

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DIONNE MOCHON
Deputy Attorney General
4 State Bar No. 203092
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9012
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12
13
14 In the Matter of the Statement of Issues
Against:

Case No. 1005889

15 **THE ACADEMY OF RADIO**
16 **BROADCASTING, INC.; DBA THE**
ACADEMY OF RADIO & TELEVISION
17 **BROADCASTING**

STATEMENT OF ISSUES

18 **Institution Code 3005451**

19 Respondent.

20 **PARTIES**

21 1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his
22 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
23 Consumer Affairs.

24 2. On or about March 29, 2019, the Bureau for Private Postsecondary Education
25 received an Application for Approval to Operate and Offer Educational Programs for Accredited
26 Institutions from The Academy of Radio Broadcasting, Inc.; dba The Academy of Radio &
27 Television Broadcasting (Respondent). On or about March 25, 2019, The Academy of Radio
28

1 Broadcasting, Inc. certified under penalty of perjury to the truthfulness of all statements, answers,
2 and representations in the application. The Bureau denied the application on February 11, 2020.

3 **JURISDICTION**

4 3. This Statement of Issues is brought before the Director of the Department of
5 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education under the
6 authority of the following laws.

7 **STATUTORY PROVISIONS**

8 4. Education Code Section 94886 states:

9 Except as exempted in Article 4 (commencing with section 94874) or in
10 compliance with the transition provisions in Article 2 (commencing with Section
11 94802), a person shall not open, conduct, or do business as a private postsecondary
12 educational institution in this state without obtaining an approval to operate under this
13 chapter.

12 5. Education Code Section 94887 states:

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

17 6. Education Code Section 94890 provides:

18 (a)

19 (1) The bureau shall grant an institution that is accredited an approval
20 to operate by means of its accreditation.

21 (2) The bureau shall adopt by regulation the process and procedures
22 whereby an institution that is accredited may apply for and obtain an approval by
23 means of that accreditation. The bureau shall establish application processing goals
24 and timelines to ensure that an institution that has submitted a complete
25 application for approval to operate by means of its accreditation has that
26 application promptly reviewed for compliance within 30 days of the bureau's
27 receipt of the application or within an appropriate timeline as determined by the
28 bureau. The timelines shall ensure that an institution that has submitted a complete
and compliant application receives approval within 30 days of the application
being deemed compliant by the bureau, or within an appropriate timeline as
determined by the bureau.

(b) The term of an approval to operate pursuant to this section shall be
coterminous with the term of accreditation. Upon renewal of the institution's
accreditation, the institution shall submit verification to the bureau, on a form
provided by the bureau, that the institution's accreditation has been renewed.

1 (c) Institutions that are granted an approval to operate by means of the
2 institution's accreditation shall comply with all other applicable requirements in
3 this chapter.

4 **FACTUAL ALLEGATIONS**

5 7. On or about March 29, 2019, the Bureau received an Application for Approval to
6 Operate an Accredited Institution from Respondent. The Bureau reviewed the Application and
7 mailed Respondent a deficiency letter on or about April 12, 2019. The deficiency letter listed
8 multiple deficiencies. The Bureau requested that Respondent submit documents with applicable
9 corrections on or before May 12, 2019.

10 8. Between May 20, 2019 through November 5, 2019, the Bureau and Respondent
11 corresponded via email regarding the Bureau's request for additional information regarding the
12 institution's financial status. On February 11, 2020, the Bureau denied the application. On or
13 about April 2, 2020, Respondent notified the Bureau of their request for an administrative hearing
14 to appeal the Bureau's denial.

15 9. On or about May 18, 2020, Respondent provided 2019 financials alleging the 2019
16 current assets to current liabilities ratio is now 1.99 to 1, exceeding the minimum 1.25 ratio. The
17 reviewed financial statements did not reference a current composite score.

18 10. On or about June 20, 2020, the Bureau completed a secondary review of
19 Respondent's application. Respondent is no longer accredited by the Accrediting Council for
20 Continuing Education and Training (ACCET). A subsequent search of the ACCET website
21 confirmed that the institution no longer maintains accreditation with this organization.

22 **CAUSE FOR DENIAL OF APPLICATION**

23 **(Failure to Maintain Accreditation)**

24 11. Respondent's application is subject to denial under section 94890 subd. (b) in that
25 Respondent failed to submit verification that Respondent's accreditation has been renewed. The
26 circumstances are more fully set forth in paragraphs 7-10, above, and are incorporated herein by
27 reference.

28 ///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 The Academy of Radio Broadcasting, Inc.; dba The Academy of Radio & Television Broadcasting for Approval to Operate and Offer Educational Programs for Accredited Institutions;

2. Taking such other and further action as deemed necessary and proper.

DATED: "7/15/2020"

"Original signature on file"
DR. MICHAEL MARION, JR.
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant