



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

November 13, 2019

Ashford University, LLC., Owner  
 Ashford University  
 8620 Spectrum Center Blvd.  
 San Diego, CA 92123

Date of Issuance	Citation Number	Institution Code
November 13, 2019	1819208	57064558

On August 26, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819208 (Citation) against Ashford University, LLC., Owner of Ashford University (Institution). In attendance were Marina O'Connor, Licensing Chief, Craig Swenson, Owner, Tony Guida, Attorney, and Keith Zakarin, Attorney.

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. 1819208.

It is the decision of the Licensing Chief that on November 9, 2019, Citation No. 1819208 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>Violation:</u></b>  <b>CEC Section 94911(c) – Minimum Requirements for Enrollment Agreements</b>  <i>An enrollment agreement shall include, at a minimum, all of the following:</i>  <i>“(c) In underlined capital letters on the same page of the enrollment agreement in which the student’s signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.”</i></p> <p><b>On March 1, 2018, Bureau staff found that page 26 of the Institution’s 01/2018 Enrollment Agreement was found to contain in underlined capital letters <u>ESTIMATED TOTAL CHARGES FOR CURRENT PERIOD OF ATTENDANCE, ESTIMATED TOTAL CHARGES FOR ENTIRE EDUCATIONAL PROGRAM, TOTAL CHARGES STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT.</u></b></p> <p><b>The first Enrollment Agreement disclosure, <u>ESTIMATED TOTAL CHARGES FOR CURRENT PERIOD OF ATTENDANCE</u>, is not correct. Rather, the first Enrollment Agreement disclosure should read,</b></p>

TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE.

**Order of Abatement:**

The Bureau orders the Institution to submit a revised Enrollment Agreement with an updated disclosure that is in compliance with CEC section 94911(c) to the Bureau for review.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$50.00

**The administrative fine for this violation has been modified from \$50.00 to \$00.00.**

2.

**Violation:**

**5, CCR Section 71750(a), (c) – Withdrawals and Refunds**

*“(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.*

*“(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:”*

**CEC Section 94919(c) – Institution Participating in Federal Student Financial Aid Programs**

*“(c) The institution shall also provide a pro rata refund of nonfederal student financial aid program moneys paid for institutional charges to students who have completed 60 percent or less of the period of attendance.”*

**CEC Section 94854 – Period of Attendance**

*“Period of attendance” means a semester, quarter, or trimester for educational programs measured in credit hours and the entire educational program if measured in clock hours.”*

On March 1, 2018, Bureau staff found that page 31 and 32 of the Institution’s 01/2018 Enrollment Agreement contains refund policies based on a single course and not the period of attendance. Additionally, page 26 of the 01/2018 Enrollment Agreement shows the period of attendance as 4 courses (12 credits).

The Enrollment Agreement refund policy should be based on the period of attendance, 4 courses. The Enrollment Agreement refund policy should not be based on a single course at a time.

**Order of Abatement:**

The Bureau orders the Institution to submit an Enrollment Agreement with a refund policy based on the period of attendance, 4 courses, and not a single course.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$1,000.00

The administrative fine for this violation has been modified from \$1,000.00 to \$50.00.

3.

**Violation:**

**5, CCR Section 71770(a)(1) – Admissions Standards and Transferred Credits Policy**

*“(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 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.”*

On March 1, 2018, Bureau staff found that page 42 of the Institution’s 01/2018 Enrollment Agreement was found to state the following:

**“Full Admission Requirements for Online Bachelor’s Degree Programs**

The following requirements must be met prior to the conclusion of the fourth (4th) attempted Ashford University course in a degree seeking program. To start the fifth (5th) course, students must complete all the requirements subsequently outlined.

1. Official TOEFL or IELTS scores, if required for admission. Students that meet the English Language requirement with 30 transferable credits must submit the official transcript(s) where these credits were earned.

2. If no high school diploma was earned, applicants who have successfully completed at least a two-year program or have earned a minimum of 60 transferable credits that is acceptable for full credit toward a bachelor’s degree from an appropriately accredited postsecondary institution, as defined by Ashford University transfer credit policies, must have official transcripts of those credits on file to meet full admissions requirements.

Note: Additional requirements for residents of California, Mississippi and Tennessee and for students seeking admission based on credentials earned outside of the United States are outlined separately.

