

**State of California  
Office of Administrative Law**

In re:  
Bureau for Private Postsecondary Education

Regulatory Action:

Title 05, California Code of Regulations

Amend sections: 75020

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2024-0402-03

OAL Matter Type: Regular (S)

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This regular rulemaking action amends the Bureau for Private Postsecondary Education's existing regulation regarding issuance of citations so that it includes within its scope certain public institutions of higher education over which the Bureau exercises regulatory authority, as provided in Education Code section 94949.8.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2024.

Date: May 13, 2024

  
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Timothy Findley  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Deborah Cochrane, Chief  
Copy: Yvette Johnson

# REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2024-0123-06</b>	REGULATORY ACTION NUMBER <b>2024-0402-035</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

MAY 13 2024

*2:01 PM*

OFFICE OF ADMIN. LAW  
2024 APR 2 @ 4:59 PM

AGENCY WITH RULEMAKING AUTHORITY  
**Bureau for Private Postsecondary Education**

AGENCY FILE NUMBER (If any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE <b>Public Institutions</b>	TITLE(S) <b>5</b>	FIRST SECTION AFFECTED <b>75020</b>	2. REQUESTED PUBLICATION DATE <b>February 2, 2024</b>
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON <b>David Dumble</b>	TELEPHONE NUMBER <b>(279) 895-6091</b>	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER <b>2023, 5-2</b>	PUBLICATION DATE <b>2/2/24</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Public Institutions</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) <b>75020</b>	ADOPT		
TITLE(S) <b>5</b>	AMEND <b>75020</b>		
	REPEAL		
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) <b>N/A</b>			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON <b>David Dumble</b>	TELEPHONE NUMBER <b>(279) 895-6091</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>david.dumble@dca.ca.gov</b>

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kimberly Kirchemeyer</i>	DATE <b>March 29, 2024</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Kimberly Kirchemeyer, Director, Department of Consumer Affairs</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**MAY 13 2024**

**Office of Administrative Law**

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

California Code of Regulations  
Division 7.5. Private Postsecondary Education  
Chapter 5. Enforcement and Discipline  
Article 2. Citations and Fines

ORDER OF ADOPTION

PUBLIC INSTITUTIONS

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by <del>strikeout</del> .
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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.