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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:

13 **AMERICAN HERITAGE UNIVERSITY**
14 **OF SOUTHERN CALIFORNIA**

15 Application for Renewal of Approval to
Operate for a Non-Accredited Institution

16 Institution No. 81701248

17 Respondent.

Case No. BPPE24-0254

STATEMENT OF ISSUES

18
19 **PARTIES**

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

23 2. On or about February 24, 2023, the Bureau for Private Postsecondary Education
24 received an application for a Renewal of Approval to Operate a Non-Accredited Institution from
25 American Heritage University of Southern California (Respondent or Institution), owned by Tony
26 B.E. Ogamien, Owner/President. On or about January 11, 2023, Respondent certified under
27 penalty of perjury to the truthfulness of all statements, answers, and representations in the
28 application. The Bureau denied the application on January 18, 2024.

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1 9. California Code of Regulations, title 5, section 71405 states:

2 (a) If, after the submission of an application but prior to the Bureau's decision to
3 approve or deny an approval to operate, there is any material change in circumstances
4 affecting any information contained in the application or submitted by the institution in
support of the application, the institution shall immediately inform the Bureau in writing.

5 (b) For the purposes of this section, a change in circumstance is "material" if, without
6 the inclusion of the new or different information into the application, the information
7 contained in or the supporting documentation to the application would be false, misleading,
or incomplete.

8 10. California Code of Regulations, title 5, section 71475, states, in pertinent part:

9 (d) In addition to the form required in (b), the institution shall submit all information
10 required by section 71100(b), and the appropriate renewal fee as provided in Sections
11 94930.5(b)(1) and 94930.5(b)(2) of the Code, as applicable, to the Bureau. Except for the
12 financial statements required by subdivision (e) of this section and the statement required in
13 subdivision (f) of this section, if the information required in order to renew its approval to
operate is substantially similar to the information submitted by the institution in its last
renewal application, or initial application if it is the first renewal, the institution may state
that there are no substantial changes.

14 ...

15 (k) The institution shall identify in the application the chief executive officer, chief
16 operating officer, and chief academic officer and describe their education, experience, and
17 qualifications to perform their duties and responsibilities. If there have been no substantive
changes since the last submission, the institution may so state and is not required to submit
documentation.

18 ...

19 (n) The institution shall describe in the application, in detail its mission and
20 objectives. If there have been no substantive changes since the last submission, the
institution may so state and is not required to submit documentation.

21 11. California Code of Regulations, title 5, section 71650 states, in pertinent part:

22 (a) An institution seeking to change its educational objectives, or increase or decrease
23 by 25 percent or more the number of clock hours or credit hours required for successful
completion of a program under section 94894(i) of the Code, shall complete the
24 "Application for Change in Educational Objectives or Clock or Credit Hours Required to
25 Complete a Program (An Increase or Decrease by 25% or More)" form (OBJ rev. 8/24),
which is hereby incorporated by reference, to obtain prior authorization from the Bureau in
26 accordance with 94894 of the Code. The form shall be submitted to the Bureau along with
the appropriate fee as provided in Section 94930.5(c) of the Code.

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12. California Code of Regulations, title 5, section 71700, states:

The Bureau may request that an institution document compliance with the standards set forth in the Act and this Division to obtain and maintain an approval to operate.

13. California Code of Regulations, title 5, section 71705:

An institution shall have a written statement of its mission and the objectives for each educational program. The mission and the objectives shall indicate the kind of education offered, for whom the instruction is intended and the expected outcomes for graduates.

14. California Code of Regulations, title 5, section 71710, states, in pertinent part:

(a) In order to meet its mission and objectives, the educational program defined in Section 94837 of the Code shall be comprised of a curriculum that includes:

(1) Those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled;

15. California Code of Regulations, title 5, section 71715, states, in pertinent part:

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

...

(d) Distance education as defined in section 94834 of the Code, does not require the physical presence of students and faculty at the same location but provides for interaction between students and faculty by such means as telecommunication, correspondence, 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;

...

(7) employ a sufficient number of faculty to assure that (A) the institution's response to, or evaluation of, each student lesson is returned to the student within 10 days after the lesson is received by the institution; and (B) the institution's response to, or evaluation of, each student project or dissertation is returned to the student within the time disclosed in the catalog;

16. California Code of Regulations, title 5, section 71720, states, in pertinent part:

(a) An Educational Program Leading to a Degree.

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(1) An institution offering an educational program that leads to a degree shall employ duly qualified faculty sufficient in number to provide the instruction, student advisement, and learning outcomes evaluation necessary for the institution to document its achievement of its stated mission and objectives, and for students to achieve the specific learning objectives of each course offered;

FACTUAL ALLEGATIONS

17. On or about February 24, 2023, the Bureau received an application for a Renewal of Approval to Operate a Non-Accredited Institution from Respondent. On or about January 11, 2023, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application.

