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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 1001548

13 **CALIFORNIA HUMAN DEVELOPMENT**  
14 **CORPORATION**

**FIRST AMENDED STATEMENT OF**  
**ISSUES**

15 **School Code No. 4900431**

16 **Renewal of Approval to Operate an**  
**Institution Non-Accredited Applicant**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On the following dates, the Bureau issued an approval to operate the following  
25 educational programs to California Human Development Corporation (Respondent):

26 ///

27 ///

28 ///

| Approved Program Name                      | Approval Date |
|--|---------------|
| Assembly and Fabrication                   | 2/11/2000     |
| Building Construction                      | 2/11/2000     |
| Cashiering and Inventory Control Clerk     | 10/30/2006    |
| Forklift Operation and Safety              | 8/3/2004      |
| Introduction to Computers                  | 10/30/2006    |
| Mathematics Level I                        | 10/30/2006    |
| Mathematics Level II                       | 10/30/2006    |
| Office Occupations                         | 12/6/2011     |
| Payroll Assistant Clerk                    | 3/15/2007     |
| Security Officer                           | 11/22/2002    |
| Shipping and Receiving                     | 2/11/2000     |
| Spanish Adult Literacy                     | 3/7/2006      |
| Telecommunications Line Installer          | 11/22/2002    |
| Truck Driving                              | 2/11/2000     |
| Vocational English as a Second Language I  | 3/7/2006      |
| Vocational English as a Second Language II | 3/7/2006      |
| Welding                                    | 2/11/2000     |

3. Respondent's approval to operate expired on May 31, 2013, and has not been renewed.

4. On or about December 11, 2012, the Bureau received an Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions from Respondent. On various dates in November and December 2012, Respondent's board members certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Bureau denied the application on or about March 7, 2016.

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1 **JURISDICTION**

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

5 6. Section 118, subdivision (b) of the Business and Professions Code provides that the  
6 suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of  
7 jurisdiction to proceed with a disciplinary action during the period within which the license may  
8 be renewed, restored, reissued, or reinstated.

9 **STATUTORY PROVISIONS**

10 7. Section 94891, subdivision (b) of the Code states: "To be granted a renewal of an  
11 approval to operate, the institution shall demonstrate its continued capacity to meet the minimum  
12 operating standards."

13 8. Section 94910 of the Code provides, in pertinent part:

14 "Prior to enrollment, an institution shall provide a prospective student with a School  
15 Performance Fact Sheet containing, at a minimum, the following information, as it relates to the  
16 educational program:

17 "(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section  
18 94928).

19 "..."

20 9. Section 94913 of the Code provides, in pertinent part:

21 "(a) An institution that maintains an Internet Web site shall provide on that Internet Web  
22 site all of the following:

23 "(1) The school catalog.

24 "(2) A School Performance Fact Sheet for each educational program offered by the  
25 institution.

26 "(3) Student brochures offered by the institution.

27 "(4) A link to the bureau's Internet Web site.

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



1 annual gross revenues of \$500,000 and over, statements shall be audited; (2) for an institution  
2 with annual gross revenues less than \$500,000, statements shall be reviewed.

3 ...

4 “(w)(2) The institution shall submit current, audited financial statements at the time it  
5 applies for approval to operate. Each set of financial statements shall comply with Section 74115  
6 of this chapter.”

7 15. California Code of Regulations, title 5, section 71745 provides, in pertinent part:

8 “(a) The institution shall document that it has at all times sufficient assets and financial  
9 resources to do all of the following:

10 ...

11 “(5) Pay all operating expenses due within 30 days.

12 “(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the  
13 end of the most recent fiscal year when using generally accepted accounting principles, or for an  
14 institution participating in Title IV of the federal Higher Education Act of 1965, meet the  
15 composite score requirements of the U.S. Department of Education. For the purposes of this  
16 section, current assets does not include: intangible assets, including goodwill, going concern  
17 value, organization expense, startup costs, long-term prepayment of deferred charges, and non-  
18 returnable deposits, or state or federal grant or loan funds that are not the property of the  
19 institution but are held for future disbursement for the benefit of students. Unearned tuition shall  
20 be accounted for in accordance with general accepted accounting principles.

21 ...”

22 16. California Code of Regulations, title 5, section 74112 provides, in pertinent part:

23 “(m) Documentation supporting all data reported shall be maintained electronically by the  
24 institution for at least five years from the last time the data was included in either an Annual  
25 Report or a Performance Fact Sheet and shall be provided to the Bureau upon request; the data for  
26 each program shall include at a minimum:

27 ...

28

1 “(2) student name(s), address, phone number, email address, program completed, program  
2 start date, scheduled completion date, and actual completion date;

3 ...”

4 17. California Code of Regulations, title 5, section 74115 provides, in pertinent part:

5 “(a) This section applies to every set of financial statements required to be prepared or filed  
6 by the Act or by this chapter.

7 “(b) A set of financial statements shall contain, at a minimum, a balance sheet, an income  
8 statement, and a cash flow statement, and the preparation of financial statements, shall comply  
9 with all of the following:

10 ...

11 “(3) The financial statements shall establish that the institution meets the requirements for  
12 financial resources required by Section 71745.

13 ...”

14 18. California Code of Regulations, title 5, section 74117 states:

15 “In addition to the requirement in Section 94913(b) of the Code, an institution that  
16 maintains a website shall provide on the homepage of that website clear and conspicuous links to  
17 all the items required in Section 94913(a) of the Code.”

18 **FIRST CAUSE FOR DENIAL OF APPLICATION**

19 **(Failure to Maintain Sufficient Assets and Financial Resources to Pay Operating Expenses)**

20 19. Respondent’s application is subject to denial under California Code of Regulations,  
21 title 5, sections 71475, subdivisions (e) and (w)(2), 71745, subdivision (a)(5), and 74115,  
22 subdivision (b)(3), in that Respondent failed to document that it has sufficient assets and financial  
23 resources to pay all operating expenses due within 30 days.

24 **SECOND CAUSE FOR DENIAL OF APPLICATION**

25 **(Failure to Maintain Adequate Ratio of Current Assets to Current Liabilities)**

26 20. Respondent’s application is subject to denial under California Code of Regulations,  
27 title 5, sections 71475, subdivisions (e) and (w)(2), 71745, subdivision (a)(6), and 74115,  
28 subdivision (b)(3), in that the financial statements Respondent submitted with its renewal

1 application failed to show that Respondent has sufficient assets and financial resources to  
2 maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the  
3 most recent fiscal year.

4 **THIRD CAUSE FOR DENIAL OF APPLICATION**

5 **(Inadequate Website)**

6 21. Respondent's application is subject to denial under section 94913, subdivisions  
7 (a)(1)-(a)(5) of the Code and California Code of Regulations, title 5, section 74117, in that  
8 Respondent's website does not contain all of the items required under section 94913, subdivisions  
9 (a)(1)-(a)(5) of the Code, and/or does not contain clear and conspicuous links to all of those items  
10 on the website's homepage.

11 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

12 **(Inconsistent Reporting of Information on School Performance Fact Sheets and Annual**  
13 **Report)**

14 22. Respondent's application is subject to denial under section 94929.7, subdivisions  
15 (a)(1) and/or (a)(2) of the Code, and California Code of Regulations, title 5, section 74112,  
16 subdivision (m)(2), in that with regard to Respondent's Vocational English as a Second Language  
17 I and Introduction to Computers educational programs, Respondent failed to provide the Bureau  
18 with supporting documentation to substantiate the number of students who began those programs,  
19 the number of students available for graduation from those programs, and the number of students  
20 who graduated from those programs on time, as reported in Respondent's 2014 School  
21 Performance Fact Sheets, 2015 School Performance Fact Sheets, 2014 Annual Report, and 2015  
22 Annual Report.

23 23. Respondent's application is further subject to denial under sections 94910,  
24 subdivision (a), 94929, subdivision (a), 94929.7, subdivisions (a)(1) and/or (a)(2), and 94934  
25 subdivisions (a)(1) and/or (a)(2) of the Code, and California Code of Regulations, title 5, section  
26 74112, subdivision (m)(2), in that with regard to Respondent's Forklift Operation & Safety,  
27 Shipping and Receiving, Truck Driving, and Welding educational programs, there are  
28 inconsistencies between Respondent's 2014 School Performance Fact Sheets, 2015 School


1 Performance Fact Sheets, 2014 Annual Report, and 2015 Annual Report, with regard to the  
2 number of students who began those programs, the number of students available for graduation  
3 from those programs, and the number of students who graduated from those programs on time.  
4 Respondent also failed to provide the Bureau with supporting documentation to substantiate the  
5 number of students who began those programs, the number of students available for graduation  
6 from those programs, and the number of students who graduated from those programs on time.

7 **PRAYER**

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

- 11 1. Denying the Application for Renewal of Approval to Operate and Offer Educational  
12 Programs for Non-Accredited Institutions submitted by California Human Development  
13 Corporation;
- 14 2. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 4-26-17

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

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