

**Sec. 10a-22k-12. Assessment of administrative penalty**

(a) The commissioner shall serve written notice upon a school indicating that an assessment of an administrative penalty, not to exceed five hundred dollars for each day of such violation, is under consideration. The commissioner shall set forth the reason such administrative penalty is being considered. Upon receipt of such notice, a school may file within seven days a written request for administrative review by the commissioner or his designee. Within forty-five days after the receipt of such request, the commissioner or his designee shall complete an administrative review and give written notice of the determination of the review to the school. A school aggrieved by the decision of the commissioner or his designee may, within fourteen days following its receipt of official notice of the completion and determination of such administrative review, appeal, in writing, setting forth the reasons thereof to the board. The board shall hold a hearing within twenty business days following receipt of such appeal to be conducted pursuant to chapter 54 of the general statutes. The chairperson of the board may designate a hearing officer or subcommittee to serve as a hearing panel pursuant to Section 4-176e of the General Statutes.

(b) The total amount of an administrative penalty that a school shall be assessed shall be calculated in accordance with the following formula:

(1) The number of days that a school is in violation shall be the difference between the day on which the school is notified, by receipt of certified letter, that it is in violation and the day on which the commissioner or his designee notifies said school that the violation has been corrected.

(2) The penalty shall not exceed five hundred dollars for each day of such violation.

(3) The total amount of an administrative penalty shall be the product of the number of days that a school is in violation times the dollar amount per day penalty.

The commissioner may assess an administrative penalty for each violation in accordance with the above formula whenever there exists one or more violations. If a school appeals an administrative penalty in accordance with section 10a-22k-12(a), payment of the administrative penalty shall not be due until seven days after the determination of the appeal if said determination finds that the school was in violation. If a school does not appeal an administrative penalty provided under section 10a-22k-12(a), payment of the administrative penalty shall be due no later than seven days after the receipt of the certified letter containing a notice of assessment. The total amount of an administrative penalty shall be calculated on the number of days that a school is in violation notwithstanding any appeals initiated by a school.

(c) In imposing the administrative penalty, the commissioner shall consider all factors which he deems relevant, including, but not limited to, the following:

(1) the amount of administrative penalty necessary to insure immediate compliance and to assure the school's continued compliance with statutes and regulations;

(2) the conduct of the school in taking all reasonable steps or procedures necessary and appropriate to comply with statutes and regulations and to correct the violation; and

(3) any prior violations by the school of statutes, regulations or orders administered, adopted or issued by the commissioner.

(d) The commissioner shall, for the purposes of determining and assessing an administrative penalty, use the following tables and classifications:

*Regulations of Connecticut State Agencies*

<b>Class #1 Violation</b>		
<b>Category</b>	<b>Violation</b>	<b>Penalty</b>
New School	Operating without a certificate	Not less than \$100 nor more than \$500 per day.
Existing School	Operating without a certificate	Not less than \$100 nor more than \$500 per day.
	Operating without applicable state and local fire certificates	Not less than \$100 nor more than \$500 per day.
	Operating without liability, property damage or worker's compensation insurance	Not less than \$100 nor more than \$500 per day.
Extension or Branch School	Operating without an amended certificate	Not less than \$100 nor more than \$500 per day.
Revision	Operating without an amended certificate which affects original ownership or location of school	Not less than \$100 nor more than \$500 per day.
<b>Class #2 Violation</b>		
<b>Category</b>	<b>Violation</b>	<b>Penalty</b>
Existing School	Operating without irrevocable letter of credit	Not less than \$50 nor more than \$250 per day.
	Operating without sufficient liquid assets or other evidence of fiscal soundness	Not less than \$50 nor more than \$250 per day.
	False statement about a material fact in application for authorization	Not less than \$50 nor more than \$250 per day.
	Failure to make required payment to default assurance fund	Not less than \$50 nor more than \$250 per day.
	Failure to file annual financial report	Not less than \$50 nor more than \$250 per day.
	Operating without a certificate of "good standing" on file with Secretary of State	Not less than \$50 nor more than \$250 per day.
Revision	Operating without an amended certificate which affects courses or programs	Not less than \$50 nor more than \$250 per day.
<b>Class #3 Violation</b>		
<b>Category</b>	<b>Violation</b>	<b>Penalty</b>

*Regulations of Connecticut State Agencies*

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Existing School	Operating without applicable zoning certificate -	Not less than \$50 nor more than \$100 per day.
	Advertising, sales, collection, credit or other practices which are false, deceptive, misleading or unfair.	Not less than \$50 nor more than \$100 per day.
	Policy or actions which discourage or prohibit the filing of inquiries or complaints regarding the school's operation with the Commissioner	Not less than \$50 nor more than \$100 per day.
Miscellaneous	Failure of a school not authorized under Connecticut Statutes and Regulations to file application and to pay fee for their representatives to operate within State of Connecticut	Not less than \$50 nor more than \$100 per day per representative.

(e) The absence of a particular violation and assessment penalty from the above tables and classifications shall not preclude the commissioner from classifying any violation and determining, assessing and imposing an administrative penalty in accordance with subsections (a) through (d), inclusive, of this section.

(f) The assessment of an administrative penalty shall not preclude the commissioner from revoking a school's certificate of authorization.

(Effective April 26, 1991; Transferred and Amended July 25, 1997)