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

12 In the Matter of the Accusation Against:

Case No. BPPE22-121

13 AMERICAN VISION UNIVERSITY  
155 N. Riverview Dr.  
14 Anaheim Hills, CA 92808

**ACCUSATION**

15 Institution Code No. 72482364,

16 Respondent.

17  
18  
19  
20 **PARTIES**

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

24 2. On or about November 27, 2018, the Bureau for Private Postsecondary Education  
25 (Bureau) issued Approval to Operate Number Institution Code No. 72482364 to American Vision  
26 University (Respondent), owned by Olix Global, Inc. This Approval to Operate was in full force  
27 and effect at all times relevant to the charges brought herein and will expire on January 9, 2030,  
28 unless renewed.

## **JURISDICTION**

3. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau under the authority of the following laws. All section references are to the Education Code (Code) unless otherwise indicated.

4. Code section 118, subdivision (b), provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 94932 of the Code states:

The bureau shall determine an institution's compliance with the requirements of this chapter. The bureau shall have the power to require reports that institutions shall file with the bureau in addition to the annual report, to send staff to an institution's sites, and to require documents and responses from an institution to monitor compliance. When the bureau has reason to believe that an institution may be out of compliance, it shall conduct an investigation of the institution. If the bureau determines, after completing an investigation, that an institution has violated any applicable law or regulation, the bureau shall take appropriate action pursuant to this article.

6. Section 22 of the Business and Professions Code states:

"Board" as used in any provisions of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

7. Business and Professions Code section 23.7 states, "Unless otherwise expressly provided, "license" means license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600."

8. Section 94937 of the Code states:

(a) As a consequence of an investigation, which may incorporate any materials obtained or produced in connection with a compliance inspection, and upon a finding that an institution has committed a violation, the bureau may place an institution on probation or may suspend or revoke an institution's approval to operate for:

...

(2) A material violation or repeated violations of this chapter or regulations adopted pursuant to this chapter that have resulted, or may result, in harm to students. For purposes of this paragraph, "material violation" includes, but is not limited to, misrepresentation, fraud in the inducement of a contract, and false or misleading claims or advertising, upon which a student reasonably relied in executing an enrollment agreement and that resulted, or may result, in harm to the student.

1 (b) The bureau shall adopt regulations, within one year of the enactment of this  
2 chapter, governing probation and suspension of an approval to operate.

3 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the Business  
4 and Professions Code.

5 (d) An institution shall not be required to pay the cost of investigation to more than  
6 one agency.

### 7 **STATUTORY PROVISIONS**

8 9. Section 94897 of the Code states:

9 An institution shall not do any of the following:

10 ...

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

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

16 (2) Information or records relating to the student's eligibility for student  
17 financial aid at the institution.

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

20 ...

21 10. Section 94902 of the Code states:

22 (a) A student shall enroll solely by means of executing an enrollment agreement. The  
23 enrollment agreement shall be signed by the student and by an authorized employee of the  
24 institution.

25 (b) An enrollment agreement is not enforceable unless all of the following  
26 requirements are met:

27 (1) The student has received the institution's catalog and School  
28 Performance Fact Sheet prior to signing the enrollment agreement.

(2) At the time of the execution of the enrollment agreement, the institution  
held a valid approval to operate.

(3) Prior to the execution of the enrollment agreement, the student and the  
institution have signed and dated the information required to be disclosed in the  
School Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of

Section 94910. Each of these items in the School Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.

(b) A student shall receive a copy of the signed enrollment agreement, in writing or electronically, regardless of whether total charges are paid by the student.

11. Section 94910 of the Education Code states:

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).

(b) Placement rates, as calculated pursuant to Article 16 (commencing with Section 94928), if the educational program is designed to lead to, or the institution makes any express or implied claim related to preparing students for, a particular career, occupation, vocation, job, or job title.

(c) License examination passage rates for programs leading to employment for which passage of a state licensing examination is required, as calculated pursuant to Article 16 (commencing with Section 94928).

(d) (1) Salary or wage information, as calculated pursuant to Article 16 (commencing with Section 94928), if the institution or a representative of the institution makes any express or implied claim about the salary that may be earned after completing the educational program.

(2) Additionally, each institution that offers an educational program designed to lead to a particular career, occupation, vocation, trade, job, or job title shall disclose the wage and salary data for the particular career, occupation, trade, job, or job title, as provided by the Employment Development Department's Occupational Employment Statistics, if that data is available.

(e) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution, but is not equivalent to actual performance data.

(f) All of the following:

(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where he or she may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.

(2) A statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of

1 job placement rates as required by subdivision (b).

2 (3) A statement informing the reader of where he or she may obtain from  
3 the institution a list of the objective sources of information used to substantiate  
4 the salary disclosure as required by subdivision (d).

5 (g) The following statements:

6 (1) This fact sheet is filed with the Bureau for Private Postsecondary  
7 Education. Regardless of any information you may have relating to completion  
8 rates, placement rates, starting salaries, or license exam passage rates, this fact  
9 sheet contains the information as calculated pursuant to state law.

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

14 12. Section 94912 of the Education Code states:

15 Prior to the execution of an enrollment agreement, the information required to  
16 be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be  
17 signed and dated by the institution and the student. Each of these items shall also be  
18 initialed and dated by the student.

### 19 **REGULATORY PROVISIONS**

20 13. Title 16 of the California Code of Regulations, section 71715 (Regulation 71715)  
21 states:

22 (b) The institution shall document that the instruction offered leads to the  
23 achievement of the learning objectives of each course.

24 ...

25 (d) Distance education as defined in section 94834 of the Code, does not require the  
26 physical presence of students and faculty at the same location but provides for interaction  
27 between students and faculty by such means as telecommunication, correspondence,  
28 electronic and computer augmented educational services, postal service, and facsimile  
transmission. In addition to the other requirements of this chapter and the Act, an institution  
offering distance education shall:

...

(3) ensure that the materials and programs are current, well organized,  
designed by faculty competent in distance education techniques and delivered using  
readily available, reliable technology;

...

1           14.       Title 16 of the California Code of Regulations, section 71920 (Regulation 71920)  
2 states, in relevant part:

3                   ...

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

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

10                   ...

11                   (C) Grades or findings from any examination of academic ability or  
12 educational achievement used for admission or college placement purposes;

13                   ...

14                   (3) Copies of all documents signed by the student, including contracts, instruments  
15 of indebtedness, and documents relating to financial aid;

16                   ...

17                   (5) In addition to the requirements of section 94900(b) of the Code, a transcript  
18 showing all of the following:

19                   (A) The courses or other educational programs that were completed, or  
20 were attempted but not completed, and the dates of completion or  
21 withdrawal;

22                   ...

23                   (9) A document showing the total amount of money received from or on behalf of  
24 the student and the date or dates on which the money was received;

25                   ...

### 26                   **COST RECOVERY**

27           15.       Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case, with failure of the licensee to comply subjecting the license to not being

renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

### **FACTUAL ALLEGATIONS**

16. On or about February 23, 2022, the Bureau received a complaint from a former faculty member at Respondent's institution alleging that a graduate level course being offered by Respondent was not adequate for graduate level. The Bureau initiated an investigation on the complaint. Pursuant to that investigation, a Bureau representative obtained student files for seven students of the school: L.A., M.M.M., M.Y.M., M.A., S.M., E.D., and I.A. The allegations in the initial complaint were not substantiated, but a review of the student records revealed two issues with respect to quality of education, and numerous deficiencies in the record-keeping of the school.

17. The Quality of Education Unit (QEU) of the Bureau examined the school's distance education learning platform and observed inconsistencies between the instructors' recorded evaluations of final assignments and student E.D.'s recorded assignment grades. QEU thus opined that Respondent made untrue or misleading changes student E.D.'s grades. This occurred in three different courses, and each time meant the difference between passing and not passing the course. No explanation was provided in the student record for this, though there should have been. Examples of this include:

- a. On or about June 20, 2023, eleven days after the Final Assignment grade in a course called "Management of International Business" was recorded by the instructor, it was changed from a 47%, to a 60%, then to 87%, not by the instructor, but with the login credentials "AVU."
- b. On or about June 20, 2023, fifteen days after the Final Assignment Grade in a course called "Leadership" was recorded by the instructor, it was changed from a 47% to 77%, not by the instructor, but with the login credentials "AVU."
- c. On or about March 21, 2023, eight days after the Final Assignment Grade in a course called "Fundamentals of Accounting and Financial Management" was recorded by the instructor, it was changed from 50% to 76% to 83%, not by the

instructor, but with the login credentials “AVU.” The midterm assignment was also changed from 0% to 60%, not by the instructor, but with the login credentials “AVU.”

