



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

To: Berlitz Languages, Inc. dba Berlitz Language
Languages, Inc. dba Berlitz Language
1455 Frazee Rd. Suite 220
San Diego, CA 92108

INSTITUTION CODE: 21343368
CITATION NUMBER: 1819067
CITATION ISSUANCE/SERVICE DATE: December 6, 2018
DUE DATE: January 5, 2019

FINE AMOUNT: \$1,500.00

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 Berlitz Languages, Inc. dba Berlitz Language, Owner of Languages, Inc. dba Berlitz Language (Institution) located at 1455 Frazee Rd. Suite 220, San Diego, CA 92108, 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 April 17, 2018, the Bureau received an Enforcement Referral from the Bureau's Compliance Unit (Compliance). The Enforcement Referral was referred due to material violations found during an announced compliance inspection conducted by the bureau at the Institution on February 20, 2018, at 1455 Frazee Rd, Suite 880, San Diego, CA 92108. The Enforcement Referral states material violations of CEC Section 94902(b)(1)(3). General Enrollment Requirements, and CEC Section 94931(b) – Late Payment.

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.	<u>Violation:</u> 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:</i> <i>(1) The student has received the institution's catalog and School Performance Fact Sheet prior to</i>

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.

On February 20, 2018, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the student's files. The Institution failed to provide students with a School Performance Fact Sheet prior to signing the Enrollment Agreement. The Institution stated that they did not give students School Performance Fact Sheets prior to enrollment. Student files did not contain signed copies of the School Performance Fact Sheet.

Order of Abatement:

The Bureau orders that the Institution provide detailed information of how the Institution will ensure that all students and the Institution sign and date the required documents. Provide detailed information of how the Institution will ensure that documents are kept in student files. Submit written evidence of compliance with CEC 94902 (b)(1)(3), and CEC 94912 to the Bureau.

Assessment of Fine

The fine for this violation is \$1500.00

3. **Violation:**

5, CCR Section 74006(a) and (b) - Annual Fee

"(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.

CEC Section 94931(a) or (b) - Late Payment

"(a) A fee that is not paid on or before the 30th calendar day after the due date for the payment of the fee shall be subject to 25 percent late payment penalty fee."

"(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee."

The Institution has failed to pay its penalty fee for the late submission of the annual fee for calendar years 2017 and 2018.

On December 1, 2016, the Institution was mailed a delinquency notice (invoice # 900318045) via mail at 291 Geary St # 400, San Francisco, CA 94102, stating that the annual fee for calendar year 2017 was due on January 1, 2017.

On March 15, 2018, the Institution was mailed a delinquency notice (invoice # 900320322) via mail at 291 Geary St # 400, San Francisco, CA 94102, stating that the annual fee for calendar year 2017 was due on January 1, 2017. On April 11, 2017, the Bureau received the annual fee for the year 2017 in the amount of \$14,530.86. As of December 6, 2018, the Bureau has not received the late penalty fee from the Institution.

On December 1, 2017, the Institution was mailed a delinquency notice (invoice # 900329692) via mail at 291 Geary St # 400, San Francisco, CA 94102, stating that the annual fee for calendar year

2018 was due on January 1, 2018.

On February 16, 2018, the Institution was mailed a delinquency notice (invoice # 900331511) via mail at 291 Geary St # 400, San Francisco, CA 94102, stating that the annual fee for calendar year 2018 was due on January 1, 2018. On March 28, 2018, the Bureau received the annual fee for calendar year 2018 in the amount of \$2,915.33. As of December 6, 2018, the Bureau has not received the late penalty fee from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its late penalty fee for calendar years 2017 and 2018 in accordance with 5, CCR section 94931 (b).

Assessment of Fine

The fine for this violation is \$0.00

TOTAL ADMINISTRATIVE FINE DUE: \$1,500.00

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 **\$1,500.00** 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 **January 5, 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 **December 6, 2018**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **January 5, 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:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@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