

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**HOLBERTON, INC.**

972 Mission Street – 1<sup>st</sup> Floor

San Francisco, CA 94103

Case No. 1004073

OAH Case No.: 2020080018

Respondent.

**DECISION AND ORDER**

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

This Decision shall become effective on “January 17 , 2021”, 2020.

It is so ORDERED “December 17 , 2020”.

“Original signature on file”

RYAN MARCROFT  
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION  
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA  
Attorney General of California  
2 CHAR SACHSON  
Supervising Deputy Attorney General  
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Deputy Attorney General  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **HOLBERTON INC.**  
14 **972 Mission Street – 1st Floor**  
**San Francisco, CA 94103**  
15 **Approval to Operate a Non-accredited**  
**Institution, Code No. 47845455,**

16 Respondent.  
17

Case No. 1004073  
OAH No. 2020080018

**STIPULATED SURRENDER OF  
APPROVAL TO OPERATE AND  
ORDER**

18  
19 IT IS STIPULATED AND AGREED by and between the parties to these proceedings that  
20 the following matters are true:

21 **PARTIES**

22 1. Dr. Michael Marion, Jr. (Complainant) is the Chief of the Bureau for Private  
23 Postsecondary Education (Bureau). He brought this action solely in his official capacity and is  
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, and  
25 Gregory Tuss, deputy attorney general.

26 2. Holberton Inc. (Respondent) is represented in this proceeding by attorney Aarti  
27 Reddy, whose address is 101 California Street, 5th Floor, San Francisco, CA 94111.

28 3. On July 11, 2018, the Bureau issued an Approval to Operate a Non-accredited

1 Institution, Code No. 47845455, to Respondent. This approval to operate will expire on July 11,  
2 2023, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 1004073 was filed before the Director of the Department of  
5 Consumer Affairs (Director). The accusation and all other statutorily required documents were  
6 properly served on Respondent on February 5, 2020. Respondent timely filed its notice of  
7 defense contesting the accusation.

8 5. First Amended Accusation No. 1004073 was filed before the Director and is  
9 currently pending against Respondent. The first amended accusation and all other statutorily  
10 required documents were properly served on Respondent on June 10, 2020. A copy of First  
11 Amended Accusation No. 1004073 is attached as exhibit 1 and incorporated by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in First Amended Accusation No. 1004073. Respondent also has  
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
16 Surrender of Approval to Operate and Order.

17 7. Respondent is fully aware of its legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the accusation; the right to confront and cross-examine  
19 the witnesses against it; the right to present evidence and to testify on its own behalf; the right to  
20 the issuance of subpoenas to compel the attendance of witnesses and the production of  
21 documents; the right to reconsideration and court review of an adverse decision; and all other  
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

25 **CULPABILITY**

26 9. First Amended Accusation No. 1004073 is amended as follows: the third through  
27 fifteenth causes for discipline are stricken.

28 10. Respondent understands that the first and second charges and allegations in First

1 Amended Accusation No. 1004073, if proven at a hearing, constitute cause for imposing  
2 discipline upon its approval to operate.

3 11. For the purpose of resolving the first amended accusation without the expense and  
4 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
5 establish a factual basis for the first and second causes for discipline in the first amended  
6 accusation and that those charges constitute cause for discipline. Respondent gives up its right to  
7 contest that cause for discipline exists based on the first and second charges.

8 12. Respondent understands that by signing this stipulation it enables the Director to  
9 issue his order accepting the surrender of its approval to operate without further process.

10 **RESERVATION**

11 13. The admissions made by Respondent in this stipulation are only for the purposes  
12 of this proceeding, or any other proceedings in which the Director, the Bureau, or other  
13 professional licensing agency is involved, and shall not be admissible in any other criminal or  
14 civil proceeding.

