



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

February 22, 2019

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

Date of Issuance	Citation Number	Institution Code
February 22, 2019	1819067	21343368

On January 23, 2019 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819067 (Citation) against Berlitz Languages, Inc. dba Berlitz Language, Owner of Berlitz Languages, Inc. dba Berlitz Language Center. In attendance were Beth Scott, Enforcement Chief and Carol Vu and associates.

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. 1819067.

It is the decision of the Enforcement Chief that on February 12, 2019, Citation No. 1819067 is modified and makes the following change(s):

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><b><u>MODIFIED</u></b>  <b><u>Violation:</u></b>  <b>CEC Section 94902(b)(1)(3). General Enrollment Requirements</b>  <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>

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 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.

Reason for modification: New substantive facts were presented at the conference.

The administrative fine for this violation has been modified from \$1500.00 to \$500.00.

**MODIFIED**

2. **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 30<sup>th</sup> 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 90<sup>th</sup> 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).

Reason for modification: The institution submitted its late penalty fee for calendar years 2017 and 2018

The administrative fine for this violation is \$00.00

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$500.00**

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.**

PENALTY – ASSESSMENT OF A FINE

**Payment of the administrative fine is due within 30 days from the date of this decision.** Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. 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 did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this modified 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 modified Citation is effective on **February 22, 2019**. The order of abatement and payment are due by **March 25, 2019**

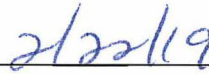
Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at [Gurinder.Sandhu@dca.ca.gov](mailto:Gurinder.Sandhu@dca.ca.gov).



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**Christina Villanueva**  
**Discipline Manager**



\_\_\_\_\_  
**Date**

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail