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

13 In the Matter of the Statement of Issues  
14 Against:  
15 **DIANOVA FOUNDATION**  
**d.b.a. DIANOVA INSTITUTE**  
16 **Application for Approval to Operate for an**  
**Institution Non-Accredited**  
17  
18 Respondent.

Case No. 1004095  
OAH No. 2019050827  
**NOTICE OF WITHDRAWAL OF**  
**STATEMENT OF ISSUES**

19 TO ALL INTERESTED PARTIES:

20 **PARTIES**

21 1. On or about April 24, 2019, Dr. Michael Marion, Jr., Chief of the Bureau for Private  
22 Postsecondary Education, Department of Consumer Affairs (Bureau), filed Statement of Issues  
23 No. 1004095 solely in his official capacity.

24 2. On or about July 7, 2017, the Bureau received from Respondent DiaNova  
25 Foundation, doing business as DiaNova Institute, an Application for Approval to Operate for an  
26 Institution Non-Accredited. On or about November 14, 2018, the Bureau denied the application.  
27 On or about January 14, 2019, Respondent requested an administrative hearing regarding the  
28 Bureau's denial of its application.

1           3.     Respondent and counsel for the Bureau attending hearing before the Office of  
2 Administrative Hearings on July 18, 2019 and October 30-31, 2019. On or about February 14,  
3 2020, the Bureau filed and served the current operative pleading, a Second Amended Statement  
4 of Issues. Further hearing is scheduled on March 9-10, 2020.

5           4.     The basis for withdrawing the Second Amended Statement of Issues is that  
6 Respondent has now resolved the deficiencies in its application.

7           5.     WHEREFORE, IN THE INTEREST OF JUSTICE, Second Amended Statement of  
8 Issues No. 1004095 is hereby withdrawn without prejudice.

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DATED: “2/27/2020”

“Original signature on file”

DR. MICHAEL MARION, JR.  
Chief  
Bureau for Private Postsecondary  
Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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