



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

April 16, 2019

Appear Media Inc., Owner
 Brentwood University
 15615 Alton Parkway, #450
 Irvine, CA 92618

Date of Issuance	Citation Number	Institution Code
April 16, 2019	1819113	42693395

On March 14, 2019 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819113 (Citation) against Appear Media Inc., Owner of Brentwood University. In attendance were Beth Scott, Enforcement Chief and Marc Pakbaz, Owner.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819113.

It is the decision of the Enforcement Chief that on March 27, 2019, Citation No. 1819113 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>MODIFIED</p> <p>Violation: CEC Section 94897(e). Prohibited Business Practices <i>An institution shall not do any of the following:</i> <i>(e) Advertise, or indicate in promotional material, that the institution is accredited, unless the institution has been accredited by an accrediting agency.</i></p> <p>On September 24, 2018, Bureau staff informed the Institution's owner, M.P. by email, that the Institution's website unlawfully advertised the Institution was accredited by the Accreditation Service for International Colleges (ASIC), which is not recognized as an accrediting agency by USDE. On February 5, 2019, Bureau staff reviewed the Institution's website and found that the website had been changed from "accredited" to "accredited internationally." The Institution remains in violation of CEC section 94897 Prohibited Business Practices, for using the term "accredited" in its advertising.</p> <p>CEC section 94813 states "Accredited" means an institution is accredited by an accrediting agency recognized by USDE. As of February 8, 2019, ASIC is not listed on USDE's list of recognized</p>

accrediting agencies.

Order of Abatement:

The Bureau orders that the Institution remove all references to the term "Accredited" from its website as well as promotional materials until the Institution achieves accreditation by an accrediting agency recognized by USDE. The Institution shall provide proof of compliance to the Bureau.

Reason for modification: New substantive facts were presented at the conference and compliance obtained.

The administrative fine for this violation has been modified from \$5,000 to \$00.00.

2. **MODIFIED**

Violation:

5, CCR Section 71775 – Pre-Enrollment Disclosure; Notice to Prospective Degree Program Students

(a) An unaccredited institution enrolling a student in a degree program that has received provisional approval shall, prior to execution of an enrollment agreement, provide the student with the following notice, which shall be in at least 12-point type in the same font as the enrollment agreement:

"Notice to Prospective Degree Program Students

This institution is provisionally approved by the Bureau for Private Postsecondary Education to offer degree programs. To continue to offer this degree program, this institution must meet the following requirements:

- Become institutionally accredited by an accrediting agency recognized by the United States Department of Education, with the scope of the accreditation covering at least one degree program.*
- Achieve accreditation candidacy or pre-accreditation, as defined in regulations, by (date two years from date of provisional approval), and full accreditation by (date five years from date of provisional approval).*

If this institution stops pursuing accreditation, it must:

- Stop all enrollment in its degree programs, and*
- Provide a teach-out to finish the educational program or provide a refund.*

An institution that fails to comply with accreditation requirements by the required dates shall have its approval to offer degree programs automatically suspended.

Institutional Representative Initials: _____ Student Initials: _____

Date: _____ Date: _____"

(b) The student and an institutional representative shall initial and date the notice prior to executing an enrollment agreement. An initialed copy of the notice shall be given to the student and the original

shall be retained in the enrolled student's records.

(c) The notice shall also be posted immediately preceding or following as to clearly pertain to the description of the degree program, including, but not limited to, one or more of the following; admissions requirements, length of program, courses offered or areas of focus. **Such notice shall be included, at a minimum, in the following locations:**

- (1) The institution's catalog where each degree program is described.
- (2) The institution's website where each degree program is described.
- (3) The institution's degree program brochures.

A review of the Institution's website on February 8, 2019 revealed that the Institution failed to include the pre-enrollment disclosure listed above on its website where the Master of Business Administration and Doctor of Business Administration programs are described.

Order of Abatement:

The Bureau orders that the Institution post the required disclosures on its website where its provisionally-approved programs are described, as required by 5, CCR section 71775(c)(2). The Institution shall provide evidence of compliance to the Bureau.

Reason for modification: New substantive facts were presented at the conference and compliance obtained.

The administrative fine for this violation has been modified from \$2,500 to \$00.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$00.00

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

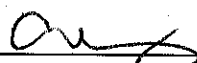
If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing. Please complete and mail the enclosed Withdrawal - Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT


This modified Citation is effective on **April 16, 2019**.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Discipline Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail