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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 Accusation Against:

Case No. BPPE23-0537

14 **THE LEARNING SOURCE**

15 **270 East Douglas Avenue**  
16 **El Cajon, CA 92020**

17 **Institution Code No. 58707895**

18 Respondent.

**ACCUSATION**

19 **PARTIES**

20 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official  
21 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of  
22 Consumer Affairs.

23 2. On or about September 29, 2015, the Bureau issued Institution Code Number  
24 58707895 to The Learning Source. The Learning Source (Respondent) is owned by The Learning  
25 Source, LLC, Leland Mench, Director. The Approval to Operate expired September 28, 2020.  
26 On or about September 28, 2020, the Bureau received an application for Renewal of Approval to  
27 Operate and Offer Educational Programs for Non-Accredited Institutions from Respondent. The  
28 Bureau denied the application on September 7, 2023. Respondent timely appealed the denial. A

1 Statement of Issues was filed on or about the date of the filing of this Accusation to be heard  
2 concurrently with Respondent’s appeal of the denial of its renewal application and denial of its  
3 educational objectives. Pending the resolution of Respondent’s appeal of its renewal denial,  
4 Respondent is approved to operate the following programs: Computer Basics with Small Business  
5 Marketing, Real Estate, Real Estate Management, Loan Origination and Loan Processing, Web &  
6 Mobile Marketing, Dragon Naturally Speaking, and Quickbooks.

7 **JURISDICTION**

8 3. This Accusation is brought before the Director of the Department of Consumer  
9 Affairs (Director) for the Bureau, under the authority of the following laws. All section  
10 references are to the Education Code (Code) unless otherwise indicated.

11 4. Business and Professions Code, section 118, subdivision (b), provides that the  
12 suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau of  
13 jurisdiction to proceed with a disciplinary action during the period within which the license may  
14 be renewed, restored, reissued or reinstated.

15 5. Section 94875 of the Code provides that the Bureau shall regulate private  
16 postsecondary educational institutions.

17 6. Section 94877 of the Code provides, in relevant part, that:

18 (a) The bureau shall adopt and shall enforce regulations to implement this  
19 chapter pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with  
Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

20 . . . .

21 **STATUTORY PROVISIONS**

22 7. Section 94897 of the Code states:

23 . . . .

24 (e) Advertise, or indicate in promotional material, that the institution is  
25 accredited, unless the institution has been accredited by an accrediting agency.

26 . . . .

27 (j) In any manner make an untrue or misleading change in, or untrue or  
28 misleading statement related to, a test score, grade or record of grades, attendance  
record, record indicating student completion, placement, employment, salaries, or  
financial information, including any of the following:

1                   . . . .

2                   (2) Information or records relating to the student's eligibility for student  
3 financial aid at the institution.

4                   . . . .

5                   (r) Charge or collect any payment for institutional charges that are not  
6 authorized by an executed enrollment agreement.

7                   (u) Fail to maintain policies related to compliance with this chapter or adhere to  
8 the institution's stated policies.

9                   8. Section 94899.5 of the Code states:

10                   . . . .

11                   (e) At the student's option, an institution may accept payment in full for tuition  
12 and fees, including any funds received through institutional loans, after the student  
13 has been accepted and enrolled and the date of the first class session is disclosed on  
14 the enrollment agreement.

15                   9. Section 94900 of the Code states:

16                   . . . .

17                   (b) An institution shall maintain, for each student granted a degree or certificate  
18 by that institution, permanent records of all of the following:

19                   (1) The degree or certificate granted and the date on which that degree or  
20 certificate was granted.

21                   . . . .

22                   (3) The grades earned by the student in each of those courses.

23                   10. Section 94902 of the Code states:

24                   (a) A student shall enroll solely by means of executing an enrollment  
25 agreement. The enrollment agreement shall be signed by the student and by an  
26 authorized employee of the institution.

27                   (b) An enrollment agreement is not enforceable unless all of the following  
28 requirements are met:

                    . . . .

                    (3) Prior to the execution of the enrollment agreement, the student and the  
institution have signed and dated the information required to be disclosed in the  
School Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of  
Section 94910. Each of these items in the School Performance Fact Sheet shall  
include a line for the student to initial and shall be initialed and dated by the student.

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11. Section 94909 of the Code states:

(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:

....

(7) Information regarding the faculty and their qualifications.

....

12. Section 94910 of the Code states:

Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:

(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section 94928).

(b) Placement rates for each educational program, as calculated pursuant to Article 16 (commencing with Section 94928), if the educational program is designed to lead to, or the institution makes any express or implied claim related to preparing students for, a recognized career, occupation, vocation, job, or job title.

(c) License examination passage rates for programs leading to employment for which passage of a state licensing examination is required, as calculated pursuant to Article 16 (commencing with Section 94928).

(d) Salary or wage information, as calculated pursuant to Article 16 (commencing with Section 94928).

(e) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution but is not equivalent to actual performance data."

(f) All of the following:

(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where they may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.

(2) A statement informing the reader of where they may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).

(3) A statement informing the reader of where they may obtain from the

1 institution a list of the objective sources of information used to substantiate the salary  
disclosure as required by subdivision (d).

2 (g) The following statements:

3 (1) "This fact sheet is filed with the Bureau for Private Postsecondary  
4 Education. Regardless of any information you may have relating to completion rates,  
placement rates, starting salaries, or license exam passage rates, this fact sheet  
5 contains the information as calculated pursuant to state law."

6 (2) "Any questions a student may have regarding this fact sheet that have not  
7 been satisfactorily answered by the institution may be directed to the Bureau for  
Private Postsecondary Education at (address), Sacramento, CA (ZIP Code) (internet  
website (telephone and fax numbers)."

8 (h) If the institution participates in federal financial aid programs, the most  
9 recent three-year cohort default rate reported by the United States Department of  
Education for the institution and the percentage of enrolled students receiving federal  
10 student loans.

11 (i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive,  
is not required to include students who satisfy the qualifications specified  
12 in subdivision (d) of Section 94909, but an institution shall disclose whether the data,  
information, or both provided in its fact sheet excludes students pursuant to this  
13 subdivision. An institution shall not actively use data specific to the fact sheet in its  
recruitment materials or other recruitment efforts of students who are not California  
14 residents and do not reside in California at the time of their enrollment.

15 13. Section 94911 of the Code states:

16 An enrollment agreement shall include, at a minimum, all of the following:

17 (a) The name of the institution and the name of the educational program,  
including the total number of credit hours, clock hours, or other increment required to  
18 complete the educational program.

19 (b) A schedule of total charges, including a list of any charges that are  
20 nonrefundable and the student's obligations to the Student Tuition Recovery Fund,  
clearly identified as nonrefundable charges.

21 . . . .

22 14. Section 94912 of the Code states:

23 Prior to the execution of an enrollment agreement, the information required to  
be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be  
24 signed and dated by the institution and the student. Each of these items shall also be  
initialed and dated by the student.

25 15. Section 94913 of the Code states:

26 (a) An institution that maintains an internet website shall provide on that  
27 internet website all of the following:  
28

....

1 (2) A School Performance Fact Sheet for each educational program offered by  
2 the institution.

3 (3) Student brochures offered by the institution.

4 (4) A link to the bureau's internet website.

5 (5) The institution's most recent annual report submitted to the bureau.

6 (b) An institution shall include information concerning where students may  
7 access the bureau's internet website anywhere the institution identifies itself as being  
8 approved by the bureau.

8 16. Section 94934 of the Code states:

9 (a) As part of the compliance program, an institution shall submit an annual  
10 report to the bureau, under penalty of perjury, signed by a responsible corporate  
11 officer, by July 1 of each year, or another date designated by the bureau, and it shall  
12 include the following information for educational programs offered in the reporting  
13 period:

12 (1) The total number of students enrolled by level of degree or for a diploma.

13 (2) The number of degrees, by level, and diplomas awarded.

14 (3) The degree levels and diplomas offered.

15 (4) The Student Performance Fact Sheet, as required pursuant to Section 94910.

16 (5) The school catalog, as required pursuant to Section 94909.

17 (6) The total charges for each educational program by period of attendance.

18 (7) A statement indicating whether the institution is, or is not, current in  
19 remitting Student Tuition Recovery Fund assessments.

20 (8) A statement indicating whether an accrediting agency has taken any final  
21 disciplinary action against the institution.

22 (9) Additional information deemed by the bureau to be reasonably required to  
23 ascertain compliance with this chapter.

24 (b) The bureau, by January 1, 2011, shall prescribe the annual report's format  
25 and method of delivery.

26 ....

25 17. Section 94937 of the Code states:

26 (a) As a consequence of an investigation, and upon a finding that an institution  
27 has committed a violation, the bureau may place an institution on probation or may  
28 suspend or revoke an institution's approval to operate for:

(1) Obtaining an approval to operate by fraud.

1 (2) A material violation or repeated violations of this chapter or regulations  
2 adopted pursuant to this chapter that have resulted in harm to students. For purposes  
3 of this paragraph, material violation includes, but is not limited to, misrepresentation,  
4 fraud in the inducement of a contract, and false or misleading claims or advertising,  
5 upon which a student reasonably relied in executing an enrollment agreement and that  
6 resulted in harm to the student.

7 (b) The bureau shall adopt regulations, within one year of the enactment of this  
8 chapter, governing probation and suspension of an approval to operate.

9 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the  
10 Business and Professions Code.

11 (d) An institution shall not be required to pay the cost of investigation to more  
12 than one agency.

### 13 **REGULATORY PROVISIONS**

14 18. California Code of Regulations, title 5, section 71710 states:

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

17 . . . .

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

21 (A) A short, descriptive title of the educational program;

22 (B) A statement of educational objectives;

23 (C) Length of the educational program;

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

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

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

28 (G) Instructional mode or methods.

. . . .

19. California Code of Regulations, title 5, section 71715 states:

. . . .

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

. . . .

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

7 . . . .

8 (2) assess each student, prior to admission, in order to determine whether each  
9 student has the skills and competencies to succeed in a distance education  
10 environment;

11 . . . .

12 20. California Code of Regulations, title 5, section 71800 states:

13 In addition to the requirements of section 94911 of the Code, an institution shall  
14 provide to each student an enrollment agreement that contains at the least the  
15 following information:

16 . . . .

