



## **CITATION: ASSESSMENT OF FINE AND ORDER OF RESTITUTION**

To: Bryan College, LLC, Owner  
Bryan University  
350 S. Lake Ave., Ste. 260  
Pasadena, CA 91101

**INSTITUTION CODE: 1901671**

**CITATION NUMBER: 1819129**

**CITATION ISSUANCE/SERVICE DATE: February 27, 2019**

**DUE DATE: March 29, 2019**

**FINE AMOUNT: \$11,501.00**

**ORDER OF ABATEMENT INCLUDED: No**

Christina Villanueva issues this Citation: Assessment of Fine and Order of Restitution (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

### CITATION

A Citation is hereby issued to Bryan College, LLC, Owner of Bryan University (Institution) located at 350 S. Lake Ave., Ste. 260, Pasadena, CA 91101, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below. As of February 15, 2019, the Institution is now closed.

### BACKGROUND

On May 29, 2014, the Bureau received a complaint from N.B. alleging that the Institution was converting her residential Associate of Arts (AAS) Court Reporting degree program to a Distance Education (DE) program.

Through the course of the investigation, Bureau staff verified that the Institution's accreditor, Accrediting Council for Independent Colleges and Schools (ACICS), granted the Institution accreditation on April 14, 2006 for an Occupational Associates Degree (OAS) Court Reporting program, taught via 100% residential platform or 100% DE. The letter did not grant accreditation for an AAS Court Reporting program.

On April 6, 2010, the Institution applied for an Approval to Operate an Accredited Institution. The Institution provided two ACICS verifications of accreditation letters during the application process. Each letter verified that ACICS granted accreditation for only one-degree program, the OAS Court Reporting program. On February 10, 2011, the Bureau notified the Institution that they were

approved to operate an accredited institution and they were approved to offer an OAS Court Reporting program. Based on the evidence mentioned above, the Institution is in violation of offering an unapproved and unaccredited program as well as the following additional Bureau laws and regulations.

VIOLATION

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1	<p><b><u>Violation:</u></b>  <b>CEC Section 94897(j), (p)(1)(2) - Prohibited Business Practices</b>  <i>(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:</i>  <i>(p) Offer an associate, baccalaureate, master's, or doctoral degree without disclosing to prospective students prior to enrollment whether the institution or the degree program is unaccredited and any known limitation of the degree, including, but not limited to, all of the following:</i>  <i>(1) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states.</i>  <i>(2) A statement that reads: "A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California."</i></p> <p>On April 14, 2008, Bureau staff requested a student roster of all the students that enrolled in the AAS Court Reporting Program from 2010 through the discontinuation of the program. Bureau staff requested the student roster include the student's name, enrollment date, withdrawal, dismissal or graduation date, program name, program type (diploma or degree), and program instruction type (Distance Education (DE), residential or hybrid). On April 26, 2018, the Institution submitted a student roster; however, the student roster did not contain information for N.B. The student roster only contained OAS Court Reporting enrollments. In previous email correspondence, dated July 13, 2017, the Institution sent Bureau staff EA's that demonstrated student enrollments in the Institution's OAS and AAS Court Reporting programs, however those students were not listed on the student roster submitted on April 26, 2018. In addition, there were two students listed on the OAS Court Reporting student roster, but the student's EA's verified they enrolled in the AAS Court Reporting program. The AAS Court Reporting program was an unapproved and unaccredited program.</p> <p>Bureau staff found the Institution is in violation of CEC section 94897(j) as the Institution made an untrue statement regarding an attendance record. The student roster did not include students that enrolled in the AAS Court Reporting program. Bureau staff found that the Institution made an untrue statement regarding the educational services that were conducted from January 1, 2010 until the discontinuation of the diploma and degree Court Reporting program. The Institution provided a student roster that failed to report at least five students who enrolled in the AAS Court Reporting program. Additionally, the Institution provided a student roster that listed two students had enrolled in the OAS Court Reporting program, however their EA demonstrated that they were enrolled in the AAS Court Reporting program.</p> <p>Bureau staff found the Institution is in violation of CEC section 94897(p)(1)(2) as the Institution did not disclose to prospective students that the AAS Court Reporting program was unaccredited and did not disclose that a graduate of the AAS Court Reporting program would be ineligible to sit for the</p>



	<p>Court Reporting licensure exam. The Institution did not disclose the AAS Court Reporting degree may not be recognized for some employment positions.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$5,000.00</u></p>
2	<p><b><u>Violation:</u></b> <b>5, CCR Section 71660 - Non-Substantive Change for Accredited Schools</b> <i>An institution shall notify the Bureau of a non-substantive change including: change of location of less than 10 miles; addition of a program related to the approved programs offered by the institution; addition of a new branch five miles or less from the main or branch campus; addition of a satellite; and change of mailing address. All such notifications shall be made within 30 days of the change and sent to the Bureau, in writing, to the address listed in section 70020.</i></p> <p>The Institution failed to submit a non-substantive change notification to the Bureau for the AAS Court reporting program.</p> <p><b><u>Order of Restitution:</u></b> The Bureau orders that the Institution provide a full refund to N.B. and all additional students that enrolled and did not graduate from the AAS Court Reporting program, as well as submit proof to the Bureau of all refunds submitted to students.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$501.00</u></p>
3	<p><b><u>Violation:</u></b> <b>CEC Section 94890(c) – Approved by Means of Accreditation</b> <i>(c) Institutions that are granted an approval to operate by means of the institution’s accreditation shall comply with all other applicable requirements in this chapter.</i></p> <p>The Institution is responsible to maintain compliance with all applicable requirements per CEC 94890(c). Based on a series of violations, the Institution is in violation of CEC 94890(c).</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$1,000.00</u></p>
4	<p><b><u>Violation:</u></b> <b>CEC Section 94905(a) – Professions Requiring Licensure, Internships</b> <i>(a) During the enrollment process, an institution offering educational programs designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state shall exercise reasonable care to determine if the student will not be eligible to obtain licensure in the profession, occupation, trade, or career field at the time of the student’s graduation and shall provide all students enrolled in those programs with a written copy of the requirements for licensure established by the state, including any applicable course requirements established by the state. If the minimum course requirements of the institution exceed the minimum requirements for state licensure, the institution shall disclose this information, including a list of those courses that are not required for state licensure. The institution shall not execute an enrollment agreement with a student that is known to be ineligible for licensure, unless the student’s stated objective is other than licensure.</i></p>

The Institution executed nine enrollment agreements with students that were ineligible for state licensure. The California Court Reporting Board (CRB) confirmed Court Reporting students would not be eligible to sit for the Court Reporting licensure exam if the program was not approved by the Bureau. Therefore, graduated students of the Institution's unapproved AAS Court Reporting program were unable to apply, and obtain their Court Reporting license, as required by the State of California.

**Assessment of Fine**

The fine for this violation is \$5,000.00

**TOTAL ADMINISTRATIVE FINE DUE: \$11,501.00**

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$11,501.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF RESTITUTION

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of restitution described above. **Evidence of compliance with the order(s) of restitution must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **March 29, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **February 27, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of restitution shall be due by **March 29, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

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

**Payment of the administrative fine and/or written request for appeal must be mailed to:**


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

Failure for an applicant or institution to comply with the order of restitution listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Gurinder Sandhu, Citation Analyst, at 916-431-6940 or [Gurinder.Sandhu@dca.ca.gov](mailto:Gurinder.Sandhu@dca.ca.gov).

  
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**Christina Villanueva**  
**Discipline Manager**

  
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**Date**

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail