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4 **BEFORE THE**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
7 **STATE OF CALIFORNIA**

8 In the Matter of the Accusation Against:

Case No. 996765

9 **CALIFORNIA ADAMS COLLEGE;**

DEFAULT DECISION AND ORDER

10 **KYUNG NAM, Owner**

[Gov. Code, §11520]

3545 Wilshire Blvd., Suite 350

Los Angeles, CA 90010-1905

11 School Code No. 1909941

12 Respondent.

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15 FINDINGS OF FACT

16 1. On March 11, 2015, Complainant Joanne Wenzel, in her official capacity as the Bureau
17 Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs, filed
18 Accusation No. 996765 before the Director of Consumer Affairs against Respondent California
19 Adams College and its owner Kyung Nam. The Accusation is attached as Exhibit A.

20 2. On or about July 1, 1979, the Bureau issued Respondent Institutional and Program
21 Approvals Certificate No. 1909941. The Institutional and Program Approvals Certificate expired
22 on December 31, 2010 and was not renewed.

23 3. On March 20, 2015, Respondent was served by Certified and First Class Mail copies of
24 the Accusation No. 996765, Statement to Respondent, Notice of Defense, Request for Discovery,
25 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
26 Respondent's address of record which is required to be reported and maintained with the Bureau
27 under California Code of Regulations Title 5, sections 71500, 71655, and 71660. Respondent's
28 address of record was and is: 3545 Wilshire Blvd., Suite 350, Los Angeles, CA 90010-1905.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

3 5. On or about April 21, 2015, the U.S. Postal Service returned the Accusation mailing
4 marked "Return to Sender / Attempted—Not Known / Unable to Forward." The address on the
5 documents was the same as the address on file with the Bureau. Respondent failed to maintain an
6 updated address with the Bureau and the Bureau has made attempts to serve the Respondent at the
7 address on file. Respondent has not made itself available for service and therefore has not availed
8 itself of its right to file a notice of defense and appear at hearing.

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
11 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
12 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon it of the
15 Accusation, and therefore waived its right to a hearing on the merits of Accusation No. 996765.

16 8. California Government Code section 11520 states, in pertinent part:

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

20 9. Pursuant to its authority under Government Code section 11520, the Director finds
21 Respondent is in default. The Director will take action without further hearing and, based on the
22 evidence contained in the Default Decision Evidence Packet in this matter, finds that the charges
23 and allegations in Accusation No. 996765, are separately and severally, found to be true and
24 correct. Although the standard is preponderance of the evidence, the standard has been met by
25 clear and convincing evidence.

26 10. A Certification of Prosecution Costs in the amount of \$2,237.50 as of May 29, 2015,
27 was submitted as part of the evidence packet. Pursuant to Education Code Section 94937
28 subdivision (c) and Business and Professions Code section 125.3(c), it is hereby deemed prima

1 facie evidence that the costs are reasonable for enforcement of this matter in the amount of
2 \$2,237.50 as of May 29, 2015.

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4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent California Adams College; Sook
6 Hee Nam; Kyung Nam has subjected his Institutional and Program Approvals Certificate No.
7 1909941 to discipline.

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

9 3. The Director of Consumer Affairs is authorized to revoke Respondent's Institutional and
10 Program Approvals Certificate based upon the following violations alleged in the Accusation
11 which are supported by the evidence contained in the Default Decision Evidence Packet in this
12 case (all section references are to the Education Code):

13 A. Section 94886 for opening, conducting, and doing business as California Adams College
14 without an approval to operate and section 94943 for knowingly operating California Adams
15 College without an approval to operate.

16 B. Section 94897 subdivision (b) for promising or guaranteeing employment or for
17 otherwise overstating the availability of jobs upon graduation.

18 C. Section 94902 for failing to provide students with enrollment agreements.

19 D. Section 94920 and California Code of Regulations Title 5, section 71750 for failing to
20 honor cancellations or withdrawals by paying the appropriate refund.

21 E. Section 94930.5 in conjunction with California Code of Regulations Title 5, section
22 74006 as they did not pay annual institutional fees to the Bureau for the years ending June 2011
23 and June 2012.

24 F. California Code of Regulations Title 5, section 71660 because it did not notify the
25 Bureau in writing within 30 days of a change of location from 3545 Wilshire Boulevard #350 to
26 2706 Wilshire Boulevard #200, nor did it notify the Bureau in writing within 30 days of another
27 change of location to 3000 West 6th Street, Suites #201 and #202.

1 G. California Code of Regulations Title 5, section 71745 subdivision (a)(4) for failing to
2 document and to have sufficient assets to pay timely refunds as required by Article 13 of the
3 Private Postsecondary Education Act, sections 94919 to 94923.

4 H. California Code of Regulations Title 5, sections 71920, 71930, and 71745 for failing to
5 maintain student and financial records.

6 I. California Code of Regulations Title 5, sections 71745 and 71930 for failing to provide
7 the Bureau with legally required records upon request.

8 J. California Code of Regulations Title 5, section 76120 because it did not collect Student
9 Tuition Recovery Fund assessments from 2010 to 2014.

10 K. California Code of Regulations Title 5, section 76130 subdivision (b) because it did not
11 remit Student Tuition Recovery Fund assessments to the Bureau from 2010 to 2014.

12 L. California Code of Regulations Title 5, section 76130 subdivisions (b) and (c) because it
13 did not complete and file the Student Tuition Recovery Fund Assessment Reporting Form to the
14 Bureau from 2010 to 2014.

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