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7  
8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
**STATE OF CALIFORNIA**

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In the Matter of the Statement of Issues  
Against:  
**JEFFERSON DENTAL TECH COLLEGE**  
dba **JEFFERSON COLLEGE,**  
**OOK KIM, Owner**  
2140 W. Olympic Blvd., #310  
Los Angeles, Ca 90006  
Application for Approval to Operate for an  
Institution Not Accredited Applicant  
Respondent.

Case No. 998052

**STATEMENT OF ISSUES**

Complainant alleges:

**PARTIES**

1. Laura Metune (Complainant) brings this Statement of Issues solely in her official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs (Bureau).

2. On or about July 27, 2010, the Bureau received an Application for Approval to Operate for an institution Not Accredited (application) from Jefferson Dental Tech College dba Jefferson College, Ook Kim, owner (Respondent). Subsequently, Respondent submitted addendums or additional documentation to address the deficiencies. Four subsequent deficiencies notices were sent each time the Respondent attempted to modify the deficient items on the

1 application. On or about July 20, 2010, Ook Kim certified under penalty of perjury to the  
2 truthfulness of all statements, answers, and representations in the application. The Bureau denied  
3 the application on January 31, 2012.

4 **JURISDICTION**

5 3. This Statement of Issues is brought before the Director of the Department of  
6 Consumer Affairs (Director) for the Bureau under the authority of the following laws.

7 **STATUTORY PROVISIONS**

8 4. Business and Professions Code section 22 defines the term "board" to include  
9 "bureau."

10 5. Business and Professions Code section 480 states, in pertinent part:

11 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
12 has one of the following:

13 . . . .

14 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
15 would be grounds for suspension or revocation of license.

16 "(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
17 substantially related to the qualifications, functions, or duties of the business or profession for  
18 which application is made. . . ."

19 6. Education Code section 94885<sup>1</sup> states:

20 "The bureau shall, by January 1, 2011, adopt by regulation minimum operating standards  
21 for an institution that shall reasonably ensure that all of the following occur:

22 "(a) The content of each educational program can achieve its stated objective.

23 "(b) The institution maintains specific written standards for student admissions for each  
24 educational program and those standards are related to the particular educational program.

25 "(c) The facilities, instructional equipment, and materials are sufficient to enable students  
26 to achieve the educational program's goals.

27 \_\_\_\_\_  
28 <sup>1</sup> California Private Postsecondary Education Act of 2009, Ed. Code §§ 94800 et seq.

- 1       “(d) The institution maintains a withdrawal policy and provides refunds.
- 2       “(e) The directors, administrators, and faculty are properly qualified.
- 3       “(f) The institution is financially sound and capable of fulfilling its commitments to
- 4 students.
- 5       “(g) That, upon satisfactory completion of an educational program, the institution gives
- 6 students a document signifying the degree or diploma awarded.
- 7       “(h) Adequate records and standard transcripts are maintained and are available to
- 8 students.
- 9       “(i) The institution is maintained and operated in compliance with this chapter and all
- 10 other applicable ordinances and laws.

11       7. Education Code section 94886 states:

12               “Except as exempted in Article 4 (commencing with Section 94874) or in compliance with

13 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,

14 conduct, or do business as a private postsecondary educational institution in this state without

15 obtaining an approval to operate under this chapter.”

16       8. Education Code section 94887:

17               “An approval to operate shall be granted only after an applicant has presented sufficient

18 evidence to the bureau, and the bureau has independently verified the information provided by the

19 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant

20 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application

21 for an approval to operate if the application does not satisfy those standards.”

22       9. Education Code section 94909 provides minimum content requirements for the

23 educational institution’s catalog and brochures.

24       10. Education Code section 94911 provides the minimum requirements for the

25 educational institution’s enrollment agreement.

26                                       REGULATORY PROVISIONS

27       11. California Code of Regulations, title 5, division 7.5, section 71100 states:

28               “(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code,

1 other than Approval to Operate by Accreditation pursuant to Section 94890(a)(1) of the Code,  
2 shall complete the "Application for Approval to Operate for an Institution Not Accredited," Form  
3 Application 94886 (rev. 2/10). An applicant seeking approval to operate by accreditation pursuant  
4 to Section 94890(a)(1) of the Code shall comply with section 71390.

5 "(b) An applicant shall submit the completed form, the information or documentation,  
6 required by this Article, the appropriate application fee as provided in Section 94930.5(a)(1) of  
7 the Code, and any appropriate annual fee as required by Article 1 of Chapter 5 of this Division, to  
8 the Bureau.

9 "(c) An application that fails to contain all of the information required by this article shall  
10 render it incomplete."

11 12. California Code of Regulations, title 5, division 7.5, section 71210 states:

12 "(a) The institution shall identify and describe the educational program it offers, or  
13 proposes to offer. If the educational program is a degree program, the institution shall identify the  
14 full title which it will place on each degree awarded.

15 "(b) In addition to the general title, such as "Bachelor of Arts" or "Master of Science,"  
16 each degree title shall include the name of a specific major field of learning involved.

17 "(c) In addition, the institution shall list the following for each educational program  
18 offered:

19 "(1) The admissions requirements, including minimum levels of prior education,  
20 preparation, or training;

21 "(2) If applicable, information regarding the ability-to-benefit examination as required by  
22 section 94904 of the Code;

23 "(3) The types and amount of general education required;

24 "(4) The title of the educational programs and other components of instruction offered,  
25 including a description of the level of the courses (e.g., below college level, undergraduate level,  
26 graduate level);

27 "(5) The method of instruction;

28 "(6) The graduation requirements; and

1           “(7) Whether the educational program is designed to fit or prepare students for  
2 employment in any occupation. If so, the Form Application 94886 shall identify each occupation  
3 and job title to which the institution represents the educational program will lead.”

4           13. California Code of Regulations, title 5, division 7.5, section 71745, subdivision (a)  
5 states:

6           “(a) The institution shall document that it has at all times sufficient assets and financial  
7 resources to do all of the following:

8           .....

9           “(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the  
10 end of the most recent fiscal year when using generally accepted accounting principles, . . .”

11           14. California Code of Regulations, title 5, division 7.5, section 71800 provides the  
12 minimal information required within the enrollment agreement in addition to the requirements of  
13 section 94911.

14           15. California Code of Regulations, title 5, division 7.5, section 71810 provides minimum  
15 content requirements for the school's catalog pursuant to Education Code section 94909.

16                           **CAUSES FOR DENIAL OF APPLICATION**

17   **(Incomplete Application)**

18           16. Respondent's application is subject to denial under Business and Professions Code  
19 sections 480, subdivision (a)(3)(A), Education Code section 94887 and California Code of  
20 Regulations, title 5, division 7.5, section 71100, subdivisions (a) – (c), in that on or about July 27,  
21 2010, Respondent submitted an incomplete application to the Bureau, each ground is a sole and  
22 separate cause for denial. The grounds are as follows:

23           a. Incomplete Application. Respondent failed to submit all of the required supplemental  
24 documentation, rendering it an incomplete application, violating California Code of Regulations,  
25 title 5, division 7.5, section 71100, subdivisions (a) – (c).

26           b. Exemplars of Student Agreements. Respondent failed to provide an Enrollment  
27 Agreement that met the minimum requirements pursuant to Education Code section 94911 and  
28 California Code of Regulations, title 5, division 7.5, section 71800.

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c. Instruction and Degrees Offered. Respondent failed to provide supporting documentation as required by number 12 of the Form Application 94886 for each educational program being offered by the institution, violating California Code of Regulations, title 5, division 7.5, section 71210, subdivisions (a) – (c).

d. Financial Resources and Statements. Respondent failed to provide financial statements sufficient for the Bureau's evaluation and / or to demonstrate that the institution is able to maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater, violating California Code of Regulations, title 5, division 7.5, section 71745, subdivision (a)(6).

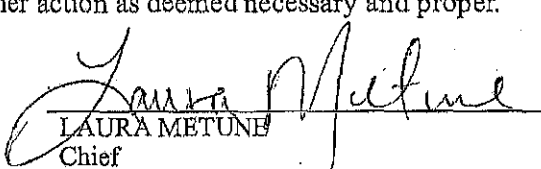
e. Catalog. Respondent failed to provide a catalog that meets the minimum statutory and regulatory requirements, violating Education code section 94909 and California Code of Regulations, title 5, division 7.5, section 71810.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged and that following the hearing the Director issue a decision:

1. Denying the Application for Approval to Operate for an Institution Not Accredited from Jefferson Dental Tech College dba Jefferson College, Ook Kim, sole proprietorship owner; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/12

  
 LAURA METUNE  
 Chief  
 Bureau for Private Postsecondary Education  
 Department of Consumer Affairs  
 State of California  
 Complainant

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