15 **CONTINGENCY**

16 14. This stipulation shall be subject to approval by the Director or the Director's  
17 designee. Respondent understands and agrees that counsel for Complainant and the staff of the  
18 Bureau may communicate directly with the Director and staff regarding this stipulation and  
19 surrender, without notice to or participation by Respondent or its counsel. By signing the  
20 stipulation, Respondent understands and agrees that it may not withdraw its agreement or seek to  
21 rescind the stipulation prior to the time the Director considers and acts upon it. If the Director  
22 fails to adopt this stipulation as the Decision and Order, the Stipulated Surrender and Disciplinary  
23 Order shall be of no force or effect except for this paragraph, it shall be inadmissible in any legal  
24 action between the parties, and the Director shall not be disqualified from further action by  
25 having considered this matter.

26 15. The parties understand and agree that portable document format (PDF) and  
27 facsimile copies of this Stipulated Surrender of Approval to Operate and Order, including PDF  
28 and facsimile signatures, shall have the same force and effect as the originals.

1           16.     This Stipulated Surrender of Approval to Operate and Order is intended by the  
2 parties to be an integrated writing representing the complete, final, and exclusive embodiment of  
3 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,  
4 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of  
5 Approval to Operate and Order may not be altered, amended, modified, supplemented, or  
6 otherwise changed except by a writing executed by an authorized representative of each of the  
7 parties.

8           17.     In consideration of these admissions and stipulations, the parties agree that the  
9 Director may, without further notice or formal proceeding, issue and enter the following Order:

10                                 **ORDER**

11           IT IS ORDERED that Approval to Operate a Non-accredited Institution, Code No.  
12 47845455, issued to Respondent Holberton Inc., is surrendered and accepted by the Bureau.

13           1.     The surrender of Respondent’s Approval to Operate a Non-accredited Institution  
14 shall take effect 30 days after the decision and order adopting this Stipulated Surrender of  
15 Approval to Operate and Order is signed by the Director.

16           2.     The surrender of Respondent’s approval to operate and the acceptance of the  
17 surrendered approval to operate by the Bureau shall constitute the imposition of discipline against  
18 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
19 Respondent’s license history with the Bureau.

20           3.     Respondent shall lose all rights and privileges as a licensed non-accredited  
21 institution in California as of the effective date of the Director’s Decision and Order.

22           4.     If Respondent ever applies for licensure in the State of California, the Bureau shall  
23 treat it as a new application for licensure. Respondent must comply with all the laws, regulations  
24 and procedures for licensure in effect at the time the application is filed, and all of the charges and  
25 allegations contained in the first and second charges of First Amended Accusation No. 1004073  
26 shall be deemed to be true, correct and admitted by Respondent when the Bureau determines  
27 whether to grant or deny the application.

28           5.     Respondent shall pay the agency its costs of investigation and enforcement in the

1 amount of \$26,608.44 prior to issuance of an approval to operate.

2 **ACCEPTANCE**

3 I am authorized to sign on behalf of Respondent Holberton Inc. I have carefully read the  
4 above Stipulated Surrender of Approval to Operate and Order and have fully discussed it with my  
5 attorney, Aarti Reddy. I understand the stipulation and the effect it will have on Respondent  
6 Holberton Inc.'s Approval to Operate a Non-accredited Institution, Code No. 47845455. I enter  
7 into this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and  
8 intelligently, and agree to be bound by the Decision and Order of the Director of the Department  
9 of Consumer Affairs.

10 DATED: "11/13/2020"

"Original signature on file"

HOLBERTON INC.

*Respondent*

11  
12  
13 I have read and fully discussed with Respondent Holberton Inc. the terms and conditions  
14 and other matters contained in this Stipulated Surrender of Approval to Operate and Order. I  
15 approve its form and content.

16 DATED: "11/13/2020"

"Original signature on file"

AARTI REDDY

*Attorney for Respondent*

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**ENDORSEMENT**

This Stipulated Surrender of Approval to Operate and Order is submitted for consideration by the Director of the Department of Consumer Affairs.

DATED: "11/13/2020"

Respectfully submitted,  
  
XAVIER BECERRA  
Attorney General of California  
CHAR SACHSON  
Supervising Deputy Attorney General  
  
"Original signature on file"  
  
GREGORY TUSS  
Deputy Attorney General  
*Attorneys for Complainant*

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