



**Bureau for Private Postsecondary Education**  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
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**NOTICE TO COMPLY - CA-14960906-0615 (Ed. Code § 94935, 5 CCR § 75010)**

Institution Name:	American Sports University	Institution Telephone:	909-889-5555
Institution Code:	14960906	Administrator Name:	Dr. Harry Hwang
Street Address:	399 North D Street San Bernardino 92401	Date of Inspection:	June 10, 2015

**Nature and Facts of the Violation(s):**

Education Code	Subsection and Description
§94900.5 - Required Institutional Records.	<p>An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information:</p> <p>(b) The names and addresses of the members of the institution's faculty and records of the educational qualifications of each member of the faculty.</p> <p><b>Faculty files are not maintained as required. Files did not contain copies of transcripts or diplomas to determine level of degree(s) earned and qualifications to teach courses assigned.</b></p>
§94902 - General Enrollment Requirements.	<p>(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.</p> <p><b>School Performance Fact Sheets are not maintained in student files.</b></p>
§94909 - Minimum Requirements for School Catalog.	<p>(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:</p> <p>(7) Information regarding the faculty and their qualifications.</p> <p><b>Faculty listed in the catalog are no longer employed by the school.</b></p>

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Inspector's Initial: *DM*

Administrator's Initial: *EH*

<p>§94909 – Minimum Requirements for School Catalog.</p>	<p>(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:</p> <p>(16) A statement specifying whether the institution, or any of its degree programs, are accredited by an accrediting agency recognized by the United States Department of Education. If the institution is unaccredited and offers an associate, baccalaureate, master’s, or doctoral degree, or is accredited and offers an unaccredited program for an associate, baccalaureate, master’s, or doctoral degree, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:</p> <p>(A) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states.</p> <p>(B) A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.</p> <p>(C) That a student enrolled in an unaccredited institution is not eligible for federal financial aid programs.</p> <p><b>Catalog is lacking the required disclosures for an unaccredited institution granting a degree program. The current notice to prospective students (CCR §71775) should not be used until an accreditation plan has been received and approved by the bureau.</b></p>
<p>§94913 – Institutional Web Site Requirements.</p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(1) The school catalog.</p> <p>(2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p>(3) Student brochures offered by the institution.</p> <p>(4) A link to the bureau’s Internet Web site.</p> <p>(5) The institution’s most recent annual report submitted to the bureau.</p> <p>(b) An institution shall include information concerning where students may access the bureau’s Internet Web site anywhere the institution identifies itself as being approved by the bureau.</p>

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Inspector’s Initial: 

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	<b>Missing a link to the most recent annual report, School Performance Fact Sheets, and BPPE website.</b>
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Code of Regulations	Subsection and Description
§71810 - Catalog	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:            (9) A description of the facilities and of the types of equipment and materials that will be used for instruction;</p> <p><b>Facilities described in the catalog are not consistent with the facilities observed during the site visit: no computers in computer lab (not operational) and library is not fully functioning and does not contain books relevant to programs offered and level of education. Additionally, classrooms did not contain listed equipment used for instruction, such as no projectors, computers, or TV/DVDs.</b></p>
§71720 -Faculty.	<p>(a) An Educational Program Leading to a Degree.            (4) The faculty shall have sufficient expertise to support the institution's awarding of a degree identifying a specialty or major field of emphasis, demonstrated by, at a minimum:            (A) That the person possesses one of the following:            1. a degree from: an institution approved by the Bureau or previously approved by a predecessor agency of the Bureau; or an accredited institution in the United States or Canada; or other state approved institution that documents that the institution at which the faculty member earned his or her degree is equivalent to an institution that is approved by the Bureau; or an institution outside the United States or Canada and in addition provides a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services(NACES).            2. a credential generally recognized in the field of instruction.            (B) The degree, professional license, or credential possessed by the person shall be at least equivalent to the level of instruction being taught or evaluated;</p> <p><b>Faculty files do not contain copies of the degree(s)/transcript required to teach the courses/programs assigned.</b></p>
§71730 - Administration.	<p>(e) The chief academic officer shall possess a degree or equivalent acceptable experience at least equal to the highest</p>

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	<p>qualifications required of the institution's faculty. Chief academic officers employed on the date of implementation of these regulations, who do not meet the qualifications for their positions, shall have three years to earn the necessary degrees or experience to qualify them for their position.</p> <p><b>Unable to validate qualifications of CAO; transcript in the faculty file does not indicate if a degree was granted.</b></p>
<p>§71740 – Library and Other Learning Resources.</p>	<p>(a) A degree granting institution shall make available for student use a library and other learning resources.</p> <p>(b) An institution shall provide or make provisions for the library and other learning resources needed to support each educational program it offers, including resources such as reference works, periodicals, monographs, and media and equipment specific to the educational programs offered.</p> <p><b>Library does not meet the minimum requirements to support each educational program offered.</b></p>
<p>§71800 – Enrollment Agreement.</p>	<p>In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:</p> <p>(e) Itemization of all institutional charges and fees including, as applicable:</p> <ul style="list-style-type: none"> <li>(1) tuition;</li> <li>(2) registration fee (non-refundable);</li> <li>(3) equipment;</li> <li>(4) lab supplies or kits;</li> <li>(5) Textbooks, or other learning media;</li> <li>(6) uniforms or other special protective clothing;</li> <li>(7) in-resident housing;</li> <li>(8) tutoring;</li> <li>(9) assessment fees for transfer of credits;</li> <li>(10) fees to transfer credits;</li> <li>(11) Student Tuition Recovery Fund fee (non-refundable);</li> <li>(12) any other institutional charge or fee.</li> </ul> <p>(f) Charges paid to an entity other than an institution that is specifically required for participation in the educational program.</p> <p><b>Enrollment agreement does not have all charges itemized as required.</b></p>

<p>§71920 – Student Records.</p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and</p> <p>(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;</p> <p>(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;</p> <p><b>Student files did not contained complete/signed enrollment agreements, including an itemization of institutional charges and program start dates. Files for those that withdrew/cancelled from a program did not contain documentation of funds received, date received, date of withdrawal, refund calculation, amount refunded and date refund was made.</b></p>
<p>§71920 – Student Records.</p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following: (A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;</p> <p>(B) Records documenting units of credit earned at other institutions that have been accepted and applied by the institution as transfer credits toward the student's completion of an educational program;</p> <p><b>Student files did not contain the necessary documentation, such as a copy of a high school diploma or ability-to-benefit test. Files also did not consistently have documentation of credits earned at other institutions and accepted by institution toward degree earned.</b></p>
<p>§74190 – Agents for Service of Process; Changes.</p>	<p>Each institution shall maintain the name, physical address, telephone number, and e-mail address for the agent for service of process in California as required by 94943.5 of the</p>

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Inspector's Initial: *slm*

Administrator's Initial: *W*

	<p>Code. The agent shall be at an address other than the address of the institution or any branch. The agent must confirm the information and acknowledge in writing that he or she is the designated agent for service of process. The institution shall inform the Bureau in writing of any change in the information for the agent for service of process, signed by the agent, within 7 days. Until the Bureau actually receives written notice of any change in the agent's name and/or address, service on the prior agent shall be valid. This information is considered public information.</p> <p><b>Agent of Service change must be acknowledged by the designee in writing. The General Information form returned reflects Isaac Jesse Ham as the Agent of Service; however, we will require written verification from Mr. Ham before the change can be processed.</b></p>
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Education Code can be located at: [http://www.bppe.ca.gov/lawsregs/ppe\\_act.shtml](http://www.bppe.ca.gov/lawsregs/ppe_act.shtml)  
Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

Inspector's Name	Shari Morales
Inspector's Signature	
Institution Administrator Name/Title:	Dr. Harry Hwang/Owner
Institution Administrator's Signature:	

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Inspector's Initial: *SM*  
Administrator's Initial: *HH*

RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT.

**IMPORTANT COMPLIANCE NOTICE**

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

**DECLARATION**

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

**THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY JULY 10, 2015**

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Inspector's Initial: *ABM*

Administrator's Initial: *W*