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

11 In the Matter of the Statement of Issues
Against:
12 **AGI TECHNOLOGY INSTITUTE**
13 **Application for Renewal of Approval to**
14 **Operate and Offer Educational Programs**
15 **for Non-Accredited Institutions**
16 **Institution Code No. 3303721**
17 Respondent.

Case No. BPPE24-0174
STATEMENT OF ISSUES

18 **PARTIES**

19 1. Deborah Cochrane (complainant) brings this Statement of Issues solely in her official
20 capacity as the Chief of the Bureau for Private Postsecondary Education (bureau), Department of
21 Consumer Affairs.

22 2. On or about June 12, 2020, the bureau received an Application for Renewal of
23 Approval to Operate and Offer Educational Programs for Non-Accredited Institutions from AGI
24 Technology Institute (respondent), owned by Chaturvedi Enterprises, Inc. with Gopal Chaturvedi
25 as owner/director. On or about June 1, 2020, Gopal Chaturvedi certified under penalty of perjury
26 to the truthfulness of all statements, answers, and representations in the application. The bureau
27 denied the application on February 8, 2024.

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JURISDICTION

3. This Statement of Issues is brought before the Director of the Department of Consumer Affairs for the bureau for Private Postsecondary Education under the authority of the following laws. All section references are to the Education Code (Code), unless stated otherwise.

4. Section 94817 defines “approval to operate” or “approval” to mean “the authorization...to offer to the public and to provide postsecondary educational programs, as well as the written document issued to an institution signifying its approval to operate.”

5. Section 94817.5 defines “approved to operate” or “approved” to mean “that an institution has received authorization...to offer to the public and to provide postsecondary educational programs.”

6. Section 94885 states in pertinent part:

(a) The bureau shall adopt by regulation minimum operating standards for an institution that shall reasonably ensure that all of the following occur:

(1) The content of each educational program can achieve its stated objective.

(2) The institution maintains specific written standards for student admissions for each educational program and those standards are related to the particular educational program.

(3) The facilities, instructional equipment, and materials are sufficient to enable students to achieve the educational program’s goals.

(4) The institution maintains a withdrawal policy and provides refunds.

(5) The directors, administrators, and faculty are properly qualified.

(6) The institution is financially sound and capable of fulfilling its commitments to students.

(7) That, upon satisfactory completion of an educational program, the institution gives students a document signifying the degree or diploma awarded.

(8) Adequate records and standard transcripts are maintained and are available to students.

(9) The institution is maintained and operated in compliance with this chapter and all other applicable ordinances and laws.

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STATUTORY PROVISIONS

7. Section 94886 states:

Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.

8. Section 94887 states:

An approval to operate shall be granted only after an applicant has presented sufficient evidence to the bureau, and the bureau has independently verified the information provided by the applicant through site visits or other methods deemed appropriate by the bureau, that the applicant has the capacity to satisfy the minimum operating standards. The bureau shall deny an application for an approval to operate if the application does not satisfy those standards. The bureau may deny an application for an approval to operate institutions that would be owned by, have persons in control of, or employ institution managers that had knowledge of, should have known, or knowingly participated in any conduct that was the cause for revocation or unmitigated discipline at another institution.

9. Section 94891 states in pertinent part

(a) The bureau shall adopt by regulation the process and procedures whereby an institution may obtain a renewal of an approval to operate.

...

(b) To be granted a renewal of an approval to operate, the institution shall demonstrate its continued capacity to meet the minimum operating standards.

10. Section 94909 states in pertinent part:

(a) Except as provided in subdivision (d), before enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

(1) The name, address, telephone number, and, if applicable, internet website address of the institution.

...

(5) A description of the programs offered and a description of the instruction provided in each of the courses offered by the institution, the requirements for completion of each program, including required courses, any final tests or examinations, any required internships or externships, and the total number of credit hours, clock hours, or other increments required for completion.

REGULATORY PROVISIONS

11. California Code of Regulations, title 5, section 70000, subdivision (j), defines “duly qualified faculty” or “faculty member” to mean “a person or people who satisfy the requirements of section 71720.”

12. California Code of Regulations, title 5, section 71170 states “The institution shall describe in detail its mission and objectives.”

13. California Code of Regulations, title 5, section 71475 states in pertinent part:

...

(i) The institution shall include in its application an organization chart that shows the governance and administrative structure of the institution and the relationship between faculty and administrative positions. If there have been no substantive changes since the last submission of an organizational chart, the institution may so state and is not required to submit documentation.

