

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 GREGORY TUSS  
Deputy Attorney General  
4 State Bar No. 200659  
1515 Clay Street, 20th Floor  
5 Post Office Box 70550  
Oakland, California 94612-0550  
6 Telephone: (510) 622-2143  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

Case No. 999521

13 **CALIFORNIA UNIVERSITY OF**  
14 **MANAGEMENT AND TECHNOLOGY**

**STATEMENT OF ISSUES**

15 **CHIU YEN TAO**  
16 **a.k.a. Chiuyen Wu-Tao**  
**Co-Chair of the Board of Directors and**  
**Majority Owner,**

17 Respondent.

18  
19 Complainant Joanne Wenzel alleges:

20 **PARTIES**

21 1. Complainant brings this statement of issues solely in her official capacity as the  
22 Chief of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer  
23 Affairs.

24 2. On or about July 28, 2010, the Bureau received an Application for Approval to  
25 Operate for an Institution Non Accredited from California University of Management and  
26 Technology; Chiu Yen Tao, a.k.a. Chiuyen Wu-Tao, Co-Chair of the Board of Directors and  
27 Majority Owner (respondent). On or about July 21, 2010, Chiu Yen Tao certified under penalty  
28 of perjury to the truthfulness of all statements, answers, and representations in the application.

1 The Bureau denied the application on January 10, 2014.

2 **JURISDICTION**

3 3. This statement of issues is brought before the Director of the Department of  
4 Consumer Affairs (Director) for the Bureau under the authority of the following laws.<sup>1</sup>

5 4. Education Code section 94886 states:

6 “Except as exempted in Article 4 (commencing with Section 94874) or in compliance  
7 with the transition provisions in Article 2 (commencing with Section 94802), a person shall not  
8 open, conduct, or do business as a private postsecondary educational institution in this state  
9 without obtaining an approval to operate under this chapter.”

10 5. Education Code section 94887 states:

11 “An approval to operate shall be granted only after an applicant has presented sufficient  
12 evidence to the bureau, and the bureau has independently verified the information provided by the  
13 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant  
14 has the capacity to satisfy the minimum operating standards. The bureau shall deny an  
15 application for an approval to operate if the application does not satisfy those standards.”

16 **STATUTORY AND REGULATORY PROVISIONS**

17 6. Education Code section 94897 states in part:

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

19 ...

20 “(g) Offer to compensate a student to act as an agent of the institution with regard to the  
21 solicitation, referral, or recruitment of any person for enrollment in the institution, except that an  
22 institution may award a token gift to a student for referring an individual, provided that the gift is  
23 not in the form of money, no more than one gift is provided annually to a student, and the gift’s  
24 cost is not more than one hundred dollars (\$100).

25 ...

26 <sup>1</sup> The legislature amended portions of the California Private Postsecondary  
27 Education Act of 2009 (Ed. Code, § 94800 et seq.) effective January 1, 2015. This statement of  
28 issues relies on the provisions of California Private Postsecondary Education Act of 2009 that  
were in effect when the causes for denial arose; that is, before the 2015 amendments.

1           “(l) Use the terms ‘approval,’ ‘approved,’ ‘approval to operate,’ or ‘approved to operate’  
2 without stating clearly and conspicuously that approval to operate means compliance with state  
3 standards as set forth in this chapter.”

4           7.       Education Code section 94909 states in part:

5           “(a) Prior to enrollment, an institution shall provide a prospective student, either in writing  
6 or electronically, with a school catalog containing, at a minimum, all of the following:

7           ...

8           “(3) The following statements:

9           ...

10           “(B) ‘As a prospective student, you are encouraged to review this catalog prior to signing  
11 an enrollment agreement. You are also encouraged to review the School Performance Fact Sheet,  
12 which must be provided to you prior to signing an enrollment agreement.’

13           ...

14           “(5) A description of the programs offered and a description of the instruction provided in  
15 each of the courses offered by the institution, the requirements for completion of each program,  
16 including required courses, any final tests or examinations, any required internships or  
17 externships, and the total number of credit hours, clock hours, or other increments required for  
18 completion.

19           ...

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

21           “(A) Admissions policies, including the institution’s policies regarding the acceptance of  
22 credits earned at other institutions or through challenge examinations and achievement tests,  
23 admissions requirements for ability-to-benefit students, and a list describing any transfer or  
24 articulation agreements between the institution and any other college or university that provides  
25 for the transfer of credits earned in the program of instruction. If the institution has not entered  
26 into an articulation or transfer agreement with any other college or university, the institution shall  
27 disclose that fact.

28           ...

1           “(9) The schedule of total charges for a period of attendance and an estimated schedule of  
2 total charges for the entire educational program.

3           ...

4           “(11) A statement specifying that, if a student obtains a loan to pay for an educational  
5 program, the student will have the responsibility to repay the full amount of the loan plus interest,  
6 less the amount of any refund, and that, if the student has received federal student financial aid  
7 funds, the student is entitled to a refund of the moneys not paid from federal student financial aid  
8 program funds.

9           ...

10           “(14) A description of the student’s rights and responsibilities with respect to the Student  
11 Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student  
12 who pays his or her tuition is required to pay a state-imposed assessment for the Student Tuition  
13 Recovery Fund. This statement shall also describe the purpose and operation of the Student  
14 Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition  
15 Recovery Fund.

16           “(15) The following statement:

17           “NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS  
18 EARNED AT OUR INSTITUTION

19           “The transferability of credits you earn at (name of institution) is at the complete  
20 discretion of an institution to which you may seek to transfer. Acceptance of the (degree,  
21 diploma, or certificate) you earn in (name of educational program) is also at the complete  
22 discretion of the institution to which you may seek to transfer. If the (credits or degree, diploma,  
23 or certificate) that you earn at this institution are not accepted at the institution to which you seek  
24 to transfer, you may be required to repeat some or all of your coursework at that institution. For  
25 this reason you should make certain that your attendance at this institution will meet your  
26 educational goals. This may include contacting an institution to which you may seek to transfer  
27 after attending (name of institution) to determine if your (credits or degree, diploma or certificate)  
28 will transfer.”

1 8. Education Code section 94911 states in part:

2 “An enrollment agreement shall include, at a minimum, all of the following:

3 ...

4 “(e)(1) A disclosure with a clear and conspicuous caption, ‘STUDENT’S RIGHT TO  
5 CANCEL,’ under which it is explained that the student has the right to cancel the enrollment  
6 agreement and obtain a refund of charges paid through attendance at the first class session, or the  
7 seventh day after enrollment, whichever is later.

8 “(2) The disclosure shall contain the institution’s refund policy and a statement that, if the  
9 student has received federal student financial aid funds, the student is entitled to a refund of  
10 moneys not paid from federal student financial aid program funds.

11 ...

12 “(g) A statement specifying that, if the student is eligible for a loan guaranteed by the  
13 federal or state government and the student defaults on the loan, both of the following may occur:

14 “(1) The federal or state government or a loan guarantee agency may take action against  
15 the student, including applying any income tax refund to which the person is entitled to reduce the  
16 balance owed on the loan.

17 “(2) The student may not be eligible for any other federal student financial aid at another  
18 institution or other government assistance until the loan is repaid.

19 “(h) The transferability disclosure that is required to be included in the school catalog, as  
20 specified in paragraph (15) of subdivision (a) of Section 94909.

21 “(i)(1) The following statement: ‘Prior to signing this enrollment agreement, you must be  
22 given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to  
23 review prior to signing this agreement. These documents contain important policies and  
24 performance data for this institution. This institution is required to have you sign and date the  
25 information included in the School Performance Fact Sheet relating to completion rates,  
26 placement rates, license examination passage rates, salaries or wages, and the most recent three-  
27 year cohort default rate, if applicable, prior to signing this agreement.’

28 “(2) Immediately following the statement required by paragraph (1), a line for the student

1 to initial, including the following statement: 'I certify that I have received the catalog, School  
2 Performance Fact Sheet, and information regarding completion rates, placement rates, license  
3 examination passage rates, salary or wage information, and the most recent three-year cohort  
4 default rate, if applicable, included in the School Performance Fact sheet, and have signed,  
5 initialed, and dated the information provided in the School Performance Fact Sheet.'"

6 9. California Code of Regulations, title 5, section 71140, states:

7 "(a) The institution shall include in its Form Application 94886 an organization chart that  
8 shows the governance and administrative structure of the institution and the relationship between  
9 faculty and administrative positions.

10 "(b) The institution shall provide a description of the job duties and responsibilities of  
11 each administrative and faculty position.

12 "(c) The institution shall identify the chief executive officer, chief operating officer, and  
13 chief academic officer and describe their education, experience, and qualifications to perform  
14 their duties and responsibilities."

15 10. California Code of Regulations, title 5, section 71710, states:

16 "In order to meet its mission and objectives, the educational program defined in section  
17 94837 of the [Education] Code shall be comprised of a curriculum that includes:

18 "(a) those subject areas that are necessary for a student to achieve the educational  
19 objectives of the educational program in which the student is enrolled;

20 "(b) subject areas and courses or modules that are presented in a logically organized  
21 manner or sequence to students;

22 "(c) course or module materials that are designed or organized by duly qualified faculty.

23 For each course or module, each student shall be provided with a syllabus or course outline that  
24 contains:

25 "(1) a short, descriptive title of the educational program;

26 "(2) a statement of educational objectives;

27 "(3) length of the educational program;

28 "(4) sequence and frequency of lessons or class sessions;

- 1           “(5) complete citations of textbooks and other required written materials;
- 2           “(6) sequential and detailed outline of subject matter to be addressed or a list of skills to
- 3 be learned and how those skills are to be measured;
- 4           “(7) instructional mode or methods.
- 5           “(d) if degree granting, require research of an appropriate degree that utilizes a library and
- 6 other learning resources;
- 7           “(e) specific learning outcomes tied to the sequence of the presentation of the material to
- 8 measure the students’ learning of the material; and
- 9           “(f) evaluation by duly qualified faculty of those learning outcomes.”

10           11.     California Code of Regulations, title 5, section 71720, states in part:

- 11           “(a) An Educational Program Leading to a Degree.
- 12           ...

13           “(2) Each institution shall develop and implement written policies and procedures

14 providing for the participation by duly qualified faculty in the conducting of research,

15 development of curricula, academic planning, enforcement of standards of academic quality,

16 pursuit of academic matters related to the institution’s mission and objectives, establishment of

17 criteria for contracting with new faculty, and evaluation of faculty credentials.

18           ...

19           “(9) The institution shall maintain records documenting that each faculty member is duly

20 qualified and was qualified to perform the duties to which the faculty member was assigned,

21 including providing instruction, evaluating learning outcomes, evaluating graduate dissertations,

22 theses, and student projects, and participating on doctoral committees.”

23           12.     California Code of Regulations, title 5, section 71740, states in part:

- 24           “(d) An institution that depends for library and other learning resources primarily on other
- 25 institutions’ collections and resources not in its possession shall do all of the following:
- 26           ...

27           “(2) Provide students and faculty with access to the regular services of a professional

28 librarian or information specialist experienced in the electronic retrieval of information, who shall

1 provide support for faculty in curriculum matters and actively serve as a resource guide for both  
2 graduate and undergraduate students.

3 . . .

4 “(4) Document compliance with paragraph[] . . . (2).”

5 13. California Code of Regulations, title 5, section 71770, states in part:

6 “(a) The institution shall establish specific written standards for student admissions for  
7 each educational program. These standards shall be related to the particular educational program.