18. On March 9, 2023, the Bureau sent the first Licensing deficiency letter to Respondent with a due date of April 11, 2023.

19. On April 3 and 13, 2023, the Bureau received Respondent's response to the first deficiency letter to Respondent.

20. On April 20, 2023, the Bureau sent the second Licensing deficiency letter to Respondent with a due date of May 21, 2023.

21. Between May 24, 2023, and November 8, 2023, Respondent submitted various documents to the Bureau and had online meetings with Bureau representatives.

22. On November 7, 2023, a Bureau representative met online with COO D.C. and CAO Dr. B.A. to discuss the deficiency letters.

23. On January 18, 2024, the Bureau denied the Respondent's application.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Minimum Operating Standards – False and Misleading Information)

24. Respondent's application is subject to denial under Code § 94885(a)(9) and § 94891(b), in conjunction with the Cal. Code of Reg. tit. 5, § 71400.5(a), § 71405, § 71475(d), and § 71700, in that the institution's application consists of false and misleading information. The circumstances of noncompliance are as follows:

- a. On or about May 16 and 19, 2023, D.C., the Chief Operations Officer and institution's application contact represented that he had no records of the university recruiting or admitting any students since 2019. However, CPA

1 prepared audited financial statements under assets of “Exhibit A” of the balance
2 sheet for fiscal year 2022, showing “Student Receivable” funds for \$37,265. The
3 Bureau received the audited financial statements on August 30, 2023.

- 4 b. Respondent’s 2017 Facebook video screenshot and reference to the institution’s
5 website support D.C.’s claim of no student recruitment since 2019. However, the
6 CPA prepared audited financial statements for fiscal year 2022 show that
7 advertising accounted for \$52,058 of the institution’s costs and expenses,
8 constituting nearly one-quarter of their \$212,766 budget.
- 9 c. Since the institution’s approval expired on October 22, 2022, the institution has
10 defaulted on student enrollment agreements and student institutional charges. If
11 students were enrolled at the time, they were unable to continue their education
12 and should have been refunded pro rata under § 94927.

13 Complainant refers to, and by this reference incorporates, the allegations outlined in paragraphs
14 17-23, as though set forth fully herein.

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 **(Failure to Meet Minimum Operating Standards – Organization and Management)**

17 25. Respondent’s application is subject to denial under Cal. Code of Reg., tit. 5, §
18 71475(k), in that “the institution shall identify in the application the chief executive officer, chief
19 operating officer, and chief academic officer and describe their education, experience, and
20 qualifications to perform their duties and responsibilities.” The institution has failed to clearly and
21 consistently identify top administrators, i.e., the CEO, COO, and CAO. The circumstances of
22 noncompliance are as follows:

- 23 a. The institution’s final catalog provides Respondent Ogiemien as the institution’s
24 President, Dr. A.O. as the Chief Executive Officer, Dr. B.A., and Dr. V.G. as the
25 “Vice President, Academic Affairs” (Chief Academic Officer). However, the
26 current contact in the application shows Dr. B.A. as the CAO.
- 27 b. The timeline for the key personnel’s employment and nature of service are
28 unclear. For instance, D.C. is identified in the final catalog as adjunct faculty and

1 head of “Development & Admissions.” Still, in an email, he stated that he is the
2 institution’s current Chief Operations Officer/Compliance.

- 3 c. D.C. stated the institution employed him from 2004 until 2014 in an approved
4 jurist doctorate program and rehired him in early 2023. In contrast, Dr. A.O.
5 identified D.C. as actively contracted faculty in the “Change in Educational
6 Objectives” application (#34659) submitted to the Bureau in July 2021 and
7 approved in May 2022. However, D.C.’s faculty contract was signed on February
8 15, 2022.

9 Complainant refers to, and by this reference incorporates, the allegations outlined in paragraphs
10 17-23, as though set forth fully herein.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Failure to Meet Minimum Operating Standards – Institution’s Mission and Objectives)**

13 26. Respondent’s application is subject to denial under Cal. Code of Reg., tit. 5, §
14 71475(n), and § 71705, in that the institution’s mission statement fails to describe in detail its
15 mission and objectives. The circumstances are as follows:

- 16 a. The institution’s mission statement provides it will “build ethical practices based
17 on Christian values.” However, the details and objectives of the mission
18 statement are absent from the curriculum.
- 19 b. On November 7, 2023, CAO B.A. and COO D.C. represented that the five-week
20 curriculum of courses described as “ethics week” would be changed to
21 “Christian ethics” and that they would consult with pastors accordingly.
22 However, qualified curriculum creators have not been identified or hired.
- 23 c. The institution’s mission is not currently achievable as written because the
24 administrators have not facilitated the included critical components in the
25 institution’s curriculum. Thus, it jeopardizes the institution’s mandated pursuit of
26 accreditation, pursuant to § 94885.5, with a selected Christian accreditor,
27 TRACS (Transnational Association of Christian Colleges Schools).

