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Attorneys for Complainant

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

10
11 In the Matter of the Accusation Against:

Case No. 998873

12 **TRITON INSTITUTE**
Ling Li, Owner
13 830 Stewart Drive, Suite 151
Sunnyvale, CA 94085

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 School Code No. 1942501
15 Institution Code No. 1942501

16 Respondent.

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20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

21 PARTIES

22 1. Joanne Wenzel ("Complainant") is the Chief of the Bureau for Private Postsecondary
23 Education. She brought this action solely in her official capacity and is represented in this matter
24 by Kamala D. Harris, Attorney General of the State of California, by Justin R. Surber, Deputy
25 Attorney General.

26 2. Respondent Triton Institute, Ling Li, Owner ("Respondent") is represented in this
27 proceeding by attorney Karl Schweikert, whose address is: Karl Schweikert
28

1 Chruchwell White LLP
2 1414 K St., 3rd FL
3 Sacramento CA 95814

4 3. On or about April 29, 2002, the former Bureau for Private Postsecondary and
5 Vocational Education¹ issued an approval to operate (School Code No. 1942501
6 and Institution Code No. 1942501) to Triton Institute, Leslie Feltenberg, owner.

7 4. On or about April 29, 2013, Triton Institute submitted an application for Renewal of
8 Approval to Operate and Offer Educational Programs for Non-Accredited Institutions. The
9 physical location address on the application was listed as 830 Stewart Drive, Suite 151,
10 Sunnysvale, CA 94085. Ling Li was listed as 100% owner.

11 5. On or about August 5, 2013, Triton Institute submitted an application for Change of
12 Business Organization/Control/Ownership. The Application was approved on or about February
13 9, 2015.

14 JURISDICTION

15 6. Accusation No. 998873 was filed before the Director of the Department of Consumer
16 Affairs (Director), for the Bureau for Private Postsecondary Education (Bureau), and is currently
17 pending against Respondent. The Accusation and all other statutorily required documents were
18 properly served on Respondent on September 1, 2015. Respondent timely filed its Notice of
19 Defense contesting the Accusation.

20 7. A copy of Accusation No. 998873 is attached as Exhibit A and incorporated herein by
21 reference.

22 ADVISEMENT AND WAIVERS

23 8. Respondent has carefully read, fully discussed with counsel, and understands the
24 charges and allegations in Accusation No. 998873. Respondent has also carefully read, fully
25

26 ¹ The former Bureau for Private Postsecondary and Vocational Education sunsetted on
27 July 1, 2007. On October 11, 2009, the Private Postsecondary Education Act of 2009 (AB 48)
28 was signed into law. The Act, which became operative on January 1, 2010, established the
Bureau for Private Postsecondary Education.

1 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
2 Order.

3 9. Respondent is fully aware of its legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
5 its own expense; the right to confront and cross-examine the witnesses against them; the right to
6 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
7 the attendance of witnesses and the production of documents; the right to reconsideration and
8 court review of an adverse decision; and all other rights accorded by the California
9 Administrative Procedure Act and other applicable laws.

10 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
11 every right set forth above.

12 CULPABILITY

13 11. Respondent understands and agrees that the charges and allegations in Accusation
14 No. 998873, if proven at a hearing, constitute cause for imposing discipline upon its School
15 Code.

16 12. For the purpose of resolving the Accusation without the expense and uncertainty of
17 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
18 basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest
19 those charges.

20 13. Respondent agrees that its School Code is subject to discipline and they agree to be
21 bound by the Director's probationary terms as set forth in the Disciplinary Order below.

22 CONTINGENCY

23 14. This stipulation shall be subject to approval by the Director of the Department
24 Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for
25 Complainant and the staff of the Bureau for Private Postsecondary Education may communicate
26 directly with the Director and staff of the Department of Consumer Affairs regarding this
27 stipulation and settlement, without notice to or participation by Respondent or its counsel. By
28 signing the stipulation, Respondent understands and agrees that they may not withdraw its

1 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
2 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
3 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
4 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
5 from further action by having considered this matter.

6 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
7 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
8 signatures thereto, shall have the same force and effect as the originals.

9 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
12 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
13 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
14 writing executed by an authorized representative of each of the parties.

15 17. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Director may, without further notice or formal proceeding, issue and enter the following
17 Disciplinary Order:

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that the approval to operate (School Code No. 1942501 and
20 Institution Code No. 1942501) issued to Triton Institute, Ling Li, owner (Respondent) is revoked.
21 However, the revocation is stayed and Respondent is placed on probation for three (3) years on
22 the following terms and conditions:

23 1. Obey All Laws

24 Respondent shall obey all federal, state and local laws and regulations governing the
25 operation of a private postsecondary educational institution in California. Respondent shall
26 submit, in writing, a full detailed account of any and all violations of the law to the Bureau within
27 five (5) days of discovery.

28

1 CRIMINAL COURT ORDERS: If respondent is under criminal court orders, including
2 probation or parole, and the order is violated, this shall be deemed a violation of these probation
3 conditions, and may result in the filing of an Accusation and/or Petition to Revoke Probation.

4 2. Compliance with Probation and Quarterly Reporting

5 Respondent shall fully comply with the terms and conditions of probation established by
6 the Bureau and shall cooperate with representatives of the Bureau in its monitoring and
7 investigation of the respondent's compliance with probation. Respondent, within ten (10) days of
8 completion of the quarter, shall submit quarterly written reports to the Bureau on a Quarterly
9 Report of Compliance form obtained from the Bureau.

10 3. Personal Appearances

11 Upon reasonable notice by the Bureau, respondent shall report to and make personal
12 appearances at times and locations as the Bureau may direct.

13 4. Notification of Address and Telephone Number Change(s) or Application for
14 Substantive Change

15 Respondent shall notify the Bureau, in writing, within 30 days of a change of name, title,
16 physical home address, email address, or telephone number of each person, as defined in section
17 94855 of the Code, who owns or controls 25% or more of the stock or an interest in of the
18 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
19 member or any other person who exercises substantial control over the institution's management
20 or policies.

21 5. Notification to Prospective Students

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

28

1 6. Student Roster

2 Within 15 days of the effective date of this Decision, and with the Quarterly Reports
3 thereafter, provide to the Bureau the names, addresses, phone numbers, email addresses, and the
4 programs in which they are or were enrolled, of all persons who are currently or were students of
5 the institution within 60 days prior to the effective date of the Decision, and those students who
6 were enrolled at the time of the conduct that is the subject of this action.

7 7. Instruction Requirements and Limitations

8 During probation, Respondent shall provide approved instruction in the State of California.
9 If respondent is not providing instruction, the period of probation shall be tolled during that time.

10 8. Maintenance of Current and Active Approval to Operate

11 Respondent shall, at all times while on probation, maintain a current and active approval to
12 operate with the Bureau including any period during which approval is suspended or probation is
13 tolled.

14 9. Comply With Citations

15 Respondent shall comply with all final orders resulting from citations issued by the Bureau.

16 10. Cost Recovery Requirements

17 Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount
18 of \$25,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by
19 the Board, with payments to be completed no later than one year prior to the end of the
20 probationary term. Such costs shall be payable to the Bureau and are to be paid regardless of
21 whether the probation is tolled. Failure to pay such costs shall be considered a violation of
22 probation.

23 Except as provided above, the Bureau shall not renew or reinstate the approval to operate of
24 any respondent who has failed to pay all the costs as directed in a Decision.

25 11. Violation of Probation

26 If respondent violates probation in any respect, the Bureau, after giving respondent notice
27 and opportunity to be heard, may revoke probation and carry out the disciplinary order which was
28 stayed. If an Accusation or a Petition to Revoke Probation is filed against respondent during

1 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the period of
2 probation shall be extended, and respondent shall comply with all probation conditions, until the
3 matter is final.

4 12. Future Approvals to Operate

5 If respondent subsequently obtains other approvals to operate during the course of this
6 probationary order, this Decision shall remain in full force and effect until the probationary period
7 is successfully terminated. Future approvals shall not be granted, however, unless respondent is
8 currently in compliance with all of the terms and conditions of probation.

9 13. Completion of Probation

10 Upon successful completion of probation, respondent's approval to operate will be fully
11 restored.

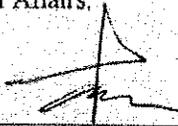
12 14. Filing of Annual Report(s)/STRF Report(s) and fees

13 Within 30 days of the effective date of this Decision, respondent shall submit to the Bureau
14 any and all new or amended Annual Reports/STRF Reports for 2010-present, and shall remit
15 annual fees/STRF assessments to the Bureau. Respondent shall also provide to the Bureau
16 verifiable documentation that it has refunded STRF assessments incorrectly assessed or calculated
17 to each student, if applicable.

18 ACCEPTANCE

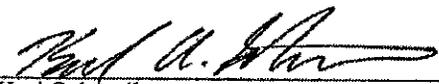
19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Karl Schweikert. I understand the stipulation and the effect it will
21 have on my School Code. I enter into this Stipulated Settlement and Disciplinary Order
22 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
23 Director of the Department of Consumer Affairs.

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25 DATED: 10-12-2016


LING LI, Owner
Triton Institute
Respondent

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I have read and fully discussed with Respondent Ling Li the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 20 October 2016 

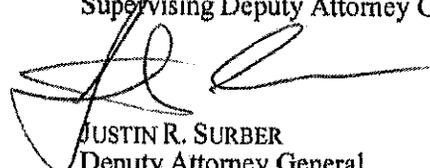
Karl Schweikert
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs

Dated: 10/21/16

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General


JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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DEPARTMENT OF CONSUMER AFFAIRS
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STATE OF CALIFORNIA**

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**TRITON INSTITUTE
Ling Li, Owner
830 Stewart Drive, Suite 151
Sunnyvale, CA 94085**

School Code No. 1942501
Institution Code No. 1942501

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted adopted by the Director of Consumer Affairs as the Decision and Order in the above entitled matter.

This Decision shall become effective on FEB - 3 2017.

It is so ORDERED December 28, 2016.



DOREATHEA JOHNSON

Deputy Director, Legal Affairs,
Department of Consumer Affairs