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

In the Matter of the Accusation Against:

Case No. 1002310

CAREER ADVANCEMENT SOLUTIONS 1530 Meridian Avenue, Suite 103 San Jose, CA 95125-5318

Approval to Operate No. 25448282

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of Approval to Operate and Order is hereby adopted by the Director of the Department of Consumer Affairs and the Bureau for Private Postsecondary Education as the Decision and Order in the above entitled matter.

This Decision shall become effective on _		_·
It is so ORDERED	·	

RYAN MARCROFT
DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
FOR THE DIRECTOR OF THE DEPARTMENT OF
CONSUMER AFFAIRS

1	XAVIER BECERRA			
2	Attorney General of California LINDA K. SCHNEIDER			
3	Senior Assistant Attorney General DIANN SOKOLOFF			
4	Supervising Deputy Attorney General State Bar No. 161082			
5	1515 Clay Street, 20th Floor P.O. Box 70550			
6	Oakland, CA 94612-0550 Telephone: (510) 879-0983			
7	Facsimile: (510) 622-2270 E-mail: <u>Diann.Sokoloff@doj.ca.gov</u>			
8	Attorneys for Complainant			
9	BEFORE THE			
10	DEPARTMENT OF CONSUMER AFFAIRS FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION			
11	STATE OF C	ALIFORNIA		
12		1		
13	In the Matter of the Accusation Against:	Case No. 1002310		
14	CAREER ADVANCEMENT SOLUTIONS 1530 Meridian Avenue, Suite 103			
15	San Jose, CA 95125-5318	STIPULATED SURRENDER OF APPROVAL TO OPERATE AND		
16	Approval to Operate Institution Code No. 25448282	ORDER		
17	Respondent.			
18				
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	<u>PARTIES</u>			
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	Diann Sokoloff, Supervising Deputy Attorney General.			
27	-	ondent) is representing itself in this proceeding.		
28				

3. On or about May 16, 2003, the Bureau for Private Postsecondary Education issued an Approval to Operate Number Institution Code 25448282 to Respondent. Respondent's Approval to Operate Institution Code 25448282 was in full force and effect at all times relevant to the charges brought in this Accusation. The Approval to Operate will expire on November 3, 2022, unless renewed.

JURISDICTION

4. Accusation No. 1002310 was filed before the Director of the Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 14, 2018. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 1002310 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read and understands the charges and allegations in
 Accusation No. 1002310. Respondent also has carefully read and understands the effects of this
 Stipulated Surrender of Approval to Operate 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 them; 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.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1002310, agrees that cause exists for discipline and hereby surrenders their Approval to Operate Institution Code No. 25448282 for the Director's formal acceptance.

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9. Respondent understands that by signing this stipulation Respondent enables the Director to issue his order accepting the surrender of their Approval to Operate Institution Code No. 25448282 without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for Private Postsecondary Education 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 he 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 and Disciplinary 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.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of Approval to Operate and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of Approval to Operate 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 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.
- 13. 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:

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<u>ORDER</u>

IT IS HEREBY ORDERED that Approval to Operate Institution Code No. 25448282, issued to Respondent Career Advancement Solutions, is surrendered and accepted by the Director of the Department of Consumer Affairs.

- 1. The surrender of Respondent's Approval to Operate and the acceptance of the surrendered approval 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.
- 2. Respondent shall lose all rights and privileges as a school in California as of the effective date of the Director's Decision and Order.
- 3. If Respondent ever files an application for an Approval to Operate in the State of California, the Bureau shall treat it as a new application. Respondent must comply with all the laws, regulations and procedures for the approval in effect at the time the application is filed, and all of the charges and allegations contained in Accusation No. 1002310 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application.
- 4. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$6,455.00 prior to issuance of a new Approval to Operate.
- 5. Respondent shall provide a school closure plan within 30 days of the effective date of the surrender.
- 6. Respondent shall provide the Bureau with the name of the school's Custodian of Records responsible for student records.
- 7. Respondent shall provide the Bureau with a student roster containing the contact, mailing, program, and payment information for students who attended Respondent school within the last 120 days, if applicable.
- 8. Respondent shall provide the Bureau with evidence of refunds provided to current enrolled students, if applicable, per California Education Code section 94927.

1	9. Acceptance of the stipulated surrender of the Approval to Operate does not preclude		
2	the filing of civil claims against respondent arising from the allegations in the accusation.		
3	<u>ACCEPTANCE</u>		
4	I have carefully read the above Stipulated Surrender of Approval to Operate and Order. I		
5	understand the stipulation and the effect it will have on the Approval to Operate. I enter into this		
6	Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and intelligently,		
7	and agree to be bound by the Decision and Order of the Director of the Department of Consumer		
8	Affairs.		
9			
10	DATED:		
11	CAREER ADVANCEMENT SOLUTIONS Respondent		
12	DATED:		
13	Ismael Perez Attorney for Respondent		
14			
15			
16	ENDORSEMENT		
17	The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully		
18	submitted for consideration by the Director of the Department of Consumer Affairs.		
19	Dated: Respectfully submitted,		
20	Xavier Becerra		
21	Attorney General of California LINDA K. SCHNEIDER		
22	Senior Assistant Attorney General		
23			
24	DIANN SOKOLOFF		
25	Supervising Deputy Attorney General Attorneys for Complainant		
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