



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

March 11, 2021

Gendarme, Ltd., Owner
The Providence College
Previous Institution Name: Gendarme Institute
9459 Slauson Avenue
Pico Rivera, CA 90660

Date of Issuance	Citation Number	Institution Code
March 11, 2021	2021130	3007651

On February 18, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021130 (Citation) against Gendarme, Ltd., Owner of Gendarme Institute (Institution). In attendance were Beth Danielson, Enforcement Chief, Aboli Ndir, Owner, Emelyn Duarter, Instructor, Mishawn Roberson, Instructor, and Jocelyn Castro Lemus, Admissions Representative.

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. 2021130.

It is the decision of the Enforcement Chief that on February 23, 2021, Citation No. 2021130 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.	<u>AFFIRMED</u> Violation: 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</i>

educational program, the admissions standards must specify as applicable that:

(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.”

5, CCR Section 71920 (b)(1)(A) – Student Records

“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;”

CEC Section 94904 (a) – Ability to Benefit Students

“(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.”

On September 24, 2019, Bureau staff reviewed student files and found that files failed to include verification of high school completion, equivalency, or other documentation establishing the student's ability to do college level work, such as a successful completion of an Ability to Benefit (ATB) exam upon admissions.

In addition, Bureau staff found that student files contained incomplete Wonderlic Scholastic Level Exams (WSLE). The WSLEs failed to contain student names and scores and were administered by Institution staff.

Order of Abatement:

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections 71770(a)(1) and 71920(b)(1)(a), and CEC Section 94904 (a).

Assessment of Fine

The fine for this violation is \$1,501.00

2. **AFFIRMED**

Violation:

CEC Section 94902 (a) – General Enrollment Requirements

“(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.”

CEC Section 94912 – Signature, Initials Required

“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant 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.”

5, CCR Section 71930 (e) – Maintenance of Records

“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”

Bureau staff reviewed student files and found that files failed to include Enrollment Agreements and School Performance Fact Sheets (SPFS).

In addition, Bureau staff found that files also failed to contain signatures by the Institution on the Enrollment Agreements.

Order of Abatement:

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with CEC sections 94902 (a) and 94912.

Assessment of Fine

The fine for this violation is \$1,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,5010.00

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:

Nicole Mitchell, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 **March 11, 2021**. The order of abatement and payment are due by **April 10, 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 Nicole.Mitchell@dca.ca.gov.

“Original signature on file”

“3/11/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail