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

In the Matter of the Accusation Against:

FORM ACADEMY, INC., MIRIAM JONES
1316 Glendale Blvd.
Los Angeles, CA 90026

Case No. 996860

2003 Canyon Drive
Los Angeles, CA 90068

DEFAULT DECISION AND ORDER

3303 West Sunset Boulevard
Los Angeles, CA 90026

[Gov. Code, § 11520]

Pumilia Patel & Adamec LLP,
555 W Fifth Street, Suite 3000
Los Angeles, CA 90013

Certification of Institutional and Program
Approval No. 83978984

Respondent.

Complainant alleges:

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2 **FINDING OF FACT**

3 1. On or about February 2, 2016, Complainant Joanne Wenzel, in her official
4 capacity as the Bureau Chief of the Bureau for Private Postsecondary Education,
5 Department of Consumer Affairs, filed Accusation No. 996860 against Form Academy,
6 Inc., Miriam Jones (Respondent) before the Director of Consumer Affairs. (Accusation
7 attached as Exhibit A.)
8

9 2. On or about October 27, 2010, the Bureau for Private Postsecondary Education
10 (Bureau) issued Certification of Institutional and Program Approvals No. 83978984 to
11 Respondent. The Certification of Institutional and Program Approvals was in full force
12 and effect at all times relevant to the charges brought in Accusation No. 996860 and will
13 expire on October 20, 2016, unless renewed.
14

15 3. On or about February 8, 2016, Respondent was served by Certified and First
16 Class Mail copies of the Accusation No. 996860, Statement to Respondent, Notice of
17 Defense, Request for Discovery, and Discovery Statutes (Government Code sections
18 11507.5, 11507.6, and 11507.7) at Respondent's address of record which is required to be
19 reported and maintained with the Bureau. Respondent's address of record was and is:

20 1316 Glendale Blvd
21 Los Angeles, CA 90026

22 4. On or about February 17, 2016, the aforementioned documents were returned by
23 the U.S. Postal Service marked "Return To Sender, No Such Number, Unable to
24 Forward."
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26 5. On or about February 8, 2016, Respondent was served by Certified and First
27 Class Mail copies of the Accusation No. 996860, Statement to Respondent, Notice of
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Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's alternate address located at:

2003 Canyon Drive
Los Angeles, CA 90068

6. The aforementioned documents have not been returned and Respondent has failed to file a Notice of Defense.

7. On or about February 29, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 996860, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's alternate address located at:

3303 West Sunset Boulevard
Los Angeles, CA 90026

8. The aforementioned documents have not been returned and Respondent has failed to file a Notice of Defense.

9. On or about February 29, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 996860, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's alternate address (an agent for service of process) located at:

Pumilia Patel & Adamec, LLP
555 W Fifth Street, Suite 3000
Los Angeles, CA 90013

10. On or about February 17, 2016, the aforementioned documents were returned by the U.S. Postal Service marked "Return To Sender, Unable to Forward."

11. Service of the Accusation was effective as a matter of law under the provisions

1
2 of Government Code section 11505, subdivision (c) and/or Business & Professions Code
3 section 124.

4 12. Government Code section 11506(c) states, in pertinent part:

5 (c) The respondent shall be entitled to a hearing on the merits if the respondent
6 Files a notice of defense...and the notice shall be deemed a specific denial of all
7 parts of the accusation...not expressly admitted. Failure to file a notice of defense
8 in its secretion may nevertheless grant a hearing.

9 13. Respondent failed to file a Notice of Defense within 15 days after service upon
10 her of the Accusation, and therefore waived her right to a hearing on the merits of
11 Accusation No. 996860.

12 14. California Government Code section 11520(a) states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense...or to appear at the
14 hearing, the agency may take action based upon the respondent's express
15 admissions or upon other evidence and affidavits may be used as evidence without
16 any notice to respondent...

17 15. Pursuant to its authority under Government Code section 11520, the Director
18 finds Respondent is in default. The Director will take action without further hearing and,
19 based on the relevant evidence contained in the Default Decision Evidence Packet in this
20 matter, finds that the charges and allegations in Accusation No. 996860 are separately and
21 severally, found to be true and correct by a preponderance of the evidence.

22 16. A Certification of Costs for investigation and enforcement in the amount of
23 \$7,570.00 as of April 23, 2016, was submitted as part of the evidence packet. Pursuant to
24 Bus. & Prof. Code § 125.3(c), it is hereby deemed prima facie evidence that the costs are
25 reasonable.

