

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 5. BUREAU OF PRIVATE POSTSECONDARY EDUCATION

California Code of Regulations
Division 7.5. Private Postsecondary Education

PROPOSED REGULATORY LANGUAGE
PUBLIC INSTITUTIONS

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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1. Amend Section 75020, of Article 2, of Chapter 5, of Division 7.5 of Title 5 of the California Code of Regulations

75020. Issuance of Citations.

(a) The Bureau Chief, or ~~his or her~~their designee, or the Director's designee, is authorized to issue citations containing orders of abatement ~~and/or~~ administrative fines, or both, pursuant to section 94936 of the Code against institutions approved under the Act ~~private, postsecondary institutions~~ that have committed any acts or omissions that are in violation of the Act or any regulation adopted pursuant thereto.

(b) The Bureau Chief, or ~~his or her~~their designee, or the Director's designee, is authorized to issue citations containing orders of abatement ~~and or~~ administrative fines, or both, not to exceed \$100,000 pursuant to section 94944 of the Code against persons who are without proper approval to operate ~~a private, postsecondary institution~~ as required under the Act. In addition, the citation may contain an order of abatement pursuant to section 149 of the Business and Professions Code that requires the unapproved person to cease any unlawful advertising and to notify the telephone company furnishing services to the cited person: (1) to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and (2) that subsequent calls to that number shall not be referred by the telephone company to any new number obtained by that person. The provisions of section 75040 shall apply to this subsection.

(c) In addition to the requirements of section 94936 of the Code, each citation shall inform the cited institution or person that:

(1) If a hearing pursuant to the Administrative Procedure Act (APA) is not requested, payment of the administrative fine is due 30 calendar days from the date of service, and shall not constitute an admission of the violation charged.

(2) If a hearing pursuant to the APA is conducted and payment of an administrative fine is ordered, the administrative fine is due 30 calendar days from when the order is effective;

(3) If the cited institution or person desires an informal conference to contest the finding of a violation prior to an APA hearing, the informal conference shall be requested by written notice to the Bureau within 30 calendar days from service of the citation;

(4) Failure to comply with any order of abatement within the time set forth in the citation, unless the citation is being appealed, may result in disciplinary action being taken by the Bureau; and

(5) The Bureau may enforce the administrative fine as if it were a money judgment pursuant to the California Code of Civil Procedure (beginning with section 680.010).

(d) Each citation shall be served on the cited institution or person, in person, or by certified and regular mail at the address of record on file with the Bureau. Citations served by certified and regular mail shall be deemed “served” on the date of mailing.

(e) The sanction authorized under this section shall be separate from, and in addition to, any civil, criminal, or other administrative remedies.

Note: Authority cited: Sections 94877 and 94936, Education Code. Reference: Section 149, Business and Professions Code; and Sections 94936, ~~and 94944,~~ and 94949.8, Education Code.