

BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
STATE OF CALIFORNIA

In the Matter of the Amended Statement of Issues  
(Application for Approval to Operate Non-  
Accredited Institute) Against:

The Reformed University of USA,  
Jane Park, Owner

Approval to Operate Non-Accredited  
Institute Applicant,

Respondent.

Case No. 999038

OAH No. 2015041217

**PROPOSED DECISION**

Administrative Law Judge Glynda B. Gomez, State of California, Office of Administrative Hearings, heard this matter on June 20, 2016, in Los Angeles, California.

Gillian E. Friedman, Deputy Attorney General, represented complainant Joanne Wenzel, Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs (Complainant).

Respondent The Reformed University of USA with Jane Park (Respondent) was represented by Robert Ahn, Attorney at Law, for the first half of the hearing and was represented by Jane Park, in pro se, for the second half of the hearing.

Complainant was granted leave to amend the Statement of Issues as follows:

- (a) Delete second cause for discipline;
- (b) Delete fourth cause for discipline;
- (c) Delete "number of" on page 9, line 21;
- (d) Delete "eleven (11)" and substitute "six (6)" on page 9, line 22";
- (e) Delete "adequate" and substitute "qualified" and insert "." after "described" and delete "more fully" on page 9, line 23;
- (f) Delete "below" and add "Further these faculty members are: Chris Yoon, Paul Kim, Sang Kwon, Fong Chun Lee, E.W. Choi, and Mark Treston." On page 9, line 26;

(g) Delete "Master of Arts in Theological Studies, Doctor of Ministry, and Doctor of Theology" on page 9, lines 26 and 27; and

(h) Delete lines 11, 12 and 13 from page 11, and insert on line 11: "courses in all of the required subject areas. The institution does not offer M202 College Algebra, CW 301, EC 301, any scientific inquiry and quantitative reasoning, and lifelong learning and development. Also, by plagiarizing syllabi from other schools and misrepresenting them to be their own."

Respondent had no objection to the amendment of the Statement of Issues.

The record was closed and the matter was submitted for decision on June 20, 2016.

### FACTUAL FINDINGS

1. Complainant Joanne Wenzel issued the Statement of Issues in her official capacity as Chief of the Bureau for Private Postsecondary Education (the Bureau), Department of Consumer Affairs on February 24, 2015.

2. The Bureau operates pursuant to the California Private Postsecondary Education Act of 2009 (Act)<sup>1</sup>, Education Code section 94800, et seq., which is comprised of statutes and regulations that are complex and detailed. Among other things, the statutes and regulations require that institutions abide by the Bureau's adopted minimum operating standards which include: educational program content; specific written standards for student admission, facilities and instructional equipment; a withdrawal and refund policy, properly qualified faculty and administration; degree or diploma awards after completion of an educational program; adequate records and standard transcripts, compliance with minimum operating standards, degree requirements and accreditation path.

3. On August 5, 2010, the Bureau received an Application for Approval to Operate for an Institution Not Accredited (application) from The Reformed University of USA (Respondent). The application was certified under penalty of perjury by Respondent's Board of Directors members Kyu Sok Kang and Jun Y. Jung. Respondent is located at 2706 Wilshire Boulevard, First Floor, Los Angeles, California. In 2013, during the pendency of the application, Respondent's founder died. His daughter, Jane Park, is now the owner and chairperson of Respondent's Board of Directors. Ms. Park has struggled to educate herself about the application process while maintaining Respondent's daily operations. Respondent has been in existence for 25 years (Testimony of Jane Park) and has thus far operated under an exemption for religious institutions pursuant to Education Code section 94874, subdivision(e) (Testimony of Saisetune). Respondent may continue to operate as an exempt institution as long as it does not exceed the scope of its exemption. As a religious exempt institution, Respondent may not offer Bachelor of Arts, degree, Bachelor of Science degree,

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<sup>1</sup> The California Private Postsecondary Education Act of 2009, California Education Code sections 94800 et seq. The Act was amended, effective January 1, 2015.

Master of Arts degree or Master of Science degree because the notation of science or arts in a degree title signifies a broader-based educational program than an exempt institution is authorized to provide. (Testimony of Saisetune)

4. During the period of August 2011 to November 2012 the Bureau and Respondent exchanged extensive correspondence about the Bureau's concerns about the deficiencies in Respondent's application. Respondent attempted to make amendments and supplementations of its application to address the Bureau's concerns. During the process, Respondent dropped its English as a Second Language Program and added a Distance Learning Program. The Distance Learning Program was also dropped because of the Bureau-identified deficiencies.

5. On December 24, 2012, the Bureau completed its application review. On June 5, 2013, the Bureau denied the application. Respondent submitted an appeal on November 21, 2013.

6. On July 15, 2014, after reviewing Respondent's appeal, Leeza Rifredi, Licensing Chief of the Bureau, sent Respondent a Notice of Denial of Application for Approval to Operate (Notice). In the Notice, Ms. Rifredi identified inadequacies in four areas, including Respondent's faculty, instruction, general education courses and library/learning resources.

7. At the time of its initial application, Respondent proposed to offer five different degrees: a Bachelor of Arts in Theological Studies, Master of Divinity, Master of Arts in Theological Studies, Doctor of Ministry, and Doctor of Theology. Respondent had a total of eleven faculty members, seven with little or no teaching experience and four with teaching experience. Three of the four experienced faculty members were also teaching at Azusa Pacific University. Respondent had approximately 60 students, 52 students in the Bachelor program, six in Master programs and two doctoral students. Ms. Rifredi determined that for the number of programs provided by the institution, courses offered, and the methods of instruction, Respondent did not have sufficient faculty to deliver its educational programs. The offerings were later limited to two degree programs pursuant to the enactment of Education Code section 94885.5, effective January 1, 2015. Respondent chose to retain its Bachelor of Theology and Master of Divinity degrees.

8. At the time of the application, Respondent offered a distance learning program which was designated as "by-mail correspondence." The distance education program instruction was to be given through email, mail and Join.me online conference pages and teleconferencing with an instructor. However, the logistics of the operation of the program had not been finalized. Ms. Rifredi determined that the Respondent had not developed an educational platform or hired sufficient qualified faculty or fully developed a curriculum that was ready to be delivered via distance education. In response to those concerns, the Respondent eliminated the distance learning program.

9. Respondent also eliminated many general education classes in response to the Bureau's concerns about a lack of faculty to staff the myriad of offerings. In doing so, the Respondent did not offer sufficient general education courses to meet the requirements in English Language Communication and Critical Thinking, Scientific Inquiry, Quantitative Reasoning and Lifelong Learning and Development that were required general education courses for a comprehensive undergraduate degree.

10. Ms. Rifredi also opined that the educational backgrounds of Carrol Park, the designated librarian, and Heekap Lee, the designated Information specialist, to be lacking the educational background and experience required for such positions and found that as a basis for denial of the application.

11. After the denial of Respondent's appeal and during the pendency of this Statement of Issues, Respondent continued its efforts to satisfy the Bureau's requirements and address the identified deficits in its educational program. Respondent submitted two "mitigation packages" in March of 2015 and June of 2016 designed to address the Bureau's grounds for denial of its application and to supplement its application.

12. The mitigation packages were both reviewed by Bureau Licensing Program Analyst (LPA) Lalu Drew Saietuene. Mr. Saietuene has worked as a Bureau LPA for five years and has received extensive training in application analysis. Mr. Saietuene gave clear, credible and knowledgeable testimony at the hearing. Mr. Saeteune reviewed the package and prepared a memorandum after his analysis. At that time, Mr. Saieteune determined that the Respondent had thoroughly and satisfactorily explained the qualifications of Carrol Park and Hee Kap Lee to serve as the librarian and information specialist, respectively. Respondent also withdrew its distance learning program and indicated it would only provide direct instruction thereby eliminating one of the grounds for denial of its application.

13. Mr. Saieteune noted that although Respondent increased its faculty after its application was denied from 11 to 20, which included 6 full-time and 14 part-time staff, it failed to provide academic transcripts or employment contracts for the faculty so there was no basis to determine whether any of the additional faculty were experienced or qualified to teach the subjects. Respondent also developed courses in the areas of English Language Communication, Critical Thinking, Social Science, and Arts and Humanities. However, it still lacked adequate courses in Quantitative Reasoning, Scientific Inquiry, and Self-Development. Mr. Saieteune determined that the application remained deficient and denial was still appropriate. Respondent was advised of the Board's determination.

14. The March 2015 mitigation packet also provided a catalogue. Page 13 of the catalogue set forth Respondent's transfer policy. Respondent's written transfer policy allowed that 21 semester units could be transferred and applied to the two Master's degree programs. This policy allowed more than 20 percent of the total units required for a Master's degree to be derived from transfer units. Mr. Saieteune notified Respondent that the transfer policy was an additional basis for denial. Upon notification, Respondent made changes to

the course catalogue to reflect that each Master's degree consists of 60 units, only 14 of which may be transfer units. (Exhibit 13.)