17 (d) Date by which the student must exercise his or her right to cancel or  
18 withdraw, and the refund policy, including any alternative method of calculation if  
19 approved by the Bureau pursuant to section 94921 of the Code.

20 (e) Itemization of all institutional charges and fees including, as applicable:

21 (1) tuition;

22 . . . .

23 21. California Code of Regulations, title 5, section 71920 states:

24 . . . .

25 (b) In addition to the requirements of section 94900, the file shall contain all of  
26 the following pertinent student records:

27 (1) Written records and transcripts of any formal education or training, testing,  
28 or experience that are relevant to the student's qualifications for admission to the  
institution or the institution's award of credit or acceptance of transfer credits  
including the following:

. . . .

(C) Grades or findings from any examination of academic ability or educational  
achievement used for admission or college placement purposes;

(D) All of the documents evidencing a student's prior experiential learning upon  
which the institution and the faculty base the award of any credit;

. . . .

(9) A document showing the total amount of money received from or on behalf



of the student and the date or dates on which the money was received;

....

(11) Copies of any official advisory notices or warnings regarding the student's progress; and

....

22. California Code of Regulations, title 5, section 71930 states:

...

(b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of the Code, the institution shall maintain for a period of 5 years the pertinent student records described in Section 71920 from the student's date of completion or withdrawal.

....

(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.

....

23. California Code of Regulations, title 5, section 74110 states:

(a) The annual report required by Section 94934 of the Code shall include the information required by this section, subsections (f) through (j) of section 74112, and sections 94929.5 and 94934 of the Code for all educational programs offered in the prior calendar year, and all of the following for the prior calendar year:

(1) Information regarding institutional branch campuses, including addresses and programs offered at each campus, if applicable;

(2) Information regarding satellite locations, including addresses and with which campus(es) the satellite location is affiliated, if applicable;

(3) Name of institutional accreditors for each branch and satellite campus, and for each such campus at which any programs have programmatic accreditation, the names of the programmatic accreditor for each such program, and effective dates for each programmatic accreditation, if applicable;

(4) Information regarding participation in state and federal student loan and grant programs, including the total amount of funding received from each source for those students enrolled in an approved California school regardless of their state of residency;

(5) Information regarding participation in other public funding programs, including the amount of funding received from each public funding source; for purposes of this section, public funding is any financial aid paid on behalf of students or directly to an institution from any public source, such as the Workforce Investment Act, any veterans' financial aid programs pursuant to Section 21.4253 of Title 38 of the Code of Federal Regulations or any other financial aid program that is intended to

1 help students pay education-related expenses, including tuition, fees, room and board,  
and supplies for education;

2 (6) The total percentage of institutional income that comes from any public  
3 funding sources; and

4 (7) A blank copy of the institution's enrollment agreement and the catalog for  
the reporting year.

5 (b) In addition to the information required by section 94934 of the Code and  
6 this section provided under penalty of perjury, the institution shall have annual  
7 financial statements prepared for the institution's prior fiscal year and signed under  
8 penalty of perjury, and shall submit a hard copy under separate cover of such  
9 statements in conjunction with its annual report. The form, content and mode of  
preparation of financial statements shall comply with Section 74115 of this Division.  
The Bureau may request that the institution immediately make available for  
inspection to a representative of the Bureau, these financial statements at the offices  
of the institution.

10 (c) As part of its annual report to the Bureau, every institution shall provide  
11 graduate identification data for each student who graduated from the institution's  
educational program(s), which shall include:

12 (1) The graduate's name and federal taxpayer identification number, which is  
13 either the graduate's social security number (SSN) or individual taxpayer  
14 identification number (ITIN). If the graduate does not have an SSN or ITIN, the  
graduate's information shall be reported as "not available";

15 (2) The date of graduation;

16 (3) The following information regarding the educational program in which the  
graduate was enrolled:

17 (A) The federal Bureau of Labor Statistic's Standard Occupation Classification  
18 (SOC) codes for which the institution has identified that the program prepares its  
19 graduates when required for the reporting of job placement rates under subdivision  
(i)(3) of section 74112 of this Division;

20 (B) Educational program's name;

21 (C) Program length, as measured in clock hours or credit hours; and

22 (D) Type or title of degree, diploma or certificate awarded.

23 (4) The amount of federal student loan debt for the graduate, if any, as reported  
by the institution under subdivision (g) of section 74112 of this Division.

24 (d) Specific Timeframes for Reporting Graduate Identification Data:

25 (1) The written notice required by Section 94892.6(b)(5) of the Code shall  
26 inform the institution that the Director has certified that the Bureau's information  
27 technology system has been updated and is capable of processing the data required by  
that Section and that the institution has 120 days from receipt of the notice to comply  
with this section.

28 (2) The first annual report submitted by an institution that contains the graduate

1 identification data required to be reported in subsection (c) shall include information  
2 collected on all students who graduated from January 1, 2020 through the end of the  
3 prior calendar year. Subsequent annual reports containing graduate identification data  
4 filed by an institution shall include information about students who graduated in the  
5 prior calendar year only.

