the Institution's name or business hours.

Furthermore, Bureau staff was unable to locate the Institution's hours of operation on their website or their school catalog. Bureau staff performed a Google search of the Institution's hours of operation and found the following information: Monday through Thursday 9:00 am – 9:30 pm, Friday 9:00 am – 5:30pm, and Saturday 10:00 am – 4:00 pm. Bureau staff left the Institution unable to conduct the inspection.

VIOLATION(S)

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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> 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 <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>On May 20, 2021, at approximately 12:10 pm, Bureau staff attempted to conduct an unannounced Compliance inspection at the Institution. The Institution failed to have personnel available during their normal business hours in violation of 5, CCR Section 71930(e). Furthermore, the Institution’s office space was vacant with no sign of an Institution being present.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to obtain a physical presence and submit proof of its physical presence to the Bureau. In addition, the Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with be maintained with 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 **September 18, 2021**, 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 19, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 18, 2021**. 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) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“8/19/2021”

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