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

Case No. 1006286

13 In the Matter of the Statement of Issues  
Against:

14 **PSYCHOANALYTIC CENTER OF**  
15 **CALIFORNIA,**  
16 **JENNIFER LANGHAM, PhD, OWNER**

17 Application for Verification of Exempt Status  
Applicant

18 **Institutional Code Number 1920161**

19 Respondent.

**STATEMENT OF ISSUES**

20  
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. On or about November 13, 2019, the Bureau for Private Postsecondary Education  
26 (Bureau) received an Application for Verification of Exempt Status from Psychoanalytic Center  
27 of California from owner Jennifer Langham, PhD. (Respondent). On or about November 11,  
28 2019, Jennifer Langham certified under penalty of perjury to the truthfulness of all statements,

1 answers, and representations in the application. The Bureau denied the application on June 3,  
2 2020.

3 **JURISDICTION**

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

8 **STATUTORY PROVISIONS**

9 4. Business and Professions Code of 22 defines the term “board” to include “bureau.”

10 5. Education Code section 94885<sup>1</sup> states:

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

13 (1) The content of each educational program can achieve its stated objective.

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

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

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

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

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

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

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

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

27  
28 <sup>1</sup> California Private Postsecondary Education Act of 2009, Ed. Code §§ 94800 et seq.

1 (b) Except as provided in Section 94885.1, an institution offering a degree must satisfy one  
2 of the following requirements:

3 (1) Accreditation by an accrediting agency recognized by the United States Department of  
4 Education, with the scope of that accreditation covering the offering of at least one-degree  
5 program by the institution.

6 (2) An accreditation plan, approved by the bureau, for the institution to become fully  
7 accredited within five years of the bureau's issuance of a provisional approval to operate to the  
8 institution. The provisional approval to operate to an unaccredited degree-offering institution  
9 shall be in compliance with Section 94885.5.

10 6. Education Code Section 94886 states:

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

15 7. Education Code Section 94887 states:

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

21 8. Education Code Section 94827 states:

22 “Continuing education” means instruction in subjects that licensees are required to take  
23 solely for the purpose of continued licensure, or to enhance their skills and knowledge within  
24 their particular profession, occupation, trade, or career field.

25 9. California Education Code provides section 94874 states in pertinent part:

26 Except as provided in Sections 94874.2, 94874.7, and 94927.5, the following are exempt  
27 from this chapter:

28 . . . .

1 (d) An institution offering either of the following:

2 ...

3 (2) Continuing education or license examination preparation, if the institution or the  
4 program is approved, certified, or sponsored by any of the following:

5 (A) A government agency, other than the bureau, that licenses persons in a particular  
6 profession, occupation, trade, or career field.

7 (B) A state-recognized professional licensing body, such as the State Bar of California, that  
8 licenses persons in a particular profession, occupation, trade, or career field.

9 (C) A bona fide trade, business, or professional organization.

10 ....

11 **REGULATORY PROVISIONS**

12 10. Title 5, California Code of Regulations (CCR), section 71700 states:

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

15 **CAUSE FOR DENIAL OF APPLICATION**

16 (Failure to Demonstrate Qualifications of Exempt Organization)

17 11. Respondent's application is subject to denial under Education Code section 94827 and  
18 94874 subdivision (d)(2) in that the Bureau is unable to verify that the institution meets the  
19 qualifications for an exempt organization. The circumstances are as follows;

20 12. The institution allows non-licensed individuals (i.e. academics) to enroll in the  
21 courses that have been designated as “continuing education.” These courses are identified as  
22 follows: Adult Psychoanalysis; Infant, Child and Adolescent Psychoanalysis; Research  
23 Psychoanalysis and Psychoanalytic Psychotherapy. In order to qualify as "continuing education,"  
24 the courses may be given only to licensed individuals.

25 **PRAYER**

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

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1. Denying the application of Psychoanalytic Center of California, Jennifer Langham, PhD. Owner, for an Application for Verification of Exempt Status; and

2. Taking such other and further action as deemed necessary and proper.

DATED: "12/8/2020"

"Original signature on file"  
DR. MICHAEL MARION, JR.  
Chief  
Bureau for Private Postsecondary  
Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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