Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov

INFORMAL CITATION REVIEW CONFERENCE DECISION CITATION AFFIRMED

January 17, 2013

Jay Askari, President/Owner
Newport International University
6700 Fallbrook Avenue, Suite 260
West Hills, CA 91307

Date of Issuance	Citation Number	Institution Code
1/17/2013	1213008	Unapproved

On December 21, 2012, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement (Citation) #1213008 against Jay Askari, President and Owner, of Newport International University. In attendance were Joanne Wenzel, Deputy Bureau Chief; Kurt Heppler, DCA Legal Counsel; and Jay Askari, Respondent.

Pursuant to Business and Professions Code, Section 148; California Education Code, Section 94944; and California Code of Regulations, Section 75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation #1213008.

It is the decision of the Deputy Bureau Chief that Citation #1213008, issued on December 16, 2012, is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION

California Education Code § 94886 – Approval to Operate Required

The institution did not obtain an approval to operate a private postsecondary educational institution from the Bureau. This law prohibits a person from opening, conducting, or engaging in a business as a private postsecondary education institution in this State without obtaining an approval to operate from the Bureau.

You are hereby notified that you are in violation of Section 94886 of the California Education Code and cause for issuance of a citation and assessment of an administrative fine exists.

ORDER OF ABATEMENT

The Bureau orders that you cease operating as a private postsecondary educational institution at any and all Newport International University locations. You must submit within 30 days from the date of this Affirmed Citation evidence of compliance and a declaration, under penalty of perjury, that the violation has been complied with. This means you must stop enrolling students, and cease all instructional services, advertising (including Web sites), programs, and/or operations. You must also refund all monies (tuition and fees) to all students that were enrolled at Newport International University after January 1, 2010.

You must also provide a complete list of all students who have been enrolled after January 1, 2010 until present. The list shall include the names of the students, contact information, amount of tuition they paid, amount you refunded, and evidence that you refunded each student.

PENALTY – ASSESSMENT OF A FINE

In accordance with Cal. Ed. Code section 94944; and California Code of Regulations section 75020(b), the Bureau hereby orders the issuance of an Affirmed Citation order and the assessment of a fine in the amount of **$50,000.00** for operating an institution without proper approval to operate issued by the Bureau.

Please complete the Payment of Fine form. Payment of the administrative fine must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Janel Quayle, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

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 order was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This Affirmed Citation is effective on **January 17, 2013.** The order of abatement and payment are due by **February 16, 2013**.

Failure to abate the violation or to pay the administrative fine 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 Janel Quayle, Enforcement Analyst, at (916) 431-6940 or at Janel.Quayle@dca.ca.gov.

JOANNE WENZEL
DEPUTY BUREAU CHIEF

1/17/13
Date

Enclosures

- Payment of Fine
- Copy of Citation #1213008
- Declaration of Service by Certified and First Class Mail