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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. 1002828

OAH No. 2018010861

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14 **ADVANCED COMPUTING INSTITUTE,**

DEFAULT DECISION AND ORDER

15 **Approval to Operate an Accredited**
16 **Institution**

[Gov. Code, § 11520]

17
18 Respondent.

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20 **FINDINGS OF FACT**

21 1. On or about November 30, 2017, Complainant Dr. Michael Marion, Jr., in his official
22 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
23 Consumer Affairs, filed Statement of Issues No. 1002828 against Advanced Computing Institute
24 ("Respondent") before the Director of Consumer Affairs.

25 2. On or about September 21, 2016, Respondent filed an application dated August 8,
26 2016, with the Director of Consumer Affairs to obtain an Approval to Operate an Accredited
27 Institution ("application").

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1 3. On or about May 25, 2017, the Bureau issued a letter denying Respondent's
2 application. On or about July 24, 2017, Respondent appealed the Bureau's denial of the
3 application and requested a hearing.

4 4. On or about December 11, 2017, an employee of the Department of Justice, served by
5 Certified Mail a copy of the Statement of Issues No. 1002828, Statement to Respondent, Notice
6 of Defense, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7,
7 Notice from Respondent/Applicant, and Disciplinary Guidelines to Respondent's address on the
8 application form, which was and is 3470 Wilshire Boulevard, Suite 110, Los Angeles, CA
9 90010. A copy of the Statement of Issues is attached as Exhibit A, and is incorporated herein by
10 reference.

11 5. Service of the Statement of Issues was effective as a matter of law under the
12 provisions of Government Code section 11503, subdivision (c).

13 6. A Notice of Hearing was served by mail at Respondent's address on the application
14 and it informed Respondent that an administrative hearing in this matter was scheduled for July
15 16, 2018.

16 7. The matter was called for hearing at the date, time and location set forth in the Notice
17 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
18 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
19 default was declared and on motion of counsel for Complainant, the matter was remanded to the
20 Bureau under Government Code section 11520. A copy of the Office of Administrative Hearings'
21 Findings and Declaration of Default; Order of Remand is attached as Exhibit B.

22 8. Business and Professions Code section 118 states, in pertinent part:

23 (a) The withdrawal of an application for a license after it has been filed with a
24 board in the department shall not, unless the board has consented in writing to such
25 withdrawal, deprive the board of its authority to institute or continue a proceeding
26 against the applicant for the denial of the license upon any ground provided by law or
27 to enter an order denying the license upon any such ground.

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9. Government Code section 11506(c) states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent 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 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

10. California Government Code section 11520(a) states, in pertinent part:

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

11. Pursuant to its authority under Government Code section 11520, the Bureau finds Respondent is in default. The Bureau will take action without further hearing based upon the allegations set forth in the Statement of Issues and Respondent's failure to establish entitlement to issuance of a license.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent's application for an Approval to Operate an Accredited Institution is subject to denial.

2. Service of Statement of Issues No. 1002828 and related documents was proper and in accordance with the law.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Director of Consumer Affairs is authorized to deny Respondent's application for licensure based upon the following violations alleged in the Statement of Issues:

a. California Code of Regulations, title 5, section 71390, subdivision (b): Failure to submit letter of accreditation.

b. California Code of Regulations, title 5, section 74110, subdivision (d): Failure to submit complete 2013 and 2015 Annual Reports.

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1 ORDER


2 IT IS SO ORDERED that the application of Respondent is hereby denied.

3 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
4 written motion requesting that the Decision be vacated and stating the grounds relied on within
5 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
6 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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8 This Decision shall become effective on NOV 18 2018

9 It is so ORDERED

October 11, 2018



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11 Ryan Marcroft
12 Deputy Director
13 Legal Affairs Division
Department of Consumer Affairs

14 DOJ docket number: LA2017506772
15 62897898.DOCX

16 Attachment:

17 Exhibit A: Statement of Issues No. 1002828

18 Exhibit B: Office of Administrative Hearings Findings and Declaration of Default; Order
19 of Remand