Students who do not meet all requirements will not be fully admitted and will be withdrawn from the program.

**Additional Undergraduate Full Admission Requirements for Residents of California, Mississippi and Tennessee.**

California residents must submit proof of graduation from high school in one of the following forms:

- Official or unofficial copy of high school transcripts indicating graduation
- Official or unofficial documentation of passing the GED or state certificate awarded
- Proof of at least a two-year program or a minimum of 60 transferrable credits that are acceptable for full credit toward a bachelor’s degree from an appropriately accredited postsecondary institution, as defined by Ashford University transfer credit policies”

The Bureau's laws and regulations do not contain an admissions policy that only applies to California residents, the admissions policy should apply to all students enrolling at the Institution.

**Order of Abatement:**

The Bureau orders the Institution to submit an Enrollment Agreement with an admissions policy that applies to all students enrolled through the Institution's San Diego campus to the Bureau for review.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$100.00

4.

**Violation:**

**CEC Section 94910(g)(2) – Minimum Requirements for School Performance Fact Sheet**

*“Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:*

*(g) The following statements:*

*(2) “Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers).”*

On February 28, 2018, Bureau management reviewed the Institution's current 2015-2016 SPFS and the supporting documentation. The following 2015-2016 SPFS were reviewed: Associate of Arts in Early Childhood Education, Bachelor of Arts in Business Information Systems, Bachelor of Arts in Supply Chain Management, Bachelor of Arts in Accounting, Bachelor of Arts in Applied Behavioral Science, Master of Science in Criminal Justice, and Master of Arts in Teaching and Learning with Technology.

Bureau management stated that the 2015-2016 SPFS reviewed had an incorrect address (wrong format), “P.O. Box 980818, West Sacramento, CA 95798-0818”, on the disclosure page.

The SPFS is required to contain the verbatim disclosure located in CEC Section 94910(g)(2) and shall use “2535 Capitol Oaks Dr, Suite 400 Sacramento, CA 95833” as the Bureau's address.

**Order of Abatement:**

The Bureau orders the Institution to maintain SPFS that contain the verbatim disclosure located in CEC Section 94910(g)(2) and shall use “2535 Capitol Oaks Dr, Suite 400 Sacramento, CA 95833” as the Bureau's address. The Institution shall submit evidence of compliance to the Bureau.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$100.00

The administrative fine for this violation has been modified from \$100.00 to \$50.00.

5.

**Violation:**

**5, CCR Section 74112(a)(g)(j)(l)(m) – Uniform Data – Annual Report, Performance Fact Sheet**

*“(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.”*

*“(g) Student Loan/Debt Information.*

*(1) If the institution participates in federal financial aid programs, the institution shall include loan information in the institution’s Annual Report and on the Performance Fact Sheet. The loan information shall include:*

*(A) The most recent three-year cohort default rate, as reported by the United States Department of Education;*

*(B) The percentage of enrolled students receiving federal student loans;*

*(C) The average amount of federal student loan debt of those graduates who have federal student loan debt in the reporting year; and*

*(D) The percentage of graduates with federal student loans, as calculated by the institution.*

*Loan information shall be included in the Performance Fact Sheet in a format substantially similar to the format listed below (dates and numbers are for example only):*

*Federal Student Loan Debt at (Name of Institution)*

*Percentage of students who defaulted on their federal student loans at this school: 28%*

*Percentage of students enrolled in 20XX who took out federal student loans to pay for this program: 43%*

*Percentage of graduates in 20XX who took out federal student loans to pay for this program: 65%*

*Average federal student loan debt of 20XX graduates who took out federal student loans at this institution: \$26,000*

*The percentage of students who defaulted on their federal student loans is called the Cohort Default Rate (CDR). It shows the percentage of this school’s students who were more than 270 days (about 9 months) behind on their federal student loans within three years of when the first payment was due.*

*This is the most recent CDR reported by the U.S. Department of Education.*

*Student’s Initials: \_\_\_\_\_*

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

*Initial only after you have had sufficient time to read and understand the information.”*

*“(j) License Examination Passage Rates. If license examination passage rates are not available from the appropriate state agency, an institution shall collect the information directly from its graduates. If an institution demonstrates that, after reasonable efforts, it is unable to obtain the examination passage information from its graduates, the institution shall report the number of students it could not contact and note in a font the same size as the majority of the data on the Performance Fact Sheet, “License examination passage data is not available from the state agency administering the examination. We were unable to collect data from [enter the number] graduates.”*

*Reporting of license examination passage rates for the Annual Report and the Performance Fact Sheet shall include, for each educational program: the number of graduates in the reported year, the number of documented graduates who passed the first available examination, number of documented graduates who failed the first available examination, the number of graduates for whom data is not available. An optional column may be added to separately report licensing examination data for graduates who take and pass the exam after failing initially. The Annual Report shall also include a*

*description of the processes for attempting to contact those students.*

*For licensing examinations that are not continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, (dates, numbers, and other data shown are for example only):*

*License Examination Passage Rates (includes data for the two calendar years prior to reporting)*

*Name of Educational Program (Program Length)*

<i>First Available Exam Date</i>	<i>Date Exam Results Announced</i>	<i>Number of Graduates in Calendar Year</i>	<i>Number of Graduates Taking Exam</i>	<i>Number Who Passed Exam</i>	<i>Number Who Failed Exam</i>	<i>Passage Rate<sup>3</sup></i>
<i>2/1/20XX</i>	<i>3/15/20XX</i>	<i>277</i>	<i>80</i>	<i>40</i>	<i>40</i>	<i>50%</i>
<i>6/1/20XX</i>	<i>7/15/20XX</i>	<i>277</i>	<i>100</i>	<i>75</i>	<i>25</i>	<i>75%</i>
<i>10/1/20XX</i>	<i>11/15/20XX</i>	<i>277</i>	<i>82</i>	<i>68</i>	<i>14</i>	<i>76%</i>
<i>X</i>	<i>X</i>					
<i>2/1/20XY</i>	<i>3/20/20XX</i>	<i>304</i>	<i>80</i>	<i>40</i>	<i>40</i>	<i>50%</i>
<i>6/1/20XY</i>	<i>7/19/20XX</i>	<i>304</i>	<i>100</i>	<i>70</i>	<i>30</i>	<i>70%</i>
<i>10/1/20XY</i>	<i>11/19/20XX</i>	<i>304</i>	<i>92</i>	<i>62</i>	<i>30</i>	<i>67%</i>
<i>Y</i>	<i>X</i>					

*License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 32 graduates.*

*Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_*

*Initial only after you have had sufficient time to read and understand the information.*

*For licensing examinations that are continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):*

*License Examination Passage Rates (includes data for the two calendar years prior to reporting)*

*Name of Educational Program (Program Length)*

<i>Calendar Year</i>	<i>Number of Graduates in Calendar Year</i>	<i>Number of Graduates Taking Exam</i>	<i>Number Who Passed First Available Exam</i>	<i>Number Who Failed First Available Exam</i>	<i>Passage Rate</i>
<i>20XX</i>	<i>95</i>	<i>80</i>	<i>40</i>	<i>40</i>	<i>50%</i>
<i>20XY</i>	<i>109</i>	<i>100</i>	<i>75</i>	<i>25</i>	<i>75%</i>

*License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 10 graduates.*

*Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_*

*Initial only after you have had sufficient time to read and understand the information."*

*"(l) Definitions. Definitions for all terms contained on the Performance Fact Sheet shall be included as part of the Performance Fact Sheet, in the same format as required in subdivision (a).*

*The following are the definitions for the Performance Fact Sheet:*

*"Number of Students Who Began the Program" means the number of students who began a program who were scheduled to complete the program within 100% of the published program length within the reporting calendar year and excludes all students who cancelled during the cancellation period.*

*"Students Available for Graduation" is the number of students who began the program minus the number of students who have died, been incarcerated, or been called to active military duty.*

*"Number of On-time Graduates" is the number of students who completed the program within 100% of the published program length within the reporting calendar year.*

*"On-time Completion Rate" is the number of on-time graduates divided by the number of students available for graduation.*

*"150% Graduates" is the number of students who completed the program within 150% of the program length (includes on-time graduates).*

*"150% Completion Rate" is the number of students who completed the program in the reported calendar year within 150% of the published program length, including on-time graduates, divided by the number of students available for graduation.*

*"Graduates Available for Employment" means the number of graduates minus the number of graduates unavailable for employment.*