8 . . .

9 “(c) If credit for prior experiential learning is to be granted, the policy for granting such  
10 credit shall be included in the institution’s catalog.

11 . . .

12 “(4) The faculty evaluating the prior learning shall prepare a written report indicating all  
13 of the following:

14 “(A) The documents in the student’s record on which the faculty member relied in  
15 determining the nature of the student's prior experience;

16 “(B) The bases for determining that the prior experience (i) is equivalent to college or  
17 university level learning and (ii) demonstrates a balance between theory and practice; and

18 “(C) The bases for determining (i) to what college or university level the experience is  
19 equivalent and (ii) the proper number of credits to be awarded toward the degree for that  
20 experience.

21 “(5)(A) The institution shall designate at least one administrator to be responsible for the  
22 review of faculty determinations regarding the award of credit for prior experiential learning.

23 “(B) The administrator shall document the institution’s periodic review of faculty  
24 evaluations to assure that the faculty written evaluations and awards of credit comply with this  
25 section and the institution’s policies and are consistent.

26 . . .

27 “(7)(A) Of the first 60 semester credits awarded a student in an undergraduate program,  
28 no more than 15 semester credits may be awarded for prior experiential learning.

1           “(B) Of the second 60 semester units (i.e., credits 61 to 120) awarded a student in an  
2 undergraduate program, no more than 15 semester credits may be awarded for prior experiential  
3 learning.

4           “(C) Of the first 30 semester credits awarded a student in a graduate program, no more  
5 than 6 semester credits may be awarded for prior experiential learning.

6           “(D) Of the second 30 semester credits (i.e., credits 31 to 60) awarded a student in a  
7 graduate program, no more than 3 semester credits may be awarded for prior experiential  
8 learning.

9           “(E) No credit for experiential learning may be awarded after a student has obtained 60  
10 semester credits in a graduate program.”

11           14. California Code of Regulations, title 5, section 71800, states in part:

12           “In addition to the requirements of section 94911 of the [Education] Code, an institution  
13 shall provide to each student an enrollment agreement that contains at the least the following  
14 information:

15           ...

16           “(b) Period covered by the enrollment agreement.”

17           15. California Code of Regulations, title 5, section 71810, states in part:

18           “(a) Each institution shall provide a catalog pursuant to section 94909 of the [Education]  
19 Code, which shall be updated annually. Annual updates may be made by the use of supplements  
20 or inserts accompanying the catalog. If changes in educational programs, educational services,  
21 procedures, or policies required to be included in the catalog by statute or regulation are  
22 implemented before the issuance of the annually updated catalog, those changes shall be reflected  
23 at the time they are made in supplements or inserts accompanying the catalog.

24           “(b) The catalog shall contain the information prescribed by Section 94909 of the  
25 [Education] Code and all of the following:

26           ...

27           “(3) If the institution admits students from other countries, whether visa services are  
28 provided or whether the institution will vouch for student status, and any associated charges;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

...

“(11) If the institution offers distance education, the approximate number of days that will elapse between the institution’s receipt of student lessons, projects, or dissertations and the institution’s mailing of its response or evaluation.”

16. California Code of Regulations, title 5, section 71865, states in part:

“(a) A Master’s degree may only be awarded to a student who demonstrates at least the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the Bachelor’s degree.”

17. California Code of Regulations, title 5, section 76215, states in part:

“(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges:

“You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:

“1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and

“2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party.

“You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:

“1. You are not a California resident, or are not enrolled in a residency program, or

“2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party.’

“(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges:

“The State of California created the Student Tuition Recovery Fund (STRF) to relieve or

1 mitigate economic losses suffered by students in educational programs who are California  
2 residents, or are enrolled in a residency programs attending certain schools regulated by the  
3 Bureau for Private Postsecondary and Vocational Education.

4 “You may be eligible for STRF if you are a California resident or are enrolled in a  
5 residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a  
6 result of any of the following:

7 “1. The school closed before the course of instruction was completed.

8 “2. The school’s failure to pay refunds or charges on behalf of a student to a third party for  
9 license fees or any other purpose, or to provide equipment or materials for which a charge was  
10 collected within 180 days before the closure of the school.

11 “3. The school’s failure to pay or reimburse loan proceeds under a federally guaranteed  
12 student loan program as required by law or to pay or reimburse proceeds received by the school  
13 prior to closure in excess of tuition and other costs.

14 “4. There was a material failure to comply with the Act or this Division within 30 days  
15 before the school closed or, if the material failure began earlier than 30 days prior to closure, the  
16 period determined by the Bureau.

17 “5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against  
18 the institution for a violation of the Act.’

19 “However, no claim can be paid to any student without a social security number or a  
20 taxpayer identification number.”

### 21 **FACTUAL BACKGROUND**

22 18. On July 28, 2010, the Bureau received an Application for Approval to Operate for  
23 an Institution Not Accredited from Chiu Yen Tao, Co-Chair of the Board of Directors and  
24 Majority Owner, of California University of Management and Technology. The Bureau issued  
25 letters to Chiu Yen Tao on March 8, 2011, September 6, 2011, October 7, 2011, January 13,  
26 2012, and September 5, 2013, indicating deficiencies in the application. Respondent responded to  
27 each of these deficiency letters and submitted a revised application on or about October 25, 2013.  
28 The Bureau received this revised application on November 4, 2013. On January 10, 2014, the

1 Bureau ultimately denied respondent's application and revised application (collectively,  
2 applications) for the following continuing deficiencies.

3 **CAUSES FOR DENIAL OF APPLICATIONS**

4 **INCOMPLETE APPLICATION**

5 **First Cause for Denial of Applications**  
6 **Failure to Specify Agent for Service of Process**  
7 **California Code of Regulations, title 5, section 71140**

8 19. Respondent's applications are subject to denial for failure to specify the agent for  
9 service of process in California (Cal. Code Regs., tit. 5, § 71140). On section 4 of its revised  
10 Application, respondent had indicated "N/A" for the agent for service of process in California.

11 **EXEMPLAR OF ENROLLMENT AGREEMENT**

12 **Second Cause for Denial of Applications**  
13 **Failure to Cover Time Period of Enrollment Agreement**  
14 **California Code of Regulations, title 5, section 71800, subdivision (b)**

15 20. Respondent's applications are subject to denial for failure to cover the time period  
16 of the enrollment agreement (Cal. Code Regs., tit. 5, § 71800, subd. (b)). The exemplar of the  
17 respondent's enrollment agreement did not contain the time period covered by the agreement.

18 **Third Cause for Denial of Applications**  
19 **Failure to Include Statement of Refund Policy**  
20 **Education Code section 94911, subdivision (e)(1) and (2)**

21 21. Respondent's applications are subject to denial for failure to contain a statement of  
22 the refund policy for non-federal student aid funds (Ed. Code, § 94911, subd. (e)(1) & (2)). The  
23 exemplar of respondent's enrollment agreement did not contain a refund policy stating that, if the  
24 student has received federal student financial aid funds, the student is entitled to a refund of  
25 moneys not paid from federal student financial aid program funds.

26 **Fourth Cause for Denial of Applications**  
27 **Failure to Include Statement of Student Default**  
28 **Education Code section 94911, subdivision (g)(1) and (2)**

29 22. Respondent's applications are subject to denial for failure to contain a statement of  
30 student default on a federal or state loan (Ed. Code, § 94911, subd. (g)(1) & (2)). The exemplar  
31 of respondent's enrollment agreement did not contain a refund policy stating that, if the student is  
32 eligible for a loan guaranteed by the federal or state government and the student defaults on the

1 loan, both of the following may occur: (1) The federal or state government or a loan guarantee  
2 agency may take action against the student, including applying any income tax refund to which  
3 the person is entitled to reduce the balance owed on the loan. (2) The student may not be eligible  
4 for any other federal student financial aid at another institution or other government assistance  
5 until the loan is repaid.

6 **Fifth Cause for Denial of Applications**  
7 **Failure to Include Regulatory Language Related to STRF**  
8 **California Code of Regulations, title 5, section 76215, subdivisions (a) and (b)**

9 23. Respondent's applications are subject to denial for failure to include regulatory  
10 language related to the Student Tuition Recovery Fund in the exemplar of respondent's  
11 enrollment agreement (Cal. Code Regs., tit. 5, § 76215, subds. (a) & (b)). The exemplar of  
12 respondent's enrollment agreement did not include the complete and verbatim language in  
13 California Code of Regulations, title 5, section 76215, subdivisions (a) and (b), related to the  
14 Student Tuition Recovery Fund (STRF).

15 **Sixth Cause for Denial of Applications**  
16 **Failure to Include Statutory Language Related to Transferability of Credits**  
17 **Education Code sections 94911, subdivision (h), 94909, subdivision (a)(15)**

18 24. Respondent's applications are subject to denial for failure to include statutory  
19 language related to the transferability of credits (Ed. Code, §§ 94911, subd. (h), 94909, subd.  
20 (a)(15)). The exemplar of respondent's enrollment agreement did not include the complete and  
21 verbatim language in Education Code section 94909, subdivision (a)(15), related to transferability  
22 of credits.

23 **Seventh Cause for Denial of Applications**  
24 **Failure to Include Statutory Language Related to Materials Required to Be Given by the**  
25 **School**  
26 **Education Code sections 94911, subdivision (i)(1) and (2)**

27 25. Respondent's applications are subject to denial for failure to include statutory  
28 language related to materials that are required to be given by the school (Ed. Code, § 94911, subd.  
(i)(1) & (2)). The exemplar of respondent's enrollment agreement did not include the complete  
and verbatim language in Education Code section 94911, subdivision (i)(1) and (2), related to  
requiring the school to give the student a catalog or brochure and a School Performance Fact

1 Sheet before the student signs the enrollment agreement.

2 **INSTRUCTION AND DEGREES**

3 **Eighth Cause for Denial of Applications**  
4 **Failure to Submit Course Syllabi for BS in Business Administration**  
5 **California Code of Regulations, title 5, section 71710**

6 26. Respondent's applications are subject to denial for failure to submit the course  
7 syllabi for its Bachelor of Science in Business Administration (Cal. Code Regs., tit. 5, § 71710).  
8 The Bureau is unable to evaluate whether respondent's Bachelor of Science in Business  
9 Administration meets the criteria in California Code of Regulations, title 5, section 71710,  
because respondent did not submit the syllabi for this course.

10 **Ninth Cause for Denial of Applications**  
11 **Failure to Submit Complete Course Descriptions**  
12 **California Code of Regulations, title 5, section 71710, subdivision (c)(2), (3), (6), and(7)**

13 27. Respondent's applications are subject to denial for failure to submit complete  
14 descriptions for some of its courses (Cal. Code Regs., tit. 5, § 71710, subd. (c)(2), (3), (6) & (7)).  
15 Respondent had failed to submit the complete descriptions of the following courses:

16 a. BUS/CSIT 600 Foundation of Business Management, BUS 520  
17 Leadership Organizational Behavior, CSIT 511 Computer Networking, and CSIT 363/563  
18 Database Management do not provide: 1) sequential and detailed outline of subject matter to  
19 be addressed or a list of skills to be learned and those skills are to be measured; or 2)  
instructional mode or methods.

20 b. CSIT 638 Software Engineering, CSIT 534 Introduction to Operating  
21 Systems, and CSIT 595 Introduction to Cloud Computing do not provide: 1) a statement of  
22 educational objectives; 2) sequential and detailed outline of subject matter to be addressed or a  
23 list of skills to be learned and those skills are to be measured; or 3) instructional mode or  
24 methods.

25 c. BUS 523 Strategic Management, BUS 550 Finance, BUS 510  
26 Accounting – Financial & Managerial, and BUS/CSIT 528 Project Management do not  
27 provide: 1) an appropriate length of the educational program (do not meet the required 15  
28 hours of instruction per 1 credit); or 2) instructional mode or methods.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FACULTY**

**Twelfth Cause for Denial of Applications  
Unqualified Instructors  
California Code of Regulations, title 5, section 71720, subdivision (a)(9)**

30. Respondent's applications are subject to denial for failure to document that the following proposed faculty members are duly qualified to perform the duties to which they were assigned (Cal. Code Regs., tit. 5, § 71720, subd. (a)(9)).

a. Khaled Mabrouk, B.S. in Industrial Engineering and Forestry, is assigned to teach at the Master's level of Business Administration.

b. George Guim, Ed.D. in Organizational Leadership, is assigned to teach oral communication, written communication, critical thinking, and ethics.

c. Chiuyen Wu-Tao, M.S. in Instructional Science and Technology, is assigned to Fundamentals of Arts and Fundamentals of Humanities.

d. Samuel Tong, M.B.A., is assigned to teach American History and American Government.

e. Tony Lima, Ph.D. in Economics, is assigned to teach Social Sciences.

**Thirteenth Cause for Denial of Applications  
Failure to Provide Written Procedures for Faculty Participation  
California Code of Regulations, title 5, section 71720, subdivision (a)(2)**

31. Respondent's applications are subject to denial for failure to provide written procedures for participation by faculty in school responsibilities (Cal. Code Regs., tit. 5, § 71720, subd. (a)(2)). Respondent has failed to provide written policies and procedures providing for the participation by duly-qualified faculty in the conducting of research, development of curricula, academic planning, enforcement of standards of academic quality, pursuit of academic matters related to the institution's mission and objectives, establishment of criteria for contracting with new faculty, and evaluation of faculty credentials.

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CATALOG**

**Fourteenth Cause for Denial of Applications  
Unauthorized Use of "Approval"  
Education Code section 94897, subdivision (l)**

32. Respondent's applications are subject to denial for the unauthorized use of the term "approval" in its catalog (Ed. Code, § 94897, subd. (l)). Respondent's catalog has used the term "approval" without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in Education Code, title 2, division 10, part 59, chapter 8.

**Fifteenth Cause for Denial of Applications  
Failure to Include Statutory Language Related to Student Review of Materials  
Education Code sections 94909, subdivision (a)(3)(B)**

33. Respondent's applications are subject to denial for failure to include statutory language related to the student review of materials supplied by the school (Ed. Code, § 94909, subd. (a)(3)(B)). Respondent's catalog did not include the complete and verbatim language in Education Code section 94909, subdivision (a)(3)(B), related to the student reviewing the catalog and School Performance Fact Sheet.

**Sixteenth Cause for Denial of Applications  
Failure to Include Statutory Language Related to Transferability of Credits;  
Incomplete Heading; Improper Use of "CALMAT"  
Education Code section 94909, subdivision (a)(15)**

34. Respondent's applications are subject to denial for failure to include in the catalog section which addresses transferability of credits the statutory language related to the transferability of credits, for containing an incomplete heading, and for improperly using the term "CALMAT" (Ed. Code, § 94909, subd. (a)(15)). The section of respondent's catalog addressing transferability of credits did not include the complete and verbatim language in Education Code section 94909, subdivision (a)(15), related to transferability of credits. This catalog section also had an incomplete heading and improperly uses the term "CALMAT."

///  
///



1 from other countries, whether the institution will vouch for such students' statuses, and any  
2 associated charges.

