



CITATION: ASSESSMENT OF FINE

To: Embry-Riddle Aeronautical University, Inc., Owner
 Embry-Riddle Aeronautical University
 8799 Balboa Ave., Suite 125
 San Diego, CA 92123

INSTITUTION CODE: 0001461
CITATION NUMBER: 1920141
CITATION ISSUANCE/SERVICE DATE: November 20, 2019
DUE DATE: December 20, 2019
FINE AMOUNT: \$ 1,000.00

ORDER OF ABATEMENT INCLUDED: No

Christina Villanueva issues this Citation: Assessment of Fine (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 Embry-Riddle Aeronautical University, Inc., Owner of Embry-Riddle Aeronautical University (Institution) located at 8799 Balboa Ave., Suite 125, San Diego, CA 92123, 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 August 17, 2018, an announced Compliance inspection was conducted at the Institution. During the inspection Bureau staff reviewed students’ files and determined that that Institution failed to execute an enrollment agreement during the admissions process. Additionally, Bureau staff determined that during the enrollment process the Institution also failed to provide prospective students with a Student Performance Fact Sheet (SPFS).

VIOLATIONS

#	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.	Violation: CEC Section 94902(a)(b)(1)(3)(c) – General Enrollment Requirements <i>“(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</i>

	<p><i>(b) An enrollment agreement is not enforceable unless all of the following requirements are met:</i></p> <p><i>(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.</i></p> <p><i>(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.</i></p> <p><i>(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."</i></p> <p>The Institution enrolled new students without executing an enrollment agreement during the admission process.</p> <p>The Institution provided Bureau staff with a statement regarding the implementation of the enrollment agreement into the Institution's policy and procedure. The statement included an explanation of the Institution's procedures that were in effect from May 2017 to the date of the inspection, as well as the updated policy and procedures beginning August 20, 2018, that incorporates the enrollment agreements into the Institution's procedures for all California locations.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
2.	<p><u>Violation:</u> CEC Section 94910 – Minimum Requirements for School Performance Fact Sheet <i>"Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:"</i></p> <p>The Institution failed to provide prospective student with a Student Performance Fact Sheet (SPFS) during the admission process.</p> <p>At the start of the inspection, the Institution provided a statement regarding the implementation of the SPFS into the Institution's policy and procedure. Enclosed within the statement was an explanation of the Institution's current procedures that were in effect from May 2017 to the date of the inspection, and the updated policy and procedures that would begin on August 20, 2018, that incorporates the SPFS into the Institution's procedures.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$1,000.00</p>	

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 **\$1,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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 **December 20, 2019**, 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 **November 20, 2019**. Payment of the administrative fine shall be due by **December 20, 2019**. 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
P.O. Box 980818
West Sacramento, CA 95798-0818

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) 621-2593 or Gabriella.Perez@dca.ca.gov.

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