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1 Complainant refers to, and by this reference incorporates, the allegations outlined in paragraphs
2 17-23, as though set forth fully herein.

3 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

4 **(Failure to Meet Minimum Operating Standards – Application for a Change in Educational**
5 **Objectives / Advertising and Other Public Statements)**

6 27. Respondent’s application is subject to denial under Code § 94897(q), in conjunction
7 with the Cal. Code of Reg. tit. 5, § 71650(a), in that the institution made a material untrue or
8 misleading statement. Specifically, the October 2017 Facebook video screenshot advertisement
9 states, “Become a Lawyer in California!” Dr. A.O. published it to the public. Still, the
10 institution’s BPPE-approved Juris Doctorate program was discontinued on December 16, 2014,
11 and the institution’s BS in Law was discontinued on July 10, 2017. The institution has held no
12 subsequent approval for programs in the legal field. Thus, in addition to making a misleading
13 statement, the institution offered a program to the public without seeking prior Bureau
14 authorization. Complainant refers to, and by this reference incorporates, the allegations outlined
15 in paragraphs 17-23, as though set forth fully herein.

16 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

17 **(Failure to Meet Minimum Operating Standards – Instruction and Degrees Offered)**

18 28. Respondent’s application is subject to denial under Cal. Code of Reg., tit. 5, §
19 71710(a)(1), § 71715(b), and § 71715(d)(3), in that the mission and objectives of the educational
20 programs are missing from the curriculum, and materials and programs are lacking concerning
21 distance learning. The circumstances are as follows:

- 22 a. The Bachelor of Business Administration and Master of Business Administration
23 programs state objectives about the application of “ethics” and “Christian
24 values” but fail to detail these objectives in the curriculum of the institution’s
25 learning management system (LMS) and how these educational objectives will
26 be met. Further, the institution fails to document that the instruction offered leads
27 to the achievement of the learning objectives of each course. This institution’s
28 curriculum fails to satisfy these requirements.

b. With the provisional approval of the institution's two-degree programs in May 2022, the Bureau was led to believe by then President Dr. A.O. that faculty would create Zoom lectures to be embedded in the lecture area of the institution's LMS. These lectures would complement the online activities already posted in LMS at the time of approval. However, a review of the LMS content more than 18 months later revealed no such lectures. The institution has failed to ensure the materials and programs are current, well organized, designed by faculty competent in distance education techniques and delivered using readily available, reliable technology. The curriculum is not sufficiently maintained.

Complainant refers to, and by this reference incorporates, the allegations outlined in paragraphs 17-23, as though set forth fully herein.

SIXTH CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Minimum Operating Standards – Insufficient Faculty)

29. Respondent's application is subject to denial under Cal. Code of Reg., tit. 5, § 71720(a)(1), and § 71715(d)(7), in that the institution has failed to employ a sufficient number of faculty for the delivery of educational programs. Specifically, on November 7, 2023, a Bureau representative spoke with Dr. B.A., CAO, and D.C., COO, D.C.; the administrators disclosed that previously identified faculty may not be currently contracted and continuing with the institution. Dr. B.A. stated he knows available doctors in business to teach as adjuncts and would look at previous and new hires for faculty. Sufficient qualified faculty to provide the instruction was not under contract to assure the institution's response to, or evaluation of, each student's lesson and/or dissertation within the time required by law. Complainant refers to, and by this reference incorporates, the allegations outlined in paragraphs 17-23, as though set forth fully herein.

SEVENTH CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Minimum Operating Standards – Catalog)

30. Respondent's application is subject to denial under Code § 94909(a)(7), in that the content of the institution's education program failed to meet minimum standards of information regarding the faculty and their qualifications. Specifically, Dr. E.B., identified as faculty in

1 Section 17 of the application, was missing from the final catalog. Further, it was unclear if any
2 faculty identified in the catalog was under contract to teach at the institution. Complainant refers
3 to, and by this reference incorporates, the allegations outlined in paragraphs 17-23, as though set
4 forth fully herein.

5 **PRAYER**

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

9 1. Denying the application of American Heritage University of Southern California,
10 owned by Tony B.E. Ogiamien, for a Renewal of Approval to Operate for a Non-Accredited
11 Institution.

12 2. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 6/4/2025

"Original Signature on File"

15 DEBORAH COCHRANE
16 Chief
17 Bureau for Private Postsecondary
18 Education
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

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