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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:

Case No. 1004516

**AMERICAN HARBOR COLLEGE;
LINNEA RAY; 51% OWNER, BRIAN
HAGGERTY 49% OWNER
2445 W. Chapman Ave. #260
Orange, CA 92686**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Institution Code No. 1926311

Respondent.

FINDINGS OF FACT

1. On or about May 29, 2020, Complainant Dr. Michael Marion, Jr., in his official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs, filed Accusation No. 1004516 against American Harbor College; Ray Linnea; Brian Haggerty (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about April 17, 2020, the Bureau for Private Postsecondary Education (Bureau) issued an Approval to Operate to American Harbor College; Linnea Ray, 51% owner; Brian Haggerty, 49% owner (Respondent), Institution Code Number 1926311. The Approval to

1 Operate was in full force and effect at all times relevant to the charges brought in Accusation No.
2 1004516 and will expire on February 28, 2021, unless renewed.

3 3. On or about June 3, 2020, Certified and First Class Mail copies of the Accusation No.
4 1004516, Statement served Respondent to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record, which is required to be reported and maintained with the Bureau.
7 Respondent's address of record was and is: 2445 W. Chapman Ave. #260, Orange, CA 92686.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505(c) and/or Business and Professions Code section 124.

10 5. Government Code section 11506(c) states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all
13 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
14 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
15 discretion may nevertheless grant a hearing.

16 6. The Bureau takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore
18 waived their right to a hearing on the merits of Accusation No. 1004516.

19 7. California Government Code section 11520(a) states, in pertinent part:

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

24 8. Pursuant to its authority under Government Code section 11520, the Director finds
25 Respondent is in default. The Director will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Director's offices regarding the allegations contained in Accusation No.
1004516, finds that the charges and allegations in Accusation No. 1004516, are separately and
severally, found to be true and correct by clear and convincing evidence.