6 (e) An institution shall file its annual report by December 1<sup>st</sup> of each year. The  
7 Bureau may extend the period for filing if the institution demonstrates evidence of  
8 substantial need but in no case longer than 60 days. The institution shall not change  
9 the date of its filing its annual report because of a change in the fiscal year without  
10 the Bureau's approval.

11 (f) The annual report shall be electronically filed by submitting the information  
12 required by section 94934 of the Code and this section via the Bureau's online annual  
13 reports portal designated on the Bureau's website at: [www.bppe.ca.gov](http://www.bppe.ca.gov), and  
14 electronically uploading, as directed, the School Performance Fact Sheet, the  
15 enrollment agreement, the school catalog and the graduate identification data required  
16 by this section. The following conditions relate to such electronic filings:

17 (1) Institutions submitting their annual report submission shall first have a  
18 responsible institution representative register the institution for a user account by  
19 creating a user name, password, email address, and the institution representative's  
20 first and last name, primary phone number, and address.

21 (2) As part of the annual report, the institution shall provide standard reporting  
22 and contact information through the online portal, including:

23 (A) the report year;

24 (B) institution's approval code;

25 (C) institution's name;

26 (D) institution's physical address;

27 (E) the form of business organization of the institution (sole proprietorship, for-  
28 profit corporation, non-profit corporation, or limited liability company (LLC));

(F) a statement whether the institution is current on its annual fees; and

(G) the institution's website address, or notice that it does not maintain an  
internet website if it does not do so.

(3) The graduate identification data reported by the institution shall be provided  
in the following application and file format: in an Excel spreadsheet (.xls or .xlsx file  
format), or a text file with a semi-colon, comma, or pipe delimiter (.csv or .txt file  
format).

(4) Electronic Signature: When a signature is required by the particular  
instructions of any filing to be made through the online portal, including any  
attestation under penalty of perjury as required by Section 94934 of the Code, a  
responsible institutional representative of the institution shall affix their electronic  
signature to the filing by typing their name in the appropriate field and submitting the  
filing via the Bureau's online portal. Submission of a filing in this manner shall  
constitute evidence of legal signature by any individual whose name is typed on the  
filing.

1 (5) When considered filed with the Bureau: Solely for purposes of a filing made  
2 through the online portal an annual report is considered filed when all information  
3 required by this section has been submitted by the institution and the institution has  
4 received an email to the email address associated with their filing that their  
5 submission has been received by the Bureau. Receipt of this email does not constitute  
6 confirmation that the information submitted complies with the requirements of this  
7 section.

8 (6) The financial statements referenced in subsection (b), which are not  
9 permitted to be filed via the Bureau's online portal, shall be filed by providing or  
10 mailing hard copies directly to the Bureau's Annual Report Unit at the mailing  
11 address of the principal office of the Bureau as provided in section 70020.

12 24. California Code of Regulations, title 5, section 76130 states:

13 (a)(1) A qualifying institution shall collect the assessment from each student in  
14 an educational program at the time it collects the first payment from or on behalf of  
15 the student at or after enrollment. The assessment shall be collected for the entire  
16 period of enrollment, regardless of whether the student pays the institutional charges  
17 in increments.

18 . . . .

### 19 **COST RECOVERY**

20 25. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licensee found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
25 included in a stipulated settlement.

### 26 **DEFINITIONS**

27 26. Supplemental Job Displacement Benefits (SJDB): The California Department of  
28 Industrial Relations offers benefits in the form of vouchers to employees with permanent or  
permanent partial disabilities. The SJDB is a non-transferable voucher that can be used to pay for  
educational retraining or skill enhancement at state-approved or accredited schools.

29 27. California's Eligible Training Provider List (ETPL) is located on the California  
Employment Development Department website and provides employment training resources for  
adults and dislocated workers. The ETPL includes links for individuals to search for qualified  
training providers who offer a wide range of educational programs, including classroom,  
correspondence, online, and apprenticeship programs. The ETPL includes training providers who

1 are eligible to receive SJDB vouchers received by permanent or permanent partially disabled  
2 individuals.

### 3 FACTUAL ALLEGATIONS

4 28. On or about September 28, 2020, the Bureau received Respondent’s application for a  
5 Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited  
6 Institutions. On or around June 6, 2023, the Bureau initiated an internal complaint based upon  
7 concerns with the quality of education provided by Respondent as identified during the renewal  
8 review process. The Bureau assigned TG to conduct the investigation.

9 29. As part of the investigation, TG reviewed Respondent’s programs on the CalJobs  
10 website. TG confirmed through Riverside County Workforce coordinator MB that Respondent  
11 was no longer authorized to provide its Real Estate program as a California Eligible Training  
12 Provider as of June 8, 2022. Riverside County Workforce notified Respondent of this program’s  
13 removal on September 9, 2022. On or about July 12, 2023, Riverside County Workforce notified  
14 Respondent that it no longer met the Caljobs ETPL continued eligibility and inactivated  
15 Respondent’s Computer Basics with Small Business Marketing, online English, and online  
16 Spanish programs.

17 30. On or around June 14, 2023, TG reviewed Respondent’s 2023 School Catalog online.  
18 TG noted the following:

- 19 a) Respondent’s admission requirement state, “To be admitted to the school,  
20 students must be at least 18 years of age and possess, at a minimum, a high school  
21 diploma, high school equivalency certificate (GED), or achieve a minimum score  
22 of 97 on the Combined English Language Skills Assessment (CELSA) Form 2  
23 (Ability to Benefit Test) or achieve a minimum score of 17 on Reading  
24 Comprehension and 14 on Mathematics on the Language Proficiency Assessment  
25 Test-Spanish (LPAT-S) (Ability to Benefit Test).”
- 26 b) Respondent’s attendance policy states, “Upon missing more than 5%, a student  
27 will receive written notification of attendance probation.” Students must maintain  
28

1 an average of at least 70% and complete all required tests, assignments, and  
2 projects.

3 c) Respondent's Satisfactory Academic Progress policy states, "each student is  
4 evaluated at the end of the first 25 percent of the program and must have a grade-  
5 point average of 1.0, a 1.5 grade-point average at the midpoint of the program,  
6 and a 2.0 grade-point average upon graduation."

7 31. On June 22, 2023, TG and Senior Education Specialist JM conducted an onsite visit  
8 at Respondent's satellite location in El Cajon, California. As part of the visit, JM requested all  
9 educational materials for the Web & Mobile Marketing curriculum. TG requested copies of  
10 brochures, a sample enrollment agreement, current student roster, student rosters for the years  
11 2020-2022, Student Tuition Recovery Fund (STRF) information for the years 2020-2022, a list of  
12 faculty, School Performance Fact Sheets (SPFS), all email communications between Respondent  
13 and Riverside County Workforce regarding the Eligible Training Providers List, Supplemental  
14 Disability Benefit Voucher, and the institution's financial information.

15 32. During the onsite visit, school director Leland Mench confirmed that insurance  
16 companies were aware that Respondent's programs were no longer on the ETPL. Mr. Mench  
17 stated Respondent continued to receive program referrals from vocational counselors and  
18 insurance companies' attorneys.

19 33. On June 23, 2023, TG received Respondent's STRF supporting documents, SPFS  
20 supporting documents, and a link to the following files: a complete voucher packet for student  
21 VA, a blank Enrollment Agreement package, Computer Basics with Digital Marketing Course  
22 Syllabus, Web and Mobile Marketing Course Syllabus, Instructional Material Modules in English  
23 and Spanish, marketing materials including a copy of Respondent's marketing brochures in  
24 English and Spanish, a document in English and Spanish entitled, "Our Programs," a template  
25 letter, faculty files and a Staff Directory.

26 34. On June 26, 2023, TG emailed Respondent requesting a complete copy of the 2020,  
27 2021, and 2022 STRF supporting documents. TG reiterated the request for all documents related  
28 to the Web & Mobile Marketing curriculum, all agency communications Respondent received

1 related to their ETPL status, and financial documents. On June 27, 2023, TG sent an email  
2 inquiring if the previously provided student roster included all currently enrolled students.

3 35. On June 27, 2023, Bureau Lead Annual Report Analyst JJ informed TG that  
4 Respondent failed to submit its 2021 Annual Report or required financial documents. On June  
5 29, 2023, Respondent emailed TG copies of its January through May 2023 profit and loss  
6 statement, a file entitled “Account Dump for Bureau,” and a May 2023 bank statement. On June  
7 29, 2023, Respondent’s academic coordinator AL informed TG “regarding the student roster, we  
8 will be adding the students that were enrolled in the real estate program.”

9 36. On June 29, 2023, TG reviewed Respondent’s brochure provided via file link and  
10 noted the brochure included the following language, “The Learning Source is an accredited  
11 school that offers educational retraining and skill enhancement courses to people that have  
12 received a supplemental job displacement benefit in a workers compensation case.” TG  
13 confirmed Respondent was not approved as an accredited institution. The brochure was not  
14 located on Respondent’s website.

15 37. TG reviewed Respondent’s website. The website did not include a link to the  
16 Bureau’s website. Respondent’s website posted the 2021 Annual Report, although Respondent  
17 failed to submit the 2021 Annual Report or required financial statements to the Bureau. The link  
18 to the SPFS link on the Home Page was inoperable.

19 38. TG noted conflicting information in the Staff Directory, faculty information  
20 contained in the 2023 School Catalog and faculty listed as instructors. The faculty listed in the  
21 school catalog did not reflect faculty noted as the instructor for programs contained in student  
22 attendance records.

23 39. Between June 29, 2023, and July 19, 2023, TG requested approximately thirty-five  
24 student files. Student files reflected approximately five students were enrolled in programs  
25 utilizing Riverside County ETPL voucher payments after Respondent was notified it was no  
26 longer listed as an ETPL provider.

27 40. A review of fifteen student files did not contain evidence of placement on probation  
28 for violations of the student absence policy. Approximately thirty-four student files did not

1 contain documentation of student progress as required by Respondent's student progress policies.  
2 Multiple student records reflected scheduled class days that were different than those days stated  
3 in the students' enrollment agreements.

4 41. Respondent's student roster and STRF supporting documentation listed  
5 approximately three students as on a leave of absence status, but the student files did not contain  
6 evidence of withdrawal.

