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7

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

11 In the Matter of the Second Amended
Statement of Issues Against:

Case No. 998592

12 **YUIN UNIVERSITY; HENRY H. YU;**
13 **RACHEL DE CHAVEZ-ZAYAS**
14 **2007 E. Compton Blvd**
Compton, CA 90221

**SECOND AMENDED STATEMENT OF
ISSUES**

15 **Renewal of Approval to Operate and Offer**
16 **Educational Programs for Non Accredited**
17 **Institution**

18 Respondents.

19 Complainant alleges:

20 **PARTIES**

- 21 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
22 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
23 Consumer Affairs (Bureau).
24 2. On or about May 7, 2012, the Bureau received an Application for Renewal of
25 Approval to Operate and Offer Educational Programs for Non-Accredited Institutions from Yuin
26 University signed by Andrew Kim and Christine Lee Kim who are not the owner of record for
27 Yuin University. Yuin University's owner of record, registered with the Bureau, is Henry H. Yu.
28

1 On or about April 23, 2012, Andrew Kim certified under penalty of perjury to the truthfulness of
2 all statements, answers, and representations in the application. The Bureau denied the
3 Application for Renewal of Approval to Operate and Offer Educational Programs for Non-
4 Accredited Institutions on November 16, 2012.

5 JURISDICTION

6 3. This Statement of Issues is brought before the Director of the Department of
7 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
8 authority of the following laws. All section references are to the California Education Code
9 (Code) unless otherwise indicated.

10 STATUTORY PROVISIONS

11 4. Section **22** of the Business and Professions Code defines the term “board” to include
12 “bureau.”

13 5. Section **480** of the Business and Professions Code states:

14 (a) A board may deny a license regulated by this code on the grounds that the
15 applicant has one of the following:

16 ...

17 (2) Done any act involving **dishonesty, fraud, or deceit** with the intent to
18 substantially benefit himself or herself or another, or substantially injure another.

19 (3) (A) Done any act that if done by a licentiate of the business or profession in
20 question, would be grounds for suspension or revocation of license.

21 6. Section **94885** of the Code states:

22 (a) The bureau shall adopt by regulation minimum operating standards for an institution
23 that shall reasonably ensure that all of the following occur:

24 (1) The content of each educational program can achieve its stated objective.

25 (2) The institution maintains specific written standards for student admissions for
26 each educational program and those standards are related to the particular educational program.

27 (3) The facilities, instructional equipment, and materials are sufficient to enable
28 students to achieve the educational program’s goals.

1 (4) The institution maintains a withdrawal policy and provides refunds.

2 (5) The directors, administrators, and faculty are properly qualified.

3 (6) The institution is financially sound and capable of fulfilling its commitments to
4 students.

5 (7) That, **upon satisfactory completion of an educational program, the institution**
6 **gives students a document signifying the degree or diploma awarded.**

7 (8) Adequate records and standard transcripts are maintained and are available to
8 students.

9 (9) **The institution is maintained and operated in compliance with this chapter**
10 **and all other applicable ordinances and laws.**

11 7. Section **94886** of the Code states:

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

16 8. Section **94887** of the Code states:

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

22 9. Section **94891** of the Code states:

23 (a) The bureau shall adopt by regulation the process and procedures whereby an
24 institution may obtain a renewal of an approval to operate.

25 (b) To be granted a renewal of an approval to operate, the institution shall
26 demonstrate its continued capacity to meet the minimum operating standards.

27 (c) (1) An institution that is denied renewal of an approval to operate may file an
28 appeal in accordance with the procedures established by the bureau pursuant to Section 94888.

1 (2) An institution that has filed an appeal of a denial of a renewal application may
2 continue to operate during the appeal process, **but must disclose in a written statement,**
3 **approved by the bureau, to all current and prospective students, that the institution’s**
4 **application for renewal of approval to operate was denied by the bureau because the bureau**
5 **determined the application did not satisfy the requirements to operate in California, that**
6 **the institution is appealing the bureau’s decision, and that the loss of the appeal may result**
7 **in the institution’s closure.**

8 (3) If the bureau determines that the continued operation of the institution
9 during the appeal process poses a significant risk of harm to students, the bureau shall
10 make an emergency decision pursuant to its authority provided in Section 94938.

11 10. Section 94897 of the Code states:

12 An institution shall not do any of the following:

13 (a) Use, or allow the use of, any reproduction or facsimile of the Great Seal of the
14 State of California on a diploma.

15 (b) Promise or guarantee employment, or otherwise overstate the availability of jobs
16 upon graduation.

17 (c) Advertise concerning job availability, degree of skill, or length of time required to
18 learn a trade or skill unless the information is accurate and not misleading.

19 (d) Advertise, or indicate in promotional material, without including the fact that the
20 educational programs are delivered by means of distance education if the educational programs
21 are so delivered.

22 (e) **Advertise, or indicate in promotional material, that the institution is**
23 **accredited,** unless the institution has been accredited by an accrediting agency.

24 ...

25 (f) Use the terms “approval,” “approved,” “approval to operate,” or “approved to
26 operate” without stating clearly and conspicuously that approval to operate means compliance
27 with state standards as set forth in this chapter. If the bureau has granted an institution approval to
28

1 operate, the institution may indicate that the institution is “licensed” or “licensed to operate,” but
2 may not state or imply either of the following:

3 (1) The institution or **its educational programs are endorsed or**
4 **recommended by the state or by the bureau.**

5 (2) The approval to operate indicates that the institution exceeds minimum state
6 standards as set forth in this chapter.

7 ...

8 (p) Offer an associate, baccalaureate, master’s, or doctoral degree without
9 disclosing to prospective students prior to enrollment whether the institution or the degree
10 program is unaccredited and any known limitation of the degree, including, but not limited
11 to, all of the following:

12 (1) Whether a graduate of the degree program will be eligible to sit for the
13 applicable licensure exam in California and other states.

14 (2) A statement that reads: “A degree program that is unaccredited or a degree
15 from an unaccredited institution is not recognized for some employment positions, including, but
16 not limited to, positions with the State of California.”

17 (3) That a student enrolled in an unaccredited institution is not eligible for
18 federal financial aid programs.

19 11. Section 94893 of the Education Code states:

20 If an institution intends to make a **substantive change** to its approval to operate, the
21 institution **shall receive prior authorization from the bureau**. Except as provided in
22 subdivision (a) of Section 94896, if the institution makes the substantive change without prior
23 bureau authorization, the institution’s approval to operate may be suspended or revoked.

24 12. Section 94894 of the Education Code states:

25 The following changes to an approval to operate are considered **substantive changes** and
26 require prior authorization:

1 (a) A **change in educational objectives**, including an addition of a new diploma or a
2 degree educational program unrelated to the approved educational programs offered by the
3 institution.

4 (b) A **change in ownership**.

5 (c) A change in control.

6 (d) A **change in business organization form**.

7 (e) A change of location.

8 (f) A change of name.

9 (g) A significant change in the method of instructional delivery.

10 (h) An addition of a separate branch more than five miles from the main or branch
11 campus.

12 13. Section **94899** of the Education Code states:

13 "If an institution offers an educational program in a profession, occupation, trade, or career
14 field that requires licensure in this state, the institution shall have an educational program
15 approval from the appropriate state licensing agency to conduct that educational program in order
16 that a student who completes the educational program, except as provided in Section 94905, is
17 eligible to sit for any required licensure examination."

18 REGULATORY PROVISIONS

19 14. California Code of Regulations Title 5, section **71475** states:

20 (a) Unless renewed, an approval to operate shall expire at 12 midnight on the last day
21 of the institution's term of approval to operate as granted pursuant to section 94802 or section
22 94889 of the Code.

23 (b) An institution seeking to renew its Approval to Operate pursuant to section 94891
24 of the Code shall, prior to its expiration, complete and submit to the Bureau the "Application for
25 Renewal of Approval to Operate and Offer Educations Programs for Non-Accredited
26 Institutions," Form Application 94891 (rev. 2/10).

27 (c) The application for renewal of approval to operate and offer educational programs
28 for non-accredited institutions shall include all of the following:

- 1 (1) The name, institution/school code and website address of the institution.
- 2 (2) The physical address of the institution's primary administrative location in
3 California.
- 4 (3) The mailing address, identified either by physical address or by post office box
5 number, telephone number and fax number of the institution.
- 6 (4) The physical address, phone number and fax number of each campus and
7 branch at which the educational programs will be offered, including the identification of the
8 institution's main location and branch locations.
- 9 (5) The name, address, email address, telephone number, and fax number of an
10 individual who will function as the institution's contact person for the purposes of the application.
- 11 (6) The form of business organization of the institution (e.g., sole proprietorship,
12 general or limited partnership, for-profit corporation, nonprofit corporation, or Limited Liability
13 Corporation). If the institution is incorporated, the institution shall also identify the state within
14 which the institution is incorporated and the date of incorporation, and provide copies of the
15 articles of incorporation and bylaws.
- 16 (7) The name, title, address, email address, telephone number, nature of interest
17 and percentage of ownership of each person, as defined in section 94855 of the Code, who owns
18 or controls 25% or more of the stock or an interest in the institution and, to the extent applicable,
19 each general partner, officer, corporate director, member of the board of directors, and any other
20 person who exercises substantial control over the institution's management or policies. For the
21 purpose of this paragraph, a person exercises "substantial control over the institution's
22 management or policies" if the person has the authority to cause the institution to expend money
23 or incur debt in the amount of five thousand dollars (\$5,000) or more in any year.
- 24 (A) For each address required, the institution shall provide a physical home
25 address, and may request that the address, email address, and telephone number, of each person
26 described in paragraph (7) be maintained as personal information.
- 27
- 28

1 (B) The federal employer identification number for partnerships or the social
2 security number for individual owners identified in the application pursuant to section
3 71130(a)(1).

4 (d) In addition to the form required in (b), the institution shall submit all information
5 required by section 71100(b), and the appropriate renewal fee as provided in Sections
6 94930.5(b)(1) and 94930.5(b)(2) of the Code, as applicable, to the Bureau. Except for the
7 financial statements required by subdivision (e) of this section and the statement required in
8 subdivision (f) of this section, if the information required in order to renew its approval to operate
9 is substantially similar to the information submitted by the institution in its last renewal
10 application, or initial application if it is the first renewal, the institution may state that there are no
11 substantial changes.

12 (e) The institution shall submit at the time it applies for renewal current financial
13 statements that meet the requirements of section 74115 as follows: (1) for an institution with
14 annual gross revenues of \$500,000 and over, statements shall be audited; (2) for an institution
15 with annual gross revenues less than \$500,000, statements shall be reviewed.

16 (f) The renewal application shall include a statement from any person identified in
17 subdivision (h)(1) of this section who –

18 (1) Was found in any judicial or administrative proceeding to have violated the Act
19 or the law of any other state related to untrue or misleading advertising, the solicitation of
20 prospective students for enrollment in an educational service, or the operation of a postsecondary
21 school;

22 (2) Was denied any type of license on grounds set forth in Section 480 of the
23 Business and Professions Code;

24 (3) Was adjudicated as responsible for the closure of an institution in which there
25 were unpaid liabilities to the state or federal government or any uncompensated pecuniary losses
26 suffered by students;

27 (4) Has stipulated to a judgment or administrative order or entered a consent
28 decree involving any of the matters described in this section.

1 (5) Was convicted of any misdemeanor or felony as provided in Section 480(a)(1)
2 of the Business and Professions Code;

3 (g) The institution shall furnish in the application an explanation of any legal action
4 pending against the institution or ownership or any of the institution's owners, officers, corporate
5 directors, administrators, or instructors by any federal, state, or local law enforcement agency
6 involving alleged acts of fraud, dishonesty, financial mismanagement, unpaid liabilities to any
7 governmental agency or claims for pecuniary loss suffered by any student.

8 (h) The institution shall include in its application the name, title, physical address,
9 telephone number, fax number, and e-mail address for the agent for service of process in
10 California as required by section 94943.5 of the Code. The agent shall be at an address other than
11 the address of the institution or any branch. The agent must confirm the information and
12 acknowledge in writing that he or she is the designated agent for service of process. The
13 information shall be kept current pursuant to section 74190.

14 (i) The institution shall include in its application an organization chart that shows the
15 governance and administrative structure of the institution and the relationship between faculty
16 and administrative positions. If there have been no substantive changes since the last submission
17 of an organizational chart, the institution may so state and is not required to submit
18 documentation.

19 (j) The institution shall provide in the application a description of the job duties and
20 responsibilities of each administrative and faculty position. If there have been no substantive
21 changes since the last submission, the institution may so state and is not required to submit
22 documentation.

23 (k) The institution shall identify in the application the chief executive officer, chief
24 operating officer, and chief academic officer and describe their education, experience, and
25 qualifications to perform their duties and responsibilities. If there have been no substantive
26 changes since the last submission, the institution may so state and is not required to submit
27 documentation.

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1 (l) If the institution has a governing board, the application shall include the name,
2 work address, email address, and telephone number of each member of the governing board. If
3 there have been no substantive changes since the last submission, the institution may so state and
4 is not required to submit documentation.

5 (m) The application shall contain the name, work address, email address, fax number
6 and telephone number of the person with whom the Bureau will correspond and conduct legal
7 transactions on behalf of the institution. If there have been no substantive changes since the last
8 submission, the institution may so state and is not required to submit documentation.

9 (n) The institution shall describe in the application, in detail its mission and
10 objectives. If there have been no substantive changes since the last submission, the institution
11 may so state and is not required to submit documentation.

12 (o) The institution shall include, with its application, exemplars of all student
13 enrollment agreements and instruments of indebtedness.

14 (p) If an institution receives financial aid because its students qualify for it under any
15 state or federal financial aid program, the application shall include a statement of its policies,
16 practices, and disclosures regarding financial aid. If there have been no substantive changes since
17 the last submission, the institution may so state and is not required to submit documentation.

18 (q) The institution shall include in its application copies of advertising and other
19 statements disseminated to the public in any manner by the institution or its representatives that
20 concern, describe, or represent each of the following:

21 (1) The institution.

22 (2) Each educational program offered by the institution.

23 (3) If advertising is broadcast by television or radio, the application shall also
24 include a copy of the script.

25 (r) The institution shall identify and describe, in the application, the educational
26 program it offers, or proposes to offer. If the educational program is a degree program, the
27 institution shall identify the full title which it will place on each degree awarded. If there have
28

1 been no substantive changes since the last submission, the institution may so state and is not
2 required to submit documentation.

3 (s) The application shall include, in addition to the general title, such as “Bachelor of
4 Arts” or “Master of Science”, the name of a specific major field of learning involved. If there
5 have been no substantive changes since the last submission, the institution may so state and is not
6 required to submit documentation.

7 (t) In addition, the institution shall list in the application, the following for each
8 educational program offered unless there have been no substantive changes since the last
9 submission. If there have been no substantive changes made the institution may so state and is not
10 required to provide documentation.

