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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 Accusation Against:

Case No. BPPE22-023

14 **ADVANCED COLLEGE; JUSRAND LLC -**
15 **GURPREET SINGH, OWNER**

ACCUSATION

16 Main Location

13180 Paramount Boulevard
South Gate, CA 90280

17 **Institution Code: 3013171**

18 Branch Location

19 5258 Pirrone Court
20 Salida, CA 95368

21 School Code: 96110225

22 Branch Location

23 8338 West Lane
Stockton, CA 95210

24 School Code: 17834722

25 Respondent.
26
27
28

1 **PARTIES**

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

5 2. On July 20, 1999, the Bureau issued Approval to Operate Institution Code 3013171 to
6 Advanced College; Jusrand LLC - Gurpreet Singh, Owner (Respondent). The Approval to
7 Operate expired on July 29, 2022, and has not been renewed. The Bureau received a Renewal for
8 Approval to Operate an Accredited Institution application on July 28, 2022. The status of the
9 application is currently pending. Respondent’s main location is 13180 Paramount Boulevard.,
10 South Gate, California 90280. Respondent’s branch locations are 5258 Pirrone Court, Salida,
11 California 95368 (School Code: 96110225), and 8338 West Lane, Stockton, California 95120
12 (School Code: 17834722).

13 **JURISDICTION**

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

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

21 5. Section 94875 provides that the Bureau shall regulate private postsecondary
22 educational institutions.

23 6. Section 94877 states, in relevant part, that:

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

27 (b) The bureau shall develop and implement an enforcement program, pursuant to Article
28 18 (commencing with Section 94932) to implement this chapter . . .”

1 7. Section 94937 states that:

2 “(a) As a consequence of an investigation, which may incorporate any materials obtained or
3 produced in connection with a compliance inspection, and upon a finding that an institution has
4 committed a violation, the bureau may place an institution on probation or may suspend or revoke
5 an institution's approval to operate for:

6 (1) Obtaining an approval to operate by fraud.

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

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

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

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

18 8. California Code of Regulations, title 5, section 75100 provides that the Bureau may
19 suspend, revoke or place on probation with terms and conditions an approval to operate.

20 **STATUTORY PROVISIONS**

21 9. Section 94897 states: “An institution shall not do any of the following:

22

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

27 (1) A financial report filed with the bureau.

28

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

3 (3) Any other record or document required by this chapter or by the bureau.

4 (k) Willfully falsify, destroy, or conceal any document of record while that document of
5 record is required to be maintained by this chapter.

6

7 (m) Direct any individual to perform an act that violates this chapter, to refrain from
8 reporting unlawful conduct to the bureau or another government agency, or to engage in any
9 unfair act to persuade a student not to complain to the bureau or another government agency.

10”

11 10. Section 94898, subdivision (a), states: “An institution shall not merge classes unless
12 all of the students have received the same amount of instruction. This subdivision does not
13 prevent the placement of students, who are enrolled in different educational programs, in the
14 same class if that class is part of each of the educational programs and the placement in a merged
15 class will not impair the students' learning of the subject matter of the class.”

16 11. Section 94899.5, subdivision (b), states: “For those programs designed to be four
17 months or longer, an institution shall not require more than one term or four months of advance
18 payment of tuition at a time. When 50 percent of the program has been offered, the institution
19 may require full payment.”

20 12. Section 94900 states:

21 “(a) An institution shall maintain records of the name, address, e-mail address, and
22 telephone number of each student who is enrolled in an educational program in that institution.

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

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

27 (2) The courses and units on which the certificate or degree was based.

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

1 13. Section 94900.5 states: “An institution shall maintain, for a period of not less than
2 five years, at its principal place of business in this state, complete and accurate records of all of
3 the following information:

4

5 (b) The names and addresses of the members of the institution's faculty and records of the
6 educational qualifications of each member of the faculty.

7 (c) Any other records required to be maintained by this chapter, including, but not limited
8 to, records maintained pursuant to Article 16 (commencing with Section 94928).”

9 14. Section 94902, subdivision (a), states: “A student shall enroll solely by means of
10 executing an enrollment agreement. The enrollment agreement shall be signed by the student and
11 by an authorized employee of the institution.”

12 15. Section 94905, subdivision (a), states: “During the enrollment process, an institution
13 offering educational programs designed to lead to positions in a profession, occupation, trade, or
14 career field requiring licensure in this state shall exercise reasonable care to determine if the
15 student will not be eligible to obtain licensure in the profession, occupation, trade, or career field
16 at the time of the student's graduation and shall provide all students enrolled in those programs
17 with a written copy of the requirements for licensure established by the state, including any
18 applicable course requirements established by the state. If the minimum course requirements of
19 the institution exceed the minimum requirements for state licensure, the institution shall disclose
20 this information, including a list of those courses that are not required for state licensure. The
21 institution shall not execute an enrollment agreement with a student that is known to be ineligible
22 for licensure, unless the student's stated objective is other than licensure.”

23 16. Section 94911 states: “An enrollment agreement shall include, at a minimum, all of
24 the following:

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

28

1 (c) In underlined capital letters on the same page of the enrollment agreement in which the
2 student's signature is required, the total charges for the current period of attendance, the estimated
3 total charges for the entire educational program, and the total charges the student is obligated to
4 pay upon enrollment.

