

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

In the Matter of the Accusation Against:

COMPUTER INSTITUTE OF TECHNOLOGY, RENE AGUERO

6444 Bellingham Avenue, Suite 201,202

North Hollywood, CA 91605

Case No. 1004198

OAH Case No.: 2019120155

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on “2/6/2021.”

It is so ORDERED “December 31 _____, 2020”.

“Original signature on file”

RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

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

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14 In the Matter of the Accusation Against:

15 **COMPUTER INSTITUTE OF**
16 **TECHNOLOGY, RENE AGUERO**
6444 Bellingham Avenue, Suite 201, 202
North Hollywood, CA 91605

17 **Approval to Operate No. 1936371**

18 Respondent.

Case No. 1004198

OAH No. 2019120155

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

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

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CULPABILITY

9. Respondent admits that he failed to properly supervise his agents and as a result he allowed the violations as described in First Amended Accusation No. 1004198 to occur.

10. Respondent agrees that his Approval to Operate is subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for Private Postsecondary Education may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

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

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that the Approval to Operate a Private Postsecondary Non-
3 Accredited Institution (Institution Code 1936371) issued to Respondent Computer Institute of
4 Technology; Rene Aguero is revoked. However, the revocation is stayed and Respondent is
5 placed on probation for five (5) years on the following terms and conditions.

6 **Severability Clause.** Each condition of probation contained herein is a separate and
7 distinct condition. If any condition of this Order, or any application thereof, is declared
8 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
9 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
10 and enforceable to the fullest extent permitted by law.

11 **1. Obey All Laws**

12 Respondent shall obey all federal, state and local laws and regulations governing the
13 operation of a private postsecondary educational institution in California. Respondent shall
14 submit, in writing, a full detailed account of any and all violations of the law to the Bureau within
15 five (5) days of discovery.

16 **CRIMINAL COURT ORDERS:** If Respondent is under criminal court orders, including
17 probation or parole, and the order is violated, this shall be deemed a violation of these probation
18 conditions, and may result in the filing of an Accusation and/or Petition to Revoke Probation.

19 **2. Compliance with Probation and Quarterly Reporting**

20 Respondent shall fully comply with the terms and conditions of probation established by
21 the Bureau and shall cooperate with representatives of the Bureau in its monitoring and
22 investigation of the Respondent's compliance with probation. Respondent, within ten (10) days of
23 completion of the quarter, shall submit quarterly written reports to the Bureau on a Quarterly
24 Report of Compliance form obtained from the Bureau.

25 **3. Personal Appearances**

26 Upon reasonable notice by the Bureau, Respondent shall report to and make personal
27 appearances at times and locations as the Bureau may direct.

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1 **4. Notification of Address and Telephone Number Change(s)**

2 Respondent shall notify the Bureau, in writing, within five (5) days of a change of name,
3 title, physical home address, email address, or telephone number of each person, as defined in
4 section 94855 of the Code, who owns or controls 25% or more of the stock or an interest in of the
5 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
6 member or any other person who exercises substantial control over the institution’s management
7 or policies.

8 **5. Notification to Prospective Students**

9 When currently soliciting or enrolling (or re-enrolling) a student for any program,
10 Respondent shall provide notification of this action to each current or prospective student prior to
11 accepting their enrollment, and to those students who were enrolled at the time of the conduct that
12 is the subject of this action as directed by the Bureau. This notification shall include a copy of the
13 Accusation, Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever
14 applies).

15 **6. Student Roster**

16 Within 15 days of the effective date of this Decision, and with the Quarterly Reports
17 thereafter, provide to the Bureau the names, addresses, phone numbers, email addresses, and the
18 programs in which they are or were enrolled, of all persons who are currently or were students of
19 the institution within 60 days prior to the effective date of the Decision, and those students who
20 were enrolled at the time of the conduct that is the subject of this action.

21 **7. Instruction Requirements and Limitations**

22 During probation, Respondent shall provide approved instruction in the State of California.
23 If Respondent is not providing instruction, the period of probation shall be tolled during that time.

24 **8. Record Storage**

25 Within 5 days of the effective date of this Decision, provide the Bureau with the location of
26 the repository for all records as they are required to be maintained pursuant to Title 5, California
27 Code of Regulations, section 71930.

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1 **9. Maintenance of Current and Active Approval to Operate**

2 Respondent shall, at all times while on probation, maintain a current and active approval to
3 operate with the Bureau including any period during which approval is suspended or probation is
4 tolled.

5 **10. Comply With Citations**

6 Respondent shall comply with all final orders resulting from citations issued by the Bureau.

7 **11. Cost Recovery Requirements**

8 Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount
9 of \$24,361.52 pursuant to Business and Professions Code section 125.3. Respondent shall be
10 permitted to pay these costs in a payment plan approved by the Bureau, with payments to be
11 completed no later than one year prior to the end of the probation term. Failure to make payments
12 in accordance with any formal agreement entered into with the Director or his or her designee or
13 pursuant to any Decision shall be considered a violation of probation.

