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

11  
12 In the Matter of the Statement of Issues  
Against:  
13 **KEVIN SOLTANI, DBA**  
14 **AMERICAN LIBERTY UNIVERSITY**  
15 **Application for Approval to Operate an**  
16 **Institution Non-Accredited**  
17 Respondent.

Case No. 1002965

**STATEMENT OF ISSUES**

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19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. The Bureau for Private Postsecondary Education (Bureau) received an Application for  
26 Approval to Operate an Institution Non-Accredited from Respondent Kevin Soltani, doing  
27 business as American Liberty University (Respondent).

28 3. After a site compliance visit on March 6, 2017, the Bureau identified deficiencies in

1 the application and issued Respondent a Notice of Denial of Application for Approval to Operate.  
2 The Bureau received from Respondent a timely request for an administrative hearing. The causes  
3 for denial alleged herein are based on the findings from the March 6, 2017 site compliance visit.

#### 4 JURISDICTION

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

9 5. Section 94885 provides:

10 The bureau shall adopt by regulation minimum operating standards for an  
11 institution that shall reasonably ensure that all of the following occur:

12 (a) The content of each educational program can achieve its stated objective.

13 (b) The institution maintains specific written standards for student admissions  
14 for each educational program and those standards are related to the particular  
15 educational program.

16 (c) The facilities, instructional equipment, and materials are sufficient to enable  
17 students to achieve the educational program's goals.

18 (d) The institution maintains a withdrawal policy and provides refunds.

19 (e) The directors, administrators, and faculty are properly qualified.

20 (f) The institution is financially sound and capable of fulfilling its commitments  
21 to students.

22 (g) That, upon satisfactory completion of an educational program, the institution  
23 gives students a document signifying the degree or diploma awarded.

24 (h) Adequate records and standard transcripts are maintained and are available  
25 to students.

26 (i) The institution is maintained and operated in compliance with this chapter  
27 and all other applicable ordinances and laws.”

28 6. Section 94886 provides:

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

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1 7. Section 94887 provides:

2 An approval to operate shall be granted only after an applicant has presented  
3 sufficient evidence to the bureau, and the bureau has independently verified the  
4 information provided by the applicant through site visits or other methods deemed  
5 appropriate by the bureau, that the applicant has the capacity to satisfy the minimum  
6 operating standards. The bureau shall deny an application for an approval to operate  
7 if the application does not satisfy those standards.

## 6 STATUTORY AND REGULATORY PROVISIONS

7 8. Section 94817.5 provides:

8 'Approved to operate' or 'approved' means that an institution has received  
9 authorization pursuant to this chapter to offer to the public and to provide  
10 postsecondary educational programs.

10 9. Section 94828 provides:

11 'Curriculum' means an organized set of courses or modules of instruction that  
12 are prerequisites to an award of a degree or diploma.

12 10. Section 94837 provides:

13 'Educational program' means a planned sequence composed of a single course  
14 or module, or set of related courses or modules, that provides education, training,  
15 skills, or experience, or a combination of these.

15 11. Section 94841 provides:

16 'Faculty' means the instructional staff of an institution, whether these persons  
17 are employees or independent contractors.

18 12. Section 94846 provides:

19 'Instruction' means an institution's specific, formal arrangements in which its  
20 faculty present a part of the curriculum.

20 13. California Code of Regulations, title 5, Section 71710 provides:

21 In order to meet its mission and objectives, the educational program defined in  
22 section 94837 of the Code shall be comprised of a curriculum that includes:

23 (a) those subject areas that are necessary for a student to achieve the  
24 educational objectives of the educational program in which the student is enrolled;

25 (b) subject areas and courses or modules that are presented in a logically  
26 organized manner or sequence to student;

26 (c) course or module materials that are designed or organized by duly qualified  
27 faculty. For each course or module, each student shall be provided with a syllabus  
28 or course outline that contains:

(1) a short, descriptive title of the educational program;

- 1 (2) a statement of educational objectives;
- 2 (3) length of the educational program;
- 3 (4) sequence and frequency of lessons or class sessions;
- 4 (5) complete citations of textbooks and other required written materials;
- 5 (6) sequential and detailed outline of subject matter to be addressed or a list of
- 6 skills to be learned and how those skills are to be measured;
- 7 (7) instructional mode or methods.
- 8 (d) if degree granting, require research of an appropriate degree that utilizes a
- 9 library and other learning resources;
- 10 (e) specific learning outcomes tied to the sequence of the presentation of the
- 11 material to measure the students' learning of the material; and
- 12 (f) evaluation by duly qualified faculty of those learning outcomes.

14. California Code of Regulations, title 5, section 71715, subdivisions (a) and (b)

provide:

(a) Instruction shall be the central focus of the resources and services of the institution.

(b) The institution shall document that the instruction offered leads to the achievement of the learning objectives of each course.

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15. California Code of Regulations, title 5, section 71720 provides:

(a) An Educational Program Leading to a Degree.

