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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 Statement of Issues
Against:

Case No. 998528

OAH No. 2013030573

**OLA GRIMSBY INSTITUTE; OLA
GRIMSBY, OWNER
4420 Hotel Circle Court, Suite 210
San Diego, CA 92108**

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

Respondent.

FINDINGS OF FACT

1. On or about February 11, 2013, Complainant Laura Metune, in her official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs, filed Statement of Issues No. 998528 against Ola Grimsby Institute; Ola Grimsby, Owner (Respondent) before the Director of Consumer Affairs. This matter is now brought by Joanne Wenzel, Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs.

2. On or about February 10, 2012, Respondent filed an application dated January 17, 2012, with the Bureau for Private Postsecondary Education to obtain an Approval to Operate an Institution Non Accredited.

1 3. On or about September 17, 2012, the Bureau issued a letter denying Respondent's
2 application for an Approval to Operate an Institution Non Accredited. On or about October 12,
3 2012, Respondent appealed the Bureau's denial of his application and requested a hearing.

4 4. On or about March 26, 2013, an employee of the Department of Justice, served by
5 Certified and First Class Mail a copy of the Statement of Issues No. 998528, Statement to
6 Respondent, Respondent/Applicant's Notice of Designation of Counsel; Respondent/Applicant's
7 Notice of Withdrawal of Request for Hearing, Request for Discovery, and Government Code
8 sections 11507.5, 11507.6, and 11507.7 to Respondent's address on the application form, which
9 was and is 4420 Hotel Circle Court, Suite 210, San Diego, CA 92108. A copy of the Statement
10 of Issues is attached as exhibit A, and is incorporated herein by reference.

11 5. Service of the Statement of Issues was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c).

13 6. On or about October 12, 2012, Respondent appealed the denial of his application and
14 requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's
15 address on the application and it informed him that an administrative hearing in this matter was
16 scheduled for March 5-6, 2014. The Notice of Hearing was served on March 26, 2013.
17 Respondent failed to appear at that hearing.

18 7. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 respondent; and where the burden of proof is on the respondent to establish that the
23 respondent is entitled to the agency action sought, the agency may act without taking
24 evidence.

25 8. Pursuant to its authority under Government Code section 11520, the Director finds
26 Respondent is in default for failing to appear at the hearing. The Director will take action without
27 further hearing and based on the relevant evidence contained in the Default Decision Evidence
28 Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and
statements contained therein on file at the Bureau's offices regarding the allegations contained in

1 Statement of Issues No. 998528, and Respondent's failure to establish entitlement to issuance of
2 an approval to operate Ola Grimsby Institute.

3 DETERMINATION OF ISSUES

4 1. Based on the foregoing findings of fact, Respondent Ola Grimsby has subjected his
5 application for an Approval to Operate an Institution Non Accredited to denial.

6 2. Service of Statement of Issues No. 998528 and related documents was proper and in
7 accordance with the law. Service of the Notice of Hearing was proper and in accordance with the
8 law.

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

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

13 a. Title 5, California Code of Regulations (hereinafter "CCR"), sections 71100
14 and 71400.5(a) in conjunction with title 5, CCR, section 71140, subdivision (a), for failure to
15 include an organization chart that shows the governance and administrative structure of the
16 institution and the relationship between faculty and administrative positions;

17 b. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with title 5, CCR,
18 section 71140, subdivision (b), for failure to provide a description of the job duties and
19 responsibilities of each administrative and faculty position;

20 c. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with Education
21 Code (hereinafter "Code") section 94911 and title 5, CCR, sections 71180 and 71800, for failure
22 to provide a compliant Enrollment Agreement;

23 d. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with title 5, CCR,
24 section 71200, for failure to provide corrected advertising and other statements disseminated to
25 the public that the programs were not approved by Bureau;

26 e. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with title 5, CCR,
27 sections 71260 and 71735, for failure to provide a description of the facilities, the name and
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1 address of the lessor(s) for facilities that are leased or rented, and the specifications of significant
2 equipment used in its education program, among other things;

3 f. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with Education
4 Code section 94909 and title 5, CCR, sections 71290 and 71810, for failure to provide a
5 compliant school catalog;

6 g. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with title 5, CCR,
7 section 71320, for failure to provide a description of the procedures used by the institution to
8 assure that it is maintained and operated in compliance with the California Private Postsecondary
9 Education Act of 2009 and the Division 7.5 of title 5 of the California Code of Regulations;

10 h. Title 5, CCR, sections 71100 and 71400.5(a) in conjunction with Education
11 Code sections 94902 and 94910, for failure to provide its Performance Fact Sheet.


12 ORDER

13 IT IS SO ORDERED that the application of Respondent Ola Grimsby, for an approval to
14 operate Ola Grimsby Institute, is hereby denied.

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

19 This Decision shall become effective on MAY 29 2014

20 It is so ORDERED APR 25 2014

21
22 
23 DOREATHEA JOHNSON
24 Deputy Director, Legal Affairs
25 Department of Consumer Affairs

26 DOJ docket number:SD2012704437
27 70835731.doc

28 Attachment:

Exhibit A: Statement of Issues No.998528

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