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

11 In the Matter of the Statement of Issues
12 Against:
13 **ADVANCED COMPUTING INSTITUTE,**
14
15 **Approval to Operate an Accredited**
Institution Applicant
16 Respondent.

Case No. 1002828

OAH Case No.

STATEMENT OF ISSUES

17
18 Complainant alleges:

19 **PARTIES**

20 1. Dr. Michael Marion, Jr. ("Complainant") brings this Statement of Issues solely in his
21 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
22 Consumer Affairs.

23 2. On or about September 21, 2016, the Bureau for Private Postsecondary Education
24 ("Bureau") received an application for an Approval to Operate an Accredited Institution from
25 Advanced Computing Institute ("Respondent"). On or about August 8, 2016, Daniel Mainea
26 certified under penalty of perjury to the truthfulness of all statements, answers, and representations
27 in the application. The Bureau denied the application on May 25, 2017.
28

1 electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement,
2 and the school catalog.”

3 ...

4 10. California Code of Regulations, title 5, section 71390 states, in relevant part:

5 ...

6 “(b) An applicant shall submit to the Bureau the form required by subdivision (a) of this
7 section, a certified copy of its current verification of accreditation granted by its accrediting agency,
8 and the appropriate application fee, as provided in Section 94930.5(a)(3) of the Code.

9 ...

10 FACTUAL BACKGROUND

11 11. On or about September 21, 2016, the Bureau received an “Application for Approval
12 to Operate an Accredited Institution” (application number 29585) from the Respondent.

13 12. On or about September 27, 2016, the Bureau issued a deficiency letter to
14 Respondent. The letter stated that the certification from Respondent’s accreditor, the Counsel on
15 Occupational Education (“COE”), was missing required information and requested that Respondent
16 submit a copy of the current approval letter from COE. Additionally, the letter stated that
17 Respondent was delinquent on his 2015 Annual Fee and 1st Quarter 2014 Student Tuition Recovery
18 Fund (“STRF”) fee.

19 13. On or about April 4, 2017, the Bureau contacted Respondent via email in order to
20 follow up regarding Respondent’s deficiencies. In the email, the Bureau requested that Respondent
21 submit all missing documents by April 21, 2017, or the Bureau would have to move forward with
22 a denial of Respondent’s application.

23 14. On or about May 25, 2017, the Bureau sent Respondent a “Notice of Denial” letter.
24 The letter listed the bases for the denial which included failure to provide a current letter of
25 accreditation from COE, and failure to submit the following: STRF Reporting Forms for 1st Quarter
26 2014, 1st through 4th Quarter 2015, and 1st through 4th Quarter 2016, an Annual Fee payment for
27 2016, Annual Reports for 2013 and 2015.

1 Department of Education changed Respondent's method of payment due to the fact that Respondent
2 lost its accreditation from COE on September 18, 2017.

3 19. Complainant incorporates by reference herein Paragraphs 11-17, above.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Failure to Submit Complete 2013 and 2015 Annual Reports)**

6 20. Respondent's application is subject to denial under Section 94934, in conjunction
7 with California Code of Regulations, title 5, section 74110, subdivision (d), in that Respondent
8 failed to submit complete 2013 and 2015 Annual Reports, as requested by the Bureau. On or about
9 August 1, 2017, Respondent submitted School Performance Fact Sheets for the 2013 and 2015
10 Annual Reports. However, the Enrollment Agreement component to the Annual Reports was not
11 submitted.

12 21. Complainant incorporates by reference herein Paragraphs 11-17, above.

13 **PRAYER**

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

- 17 1. Denying the application of Advanced Computing Institute, Daniel Mainea for a
- 18 Approval to Operate an Accredited Institution;
- 19 2. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 11/30/17



22 DR. MICHAEL MARION, JR.
23 Chief
24 Bureau for Private Postsecondary Education
25 Department of Consumer Affairs
26 State of California
27 Complainant

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