3 **Twentieth Cause for Denial of Applications**  
4 **Failure to Include Course Descriptions for BS in Business Administration**  
5 **Education Code section 94909, subdivision (a)(5)**

6 38. Respondent's applications are subject to denial for failure to include course  
7 descriptions for its Bachelor of Science in Business Administration (Ed. Code, § 94909, subd.  
8 (a)(5)). Respondent's catalog did not include course descriptions for its Bachelor of Science in  
9 Business Administration. Nor did respondent's catalog include a description of the instruction in  
10 each of its bachelor courses, the requirements for completion of each program, any final tests or  
11 examinations, or any required internships or externships.

12 **Twenty-first Cause for Denial of Applications**  
13 **Failure to Include Charges for BS in Business Administration**  
14 **Education Code section 94909, subdivision (a)(9)**

15 39. Respondent's applications are subject to denial for failure to include charges for its  
16 Bachelor of Science in Business Administration (Ed. Code, § 94909, subd. (a)(9)). Respondent's  
17 catalog did not include the schedule of total charges for a period of attendance and an estimated  
18 schedule of total charges for its Bachelor of Science in Business Administration.

19 **Twenty-second Cause for Denial of Applications**  
20 **Failure to Include Regulatory Language Related to STRF**  
21 **Education Code section 94909, subdivision (a)(9) and (14);**  
22 **California Code of Regulations, title 5, section 76215, subdivisions (a) and (b)**

23 40. Respondent's applications are subject to denial for failure to include regulatory  
24 language related to the Student Tuition Recovery Fund in respondent's catalog (Ed. Code,  
25 § 94909, subd. (a)(9) & (14); Cal. Code Regs., tit. 5, § 76215, subds. (a) & (b)). Respondent's  
26 catalog, which must contain the schedule of total charges for a period of attendance and an  
27 estimated schedule of total charges for the entire educational program, did not include the  
28 complete and verbatim language in California Code of Regulations, title 5, section 76215,  
subdivisions (a) and (b), related to the Student Tuition Recovery Fund (STRF).

///

1                                   **Twenty-third Cause for Denial of Applications**  
2                                   **Failure to Include Statement of Loan Repayment Obligations**  
3                                   **Education Code section 94909, subdivision (a)(11)**

4           41.     Respondent's applications are subject to denial for failure to include a statement of  
5 loan repayment obligations (Ed. Code, § 94909, subd. (a)(11)). Respondent's catalog did not  
6 include a complete statement specifying that, if a student obtains a loan to pay for an educational  
7 program, the student will have the responsibility to repay the full amount of the loan plus interest,  
8 less the amount of any refund, and that, if the student has received federal student financial aid  
9 funds, the student is entitled to a refund of the amount not paid from federal student financial aid  
10 program funds.

11                                   **Twenty-fourth Cause for Denial of Applications**  
12                                   **Consideration/Compensation to Student**  
13                                   **Education Code section 94897, subdivision (g)**

14           42.     Respondent's applications are subject to denial for authorizing students who  
15 receive scholarships to have their photographs and testimonials used in promotional and publicity  
16 materials (Ed. Code, § 94897, subs. (g) & (h)). Respondent had required students who receive  
17 scholarships to authorize respondent to use their photographs and testimonials in promotional and  
18 publicity materials, which compensates students to act as agents of the institution with regard to  
19 the solicitation, referral, or recruitment of any person for enrollment in the institution.

20                                   **Twenty-fifth Cause for Denial of Applications**  
21                                   **Failure to Clarify Whether Institution Offers Distance Education**  
22                                   **California Code of Regulations, title 5, section 71810, subdivision (b)(11)**

23           43.     Respondent's Applications are subject to denial for failure to clarify whether the  
24 institution offers distance education (Cal. Code Regs., tit. 5, § 71810, subd. (b)(11)).  
25 Respondent's catalog states that it offers limited online learning classes, but did not clarify  
26 whether all class instructions are direct or if these online learning classes constitute distance  
27 education.

28     ///

