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

In the Matter of the Accusation Against:

**WESTLAKE COLLEGE (formerly known
as MANHATTAN COLLEGE); 100%
Owner CONNIE KIM aka HEE JONG
KIM**

619 S. New Hampshire Ave 2nd Floor
Los Angeles, CA 90010

4707 Wilshire Blvd., Suite 102
Los Angeles, CA 90010

3242 W. 8th St.
Los Angeles, CA 90010

**Institutional and Program Approvals
Certificate No. 1938091**

Satellite School Code No. 62178265

Satellite School Code No. 37357661

Respondent.

Case No. 997786

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about March 11, 2015, Joanne Wenzel (Complainant) in her official capacity as the Bureau Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs ("Bureau"), filed Accusation No. 997786 against Westlake College; Connie Kim (Respondent) before the Director of Consumer Affairs.

2. On or about March 15, 2005, the Bureau issued Institutional Programs and Approvals Certificate Number 1938091 to Westlake College formerly known as Manhattan College and Satellite School Code No. 62178265 and Satellite School Code No.

1 7357661("Respondent School"); with Connie Kim also known as Hee Jung Kim as owner
2 (Respondent). The Institutional Programs and Approvals Certificate was in full force and effect
3 at all times relevant to the charges brought herein. The approval expired on March 14, 2011, and
4 Respondent has a pending renewal for approval to operate Respondent School as an institution
5 non-accredited. The renewal application was received on May 31, 2011.
6

7 3. On or about March 17, 2015, Respondent was served by Certified and First Class
8 Mail copies of the Accusation No. 997786, Statement to Respondent, Notice of Defense, Request
9 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
10 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
11 section 136, is required to be reported and maintained with the Bureau. Respondent's address of
12 record was and is:
13

14 619 S. New Hampshire Ave., 2nd Fl.
15 Los Angeles, CA 90010.

16 4. Service of the Accusation was effective as a matter of law under the provisions of
17 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
18 124.

19 5. Government Code section 11506 states, in pertinent part:
20

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts of
23 the accusation not expressly admitted. Failure to file a notice of defense shall constitute a
24 waiver of respondent's right to a hearing, but the agency in its discretion may
25 nevertheless grant a hearing.

26 6. Respondent failed to file a Notice of Defense within 15 days after service upon
27 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
28 No. 997786.

1 7. California Government Code section 11520 states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense or to appear at the
3 hearing, the agency may take action based upon the respondent's express admissions or
4 upon other evidence and affidavits may be used as evidence without any notice to
5 respondent.

6 8. Pursuant to its authority under Government Code section 11520, the Director
7 finds Respondent is in default. The Director will take action without further hearing and, based
8 on the relevant evidence contained in the Default Decision Evidence Packet in this matter, finds
9 that the following charges and allegations in Accusation No. 997786, are separately and
10 severally, found to be true and correct. First through Sixth and Eighth Causes for Discipline.
11 Although the standard of proof is preponderance of the evidence, the standard has been met by
12 clear and convincing evidence.

13 9. A Certification of Costs for investigation and enforcement in the amount of
14 \$5,032.50 as of April 8, 2015, was submitted as part of the evidence packet. Pursuant to
15 Business and Professions Code section 125.3, it is hereby deemed prima facie evidence that the
16 costs are reasonable.
17

18 DETERMINATION OF ISSUES

19 1. Based on the foregoing findings of fact, Respondent Westlake College; Connie
20 Kim has subjected her Institutional Programs and Approvals Certificate Number 1938091 to
21 Westlake College formerly known as Manhattan College and Satellite School Code No.
22 62178265 and Satellite School Code No 37357661 to discipline.
23

24 2. The agency has jurisdiction to adjudicate this case by default.

25 3. The Director of Consumer Affairs is authorized to revoke Respondent's
26 Institutional Programs and Approvals Certificate Number and Satellite School Codes based upon
27

1 the following violations alleged in the Accusation, which are supported by the evidence
2 contained in the Default Decision Evidence Packet in this case:

3 a. Respondent is subject to disciplinary action under sections 94893 and 94894(a) of
4 the Code, in that Respondent made substantive changes to its approval to operate without
5 receiving prior authorization from the Bureau, including a change in educational objectives.
6 Respondent collected tuition from prospective students for an unapproved massage therapy
7 program and failed to provide the program.
8

9 b. Respondent is subject to disciplinary action under sections 94897(c), subdivision
10 (j) (3), and subdivision (k) of the Code. Respondent failed to provide the clinical portion of the
11 phlebotomy course. Respondent collected tuition for an unapproved massage therapy program
12 and failed to provide the course. Students who did not attend classes paid Respondent various
13 fees in return for falsified transcripts, diplomas, and certificates of completion. Respondent also
14 forged the signature of former employee B.N. on student records and transcripts.
15

16 c. Respondent is subject to disciplinary action under section 94898 of the Code, in
17 that Respondent failed to provide the clinical portion of the phlebotomy program.
18

19 d. Respondent is subject to disciplinary action under section 94920(e) of the Code,
20 in that Respondent failed to provide refunds within 45 days of a students' withdrawal. Refund
21 checks were also non-sufficient and/or closed.
22

23 e. Respondent is subject to disciplinary action under title 5, CCR, section 71710(a)
24 in that Respondent obtained tuition from prospective massage therapy students and failed to
25 provide a massage therapy program.

26 f. Respondent is subject to disciplinary action under title 5, CCR, section 71715(a)
27
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1 and (c), in that Respondent obtained tuition from prospective massage therapy students and
2 failed to provide a massage therapy program. Respondent issued diploma/certifications without
3 students attending classes.

4 g. Respondent is subject to disciplinary action under section 480 and 490 of the
5 Business and Professions Code in that Respondent was convicted of crimes substantially related
6 to the qualifications, functions, or duties of any owner, corporate director or member of the
7 governing board, officer, administrator, or instructor.
8

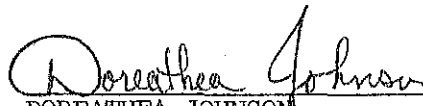
9 ORDER

10 IT IS SO ORDERED that Institutional Programs and Approvals Certificate Number
11 1938091 to Westlake College formerly known as Manhattan College, heretofore issued to
12 Respondent Westlake College; Connie Kim, is revoked.
13

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.
18

19 This Decision shall become effective on JUL - 4 2015

20 It is so ORDERED JUN - 4 2015

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23 
24 DOREATHEA JOHNSON
25 Deputy Director, Legal Affairs
26 Department of Consumer Affairs
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