*"Graduates Unavailable for Employment" means the graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.*

*"Graduates Employed in the Field" means graduates who beginning within six months after a student completes the applicable educational program are gainfully employed, whose employment has been reported, and for whom the institution has documented verification of employment. For occupations for which the state requires passing an examination, the six months period begins after the announcement of the examination results for the first examination available after a student completes an applicable educational program.*

*"Placement Rate Employed in the Field" is calculated by dividing the number of graduates gainfully employed in the field by the number of graduates available for employment.*

*"Number of Graduates Taking Exam" is the number of graduates who took the first available exam in the reported calendar year.*

*"First Available Exam Date" is the date for the first available exam after a student completed a program.*

*"Passage Rate" is calculated by dividing the number of graduates who passed the exam by the number of graduates who took the reported licensing exam.*

*"Number Who Passed First Available Exam" is the number of graduates who took and passed the first available licensing exam after completing the program.*

*"Salary" is as reported by graduate or graduate's employer.*

*"No Salary Information Reported" is the number of graduates for whom, after making reasonable attempts, the school was not able to obtain salary information."*

*"(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:*

*(1) the list of job classifications determined to be considered gainful employment for the educational program;*

*(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;*

*(3) graduate's place of employment and position, date employment began, date employment ended, if*

*applicable, actual salary, hours per week, and the date employment was verified;*  
*(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;*  
*(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;*  
*(6) a description of all attempts to contact each student. or employer;*  
*(7) any and all documentation used to provide data regarding license examinations and examination results;*  
*(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and*  
*(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."*

On February 28, 2018, Bureau management reviewed the Institution's current 2015-2016 SPFS and the supporting documentation. The following 2015-2016 SPFS were reviewed: Associate of Arts in Early Childhood Education, Bachelor of Arts in Business Information Systems, Bachelor of Arts in Supply Chain Management, Bachelor of Arts in Accounting, Bachelor of Arts in Applied Behavioral Science, Master of Science in Criminal Justice, and Master of Arts in Teaching and Learning with Technology.

The Bureau reported that the Institution used the wrong format and included a disclosure on the last page of the 2015-2016 SPFS, that is not required. The Institution is not allowed to add any additional disclosures, per 5, CCR Section 74112 (a).

The Bureau determined that the 2015-2016 SPFS reviewed did not report the percentage of students and graduates that took out loans to pay for specific programs. The Federal Student Loan Debt Information on the 2015-2016 SPFS does not match the Federal Student Loan Debt Information reported on the Annual Report, per 5, CCR Section 74112 (g).

The Bureau determined that the 2015-2016 SPFS reviewed did not have student's initial and date line for the License Examination Passage Rates section and they did not include the tables per 5, CCR Section 74112 (j).

The Bureau found that the 2015-2016 SPFS reviewed did not include definitions for all terms listed under 5, CCR Section 74112(l).

Documentation supporting all data reported in the SPFS shall be maintained electronically by the Institution for at least five years from the last date reported, per 5, CCR Section 74112 (m).

**Order of Abatement:**

The Bureau orders the Institution to maintain compliance with 5, CCR section 74112. The Institution shall also electronically maintain, for at least five years from the last date reported, documentation supporting all data reported in the SPFS. The Institution shall submit a written policy of how compliance with the 5, CCR section 74112 will be maintained.



