



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION AFFIRMED**

April 16, 2019

Appear Media, Inc., Owner  
 Brentwood University  
 15615 Alton Parkway #450  
 Irvine, CA 92618

Date of Issuance	Citation Number	Institution Code
April 16, 2019	1819073	42693395

On March 14, 2019, an informal telephone conference was held in the matter of Citation: Order of Abatement No. 1819073 (Citation) against Appear Media, Inc., Owner of Brentwood University. In attendance were Beth Scott, Enforcement Chief; and Mark Pakbaz, President.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819073.

It is the decision of the Enforcement Chief that on March 28, 2019, Citation No. 1819073 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

**VIOLATION CODE SECTIONS**

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><b>Violation:</b>  <b>5, CCR Section 74006(a) and (b) - Annual Fee</b>  <i>"(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.</i></p> <p><b>CEC 94930.5 (d)(1)(A) - Fee Schedule(d) (1)</b> <i>In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c), inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of the following: (A) An annual fee for each campus designated by the institution as a main campus location in California, in an amount equal to 0.45 percent of the campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000).</i></p> <p><b>CEC 94931(a) or (b) - Late Payment</b>  <i>"(a) A fee that is not paid on or before the 30<sup>th</sup> calendar day after the due date for the payment of the</i></p>

*fee shall be subject to 25 percent late payment penalty fee."*

*"(b) A fee that is not paid on or before the 90<sup>th</sup> calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee."*

The Institution has failed to pay its annual fee for calendar years 2017 and 2018.

On July 3, 2017, the Institution was notified via mail at 15615 Alton Parkway #450, Irvine, CA 92618, stating that the annual fee for calendar year 2017 was due on August 1, 2017.

On September 15, 2017, the Institution was sent a delinquency notice via mail (invoice #900327923) at 15615 Alton Parkway #450, Irvine, CA 92618, stating that the annual fee for calendar year 2017 was due on August 1, 2017.

On November 15, 2017, the Institution was sent a delinquency notice via mail (invoice #900327923) at 15615 Alton Parkway #450, Irvine, CA 92618, stating that the annual fee for calendar year 2017 was due on August 1, 2017. As of January 8, 2019, the Bureau has not received the annual fee from the Institution.

On July 17, 2018, the Institution was notified via mail (invoice # 900335504) at 15615 Alton Parkway #450, Irvine, CA 92618, stating that the annual fee for calendar year 2018 was due on August 1, 2018.

On September 17, 2018, the Institution was sent a delinquency notice via mail (invoice #900336132) at 15615 Alton Parkway #450, Irvine, CA 92618, stating that the annual fee for calendar year 2018 was due on August 1, 2018.

On November 15, 2018, the Institution was sent a delinquency notice via mail (invoice #900336132) at 15615 Alton Parkway #450, Irvine, CA 92618, stating that the annual fee for calendar year 2018 was due on August 1, 2018. As of January 8, 2019, the Bureau has not received the annual fee from the Institution.

**Order of Abatement:**

The Bureau orders the Institution to submit its annual fee for calendar years 2017 and 2018 in accordance with 5, CCR 74006(a)(b) and CEC 94930.5(d)(1)(A). In addition, the Institution must pay all late payment penalty fees.

**Assessment of Fine**

The fine for this violation is \$00.00

**TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: \$00.00**

**ORDER OF ABATEMENT**

**The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.**

### APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal - Request for Administrative Hearing within **30 Days** of the date of this decision.

### EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **April 16, 2019**. The order of abatement is due by **May 16, 2019**.

Failure to abate the violation within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

### CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Discipline Analyst, at (916) 621-2590 or at [Cheryl.Lardizabal@dca.ca.gov](mailto:Cheryl.Lardizabal@dca.ca.gov).



\_\_\_\_\_  
Christina Villanueva  
Discipline Manager



\_\_\_\_\_  
Date

#### Enclosures

- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail