#### BEFORE THE DIRECTOR

### **DEPARTMENT OF CONSUMER AFFAIRS**

### **BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**

### STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**GRADUATES DO SUCCEED, INC.,** 

**SALVADOR FRANCO SR., 80% OWNER,** 

SALVADOR FRANCO JR., 20 % OWNER,

7916 Long Beach Boulevard

South Gate, CA 90280

Approval to Operate an Accredited Institution Code Number 1922081

Respondents.

Case No. 1000864

### **DECISION**

The attached Stipulated Surrender of Approval to Operate an Accredited Institution and Order is hereby adopted by the Director of the Department of Consumer Affairs as the Decision in the above entitled matter.

The Decision shall become effective: <u>"February 13, 2020"</u>

DATED: "January 12, 2020"

"Original signature on file"

RYAN MARCROFT

Deputy Director, Legal Affairs

**Department of Consumer Affairs** 

1	XAVIER BECERRA Attorney General of California		
2	LINDA L. SUN Supervising Deputy Attorney General		
3	MICHAEL YI Deputy Attorney General		
4	State Bar No. 217174 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 269-6483		
<ul><li>6</li><li>7</li></ul>	Facsimile: (916) 731-2126 E-mail: Michael.Yi@doj.ca.gov Attorneys for Complainant		
8	DEEOD		
9	BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS		
10	FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 1000864	
13	GRADUATES DO SUCCEED, INC.,	STIPULATED SURRENDER OF	
14	SALVADOR FRANCO SR., 80% OWNER, SALVADOR FRANCO JR., 20% OWNER	APPROVAL TO OPERATE AN ACCREDITED INSTITUTION AND	
15	7916 Long Beach Boulevard South Gate, CA 90280	ORDER	
<ul><li>16</li><li>17</li></ul>	Approval to Operate an Accredited Institution, Code Number 1922081		
18	Respondent.		
19			
20	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
21	entitled proceedings that the following matters are true:		
22	PARTIES		
23	1. Dr. Michael Marion, Jr. (Complainant) is the Chief of the Bureau for Private		
24	Postsecondary Education (Bureau). He brought this action solely in his official capacity and is		
25	represented in this matter by Xavier Becerra, Attorney General of the State of California, by		
26	Michael Yi, Deputy Attorney General.		
27	////		
28	////		
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- Graduates Do Succeed, Inc., Salvador Franco Sr. and Salvador Franco Jr.
   (Respondent) are represented in this proceeding by attorney Mark Roohk of Moss Law Group, whose address is: 255 South Marengo Avenue, Pasadena, CA 91101.
- 3. On or about May 4, 1993, the Bureau issued Approval to Operate an Accredited Institution, Code Number 1922081 to Respondent. The Approval to Operate an Accredited Institution was in full force and effect at all times relevant to the charges brought in Accusation No. 1000864, and expired on March 15, 2019.

## **JURISDICTION**

4. Accusation No. 1000864 was filed before the Director of the Department of Consumer Affairs (Director) for the Bureau and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 16, 2019. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 1000864 is attached as Exhibit A and incorporated by reference.

# **ADVISEMENT AND WAIVERS**

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1000864. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of Approval to Operate an Accredited Institution and Order.
- 6. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against it; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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## **CULPABILITY**

- 8. Respondent understands that the charges and allegations in Accusation No. 1000864, if proven at a hearing, constitute cause for imposing discipline upon its Approval to Operate an Accredited Institution.
- 9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up its right to contest that cause for discipline exists based on those charges.
- 10. Respondent understands that by signing this stipulation, it enables the Director to issue his order accepting the surrender of Respondent's Approval to Operate an Accredited Institution without further process.

## **CONTINGENCY**

- 11. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and Bureau staff may communicate directly with the Director and staff regarding this stipulation and surrender, without notice to, or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that it may not withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Surrender of Approval to Operate an Accredited Institution and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of Approval to Operate an Accredited Institution and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

- 3. This Stipulated Surrender of Approval to Operate an Accredited Institution and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of Approval to Operate an Accredited Institution and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 8 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

### **ORDER**

IT IS HEREBY ORDERED that Approval to Operate an Accredited Institution, Code Number 1922081, issued to Respondent Graduates Do Succeed, Inc., Salvador Franco Sr. and Salvador Franco Jr. is surrendered and accepted by the Bureau.

- 1. The surrender of Respondent's Approval to Operate an Accredited Institution and the acceptance of the surrendered Approval to Operate by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's approval history with the Bureau. The acceptance of the Stipulated Surrender of Approval to Operate an Accredited Institution shall not preclude the filing of any civil claims against Respondent related to the allegations in Accusation No. 1000864.
- 2. Respondent shall lose all rights and privileges as an approved school in California as of the effective date of the Director's Decision and Order.
- 3. If Respondent ever files an application for school approval in the State of California, the Bureau shall treat it as a new application. Respondent must comply with all the laws, regulations and procedures of a surrendered approval to operate in effect at the time the application is filed, and all of the charges and allegations contained in Accusation No. 1000864 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application.

1	4. Respondent may not apply for a new school approval for three (3) years from the		
1	effective date of this Decision. Respondent shall pay the Bureau the costs of investigation and		
	enforcement in this matter in the amount of \$17,503.87 prior to issuance of any new approval to		
4	operate.		
5	ACCEPTANCE		
	6 I have carefully read the above Stipulated Surrender of Approval to Operate an Accredited		
7	Institution and Order, and have fully discussed it with my attorney, Mark Roohk of Moss Law		
8	Group. I understand the stipulation and the effect it will have on Approval to Operate an		
9	Accredited Institution, Number 1922081. I enter into this Stipulated Surrender of Approval to		
10	Operate an Accredited Institution and Order on behalf of Graduates Do Succeed, Inc. voluntarily,		
11	knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of		
12	the Department of Consumer Affairs.		
13			
14	DATED: "11/20/ 2019" "Original signature on file"		
15	SALVADOR FRANCO SR. Authorized Agent on Behalf of		
16	GRADUATES DO SUCCEED, INC.  Respondent		
17	Kesponaeni		
18	DATED: "11/20/2019" "Original signature on file"		
19	SALVADOR FRANCO JR.		
20	Authorized Agent on Behalf of GRADUATES DO SUCCEED, INC.		
	Respondent		
21			
22	I have read and fully discussed with Respondent Graduates Do Succeed, Inc., Salvador		
23	Franco Sr. and Salvador Franco Jr., the terms and conditions and other matters contained in the		
24	above Stipulated Surrender of Approval to Operate an Accredited Institution and Order. I		
<ul><li>25</li><li>26</li></ul>	approve its form and content.		
	DATED: "11/21/2010" "Opinional signature or £1-"		
27	DATED: "11/21/2019" "Original signature on file"  MARK ROOHK		
28	Moss Law Group  Attorneys for Respondent		
	Thiorneys for Respondent  5		
	Stipulated Surrender of Approval to Operate an Accredited Institution (Case No. 1000864)		

# **ENDORSEMENT** The foregoing Stipulated Surrender of Approval to Operate an Accredited Institution and Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs. DATED: "12/3/2019" Respectfully submitted, XAVIER BECERRA Attorney General of California LINDA L. SUN Supervising Deputy Attorney General "Original signature on file" MICHAEL YI Deputy Attorney General Attorneys for Complainant LA201960037