

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CARTER OTT
Deputy Attorney General
4 State Bar No. 221660
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2219
Facsimile: (510) 622-2270
7 E-mail: Carter.Ott@doj.ca.gov
Attorneys for Complainant

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:

Case No. 999947

13
14 **MICRO-EASY VOCATIONAL**
INSTITUTE; KOLA ONAFOWODE,
OWNER

STATEMENT OF ISSUES

15
16 **Institution Code No. 0703041**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
22 Consumer Affairs.

23 2. On or about January 11, 2012, the Bureau for Private Postsecondary Education
24 (Bureau) received an Application for Renewal of Approval to Operate an Institution Non-
25 Accredited from Micro-Easy Vocational Institute, Kola Onafowode, Owner (Respondent).

26 3. On or about August 20, 2013 and October 18, 2013, the Bureau issued to Respondent
27 letters explaining the deficiencies in its application. On or about August 4, 2014, the Bureau
28 received a response from Respondent.

1 “(1) The institution or its educational programs are endorsed or recommended by the
2 state or by the bureau.

3 “(2) The approval to operate indicates that the institution exceeds minimum state
4 standards as set forth in this chapter.

5 “...”

6 9. Code section 94899.5 states:

7 “(a) Institutions that offer short-term programs designed to be completed in one term or
8 four months, whichever is less, may require payment of all tuition and fees on the first day of
9 instruction.

10 “(b) For those programs designed to be four months or longer, an institution shall not
11 require more than one term or four months of advance payment of tuition at a time. When 50
12 percent of the program has been offered, the institution may require full payment.

13 “(c) The limitations in this section shall not apply to any funds received by an institution
14 through federal and state student financial aid grant and loan programs, or through any other
15 federal or state programs.

16 “(d) An institution that provides private institutional loan funding to a student shall ensure
17 that the student is not obligated for indebtedness that exceeds the total charges for the current
18 period of attendance.

19 “(e) At the student's option, an institution may accept payment in full for tuition and fees,
20 including any funds received through institutional loans, after the student has been accepted and
21 enrolled and the date of the first class session is disclosed on the enrollment agreement.”

22 10. Code section 94900 states in part:

23 “... ”

24 “(b) An institution shall maintain, for each student granted a degree or certificate by that
25 institution, permanent records of all of the following:

26 “(1) The degree or certificate granted and the date on which that degree or certificate
27 was granted.

28 “(2) The courses and units on which the certificate or degree was based.

1 “(3) The grades earned by the student in each of those courses.”

2 11. Code section 94900.5 states in part:

3 “An institution shall maintain, for a period of not less than five years, at its principal place
4 of business in this state, complete and accurate records of all of the following information:

5 “(a) The educational programs offered by the institution and the curriculum for each.
6 ”

7 12. Code section 94908 states:

8 “Any information or statement required by this article to be included in the catalog, School
9 Performance Fact Sheet, or enrollment agreement shall be printed in at least the same size font as
10 the majority of the text in that document.”

11 13. Code section 94909 states in part:

12 “(a) Prior to enrollment, an institution shall provide a prospective student, either in writing
13 or electronically, with a school catalog containing, at a minimum, all of the following:

14 “... ”

15 (5) A description of the programs offered and a description of the instruction
16 provided in each of the courses offered by the institution, the requirements for completion of each
17 program, including required courses, any final tests or examinations, any required internships or
18 externships, and the total number of credit hours, clock hours, or other increments required for
19 completion.

20 (6) If the educational program is designed to lead to positions in a profession,
21 occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list
22 of the requirements for eligibility for licensure.

23 (7) Information regarding the faculty and their qualifications.

24 (8) A detailed description of institutional policies in the following areas:

25 (A) Admissions policies, including the institution's policies regarding the
26 acceptance of credits earned at other institutions or through challenge examinations and
27 achievement tests, admissions requirements for ability-to-benefit students, and a list describing
28 any transfer or articulation agreements between the institution and any other college or university

1 that provides for the transfer of credits earned in the program of instruction. If the institution has
2 not entered into an articulation or transfer agreement with any other college or university, the
3 institution shall disclose that fact.

4 (B) Cancellation, withdrawal, and refund policies, including an explanation that
5 the student has the right to cancel the enrollment agreement and obtain a refund of charges paid
6 through attendance at the first class session, or the seventh day after enrollment, whichever is
7 later. The text shall also include a description of the procedures that a student is required to
8 follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund
9 consistent with the requirements of Article 13 (commencing with Section 94919).

10 "...

11 "(9) The schedule of total charges for a period of attendance and an estimated
12 schedule of total charges for the entire educational program.

13 "(10) A statement reporting whether the institution participates in federal and state
14 financial aid programs, and if so, all consumer information that is required to be disclosed to the
15 student pursuant to the applicable federal and state financial aid programs.

16 "...

17 "(15) The following statement:

18 "NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND
19 CREDENTIALS EARNED AT OUR INSTITUTION

20 "The transferability of credits you earn at (name of institution) is at the complete
21 discretion of an institution to which you may seek to transfer. Acceptance of the (degree,
22 diploma, or certificate) you earn in (name of educational program) is also at the complete
23 discretion of the institution to which you may seek to transfer. If the (credits or degree, diploma,
24 or certificate) that you earn at this institution are not accepted at the institution to which you seek
25 to transfer, you may be required to repeat some or all of your coursework at that institution. For
26 this reason you should make certain that your attendance at this institution will meet your
27 educational goals. This may include contacting an institution to which you may seek to transfer

28 ////

1 after attending (name of institution) to determine if your (credits or degree, diploma or certificate)
2 will transfer.”

3”

4 14. Code section 94911 states in part:

5 “An enrollment agreement shall include, at a minimum, all of the following:

6 “... .”

7 (e)(1) A disclosure with a clear and conspicuous caption, “STUDENT'S RIGHT TO
8 CANCEL,” under which it is explained that the student has the right to cancel the enrollment
9 agreement and obtain a refund of charges paid through attendance at the first class session, or the
10 seventh day after enrollment, whichever is later.

11 “... .”

12 “(h) The transferability disclosure that is required to be included in the school catalog, as
13 specified in paragraph (15) of subdivision (a) of Section 94909.

14”

15 15. Code section 94913 states in part:

16 “(a) An institution that maintains an Internet Web site shall provide on that Internet Web
17 site all of the following:

18 “(1) The school catalog.

19 “(2) A School Performance Fact Sheet for each educational program offered by the
20 institution.

21 “(3) Student brochures offered by the institution.

22 “(4) A link to the bureau's Internet Web site.

23 “(5) The institution's most recent annual report submitted to the bureau.

24”

25 **REGULATORY PROVISIONS**

26 16. California Code of Regulations, title 5, section 70000, subdivision (q)(1) states:

27 “(q) ‘Mission’ means an institution’s stated educational reasons to exist. A mission
28 statement contains all of the following characteristics:

1 “(1) The mission includes the institution's broad expectations concerning the education that
2 students will receive, including the acquisition of the body of knowledge presented in the
3 educational program, the development of intellectual, analytical, and critical abilities, and the
4 fostering of values such as a commitment to pursue lifelong learning; and

5 ”

6 17. California Code of Regulations, title 5, section 71475 states in part:

7 “...
8

9 (c) The application for renewal of approval to operate and offer educational programs for
10 non-accredited institutions shall include all of the following:

11 “...
12

13 (6) The form of business organization of the institution (e.g., sole proprietorship,
14 general or limited partnership, for-profit corporation, nonprofit corporation, or Limited Liability
15 Corporation). If the institution is incorporated, the institution shall also identify the state within
16 which the institution is incorporated and the date of incorporation, and provide copies of the
17 articles of incorporation and bylaws.

18 (7) The name, title, address, email address, telephone number, nature of interest and
19 percentage of ownership of each person, as defined in section 94855 of the Code, who owns or
20 controls 25% or more of the stock or an interest in the institution and, to the extent applicable,
21 each general partner, officer, corporate director, member of the board of directors, and any other
22 person who exercises substantial control over the institution's management or policies. For the
23 purpose of this paragraph, a person exercises “substantial control over the institution's
24 management or policies” if the person has the authority to cause the institution to expend money
25 or incur debt in the amount of five thousand dollars (\$5,000) or more in any year.

26 “...
27

28 “(kk) An incomplete application filed under this section will render the institution ineligible
for renewal.”

/////
29

/////
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18. California Code of Regulations, title 5, section 71485 states:

“Failure of an institution to have made current payments of the assessments to the Student Tuition Recovery Fund as required by chapter 7 of this Division, and annual fees as required by chapter 5 of this Division shall render the institution ineligible for renewal.”

19. California Code of Regulations, title 5, section 71700 states:

“The Bureau may request that an institution document compliance with the standards set forth in the Act and this Division to obtain and maintain an approval to operate.”

20. California Code of Regulations, title 5, section 71750 states in part:

“... ”

(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:

“... ”

“(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.

...”

21. California Code of Regulations, title 5, section 71770 states in part:

“... ”

“(b) The institution shall specify the maximum credit it will transfer from another institution for each educational program, and the basis upon which the transferred credit will be awarded.

1 “(1) Except as limited by subdivision (c) of this section, a maximum of 75 percent of
2 the units or credit that may be applied toward the award of a bachelor's degree may be derived
3 from a combination of any or both of the following:

4 “(A) Units earned at institutions approved by the Bureau, public or private
5 institutions of higher learning accredited by an accrediting association recognized by the U. S.
6 Department of Education, or any institution of higher learning, including foreign institutions, if
7 the institution offering the undergraduate program documents that the institution of higher
8 learning at which the units were earned offers degree programs equivalent to degree programs
9 approved by the Bureau or accredited by an accrediting association recognized by the U.S.
10 Department of Education;

11 “(B) Challenge examinations and standardized tests such as the College Level
12 Placement Tests (CLEP) for specific academic disciplines.

13 “(2) No more than 20% of graduate semester units or the equivalent in other units
14 awarded by another institution may be transferred for credit toward a Master's degree. An
15 institution may accept transfer credits only from the institutions of higher learning described in
16 subsection (1)(A).

17 “(3) No more than 30 graduate semester credits or its equivalent awarded by another
18 institution may be credited toward a doctoral degree. This subdivision does not apply to graduate
19 programs that lead to a profession or an occupation requiring state licensure where the licensing
20 agency has a regulation permitting a different standard.

21 “...”

22 22. California Code of Regulations, title 5, section 71800 states in part:

23 “In addition to the requirements of section 94911 of the Code, an institution shall provide to
24 each student an enrollment agreement that contains at the least the following information:

25 “(a) The name and address of the institution and the addresses where instruction will be
26 provided.

27 “...
28 /////

1 “(e) Itemization of all institutional charges and fees including, as applicable:

2 “(1) tuition;

3 “(2) registration fee (non-refundable);

4 “(3) equipment;

5 “(4) lab supplies or kits;

6 “(5) Textbooks, or other learning media;

7 “(6) uniforms or other special protective clothing;

8 “(7) in-resident housing;

9 “(8) tutoring;

10 “(9) assessment fees for transfer of credits;

11 “(10) fees to transfer credits;

12 “(11) Student Tuition Recovery Fund fee (non-refundable);

13 “(12) any other institutional charge or fee.

14 “(f) Charges paid to an entity other than an institution that is specifically required for
15 participation in the educational program.”

16 23. California Code of Regulations, title 5, section 71810, subdivision (b) states in
17 part:

18 “(b) The catalog shall contain the information prescribed by Section 94909 of the Code and
19 all of the following:

20 “. . .

21 “(7) The institution's policies and procedures for the award of credit for prior
22 experiential learning, including assessment policies and procedures, provisions for appeal, and all
23 charges that a student may be required to pay;

24 “. . .

25 “(10) A description of library and other learning resources and the procedures for
26 student access to those resources;

27 “(13) Housing information including all of the following:

28 “. . .

1 “(B) The availability of housing located reasonably near the institution's
2 facilities and an estimation of the approximate cost or range of cost of the housing; and

3 “(C) If the institution has no responsibility to find or assist a student in finding
4 housing, a clear and conspicuous statement so indicating. A statement that the program is “non-
5 residential” does not satisfy this subparagraph.

6 ”

7 24. California Code of Regulations, title 5, section 71930, subdivision (b) states in
8 part:

9 “(b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of
10 the Code, the institution shall maintain for a period of 5 years the pertinent student records
11 described in Section 71920 from the student's date of completion or withdrawal.

12 ”

13 25. California Code of Regulations, title 5, section 74000, subdivision (d) states:

14 “(d) The Bureau shall deny a renewal of an approval to operate if the institution fails to
15 submit at the time it files its application for renewal of an approval to operate: all unpaid fees;
16 penalty fees; penalties; orders for reimbursement of costs and expenses; and assessments for, and
17 reimbursement of all payments made to students from, the Student Tuition Recovery Fund.”

18 26. California Code of Regulations, title 5, section 76120 states in part:

19 “(a) Each qualifying institution shall collect an assessment of fifty cents (\$.50) per one
20 thousand dollars (\$1,000) of institutional charges, rounded to the nearest thousand dollars, from
21 each student in an educational program who is a California resident or is enrolled in a residency
22 program. For institutional charges of one thousand dollars (\$1,000) or less, the assessment is fifty
23 cents (\$.50).

24 ”

25 27. California Code of Regulations, title 5, section 76215 states:

26 “(a) A qualifying institution shall include the following statement on both its enrollment
27 agreement for an educational program and its current schedule of student charges:

28

1 ‘You must pay the state-imposed assessment for the Student Tuition Recovery Fund
2 (STRF) if all of the following applies to you:

3 ‘1. You are a student in an educational program, who is a California resident, or are
4 enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed
5 student loans, or personal loans, and

6 ‘2. Your total charges are not paid by any third-party payer such as an employer,
7 government program or other payer unless you have a separate agreement to repay the third party.

8 ‘You are not eligible for protection from the STRF and you are not required to pay the
9 STRF assessment, if either of the following applies:

10 ‘1. You are not a California resident, or are not enrolled in a residency program, or

11 ‘2. Your total charges are paid by a third party, such as an employer, government program
12 or other payer, and you have no separate agreement to repay the third party.”

13 “(b) In addition to the statement described under subdivision (a) of this section, a qualifying
14 institution shall include the following statement on its current schedule of student charges:

15 ‘The State of California created the Student Tuition Recovery Fund (STRF) to relieve or
16 mitigate economic losses suffered by students in educational programs who are California
17 residents, or are enrolled in a residency programs attending certain schools regulated by the
18 Bureau for Private Postsecondary and Vocational Education.

19 ‘You may be eligible for STRF if you are a California resident or are enrolled in a
20 residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a
21 result of any of the following:

22 ‘1. The school closed before the course of instruction was completed.

23 ‘2. The school's failure to pay refunds or charges on behalf of a student to a third party for
24 license fees or any other purpose, or to provide equipment or materials for which a charge was
25 collected within 180 days before the closure of the school.

26 ‘3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed
27 student loan program as required by law or to pay or reimburse proceeds received by the school
28 prior to closure in excess of tuition and other costs.

1 a. Respondent failed to specify in the enrollment agreement the address(es) where
2 instruction will be provided. (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, § 71800,
3 subd. (a)).

