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7

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  
Against:

Case No. 999774

12 **MILLENNIA EDUCATION INSTITUTE;**  
13 **MEI MING SHIH AKA MARY SHIH, 51%**  
**OWNER**

**STATEMENT OF ISSUES**

14 **Approval for Renewal of Approval to**  
15 **Operate a Non-Accredited Institution**  
16 **Applicant**

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.

24 2. On April 9, 2012, the Bureau received an "Application for Renewal of Approval to  
25 Operate an Institution Non-Accredited" (application number 24778) from Mei Ming Shih aka  
26 Mary Shih, (51% Owner Millennia Education Institute), Maggie Zahn, (14% Owner Millennia  
27 Education Institute), Birdie Hwang, (9% Owner Millennia Education Institute), Catherine Lan,  
28 9% (Owner Millennia Education Institute), Eric Shangiyh Chen, (9% Owner Millennia Education

1 Institute), and Michael Fang, (8% Owner Millennia Education Institute) hereinafter Respondent<sup>1</sup>.  
2 The Bureau notified Respondent in writing of the deficiencies of the application. On December 2,  
3 2013, the Respondent sent the Bureau another Application for Renewal of Approval to Operate  
4 and Offer Educational Programs for Non-Accredited Institutions. The Bureau sent additional  
5 deficiency letters to Respondent and Respondent provided additional responses through May 2,  
6 2014. On May 27, 2014, the Bureau sent the Respondent a "Notice of Denial" letter. On or about  
7 June 9, 2014, Respondent requested an administrative hearing.

### 8 JURISDICTION

9 3. This Statement of Issues is brought before the Director of the Department of  
10 Consumer Affairs (Director) for the Bureau.

11 4. Education Code Section 94886 states:

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

16 5. Education Code Section 94887 states:

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

22 6. Education Code Section 94891 states:

23 (a) The bureau shall adopt by regulation the process and procedures whereby an institution  
24 may obtain a renewal of an approval to operate.

25 (b) To be granted a renewal of an approval to operate, the institution shall demonstrate its  
26 continued capacity to meet the minimum operating standards.

27 \_\_\_\_\_  
28 <sup>1</sup> Respondent's approval to operate expired on August 12, 2011.

1 (c)(1) An institution that is denied renewal of an approval to operate may file an appeal in  
2 accordance with the procedures established by the bureau pursuant to Section 94888.

3 (2) An institution that has filed an appeal of a denial of a renewal application may  
4 continue to operate during the appeal process, but must disclose in a written statement, approved  
5 by the bureau, to all current and prospective students, that the institution's application for renewal  
6 of approval to operate was denied by the bureau because the bureau determined the application  
7 did not satisfy the requirements to operate in California, that the institution is appealing the  
8 bureau's decision, and that the loss of the appeal may result in the institution's closure.

9 (3) If the bureau determines that the continued operation of the institution during the  
10 appeal process poses a significant risk of harm to students, the bureau shall make an emergency  
11 decision pursuant to its authority provided in Section 94938.

12 7. Title 5, California Code of Regulations (hereinafter "CCR"), section 71400.5 states:

13 (a) The inclusion of false or misleading information, or the intentional or negligent  
14 omission of pertinent information on any application may result in the denial of the application or  
15 a delay in processing, and may be grounds for action pursuant to Article 18 of the Act.

16 (b) In addition to denying an application pursuant to section 94887 of the Code, the Bureau  
17 may deny any application based on any act that constitutes grounds for the denial of a license  
18 under Section 480 of the Business and Professions Code, incorporated herein by reference.

19 (c) The proceedings under this section shall be conducted in accordance with Chapter 5  
20 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

### 21 STATUTORY PROVISIONS

22 8. Business and Professions Code section 22 defines the term "board" to include  
23 "bureau."

24 9. Education Code section 94885<sup>2</sup> states:

25 "The bureau shall, adopt by regulation minimum operating standards for an institution that  
26 shall reasonably ensure that all of the following occur:

27 <sup>2</sup> California Private Postsecondary Education Act of 2009, Ed. Code §§ 94800 et seq.  
28 The Act was recently amended, effective January 1, 2015. (See, Senate Bill No. 1247).

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

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

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

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

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

8           “(6) The institution is financially sound and capable of fulfilling its commitments to  
9 students.

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

12           “(8) Adequate records and standard transcripts are maintained and are available to  
13 students.