	<p><b>Reason for modification:</b> New substantive facts were presented at the conference; however, the Institution shall submit a written a policy of how compliance with the 5, CCR section 74112 will be maintained.</p> <p><b>Assessment of Fine</b> The fine for this violation is <u>\$5,000.00</u></p> <p><b>The administrative fine for this violation has been modified from \$5,000.00 to \$4,000.00.</b></p>
6.	<p><b>Violation:</b> <b>CEC Section 94910(a) – Minimum Requirements for School Performance Fact Sheet</b> <i>“Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program: (a) Completion rates, as calculated pursuant to Article 16 (commencing with Section 94928).”</i></p> <p><b>CEC Section 94929(a) – Reporting of Completion Rate</b> <i>“(a)An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation.”</i></p> <p><b>On February 28, 2018, Bureau management reviewed the following 2015-2016 SPFS: Associate of Arts in Early Childhood Education, Bachelor of Arts in Business Information Systems, Bachelor of Arts in Supply Chain Management, Bachelor of Arts in Accounting, Bachelor of Arts in Applied Behavioral Science, Master of Science in Criminal Justice, and Master of Arts in Teaching and Learning with Technology.</b></p> <p><b>The Bureau stated that the 2015-2016 SPFS reviewed (except Associate of Arts in Early Childhood Education, Bachelor of Arts in Business Information Systems, and Bachelor of Arts in Accounting) did not list completion rates and instead had an asterisk (*) which denotes fewer than 10 students.</b></p> <p><b>The SPFS shall contain completion rates for all students.</b></p> <p><b>Order of Abatement:</b> The Bureau orders the Institution to maintain SPFS that contain completion rates for all students. The Institution shall submit the corrected SPFS for the programs noted above to the Bureau.</p> <p><b>Assessment of Fine</b> The fine for this violation is <u>\$2,500.00</u></p>
7.	<p><b>Violation:</b> <b>5, CCR Section 71750(a), (c) – Withdrawals and Refunds</b> <i>“(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division. (c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:”</i></p>

**CEC Section 94909(a)(8)(B) – Minimum Requirements for School Catalog**

*“(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:*

*(8) A detailed description of institutional policies in the following areas:*

*(B) Cancellation, withdrawal, and refund policies, including an explanation that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first-class session, or the seventh day after enrollment, whichever is later. The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund consistent with the requirements of Article 13 (commencing with Section 94919).*

**CEC Section 94919(c) – Institution Participating in Federal Student Financial Aid Programs**

*“(c) The institution shall also provide a pro rata refund of nonfederal student financial aid program moneys paid for institutional charges to students who have completed 60 percent or less of the period of attendance.”*

**CEC Section 94854 – Period of Attendance**

*““Period of attendance” means a semester, quarter, or trimester for educational programs measured in credit hours and the entire educational program if measured in clock hours.”*

On May 14, 2018, page 69 of the 2017-2018 Academic Catalog was found to contain refund policies based on the course and not the period of attendance. Page 48 of the 2017-2018 Academic Catalog states “A period of attendance is defined as four courses or 12 credits for undergraduate students and as three courses or 9 credits for graduate students.”

The catalog must contain a refund policy based on a period of attendance.

**Order of Abatement:**

The Bureau orders the Institution to submit a catalog with a refund policy based on the period of attendance, 4 courses, and not a single course. The Institution shall submit evidence of compliance to the Bureau for review.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$1,000.00

The administrative fine for this violation has been modified from \$1,000.00 to \$50.00.

8. **Violation:**

**CEC Section 94897(j) – Prohibited Business Practices**

*“An institution shall not do any of the following:*

*(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:*

*(1) A financial report filed with the bureau.*

*(2) Information or records relating to the student’s eligibility for student financial aid at the institution.*

(3) Any other record or document required by this chapter or by the bureau.”

**CEC Section 94919(c) – Institution Participating in Federal Student Financial Aid Programs**

“(c) The institution shall also provide

a pro rata refund of nonfederal student financial aid program moneys paid for institutional charges to students who have completed 60 percent or less of the period of attendance.”

**5, CCR Section 71750(a) – Withdrawals and Refunds**

“(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.”

On March 1, 2018, Bureau staff found that page 31 of the 01/2018 Enrollment Agreement contains a statement that states “The California State Refund Policy applies to residents of California who are taking courses in the online modality.”

On May 14, 2018, Bureau staff found that page 70 of the 2017-2018 Academic Catalog was found to contain a statement that states “The California State Refund Policy applies to residents of California.”

The Bureau’s laws and regulations do not contain a refund policy that only applies to California residents; the refund policy should apply to all students enrolling in the Institution.

**Order of Abatement:**

The Bureau orders the Institution to submit an Enrollment Agreement and School Catalog with a refund policy that applies to all students enrolled through the Institution’s San Diego campus. The Institution shall submit evidence of compliance to the Bureau for review and submit a written policy of how compliance with this code section will be maintained.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$1,000.00

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$7,750.00**

**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:

Cheryl Lardizabal, 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 affirmed or modified 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 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 November 13, 2019. The Order of Abatement and payment are due by **December 13, 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 Cheryl Lardizabal, Citation Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.

\_\_\_\_\_  
**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