11 (1) The admissions requirements, including minimum levels of prior education,
12 preparation, or training;

13 (2) If applicable, information regarding the ability-to-benefit examination as
14 required by section 94904 of the Code.

15 (3) The types and amount of general education required;

16 (4) The title of the educational programs and other components of instruction
17 offered, including a description of the level of the courses (e.g., below college level,
18 undergraduate level, graduate level);

19 (5) The mode of instruction;

20 (6) The graduation requirements.

21 (7) Whether the educational program is designed to fit or prepare students for
22 employment in any occupation. If so, the application shall identify each occupation and job title
23 to which the institution represents the educational program will lead.

24 (u) For each educational program that the institution offers or proposes to offer, the
25 application shall contain a statement that the educational program meets the requirements of
26 section 71710, as well as the following unless there have been no substantive changes since the
27 last submission. If there have been no substantive changes made the institution may so state and is
28 not required to provide documentation:

1 (1) A description of the educational program.

2 (2) A description of the equipment to be used during the educational program.

3 (3) A description of the number and qualifications of the faculty needed to teach
4 the educational program.

5 (4) A projection, and the bases for the projection, of the number of students that
6 the institution plans to enroll in the educational program during each of the three years following
7 the date the application was submitted.

8 (5) A description of the learning, skills, and other competencies to be acquired by
9 students who complete the educational program.

10 (6) If licensure is a goal of an educational program, a copy of the approval from
11 the appropriate licensing agency. A copy of the intent to approve conditioned solely upon
12 institutional approval from the Bureau will also meet this requirement.

13 (7) Upon request, the institution shall provide to the Bureau copies of the
14 curriculum or syllabi required pursuant to section 71710.

15 (v) If the institution offers an educational program, or a portion of it, in a language
16 other than English, the application shall contain a description of all of the following for each
17 educational program or portion thereof unless there have been no substantive changes since the
18 last submission. If there have been no substantive changes made the institution may so state and is
19 not required to provide documentation.

20 (1) The language in which each educational program will be offered.

21 (2) A statement that the institution has contracted with sufficient duly qualified
22 faculty who will teach each language group of students.

23 (3) The language of the textbooks and other written materials to be used by each
24 language group of students.

25 (w)(1) The application shall contain a statement that the institution has and can
26 maintain the financial resources required pursuant to section 71745.

27
28

1 (2) The institution shall submit current, audited financial statements at the time it
2 applies for approval to operate. Each set of financial statements shall comply with Section 74115
3 of this chapter.

4 (x) The application shall include a statement that the institution has contracted with
5 sufficient duly qualified faculty members who meet the qualifications of section 71720 unless
6 there have been no substantive changes since the last submission. If there have been no
7 substantive changes made the institution may so state and is not required to provide
8 documentation.

9 (y)(1) For each program offered, the application shall contain a description of the
10 facilities and the equipment which is available for use by students at the main, branch, and
11 satellite locations of the institution unless there have been no substantive changes since the last
12 submission. If there have been no substantive changes made the institution may so state and is not
13 required to provide documentation.

14 (2) For facilities that are leased or rented, the application shall contain the name
15 and address of the lessor or landlord, together with a copy of any use, lease, or rental agreements
16 for the facilities unless there have been no substantive changes since the last submission. If there
17 have been no substantive changes made the institution may so state and is not required to provide
18 documentation.

19 (3) The application shall include, in addition to the description of the physical
20 facilities, building diagrams or campus maps to assist the Bureau in locating these facilities. The
21 diagrams or maps shall identify the location of classrooms, laboratories, workshops, and libraries
22 unless there have been no substantive changes since the last submission. If there have been no
23 substantive changes made the institution may so state and is not required to provide
24 documentation.

25 (4) The description in the application shall include specifications of significant
26 equipment that demonstrate that the equipment meets the standards prescribed by the Code and
27 this chapter and is sufficient to enable students to achieve the educational objectives of each
28 education program unless there have been no substantive changes since the last submission. If

1 there have been no substantive changes made the institution may so state and is not required to
2 provide documentation.

3 (5) For each item of significant equipment, the description in the application shall
4 indicate whether the equipment is owned, leased, rented, or licensed for short- or long-term, or
5 owned by another and loaned to be used without charge unless there have been no substantive
6 changes since the last submission. If there have been no substantive changes made the institution
7 may so state and is not required to provide documentation.

8 (6) The application shall contain a list of all permits, certifications, or other
9 evidence of inspections or authorizations to operate required by the jurisdictions within which the
10 institution operates that the institution has obtained, and/or an explanation as to why those
11 permits, certifications, or inspections have not yet been obtained unless there have been no
12 substantive changes since the last submission. If there have been no substantive changes made the
13 institution may so state and is not required to provide documentation.

14 (z) The application shall include a description of library holdings, services, and other
15 learning resources, including policies and procedures for supplying them to students who do not
16 receive classroom instruction. The description need not consist of a list of each holding. The
17 description shall include an explanation of how the library and other learning resources are
18 sufficient to support the instructional needs of students and, if no facilities exist at the institution,
19 how and when students may obtain access to a library and other learning resources as required by
20 the curriculum unless there have been no substantive changes since the last submission. If there
21 have been no substantive changes made the institution may so state and is not required to provide
22 documentation.

23 (aa) If an institution represents to the public, in any manner, that it offers job
24 placement assistance, the application shall include a description of the job placement assistance
25 that it provides unless there have been no substantive changes since the last submission. If there
26 have been no substantive changes made the institution may so state and is not required to provide
27 documentation.

28 (bb) The application shall include a copy of the institution's catalog, in published or

1 proposed-to-be-published form. The catalog shall meet the requirements of the Act and of section
2 71810.

3 (cc) The institution shall submit with the application, a copy of the document that is
4 awarded to a graduating student upon successful completion of each educational program unless
5 there have been no substantive changes since the last submission. If there have been no
6 substantive changes made the institution may so state and is not required to provide
7 documentation.

8 (dd)(1) The application shall contain a description of how records required by
9 Article 9 of the Act or this chapter are or will be organized and maintained, the types of
10 documents contained in student files, how the records are stored, and whether academic and
11 financial records are maintained in separate files. The description shall include a statement of the
12 institution's procedures for security and safekeeping of records unless there have been no
13 substantive changes since the last submission. If there have been no substantive changes made the
14 institution may so state and is not required to provide documentation.

15 (2) The description in the application shall include the name, physical address, email
16 address, and telephone number of the custodian of records, and the physical addresses and
17 telephone numbers of the offices or buildings where the records will be maintained unless there
18 have been no substantive changes since the last submission. If there have been no substantive
19 changes made the institution may so state and is not required to provide documentation.

20 (ee) The application shall contain a description of the procedures used by the institution to
21 assure that it is maintained and operated in compliance with the Act and this Division.

22 (ff)(1) The institution shall include in the application any material facts as defined by
23 section 71340, which have not otherwise been disclosed in the application that might reasonably
24 affect the Bureau's decision to grant an approval to operate. In this context, a fact would be
25 "material" if it would change the Bureau's decision concerning the institution's ability to comply
26 with any applicable provisions of the Act.

1 (2) The institution may also include in the application any other facts which the
2 institution would like the Bureau to consider in deciding whether to grant an approval to
3 operate.

4 (3) For the purposes of this section, a fact is “material” if, without its inclusion into
5 the application, the information contained in the application would be false, misleading, or
6 incomplete.

7 (gg) The institution demonstrates its continued capacity to meet the minimum operating
8 standards by submitting the renewal application signed and dated, and each fact stated therein and
9 each attachment thereto declared to be true under penalty of perjury, as follows:

10 (1) Signatories:

11 (A) Each owner of the institution, or

12 (B) If the institution is incorporated, the chief executive officer of the
13 corporation and each person who owns or controls 25 percent or more of the stock or interest in
14 the institution, or

15 (C) Each member of the governing body of a nonprofit corporation.

16 (hh) In addition to the fees required by subdivision (d) of this section:

17 (1) An application for renewal that is received by the Bureau more than 30 days
18 after the
19 expiration of the approval to operate shall be submitted with the 25 percent late payment penalty
20 fee required by section 94931(a) of the Code.

21 (2) An application for renewal that is received by the Bureau more than 90 days
22 after the expiration of the approval to operate shall be submitted with the 35 percent late payment
23 penalty fee required by section 94931(b) of the Code.

24 (ii) Provided that a complete renewal application is received by the Bureau prior to the
25 expiration of the approval, a valid approval to operate shall continue until the Bureau has acted
26 upon the renewal application.

27 (jj) An approval to operate that has expired may be renewed at any time within 6 months
28 after its expiration on filing of an application for renewal and, as a condition precedent to

1 renewal, payment of all accrued and unpaid renewal fees, late payment penalty fees prescribed in
2 subdivision (e) of this section, and any other fees that would have been due in order to renew
3 timely. After an approval to operate has expired for more than 6 months, the approval is
4 automatically cancelled and the institution must submit a complete application pursuant to section
5 71100, meet all current requirements, and pay all fees that would have been due in order to timely
6 renew, in order to apply for approval.

7 (kk) An incomplete application filed under this section will render the institution
8 ineligible for renewal.

9 15. California Code of Regulations Title 5, section **71655** states:

10 (a) An institution that made a substantive change as defined in section 94894 of
11 the
12 Code between July 1, 2007, and December 31, 2009, may continue to operate, but shall comply
13 with, and is subject to, the Code and this Division, and shall submit an application for a
14 substantive change to an approval to operate to the Bureau pursuant to this article within six
15 months of that application becoming available.

16 (b) An incomplete application filed under this Article will render it ineligible for
17 processing, or subject to denial.

18 (c) The inclusion of false or misleading information, or the intentional or negligent
19 omission of pertinent information, on any application may result in a denial of the application or a
20 delay in processing, and may be grounds for action pursuant to Article 18 of the Act.

21 (d) In addition to the grounds stated in subdivisions (a) and (b) of this section, the
22 Bureau may deny an application on the following grounds:

23 (1) failure to establish that the proposed change will meet the institutional
24 operating standards set forth in Chapter 3 of this Division; or

25 (2) any act or failure to act that would constitute grounds for revocation.

26 16. California Code of Regulations Title 5, section **71720** states:

27 (a) An Educational Program Leading to a Degree.

28 (1) An institution offering an educational program that leads to a degree

1 shall employ duly qualified faculty sufficient in number to provide the instruction, student
2 advisement, and learning outcomes evaluation necessary for the institution to document its
3 achievement of its stated mission and objectives, and for students to achieve the specific learning
4 objectives of each course offered;

5 (2) Each institution shall develop and implement written policies and
6 procedures providing for the participation by duly qualified faculty in the conducting of research,
7 development of curricula, academic planning, enforcement of standards of academic quality,
8 pursuit of academic matters related to the institution's mission and objectives, establishment of
9 criteria for contracting with new faculty, and evaluation of faculty credentials;

10 (3) In determining the number of faculty sufficient to satisfy subdivision
11 (a)(1) of this section and to implement the policies established pursuant to subdivision (a)(2) of
12 this section, the institution shall base its faculty requirements on all of the following factors:

13 (A) The educational level and number of students;

14 (B) The number of hours needed for direct interaction between
15 students and faculty per course, quarter, semester, or other term;

16 (C) The number of hours needed to be spent on evaluating written
17 materials prepared by students, such as distance education, papers, and examinations, per course,
18 quarter, semester, or other term;

19 (D) The number of group meetings per course, quarter, semester, or
20 other term;

21 (E) The faculty duties established by the institution as required under
22 subdivision (a)(2) of this section; and

23 (F) The number of hours per week or units per term considered full-
24 time for faculty in the institution.

25 (4) The faculty shall have sufficient expertise to support the institution's awarding
26 of a degree identifying a specialty or major field of emphasis, demonstrated by, at a minimum:

27 (A) That the person possesses one of the following:

28 1. a degree from: an institution approved by the Bureau or

1 previously approved by a predecessor agency of the Bureau; or an accredited institution in the
2 United States or Canada; or other state approved institution that documents that the institution at
3 which the faculty member earned his or her degree is equivalent to an institution that is approved
4 by the Bureau; or an institution outside the United States or Canada and in addition provides a
5 comprehensive evaluation of the degree performed by a foreign credential evaluation service that
6 is a member of the National Association of Credential Evaluation Services (NACES).

7 2. a credential generally recognized in the field of instruction.

8 (B) The degree, professional license, or credential possessed by the
9 person shall be at least equivalent to the level of instruction being taught or evaluated;

10 (5) The institution's faculty as a whole shall possess a diverse educational
11 background which shall be demonstrated in part by earned degrees from a variety of colleges and
12 universities or by credentials generally recognized in the field of instruction;

13 (6) When contracting for educational services, the institution shall maintain control
14 of, and responsibility for, all academic matters, and shall assure that the instruction and faculty
15 satisfy the standards established by the Act and this chapter;

16 (7) The institution shall not employ or continue to employ any faculty who were
17 adjudicated in a judicial or administrative proceeding as having violated any provision of the Act
18 or this chapter or as having committed any act that would constitute grounds for the denial of a
19 license under Section 480 of the Business and Professions Code;

20 (8) Each institution shall have a written Academic Freedom Policy which
21 describes
22 the latitude the institution allows faculty in the classroom so faculty will not inadvertently violate
23 the principles of academic freedom. These policies shall be made available to any person upon
24 request. The institution shall not take adverse action based on a staff member's exercise of
25 academic freedom consistent with the institution's policy; and

26 (9) The institution shall maintain records documenting that each faculty member is

1 duly qualified and was qualified to perform the duties to which the faculty member was assigned,
2 including providing instruction, evaluating learning outcomes, evaluating graduate dissertations,
3 theses, and student projects, and participating on doctoral committees.

4 (b) Instructors in an Educational Program Not Leading to a Degree.

5 (1) An institution shall employ instructors who possess the academic, experiential
6 and professional qualifications to teach, including a minimum of three years of experience,
7 education and training in current practices of the subject area they are teaching. If an instructor
8 does not possess the required three years of experience, education and training in the subject area
9 they are teaching, the institution shall document the qualifications the instructor possesses that are
10 equivalent to the minimum qualifications.

11 (2) Each instructor shall maintain their knowledge by completing continuing
12 education courses in his or her subject area, classroom management or other courses related to
13 teaching.

14 (3) The institution shall not employ or continue to employ an instructor who was
15 adjudicated in a judicial or administrative proceeding as having violated any provision of the Act
16 or this chapter, or as having committed any act that would constitute grounds for the denial of a
17 license under Section 480 of the Business and Professions Code.

18 17. California Code of Regulations Title 5, section 71740 states:

19 (a) A degree granting institution shall make available for student use a library and
20 other learning resources.

