



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

10/3/2014

Ling Li, Owner
 California South Bay University
 830 Stewart Drive, Suite 118
 Sunnyvale, CA 94085

Date of Issuance	Citation Number	Institution Code
June 30, 2014	1314014	Unapproved

On August 19, 2014 an Informal Conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1314014 (Citation) against Ling Li, Owner of California South Bay University. In attendance were Joanne Wenzel, Bureau Chief; Kurt Heppler, DCA Legal Counsel; Ling Li, Owner; and Karl Schweikert, Attorney for Respondent.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations (5 CCR), §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of Citation No. 1314014.

It is the decision of the Bureau Chief that on October 3, 2014 Citation No. 1314014 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p>MODIFIED</p> <p><u>Violation of CEC 94886 – Approval to Operate</u> <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p>

AND

Violation of CEC 94943 (a) – Public Offenses

The following violations of this chapter are public offenses:

(a) Knowingly operating a private postsecondary institution without an approval to operate is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code.

The institution has been operating since 2008 without an approval to operate. Although aware of the need to be an approved institution, the institution abandoned their application once before and has continued to operate.

Order of Abatement:

The Bureau orders that the institution cease operating immediately until such time that an approval to operate has been granted by the Bureau. Submit evidence of compliance to the Bureau.

Reason for modification: The institution has a pending application on file.

The administrative fine for this violation has been modified from \$50,000.00 to \$1,000.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Renee Campos, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **October 3, 2014**. The order of abatement and payment are due by **November 2, 2014**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Renee Campos, Enforcement Analyst, at (916) 431-6940 or at Renee.Campos@dca.ca.gov.



JOANNE WENZEL
BUREAU CHIEF

10/3/2014

DATE

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal – Request for Administrative Hearing
- Notice of Appeal
- Statement of Rights
- Copy of Citation Order Number 1314014