7 42. None of the student files provided contained transcripts.

8 43. Two student files did not contain payment documentation. Approximately fifteen  
9 student files contained invoices but no information of when or if Respondent received payment.

10 44. TG reviewed six Enrollment Agreements for the Computer Basics with Small  
11 Business Marketing program and four Real Estate program agreements and noted the following:

- 12 a) Six student files enrolled in the Computer Basics Small Business and four student  
13 files enrolled in the Real Estate Program reflected a charge of \$468.00 in fees not  
14 itemized in Enrollment Agreements. Student files for four students enrolled in the  
15 real estate  
16 b) One student file reflected a charge of \$1,068.00 in fees not itemized in Enrollment  
17 Agreements.  
18 c) Students were either not charged or incorrectly charged STRF fees. Respondent  
19 failed to pay STRF fees collected to the Bureau.

20 45. TG reviewed the Computer Basics with Digital Marketing syllabus which indicated  
21 the class met three times per week for three hours over a sixteen-week period which totaled 144  
22 hours. Respondent provided a current class schedule indicating the class instruction hours ranged  
23 from 48 to 168 possible hours which was less than the 240 hour program approved by the Bureau.

24 46. TG reviewed Respondent's Real Estate program schedule. The schedule listed 144  
25 hours which was less than the 192 hours approved by the Bureau. Approximately 17 student files  
26 did not contain accurate schedules setting forth the hours, days, and weeks required to meet for  
27 instructional programs. Approximately 14 students received diplomas in the program without  
28 completing the required program hours.



1 47. TG reviewed a sampling of student files enrolled in the Web & Mobile Market  
2 program and noted approximately one student agreement stated class instruction hours totaled  
3 192 clock hours which was less than the 240 hours approved by the Bureau.

4 48. TG's review of the student files demonstrated student files did not contain payment  
5 information.

6 49. Eighteen of thirty-five student files reviewed by TG did not contain evidence of a  
7 high school diploma or equivalent ability to benefit test results or progress assessments  
8 confirming student competency prior to enrollment. Five students enrolled in the Computer  
9 Basics, Small Business Marketing program received diplomas although their attendance records  
10 reflected they attended less than the stated hours in the enrollment agreements.

11 50. None of the thirty-five student files contained a copy of SPFS signed by both the  
12 student and Respondent, thereby making the enrollment agreement unenforceable. Of the thirty-  
13 five files, approximately eight student files contained a certification in the enrollment agreement  
14 that the student received, signed, and initialed the SPFS but there was no copy of the SPFS with  
15 the student's signature or initial in the student files. Approximately five files did not contain  
16 enrollment agreements signed by either the student, institution, or both. Three student files did  
17 not contain enrollment agreements.

18 51. A review of the student files demonstrated twenty-nine enrollment agreements that  
19 failed to reflect the date by which a student may cancel their enrollment. One enrollment  
20 agreement reflected a cancellation date prior to the first day of enrollment and one enrollment  
21 agreement reflected a cancellation date after the student was to have completed the program.

22 52. A review of student YH's file demonstrated Respondent received a \$3,900.00  
23 payment in the form of a voucher but did not have an executed enrollment agreement. Students  
24 MJ and CM's student files contained vouchers without executed enrollment agreements.

25 53. Approximately twenty-two student files demonstrated Respondent failed to charge  
26 the required STRF fee. Respondent used an incorrect amount of STRF fee charges for  
27 approximately ten students.

28 ///

1 54. As of July 24, 2024, TG had not received a complete copy of the Web & Mobile  
2 Marketing curriculum. The provided material was a one-page document that did not reflect the  
3 length and frequency of class sessions.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Prohibited Business Practices: Misleading Statements Regarding ETPL Status)**

6 55. Respondent is subject to disciplinary action under Code section 94897, subdivision  
7 (j)(2), in that Respondent accepted payment and held itself out as an ETPL provider after  
8 Respondent was removed from the ETPL as more fully set forth in paragraphs 29, 32, 39, and 52  
9 incorporated herein by reference.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Failure to Submit 2021 Annual Report)**

12 56. Respondent is subject to disciplinary action under California Code of Regulations,  
13 title 5, section 74110 in conjunction with Code section 94934, in that Respondent failed to submit  
14 its 2021 Annual Report and required financial statements as more fully set forth in paragraph 35  
15 incorporated herein by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Advertising and other Public Statements Regarding Accreditation)**

18 57. Respondent is subject to disciplinary action under Code section 94897, subdivision  
19 (e), in that Respondent falsely described itself as an accredited institution in its marketing  
20 brochure as more fully set forth in paragraph 36 incorporated herein by reference.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Institutional Website Requirements)**

23 58. Respondent is subject to disciplinary action under Code section 94913 as follows:

24 a.) Code section 94913, subdivision (a)(3): Respondent's website did not contain links or  
25 copies of brochures created as part of its marketing materials as more fully set forth in  
26 paragraph 36 above, incorporated herein by reference.