(j) The institution shall provide in the application a description of the job duties and responsibilities of each administrative and faculty position. If there have been no substantive changes since the last submission, the institution may so state and is not required to submit documentation.

(k) The institution shall identify in the application the chief executive officer, chief operating officer, and chief academic officer and describe their education, experience, and qualifications to perform their duties and responsibilities. If there have been no substantive changes since the last submission, the institution may so state and is not required to submit documentation.

...

(n) The institution shall describe in the application, in detail its mission and objectives. If there have been no substantive changes since the last submission, the institution may so state and is not required to submit documentation.

...

(r) The institution shall identify and describe, in the application, the educational program it offers, or proposes to offer. If the educational program is a degree program, the institution shall identify the full title which it will place on each degree awarded. If there have been no substantive changes since the last submission, the institution may so state and is not required to submit documentation.

...

(t) In addition, the institution shall list in the application, the following for each educational program offered unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation.

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- (5) The mode of instruction;
- (6) The graduation requirements.

...

(u) For each educational program that the institution offers or proposes to offer, the application shall contain a statement that the educational program meets the requirements of section 71710, as well as the following unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation:

- (1) A description of the educational program.

...

(7) Upon request, the institution shall provide to the bureau copies of the curriculum or syllabi required pursuant to section 71710.

14. California Code of Regulations, title 5, section 71710 states in pertinent part:

a) In order to meet its mission and objectives, the educational program defined in Section 94837 of the Code shall be comprised of a curriculum that includes:

...

(3) Course or module materials that are designed or organized by duly qualified faculty. For each course or module, each student shall be provided with a syllabus or course outline that contains:

...

(D) Sequence and frequency of lessons or class sessions;

(E) Complete citations of textbooks and other required written materials;

(F) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured;

(G) Instructional mode or methods.

...

(5) Specific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material; and

(6) Evaluation by duly qualified faculty of those learning outcomes.

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1 15. California Code of Regulations, title 5, section 71715 states in pertinent part:

2 (a) Instruction shall be the central focus of the resources and services of the
3 institution.

4 (b) The institution shall document that the instruction offered leads to the
5 achievement of the learning objectives of each course.

6 ...

7 (d) Distance education as defined in section 94834 of the Code, does not require
8 the physical presence of students and faculty at the same location but provides for
9 interaction between students and faculty by such means as telecommunication,
10 correspondence, electronic and computer augmented educational services, postal
11 service, and facsimile transmission. In addition to the other requirements of this
12 chapter and the Act, an institution offering distance education shall:

13 ...

14 (4) provide for meaningful interaction with faculty who are qualified to teach
15 using distance education methods;

16 (6) timely complete student evaluations of learning outcomes by duly qualified
17 faculty, which are appropriate for use with the distance education methods used, and
18 evaluated by duly qualified faculty.

19 **FACTUAL BACKGROUND**

20 16. Respondent's Application for Renewal of Approval to Operate and Offer Educational
21 Programs for Non-Accredited Institutions was received on June 12, 2020. From June 2020
22 through February 2024, the bureau and respondent exchanged correspondence, documents, and
23 other information related to respondent's renewal application.

24 17. On or about June 12, 2020, the bureau received an Application for Renewal of
25 Approval to Operate an Institution Non-Accredited from respondent (Application 33484).

26 18. On or about June 19, 2020, the bureau sent a letter to respondent requesting the
27 renewal application fee remaining balance of \$300.

28 19. On or about July 2, 2020, the bureau received the remaining application renewal fee
balance of \$300.

20. On or about August 19, 2020, the bureau sent its first Licensing deficiency letter.

21. On or about October 5, 2020, the bureau received respondent's response to the first

1 Licensing deficiency letter.

2 22. On or about October 21, 2020, the bureau sent a second Licensing deficiency letter.

3 23. On or about December 9, 2020, the bureau received respondent's response to the
4 second Licensing deficiency letter.

5 24. On or about March 9, 2021, the bureau received an email from respondent regarding a
6 non-substantive change for the main campus location.

7 25. On or about April 1, 2021, the bureau emailed respondent that due to the change of
8 location, all pertinent sections of the renewal application would need to be amended.

9 26. On or about April 8, 2021, the bureau received an email from respondent containing
10 the amended renewal application documents.

11 27. On or about April 21, 2021, the bureau sent a third Licensing deficiency letter.

12 28. On or about May 26, 2021, the bureau received respondent's response to the third
13 Licensing deficiency letter.

14 29. On or about May 28, 2021, the bureau sent a fourth Licensing deficiency letter.

15 30. On or about June 10, 2021, the bureau received respondent's response to the fourth
16 Licensing deficiency letter that included a non-substantive change of address.

17 31. On or about December 9, 2021, the bureau received additional non-substantive
18 change of address documents.

19 32. On or about December 13, 2021, the bureau sent a fifth Licensing deficiency letter.

20 33. On December 24, 2021, the bureau received respondent's response to the fifth
21 Licensing deficiency letter.

22 34. On or about January 18, 2022, the bureau received additional documents in response
23 to the fifth Licensing deficiency letter.

24 35. On or about February 23, 2023, the bureau sent a Quality of Education (QEU)
25 deficiency letter.

26 36. On or about May 18, 2023, the bureau received respondent's response to the QEU
27 deficiency letter.

28 37. On or about July 27, 2023, the bureau sent a second QEU deficiency letter.

1 38. On or about September 8, 2023, the bureau received respondent’s response to the
2 second QEU deficiency letter.

3 39. On October 17, 2023, the bureau met with the institution online via Zoom to review
4 the programs and perform classroom observations.

5 40. On or about February 8, 2024, the bureau mailed a Notice of Denial letter to
6 respondent.

7 41. On or about February 26, 2024, the bureau received a Notice of Appeal and Request
8 for Administrative Hearing from respondent.

9 42. On or about April 10, 2024, the bureau mailed a letter to respondent acknowledging
10 respondent’s Notice of Appeal and Request for Administrative Hearing.

11 43. On or about May 7, 2024, the bureau received additional documentation from
12 respondent.

13 44. On or about June 13, 2024, QEU completed its review of the additional
14 documentation. Deficiencies remained in respondent’s application.

15 **FIRST CAUSE FOR DENIAL OF APPLICATION**

16 **(Failure to Meet Minimum Operational Standards—Faculty, Organization)**

17 45. Respondent’s renewal application is subject to denial under Code sections 94885,
18 subdivision (a), 94886, 94887, and 94891, subdivision (b), in conjunction with California Code of
19 Regulations, title 5, section 71700 in that respondent failed to meet the legally required minimum
20 operating standards, as more particularly alleged in paragraphs 46–48 below.

21 46. Respondent failed to include in its application an organization chart that showed the
22 relationship between faculty and administrative positions, in violation of California Code of
23 Regulations, title 5, section 71475, subdivision (i).

24 47. Respondent failed to provide in the application a description of the job duties and
25 responsibilities of each administrative and faculty position, in violation of California Code of
26 Regulations, title 5, section 71475, subdivision (j).

27 48. Respondent failed to describe in the application the chief academic officer’s
28 education, experience, and qualifications to perform his duties and responsibilities, in violation of

1 California Code of Regulations, title 5, section 71475, subdivision (k).

2 49. Complainant realleges paragraphs 16–44.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Failure to Meet Minimum Operational Standards—Mission and Objectives)**

5 50. Respondent’s renewal application is subject to denial under Code sections 94885,
6 subdivision (a), 94886, 94887, and 94891, subdivision (b), in conjunction with California Code of
7 Regulations, title 5, section 71700 in that respondent failed to meet the legally required minimum
8 operating standards. Respondent failed to describe in the application in detail its mission and
9 objectives, in violation of California Code of Regulations, title 5, sections 71170 and 71475,
10 subdivision (n). Complainant realleges paragraphs 16–44.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Failure to Meet Minimum Operational Standards—Instruction and Degrees Offered)**

13 51. Respondent’s renewal application is subject to denial under Code sections 94885,
14 subdivision (a), 94886, 94887, and 94891, subdivision (b), in conjunction with California Code of
15 Regulations, title 5, section 71700 in that respondent failed to meet the legally required minimum
16 operating standards, as more particularly alleged in paragraphs 52–58 below.

17 52. Respondent failed to identify and describe in the application all educational programs
18 it offers or proposes to offer, in violation of California Code of Regulations, title 5, section
19 71475, subdivision (r).

20 53. Respondent failed to list in the application for each educational program offered the
21 mode of instruction, in violation of California Code of Regulations, title 5, section 71475,
22 subdivision (t)(5).

23 54. Respondent failed to list in the application for each educational program offered the
24 graduation requirements, in violation of California Code of Regulations, title 5, section 71475,
25 subdivision (t)(6).

26 55. Respondent did not document or provide evidence in the application that instruction
27 is the central focus of the resources and services of the institution, in violation of California Code
28 of Regulations, title 5, section 71715, subdivision (a).

1 56. Respondent did not document or provide evidence in the application that the
2 instruction offered leads to the achievement of the learning objectives of each course, in violation
3 of California Code of Regulations, title 5, section 71715, subdivision (b).

4 57. Respondent did not document or provide evidence in the application that respondent
5 provides for meaningful interaction with faculty who are qualified to teach using distance
6 education methods, within the meaning of section 94834 of the Code, in violation of California
7 Code of Regulations, title 5, section 71715, subdivision (d)(4).

8 58. Respondent did not document or provide evidence in the application that respondent
9 timely completes student evaluations of learning outcomes by duly qualified faculty, which are
10 appropriate for use with the distance education methods used, and evaluated by duly qualified
11 faculty, in violation of California Code of Regulations, title 5, section 71715, subdivision (d)(6).

12 59. Complainant realleges paragraphs 16–44.

13 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

14 **(Failure to Meet Minimum Operating Standards—Description of Educational Programs)**

15 60. Respondent’s renewal application is subject to denial under Code sections 94885,
16 subdivision (a), 94886, 94887, and 94891, subdivision (b), in conjunction with California Code of
17 Regulations, title 5, section 71700 in that respondent failed to meet the legally required minimum
18 operating standards, as more particularly alleged in paragraphs 61–67 below.

19 61. Respondent failed to include in its application for each educational program that the
20 institution offered or proposed to offer a description of the educational program, in violation of
21 California Code of Regulations, title 5, section 71475, subdivision (u)(1).

22 62. Respondent failed to provide the bureau upon its request copies of the curriculum or
23 syllabi containing the sequence and frequency of lessons or class sessions, in violation of
24 California Code of Regulations, title 5, sections 71475, subdivision (u)(7) and 71710, subdivision
25 (a)(3)(D).

26 63. Respondent failed to provide the bureau upon its request copies of the curriculum or
27 syllabi containing complete citations of textbooks and other required written materials, in
28 violation of California Code of Regulations, title 5, sections 71475, subdivision (u)(7) and 71710,

1 subdivision (a)(3)(E).

2 64. Respondent failed to provide the bureau upon its request copies of the curriculum or
3 syllabi containing a sequential and detailed outline of subject matter to be addressed or a list of
4 skills to be learned and how those skills are to be measured, in violation of California Code of
5 Regulations, title 5, sections 71475, subdivision (u)(7) and 71710, subdivision (a)(3)(F).

6 65. Respondent failed to provide the bureau upon its request copies of the curriculum or
7 syllabi containing the instructional mode or methods, in violation of California Code of
8 Regulations, title 5, section 71475, subdivision (u)(7) and 71710, subdivision (a)(3)(G).

9 66. Respondent failed to document or provide evidence in the application that
10 respondent's educational program comprised of a curriculum that included specific learning
11 outcomes tied to the sequence of the presentation of the material to measure the students' learning
12 of the material, in violation of California Code of Regulations, title 5, section 71710, subdivision
13 (a)(5).

14 67. Respondent failed to document or provide evidence in the application that
15 respondent's educational program comprised of a curriculum that included evaluation by duly
16 qualified faculty of the students' learning outcomes, in violation of California Code of
17 Regulations, title 5, section 71710, subdivision (a)(6).

18 68. Complainant realleges paragraphs 16–44.

19 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

20 **(Failure to Meet Minimum Operating Standards—School Catalog Disclosures)**

21 69. Respondent's renewal application is subject to denial under Code sections 94885,
22 subdivision (a), 94886, 94887, and 94891, subdivision (b), in conjunction with California Code of
23 Regulations, title 5, section 71700 in that respondent failed to meet the legally required minimum
24 operating standards, as more particularly alleged in paragraphs 70–71 below.

25 70. Respondent submitted in its application a school catalog for prospective students that
26 included the address of a closed location instead of its current address, in violation of Code
27 section 94909, subdivision (a)(1).

28 71. Respondent's school catalog for prospectives students, as received by the bureau and

1 as accessed via respondent's website, included a discontinued program (e.g., Property
2 Management), in violation of Code section 94909, subdivision (a)(5).

3 72. Complainant realleges paragraphs 16–44.

4 **PRAYER**

5 WHEREFORE, complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Director of the Department of Consumer Affairs issue a
7 decision:

8 1. Denying the application of AGI Technology Institute, owned by Chaturvedi
9 Enterprises, Inc. with Gopal Chaturvedi as owner/director, for a Renewal of Approval to Operate
10 and Offer Educations Programs for Non-Accredited Institutions; and,

11 2. Taking such other and further action as deemed necessary and proper.

12
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14 DATED: 12/24/2024

"Original Signature on File"

DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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