

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

In the Matter of the First Amended
Accusation Against:

SOUTH BAYLO UNIVERSITY,
d.b.a South Baylo University School of
Oriental Medicine,

Approval to Operate No. 3004561,

Respondent.

Case No. 999965

OAH No. 2017110611

DECISION AND ORDER AFTER REMAND

On August 22, 2018, the Director of the Department of Consumer Affairs issued a Decision and Order in this matter, which took effect on October 26, 2018. The Decision and Order adopted and included the Administrative Law Judge's June 6, 2018, Proposed Decision, with a minor clerical change. The August 22, 2018, Decision and Order, including the Proposed Decision, is attached hereto as Attachment A and incorporated herein as part of the Decision and Order After Remand.

On February 25, 2019, respondent South Baylo University, doing business as South Baylo University School of Oriental Medicine, filed a Verified First Amended Petition for Writ of Administrative Mandamus and Complaint for Injunctive and Declaratory Relief that challenged the Director's Decision and Order, in *South Baylo University v. California Bureau for Private Postsecondary Education, et al.* (Super. Ct. Orange County, No. 20-2018-01034139-CU-WM-CJC).

On October 24, 2019, the Superior Court approved a Stipulated Settlement and Order of Remand entered by the parties, and the Court remanded the matter to the Director for further action consistent with the stipulation.

In accordance with the parties' stipulation, the Director hereby modifies the August 22, 2018, Decision and Order, which took effect on October 26, 2018, as follows:

1. The Order is modified to read:

IT IS HEREBY ORDERED that Approval to Operate No. 3004361 issued to respondent South Baylo University, doing business as South Baylo University of Oriental Medicine, is revoked. However, the revocation is stayed, and respondent is placed on probation for four (4) years on the following terms and conditions.

2. Probation Term 5, Notification to Prospective Students, is modified to read:

When currently soliciting or enrolling (or re-enrolling) a student for any program, respondent shall provide notification of this action to each current or prospective student prior to accepting their enrollment, and to those students who were enrolled at the time of the conduct that is the subject of this action as directed by the Bureau. This notification shall include a copy of the Accusation, Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever applies).

Notification to students shall be provided by the following means:

- Posting conspicuously on the school’s website the following documents: Decision and Order After Remand, Decision and Order dated August 22, 2018, and First Amended Accusation (hereinafter collectively “Decision and Accusation”).
- Providing written notice to students and prospective students that states:

South Baylo University (SBU) hereby provides notification to current and prospective students of SBU’s discipline by the Bureau for Private Postsecondary Education, Department of Consumer Affairs, State of California (BPPE). SBU’s approval to operate has been disciplined by the BPPE and is currently under probation by BPPE.

The following disciplinary documents are provided with this notification: [link to the Decision and Accusation].

SBU also provides notification that SBU has retained an operations auditor/billing auditor to audit SBU’s operations. In performing these services, the auditor may access student records and directly contact students.

I hereby attest that I have received the above notifications and copies of documents listed therein. I also hereby release and authorize the auditor to review my student records and make direct contact with me, as needed. I understand that, if I have any questions, I can contact SBU’s Director of Operations or the Academic Dean.

Signature _____ Date _____

Print Name _____

The signed written notice shall be kept in the student's file and maintained by the school as part of its institutional records.

IT IS SO ORDERED this ____ day of _____, 2019.

RYAN MARCROFT
Deputy Director
Legal Affairs Division
Department of Consumer Affairs