21 (b) An institution shall provide or make provisions for the library and other
22 learning resources needed to support each educational program it offers, including resources such
23 as reference works, periodicals, monographs, and media and equipment specific to the
24 educational programs offered.

25 (c) An institution shall describe onsite library and other learning resources, if any,
26 that enable students to pursue inquiries, searches for information and documentation, and
27 assignments connected with their study programs.

28

1 (d) An institution that depends for library and other learning resources primarily
2 on

3 other institutions' collections and resources, not in its possession shall do all of the following:

4 (1) Describe those library and other learning resources, in the application and
5 catalog.

6 (2) Provide students and faculty with access to the regular services of a
7 professional librarian or information specialist experienced in the electronic retrieval of
8 information, who shall provide support for faculty in curriculum matters and actively serve as a
9 resource guide for both graduate and undergraduate students.

10 (3) Assure that students have access to the library collections and resources of
11 another institution, organization, or library.

12 (4) Document compliance with paragraphs (1), (2), and (3).

13 18. California Code of Regulations Title 5, section 71745 states:

14 (a) The institution shall document that it has at all times sufficient assets and
15 financial resources to do all of the following:

16 (1) Provide all of the educational programs that the institution represented it
17 would provide.

18 (2) Ensure that all students admitted to its educational programs have a
19 reasonable opportunity to complete the programs and obtain their degrees or diplomas.

20 (3) Maintain the minimum standards required by the Act and this chapter.

21 (4) Pay timely refunds as required by Article 13 of the Act.

22 (5) Pay all operating expenses due within 30 days.

23 (6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or
24 greater at the end of the most recent fiscal year when using generally accepted accounting
25 principles, or for an institution participating in Title IV of the federal Higher Education Act of
26 1965, meet the composite score requirements of the U.S. Department of Education. For the
27 purposes of this section, current assets does not include: intangible assets, including goodwill,
28 going concern value, organization expense, startup costs, long-term prepayment of deferred

1 charges, and non-returnable deposits, or state or federal grant or loan funds that are not the
2 property of the institution but are held for future disbursement for the benefit of students.
3 Unearned tuition shall be accounted for in accordance with general accepted accounting
4 principles.

5 (b) At an institution's request, the Bureau may consider the financial resources of a
6 parent company if the parent company, as defined by section 94853 of the Code, meets and
7 maintains all of the following provisions:

8 (1) consents in writing to be sued in California;

9 (2) consents in writing to be subject to the jurisdiction of the Bureau with
10 respect to the institution's regulation under the Act and this Chapter;

11 (3) designates and maintains an agent for service of process, consistent with
12 section 74190;

13 (4) agrees in writing to pay any refund, claim, penalty, or judgment that the
14 institution is obligated to pay; and

15 (5) files financial reports, maintains financial records, and consents in writing
16 to permit the inspection and copying of financial records to the same extent as is required of the
17 institution.

18 (c) An institution shall provide to the Bureau its most current financial statements
19 upon request.

20 19. California Code of Regulations Title 5, section 71760 states:

21 Each institution shall develop and maintain adequate procedures used by the institution to
22 assure that it is maintained and operated in compliance with the Act and this Division.

23 20. California Code of Regulations Title 5, section 71800 states:

24 In addition to the requirements of section 94911 of the Code, an institution shall provide to
25 each student an enrollment agreement that contains at the least the following information:

26 (a) The name and address of the institution and the addresses where instruction will
27 be provided.

28 (b) Period covered by the enrollment agreement.

1 (c) Program start date and scheduled completion date.

2 (d) Date by which the student must exercise his or her right to cancel or withdraw,
3 and the refund policy, including any alternative method of calculation if approved by the Bureau
4 pursuant to section 94921 of the Code.

5 (e) Itemization of all institutional charges and fees including, as applicable:

6 (1) tuition;

7 (2) registration fee (non-refundable);

8 (3) equipment;

9 (4) lab supplies or kits;

10 (5) Textbooks, or other learning media;

11 (6) uniforms or other special protective clothing;

12 (7) in-resident housing;

13 (8) tutoring;

14 (9) assessment fees for transfer of credits;

15 (10) fees to transfer credits;

16 (11) Student Tuition Recovery Fund fee (non-refundable);

17 (12) any other institutional charge or fee.

18 (f) Charges paid to an entity other than an institution that is specifically required for
19 participation in the educational program.

20 21. California Code of Regulations Title 5, section **71810** states:

21 (a) Each institution shall provide a catalog pursuant to section 94909 of the Code,
22 which shall be updated annually. Annual updates may be made by the use of supplements or
23 inserts accompanying the catalog. If changes in educational programs, educational services,
24 procedures, or policies required to be included in the catalog by statute or regulation are
25 implemented before the issuance of the annually updated catalog, those changes shall be reflected
26 at the time they are made in supplements or inserts accompanying the catalog.

27 (b) The catalog shall contain the information prescribed by Section 94909 of the Code
28 and all of the following:

1 (1) The specific beginning and ending dates defining the time period covered by
2 the catalog;

3 (2) A statement of the institution's missions and purposes and the objectives
4 underlying each of its educational programs;

5 (3) If the institution admits students from other countries, whether visa services
6 are provided or whether the institution will vouch for student status, and any associated charges;

7 (4) Language proficiency information, including: (A) the level of English
8 language proficiency required of students and the kind of documentation of proficiency, such as
9 the Test of English as a Foreign Language (TOEFL), that will be accepted; and (B) whether
10 English language services, including instruction such as ESL, are provided and, if so, the nature
11 of the service and its cost;

12 (5) Whether any instruction will occur in a language other than English and, if so,
13 the level of proficiency required and the kind of documentation of proficiency, such as the United
14 States Foreign Service Language Rating System, that will be accepted;

15 (6) The institution's policies and practices regarding any form of financial aid,
16 including all consumer information which the institution is required to disclose to the student
17 under any state or federal financial aid program;

18 (7) The institution's policies and procedures for the award of credit for prior
19 experiential learning, including assessment policies and procedures, provisions for appeal, and all
20 charges that a student may be required to pay;

21 (8) The institution's standards for student achievement;

22 (9) A description of the facilities and of the types of equipment and materials
23 that will be used for instruction;

24 (10) A description of library and other learning resources and the procedures for
25 student access to those resources;

26 (11) If the institution offers distance education, the approximate number of days
27 that will elapse between the institution's receipt of student lessons, projects, or dissertations and
28 the institution's mailing of its response or evaluation.

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(12) A description of all student services;

(13) Housing information including all of the following:

(A) Whether the institution has dormitory facilities under its control;

(B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing; and

(C) If the institution has no responsibility to find or assist a student in finding housing, a clear and conspicuous statement so indicating. A statement that the program is “non- residential” does not satisfy this subparagraph.

(14) Policies on student rights, including the procedure for addressing student grievances; and

(15) Policies on the retention of student records.

22. California Code of Regulations Title 5, section 71930, subsection (d) states:

The institution shall maintain a second set of all academic and financial records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (b) of this section, are maintained in a manner secure from damage or loss. An acceptable manner of storage under this subsection would include fire resistant cabinets.

23. California Code of Regulations Title 5, section 74115 states:

(a) This section applies to every set of financial statements required to be prepared or filed by the Act or by this chapter.

(b) A set of financial statements shall contain, at a minimum, a balance sheet, an income statement, and a cash flow statement, and the preparation of financial statements, shall comply with all of the following:

(1) Audited and reviewed financial statements shall be conducted and prepared in accordance with the generally accepted accounting principles established by the American Institute of Certified Public Accountants by an independent certified public accountant who is not an employee, officer, or corporate director or member of the governing board of the institution.

(2) Financial statements prepared on an annual basis as required by section 74115(b) shall be prepared in accordance with the generally accepted accounting principles

1 established by the American Institute of Certified Public Accountants. Nonprofit institutions shall
2 provide annual financial statements as required under generally accepted accounting principles
3 for nonprofit organizations.

4 (3) The financial statements shall establish that the institution meets the
5 requirements for financial resources required by Section 71745.

6 (4) If an audit performed to determine compliance with any federal or state
7 student financial aid program reveals any failure to comply with the requirements of the program
8 and the noncompliance creates any liability or potential liability for the institution, the financial
9 statements shall reflect the liability or potential liability.

10 (5) Any audits shall demonstrate that the accountant obtained an understanding of
11 the institution's internal financial control structure, assessed any risks, and has reported any
12 material deficiencies in the internal controls.

13 (c) Work papers for the financial statements shall be retained for five years from the
14 date of the statements and shall be made available to the Bureau upon request.

15 (d) "Current" with respect to financial statements means completed no sooner than
16 120 days prior to the time it is submitted to the Bureau, and covering no less than the most recent
17 complete fiscal year. If more than 8 months will have elapsed between the close of the most
18 recent complete fiscal year and the time it is submitted, the fiscal statements shall also cover no
19 less than five months of that current fiscal year.

20 STATEMENT OF FACTS

21 24. On or about December 10, 1996, Yuin University signed a Stipulated and Settlement
22 Agreement (Stipulation) wherein it agreed, among other things, to cease enrolling new students in
23 all acupuncture and oriental medicine courses, to stop all advertising and/or recruitment efforts
24 for those programs until and unless prior approval in writing is obtained from the Council for
25 Private Postsecondary and Vocational Education (Council), to delete all references to its
26 Acupuncture and Oriental Medicine program from its current catalogs and brochures unless and
27 until Council approval relative to both the proposed program particulars and Yuin University's
28 current approval status is obtained. Further, Yuin University agreed to teach-out students then

1 enrolled in the acupuncture program. However, Yuin University and Henry Yu failed to abide by
2 the aforementioned Stipulation.

3 25. Sometime in 1997, the Council learned Yuin University was still offering the
4 acupuncture program. However, by that time, the Council was not in a position to initiate any
5 type of enforcement action against Yuin University due to the imminent approach of its January
6 1, 1998 sunset date. Yuin University has continued to offer the acupuncture program since 1998.

7 26. On or about June 13, 2011, the Bureau received an Application for Change in
8 Educational Objectives from Yuin University, signed by its owner of record, Henry Yu. It should
9 be noted that Yuin University submitted an “altered” document as part of its Application for
10 Change in Educational Objectives

11 27. On or about November 16, 2012, the Bureau mailed Yuin University a Notice of
12 Denial Letter for the Application for Change in Educational Objectives. The Bureau determined
13 that the following programs were **not in compliance** with the California Education Code and
14 California Code of Regulations: **Bachelor of Science (B.S.) in Acupuncture & Oriental**
15 **Medicine, Master of Science (M.S.) in Acupuncture & Oriental Medicine, Doctor of**
16 **Acupuncture, and Doctor of Philosophy (Ph.D.) in Oriental medicine.** The Bureau
17 specifically ordered Yuin University to: (1) propose a **plan to “teach-out”** the acupuncture and
18 oriental medicine students at another institution approved by the Bureau; and/or (2) **cease all**
19 **instruction and (3) provide a refund of tuition and** all other charges paid by the students to
20 Yuin University, as provided in 5 CCR §76240(a)(4)(B).

21 28. Yuin University did not appeal the Bureau’s Denial of the Application for Change in
22 Educational Objectives. Accordingly, Bureau’s Denial is final. Nevertheless, Yuin University
23 continued offering the acupuncture & oriental medicine program until September of 2015. Yuin
24 University was advertising these unapproved acupuncture & oriental medicine programs on their
25 web site until approximately a few weeks prior to the original trial date of September 16, 2015.

26 29. Further, Yuin University failed to follow Bureau’s Order by (1) “teaching-out” the
27 acupuncture and oriental medicine students at another institution approved by the Bureau; and/or
28

1 (2) ceasing all instruction and (3) providing a refund of tuition and all other charges paid by the
2 students to the Respondent

3 30. On or about May 7, 2012, Yuin University submitted an Application for Renewal of
4 Approval to Operate and Offer Educational Programs for Non-Accredited Institution, **signed by**
5 **Andrew Kim and Christine Lee Kim who are not registered with the Bureau as the owner**
6 **of record** for Yuin University.

7 31. On or about October 23, 2012, Bureau Deputy Chief, Joanne Wenzel, received an e-
8 mail from Christine Lee Kim regarding the alleged sale of Yuin University from Henry H. Yu to
9 Andrew Kim. The only document submitted in support of the alleged sale was an e-mail from
10 Henry H. Yu to Andrew Kim. **It should be noted that Yuin University never obtained a prior**
11 **authorization from the Bureau to change ownership.** Further, Christine Lee Kim forwarded a
12 document entitled Fictitious Business Name Statement whereby Yuin University allegedly filed a
13 fictitious name as AKCL Enterprises, Inc.. **Yuin University never obtained a prior**
14 **authorization from the Bureau to change the business organization form to a corporation**
15 **called AKCL Enterprises, Inc..**

16 32. On or about November 16, 2012, the Bureau mailed a Notice of Denial letter for the
17 Application for Renewal of Approval to Operate and Offer Educational Programs, addressed to
18 Henry H. Yu, Respondent's owner of record. In that letter, the Bureau specifically explained that
19 the **Application was not submitted by the owner(s) of the institution and that an Application**
20 **for Change of Business Organization/ Control/ Ownership had not been received by the**
21 **Bureau.**

22 33. On or about November 19, 2012, the Bureau mailed a Notice of Denial letter for
23 addition of satellite, addressed to Henry Yu, Yuin University's owner of record.

24 34. On or about November 26, 2012, the Bureau received a request for an administrative
25 hearing from **Andrew Kim who is not Yuin University's owner of record.**

26 35. On or about December 5, 2012, the Bureau received a pre-litigation meet and confer
27 letter from Andrew Kim informing the Bureau that he will appear "*ex parte*" on December 11,
28 2012, at the Los Angeles County Superior Court, in Compton, California. The following day, the

1 Bureau received a second meet and confer letter from Andrew Kim. On or about December 9,
2 2012, the Bureau received a notice of cancelation of proposed meet and confer letter from
3 Andrew Kim.

4 36. On or about March 25, 2013, Yuin University submitted a “revised” Application for
5 Renewal to Operate, signed by Christine Lee. On June 26, 2013, the Bureau informed Yuin
6 University that the case had been transmitted to the Office of Attorney General since the
7 “revised” Application for Renewal to Operate has deficiencies and the denial remains in effect.

8 37. On or about September 10, 2014, the Bureau filed its Statement of Issues.

9 38. On or about October 1, 2014, Respondent filed its Notice of Defense

10 39. On or about April 12, 2015, Respondent submitted a “new” Application for Renewal
11 to Operate, signed by Christine Lee.

12 40. The present Statement of Issues is before the Bureau to solely address the request for
13 the administrative hearing based upon the Application for Renewal of Approval to Operate and
14 Offer Educational Programs for Non-Accredited Institution, dated April 23, 2012, and received
15 by the Bureau on May 7, 2012.

16 **FIRST CAUSE FOR DENIAL**

17 (Lack of Standing)

18 41. Respondents’ Application for Renewal of Approval to Operate is subject to denial
19 under Code sections 94893 and 94894, in that said Application was signed by Christine Lee Kim
20 and/or Andrew Kim who are not registered with the Bureau as the owner of record for Yuin
21 University. Yuin University allegedly changed ownership from Henry H. Yu to Christine Lee
22 Kim and/or Andrew Kim, without prior authorization from the Bureau.

23 **SECOND CAUSE FOR DENIAL**

24 (Failure to Obtain Approval from the Bureau Prior to Changing Business Organization Form)

25 42. Respondents’ Application for Renewal of Approval to Operate is subject to denial
26 under Code sections 94893 and 94894, in that Yuin University allegedly changed business
27
28

1 organization form from “individually owned: sole proprietorship¹” to a corporation by the name
2 of AKCL Enterprises, Inc., without prior authorization from the Bureau.

3 **THIRD CAUSE FOR DENIAL**

4 (Offering Course Programs Unapproved by the Bureau and/or by the Board of Acupuncture)

5 43. Respondents’ Application for Renewal of Approval to Operate is subject to denial
6 under Code sections 94893, 94894 and 94897, subsection (l)(1) and subsection (p), in conjunction
7 with California Code of Regulations, Title 5, sections 76240(a)(4)(B) and 71720(a), in that Yuin
8 University was offering acupuncture and oriental medicine programs, i.e., B.S. in Acupuncture &
9 Oriental Medicine, M.S. in Acupuncture & Oriental Medicine, PH.D. in Acupuncture & Oriental
10 Medicine, and Doctor of Acupuncture, until September 2015, without the approval of the Bureau
11 and/or Board of Acupuncture.

12 **FOURTH CAUSE FOR DENIAL**

13 (Advertising that Yuin University is Accredited When Is Not Accredited by any Accrediting
14 Agencies Recognized by the United States Department of Education)

15 44. Respondents’ Application for Renewal of Approval to Operate is subject to denial
16 under Code sections 94897, subsection (e), subsection (l)(1) and (p), and section 94813, in that
17 Yuin University falsely advertised that it has been accredited by an accrediting agency when in
18 fact Yuin University has not been accredited by any accrediting agencies recognized by the
19 United States Department of Education, as set forth in California Education Code section 94814.

20 **FIFTH CAUSE FOR DENIAL**

21 (Misleading the Public and Bureau’s Power to Close Down Yuin University)

22 45. Respondents’ Application for Renewal of Approval to Operate is subject to denial
23 under Code sections 94897, subsection (e), subsection (l)(1) and (p), and section 94813, in that
24 Yuin University falsely advertised that it has been accredited by an accrediting agency when in
25 fact the Bureau has not been accredited by any accrediting agencies recognized by the United
26 States Department of Education, as set forth in California Education Code section 94814.

27 _____
28 ¹ A non corporation entity

1 Respondents misled the public in believing that Yuin University has been accredited by an
2 accrediting agency. Pursuant to Code section 94891, subsection (c)(3), and section 94938, the
3 Bureau has determined that the continued operation of the Yuin University during the appeal
4 process poses a significant risk of harm to the students and to the public, and the Bureau made the
5 decision to close down Yuin University in order to protect the public.

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8 **SIXTH CAUSE FOR DENIAL**

9 (Dishonest, Deceitful and Misleading Acts)

10 46. Respondents' Application for Renewal of Approval to Operate is subject to denial
11 under Business and Professions Code section 480, in conjunction with Code sections 94897,
12 subsection (e), subsection (l)(1) and (p), and section 94813, in that Respondents committed acts
13 involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or
14 another, or substantially injure another, when Respondents falsely advertised that Yuin University
15 has been accredited by an accrediting agency when in fact Yuin University has not been
16 accredited by any accrediting agencies recognized by the United States Department of Education,
17 as set forth in California Education Code section 94814. Respondents misled the public.

18 **SEVENTH CAUSE FOR DENIAL**

19 (Incomplete Application)

20 47. Respondents' Application for Renewal of Approval to Operate is subject to denial
21 under California Code of Regulations, Title 5, sections 71475, subsections (b) and (kk), in that
22 Respondents submitted an "incomplete" application. The Bureau does not recognize Christine
23 Lee Kim and Andrew Kim as Yuin University's owner(s) of record.

24 **EIGHTH CAUSE FOR DENIAL**

25 Failure to Clearly Identify the CEO and CAO)

26 48. Respondents' Application for Renewal of Approval to Operate is subject to denial
27 under California Code of Regulations, Title 5, sections 71475, subsections (i)-(k), in that
28 Respondents did not clearly identify the Chief Executive Officer (CEO) and Chief Academic

1 Officer (CAO). The job description and duties for administrative and faculty positions are too
2 vague. The Bureau was unable to make an assessment of the CEO and CAO's experience and
3 qualifications. Further, Bureau discovered that Yuin University's Provost² Amen Rahh was
4 convicted a felony crime of misuse of public funds, a crime of moral turpitude.

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6 **NINTH CAUSE FOR DENIAL**

7 (Failure to Submit Documentation in Support of its Governing Board)

8 49. Respondents' Application for Renewal of Approval to Operate is subject to denial
9 under California Code of Regulations, Title 5, section 71475, subsection (l), in that Respondents
10 failed to submit documentation in support of its governing board.

11 **TENTH CAUSE FOR DENIAL**

12 (Institution's Enrollment Agreement Failed to Meet the Minimum Requirements)

13 50. Respondents' Application for Renewal of Approval to Operate is subject to denial
14 under California Code of Regulations, Title 5, sections 71800 and 71475, subsection (o), and
15 Education Code section 94911, in that Respondents' Enrollment Agreement failed to meet the
16 minimum requirements as specified by the Education Code section 94911 and California Code of
17 Regulations, Title 5, sections 71800, and 71475 subsection (o).

18 **ELEVENTH CAUSE FOR DENIAL**

19 (Failure to Provide Relevant Documentation)

20 51. Respondents' Application for Renewal of Approval to Operate is subject to denial
21 under California Code of Regulations, Title 5, sections 71475, subsection (p), in that Respondents
22 failed to provide relevant documentation. The document provided by the Respondent was the
23 catalog's refund policy.

24 **TWELFTH CAUSE FOR DENIAL**

25 (Failure to Complete Section 13 of Form Application for
26 the School of Oriental Medicine and Acupuncture Programs)

27 _____
28 ² Chief Academic Officer

1 52. Respondents' Application for Renewal of Approval to Operate is subject to denial
2 under California Code of Regulations, Title 5, sections 71475, subsections (r) through (t), in that
3 Respondents failed to complete section 13 of Form Application for the School of Oriental
4 Medicine and Acupuncture Programs and provide the responsive documents applicable to section
5 13.

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8 **THIRTEENTH CAUSE FOR DENIAL**

9 (Failure to Complete Section 14 of Form Application for
10 the School of Oriental Medicine and Acupuncture Programs)

11 53. Respondents' Application for Renewal of Approval to Operate is subject to denial
12 under California Code of Regulations, Title 5, section 71475, subsection (u), in that Respondents
13 failed to complete section 14 of Form Application for the School of Oriental Medicine and
14 Acupuncture Programs and provide the responsive documents applicable to section 14.

15 **FOURTEENTH CAUSE FOR DENIAL**

16 (Failure to Provide the Responsive Documents Applicable to Section 15 of Form Application for
17 the School of Oriental Medicine and Acupuncture Programs)

18 54. Respondents' Application for Renewal of Approval to Operate is subject to denial
19 under California Code of Regulations, Title 5, section 71475, subsection (v), in that Respondents
20 failed to provide the responsive documents applicable to Section 15 of Form Application for the
21 School of Oriental Medicine and Acupuncture Programs.

22 **FIFTEENTH CAUSE FOR DENIAL**

23 (Failure to Provide Financial Statements)

24 55. Respondents' Application for Renewal of Approval to Operate is subject to denial
25 under California Code of Regulations, Title 5, sections 71475, subsection (w), 74115 and 71745,
26 in that Respondents failed to provide the required financial statements.

27 **SIXTEENTH CAUSE FOR DENIAL**

28 (Failure to Provide Sufficient Evidence that Duly Qualified Faculty Members Were Hired)

1 56. Respondents' Application for Renewal of Approval to Operate is subject to denial
2 under California Code of Regulations, Title 5, sections 71475, subsection (x) and 71720,
3 subsection (a), in that Respondents failed to provide sufficient evidence that duly qualified faculty
4 members were hired to deliver the educational program. The documentation provided by the
5 Respondents is Yuin University's faculty appointment process.

6 **SEVENTEENTH CAUSE FOR DENIAL**

7 (Failure to Provide Sufficient Evidence Required by Section 18 of Form Application)

8 57. Respondent's Application for Renewal of Approval to Operate is subject to denial
9 under California Code of Regulations, Title 5, section 71475, subsection (y), in that Respondents
10 failed to provide sufficient evidence as required by section 18 of the Form Application.

11 **EIGHTEENTH CAUSE FOR DENIAL**

12 (Failure to Provide Sufficient Evidence that the Library and other learning resources
13 are sufficient to support the instructional needs of Distance Education Students
14 Required by Section 19 of Form Application)

15 58. Respondents' Application for Renewal of Approval to Operate is subject to denial
16 under California Code of Regulations, Title 5, sections 71740 and 71475, subsection (z), in that
17 Respondents failed to provide sufficient evidence that the library and other learning resources are
18 sufficient to support the instructional needs of the distance education students.

19 **NINETEENTH CAUSE FOR DENIAL**

20 (Failure to Provide Sufficient Evidence that the Institution's
21 Catalog Meets the Minimum Requirements)

22 59. Respondents' Application for Renewal of Approval to Operate is subject to denial
23 under California Code of Regulations, Title 5, sections 71810 and 71475, subsection (bb) and
24 Education Code section 94909, in that Respondents failed to provide sufficient evidence that
25 Yuin University's catalog meets the minimum requirements pursuant to Education Code section
26 94909 and California Code of Regulations, Title 5, sections 71810 and 71475, subsection (bb).

27 **TWENTIETH CAUSE FOR DENIAL**

28 (Failure to Provide Sufficient Recordkeeping Policy and Procedures Evidence)

1 60. Respondents’ Application for Renewal of Approval to Operate is subject to denial
2 under California Code of Regulations, Title 5, sections 71930, subsection (d) and 71475,
3 subsection (dd), in that Respondents failed to provide sufficient recordkeeping policy and
4 procedures evidence. Yuin University’s policy and procedures in effect does not entail adequate
5 maintenance of records pursuant to California Code of Regulations, Title 5, sections 71930,
6 subsection (d) and 71475, subsection (dd).

7
8 **TWENTY FIRST CAUSE FOR DENIAL**

9 (Failure to Provide Sufficient Self-Monitoring Evidence)

10 61. Respondents’ Application for Renewal of Approval to Operate is subject to denial
11 under California Code of Regulations, Title 5, sections 71760 and 71475, subsection (ee), in that
12 Respondent failed to provide sufficient self-monitoring evidence. Respondents failed to provide
13 any supporting documents in support of the self-monitoring section of the Application Form.

14 **AGGRAVATING FACTORS**

15 62. On or about July 16, 2015, the Bureau conducted a visual inspection and interview
16 with Yuin University’s key staff members. Said inspection and interview revealed several
17 violations , including but not limited to the following:

- 18 • Yuin University advertised on their school website and Yuin University’s business
19 cards that Yuin University was accredited. Yuin University is not accredited by an
20 accredited agency “recognized by the U.S. Department of Education”;
- 21 • Yuin University failed to obtain program approval from the Board of Acupuncture
22 and the Bureau to offer programs in oriental medicine and acupuncture;
- 23 • Yuin University failed to comply with its stated policy relative to transfer credits
24 awarded to a student in an undergraduate program. The institution’s policy states
25 they will only transfer up to a total of 20% of the program. However, Yuin
26 University transferred more than 75% of the units or credits to award a Bachelor’s
27 Degree to student Jay Juyeon Kim;

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- Yuin University failed to comply with its stated policy relative to awarding experiential credit. Yuin University states in their catalog that they do not award experiential credit. Yuin University awarded experiential credit to student Jay Juyeon Kim. Yuin University’s documentation states that Yuin University awarded 27 units for experiential learning;
- Yuin University failed to provide written records of transfer credits earned at other institutions accepted by the institution as transfer credit. Yuin University awarded a Bachelor’s Degree to a student by the name of Jay Juyeon Kim, who completed only 16 units with the institution;
- Yuin University failed to include in its supporting documentation for the School Performance Fact Sheet students’ place of employment and position, salary, hours and a description of all attempts to contact each student. The documentation also failed to include the name, e-mail address, phone number and position or title of the institutions representative who is primary responsible for obtaining the students’ information;
- Yuin University failed to maintain documentation supporting placement and salary rates reported on the School Performance Fact Sheet for the 2012-2013 school years;
- Yuin University’s student’s enrollment agreements failed to contain documentation that Student Tuition Recovery Fund (STRF) was collected. Enrollment agreements in the student files were left blank;
- Yuin University failed to record dates of withdrawal from the institution and documentation specifying refund calculations. Student files failed to contain documentation of withdrawal;
- Yuin University failed to maintain documentation of withdrawals in student files demonstrating whether students were due a refund and whether a refund was provided;

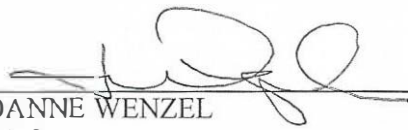
- 1 • Yuin University's Chief Academic Officer, Amen Rahh, failed to possess a degree or
2 equivalent acceptable experience at least equal to the highest qualifications required
3 by Yuin University faculty. The resume for Mr. Rahh demonstrates his highest
4 level of education earned was a Master's Degree. His resume states an honorary
5 Ph.D. was awarded to him by Yuin University;
- 6 • Yuin University's faculty file for Kevin Grant, Ph.D., Dean of Academic Affairs
7 failed to include records documenting whether he is duly qualified to perform the
8 duties to which he was assigned;
- 9 • Yuin University failed to document the required formal evaluations of the students by
10 the doctoral committee. Yuin University failed to provide documentation of the
11 faculty members, their qualifications, and the process in which the formal doctoral
12 reviews was performed;
- 13 • The financial review indicated the institution failed to maintain sufficient finances to
14 pay operating expenses due in 30 days;
- 15 • Yuin University failed to provide a copy of their cash flow statement.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Director of the Department of Consumer Affairs issue a
19 decision:

- 20 1. Denying the application of Yuin University; Henry H. Yu; Rachel De Chavez-
21 Zayas for a Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited
22 Institutions;
- 23 2. Taking such other and further action as deemed necessary and proper.

24 DATED: 12/18/15

25 
26 JOANNE WENZEL
27 Chief
28 Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

LA2013508424