

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

In the Matter of the Accusation Against:

**SILICON VALLEY UNIVERSITY  
2010 Fortune Drive  
San Jose, CA 95131**

Accredited Institution Approval to Operate  
No. 4306571

Respondents.

Case No. 1000650

OAH No. 2018020561

**DECISION AND ORDER**

The attached Stipulated Surrender of Approval to Operate and Order is hereby adopted by the Director of the Department of Consumer Affairs as the Decision and Order in the above-entitled matter.

APR 5 2019

This Decision shall become effective on \_\_\_\_\_.

IT IS SO ORDERED this 24<sup>th</sup> day of February, 2019.



RYAN MARCROFT  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 XAVIER BECERRA  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 AMBER N. WIPFLER  
Deputy Attorney General  
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5 San Francisco, CA 94102-7004  
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E-mail: Amber.Wipfler@doj.ca.gov  
7 *Attorneys for Complainant*

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9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
**STATE OF CALIFORNIA**  
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13 In the Matter of the Accusation Against:

14 **SILICON VALLEY UNIVERSITY**  
15 **2010 Fortune Drive**  
**San Jose, CA 95131**

16 **Accredited Institution Approval to Operate**  
17 **No. 4306571**

18 Respondent.

Case No. 1000650

OAH No. 2018020561

**STIPULATED SURRENDER OF  
APPROVAL TO OPERATE AND  
ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Dr. Michael Marion, Jr. (Complainant) is the Chief of the Bureau for Private  
23 Postsecondary Education (Bureau). He brought this action solely in his official capacity and is  
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by  
25 Amber N. Wipfler, Deputy Attorney General.

26 2. Silicon Valley University (Respondent) is represented in this proceeding by attorney  
27 Christopher Sun, whose address is: 706 Cowper Street, P.O. Box 1040, Palo Alto, CA 94302-  
28 1040.

1           3.     On or about March 12, 1999, the Bureau granted an Accredited Institution Approval  
2 to Operate to Silicon Valley University. The Accredited Institution Approval to Operate was in  
3 full force and effect at all times relevant to the charges brought in Accusation 1000650, with the  
4 exception of the first cause for discipline. The Accredited Institution Approval to Operate  
5 expired effective December 7, 2017.

6                                       **JURISDICTION**

7           4.     First Amended Accusation No. 1000650 was filed before the Bureau and is currently  
8 pending against Respondent. The initial Accusation and all other statutorily required documents  
9 were properly served on Respondent on January 11, 2018. Respondent timely filed a Notice of  
10 Defense contesting the Accusation. On May 4, 2018, the First Amended Accusation and all other  
11 statutorily required documents were properly served on Respondent. A copy of First Amended  
12 Accusation No. 1000650 is attached as Exhibit A and incorporated by reference.

13                                       **ADVISEMENT AND WAIVERS**

14           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in First Amended Accusation No. 1000650. Respondent also has  
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
17 Surrender of Approval to Operate and Order.

18           6.     Respondent is fully aware of its legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
20 the witnesses against it; the right to present evidence and to testify on its own behalf; the right to  
21 the issuance of subpoenas to compel the attendance of witnesses and the production of  
22 documents; the right to reconsideration and court review of an adverse decision; and all other  
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in First  
3 Amended Accusation No. 1000650, agrees that cause exists for discipline, and hereby surrenders  
4 its Accredited Institution Approval to Operate for the Bureau's formal acceptance.

5 9. Respondent understands that by signing this stipulation, the Bureau may issue an  
6 order accepting the surrender of Respondent's Accredited Institution Approval to Operate without  
7 further process.

8 **CONDITIONS PRECEDENT**

9 10. Respondent understands and agrees that it must fully comply with the conditions  
10 precedent set forth below, to the satisfaction of the Bureau. Respondent understands and agrees  
11 that this Stipulation shall be null and void unless and until Respondent satisfies the conditions  
12 precedent set forth herein. Within 15 days from the parties agreeing to this Stipulation and before  
13 the Director signs the stipulated Order:

14 a. Respondent shall provide to the Bureau a School Closure Plan, as outlined in  
15 California Code of Regulations, title 5, section 76240.

16 b. Respondent shall provide to the Bureau electronic copies of transcripts, pursuant to  
17 Education Code section 94927.5.

18 c. Respondent shall provide to the Bureau, in a readable electronic format, all records  
19 for all students who attended Silicon Valley University for the last two years to the date of its  
20 closure, pursuant to Education Code section 94927.5.

21 d. Respondent shall provide to the Bureau proof of refunds made to those students  
22 enrolled at Silicon Valley University who were unable to complete their education due to Silicon  
23 Valley University's closure, pursuant to Education Code section 94927.

24 **RESERVATION**

25 11. The admissions made by Respondent herein are only for the purposes of this  
26 proceeding, or any other proceedings in which the Director of the Department of Consumer  
27 Affairs (Director) or other professional licensing agency is involved, and shall not be admissible  
28 in any other criminal or civil proceeding.

1 CONTINGENCY

2 12. This stipulation shall be subject to approval by the Director or the Director's  
3 designee. Respondent understands and agrees that counsel for Complainant and the staff of the  
4 Bureau may communicate directly with the Director and staff regarding this stipulation and  
5 surrender, without notice to or participation by Respondent or its counsel. By signing the  
6 stipulation, Respondent understands and agrees that it may not withdraw its agreement or seek to  
7 rescind the stipulation prior to the time the Director considers and acts upon it. If the Director  
8 fails to adopt this stipulation as the Decision and Order, the Stipulated Surrender and Disciplinary  
9 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
10 action between the parties, and the Director shall not be disqualified from further action by  
11 having considered this matter.

12 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
13 copies of this Stipulated Surrender of Approval to Operate and Order, including PDF and  
14 facsimile signatures thereto, shall have the same force and effect as the originals.

15 14. This Stipulated Surrender of Approval to Operate and Order is intended by the parties  
16 to be an integrated writing representing the complete, final, and exclusive embodiment of their  
17 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,  
18 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of  
19 Approval to Operate and Order may not be altered, amended, modified, supplemented, or  
20 otherwise changed except by a writing executed by an authorized representative of each of the  
21 parties.

22 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
23 the Director may, without further notice or formal proceeding, issue and enter the following  
24 Order:

25 ORDER

26 IT IS HEREBY ORDERED that Accredited Institution Approval to Operate No. 4306571,  
27 issued to Respondent Silicon Valley University, is surrendered and accepted by the Director of  
28 the Department of Consumer Affairs.

1           1.     The surrender of Respondent's Accredited Institution Approval to Operate and the  
2 acceptance of the surrendered Accredited Institution Approval to Operate by the Bureau shall  
3 constitute the imposition of discipline against Respondent. This stipulation constitutes a record of  
4 the discipline and shall become a part of Respondent's license history with the Bureau for Private  
5 Postsecondary Education.

6           2.     If Respondent or any of Respondent's officers, agents, and/or administrative staff  
7 applies for a new Approval to Operate or petitions for reinstatement in the State of California, the  
8 Bureau shall treat it as a new application for an Approval to Operate. Respondent or any of  
9 Respondent's officers, agents, and/or administrative staff must comply with all the laws,  
10 regulations and procedures for licensure in effect at the time the application or petition is filed,  
11 and all of the charges and allegations contained in First Amended Accusation No. 1000650 shall  
12 be deemed to be true, correct and admitted by Respondent or any of Respondent's officers,  
13 agents, and/or administrative staff when the Bureau determines whether to grant or deny the  
14 application or petition.

15           3.     Within 30 days of the effective date of the Decision and Order, Respondent shall pay  
16 to the Board costs associated with its investigation and enforcement pursuant to Business and  
17 Professions Code section 125.3 in the amount of \$31,132.19.

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1 ACCEPTANCE

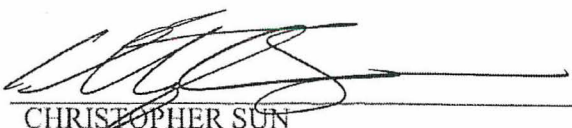
2 I have carefully read the above Stipulated Surrender of Approval to Operate and Order and  
3 have fully discussed it with my attorney, Christopher Sun. I understand the stipulation and the  
4 effect it will have on my Accredited Institution Approval to Operate No. 4306571. I enter into  
5 this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and  
6 intelligently, and agree to be bound by the Decision and Order of the Director of the Department  
7 of Consumer Affairs.

8  
9 DATED: 1/24/2019

  
10 KEVIN CHENG  
11 INTERIM PRESIDENT, SILICON VALLEY  
12 UNIVERSITY  
13 *Respondent*

14 I have read and fully discussed with Respondent the terms and conditions and other matters  
15 contained in this Stipulated Surrender of Approval to Operate and Order. I approve its form and  
16 content.

17 DATED: 1/24/2019

  
18 CHRISTOPHER SUN  
19 *Attorney for Respondent*

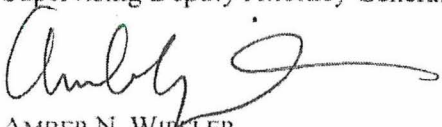
20 ENDORSEMENT

21 The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully  
22 submitted for consideration by the Director of the Department of Consumer Affairs.

23 Dated: 1/29/19

24 Respectfully submitted,

25 XAVIER BECERRA  
26 Attorney General of California  
27 JOSHUA A. ROOM  
28 Supervising Deputy Attorney General

  
29 AMBER N. WIPFLER  
30 Deputy Attorney General  
31 *Attorneys for Complainant*

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