



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

To: Sacco-Cooke Unlimited, LLC, Owner
Connect English Language Institute
4560 Alvarado Canyon Road, Suite 2B
San Diego, CA 92120

INSTITUTION CODE: 98946272
CITATION NUMBER: 1920255
CITATION ISSUANCE/SERVICE DATE: March 12, 2020
DUE DATE: April 11, 2020
FINE AMOUNT: \$ 2,000.00
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 Sacco-Cooke Unlimited, LLC, Owner of Connect English Language Institute (Institution), located at 4560 Alvarado Canyon Road, Suite 2B, San Diego, CA 92120, 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 September 18, 2019, Bureau staff conducted an announced Compliance inspection at the Institution. As a result, material violations related to current, graduate, and dropped/withdrawn student files were found.

VIOLATION(S)

#	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></p> <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:</i> <i>(1) The student has received the institution’s catalog and School Performance Fact Sheet prior to signing the enrollment agreement.</i> <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>CEC 94912 – Signature, Initials Required <i>Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant</i></p>

	<p><i>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>The Institution failed to provide students with a School Performance Fact Sheet (SPFS) prior to signing the enrollment agreement. Institution staff stated that they did not provide students with the SPFS prior to enrollment as they believed they did not have data to report. Institution staff stated that going forward the SPFS would be included in the electronic enrollment documents that the students receive through “DocuSign”.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, on how the Institution will maintain future compliance 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>
2.	<p><u>Violation:</u> 5, CCR Section 71770 (a)(1) – Admissions Standards and Transferred Credits Policy <i>(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:</i> <i>(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.</i></p> <p>CEC Section 94904 – Ability to Benefit Students <i>(a) Except as provided in subdivision (c), before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education, demonstrating that the student may benefit from the education and training being offered.</i></p> <p>The Institution did not request or require high school diplomas or its equivalent, or proof of passing an Ability to Benefit (ABT) exam upon admission. Instead, Institution staff stated each student was provided a placement test to ensure that they were in the correct level for their abilities.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 71770 (a)(1) and CEC section 94904(a).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</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.**

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 **April 11, 2020**, 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 **March 12, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 11, 2020**. 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”

“3/12/2020”

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