4 b. Respondent failed to specify in the enrollment agreement an accurate listing of
5 institutional charges. (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, § 71800, subs. (e)
6 and (f)). In Respondent's enrollment agreement checklist the following are listed as not
7 applicable: equipment, lab supplies or kits, uniforms or other special protective clothing, in-
8 resident housing, tutoring, assessment fees for transfer of credits, fees to transfer credits, any
9 other institutional charge or fee, and charges paid to an entity other than an institution that is
10 specifically required for participation in the education program. In the enrollment agreement,
11 these items appear to need completion by an admissions officer. This indicates that a fee is
12 needed for each item.

13 c. Respondent failed to provide in the enrollment agreement a clear and
14 conspicuous caption reading, "STUDENT'S RIGHT TO CANCEL," under which it is explained
15 that the student has the right to cancel and obtain a refund of charges paid through attendance at
16 the first class session, or the seventh day after enrollment, whichever is later. (Educ. Code §§
17 94891, subd. (b), and 94911, subd. (e)(1)). Specifically, on the bottom of page 1 of Respondent's
18 enrollment agreement, the document states "Student's Right to Cancel." On the top of page 2, the
19 document contains information regarding cancellation. But the caption is not conspicuous, and
20 the information is not under the caption.

21 d. Respondent failed to provide in the enrollment agreement the name of the
22 educational program in the transferability disclosure. (Educ. Code §§ 94891, subd. (b); 94909,
23 subd. (a)(15); and 94911, subd. (h)).

24 e. Respondent failed to provide in the enrollment agreement specific required
25 verbatim language related to the Student Tuition Recovery Fund (STRF). (Educ. Code § 94891,
26 subd. (b); Cal. Code Regs., title 5, § 76215, subs. (a) and (b)).

27 f. Respondent failed to set text in the enrollment agreement in at least the same
28 size font as the majority of the text in that document. (Educ. Code §§ 94891, subd. (b), and

1 94908). Specifically, text on page 4 of the enrollment agreement, regarding late charges, is
2 significantly smaller than other text on that page. This text relates to an institutional charge or fee
3 listed in California Code of Regulations, title 5, section 71800(e)(12).

4 g. Respondent failed to provide in the enrollment agreement tuition policies that
5 comply with the law. (Educ. Code §§ 94891, subd. (b), and 94899.5). Specifically, in the last
6 page of the enrollment agreement, entitled "To Be Used Only If Student Has Been Placed On A
7 Payment Plan," it states "Should default be made in any payment when due, the whole sum of
8 principle and interest shall immediately become due and payable at the option of the holder of
9 this Note." The brochure, used as advertising for Respondent, states, "Become a Certified
10 Computer Professional in any of the courses below, in just 6 ½ months." If the program is longer
11 than four months, Respondent cannot require the full payment amount. The enrollment
12 agreement states that full payment will be required if partial payment is not received on time.
13 This would not be compliant if the student missed a payment in the first two months.

14 THIRD CAUSE FOR DENIAL OF APPLICATION
15 (Noncompliance with Minimum Operating Standards – Advertising and Other Public Statements)
16 (Educ. Code §§ 94891, subd. (b), and 94897, sub. (l))

17 30. Respondent has failed to adhere to the prohibited business practices when it used the
18 term "approved" without stating clearly and conspicuously that approval to operate means
19 compliance with state standards as set forth in this chapter. (Educ. Code §§ 94891, subd. (b), and
20 94897, sub. (l)). Respondent has therefore failed to provide evidence that it has the capacity to
21 meet the minimum operating standards. In particular, Respondent's advertising brochure states:
22 "Courses approved by BPPE," without any additional clarification. In two additional portions,
23 Respondent's advertising brochures state "PBBE (sic) approved School Code: 0703041," without
24 the required disclaimer.

24 ////

25 ////

26 ////

27 ////

28 ////

FOURTH CAUSE FOR DENIAL OF APPLICATION

(Noncompliance with Minimum Operating Standards – Catalog)
(Educ. Code §§ 94838; 94891, subd. (b); 94900, subd. (b); and
94909, subds. (a)(5), (a)(6), (a)(7), (a)(8)(A), (a)(8)(B), (a)(9), and (a)(10);
Cal. Code Regs., title 5, §§ 70000, subd. (q)(1); 71750, subd. (c)(3); 71770, subd. (b); 71810,
subds. (b)(7), (b)(10), (b)(13)(B), and (b)(13)(C); 71930, subd. (b)(1); and 76120, subd. (a))

31. Respondent’s application is subject to denial because it fails to include a student catalog as required by law. Respondent has therefore failed to provide evidence that it has the capacity to meet the minimum operating standards. In particular:

a. The catalog does not contain a mission statement that covers all required aspects of the definition. (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, § 70000, subd. (q)(1)). Specifically, the mission statement does not contain Respondent’s broad expectations concerning the education that students will receive, including the fostering of values such as a commitment to pursue lifelong learning.

b. The catalog fails to provide all consumer information that is required to be disclosed to the student pursuant to federal and state financial aid programs. (Educ. Code §§ 94891, subd. (b), and 94909, subd. (a)(10)). Specifically, the catalog states on page 1, “We provide computer training upon referral from Cal Works, Eastbay Works, Richmond Works, Veterans Administration, Vocational Rehabilitation and Work Investment Act (WIA) organizations, and other employment retraining agencies.” But the catalog fails to provide consumer information for the Cal Works, Eastbay Works, Richmond Works, Veterans Administration, and WIA programs. In addition, the catalog states on page 2: “Micro-Easy Vocation Institute is not approved to participate in the Federal or State Student Aid programs.”

c. The catalog fails to provide all of the required housing information. (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, § 71810, subd. (b)(13)(B)). Specifically, the catalog states, “Residential living in the areas served by Micro-Easy Vocational Institute may include room or apartment rental or private housing rental with costs varying \$550 upwards per month.” On page 16, it states, “The available cost of housing located near the facility is unknown.” This does not describe the availability of housing located reasonably near the institution’s facilities.

1 d. The catalog fails to provide all of the required housing information in the
2 required manner. (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, § 71810, subd.
3 (b)(13)(C)). Specifically, the catalog states, “Micro-Easy Vocational Institute has no
4 responsibility to find or assist a student in finding housing. Micro-Easy Vocational Institute does
5 not provide housing assistance services to the students.” A sentence later, the catalog states,
6 “Student Services will help students with general information on the availability and cost range of
7 community housing in the area around the campus.” On page 16, the catalog states, “Micro-Easy
8 Vocational Institute does not assist students in locating adequate housing near the campus.” It is
9 not clear what assistance, if any, Respondent will provide to students, and the statements are not
10 clear and conspicuous in nature.

11 e. The catalog fails to offer only approved programs. (Educ. Code §§ 94838 and
12 94891, subd. (b)). On page 5, the catalog states, “If you have graduated from a regionally
13 accredited high school, you will be eligible for admission to SECURITY DEFENSE.” Security
14 Defense is not an approved program for the institution. “Educational program approval” means
15 authorization by the Bureau, another government agency of this state, or a federal government
16 agency, to provide educational programs, and is an element of an approval to operate.

17 f. The catalog fails to offer clear policies and procedures for the award of credit
18 for prior experiential learning, including assessment policies and procedures, provisions for
19 appeal, and all charges that a student may be required to pay. (Educ. Code § 94891, subd. (b);
20 Cal. Code Regs., title 5, § 71810, subd. (b)(7)). On page 2, the catalog reads, “Micro-Easy
21 Vocational Institute does not recognize acquired life experience as a consideration for enrollment
22 or granting credit towards any programs.” On page 9, the catalog reads, “Micro-Easy Vocational
23 Institute does not award credit for experiential learning.” The Micro-Easy Vocation Institute
24 Operational Manual, on page 39, states, “It should be noted that Micro-Easy Vocational Institute
25 does not award credit for prior experiential learning and the Micro-Easy Vocational Institute does
26 not offer financial aid to students.” However, on page 6, the catalog states, “This institution will
27 conduct an evaluation of any previous education and training for all veterans and eligible persons,
28 grant appropriate credit, shorten the training period proportionately, and notify the VA and

1 student accordingly.” Provisions for appeal and charges that a student may be required to pay are
2 not mentioned.

3 g. The catalog fails to offer a notice and a list of the requirements for eligibility
4 for licensure, if the educational programs is designed to lead to positions in a profession,
5 occupation, trade, or career field requiring licensure in California. (Educ. Code §§ 94891, subd.
6 (b), and 94909, subd. (a)(6)). The catalog states, “For those programs that require certification,
7 licensure, or registration, the Admissions Representative will discuss with you the requirements
8 for your chosen field and give you a copy of the certification, licensing, or registration
9 requirements from the appropriate agency.” This list of requirements must be included in the
10 catalog.

11 h. The catalog fails to offer admission policies, including the policies regarding
12 acceptance of credits earned at other institutions or through challenge examinations and
13 achievement tests. (Educ. Code §§ 94891, subd. (b), and 94909, subd. (a)(8)(A), and Cal. Code
14 Regs., title 5, § 71770, subd. (b)). Specifically, on page 2, the catalog states, “Micro-Easy
15 Vocational Institute does not accept hours or credits through challenge examinations,
16 achievement test or experiential learning.” On page 6, the catalog states, “This institution will
17 conduct an evaluation of any previous education and training for all veterans and eligible persons,
18 grant appropriate credit, shorten the training period proportionately, and notify the VA and
19 student accordingly.” On page 7, the catalog states, “The Admissions Representative will explain
20 that units earned at NAME OF SCHOOL most likely will not be transferable to another
21 institution.” On page 9, the catalog states, “Micro-Easy Vocational Institute does not accept
22 credit from other schools or programs.” The Micro-Easy Vocation Institute Operational Manual,
23 on page 39, states “It should be noted that Micro-Easy Vocational Institute does not award credit
24 for prior experiential learning and the Micro-Easy Vocational Institute does not offer financial aid
25 to students.” This is not a clear policy.

26 i. The catalog fails to state the procedures for student access to library resources.
27 (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, § 71810, subd. (b)(10)). The catalog
28 does not provide information on how students may obtain the resources.

1 j. The catalog fails to state a consistent transcript retention policy that complies
2 with the law. (Educ. Code §§ 94891, subd. (b), and 94900, subd. (b); Cal. Code Regs., title 5, §
3 71930, subd. (b)(1)). Specifically, on page 12, the catalog states, “All transcripts of training will
4 be kept for a period of at least 50 years after completion or withdrawal of the student financial
5 payment documents will be kept for a period of at least 5 years after completion or withdrawal of
6 the student the institution reserves the right to issue transcripts for training for which the student
7 has paid tuition.” This statement of Respondent’s policy does not comply with Education Code
8 section 94900, subdivision (b), and Code of Regulations, title 5, section 71930, subdivision
9 (b)(1). The catalog, on page 18, also states, “In addition to permanently retaining a transcript as
10 required by section 94900(b) of the Code, the institution shall maintain for a period of 5 years the
11 pertinent student records described in Section 71920 from the student’s date of completion or
12 withdrawal.”

13 k. The catalog fails to state the correct amount of the Student Tuition Recovery
14 Fund (STRF) Fee on page 19 for the Web Master program. (Educ. Code §§ 94891, subd. (b), and
15 94909, subd. (a)(9); Cal. Code Regs., title 5, § 76120, subd. (a)). The total charges are \$7853.50,
16 but only \$3.50 of the STRF Fee is stated.

17 l. The catalog fails to provide a consistent refund policy. (Educ. Code §§ 94891,
18 subd. (b), and 94909, subd. (a)(8)(B); Cal. Code Regs., title 5, § 71750, subd. (c)(3)).
19 Specifically, on page 20, the catalog contains sequential directions on how to obtain a refund, but
20 it does not exclude the STRF Fee as required by law. However, in the example listed below those
21 directions, it excludes the registration fee and STRF Fee as well as the cost of books before
22 calculating the adjusted amount actually paid for instruction.

23 m. The catalog fails to provide the requirements for completion of each program.
24 (Educ. Code §§ 94891, subd. (b), and 94909, subd. (a)(5)).

25 n. The catalog fails to provide the correct number of clock hours for the courses.
26 (Educ. Code §§ 94891, subd. (b), and 94909, subd. (a)(5)). Specifically, the KY 101, Keyboard
27 class, on page 27 of the catalog, shows 2 lecture hours and 32 lab hours, which does not equal 32
28 clock hours. In DB 101, Access Essentials, on page 23, 2 lecture and 66 lab hours are listed. On

1 page 28, regarding the same class (DB 101, Access Essentials), 2 lecture and 84 lab hours are
2 listed. The catalog states that all courses are 520 clock hours, and Respondent submitted the
3 following statement: "Please note: All the programs we are now offering are the same length.
4 The institution has lengthened each approved program to 520 clock hours (26 hours). The reason
5 for the change in hours is to make the courses more comprehensive and to meet employers'
6 expectations." But the website references both 16 weeks and 20 weeks at 240 clock hours for the
7 A+ Certification program, 26 weeks at 416 clock hours for the Networking program, and 20
8 weeks at 390 clock hours for the Computer Applications program.

9 o. The catalog fails to provide the faculty members and their qualifications.
10 (Educ. Code §§ 94891, subd. (b), and 94909, subd. (a)(7)).

11 FIFTH CAUSE FOR DENIAL OF APPLICATION

12 (Noncompliance with Minimum Operating Standards – Recordkeeping)
13 (Educ. Code §§ 94891, subd. (b), and 94900.5, subd. (a))

14 32. Respondent's application is subject to denial because it fails to include a
15 recordkeeping policy which includes curriculum for each educational program. (Educ. Code §§
16 94891, subd. (b), and 94900.5, subd. (a)). Respondent has therefore failed to provide evidence
17 that it has the capacity to meet the minimum operating standards. In particular, in the Micro-Easy
18 Vocational Institute Operational Manual, the policy is to keep the courses of study offered by
19 Respondent, but it does not mention the curriculum.

20 SIXTH CAUSE FOR DENIAL OF APPLICATION

21 (Noncompliance with Minimum Operating Standards – Website)
22 (Educ. Code §§ 94891, subd. (b), and 94913, subd. (a))

23 33. Respondent's application is subject to denial because it fails to provide a website
24 containing the following information: (i) the school catalog, (ii) a School Performance Fact Sheet
25 for each educational program offered by Respondent, (iii) student brochures offered by
26 Respondent, (iv) a link to the Bureau's Internet website, and (v) Respondent's most recent annual
27 report submitted to the Bureau. (Educ. Code §§ 94891, subd. (b), and 94913, subd. (a)).
28 Respondent has therefore failed to provide evidence that it has the capacity to meet the minimum
operating standards.

1 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**
2 (Ineligibility / Noncompliance with Minimum Operating Standards –
3 Outstanding STRF Invoices)
4 (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5, §§ 71485 and 74000, subd. (d))


5 34. Respondent's application is subject to denial because Respondent failed to address
6 four outstanding STRF invoices. In particular, the following STRF invoices are delinquent: 2nd
7 quarter 2013, 4th quarter 2013, 1st quarter 2014, and 2nd quarter 2014. On this basis, Respondent
8 is ineligible to apply for renewal and has failed to provide evidence that it has the capacity to
9 meet the minimum operating standards. (Educ. Code § 94891, subd. (b); Cal. Code Regs., title 5,
10 §§ 71485 and 74000, subd. (d)).

11 **PRAYER**

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

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

18 DATED: 2/24/15

19 
20 JOANNE WENZEL
21 Chief
22 Bureau for Private Postsecondary Education
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

26 SF2014902806