



CITATION: ASSESSMENT OF FINE ORDER OF ABATEMENT

To: USA Wah Tai Educational Consulting Services Inc.
Virscend University
16490 Bake Parkway, Suite 100
Irvine, CA 92618

INSTITUTION CODE: 24813837
CITATION NUMBER: 2223019
CITATION ISSUANCE/SERVICE DATE: September 2, 2022
DUE DATE: October 2, 2022
FINE AMOUNT: \$1,000.00
ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Citation 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 USA WahTai Educational Consulting Services, Inc., Owner of Virscend University (Institution) located at 16490 Blake Parkway, Suite 100, Irvine, CA, 92618 pursuant to California Education Code (CEC) Section 94936 and Title 5 of the California Code of Regulations (5, CCR) Sections 75020, 75030, 75040, and 75050, for the violations described below.

BACKGROUND

On November 29, 2021, Bureau staff conducted an unannounced Compliance inspection at the Institution. Bureau staff reviewed the Institution’s financial statements for the calendar year 2019-2020 and found that the Institution did not meet the required ratio.

In accordance with CEC Section 94885(a)(6) and (9), and 5, CCR Section 71745(a)(6), an institution shall document that it has at all times sufficient assets and financial resources to do the following:

- 1) For an institution not participating in Title IV of the federal Higher Education Act of 1965 (hereafter Title IV), maintain a ratio of current assets¹ to current liabilities of 1.25 to 1.00 or

¹ Current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and non-returnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles. 5, CCR Section 71745(a)(6).

greater at the end of the most recent fiscal year when using generally accepted accounting principles; or

2) For an institution participating in Title IV, meet the composite score requirements of the U.S. Department of Education.

According to the Bureau’s records reviewed on or about November 28, 2021, the Institution does not participate in Title IV, therefore it must maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles.

On November 18, 2021, the Bureau received financial statements for the year ending June 30, 2020, from the Institution. The Institution’s ratio of .28, demonstrates that the Institution fails to maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater.

In addition, the Institution failed to provide students with School Performance Fact Sheets (SPFS) prior to signing the enrollment agreement. As a result, two violations were found.

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 94885(a)(6) and (9)- Minimum Operating Standards <i>“(a) The bureau shall adopt by regulation minimum operating standards for an institution that shall reasonably ensure that all of the following occur: [...] (6) The institution is financially sound and capable of fulfilling its commitments to students. [...] (9) The institution is maintained and operated in compliance with this chapter and all other applicable ordinances and laws.”</i></p> <p>5, CCR Section 71745(a)(6)- Financial Resources. <i>“(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following: [...] (6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles, or for an institution participating in Title IV of the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education. For the purposes of this section, current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and non-returnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles.”</i></p> <p style="color: red;">For the reasons stated above, the institution is in violation of these sections of law.</p> <p>Order of Abatement: The Bureau orders the institution to:</p> <ol style="list-style-type: none"> 1. Submit a detailed plan to address its financial shortfalls and to meet the ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year in accordance with 5, CCR 71745(a)(6).

	<p>2. In addition, please provide an explanation of all measures to be taken by the Institution to ensure it meets future financial responsibilities.</p> <p>3. Please provide the Bureau with, in electronic format:</p> <p>a) a roster of all currently enrolled students that includes the student (1) names, (2) addresses, (3) telephone numbers, (4) email addresses, (5) program in which they are enrolled, (6) date of enrollment, (7) total cost of the program and (8) the total amount the student has paid.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$00.00</u></p>
2.	<p>CEC Section 94902(b)(1)(3) – General Enrollment Requirements <i>“(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.”</i></p> <p>CEC Section 94912 – Signature, Initials Required <i>“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”</i></p> <p><u>Violation: CEC sections 94902(b)(1)(3) and 94912:</u> During the inspection, Bureau staff reviewed student records and found the Institution failed to provide the a SPFS prior to signing the enrollment agreement. Additionally, the files that contained a SPFS failed to include the Institution’s signature and date.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to provide each current student with a copy of the SPFS and follow the terms set forth in CEC Section 94912. In addition, upon completion of providing students with a copy of the SPFS, the Institution shall provide the Bureau with a declaration declaring such. Lastly, the Bureau orders the Institution to submit a written policy, or procedure, of how the Institution will maintain future compliance in accordance with CEC Sections 94902 and 94912.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
TOTAL ADMINISTRATIVE FINE DUE: \$1,000.00	

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 **\$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.**

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 **October 2, 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 **September 2, 2022**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 2, 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, Citation Analyst, at 916- 574-7791 or Tessa.Barron@dca.ca.gov

"Original Signature on File"

"9/2/2022"

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