



**Bureau for Private Postsecondary Education**  
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
P.O. Box 980818, West Sacramento, CA 95798-0818  
P (916) 431-6959 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



**INFORMAL CITATION REVIEW CONFERENCE**  
**DECISION CITATION AFFIRMED**

February 28, 2013

American States University, San Diego, et al.  
Kenneth Kiemm, Owner  
121 Broadway #328  
San Diego, CA 92101

Date of Issuance	Citation Number	Institution Code
1/28/2013	1213007	Unapproved

On January 24, 2013, an informal conference was held in the matter of Citation: Assessment of Fine and Order of Abatement (Citation) #1213007 against Kenneth Kiemm, owner of American States University, San Diego (Institution). In attendance were Laura Metune, Bureau Chief; Kurt Heppler, DCA Legal Counsel; and Kenneth Kiemm, owner of the Institution.

Pursuant to Business and Professions Code, Section 148; California Education Code, Section 94944; and California Code of Regulations, Section 75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation #1213007.

It is the decision of the Bureau Chief that Citation #1213007, issued on November 15, 2012, is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

**VIOLATION**

**California Education Code § 94886 – Approval to Operate Required**

The institution did not obtain an approval to operate a private postsecondary educational institution from the Bureau. This law prohibits a person from opening, conducting, or engaging in a business as a private postsecondary education institution in this State without obtaining an approval to operate from the Bureau.

You are hereby notified that you are in violation of Section 94886 of the California Education Code and cause for issuance of a citation and assessment of an administrative fine exists.

**ORDER OF ABATEMENT**

The Bureau orders that you cease operating as a private postsecondary educational institution at any and all American States University, San Diego locations. You must submit within 30 days from the date of this affirmed Citation evidence of compliance and a declaration, under penalty of perjury, that the violation has been complied with. This means you must stop enrolling students, and cease all instructional services, advertising (including Web sites), programs, and/or operations. You must also refund all monies (tuition and fees) to all students that were enrolled at American States University, San Diego after January 1, 2010.

You must also provide a complete list of all students enrolled from January 1, 2010 until present. The list shall include the names of the students enrolled, their contact information, amount of tuition each student paid, amount of the refund provided to each student, and evidence of the refunded amount.

PENALTY – ASSESSMENT OF A FINE

In accordance with Cal. Ed. Code section 94944; and California Code of Regulations section 75020(b), the Bureau hereby orders the issuance of an affirmed Citation order and the assessment of a fine in the amount of **\$50,000.00** for operating an institution without proper approval to operate issued by the Bureau.

Please complete the Payment of Fine form. Payment of the administrative fine must be made, to the Bureau, by check, or money order. Please include the Citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Janel Quayle, Discipline Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

APPEAL OF CITATION

You do not have the right to request another Informal Conference to appeal this affirmed Citation. However, you did request within the 30 days from the issuance of the original Citation, an appeal 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 the affirmed Citation you must withdraw your request for an Administrative Hearing. Please complete and submit, to the Bureau, the enclosed Withdrawal – Request for Administrative Hearing.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

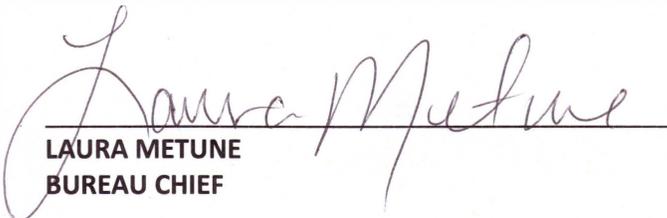
If you withdraw your request for an administrative hearing the affirmed Citation shall become effective on **February 28, 2013** and the order of abatement and payment are due by **March 30, 2013**.

If an administrative hearing was requested, you will not be required to comply with this affirmed Citation until 30 days after a final order is entered against you.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate actions to enforce the affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or at Janel.Quayle@dca.ca.gov.

  
LAURA METUNE  
BUREAU CHIEF

2/28/13  
Date

Enclosures

- Payment of Fine
- Withdrawal – Request for an Administrative Hearing
- Copy of Citation #1213007
- Declaration of Service by Certified and First Class Mail