27 b.) Code section 94913, subdivision (a)(2), (4), (5), and subdivision (b): Respondent failed  
28 to post SPFS for each of its programs and the real estate program contained an

1 inoperable link to its SPFS data and failed to include a link to the Bureau’s website as  
2 more fully set forth in paragraph 37 above, incorporated herein by reference.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Minimum Requirements School Catalog: Faculty)**

5 59. Respondent is subject to disciplinary action under Code section 94909, subdivision  
6 (a)(7), in that Respondent’s catalog faculty list did not accurately reflect all faculty as more fully  
7 set forth in paragraph 38, incorporated herein by reference.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Prohibitive Business Practices: Enrollment Agreement)**

10 60. Respondent is subject to disciplinary action for enrollment agreement violations as  
11 follows:

- 12 a.) Code section 94902, subdivision (a), (b)(3), Code section 94910, and Code section  
13 94912, in that student files did not contain signed and dated SPFS in eight student files  
14 by the institution and student and three student files did not have an enrollment  
15 agreement as more fully set forth in paragraph 50, incorporated herein by reference.
- 16 b.) Code section 94911, subdivision (a) in that student enrollment agreements did not list  
17 the number of clock hours or weeks needed to complete the educational program as  
18 more fully set forth in paragraphs 45-47, incorporated herein by reference.
- 19 c.) Code of Regulations, title 5, section 71800, subdivision (d), in that twenty-nine student  
20 enrollment agreements failed to include a cancellation date and two student enrollment  
21 agreements incorrectly listed cancellation dates as more fully set forth in paragraph 51,  
22 incorporated herein by reference.
- 23 d.) Code of Regulations, title 71800, subdivision (e)(1), in that Respondent failed to  
24 itemize charges totaling \$468.00 for approximately ten students and failed to itemize  
25 charges totaling \$1,068.00 for approximately one student. Additionally, three student  
26 files contained vouchers but did not have executed enrollment agreements, and three  
27 enrollment agreements were not signed by either party as more fully set forth in  
28 paragraphs 44, and 50, incorporated herein by reference.

1 e.) Code section 94911, subdivision (b) and Code of Regulations, title 5, section 76130,  
2 subdivision (a)(1), in that Respondent failed to assess the correct amount of STRF fees  
3 for approximately twenty-two students and failed to pay the Bureau the correct amount  
4 of STRF fees as more fully set forth in paragraph 44 incorporated herein by reference.

5 **SEVENTH CAUSE FOR DISCIPLINE**

6 **(Prohibited Business Practices: Stated Attendance Policy)**

7 61. Respondent is subject to disciplinary action under Code section 94897, subdivision  
8 (u) in conjunction with Code of Regulations, title 5, section 71920, subdivision (b)(11), in that  
9 Respondent failed to comply with its own attendance policies as approximately fifteen student  
10 files did not contain evidence of attendance counseling after students exceeded the absence ratio  
11 percentage allowed as more fully set forth in paragraphs 30 and 40, incorporated herein by  
12 reference.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Prohibitive Business Practices: Failure to Comply with Stated Academic Progress Policy)**

15 62. Respondent is subject to disciplinary action under Code section 94897, subdivision  
16 (u) in conjunction with Code of Regulations, title 5, section 71920, subdivision (b)(11), in that  
17 thirty-four student files did not contain documentation of student progress as required by  
18 Respondent's student progress policies as more fully set forth in paragraphs 30 and 40,  
19 incorporated herein by reference.

20 **NINTH CAUSE FOR DISCIPLINE**

21 **(Prohibitive Business Practices: Failure to Comply with Stated Leave of Absence Policy)**

22 63. Respondent is subject to disciplinary action under Code section 94900, subdivision  
23 (b)(1) and (b)(3) in conjunction with California Code of Regulations, title 5, section 71930,  
24 subdivisions (b)(1), in that Respondent failed to follow its own Leave of Absence policy in that  
25 Respondent's student roster and STRF supporting documentation listed approximately three  
26 students as on a leave of absence status, but the student files did not contain evidence of  
27 withdrawal as more fully set forth in paragraphs 30 and 41 above, incorporated herein by  
28 reference.

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Required Hours of Instruction)**

3 64. Respondent is subject to disciplinary action under Code section Code of Regulations,  
4 title 5, section 71715, subdivision (b), in that Respondent’s syllabus and class schedules  
5 consistently listed inaccurate scheduling of days in which courses were offered, the hours of the  
6 courses, and weeks to complete courses below the approved instructional program hours  
7 approved by the Bureau as set forth in paragraphs 45 through 47, incorporated herein by  
8 reference.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Maintenance of Records)**

11 65. Respondent is subject to disciplinary action under Code section 94900, subdivision  
12 (b)(1) in conjunction with Code of Regulations, title 5, section 71930, subdivision (e), and Code  
13 section 94900, subdivision (b)(3) in conjunction with Code of Regulations, title 5, section 71930,  
14 subdivision (b)(1) in that Respondent failed to maintain transcripts in all student files provided to  
15 the Bureau as more fully set forth in paragraph 42, incorporated herein by reference.

16 **TWELFTH CAUSE FOR DISCIPLINE**

17 **(Student Files: Failure to Maintain High School Diploma or**  
18 **Equivalent Ability to Benefit Test Results)**

19 66. Respondent is subject to disciplinary action under Code section 94897, subdivision  
20 (u) in conjunction with California Code of Regulations, title 5, section 71920, subdivision  
21 (b)(1)(C), in that eighteen student files did not contain evidence of high school diplomas or  
22 equivalent ability to benefit test results as more fully set forth in paragraph 49, incorporated  
23 herein by reference.

24 **THIRTEENTH CAUSE FOR DISCIPLINE**

25 **(Prohibited Business Practices: Student Assessments)**

26 67. Respondent is subject to disciplinary action under Code of Regulations, title 5,  
27 section 71715, subdivision (d)(2), in that eighteen student files did not contain documentation of  
28

1 student assessments confirming student competency prior to program enrollment as more fully set  
2 forth in paragraph 49, incorporated herein by reference.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Prohibited Business Practices: Educational Programs)**

5 68. Respondent is subject to disciplinary action under Code of Regulations, title 5,  
6 section 71710, subdivisions (a)(3)(A)-(G), in that Respondent failed to provide a syllabus for the  
7 Web & Mobile Marketing curriculum as more fully set forth in paragraph 54, incorporated herein  
8 by reference.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 **(Student Records: Certification of SPFS)**

11 69. Respondent is subject to disciplinary action under Code of Regulations section 71920,  
12 subdivision (b)(3), in that student files did not contain copies of certification of receipt of SPFS  
13 signed and dated by students as more fully set forth in paragraph 50, incorporated herein by  
14 reference.

15 **SIXTEENTH CAUSE FOR DISCIPLINE**

16 **(Prohibitive Business Practices: Falsification of Completion Records)**

17 70. Respondent is subject to disciplinary action under Code section 94897, subdivision  
18 (j), in that Respondent falsified completion records by issuing diplomas to nineteen students  
19 although the students did not complete the required program hours as more fully set forth in  
20 paragraph 49 incorporated herein by reference.

21 **SEVENTEENTH CAUSE FOR DISCIPLINE**

22 **(Prohibited Business Practices: Student Records)**

23 71. Respondent is subject to disciplinary action under Code of Regulations section  
24 71920, subdivision (b)(9) in that two student files did not contain payment information and  
25 approximately fifteen student files contained an invoice, but no proof of payment as more fully  
26 set forth in paragraph 48 incorporated herein by reference.

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**DISCIPLINE CONSIDERATIONS**

1  
2           72.     To determine the degree of discipline, if any, to be imposed on Respondent,  
3 Complainant alleges that on or about October 1, 2020, the Bureau issued Citation: Assessment of  
4 Fine and Order of Abatement Number 2021103 to Respondent for failure to: (1) submit the  
5 Student Tuition Recovery Fund (STRF) Assessment Reporting Forms to the Bureau for the first  
6 and second quarters of 2020; and (2) pay its annual fee and 90-day late payment penalty fee for  
7 the 2015, 2016, 2019, and 2020 calendar years. The Citation required that the Institution comply  
8 with the Order of Abatement within 30 days and pay a fine in the amount of \$50.00. On or about  
9 May 27, 2021, the Institution paid the fine of \$50.00 and complied with the Order of Abatement.

10           73.     On or about January 18, 2024, the Bureau issued Citation: Assessment of Fine and  
11 Order of Abatement Number 2324072 to Respondent, which was modified on or about March 6,  
12 2024: (1) for failure to provide the Bureau all of the required documentation supporting all data  
13 reports on the 2019/2020 School Performance Fact Sheet (SPFS); and (2) the Bureau determined  
14 that the backup documentation was inconsistent with the data reported on the 2019/2020 SPFS.  
15 The Citation required that the Institution comply with the Order of Abatement within 30 days and  
16 pay a fine in the amount of \$5,002.00. Respondent has complied with the Order of Abatement  
17 and is on a payment plan to satisfy the fine amount of \$5,002.00.

18           74.     On or about February 1, 2024, the Bureau issued Citation: Assessment of Fine and  
19 Order of Abatement Number 2324155 to Respondent, which was modified on or about April 25,  
20 2024 for failure to: (1) submit all components of the 2019 Annual Report which was due to the  
21 Bureau by December 1, 2020; (2) to submit all components of the 2020 Annual Report which was  
22 due to the Bureau by December 1, 2021; (3) to submit all components of the 2021 Annual Report  
23 which was due to the Bureau by December 1, 2022; and (4) to submit all components of the 2022  
24 Annual Report which was due to the Bureau by December 1, 2023. The Citation required that the  
25 Institution comply with the Order of Abatement within 30 days and pay a fine in the amount of  
26 \$7,004.00. Respondent has complied with the Order of Abatement and is on a payment plan to  
27 satisfy the fine amount of \$7,004.00.

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**PRAYER**

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

- 1. Revoking or suspending Approval to Operate Number 58707895, issued to The Learning Source, (Respondent) owned by The Learning Source, LLC.;
- 2. Ordering The Learning Source to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 2/19/2025

"Original Signature on File"  
 DEBORAH COCHRANE  
 Chief  
 Bureau for Private Postsecondary  
 Education  
 Department of Consumer Affairs  
 State of California  
*Complainant*

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