18. QEU further found that the graded quiz settings across the educational program could not reliably measure student learning, and does not lead to the achievement of the learning objectives of each course, because graded quizzes are consistently configured to allow students to access the correct answers prior to an unlimited number of attempts to resubmit their work. These settings for graded quizzes indicate that Respondent does not ensure that the materials and programs are well-organized.

19. None of the seven student files contained: examination scores purportedly used for admission purposes, and/or pre-admission assessment of the students’ skills and competencies to succeed in a distance education environment; transcripts showing courses completed and/or attempted or the dates of completion/withdrawal; or, documentation showing the total amount of money the school received from or on behalf of each student.

20. Additionally, the records for students S.M., E.D., and I.A. did not contain copies of their enrollment agreements or signed copies of the School Performance Facts Sheet.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Prohibited Business Practices)**

21. Respondent is subject to disciplinary action under Code section 94897(j) in that Respondent made untrue or misleading changes to student E.D.’s grades, as more fully set forth above.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Instruction)**

22. Respondent is subject to disciplinary action under Code section Regulation 71715(b) and (d)(3) in that graded quizzes are consistently configured to allow students to access the correct answers prior to an unlimited number of attempts to resubmit their answers, as set forth above.

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**THIRD CAUSE FOR DISCIPLINE**

**(Failure to Maintain Examination Results)**

23. Respondent is subject to disciplinary action under Regulation 71920, subdivision (b)(1)(C), in that none of the seven student files obtained by the Bureau contained examination and/or assessment results of students' academic abilities that the Respondent purported to use for admission purposes, as set forth above.

**FOURTH CAUSE FOR DISCIPLINE**

**(Failure to Maintain Enrollment Agreements)**

Respondent is subject to disciplinary action under Code section 94902, subsection (a), in conjunction with Regulation 71920, subdivision (b)(3), in that student records reviewed for students S.M., E.D., and I.A. did not contain signed student enrollment agreements, as set forth above.

**FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Maintain School Performance Fact Sheet)**

24. Respondent is subject to disciplinary action under Code section 94902, subsections (b)(1) and (b)(3), section 94910, and section 94912, in conjunction with Regulation 71920 (b)(3), in that the student records reviewed for students S.M., E.D., and I.A. did not contain a copy of Respondent's School Performance Fact Sheet, as set forth above.

**SIXTH CAUSE FOR DISCIPLINE**

**(Failure to Maintain Transcripts)**

25. Respondent is subject to disciplinary action under Regulation 71920, subsection (b)(5)(A), in that none of the seven student files obtained and reviewed by the Bureau contained transcripts showing the courses or other educational programs that were completed by the students, or were attempted but not completed, and the dates of completion or withdrawal, as set forth above.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Financial Documentation)**

3 26. Respondent is subject to disciplinary action under Regulation 71920(b)(9) in that  
4 in that none of the seven student files obtained and reviewed by the Bureau contained  
5 documentation showing the total amount of money received from or on behalf of the student, as  
6 set forth above.

7 **DISCIPLINE CONSIDERATIONS**

8 27. To determine the degree of discipline, if any, to be imposed on Respondent,  
9 Complainant alleges that on or about May 3, 2024, in Case No. BPPE24-0077, the Bureau issued  
10 a Decision affirming the Order Suspending Approval to Operate Degree Granting Programs  
11 originally issued February 26, 2024. The Bureau determined that Respondent was subject to  
12 automatic suspension of its degree programs for failing to submit evidence to the Bureau of  
13 having achieved accreditation status by November 27, 2023. That decision is now final.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
17 decision:

18 1. Revoking or suspending Approval to Operate Number 72482364 issued to American  
19 Vision University;

20 2. Ordering American Vision University to pay the Bureau for Private Postsecondary  
21 Education the reasonable costs of the investigation and enforcement of this case, pursuant to  
22 Business and Professions Code section 125.3; and,

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 4/14/2025

"Original Signature on File"

DEBORAH COCHRANE

Chief

Bureau for Private Postsecondary

Education

Department of Consumer Affairs

State of California

*Complainant*

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