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

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

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

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

25           10. Education Code section 94887:

26           “An approval to operate shall be granted only after an applicant has presented sufficient  
27 evidence to the bureau, and the bureau has independently verified the information provided by the  
28 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant

1 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application  
2 for an approval to operate if the application does not satisfy those standards.”

3 11. Education Code section 94900:

4 (a) An institution shall maintain records of the name, address, e-mail address, and  
5 telephone number of each student who is enrolled in an educational program in that institution.

6 (b) An institution shall maintain, for each student granted a degree or certificate by that  
7 institution, permanent records of all of the following:

8 (1) The degree or certificate granted and the date on which that degree or certificate was  
9 granted.

10 (2) The courses and units on which the certificate or degree was based.

11 (3) The grades earned by the student in each of those courses.

12 12. Education Code section 94899.5 states:

13 "(a) Institutions that offer short-term programs designed to be completed in one term or four  
14 months, whichever is less, may require payment of all tuition and fees on the first day of  
15 instruction.

16 "(b) For those programs designed to be four months or longer, an institution shall not  
17 require more than one term or four months of advance payment of tuition at a time. When 50  
18 percent of the program has been offered, the institution may require full payment.

19 "(c) The limitations in this section shall not apply to any funds received by an institution  
20 through federal and state student financial aid grant and loan programs, or through any other  
21 federal or state programs.

22 "(d) An institution that provides private institutional loan funding to a student shall ensure  
23 that the student is not obligated for indebtedness that exceeds the total charges for the current  
24 period of attendance.

25 "(e) At the student's option, an institution may accept payment in full for tuition and fees,  
26 including any funds received through institutional loans, after the student has been accepted and  
27 enrolled and the date of the first class session is disclosed on the enrollment agreement."

28 13. Education Code section 94906 states in pertinent part:

1           “(a) An enrollment agreement shall be written in language that is easily understood. If  
2 English is not the student's primary language, and the student is unable to understand the terms  
3 and conditions of the enrollment agreement, the student shall have the right to obtain a clear  
4 explanation of the terms and conditions and all cancellation and refund policies in his or her  
5 primary language.”

6           ....

7           14. Section 94909 of the Education Code states in pertinent part:

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

11           ....

12           “(4) The address or addresses where class sessions will be held.

13           ....

14           “(6) If the educational program is designed to lead to positions in a profession, occupation,  
15 trade, or career field requiring licensure in this state, a notice to that effect and a list of the  
16 requirements for eligibility for licensure.

17           ....

18           “(8) A detailed description of institutional policies in the following areas:

19           ....

20           (B) Cancellation, withdrawal, and refund policies, including an explanation that the student  
21 has the right to cancel the enrollment agreement and obtain a refund of charges paid through  
22 attendance at the first class session, or the seventh day after enrollment, whichever is later. The  
23 text shall also include a description of the procedures that a student is required to follow to cancel  
24 the enrollment agreement or withdraw from the institution and obtain a refund consistent with the  
25 requirements of Article 13 (commencing with Section 94919).

26           “(9) The schedule of total charges for a period of attendance and an estimated schedule of  
27 total charges for the entire educational program.

28           ....

1           “(15) The following statement:  
2           “NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS  
3           EARNED AT OUR INSTITUTION

4                       The transferability of credits you earn at (name of institution) is at the  
5                       complete discretion of an institution to which you may seek to transfer. Acceptance of  
6                       the (degree, diploma, or certificate) you earn in (name of educational program) is also  
7                       at the complete discretion of the institution to which you may seek to transfer. If the  
8                       (credits or degree, diploma, or certificate) that you earn at this institution are not  
9                       accepted at the institution to which you seek to transfer, you may be required to  
10                      repeat some or all of your coursework at that institution. For this reason you should  
11                      make certain that your attendance at this institution will meet your educational goals.  
12                      This may include contacting an institution to which you may seek to transfer after  
13                      attending (name of institution) to determine if your (credits or degree, diploma or  
14                      certificate) will transfer.”

15           ....

16           15. Section 94911 of the Education Code states in pertinent part:

17                       “An enrollment agreement shall include, at a minimum, all of the following:

18                      ....

19                      “(b) A schedule of total charges, including a list of any charges that are nonrefundable and  
20                      the student's obligations to the Student Tuition Recovery Fund, clearly identified as  
21                      nonrefundable charges.

22                      ....

23                      “(h) The transferability disclosure that is required to be included in the school catalog, as  
24                      specified in paragraph (15) of subdivision (a) of Section 94909.

25                      “(i) (1) The following statement: "Prior to signing this enrollment agreement, you must be  
26                      given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to  
27                      review prior to signing this agreement. These documents contain important policies and  
28                      performance data for this institution. This institution is required to have you sign and date the  
29                      information included in the School Performance Fact Sheet relating to completion rates,  
30                      placement rates, license examination passage rates, salaries or wages, and the most recent three-  
31                      year cohort default rate, if applicable, prior to signing this agreement."

32                      “(2) Immediately following the statement required by paragraph (1), a line for the student  
33                      to initial, including the following statement: "I certify that I have received the catalog, School

1 Performance Fact Sheet, and information regarding completion rates, placement rates, license  
2 examination passage rates, salary or wage information, and the most recent three-year cohort  
3 default rate, if applicable, included in the School Performance Fact sheet, and have signed,  
4 initialed, and dated the information provided in the School Performance Fact Sheet."

5 "(j) The following statements:

6 . . . . .

7 "(2) 'A student or any member of the public may file a complaint about this institution with  
8 the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by  
9 completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet  
10 Web site address).'

11 "(k) The following statement above the space for the student's signature:

12 'I understand that this is a legally binding contract. My signature below certifies that I have  
13 read, understood, and agreed to my rights and responsibilities, and that the institution's  
14 cancellation and refund policies have been clearly explained to me.'"

15 15. Section 94913 of the Education Code states in pertinent part:

16 "(a) An institution that maintains an Internet Web site shall provide on that Internet Web  
17 site all of the following:

18 (1) The school catalog.

19 (2) A School Performance Fact Sheet for each educational program offered by the  
20 institution.

21 (3) Student brochures offered by the institution.

22 (4) A link to the bureau's Internet Web site.

23 (5) The institution's most recent annual report submitted to the bureau.

24 (b) An institution shall include information concerning where students may access the  
25 bureau's Internet Web site anywhere the institution identifies itself as being approved by the  
26 bureau."

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**STATUTORY AND REGULATORY PROVISIONS**

16. Title 5, CCR, section 71475 states in part:

....

“(c) The application for renewal of approval to operate and offer educational programs for non-accredited institutions shall include all of the following:

“(4) The physical address, phone number and fax number of each campus and branch at which the educational programs will be offered, including the identification of the institution's main location and branch locations.

....

“(j) The institution shall provide in the application a description of the job duties and responsibilities of each administrative and faculty position. If there have been no substantive changes since the last submission, the institution may so state and is not required to submit documentation.

....

“(kk) An incomplete application filed under this section will render the institution ineligible for renewal.”

17. Title 5, CCR, section 71700 states:

“The Bureau may request that an institution document compliance with the standards set forth in the Act and this Division to obtain and maintain an approval to operate.”

18. Title 5, CCR, section 71720 states in pertinent part:

....

“(b) Instructors in an Educational Program Not Leading to a Degree.

(1) An institution shall employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area they are teaching. If an instructor does not possess the required three years of experience, education and training in the subject area they are teaching, the institution shall document the qualifications the instructor possesses that are equivalent to the minimum qualifications.”

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19. Title 5, CCR, section 71735 states in pertinent part:

....

(b) An institution's facilities, including heating and cooling, ventilation, lighting, classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall maintain all valid permits required by any public agencies relating to the health and safety of the institution's facilities and equipment on file, and such permits shall be available to the Bureau upon request.

20. Title 5, CCR, section 71750 states in pertinent part:

....

(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)(8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.

21. Title 5, CCR, section 71800 states in part:

"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:

"(a) The name and address of the institution and the addresses where instruction will be provided.

....

"(e) Itemization of all institutional charges and fees including, as applicable:

....

"(2) registration fee (non-refundable);

....

"(11) Student Tuition Recovery Fund fee (non-refundable);

....

1           “(f) Charges paid to an entity other than an institution that is specifically required for  
2 participation in the educational program.”

3           22. Title 5, CCR, section 71810 states:

4           ....

5           (b) The catalog shall contain the information prescribed by Section 94909 of the Code and  
6 all of the following:

7           ....

8           “(7) The institution's policies and procedures for the award of credit for prior experiential  
9 learning, including assessment policies and procedures, provisions for appeal, and all charges that  
10 a student may be required to pay;

11           ...

12           “(13) Housing information including all of the following:

13           .....

14           (B) The availability of housing located reasonably near the institution's facilities and an  
15 estimation of the approximate cost or range of cost of the housing; and

16           (C) If the institution has no responsibility to find or assist a student in finding housing, a  
17 clear and conspicuous statement so indicating. A statement that the program is "non- residential"  
18 does not satisfy this subparagraph.”

19           23. Title 5, CCR, section 74115 states in pertinent part:

20           ....

21           “(b) A set of financial statements shall contain, at a minimum, a balance sheet, an income  
22 statement, and a cash flow statement, and the preparation of financial statements, shall comply  
23 with all of the following:

24           “(1) Audited and reviewed financial statements shall be conducted and prepared in  
25 accordance with the generally accepted accounting principles established by the American  
26 Institute of Certified Public Accountants by an independent certified public accountant who is not  
27 an employee, officer, or corporate director or member of the governing board of the institution.”

28

1           24. Title 5, CCR, section 76215 states:

2           “(a) A qualifying institution shall include the following statement on both its enrollment  
3 agreement for an educational program and its current schedule of student charges:

4           “You must pay the state-imposed assessment for the Student Tuition Recovery Fund  
5 (STRF) if all of the following applies to you:

6           1. You are a student in an educational program, who is a California resident, or are enrolled  
7 in a residency program, and prepay all or part of your tuition either by cash, guaranteed student  
8 loans, or personal loans, and

9           2. Your total charges are not paid by any third-party payer such as an employer,  
10 government program or other payer unless you have a separate agreement to repay the third party.

11           You are not eligible for protection from the STRF and you are not required to pay the STRF  
12 assessment, if either of the following applies:

13           1. You are not a California resident, or are not enrolled in a residency program, or

14           2. Your total charges are paid by a third party, such as an employer, government program  
15 or other payer, and you have no separate agreement to repay the third party.”

16           (b) In addition to the statement described under subdivision (a) of this section, a qualifying  
17 institution shall include the following statement on its current schedule of student charges:

18           “The State of California created the Student Tuition Recovery Fund (STRF) to relieve or  
19 mitigate economic losses suffered by students in educational programs who are California  
20 residents, or are enrolled in a residency programs attending certain schools regulated by the  
21 Bureau for Private Postsecondary and Vocational Education.

22           You may be eligible for STRF if you are a California resident or are enrolled in a residency  
23 program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of  
24 any of the following:

25           1. The school closed before the course of instruction was completed.

26           2. The school's failure to pay refunds or charges on behalf of a student to a third party for  
27 license fees or any other purpose, or to provide equipment or materials for which a charge was  
28 collected within 180 days before the closure of the school.

1 3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed  
2 student loan program as required by law or to pay or reimburse proceeds received by the school  
3 prior to closure in excess of tuition and other costs.

4 4. There was a material failure to comply with the Act or this Division within 30 days  
5 before the school closed or, if the material failure began earlier than 30 days prior to closure, the  
6 period determined by the Bureau.

7 5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against  
8 the institution for a violation of the Act."

9 However, no claim can be paid to any student without a social security number or a  
10 taxpayer identification number."

11 **FIRST CAUSE FOR DENIAL**

12 (Incomplete Application )

13 26. Respondent's application is subject to denial under Education Code section 94887 and  
14 CCR, title 5, division 7.5, sections 71100 and 71475 in that Respondent submitted an incomplete  
15 application to the Bureau. Each violation is a sole and separate cause for denial. The violations  
16 are as follows:

17 27. By its application, Respondent failed to provide the physical address of any branches  
18 or satellite campuses of the institution. Instead, Respondent provided contradictory information  
19 regarding the existence of any branches or satellite campuses in stating on the one hand that it did  
20 not have any satellite campuses or branches and on the other, that all "branches are owned by the  
21 Institution." This is a violation of CCR, title 5, division 7.5, section 71475 (c)(4) and such  
22 failure is grounds for ineligibility for renewal pursuant to CCR, title 5, section §71475 (kk).

23 28. By its application, Respondent failed to identify the job duties and responsibilities of  
24 the faculty position(s) in violation of CCR, title 5, section 71475 (j). Such failure is grounds for  
25 ineligibility for renewal pursuant to CCR, title 5, section §71475 (kk).

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1 **SECOND CAUSE FOR DENIAL**

2 (Deficiencies Regarding Student Enrollment Agreements )

3 29. Respondent's application is subject to denial under Education Code sections 94887,  
4 94899.5, 94906, 94909 and 94911 in conjunction with CCR, Title 5, sections 71100, 71475,  
5 71800 and 76215 in that Respondent failed to provide a compliant Student Enrollment Agreement  
6 as follows:

7 30. Respondent failed to provide a copy of its policy relative to providing the student  
8 enrollment agreement, disclosures and statements to students when they are unable to understand  
9 the terms and conditions of the enrollment agreement due to English not being their primary  
10 language, and where recruitment was not conducted in English. This is a violation of California  
11 Education Code section 94906 (a).

12 31. By its Student Enrollment Agreement, Respondent failed to disclose that the  
13 registration fee is nonrefundable, which is a violation of CCR, title 5, section 71800 (e)(2) and  
14 California Education Code section 94911 subdivision (b).

15 32. By its Student Enrollment Agreement, Respondent failed to disclose that the student  
16 Tuition Recovery Fund fee is nonrefundable. This is a violation of CCR, title 5, section 71800  
17 (e)(11) and California Education Code section 94911 subdivision (b).

18 33. By its Student Enrollment Agreement, Respondent failed to provide all of the  
19 addresses where students will be required to go for instruction. The externship campuses were  
20 not listed and it was unclear whether these campuses were branches and satellites or externship  
21 facilities. This is a violation of CCR, title 5, section 71800 (a).

22 34. By its Student Enrollment Agreement Respondent failed to identify and describe any  
23 and all additional fees required including the malpractice insurance fee, and fees associated with a  
24 completed physician exam, Basic Life Support or CPR card, two Hepatitis B shots, and a TB test,  
25 which are to be paid to an entity other than the institution. This is a violation of CCR, title 5,  
26 section 71800 (f).

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1           35. By its Student Enrollment Agreement and schedule of student charges, Respondent  
2 did not include specific required language related to the Student Tuition Recovery Fund (STRF),  
3 which is a violation of CCR, title 5, section 76215 subdivision (a) and (b).

4           36. By its Student Enrollment Agreement, Respondent erroneously states that “[f]ees are  
5 payable prior to the beginning of class unless other arrangements are made.” This is incorrect as  
6 the program is 24 weeks long and Respondent may not require more than one term or four months  
7 of advance payment of tuition. This is a violation of California Education Code section 94899.5.

8           37. By its Student Enrollment Agreement, Respondent failed to include in the standard  
9 transferability disclosure language that is required to be included in the school catalog. This is a  
10 violation of California Education Code section 94911 (h) and 94909 (a)(15).

11           38. By its Student Enrollment Agreement, Respondent failed to include in the enrollment  
12 agreement the required statement directing students to the Bureau for filing a complaint.  
13 Moreover, Respondent misidentifies the Bureau as “the BPPEP.” This is a violation of California  
14 Education Code section 94911 (j)(2).

15           39. By its Student Enrollment Agreement, Respondent failed to include in the enrollment  
16 agreement the required statement including a line for the student to initial to certify receipt of  
17 certain materials prior to signing the enrollment agreement. This is a violation of California  
18 Education Code section 94911 (i)(1)(2).

19           40. By its Student Enrollment Agreement, Respondent failed to include in the enrollment  
20 agreement the required statement and a line for the student initial regarding information received  
21 prior to signing the enrollment in that the wording was out of order, and the required initial line  
22 was not in the correct location. This is a violation of California Education Code section 94911  
23 (i)(1)(2).

24           41. By its Student Enrollment Agreement, Respondent failed to include all required  
25 verbiage regarding the contractual nature of the agreement above the space for the student’s  
26 signature, which is a violation of California Education Code section 94911 (k).

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**THIRD CAUSE FOR DENIAL**

(Failure to Provide Compliant Financial Resources and Statements)

42. Respondent's application is subject to denial under Education Code sections 94887 in conjunction with CCR, title 5, sections 74115 subdivision (b)(1), in that Respondent failed to provide financial documents setting forth the financial resources and statements that were prepared by a California certified public accountant. The documents were instead prepared by S.S., who is not a licensed certified public accountant in California.

**FOURTH CAUSE FOR DENAIL**

(Deficiencies Regarding Faculty )

43. Respondent's application is subject to denial under Education Code sections 94887, and title 5, CCR, section 71720 subdivision (b)(1), in that the institution failed to employ instructors with the requisite academic, experiential, and professional qualifications. Faculty members S.B.B. and H.L.H. identified in the application are not approved on the Program Approval Notice form the Department of Health Services.

**FIFTH CAUSE FOR DENIAL**

(Deficiencies Regarding Facilities and Equipment )

44. Respondent's application is subject to denial under Education Code sections 94887 and title 5, CCR, sections 71735 subdivision (b) in that the institution failed to obtain approval of the new main facility for the school from the Department of Health Services. The Department of Health Services approved the 2020 South Hacienda Blvd. #G address in Hacienda Heights, CA 91745. The school is currently located at 9440 Telstar Avenue, Suite 6 in El Monte, CA 91773.

**SIXTH CAUSE FOR DENIAL**

(Deficiencies Regarding Catalog)

45. Respondent's application is subject to denial under Education Code sections 94887, 94900, 94909, 94899.5, 94913, and title 5, CCR, sections 71750 and 71810 (b), (7), (13)(B) and as further identified below, in that the school catalog contained the following deficiencies:

46. By its catalog, Respondent failed to provide the addresses for the required externship in the catalog . It was unclear whether the addresses identified were for branches and satellites or



1 whether they were for externship facilities. This is a violation of California Education Code  
2 section 94909 (a)(4).

3 47. By its catalog, Respondent failed to provide a list of the requirements for eligibility  
4 for licensure in California in the catalog, where the program was designed to lead to positions in a  
5 profession, occupation, trade, or career field requiring licensure in this state. This is a violation of  
6 California Education Code section 94909 (a)(b).

7 48. By its catalog, Respondent does not contain the specific language that addresses  
8 transferability of credits and credentials for specified programs, including Home Health Aide, and  
9 the Nurse Assistant programs as required by Education Code section 94909 (a)(15).

10 49. By its catalog, Respondent failed to set forth the proper tuition policy for courses  
11 over four months long. This is violation of California Education Code section 94899.5 (b).

12 50. By its catalog, Respondent failed to set forth a consistent refund policy for  
13 withdrawal from a class. This is a violation of CCR, title 5, section 71750 and California  
14 Education Code section 94909 (a)(8)(B).

15 51. By its catalog, Respondent failed to provide a withdrawal policy that includes, at a  
16 minimum, the acceptable methods of delivery of a notice to withdraw, whether withdrawal can be  
17 accomplished by conduct, and if so, how the institute will determine when the student is  
18 withdrawn due to conduct in violation of CCR, title 5, section 71750 (b).

19 52. By its catalog, Respondent cites refund procedures that are based on a invalid  
20 Education Code [section 94820] in violation of CCR, title 5, section 71750 and California  
21 Education Code section 94909 (a)(8)(B).

22 53. By its catalog, Respondent failed to include information regarding the availability of  
23 housing located reasonably near the institution's facilities. Theses statements are required by title  
24 5, CCR, section 71810 (b)(13)(B).

25 54. By its catalog, Respondent does not set forth a clear and conspicuous statement  
26 indicating that the institution has no responsibility to find or assist a student in finding housing.  
27 This is required by title 5, CCR, section 71810 (b)(13)(C).

28

1 55. By its catalog, Respondent failed to set forth the policies on the retention of student  
2 records that requires that transcripts be kept permanently. This is violation of California  
3 Education Code section 94900 (b).

4 56. By its catalog, Respondent failed to provide the schedule of total charges for a period  
5 of attendance in violation of California Education Code section 94900 (a)(9).

6 57. By its catalog, Respondent failed to provide policies and procedures for the award of  
7 credit for prior experiential learning, including assessment policies and procedures, provisions for  
8 appeal, and all charges that student may required to pay. This is violation of CCR, title 5, section  
9 71810 (b)(7).

10 58. The institution failed to provide on the <http://www.millenniaedu.org/programs>  
11 website a compliant School Performance Fact Sheet for each educational program offered by the  
12 institution and failed to provide a copy of the institution's most recent annual report that had been  
13 submitted to the bureau, in violation of California Education Code section 94913.

14 **SEVENTH CAUSE FOR DENIAL**

15 (Deficiencies Regarding Recordkeeping )

16 59. Respondent's application is subject to denial under Education Code sections 94887  
17 and 94900, subdivision (b), in that Respondent's recordkeeping policies are inconsistent with  
18 state law in that it provides that all student records are maintained for five years after students  
19 graduate and shredded thereafter.

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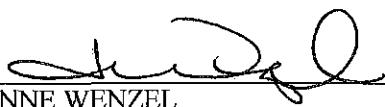
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PRAYER

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 Millennia Education Institute; Mei Ming Shih aka Mary Shih, (51% owner) for a Approval to Operate a Non-Accredited Institution;
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 3/11/15

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

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