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

13 In the Matter of the Accusation Against:

14 **AUSTIN UNIVERSITY**
15 Bishop Ranch 8, 5000 Executive Pkwy, Ste.
230
San Ramon, CA 94583

16 **Approval to Operate Institution Code No.**
17 **92601579**

18 Respondent.

Case No. BPPE21-395

ACCUSATION

19 **PARTIES**

20 1. Deborah Cochrane (Complainant) brings this Accusation 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 June 26, 2007, the Bureau for Private Postsecondary Education (Bureau)
24 issued Temporary Approval to Operate Non-Accredited Institution Number 92601579 to Austin
25 University (Respondent).

26 3. On or about May 23, 2011, the Bureau issued Full Approval to Operate Non-
27 Accredited Institution Number 92601579 to Respondent. The Full Approval to Operate Non-
28

1 Accredited Institution was in full force and effect at all times relevant to the charges brought
2 herein, and will expire on November 15, 2022 unless renewed.

3 **JURISDICTION**

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

7 5. Business and Professions Code section 118, subdivision (b) states:

8 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
9 board¹ in the department, or its suspension, forfeiture, or cancellation by order of the board or by
10 order of a court of law, or its surrender without the written consent of the board, shall not, during
11 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
12 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
13 provided by law or to enter an order suspending or revoking the license or otherwise taking
14 disciplinary action against the licensee on any such ground.”

15 6. Section 94932 states:

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

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27 ¹ Business and Professions Code section 22 states: “‘Board,’ as used in any provision of this code,
28 expressly provided, shall include ‘bureau,’ ‘commission,’ ‘committee,’ ‘department,’ ‘division,’
‘examining committee,’ ‘program,’ and ‘agency.’”

1 directed Respondent to submit delinquent Annual Fees for 2019 and 2020 and late payment
2 penalty fees for 2019. Respondent failed to comply with this order of abatement.

3 b. On or about August 19, 2021, the Bureau issued Respondent Citation Number
4 2122038. Respondent did not appeal the Citation, and the Citation is now final. The Citation
5 contained an order of abatement directing Respondent to maintain a physical presence at
6 Respondent's institution location, submit to the Bureau proof of physical presence, and submit a
7 written policy or procedure related to having school personnel available during normal business
8 hours. In addition, the Citation included an administrative fine of \$5,000.00. Respondent failed
9 to comply with this order of abatement and pay the fine.

10 **PRAYER**

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

- 14 1. Revoking Approval to Operate Institution Code No. 92601579, issued to Austin
15 University;
- 16 2. Ordering Austin University to pay the Bureau for Private Postsecondary Education
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Education Code
18 section 94937, subdivision (c) and Business and Professions Code section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20

21 DATED: "4/8/2022"

21 "Original signature on file"
22 DEBORAH COCHRANE
23 Chief
24 Bureau for Private Postsecondary
25 Education
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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