



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

To: Charles Chong, Vice President
 Western Covenant University
 1930 Wilshire Boulevard, Suite 1010
 Los Angeles, CA 90057

INSTITUTION CODE: 43106009
CITATION NUMBER: 1516059
CITATION ISSUANCE/SERVICE DATE: January 11, 2016
DUE DATE: February 10, 2016
FINE AMOUNT: \$ 2,000.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Charles Chong, Owner of Western Covenant University located at 1930 Wilshire Boulevard, Los Angeles, CA 90057, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violations described below.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> CEC 94902(a)- 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> <p>An announced compliance inspection was conducted on August 11, 2014, during which Bureau staff reviewed a random sample of student files. The files reviewed contained enrollment agreements. However, the institution failed to obtain student signatures on the enrollment agreements, and failed to have an institution representative sign the enrollment agreements, as required by CEC 94902(a). A Notice to Comply was issued for this and two other violations. The institution responded to one of the three violations but no response was received for this violation.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to provide a policy or procedure demonstrating how the institution is to ensure that all enrollment agreements are signed by the student and the institution. Additionally, the institution must submit a list of all students enrolled between June 1, 2015 and</p>

	<p>December 1, 2015, and provide copies of signed enrollment agreements for those students.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1000.00</u></p>
2.	<p><u>Violation:</u> CEC 94902(b)(3)– General Enrollment Requirements <i>“(b) An enrollment agreement is not enforceable unless all of the following requirements are met: (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>An announced compliance inspection was conducted on August 11, 2014, during which Bureau staff reviewed a random sample of student files. The Student Performance Fact Sheets were not signed by the students as required by CEC 94902(b)(3). A Notice to Comply was issued for this and two other violations. The institution responded to one of the three violations but no response was received for this violation.</p> <p><u>Order of Abatement:</u> The Bureau orders the institution to provide a policy or procedure pertaining to the enrollment of students, which includes the delivery, explanation, and student acknowledgement of the School Performance Fact Sheet(s) for each enrolling student as required by CEC 94902(a). Additionally, the institution must submit a list of all students enrolled between June 1, 2015 and December 1, 2015, and provide copies of Student Performance Fact Sheets initialed and signed by those students as required by CEC 94902(a).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1000.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$2,000.00</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 **\$2,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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.**

BACKGROUND

Western Covenant University (Institution) was issued a Notice to Comply #CA 43106009 0814 (NTC) on August 11, 2014, as a result of three minor violations detected during the desk review at an announced on-site compliance inspection. The institution was given 30 days from the date of the inspection to either remedy the violations or submit a written notice of disagreement. The Bureau received documents from the Institution to remedy one of the violations listed on the NTC, but did not receive documents or a written notice of disagreement from the Institution regarding the additional two violations which remain outstanding.

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 **February 10, 2016**, 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 January 11, 2016. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 11, 2016**. 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:

Jody Wright, 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 Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.



Elainea Shotwell
Enforcement Manager

January 11, 2016

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