15. On June 7, 2016, approximately two weeks before hearing, Respondent sent an additional mitigation package which included transcripts, employment contracts and sample syllabi for Respondent's courses. After review of the two mitigation packages, Mr. Saieteune determined that Respondent did not have sufficient qualified faculty to teach the courses it proposed to offer. Specifically, Mr. Saieteune determined that faculty member Treston was not qualified to teach oral communications and faculty member Sang was not qualified to teach Public Speaking because neither had an educational background in the respective subjects. Mr. Saieteune also determined that faculty member Yoon was not qualified to teach Psychology based upon the education and professional qualifications that were submitted by Respondent. With respect to faculty members Choi, and Kim, Mr. Saieteune opined that Respondent did not supply sufficient information to establish that Mr. Choi or Mr. Kim were qualified to teach Anthropology and Sociology, respectively. According to Mr. Saieteune, Respondent did not provide any academic transcripts that demonstrated Mr. Choi's experience or education in Anthropology. Mr. Kim held a Bachelor of Arts degree in Sociology that was awarded in 1982. There was no indication that Mr. Kim had any recent experience teaching Sociology. Based upon those two factors, Mr. Saieteune opined that Mr. Kim "may not be up-to-date with industry standards." Similarly, Mr. Saieteune also determined that faculty member Lee received his degree in Financial Accounting in 1993, had no recent teaching experience and "may not be up-to-date with industry standards." (Exhibit 5).

16. In analyzing the June 7, 2016 mitigation package, Mr. Saieteune discovered that since its last submission, Respondent had reorganized the general education courses into five areas of focus as follows:

1. GE Area A (Communication):

|         |                              |
|---------|------------------------------|
| CW 104  | Oral Communication (3 units) |
| CW 202- | Public Speaking (3 units)    |
| CT 201  | Critical Thinking            |

2. GE Area B (Science and Mathematics)

|       |                      |
|-------|----------------------|
| QR102 | Financial Accounting |
| PS101 | Psychology           |

3. GE Area C (Arts and Humanities)

|       |                               |
|-------|-------------------------------|
| AN101 | Anthropology                  |
| AH105 | Arts and Humanities           |
| FA301 | Film as Art and Communication |

4. GE Area D (Society and the Individual)  
IR101 Introduction to International Relations  
SC101 Sociology
5. GE Area E (Technology)  
IT101 Introduction to Information Technology

17. When Respondent reorganized the general education courses, it deleted certain courses including CW 301 Oral Communications and EC 301 English Composition. Without the two courses, Respondent does not satisfy the general education requirements for offerings in English-language and Critical Thinking.

18. Mr. Saieteune also determined that Respondent's QR192 Financial Accounting and PS101 Psychology classes were improperly classified as fulfilling science and mathematics requirements. PS 101 Psychology should have been designated as a Social Science class. Respondent's QR192 Financial Accounting class requires a mathematics prerequisite not offered by Respondent. As such, QR192 Financial Accounting does not fulfill the general education requirements for science and mathematics. Respondent did not offer a general education mathematics or college-level algebra course. Therefore, Respondent did not provide sufficient courses to meet the Board's general or state education requirements.

19. In his review of the June mitigation package which contained sample offerings, Mr. Saieteune discovered that Respondent had merely copied syllabi from courses at other institutions and offered them as its own. In one instance, a course syllabus for a class in international relations had provision for yoga exercises and another course syllabus referenced distance learning, which was not offered by Respondent. Mr. Saieteune was deeply disturbed by this and believed it to be plagiarism.

20. At hearing, June Park provided corrected syllabi for the courses and credibly explained that the submission of syllabi from other institutions was an error. The previously submitted syllabi were intended to be used as exemplars and not as actual syllabi for the courses offered by Respondent. Ms. Park also provided evidence of Mr. Yoon's degree and teaching experience which qualified him to teach undergraduate psychology.

#### LEGAL CONCLUSIONS

1. Education Code section 94887 provides that an approval to operate as a private postsecondary educational institution shall be granted only after an applicant has presented sufficient evidence to the Bureau that the applicant has the capacity to satisfy the minimum operating standards. An application that does not satisfy those standards shall be denied. California Code of Regulations, title 5, section 71100, provides that an application for approval to operate for an institution not accredited that fails to contain all information required by sections 71100-71380 is incomplete.

2. Education Code section 94885.5 provides that an institution that is not accredited by an accrediting agency recognized by the United States Department of Education and offers at least one degree program, may not offer more than two degree programs during the term of its provisional approval to operate. The institution must submit an accreditation plan, approved by the Bureau, for the institution to become fully accredited within five years of issuance of its provisional approval to operate before provisional approval can be granted.

3. Education Code section 94874, subdivision (e)(1) provides that an institution that is owned, controlled, operated and maintained by a religious organization lawfully operating as a nonprofit religious corporation may be exempt from the requirements provided it meets certain requirements including that the instruction is limited to the principles of that religious organization and that the degree or diploma is limited to evidence of completion of that education. The religious institution may not award degrees in any area of physical science and the degrees awarded must reflect the theological or religious aspect to the degree (i.e. "associate of religious studies", bachelor of religious studies" etc.)

4. California Code of Regulations, title 5, section 71720, subdivision (a) provides that in a program which leads to a degree, an institution must have sufficient qualified faculty to provide the instruction, student advisement and evaluation to meet the learning objectives and must take into consideration the number of courses, students and hours of instruction offered.

5. California Code of Regulations, title 5, section 71720, subdivision (a)(4) provides that the faculty shall have sufficient expertise to support the institution's awarding of a degree identifying a specialty or major field of emphasis demonstrated by either a degree in the subject from an accredited or approved institution or a credential generally recognized in the field of instruction. The degree, professional license or credential possessed by the faculty member must be at least equivalent to the level of instruction being taught or evaluated.

6. California Code of Regulations, title 5, section 71720, subdivision (a)(9) provides that the institution must maintain records documenting the qualification of all faculty and the duties to which the faculty members are assigned.

7. California Code of Regulations, title 5, section 71850, subdivision (a) provides that a Bachelor's degree may be awarded to a student whom the institution can document has achieved sequential learning equivalent in general education and equivalent in depth of achievement in a designated major field to that acquired in four years of study beyond high school, as measured by a minimum of 120 semester credits or its equivalent. At least 25 percent of the credit requirements for a Bachelor's degree shall be in general education.

8. California Code of Regulations, title 5, section 71865, subdivision (a) provides that 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 of one year of study beyond the Bachelor's degree.

9. Cause for denial of the application exists under California Code of Regulations, title 5, sections 71700 and 71720, by reason of the matters set forth in Findings 1-20, because Respondent failed to meet minimum institutional operating standards to have sufficient qualified faculty.

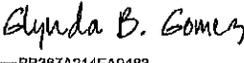
10. Cause for denial of the application exists under California Code of Regulations, title 5, sections 71700, 71850, subdivision (a) and 71864, in conjunction with Education Code sections 94885, 94886 and 94887, by reason of the matters set forth in Findings 1-20, because Respondent failed to meet minimum operating standards in the area of educational standards when it failed to offer sufficient general education courses to qualify its students for award of an undergraduate degree.

11. Respondent, despite best efforts, failed to demonstrate that it meets minimum operating standards in the areas of general education requirements for an undergraduate degree by not offering appropriate courses in mathematics, English-language, and critical thinking and mathematics. Respondent also failed to demonstrate that it had sufficient, experienced and qualified faculty to teach the courses offered and required. The requirements for operating a non-accredited degree conferring institution are technical and complex. The requirements are intended to protect the public. Accordingly, in the interests of public protection, Respondent's application must be denied.

#### ORDER

The application of respondents The Reformed University of USA and Jane Park, Owner to operate an institution not accredited is denied

DATED: July 11, 2016

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Glynda B. Gomez  
Administrative Law Judge  
Office of Administrative Hearings

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

In the Matter of the Amended Statement of  
Issues Against:

Case No. 999038

OAH No. 2015041217

**THE REFORMED UNIVERSITY OF USA,  
JANE PARK, Owner**

Approval to Operate a Non-Accredited  
Institution Applicant,  
  
Respondent.

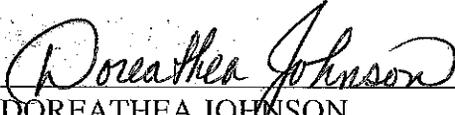
**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Director of the Department of Consumer Affairs as the Decision and Order in the above entitled matter, except that pursuant to Government Code Section 11517(c)(2)(C), the Decision is hereby modified for technical reasons as follows:

1. The last line of the first page of the Proposed Decision, is modified to read as follows:  
23;
2. Throughout the decision, the name of the Bureau's witness is modified to be spelled as Drew Saeteune.

The Decision shall become effective           OCT 29 2016          .

DATED:           9/23/16          

  
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DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs