

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804  
E-mail: Cristina.Felix@doj.ca.gov  
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 1001041

13 **HANCOCK COLLEGE OF ARTS &**  
**SCIENCES**  
14 **Ki Sun Ham, 100% Owner**

**STATEMENT OF ISSUES**

15 **Application for Approval to Operate an**  
**Institution Non Accredited Applicant**

16 Respondent.  
17

18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about December 20, 2013, the Bureau received an application for Approval to  
25 Operate an Institution Non Accredited from Hancock College of Arts & Sciences (Respondent).  
26 On or about December 13, 2013, Ki Sun Ham, 100% owner of Respondent, certified under  
27 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
28 application. An incomplete application letter was sent to Respondent on December 23, 2013. A

1 response was received from Respondent on January 10, 2014. Deficiency letters were sent to  
2 Respondent on June 13, 2014, September 4, 2014 and April 3, 2015. Responses to the deficiency  
3 letters were received from Respondent on July 13, 2014, July 24, 2014, October 23, 2014 and  
4 May 20, 2015. The Bureau denied Respondent's application on July 31, 2015.

5 **JURISDICTION**

6 3. This Statement of Issues is brought before the Director of the Department of  
7 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the  
8 authority of the following laws.

9 **STATUTORY PROVISIONS**

10 4. Business and Professions Code section 477 as used in this division provides in  
11 pertinent part:

12 "(a) 'Board' includes 'bureau' . . . .

13 (b) 'License' includes certificate, registration or other means to engage in a business or  
14 profession regulated by this code.

15 . . . ."

16 5. Education Code section 94885 states:

17 "(a) The bureau shall adopt by regulation minimum operating standards for an institution  
18 that shall reasonably ensure that all of the following occur:

19 (1) The content of each educational program can achieve its stated objective.

20 (2) The institution maintains specific written standards for student admissions for each  
21 educational program and those standards are related to the particular educational program.

22 (3) The facilities, instructional equipment, and materials are sufficient to enable students to  
23 achieve the educational program's goals.

24 (4) The institution maintains a withdrawal policy and provides refunds.

25 (5) The directors, administrators, and faculty are properly qualified.

26 (6) The institution is financially sound and capable of fulfilling its commitments to  
27 students.

1 (7) That, upon satisfactory completion of an educational program, the institution gives  
2 students a document signifying the degree or diploma awarded.

3 (8) Adequate records and standard transcripts are maintained and are available to students.

4 (9) The institution is maintained and operated in compliance with this chapter and all other  
5 applicable ordinances and laws.

6 (b) Except as provided in Section 94855.1, an institution offering a degree must satisfy one  
7 of the following requirements:

8 (i) Accreditation by an accrediting agency recognized by the United States Department of  
9 Education, with the scope of that accreditation covering the offering of at least one degree  
10 program by the institution.

11 (ii) An accreditation plan, approved by the bureau, for the institution to become fully  
12 accredited within five years of the bureau's issuance of a provisional approval to operate to the  
13 institution. The provisional approval to operate to an unaccredited degree-offering institution  
14 shall be in compliance with Section 94885.5."

15 6. Education Code section 94886 states:

16 "Except as exempted in Article 4 (commencing with Section 94874) or in compliance with  
17 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,  
18 conduct, or do business as a private postsecondary educational institution in this state without  
19 obtaining an approval to operate under this chapter."

20 7. Education Code section 94887:

21 "An approval to operate shall be granted only after an applicant has presented sufficient  
22 evidence to the bureau, and the bureau has independently verified the information provided by the  
23 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant  
24 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application  
25 for an approval to operate if the application does not satisfy those standards."

26 ///

27 ///

28

1 8. Education Code section 94909 states:

2 "(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a  
3 prospective student, either in writing or electronically, with a school catalog containing, at a  
4 minimum, all of the following:

5 ...

6 (3) The following statements:

7 (A) 'Any questions a student may have regarding this catalog that have not been  
8 satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary  
9 Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and  
10 fax numbers).'

11 ...

12 (5) A description of the programs offered and a description of the instruction provided in  
13 each of the courses offered by the institution, the requirements for completion of each program,  
14 including required courses, any final tests or examinations, any required internships or  
15 externships, and the total number of credit hours, clock hours, or other increments required for  
16 completion.

17 ..."

18 **REGULATORY PROVISIONS**

19 9. California Code of Regulations, title 5, division 7.5, section 71100 states:

20 "(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code,  
21 other than Approval to Operate by Accreditation pursuant to Section 94890(a)(1) of the Code,  
22 shall complete the "Application for Approval to Operate for an Institution Not Accredited," Form  
23 Application 94886 (rev. 2/10). An applicant seeking approval to operate by accreditation pursuant  
24 to Section 94890(a)(1) of the Code shall comply with section 71390.

25 (b) An applicant shall submit the completed form, the information or documentation,  
26 required by this Article, the appropriate application fee as provided in Section 94930.5(a)(1) of  
27 the Code, and any appropriate annual fee as required by Article 1 of Chapter 5 of this Division, to  
28 the Bureau.

1 (c) An application that fails to contain all of the information required by this article shall  
2 render it incomplete.”

3 10. California Code of Regulations, title 5, division 7.5, section 71220, subdivision (d),  
4 states:

5 “For each educational program that the institution offers or proposes to offer, the Form  
6 Application 94886 shall contain a statement that the educational program meets the requirements  
7 of section 71710, as well as the following:

8 ...

9 (d) A projection, and the bases for the projection, of the number of students that the  
10 institution plans to enroll in the educational program during each of the three years following the  
11 date the Form Application 94886 was submitted.”

12 11. California Code of Regulations, title 5, division 7.5, section 71710, states, in pertinent  
13 part:

14 “In order to meet its mission and objectives, the educational program defined in section  
15 94837 of the Code shall be comprised of a curriculum that includes:

16 ...

17 (b) subject areas and courses or modules that are presented in a logically organized  
18 manner or sequence to students;

19 (c) course or module materials that are designed or organized by duly qualified faculty.

20 For each course or module, each student shall be provided with a syllabus or course outline that  
21 contains:

22 ...

23 (4) sequence and frequency of lessons or class sessions;

24 (5) complete citations of textbooks and other required written materials;

25 (6) sequential and detailed outline of subject matter to be addressed or a list of skills to be  
26 learned and how those skills are to be measured;

27 ...

28 (e) specific learning outcomes tied to the sequence of the presentation of the material to

1 measure the students' learning of the material; and

2 (f) evaluation by duly qualified faculty of those learning outcomes.”

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Incomplete Application)**

5 12. Respondent's application is subject to denial under Education Code section 94887 and  
6 California Code of Regulations, title 5, division 7.5, section 71220, subdivision (d), in that on or  
7 about December 20, 2013, Respondent submitted an incomplete application to the Bureau when it  
8 failed to provide the basis for its projection of the number of enrollments for the next three years.  
9 The Bureau requested the basis for the projections in a deficiency letter dated April 3, 2015. The  
10 institution failed to comply with the request. Respondent returned an Occupational Outlook  
11 Handbook publication, which is not the basis for projection of the number of enrollments for the  
12 next three years.

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 **(Deficient Instruction and Degrees Offered)**

15 13. Respondent's application is subject to denial under Education Code section 94887 and  
16 California Code of Regulations, title 5, division 7.5, section 71710, subdivision (b), and 71710,  
17 subdivisions (c)(4), (c)(5), (c)(6), (e) and (f) as follows:

18 (a) Respondent provided a course outline that totaled 245 hours for a Massage Therapy I  
19 course, and not 250 hours as stated by the institution in its syllabus. The course outline with the  
20 appropriate hours was requested by the Bureau in a deficiency letter dated April 3, 2015 and was  
21 not provided. (Violation of California Code of Regulations, title 5, division 7.5, section 71710,  
22 subdivision (b));

23 (b) Respondent also failed to provide a complete course outline for a Massage Therapy I  
24 course outline. The course outline was missing the sequence and frequency of lessons or class  
25 sessions, the citation for the Milady Massage Textbook, and the tests or exams for the course. The  
26 complete course outline was requested by the Bureau in a deficiency letter dated April 3, 2015  
27 and was not provided. (Violation of California Code of Regulations, title 5, division 7.5, section  
28 71710, subdivisions (c)(4), (c)(5), (c)(6), (e) and (f).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THIRD CAUSE FOR DENIAL OF APPLICATION**

**(Deficient Catalog)**

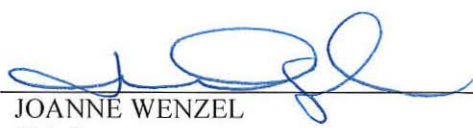
14. Respondent's application is subject to denial under Education Code sections 94887 and 94909, subdivision (3)(A)(5), in that Respondent failed to provide the required final tests or exams for the program descriptions as required to measure student learning outcomes in the school catalog.

**PRAYER**

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

- 1. Denying the application of Hancock College of Arts & Sciences, Kim Sun Ham as 100% Owner, for an Approval to Operate an Institution Non Accredited;
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 1/4/16

  
JOANNE WENZEL  
Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2015603988  
61783151\_2.doc