14 The Bureau may conditionally renew or reinstate, for a maximum of one (1) year, the
15 approval of any respondent who demonstrates financial hardship. Respondent shall enter into a
16 formal agreement with the Bureau to reimburse the unpaid costs within that one (1) year period.

17 Except as provided above, the Bureau shall not renew or reinstate the approval to operate of
18 any Respondent who has failed to pay all the costs as directed in a Decision..

19 **12. Violation of Probation**

20 If Respondent violates probation in any respect, the Bureau, after giving Respondent notice
21 and opportunity to be heard, may revoke probation and carry out the disciplinary order which was
22 stayed. If an Accusation or a Petition to Revoke Probation is filed against Respondent during
23 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the period of
24 probation shall be extended, and Respondent shall comply with all probation conditions, until the
25 matter is final.

26 **13. Future Approvals to Operate**

27 If Respondent subsequently obtains other approvals to operate during the course of this
28 probationary order, this Decision shall remain in full force and effect until the probationary period

1 is successfully terminated. Future approvals shall not be granted, however, unless Respondent is
2 currently in compliance with all of the terms and conditions of probation.

3 **14. Comply with All Accreditation Standards**

4 As applicable, Respondent shall comply with all standards set by its accreditor in order to
5 maintain its accreditation. Respondent shall submit to the Bureau, in writing, a full detailed
6 account of any and all actions taken by any accrediting agency against Respondent regarding any
7 institution operated by Respondent, including an order to show cause, or conditions or restrictions
8 placed on accreditation, within five (5) days of occurrence.

9 **15. Completion of Probation**

10 Upon successful completion of probation, Respondent's approval to operate will be fully
11 restored.

12 **16. Operations Auditor/Billing Auditor**

13 Within 45 days of the effective date of this Decision, Respondent shall submit to the Bureau
14 for prior approval, the name and qualifications of an auditor who is experienced in operations or
15 accounting practices for educational institutions, who has agreed to serve as an operations
16 auditor/billing auditor. The auditor shall (1) be a California-licensed certified public accountant or
17 public accountant with a clear and current license; and (2) have no prior or current business,
18 professional, personal or other relationship with Respondent.

19 Once approved, the auditor shall submit to the Bureau or its designee a plan by which
20 Respondent's operations shall be audited. Auditing shall consist of a least one hour per week of
21 face to face meetings with Respondent and shall continue during the entire probationary period.
22 While such face to face meetings may include a director or employee of the institution not listed
23 as having ownership or control, at least one person listed as having ownership or control shall
24 participate in each such meeting. The Respondent shall provide the auditor with a copy of this
25 Decision and access to Respondent's fiscal and/or student records. Respondent shall obtain any
26 necessary student releases to enable the auditor to review records and to make direct contact with
27 students. Respondent shall execute a release authorizing the auditor to divulge any information
28 that the Bureau may request. It shall be Respondent's responsibility to assure that the auditor

1 submits written reports to the Bureau on a quarterly basis verifying that auditing has taken place
2 and providing an evaluation of Respondent's performance.

3 Respondent shall notify all current and potential students of any term or condition of
4 probation that will affect the confidentiality of their records (such as this condition, which
5 requires an operations auditor/billing auditor). Such notifications shall be signed by each student
6 prior to continuing or beginning enrollment.

7 If the auditor quits or is otherwise no longer available, Respondent shall notify the Bureau
8 within 10 days and get approval from the Bureau for a new auditor within 30 days. If no new
9 auditor is approved within 30 days, respondent shall not operate until a new auditor has been
10 approved by the Bureau. During this period of non-operation, probation will be tolled and will not
11 commence again until the period of non-operation is completed. Respondent shall pay all costs
12 associated with this auditing requirement. Failure to pay these costs shall be considered a
13 violation of probation.

14 **17. Limited Number of Locations**

15 During the period of probation, Respondent shall be limited to operate at one campus
16 location, currently located at 6444 Bellingham Avenue, Suite 201, 202, North Hollywood, CA
17 91605. If Respondent's campus address changes he shall immediately notify the Bureau in
18 accordance with condition number 4 (above). Respondent shall not apply for or receive approval
19 to operate a separate branch until the probationary period is successfully completed.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Barry E. Cohen, Esq.. I understand the stipulation and the effect it will have on my Approval to Operate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: “10/29/2020” “Original signature on file”
COMPUTER INSTITUTE OF TECHNOLOGY,
RENE AGUERO
Respondent

I have read and fully discussed with Respondent Computer Institute of Technology, Rene Aguero the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: “10/30/2020” “Original signature on file”
BARRY E. COHEN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs.

DATED: “11/2/2020”

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

“Original signature on file”
KIM KASRELIOVICH
Deputy Attorney General
Attorneys for Complainant

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