



**Bureau for Private Postsecondary Education**  
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
P.O. Box 980818, West Sacramento, CA 95798-0818  
P (916) 431-6959 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



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

To: American States University, San Diego, et al.  
Kenneth Kiemm, Owner  
Thomas Gillen, Owner  
Jane Kiemm, Owner  
Gerald Wolford, Owner  
121 Broadway #328  
San Diego, CA 92101

**INSTITUTION CODE: None - Unapproved**

**CITATION NUMBER: 1213007**

**CITATION ISSUANCE DATE: 11/15/12**

**DUE DATE: 12/15/12**

**FINE AMOUNT: \$50,000.00**

Connie Bouvia issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

### CITATION

A Citation is hereby issued to Kenneth Kiemm, Thomas Gillen, Jane Kiemm, and Gerald Wolford owners of American States University, San Diego located at 121 Broadway #328, San Diego, CA 92101 and at any other American States University, San Diego locations in accordance with Section 148 and of the Business and Professions; Section 94944 of the California Education Code; and Section 75020 of the California Code of Regulations for the violations described below.

### VIOLATION

#### **California Education Code § 94886 – Approval to Operate Required**

The institution did not obtain an approval to operate a private postsecondary educational institution from the Bureau. This law prohibits a person from opening, conducting, or engaging in a business as a private postsecondary education institution in this State without obtaining an approval to operate from the Bureau.

You are hereby notified that you are in violation of Section 94886 of the California Education Code and cause for issuance of a citation and assessment of an administrative fine exists.

### PENALTY – ASSESSMENT OF A FINE

In accordance with Cal. Ed. Code section 94944; and California Code of Regulations section 75020(b), the Bureau hereby orders the issuance of a Citation order and the assessment of a fine in the amount of **\$50,000.00** for operating an institution without proper approval to operate issued by the Bureau.

#### ORDER OF ABATEMENT

The Bureau orders that you cease operating as a private postsecondary educational institution at any and all American States University, San Diego locations. You must submit within 30 days of the date of this Citation order evidence of compliance and a declaration, under penalty of perjury, that the violation has been complied with. This means you must stop enrolling students, and cease all instructional services, advertising (including Web sites), programs, and/or operations. You must also refund all monies (tuition and fees) to all students that were enrolled at American States University, San Diego after January 1, 2010.

You must also provide a complete list of all students who have been enrolled after January 1, 2010 until present. The list shall include the names of the students, contact information, amount of tuition they paid, amount you refunded, and evidence that you refunded each student.

#### 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 enclosed 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form within 30 days from the date of service of the Citation. If you do not request an administrative hearing within 30 days from the date of service of the Citation, you will *not* be able to request one at a later time. Deliver or mail your written request to:

Janel Quayle, Discipline – Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

Unless a written request for an informal conference and/or an administrative hearing is signed by you or on behalf of American States University, San Diego and delivered to the Bureau by **December 15, 2012** you will be deemed to have waived or forfeited your right to an administrative hearing in this matter.

#### EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

If you do not request a hearing, this Citation shall become effective on **November 15, 2012**. The order of abatement and payment are due by **December 15, 2012**. Your payment of the administrative fine shall not constitute an admission of the violation charged.

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

#### PAYMENT OF ADMINISTRATIVE FINE

Payment of the administrative fine must be made to the Bureau for Private Postsecondary Education by check or money order. Please include the Citation number on the payment of the fine assessment. Payments may be mailed to:

Janel Quayle, Discipline – Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

#### CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or Janel.Quayle@dca.ca.gov.

Connie Bouvia

**Connie Bouvia**  
**Enforcement Chief**

November 15, 2012

**Date**

Enclosures

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