



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

December 15, 2020

Alena M. Nye-Knutson, Owner
English Language Institute
1 Embarcadero Center, Lobby Level (2nd Floor)
San Francisco, CA 94111

Date of Issuance	Citation Number	Institution Code
December 15, 2020	2021100	4102381

On November 20, 2020, an informal telephone conference was held in the matter of Citation: Order of Abatement No. 2021100 (Citation) against Alena M. Nye-Knutson, Owner of English Language Institute (Institution). In attendance were Beth Scott, Enforcement Chief, Dough Smith, Department of Consumer Affairs Legal Counsel, Alena Nye-Knutson, Owner and Executive Director, and Sean Ferguson, Director of Accreditation Regulatory and Compliance..

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021100.

It is the decision of the Enforcement Chief that on November 24, 2020, Citation No. 2021100 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	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: 5, CCR Section 74006(a) and (b) - Annual Fee <i>“(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.</i> <i>(b) An institution shall pay its annual fee in addition to any other applicable fees.”</i></p> <p>CEC Section 94930.5 (g)- Fee Schedule <i>“(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described</i></p>

in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus."

CEC Section 94931(b)- Late Payment

"(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."

2020 Annual Fee and Late Payment Penalty

The Institution has failed to pay its annual fee and late payment penalty fee for calendar year 2020.

On January 2, 2020, the Institution was notified, Invoice # 900347401, via mail at, 1 Embarcadero Center, Lobby Level (2nd Floor), San Francisco, CA 94111, stating that the annual fee for calendar year 2020 was due on February 1, 2020.

On March 18, 2020, the 1st Delinquency Notice (Invoice # 900348090), was sent via mail at, 1 Embarcadero Center, Lobby Level (2nd Floor), San Francisco, CA 94111, stating that the annual fee for calendar year 2020 was due on February 1, 2020.

On May 15, 2020, the 2nd Delinquency Notice (Invoice # 900348090) was sent via mail at, 1 Embarcadero Center, Lobby Level (2nd Floor), San Francisco, CA 94111, stating that the annual fee for calendar year 2020 was due on February 1, 2020.

As of October 1, 2020, the Bureau has not received the annual fee nor late payment penalty from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its annual fees for calendar year 2020 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(g). In addition, the Institution must pay all late payment penalty fees.

Assessment of Fine

The fine for this violation is \$00.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$00.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the

hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **December 15, 2020**. The order of abatement and payment are due by **January 17, 2021**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed 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 decision or desire further information, please contact Nicole Mitchell, Citation Analyst, at (916) 574-8995 or at Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“12/15/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail