1	VINCE D IL PROP			
	KAMALA D. HARRIS Attorney General of California			
2	THOMAS L. RINALDI Supervising Deputy Attorney General			
3	CRISTINA FELIX Deputy Attorney General			
4	State Bar No. 195663 300 So. Spring Street, Suite 1702			
5	Los Angeles, CA 90013 Telephone: (213) 897-2455			
6	Facsimile: (213) 897-2804 E-mail: Cristina, Felix@doj.ca.gov			
7	Attorneys for Complainant			
8	BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS			
9	FOR THE BUREAU FOR PRIVATI	E POSTSECONDARY EDUCATION CALIFORNIA		
10	DIAL OF C			
11		C		
12	In the Matter of the Accusation Against:	Case No. 996999		
13	AMERICAN SPORTS UNIVERSITY American Sports University,	OAH No. 2015110124		
14	Owner, Non-Profit Public Benefit 399 North D. Street	STIPULATED SURRENDER OF APPROVAL TO OPERATE AND		
15	San Bernardino, CA 92401	ORDER	l	
			ţ	
-16-	Institution Code 14960906	1		
-16- 17	Institution Code 14960906 Respondent.	1		
	Respondent.	REED by and between the parties to the above-		
17	Respondent.	REED by and between the parties to the above-		
17 18	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a	REED by and between the parties to the above-		
17 18 19	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u>	REED by and between the parties to the above- re true:		
17 18 19 20	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the	REED by and between the parties to the above- re true: <u>XTIES</u>		
17 18 19 20 21	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action	REED by and between the parties to the above- re true: <u>RTIES</u> Chief of the Bureau for Private Postsecondary		
17 18 19 20 21 22	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action	REED by and between the parties to the above- re true: <u>RTIES</u> • Chief of the Bureau for Private Postsecondary • solely in her official capacity and is represented		
17 18 19 20 21 22 	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action in this matter by Kamala D. Harris, Attorney Ge Deputy Attorney General.	REED by and between the parties to the above- re true: <u>RTIES</u> • Chief of the Bureau for Private Postsecondary • solely in her official capacity and is represented		
17 18 19 20 21 22 23 24	Respondent. IT IS HEREBY STIPULATED AND AGE entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action in this matter by Kamala D. Harris, Attorney Ge Deputy Attorney General. 2. American Sports University (Respo	REED by and between the parties to the above- re true: <u>RTIES</u> Chief of the Bureau for Private Postsecondary solely in her official capacity and is represented meral of the State of California, by Cristina Felix,		
 17 18 19 20 21 22 23 24 25 	Respondent. IT IS HEREBY STIPULATED AND AGE entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action in this matter by Kamala D. Harris, Attorney Ge Deputy Attorney General. 2. American Sports University (Respo	REED by and between the parties to the above- re true: <u>RTIES</u> • Chief of the Bureau for Private Postsecondary • solely in her official capacity and is represented eneral of the State of California, by Cristina Felix, ndent) Owner, Non-Profit Public Benefit y attorney James C. Stevens, Esq., whose address		
 17 18 19 20 21 22 23 24 25 26 	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action in this matter by Kamala D. Harris, Attorney Ge Deputy Attorney General. 2. American Sports University (Respo Corporation, is represented in this proceeding b	REED by and between the parties to the above- re true: <u>RTIES</u> • Chief of the Bureau for Private Postsecondary • solely in her official capacity and is represented eneral of the State of California, by Cristina Felix, ndent) Owner, Non-Profit Public Benefit y attorney James C. Stevens, Esq., whose address		
 17 18 19 20 21 22 23 24 25 26 27 	Respondent. IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Joanne Wenzel (Complainant) is the Education (the Bureau). She brought this action in this matter by Kamala D. Harris, Attorney Ge Deputy Attorney General. 2. American Sports University (Respo Corporation, is represented in this proceeding b	REED by and between the parties to the above- re true: <u>RTIES</u> • Chief of the Bureau for Private Postsecondary • solely in her official capacity and is represented eneral of the State of California, by Cristina Felix, ndent) Owner, Non-Profit Public Benefit y attorney James C. Stevens, Esq., whose address		

l

3. On or about, May 23, 2007, the former Bureau for Private Postsecondary and Vocational Education¹ issued Full Approval to Operate Institution Code Number 14960906 to 2 3 American Sports University, American Sports University, Owner, Non-Profit Public Benefit Corporation. Harry Hwang is chair and member of the board of directors, and Chun Y. Lee and 4 5 Charles T. Moffitt are members of the board of directors. Said Full Approval to Operate expired on June 30, 2014. 6

4 7 On July 30, 2014, the Bureau received an Application for Renewal of Approval to Operate an Institution Non-Accredited from American Sports University, Jane Hwang, 50% 8 9 owner, and Harry Hwang, 50% Owner. On August 11, 2014, the Bureau advised Respondent that the application was incomplete. On or about September 12, 2014, the Bureau received another 10 Application for Renewal of Approval to Operate an Institution Non-Accredited from American 11 Sports University. The application listed Jane Hwang as 100% owner, and Harry Hwang as 12 13 Chief Executive Officer. The Bureau denied the September 12, 2014 application on February 9, 2015. Respondent appealed the denial on April 1, 2015. 14

JURIS<u>DICTION</u>

Accusation-No.-996999-was-filed-before-the-Director-of-the-Department-of-Consumer-16 17 Affairs (Director), for the Bureau for Private Postsecondary Education (Bureau), and is currently pending against Respondent. The Accusation and all other statutorily required documents were 18 properly served on Respondent on August 24, 2015. Respondent timely filed his Notice of 19 Defense contesting the Accusation. The First Amended Accusation was filed and served on 20Respondent on June 21, 2016. A copy of First Amended Accusation No. 996999 is attached as 21 Exhibit A and incorporated by reference. 22

23 24 44

|||

|||

15

1

25

26 27

28

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

1	ADVISEMENT AND WAIVERS
2	6. Respondent has carefully read, fully discussed with counsel, and understands the
3	charges and allegations in the First Amended Accusation No. 996999. Respondent also has
4	carefully read, fully discussed with counsel, and understands the effects of this Stipulated
-5	Surrender of Approval to Operate and Order.
6	7. Respondent is fully aware of its legal rights in this matter, including the right to a
7	hearing on the charges and allegations in the First Amended Accusation; the right to be
8	represented by counsel, at his own expense; the right to confront and cross-examine the witnesses
9	against him; the right to present evidence and to testify on his own behalf; the right to the
10	issuance of subpoenas to compel the attendance of witnesses and the production of documents;
11	the right to reconsideration and court review of an adverse decision; and all other rights accorded
12	by the California Administrative Procedure Act and other applicable laws.
13	8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
14	every right set forth above.
15	CULPABILITY
	9.—.Respondent-admits-the-truth-of-each-and-every-charge-and-allegation-in-First
17	Amended Accusation No. 996999, agrees that cause exists for discipline and hereby surrenders its
18	Full Approval to Operate Institution Code Number 14960906 for the Bureau's formal acceptance.
19	10. Respondent understands that by signing this stipulation he enables the Director to
20	issue an order accepting the surrender of its Full Approval to Operate Institution Code Number
21	14960906 without further process.
22	RESERVATION
23	11. The admissions made by Respondent herein are only for the purposes of this
24	proceeding, or any other proceedings in which the Bureau or other professional licensing agency
25	is involved, and shall not be admissible in any other criminal or civil proceeding.
26	
· 27	
28	
·	3
	Stimulated Summerides of American Ite Operate (Gene Nr. 00(000)

Stipulated Surrender of Approval to Operate (Case No. 996999)

<u>CONTINGENCY</u>

1

28

2 12. This stipulation shall be subject to approval by the Director or the Director's designee. 3 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for 4 Private Postsecondary Education may communicate directly with the Director and staff regarding 5 this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 6 $\overline{7}$ agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon 8 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 9 10 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 13. The parties understand and agree that Portable Document Format (PDF) and faesimile 12 copies of this Stipulated Surrender of Approval to Operate and Order, including Portable 13 Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as 14 the originals. 15 -14.----This-Stipulated-Surrender-of-Approval-to-Operate-and-Order-is-intended-by-the-parties-16 17 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, 18 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of 19 Approval to Operate and Order may not be altered, amended, modified, supplemented, or 20otherwise changed except by a writing executed by an authorized representative of each of the 21 parties. 22 15. In consideration of the foregoing admissions and stipulations, the parties agree that 23 the Director may, without further notice or formal proceeding, issue and enter the following 24 Order; 25Ш 26 III27

4

Stipulated Surrender of Approval to Operate (Case No. 996999)

<u>ORDER</u>

1

2

3

4

5

6

7

8

9

19

20

21

22

23

24

25

IT IS HEREBY ORDERED that Approval to Operate Institution Code Number 14960906 issued to Respondent American Sports University 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 to Operate 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 to Operate history with the Bureau for Private Postsecondary Education.

Respondent shall lose all rights and privileges to operate as a private post secondary
 institution in California as of the effective date of the Director's Decision and Order.

3. If Respondent or any of Respondent's officers and/or agents, including Harry Hwang
and Jane Hwang, submit an application for an Approval to Operate in the State of California, they
must comply with all the laws, regulations and procedures for approval to operate in effect at the
time the application is filed, and all of the charges and allegations contained in First Amended
Accusation-No. 996999-shall-be-deemed-to-be-true, correct-and-admitted-by-Respondent, or any of
Respondent's officers and/or agents, including Harry Hwang and Jane Hwang when the Bureau
determines whether to grant or deny the application.

4. If Respondent or any of Respondent's officers and/or agents, including Harry Hwang and Jane Hwang, submit an application for an Approval to Operate or apply to any other professional licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 996999 shall be deemed to be true, correct, and admitted by Respondent or any of Respondent's officers and/or agents, including Harry Hwang and Jane Hwang, for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict approval to operate.

5. If Respondent is granted an Approval to Operate, it shall pay to the Bureau costs
associated with its investigation and enforcement pursuant to Education Code section 94937 and
Business and Professions Code section 125.3 in the amount of \$15,870.31.

5

6. Within fifteen days of the effective date of this Decision, Respondent must provide to the Bureau the names, addresses, phone numbers, email addresses and programs in which they were or were enrolled, of all persons who are currently or were students of the institution within sixty days prior to the effective date of the Decision, and those students who were enrolled at the time of the conduct that is the subject of this action.

1

2

3

4

5

6

7

8

9

15

16

17

18

19

20

21

DATED:

7. Respondent's acceptance of this Stipulated Surrender of Approval to Operate and Order in no way precludes the filing of civil claims against Respondents by individuals arising from the charges and allegations contained in Accusation No. 996999.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of Approval to Operate and Order and have fully discussed it with my attorney, James C. Stevens. I understand the stipulation and the effect it will have on my Approval to Operate I enter into this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs,

> AMERICAN SPORTS UNIVERSITY Name: JANE Hwang Title: DWN En Respondent

I have read and fully discussed with Respondent American Sports University, Harry Hwang, and Jane Hwang the terms and conditions and other matters contained in this Stipulated

Surrender of Approval to Operate and Order. I approve its form and content. 22 7/46/14 7/6/14 JAMES C. STEVENS, ESQ. Attorney for Respondent Nothing contorned percent is intended to be DATED: 23 24 25111 nor shall it be doemed to Ne, a warren of the attorney - chent or other applicable privileges 26]|| 27 111 28

б

Stimulated Surrender of Amproval to Operate (Case No. 996999)

, 1	ENDORSEMENT
2	The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully
3	submitted for consideration by the Director of the Department of Consumer Affairs.
4	Dated: 07/08/2014 Respectfully submitted,
5	Kamala D. Harris
б	Attorney General of California THOMAS L. RINALDI
7	Supervising Deputy Attorney General
8	ART E
9	CRISTINA FELIX Deputy Attorney General
10	Attorneys for Complainant
11	LA2015500924
12	52.144609_4.doc
13	
14	·
15	
1-6- 17	
18	
19	
20	
20	
22	
23-	
24	
25	
26	
27	
28	
	7
	Stipulated Surrender of Approval to Operate (Case No. 996999)

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

In the Matter of the Accusation Against:

AMERICAN SPORTS UNIVERSITY American Sports University, Owner, Non-Profit Public Benefit 399 North D. Street San Bernardino, CA 92401 Case No. 996999

OAH No. 2015110124

DECISION AND ORDER

Institution Code 14960906

Respondent.

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

SEP 3 0 2016

Dated;

Doreathea Johnson Deputy Director, Legal Affairs Department of Consumer Affairs