## **BEFORE THE DIRECTOR**

## **DEPARTMENT OF CONSUMER AFFAIRS**

## **BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**

## **STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

## **OIKOS UNIVERSITY,**

7901 Oakport Street, Suite 3000

Oakland, CA 94621

Approval to Operate an Accredited Institution Number 93159648

Respondent.

Case No. 1004881

OAH No. 2019100521

## DECISION

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby adopted by the Director of the Department of Consumer Affairs as the Decision in the above entitled matter.

The Decision shall become effective <u>"Mar 11 2020"</u>.

DATED: "February 7,2020"

"Original signature on File"

RYAN MARCROFT

Deputy Director, Legal Affairs

**Department of Consumer Affairs** 

1	XAVIER BECERRA Attorney General of California				
2 3	JOSHUA A. ROOM Supervising Deputy Attorney General				
3	CARTER OTT Deputy Attorney General State Bar No. 221660				
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6	Telephone: (415) 510-3485 Facsimile: (415) 703-5480				
7	E-mail: Carter.Ott@doj.ca.gov Attorneys for Complainant				
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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 Accusation Against:	Case No. 1004881			
13	OIKOS UNIVERSITY	OAH No. 2019100521			
14	7901 Oakport Street, Ste. 3000 Oakland, CA 94621	STIPULATED SETTLEMENT AND			
15	Approval to Operate Accredited Institution No. 93159648	DISCIPLINARY ORDER FOR PUBLIC REPROVAL			
16 17	Respondent.	[Bus. & Prof. Code § 495]			
18					
19	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-			
20	entitled proceedings that the following matters are	e true:			
21	PARTIES				
22	1. Dr. Michael Marion, Jr. (Complainant) is the Chief of the Bureau for Private				
23	Postsecondary Education (Bureau). He brought this action solely in his official capacity and is				
24	represented in this matter by Xavier Becerra, Attorney General of the State of California, by				
25	Carter Ott, Deputy Attorney General.				
26	2. Oikos University (Respondent) is represented in this proceeding by Haeyoung Lee,				
27	Law Office of Haeyoung Lee, 1270 Arnold Avenue, San Jose, CA 95110.				
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	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL In the Matter of the Accusation Against Oikos University (Case No. 1004881)				

1	JURISDICTION		
2	3. On or about May 13, 2011, the Bureau issued Respondent an Approval to Operate		
3	Non-Accredited Institution Number 93159648. Respondent's Approval to Operate Non-		
4	Accredited Institution expired on May 12, 2016 and was superseded by an Approval to Operate		
5	Accredited Institution Number 93159648, issued by the Bureau on or about December 22, 2016.		
6	The Approval to Operate Accredited Institution was in full force and effect at all times relevant to		
7	the charges brought in First Amended Accusation No. 1004881, and will expire on May 31, 2021,		
8	unless renewed.		
9	4. Accusation No. 1004881 was filed before the Director of the Department of		
10	Consumer Affairs (Director), for the Bureau for Private Postsecondary Education, and is currently		
11	pending against Respondent. The Accusation and all other statutorily required documents were		
12	properly served on Respondent on September 18, 2019. Respondent timely filed its Notice of		
13	Defense contesting the Accusation. The Director filed and served a First Amended Accusation		
14	No 1004881 on or about December 12, 2019. A copy of the First Amended Accusation No.		
15	1004881 is attached as Exhibit A and incorporated herein by reference.		
16	ADVISEMENT AND WAIVERS		
17	5. Respondent has carefully read, fully discussed with counsel, and understands the		
18	charges and allegations in First Amended Accusation No. 1004881. Respondent has also		
19	carefully read, fully discussed with counsel, and understands the effects of this Stipulated		
20	Settlement and Disciplinary Order for Public Reproval.		
21	6. Respondent is fully aware of its legal rights in this matter, including the right to a		
22	hearing on the charges and allegations in the First Amended Accusation; the right to be		
23	represented by counsel at its own expense; the right to confront and cross-examine the witnesses		
24	against them; the right to present evidence and to testify on its own behalf; the right to the		
25	issuance of subpoenas to compel the attendance of witnesses and the production of documents;		
26	the right to reconsideration and court review of an adverse decision; and all other rights accorded		
27	by the California Administrative Procedure Act and other applicable laws.		
28	2		

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL In the Matter of the Accusation Against Oikos University (Case No. 1004881)

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and 1 2 every right set forth above. **CULPABILITY** 3 8. Respondent admits the truth of each and every charge and allegation in the First 4 Amended Accusation No. 1004881. 5 9. Respondent agrees that its Approval to Operate Accredited Institution is subject to 6 discipline and agrees to be bound by the Disciplinary Order below. 7 **CONTINGENCY** 8 10. This stipulation shall be subject to approval by the Director of the Department of 9 Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for 10 Complainant and the staff of the Bureau for Private Postsecondary Education may communicate 11 directly with the Director and staff of the Department of Consumer Affairs regarding this 12 stipulation and settlement, without notice to or participation by Respondent or its counsel. By 13 14 signing the stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon 15 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated 16 Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for 17 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director 18 19 shall not be disqualified from further action by having considered this matter. 11. The parties understand and agree that Portable Document Format (PDF) and facsimile 20 21 copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and 22 effect as the originals. 23 24 12. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment 25 of their agreement. It supersedes any and all prior or contemporaneous agreements, 26 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated 27 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, 28 3

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL In the Matter of the Accusation Against Oikos University (Case No. 1004881) supplemented, or otherwise changed except by a writing executed by an authorized representative
 of each of the parties.

3 13. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Director may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6

# **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Approval to Operate Accredited Institution No. 93159648,
8 issued to Respondent, Oikos University, shall be publicly reproved by the Bureau for Private
9 Postsecondary Education ("Bureau") under Business and Professions Code section 495 in
10 resolution of First Amended Accusation No. 1004881, attached as Exhibit A.

11Reimbursement. On or before January 25, 2020, Respondent shall pay \$86,618.55 to the12Bureau to reimburse the Student Tuition Recovery Fund. Failure to timely pay this amount to the13Bureau shall be considered unprofessional conduct and shall subject Respondent's Approval to14Operate Accredited Institution to further disciplinary action. In addition, if Respondent fails to15timely pay the Bureau this reimbursement amount, Respondent shall not be allowed to renew its16Approval to Operate Accredited Institution until Respondent provides payment in full.

Student Roster. On or before January 25, 2020, Respondent shall provide the Bureau with 17 a roster of all students enrolled 120 days prior to the discontinuation of Respondent's Associate of 18 19 Science in Nursing (LVN) program. The roster must include the name of the student, their contact information (including phone number, email address, and physical address), the date of 2021 enrollment, the amount paid for the program, and the amount the student was refunded. Failure to timely provide to the Bureau the roster shall be considered unprofessional conduct and shall 22 subject Respondent's Approval to Operate Accredited Institution to further disciplinary action. In 23 24 addition, if Respondent fails to provide the roster timely, Respondent shall not be allowed to renew its Approval to Operate Accredited Institution until Respondent provides the roster. 25

Cost Recovery. Respondent shall pay \$10,805.00 to the Bureau for its costs associated
with the investigation and enforcement of this matter within 30 days of the effective date of this
Order. Respondent shall be permitted to pay these costs in a payment plan approved by the

1	Bureau. If Respondent fails to pay the Bureau costs as ordered, Respondent shall not be allowed		
2	to renew its Approval to Operate Accredited Institution until Respondent pays costs in full.		
3	ACCEPTANCE		
4	I have carefully read the above Stipulated Settlement and Disciplinary Order for Public		
5	Reproval and have fully discussed it with my attorney, Haeyoung Lee. I understand the		
6	stipulation and the effect it will have on my Approval to Operate Accredited Institution. I enter		
7	into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily,		
8	knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of		
9	the Department of Consumer Affairs.		
10			
11	DATED: <u>"12/23/2019"</u> "Original signature on file"		
12	Jongin Kim, Chief Executive Officer OIKOS UNIVERSITY		
13	Respondent		
14			
15	I have read and fully discussed with Respondent, Oikos University, the terms and		
16	conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order		
17	for Public Reproval. I approve its form and content.		
18			
19	DATED: <u>"12/23/2019"</u> "Original signature on file" Haeyoung Lee		
20	Attorney for Respondent		
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	5 STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL		
	In the Matter of the Accusation Against Oikos University (Case No. 1004881)		

1	1 <u>ENDORSEMENT</u>	<b>ENDORSEMENT</b>		
2	2 The foregoing Stipulated Settlement and Disciplinary Order for P	The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby		
3	3 respectfully submitted for consideration by the Director of the Departm	respectfully submitted for consideration by the Director of the Department of Consumer Affairs.		
4		nittad		
5	5 DATED: <u>"1/6/2020"</u> Respectfully subm XAVIER BECERRA			
6	6 Attorney General JOSHUA A. ROOM	of California		
7		ity Attorney General		
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