26 **DETERMINATION OF ISSUES**

27 1. Based on the foregoing findings of fact, Respondent Form Academy, Inc.,
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1
2 Miriam Jones has subjected her Certification of Institutional and Program Approvals No.
3 83978984 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Director of Consumer Affairs is authorized to revoke Respondent's
6 Certification of Institutional and Program Approvals based upon the following violations
7 alleged in the accusation, which are supported by the evidence contained in the Default
8 Decision Evidence Packet in this case:
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10 a. **Falsely Advertising as an Accredited Institution** in violation of Code §§
11 94932 and 94897e in conjunction with Cal. Code of Regs., Title 5, § 75100;

12 b. **Falsification of Records** in violation Code §§ 94932 and 94897(k) in
13 conjunction with Cal. Code of Regs., Title 5, § 75100;

14 c. **Failure to Maintain Records of Degree Granted** in violation of under Code §§
15 94900(b)(l) and 94932 in conjunction with Cal. Code of Regs., Title 5, § 75100;

16 d. **Failure to Maintain Faculty Records** in violation of Code §§ 94900.5(b) and
17 94932 in conjunction with Cal. Code of Regs., Title 5, § 75100;

18 e. **Failure to Maintain Student Records** in violation of Cal. Code of Regs., Title
19 5, § 6 71920, subdivisions (b)(1)(A), (b)(4), (b)(5)(A), (b)(9) and (b)(10);
20

21 f. **Violation on Enrollment Agreement Requirements** in violation of Code §§
22 94932, 92902, subdivisions (a) and (b)(3), 94911 subdivisions (c), (i)(1), (i)(2) and (g)(1)
23 and 94912 in conjunction with Cal. Code of Regs., Title 5, §§ 71800 subdivisions (a), (b),
24 (c) and (d), 75100, 76215 subdivisions (a) and (b), and 76120(a);
25

26 g. **Violation of School Catalog Requirements** in violation of Code §§ 94909
27 subdivisions (a)(1), (a)(3)(A), (a)(3)(B), (a)(8)(A) and (a)(12) and 94932 in conjunction
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2 with Cal. Codes of Regs., Title 5, §§ 75100, and 71810 subdivisions (b)(1), (b)(9), (b)(12),
3 (b)(13)(B) and (b)(13)(C);

4 **h. School Performance Fact Sheet** deficiencies in violation of Code §§ 94910
5 subdivisions (a), (b), (c), (d), (g)(2) and 94932 in conjunction with Cal. Code of Regs.,
6 Title 5, 75100;

7
8 **i. Failure to Provide a Refund** in violation of Code §§ 94932 and 94920(e) in
9 conjunction with Cal. Code of Regs., Title 5, §§ 75100, 71745 subdivisions (a)(4), (a)(5)
10 and (a)(6) and 71750 subdivisions (a), (c)(1) and (e);

11 **j. Failure to Pay Required Fees** in violation of Code §§ 94932 and
12 94930.5(d)(1)(A) in conjunction with Cal. Code of Regs., Title 5, §§ 75100 and 74006(b);

13 **k. Failure to Submit Required Report** in violation of Code §§ 94929(a), 94932
14 and 94934 in conjunction with Cal. Code of Regs., Title 5, §§ 75100 and 74110(c);

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16 **l. Failure to Maintain Correct Withdrawal Information** in violation of Code §
17 94932 in conjunction with Cal. Code of Regs., Title 5, §§ 75100 and 71750(f);

18 **m. Failure to Maintain Evidence That Students Met Minimum Qualifications**
19 in violation of Code § 94932 in conjunction with Cal. Code of Regs., Title 5, §§ 75100,
20 71770(a)(1) and 71920(b)(1)(A);

21 **n. Failure to Notify Bureau of New Programs** in violation of Code § 94932 in
22 conjunction with Cal. Code of Regs., Title 5, §§ 75100 and 716.60;

23 **o. Failure to Have Instructions and/or Qualified Instructors** in violation of
24 Code § 94932, Cal. Code of Regs., Title 5, §§ 75100, 71715 subdivisions (a) and (c) and
25 71720(b)(1);

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27 **p. Failure to Meet Facility Standards** in violation of Code § 94932 in
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conjunction with Cal. Code of Regs., Title 5, §§ 75100, 71735 subdivisions (a) and (b) and 71740(b);

q. **Violations of Student Tuition Recovery Fund** in violation of Code § 94932 in conjunction with Cal. Code of Regs., Title 5, §§ 75100, 76130 subdivisions (a) and (b) and 76140 subdivisions (a) and (b).

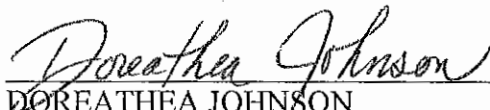
ORDER

IT IS SO ORDERED the Certification of Institutional and Program Approvals No. 83978984, heretofore issued to Respondent Form Academy, Inc., Miriam Jones, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within (7) days after service of the Decision on Respondent. The agency in its discretion may vacate its Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on SEP 16 2016

It is so ORDERED 8/16/16



DORÉATHEA JOHNSON
Deputy Director
Division of Legal Affairs
Department of Consumer Affairs