(1) An institution offering an educational program that leads to a degree shall employ duly qualified faculty sufficient in number to provide the instruction, student advisement, and learning outcomes evaluation necessary for the institution to document its achievement of its stated mission and objectives, and for students to achieve the specific learning objectives of each course offered;

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

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

(A) The educational level and number of students;

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

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

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

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

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

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

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

15 1. a degree from: an institution approved by the Bureau or previously approved  
16 by a predecessor agency of the Bureau; or an accredited institution in the United  
17 States or Canada; or other state approved institution that documents that the  
18 institution at which the faculty member earned his or her degree is equivalent to an  
19 institution that is approved by the Bureau; or an institution outside the United States  
20 or Canada and in addition provides a comprehensive evaluation of the degree  
21 performed by a foreign credential evaluation service that is a member of the National  
22 Association of Credential Evaluation Services (NACES).

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

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

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

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

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

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

institution's policy; and

1  
2 (9) The institution shall maintain records documenting that each faculty  
3 member is duly qualified and was qualified to perform the duties to which the faculty  
4 member was assigned, including providing instruction, evaluating learning outcomes,  
5 evaluating graduate dissertations, theses, and student projects, and participating on  
6 doctoral committees.

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

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

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

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

12 16. California Code of Regulations, title 5, section 71850 (a) provides:

13 Graduation requirements for an undergraduate degree program shall meet  
14 minimum credit requirements and shall include provisions for general education  
15 appropriate to the level and type of degree. The institution shall specify the  
16 distribution of general education credit requirements by subject area for each  
17 undergraduate degree program.

18 (a) A Bachelor's degree may be awarded to a student whom the institution can  
19 document has achieved sequential learning equivalent in general education and  
20 equivalent in depth of achievement in a designated major field to that acquired in four  
21 years of study beyond high school, as measured by a minimum of 120 semester  
22 credits or its equivalent. At least 25 percent of the credit requirements for a  
23 Bachelor's degree shall be in general education.

24 17. California Code of Regulations, title 5, sections 71865 (a) and (c) provide:

25 (a) A Master's degree may only be awarded to a student who demonstrates at  
26 least the achievement of learning in a designated major field that is equivalent in  
27 depth to that normally acquired in a minimum of 30 semester credits or its equivalent  
28 or one year of study beyond the Bachelor's degree.

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1 (c)(1) A Doctor of Philosophy degree (Ph.D.) is a research-oriented degree  
2 requiring a minimum of three years of full-time graduate education or the equivalent  
3 in part-time study. Such a doctoral program shall include substantial instruction in  
4 both theory and research at an advanced level in a designated field and specialty, and  
5 may only be awarded to a student who has completed a program of study that includes  
6 research methodology and demonstrated learning achievement through original  
7 research directly attributable to the student. Each educational program leading to a  
8 Doctor of Philosophy degree shall involve preparation for scholarship and systematic  
9 inquiry.

6 (2)(A) Each Doctor of Philosophy program shall include a minimum of two  
7 formal evaluations of the student by a doctoral committee. The doctoral committee  
8 shall be composed of at least three members of the institution's own faculty who meet  
9 the qualifications in subdivision (c)(3).

9 (B) The first evaluation shall consider the student's qualifications, including the  
10 student's knowledge, skills, and conceptual framework, for undertaking rigorous  
11 inquiry into the student's designated field.

10 (C) The second evaluation shall consider the design procedures and products of  
11 a formal original inquiry proposed and completed by the student.

12 (3) The faculty members who serve on each student's doctoral examining  
13 committee shall meet the following qualifications:

14 (A) Each member shall have earned a Doctoral degree from: an institution that  
15 is approved by the Bureau or previously approved by a predecessor agency of the  
16 Bureau; or an accredited institution in the United States or Canada; or other state  
17 approved institution that documents that the institution at which the faculty member  
18 earned his or her degree is equivalent to an institution that is approved by the Bureau;  
19 or an institution outside the United States or Canada and in addition provides a  
20 comprehensive evaluation of the degree performed by a foreign credential evaluation  
21 service that is a member of the National Association of Credential Evaluation  
22 Services (NACES).

18 (B) The chair and the majority of the committee shall have earned degrees  
19 related to the student's field of investigation.

20 (C) A minimum of 50% of the faculty on the committee shall have degrees  
21 conferred by an institution accredited by an accrediting association recognized by the  
22 United States Department of Education or the American Bar Association, unless the  
23 accreditation does not exist.

22 (D) All of the faculty shall have three or more years of field or research  
23 experience related to their degrees obtained after they obtained their degrees.

24 (E) All of the faculty shall have been active in their field of scholarship or  
25 profession during the five year period preceding their participation on the committee.

26 (4) The formal evaluation procedures shall provide the committee as a whole  
27 with the opportunity to jointly examine the candidate.

27 (5) If the candidate is not physically present and the evaluation must take place  
28 by telephone or other means of electronic communication, one of the following shall  
apply:

1 (A) One faculty member on the student's doctoral committee from the main  
2 location (i.e., the state in which the program is licensed or otherwise officially  
3 approved) must be present at the location where the doctoral student is examined.

4 (B) A proctor, selected and approved by the doctoral committee, shall sit as an  
5 observer with the student at the distant location and verify, under penalty of perjury  
6 under the laws of the State of California, the identity of the student and the facts that  
7 the student received no prompting by anyone and did not have access to unallowed  
8 materials during the evaluation process.

9 (6) If a project includes more than one student, the individual student's role and  
10 contributions shall be clearly identified and documented.

11 (7) The institution shall maintain a written record of the evaluations. This  
12 record shall include the names and signatures of all committee members who  
13 participated in the evaluations.

14 **FIRST CAUSE FOR DENIAL OF APPLICATION**

15 (Instruction)

16 (Educ. Code § 94887; and Cal. Code of Regs., title 5, §§  
17 71710, subd. (a) and 71715, subd. (b))

18 18. Respondent's application is subject to denial because it fails to demonstrate that the  
19 instruction it proposes to offer meets minimum operating standards. (Educ. Code § 94887; and  
20 Cal. Code of Regs., title 5, §§ 71710, subd. (a) and 71715, subd. (b)). In particular:

21 a. Respondent's curriculum and syllabi for the Oriental Medicine program requires  
22 clinical practice in acupuncture techniques, but Respondent does not provide such instruction. As  
23 a result, Respondent is unable to ensure that the learning objectives of its Oriental Medicine  
24 program can be met by students. (Cal. Code of Regs., title 5, §§ 71710, subd. (a) and 71715,  
25 subd. (b)).

26 b. In its syllabi, Respondent identifies courses as applying towards its Business  
27 Administration degrees but those courses actually relate to the Oriental Medicine program. As  
28 such, Respondent has not adequately developed its Business Administration program. (Cal. Code  
of Regs., title 5, §§ 71710, subd. (a) and 71715, subd. (b)).

**SECOND CAUSE FOR DENIAL OF APPLICATION**

(Educational Program)

(Educ. Code §§ 94887 and 94841, and  
Cal. Code of Regs., title 5, § 71710, subd. (c))

19. Respondent's application is subject to denial because its syllabi or course outlines for  
each course or module lack: (a) a statement of educational objectives, (b) length of the



1 educational program, (c) sequence and frequency of lessons or class sessions, (d) complete  
2 citations of textbooks and other required written materials (the textbooks are also outdated), (e)  
3 sequential and detailed outlines of subject matter to be addressed or a list of skills to be learned  
4 and how those skills are to be measured, (f) instructional mode or methods, and (g) specific  
5 learning outcomes tied to the sequence of the presentation of the material to measure the students'  
6 learning of the materials. (Educ. Code §§ 94887 and 94841, and Cal. Code of Regs., title 5,  
7 § 71710, subd. (c)).

8 **THIRD CAUSE FOR DENIAL OF APPLICATION**

9 (Faculty)

10 (Educ. Code §§ 94887 and 94841, and  
11 Cal. Code of Regs., title 5, §§ 71720)

12 20. Respondent's application is subject to denial because Respondent has failed to  
13 demonstrate that all of its instructors possess the requisite academic, experiential and professional  
14 qualifications in that: (a) there are no instructors who possess the qualifications necessary to teach  
15 Business Administration at the graduate level or to serve on the students' doctoral committees;  
16 and (b) faculty are serving on the Doctor of Philosophy in Traditional Oriental Medicine doctoral  
17 committee but do not possess a doctorate in that subject matter. (Educ. Code §§ 94887 and  
18 94841, and Cal. Code of Regs., title 5, § 71720).

19 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

20 (Minimal Educational Requirements-Business Administration)

21 (Educ. Code § 94887, and

22 Cal. Code of Regs., title 5, § 71850, subd. (a))

23 21. Respondent's application is subject to denial because Respondent is unable to show  
24 that its students will achieve the sequential learning equivalent in general education and  
25 achievement in business administration to that acquired in four years of study beyond high school,  
26 as measured by a minimum of 120 semester credits or its equivalent. (Educ. Code §§ 94887 and  
27 94841, and Cal. Code of Regs., title 5, § 71850, subd. (a)).  
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**FIFTH CAUSE FOR DENIAL OF APPLICATION**  
**(Minimal Educational Requirements)**

**(Educ. Code § 94887, and Cal. Code of Regs., title 5, §§ 71865, subds. (a) and (c) and 71715, subd. (b))**


22. Respondent's application is subject to denial because Respondent is unable to show that its students will acquire: (a) the achievement of learning in Business Administration that is equivalent in depth to that normally acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the Bachelor's degree for the attainment of a Master's degree in Business Administration; (b) a minimum of three years of full-time graduate education or the equivalent in part time study for the Doctor of Philosophy degree in Business Administration, including substantial instruction in both theory and research at an advanced level; and (c) clinical components and instruction for courses that require such components, including courses on malpractice insurance. (Educ. Code §§ 94887 and 94841, and Cal. Code of Regs., title 5, §§ 71715, subd. (b) and 71865, subds. (a) and (c)).

**PRAYER**

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

1. Denying Respondent's Application for Approval to Operate an Institution Non-Accredited; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 2/23/18

  
 DR. MICHAEL MARION, JR.  
 Bureau Chief  
 Bureau for Private Postsecondary Education  
 Department of Consumer Affairs  
 State of California  
 Complainant

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