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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 Accusation Against:
12 **TRITON INSTITUTE**
13 **Ling Li, Owner**
14 **830 Stewart Drive, Suite 151**
15 **Sunnyvale, CA 94085**
16 **School Code No. 1942501**
17 **Institution Code No. 1942501**
18 Respondent.

Case No. 998873

A C C U S A T I O N

18 Complainant alleges:

19 **PARTIES/LICENSING HISTORY**

- 20 1. Joanne Wenzel (Complainant) brings this Accusation solely in her official capacity as
21 the Chief of the Bureau for Private Postsecondary Education "(Bureau)", Department of
22 Consumer Affairs.
23 2. On or about April 29, 2002, the former Bureau for Private Postsecondary and
24 Vocational Education¹ ("BPPVE") issued an approval to operate to Triton Institute, Leslie
25 Feltenberg, owner.

26 ¹ The former Bureau for Private Postsecondary and Vocational Education sunsetted on
27 July 1, 2007. On October 11, 2009, the Private Postsecondary Education Act of 2009 (AB 48)
28 was signed into law. The Act, which became operative on January 1, 2010, established the
Bureau for Private Postsecondary Education.

1 3. Triton Institute's main campus' physical location is listed with the Bureau as 1107 N.
2 Fair Oaks Ave., Sunnyvale, CA 94089.

3 4. The BPPVE approved Triton Institute operate the following programs:

| 4 Approved Program Name | Program Length (Hours of Lesson) | Approval Date |
|--|---|----------------------|
| 5 Computer Office Assistant | 720 | 11/30/2004 |
| 6 Computer Programming | 104 | 4/29/2002 |
| 7 Coping with New Employment | 60 | 4/29/2002 |
| 8 Database Management | 112 | 4/29/2002 |
| 9 Medical Assistant | 720 | 11/30/2004 |
| 10 Medical Billing and Coding | 760 | 11/30/2004 |
| 11 Microsoft Office | 80 | 4/29/2002 |
| 12 Networking | 96 | 4/29/2002 |
| 13 Premise Telecom Installer | 360 | 11/30/2004 |
| 14 Web Site Development | 80 | 4/29/2002 |

15
16 5. In or about 2008, Leslie Feltenberg sold Triton Institute to Ling Li during the
17 BPPVE's sunset period. Leslie Feltenberg passed away shortly thereafter.

18 6. In or about 2012, Triton Institute moved to 830 Stewart Drive, Suite 151, Sunnyvale,
19 CA 94085.

20 7. On or about January 8, 2013, The Bureau received and application for change in
21 educational objectives from Triton institute. The physical location of the main campus was listed
22 on the application as 830 Stewart Drive, Suite 151, Sunnyvale, CA 94085. Ling Li was listed as
23 the 75% owner. No information was listed for the ownership of the remaining 25%. The
24 application requested to add massage therapy and healthcare information technology programs.
25 The application is currently pending.

26 8. On or about April 28, 2013, Triton Institute's approval to operate expired.

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1 (a) A change in educational objectives, including an addition of a new diploma or a degree
2 educational program unrelated to the approved educational programs offered by the institution.

3 (b) A change in ownership.

4 (c) A change in control.

5 (d) A change in business organization form.

6 ...”

7 15. Section 94897 of the Education Code states:

8 "An institution shall not do any of the following:

9 ...

10 "(j) In any manner make an untrue or misleading change in, or untrue or misleading
11 statement related to, a test score, grade or record of grades, attendance record, record indicating
12 student completion, placement, employment, salaries, or financial information, including any of
13 the following:

14 ...

15 "(3) Any other record or document required by this chapter or by the bureau.

16 "(k) Willfully falsify, destroy, or conceal any document of record while that document of
17 record is required to be maintained by this chapter.

18 16. Section 94937 of the Education Code states:

19 "(a) As a consequence of an investigation, and upon a finding that an institution has
20 committed a violation, the bureau may place an institution on probation or may suspend or revoke
21 an institution's approval to operate for:

22 ...

23 "(2) A material violation or repeated violations of this chapter or regulations adopted
24 pursuant to this chapter that have resulted in harm to students. For purposes of this paragraph,
25 "material violation" includes, but is not limited to, misrepresentation, fraud in the inducement of
26 a contract, and false or misleading claims or advertising, upon which a student reasonably relied
27 in executing an enrollment agreement and that resulted in harm to the student.

28 ...”

1 SECOND CAUSE FOR DISCIPLINE

2 (Unauthorized Substantive Change to Approval to Operate)

3 22. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
4 Code sections 94893, and 94894, subdivision (b), in that the Triton Institute changed ownership
5 without obtaining prior authorization from the Bureau. Ling Li purchased and began operating
6 Triton Institute in 2008 without Bureau approval.

7 THIRD CAUSE FOR DISCIPLINE

8 (Unauthorized Substantive Change to Approval to Operate)

9 23. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
10 Code sections 94893, and 94894, subdivision (c), in that the Triton Institute had a change in
11 control without obtaining prior approval from the Bureau. Ling Li purchased and began operating
12 Triton Institute in 2008.

13 FOURTH CAUSE FOR DISCIPLINE

14 (Unauthorized Substantive Change to Approval to Operate)

15 24. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
16 Code sections 94893, and 94894, subdivision (d), in that the Triton Institute had a change in
17 business organization form without obtaining prior approval from the Bureau. Triton Institute
18 entered a partnership with School of Healing Touch to allow Triton Institute students to attend
19 massage therapy classes at the School of Healing Touch. Triton Institute received 40% of the
20 tuition collected.

21 FIFTH CAUSE FOR DISCIPLINE

22 (Untrue or Misleading Statements)

23 25. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
24 Code sections 94897, subdivision (j)(3), in conjunction with 94937, subdivision (a)(2), in that
25 Triton Institute made untrue or misleading statements related to records indicating student
26 completion. In or about April 2013, Triton Institute, in partnership with School of Healing
27 Touch, sold transcripts and /or a certificate of completion to an undercover Division of
28 Investigation operative. The transcripts and certificate of completion indicated the operative had

1 completed a 500 hour massage therapy program at Triton Institute when in fact she had not. This
2 conduct resulted in harm to students.

3 SIXTH CAUSE FOR DISCIPLINE

4 (Falsifying Documents)

5 26. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
6 Code sections 94897, subdivision (k), in conjunction with 94937, subdivision (a)(2), in that the
7 Triton Institute willfully falsified a document of record while that document of record is required
8 to be maintained by this chapter. In or about April 2013, Triton Institute, in partnership with
9 School of Healing Touch, sold transcripts and/or a certificate of completion to an undercover
10 Division of Investigation operative. The transcripts and certificate of completion indicated the
11 operative had completed a 500 hour massage therapy program at Triton Institute when in fact she
12 had not. This conduct resulted in harm to students.

13 SEVENTH CAUSE FOR DISCIPLINE

14 (Failure to Collect Student Tuition Recovery Fund Fees)

15 27. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
16 Code sections 94937, subdivision (a)(2) in conjunction with California Code of Regulations, title
17 5, section 76130, subdivision (a), in that Triton Institute failed to collect Student Tuition
18 Recovery Fund Fees from the undercover Division of Investigation operative when she made her
19 first payment. This conduct resulted in harm to students.

20 EIGHTH CAUSE FOR DISCIPLINE

21 (Location Change)

22 28. Triton Institute, Ling Li, Owner, is subject to disciplinary action under Education
23 Code sections 94937, subdivision (a)(2) in conjunction with California Code of Regulations, title
24 5, section 71660, in that Triton Institute changed its location (less than 10 miles) without first
25 notifying the Bureau. This conduct resulted in harm to students.

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PRAYER

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

1. Revoking or suspending Institution Code No. 194250 issued Triton Institute, Ling Li, Owner (Respondent);
2. Revoking or suspending School Code No. 194250 issued Triton Institute, Ling Li, Owner (Respondent);
3. Ordering Respondent to pay the Bureau the reasonable costs of the investigation and enforcement of this case pursuant to Education Code section 94937, subdivision (c) and Business and Professions Code section 125.3;
4. Ordering Respondent to provide appropriate restitution to its students and former students;
5. Taking such other and further action as deemed necessary and proper.

DATED: 8/21/15



JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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