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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Denial of Substantive
Change Application Against:

**DELTA INTERNATIONAL UNIVERSITY
DIUCA, INC.**

**Physical Address: 1100 Town & Country
Road, Ste. 1250, Orange CA 92868**

**Mailing Address: 11740 Wilshire Blvd.
#A2401, Los Angeles, CA 90025**

**Approval to Operate
Institution Code; 15556920**

Respondent.

Case No. BPPE24-0394

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On February 26, 2020, the Bureau for Private Postsecondary Education (Bureau) issued an Approval to Operate Institution Code: 15556920 to Respondent, Delta International University DIUCA, Inc. The Approval to Operate was not in full force and effect at all times relevant to the Denial of the Substantive Change Application No. BPPE24-0394 and will expire

1 on February 25, 2025, unless renewed.¹ Under Business and Professions Code section 118,
2 subdivision (b), this lapse in licensure does not deprive the Bureau of its authority to institute or
3 continue this disciplinary proceeding.

4 2. On April 26, 2022, the Bureau received Respondents Application for Change in
5 Educational Objectives (Application).

6 3. On March 13, 2024, the Bureau denied the application and served Respondent by
7 certified mail with its Notice of Denial of Substantive Change Application (Denial) at
8 Respondent's address of record which is required to be reported and maintained with the Bureau
9 under California Code of Regulations, title 5, sections 71110, subdivision (b); and 71390,
10 subdivision (c), and 71660. Respondent's address of record was and is: 11740 Wilshire Blvd
11 #A2401, Los Angeles, CA 90025.

12 4. On April 27, 2024, Respondent filed its request for an informal hearing.

13 5. Service of the Denial was effective as a matter of law under the provisions of
14 Government Code section 11505(c) and/or Business and Professions Code section 124.

15 6. On June 3, 2024, the Secretary of State's records reflect Respondent's corporate
16 status as "Suspended-FTB as of 6/03/2024."

17 7. Revenue and Tax Code sections 23301 and 2205 provide that except for filing an
18 application for exempt status or amending its articles of incorporation as necessary either to
19 perfect an application or set forth a new name; the powers, rights, and privileges of a corporation
20 may be suspended if it fails to pay any tax, penalty, interest, or file a statement of information
21 with the Secretary of State. Under Revenue and Tax Code section 23302, subdivision (c), the
22 certificate of the Secretary of State shall be prima facie evidence of the suspension.

23 8. Government Code section 11506(c) states:

24 (c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense . . . and the notice shall be deemed a specific denial of all
parts of the accusation . . . not expressly admitted. Failure to file a notice of defense

26 ¹ With limited exceptions, a corporation is disqualified from exercising any right, power, or privilege while
27 its corporate status is suspended. (Rev. & Tax Code §§ 23301; 23301.5; *Cal-Western Services, Inc. v. Corning*
Capital Group (2013) 221 Cal.App.4th 304, 310; *Timberline, Inc. v. Jaisinghani* (1997) 54 Cal.App.4th 1361, 1367.)
28 Accordingly, during the period of suspension, and absent revivor, Respondent's license is invalid due to its lack of
capacity and qualification to engage in licensed conduct. 2

1 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
2 discretion may nevertheless grant a hearing.

3 9. The Bureau takes official notice of its records and the Secretary of State's Certificate
4 of Status reflecting Respondent is not in good standing as a corporation and lacks the right,
5 power, or privilege to appeal or defend against the Bureau's denial of the Application.
6 Accordingly, Respondent's request for an informal hearing is invalid. Respondent has waived its
7 right to a hearing on the merits due to its incapacity to maintain a defense in this proceeding.

8 10. California Government Code section 11520, subdivision (a), states:

9 (a) If the respondent either fails to file a notice of defense . . . or to appear at
10 the hearing, the agency may take action based upon the respondent's express
11 admissions or upon other evidence and affidavits may be used as evidence without
12 any notice to respondent

13 11. Pursuant to its authority under Government Code section 11520, the Director finds
14 Respondent is in default. The Director will take action without further hearing and, based on the
15 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
16 finds that the grounds for denial of the Application are separately and severally, found to be true
17 and correct by clear and convincing evidence.

18 **DETERMINATION OF ISSUES**

19 1. Based on the foregoing findings of fact Respondent's Application is subject to denial.

20 2. The agency has jurisdiction to adjudicate this case by default.

21 3. The Director of the Department of Consumer Affairs is authorized to deny
22 Respondent's Application because its application was incomplete and failed to demonstrate
23 Respondent's proposed changes would meet the minimum operating standards under California
24 Code of Regulations, title 5, sections 71655, subdivision (b), and 71655, subdivision (d)(1).
25 Additionally, the following violations of the laws and regulations applicable to licensees are
26 deemed established by default, which are supported by the evidence contained in the Default
27 Decision Investigatory Evidence Packet in this case:

28 a. 5 Cal. Code Regs. § 71800, subd. (e);

b. 5 Cal. Code Regs. § 71716, subd. (d);

c. 5 Cal. Code Regs. §§ 71210, subd. (c)(5); 71715, subd. (d)(1);

- 1 d. 5 Cal. Code Regs. § 71715, subd. (d)(3);
- 2 e. 5 Cal. Code Regs. § 71715, subd. (d)(4);
- 3 f. 5 Cal. Code Regs. § 71220, subd. (b);
- 4 g. 5 Cal. Code Regs. § 71720, subd. (a)(1);
- 5 h. 5 Cal. Code Regs. § 71720, subd. (a)(4)(A);
- 6 i. 5 Cal. Code Regs. § 71260, subd. (d);
- 7 j. 5 Cal. Code Regs. § 71810, subd. (b)(11);
- 8 k. Ed. Code. § 94909, subd. (a)(1);
- 9 l. Ed. Code § 94909, subd. (a)(4);
- 10 m. Ed. Code § 94909, subd. (a)(5);
- 11 n. Ed. Code § 94909(a)(9);
- 12 o. Ed. Code § 94899.5, subd. (b);
- 13 p. Ed. Code § 94913

ORDER

IT IS SO ORDERED that the Denial of Respondent’s Application is affirmed.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 7, 2024.

It is so ORDERED October 4, 2024

"Original Signature on File"

RYAN MARCROFT
DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

84643655.DOCX
DOJ Matter ID:SD2024802490

Attachment:
Exhibit A: Notice of Denial of Substantive Change Application



Sent Via Regular and Certified Mail Number: 7022 3330 0002 1374 9949

NOTICE OF DENIAL OF SUBSTANTIVE CHANGE APPLICATION

March 13, 2024

Ataolah Hoodashtian
Ramin Golbaghi
Delta International University DIUCA
1100 Town & Country Road Suite 125
Orange, CA 92868

RE: Delta International University DIUCA
Application Number 35352

Institution Code: 15556920

Dear Ataolah Hoodashtian:

Under the authority of the California Education Code (CEC) and Title 5 of the California Code of Regulations (5 CCR), the Bureau for Private Postsecondary Education (Bureau) hereby notifies Ataolah Hoodashtian, Owner of Delta International University DIUCA (Institution), that the Application for Substantive Change in Educational Objectives is **DENIED**.

CEC §94893 prohibits an institution from making a substantive change without prior authorization. Having denied your application, the Bureau hereby informs you that making this substantive change without prior Bureau approval may result in the suspension or revocation of the institution's approval to operate.

BACKGROUND AND HISTORY OF THE APPLICATION:

On April 26, 2022, the Bureau received your Application for Substantive Change in Educational Objectives Application Number 35253. The following information was included with the application:

- Application Fee of \$500 in the form of a Money Order.
- Cover sheet
- Financial impact statement
- Educational Program statement and information
- Faculty Information
- Facilities and Equipment
- Additional information statement
- Custodian of Records; Record keeping
- Approved Educational Programs List for American Royal University dated February 26, 2020
- Approval confirmation for Change in Ownership, application #34444, dated June 18, 2021
- Approval confirmation for Change in School Name, application #34704, dated September 23, 2021

- Approved Educational Programs List for Delta International University DIUCA dated October 6, 2021
- Enrollment Agreements
- Catalog, Book 1 and Book 2
- School Performance Fact Sheets

On September 7, 2022, the Bureau received additional application syllabi documents via email.

On October 20, 2022, the Bureau sent deficiency letter #1 to the institution via email.

On October 24, 2024, the Bureau and Ataolah Hoodashtian discussed the deficiency letter via phone conference.

Between November 16, 2022 and November 21, 2022, the Bureau and the institution exchanged emails regarding the location, curriculum and extensions of time to submit the deficiency #1 response.

On December 13, 2022, the Bureau and Ataolah Hoodashtian discussed the deficiency letter via phone conference.

On December 19, 2022, the Bureau received an email from Ataolah Hoodashtian inquiring about the institution offering only one certificate program and leasing office space at International American University.

On December 23, 2022, the Bureau received an email with the ProQuest E-Learning Library contract.

On January 3, 2023, the Bureau received the institution's response to deficiency letter #1.

Between February 17, 2023 and March 24, 2023, the Bureau and Ataolah Hoodashtian discussed the deficiency letter via email and phone calls.

On March 27, 2023, the Bureau sent deficiency letter #2 to the institution via email.

On April 21, 2023, the institution's contact person emailed stating that he is consulting with an expert to help him with the deficiencies and asking for a second extension of time to submit the deficiency response.

On April 25, 2023, the Bureau granted an additional extension of time to submit the deficiency response; which is now due on May 27, 2023.

Between May 9, 2023 and June 12, 2023, the Bureau and Ramin Golbaghi, DIUCA's Education Consultant, discussed the deficiency letter via email.

May 30, 2023, the Bureau received the institution's response to deficiency letter #2.

On August 3, 2023, the Bureau spoke with Ramin Golbaghi, and discussed the minor deficiencies with the syllabi, faculty and catalog, including the method of instruction.

Between August 10, 2023 and August 14, 2023, the Bureau and Mr. Golbaghi discussed the deficiency letter and the review of documents via email.

On August 20, 2023, the Bureau received the institution's response, including all revised syllabi, catalog and academic calendar.

On August 31, 2023, the Bureau received the Populi LMS log in credentials via email.

Between August 22, 2023 and September 8, 2023, the Bureau and Ramin Golbaghi discussed the deficiency letter and the review of documents via email and on the phone, specific to the definition contradictions and deficiencies, including synchronous (in real time) and asynchronous (not in real time) differences in distance learning.

Between September 15, 2023 and October 12, 2023, the Bureau received several document amendments from the institution via email to review.

Between January 12, 2024 and March 5, 2024, the Bureau attempted to access the institution's website identified in application documents for compliance; however, a message populated stating, *deltauniversity.org is parked free, courtesy of GoDaddy.com. Get This Domain.*

On March 4, 2024, the Bureau attempted to access the Populi LMS to complete a review of the faculty listed and course syllabi; however, a message populated stating, *This Populi account has been shut down.*

BASIS FOR DENIAL OF APPLICATION:

In accordance with 5 CCR §71655, the Bureau may deny an application for a substantive change if the application is incomplete, if the application included false or misleading information, or if the Bureau cannot determine that the applicant has the capacity to satisfy the minimum operating standards. The legally required minimum operating standards are listed in 5 CCR commencing with §71700.

1. Enrollment Agreement:

Deficiency & Grounds for Denial
<p>The institutional charges and fees on each enrollment agreement are inconsistent. In addition to other contradictions, the following discrepancies were found on the Computer Science enrollment agreement: The tuition per unit cost on page 4 is \$166; which differs from the tuition per unit cost on page 1 as \$125. Page 4 lists an admission's fee as \$75, and includes a registration fee, but it states the registration fee is <i>N/A</i>. Additionally, page 2 states, <i>...shall refund 100 percent of the amount paid for institutional charges, less the non-refundable Application for Admission, if applicable, \$100, respectively...</i> Lastly, the STRF fee line item on page 4 shows \$5.00; however, the asterisk (*STRF) states the assessment is \$0 per \$1,000 of tuition, also on page 4.</p> <p>This is a violation of 5, CCR §71800(e).</p>

Deficiency & Grounds for Denial

The Enrollment Agreement states, *...online instruction is offered in real time...*, yet the Enrollment Agreement also includes the not in real time disclosure. In addition, The enrollment agreement states *distance learning educational programs are synchronous and asynchronous and offered in real time*. The statement is contradictory. The Bureau is unable to determine if the programs are offered in real time, synchronous instruction, or not in real time, asynchronous instruction.

This is a violation of 5, CCR §71716(d).

2. Instruction and Degrees Offered:

Deficiency & Grounds for Denial

The institution stated that the method of instruction is 100% distance learning. The Populi Learning Management System (LMS), identified by the institution to be used for distance learning instruction, communications, grading etc. is no longer working as of March 12, 2024. Without the ability to review a platform, the Bureau cannot confirm the method of instruction, nor ensure that the educational program offered through distance education is appropriate for delivery through distance education methods.

This is a violation of 5, CCR §71210(c)(5) and 5, CCR §71715(d)(1) .

Deficiency & Grounds for Denial

The syllabi provided state, *Our primary platform for course delivery is a comprehensive Learning Management System (LMS)*. Without access to the Populi LMS, the Bureau is unable to ensure that the materials and programs are current, well organized, designed by faculty competent in distance education techniques and delivered using readily available, reliable technology.

This is a violation of 5, CCR §71715(d)(3).

Deficiency & Grounds for Denial

The institution stated that the method of instruction includes *real-time engagement* which includes *monitoring the duration of student login sessions, examining activity logs, appraising assignment submissions, gauging involvement in discussion forums...*; however, these actions do not validate that the institutions provides for meaningful interaction with faculty who are qualified to teach using distance education methods.

This is a violation of 5, CCR §71715(d)(4).

3. Educational Programs:

Deficiency & Grounds for Denial

The Populi LMS software account used for all proposed educational programs is *shut down* as of March 12, 2024. Without access to the Populi LMS, the Bureau is unable to determine that the equipment to be used during the educational program meets the minimum compliance requirements.

This is a violation of 5, CCR §71220(b).

4. Faculty:

Deficiency & Grounds for Denial

The faculty members identified in the catalog, academic calendar and the Populi LMS, prior to it being shut down, are inconsistent. Two names were *removed as DIU* faculty, yet they remain listed in institutional documents. The Institution did not validate that they employ duly qualified faculty sufficient in number to provide the instruction, student advisement, and learning outcomes evaluation necessary for the institution to document its achievement of its stated mission and objectives, and for students to achieve the specific learning objectives of each course offered.

This is a violation of 5, CCR §71720(a)(1).

Deficiency & Grounds for Denial

The institution did not provide evidence that Beverly Williams has sufficient expertise to support the institution's awarding of a degree identifying a specialty or major field of emphasis.

This is a violation of 5, CCR §71720(a)(4)(A).

5. Facilities and Equipment:

Deficiency & Grounds for Denial

The Populi LMS software account used for all proposed educational programs is *shut down* as of March 12, 2024. Without access to the Populi LMS, the Bureau is unable to determine that the institution can demonstrate that the specification of significant equipment is sufficient to enable students to achieve the educational objectives of each education program.

This is a violation of 5, CCR §71260(d).

6. Catalog:

Deficiency & Grounds for Denial

The website the institution identified in their catalog belonging to the institution, www.deltauniversity.org, is owned by another entity and the website domain is available for purchase. As such, it cannot also be the property of the institution.

This is a violation of CEC §94909(a)(1).

Deficiency & Grounds for Denial

The institution identified in their catalog the address where classes are held as being online. The institution provided the website as <https://deltauniversity.populiweb.com>. This website is *shut down and* not working as of March 12, 2024.

This is a violation of CEC §94909(a)(4).

Deficiency & Grounds for Denial

The institution did not provide a description of the instruction provided in each of the courses offered by the institution, nor the requirements for completion of each program, including required courses, any final tests or examinations.

This is a violation of CEC §94909(a)(5).

Deficiency & Grounds for Denial

The schedule of fees in the catalog do not match the enrollment agreements. The Bureau is unable to determine compliance for the schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.

This is a violation of CEC §94909(a)(9).

Deficiency & Grounds for Denial

Institutional charges for a period of attendance are the same as the total tuition for programs longer than 4 months. The institution shall not require more than one term or four months of advance payment of tuition at a time.

This is a violation of CEC §94899.5(b).

Deficiency & Grounds for Denial

The catalog does not contain the approximate number of days that will elapse between the institution's receipt of student lessons, projects, or dissertations and the institution's mailing of its response or evaluation.

This is a violation of 5, CCR §71810(b)(11).

7. Institutional Web Site:

Deficiency & Grounds for Denial

The institution's website, www.deltauniversity.org, cannot be accessed. The Bureau is unable to verify that it provides on the homepage links for the school catalog, School Performance Fact Sheet for each educational program, student brochures offered by the institution, a link to the bureau's Internet Web Site, The institution's most recent annual report submitted to the bureau, information concerning where students may access the bureau's Internet Web site anywhere the institution identifies itself as being approved by the bureau and the specific required language regarding the Notice to Prospective Degree Program Students required in 5, CCR §71775.

This is a violation of CEC §94913.

CONCLUSION

The Bureau has determined that the institution has provided an application that is incomplete and fails to demonstrate that the proposed changes will meet the minimum operating standards, pursuant to 5 CCR §71655(b), and §71655(d)(1).

INSTITUTION'S RIGHT TO REAPPLY OR REQUEST AN INFORMAL HEARING

Pursuant to 5 CCR §71655(e), you have the right to reapply or to request an informal hearing before the Director. If you would like to request an informal hearing, you must make a written request to the Bureau within **60 days** after service of this notice. Please send your request to:

Bureau for Private Postsecondary Education
Formal Discipline Unit
PO Box 980818
West Sacramento, CA 95798-0818

If you do not make a written request to the Bureau within 60 days, your right to a hearing is deemed waived. If you have any questions regarding this notice of denial and the process for filing an appeal, you may contact Renee Walters, Formal Discipline Unit, via email at Renee.Walters@dca.ca.gov or by phone at (916) 574-7433.

Sincerely,

"Original Signature on File"

Ebony Santee
Education Administrator

cc: Renee Walters, Bureau Formal Discipline Unit