5”

6 17. Section 94919 states:

7 “(a) An institution that participates in the federal student financial aid programs complies
8 with this article by complying with applicable regulations of the federal student financial aid
9 programs under Title IV of the federal Higher Education Act of 1965.

10

11 (c) The institution shall also provide a pro rata refund of nonfederal student financial aid
12 program moneys paid for institutional charges to students who have completed 60 percent or less
13 of the period of attendance.

14”

15 18. Section 94934.5, subdivision (a), states: “An institution with an approval to operate
16 that knows that it is being investigated by an oversight entity other than the bureau shall report
17 that investigation, including the nature of that investigation, to the bureau within 30 days of the
18 institution's first knowledge of the investigation. An institution with an approval to operate that is
19 the subject of a judgment by, a regulatory action by, increased oversight or monitoring by, or a
20 settlement with, any oversight entity other than the bureau shall report it to the bureau within 30
21 days. Failure to comply with this section may subject the institution to an administrative citation
22 pursuant to Section 94936.”

23 **REGULATORY PROVISIONS**

24 19. California Code of Regulations, title 5, section 71710, states: “In order to meet its
25 mission and objectives, the educational program defined in section 94837 of the Code shall be
26 comprised of a curriculum that includes:

27 (a) Those subject areas that are necessary for a student to achieve the educational objectives
28 of the educational program in which the student is enrolled;

1 (b) Subject areas and courses or modules that are presented in a logically organized manner
2 or sequence to students;

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

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

7 (2) A statement of educational objectives;

8 (3) Length of the educational program;

9 (4) Sequence and frequency of lessons or class sessions;

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

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

13 (7) Instructional mode or methods.

14

15 (f) Evaluation by duly qualified faculty of those learning outcomes.”

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

17 “(a) Instruction shall be the central focus of the resources and services of the institution.

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

20 (c) Direct instruction requires the physical presence of one or more students and one or
21 more faculty members at the same location. Direct instruction includes instruction presented in a
22 classroom, seminar, workshop, lecture, colloquium, laboratory, tutorial, or other physical learning
23 settings consistent with the mission, purposes, and objectives of the institution.

24 (d) Distance education as defined in section 94834 of the Code, does not require the
25 physical presence of students and faculty at the same location but provides for interaction
26 between students and faculty by such means as telecommunication, correspondence, electronic
27 and computer augmented educational services, postal service, and facsimile transmission. In
28

1 addition to the other requirements of this chapter and the Act, an institution offering distance
2 education shall:

3

4 (3) Ensure that the materials and programs are current, well organized, designed by faculty
5 competent in distance education techniques and delivered using readily available, reliable
6 technology;

7 (4) Provide for meaningful interaction with faculty who are qualified to teach using
8 distance education methods;

9 (5) Maintain clear standards for satisfactory academic progress;

10 (6) Timely complete student evaluations of learning outcomes by duly qualified faculty,
11 which are appropriate for use with the distance education methods used, and evaluated by duly
12 qualified faculty.

13”

14 21. California Code of Regulations, title 5, section 71716, subdivision (a), states: “An
15 institution offering a distance educational program where the instruction is not offered in real
16 time shall transmit the first lesson and any materials to any student within seven days after the
17 institution accepts the student for admission.”

18 22. California Code of Regulations, title 5, section 71720, subdivision (a), states: “An
19 Educational Program Leading to a Degree.

20 (1) An institution offering an educational program that leads to a degree shall employ duly
21 qualified faculty sufficient in number to provide the instruction, student advisement, and learning
22 outcomes evaluation necessary for the institution to document its achievement of its stated
23 mission and objectives, and for students to achieve the specific learning objectives of each course
24 offered;

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1 23. California Code of Regulations, title 5, section 71730, states:

2 “(a) Each institution shall have a chief executive officer, a chief operating officer and chief
3 academic officer. One person may serve more than one function.

4

5 (c) An institution with one or more branch locations shall establish written institutional
6 policies, consistent with subdivision (d), regarding the division and sharing of administrative
7 responsibilities between the central administration at the main location and the administration at
8 the branch locations.

9 (d) The administrative staffing at each branch location shall reflect the purposes, size, and
10 educational operations at that location and at any satellite location for which the branch has
11 administrative responsibilities.

12

13 (f) The institution shall employ administrative personnel who have the expertise to ensure
14 the achievement of the institution's mission and objectives and the operation of the educational
15 programs.

16 ”

17 24. California Code of Regulations, title 5, section 71735, subdivision (a), states: “An
18 institution shall have sufficient facilities and necessary equipment to support the achievement of
19 the educational objectives of all of the courses and educational programs in which students are
20 enrolled. If an institution represents that the educational service will fit or prepare a student for
21 employment in a particular occupation or as described in particular job titles, either of the
22 following conditions shall be met:

23 (1) The equipment used for instruction or provided to the student shall be comparable in
24 model type or features to equipment generally used in those occupations or job titles at the time
25 the instruction is offered.

26 (2) The institution shall establish that the equipment used for instruction or provided to a
27 student is not obsolete and is sufficient for instructional purposes to reasonably assure that a
28 student acquires the necessary level of education, training, skill, and experience to obtain

1 employment in the field of training and to perform the tasks associated with the occupation or job
2 title to which the educational program was represented to lead.”

3 25. California Code of Regulations, title 5, section 71745, subdivision (a), states: “The
4 institution shall document that it has at all times sufficient assets and financial resources to do all
5 of the following:

- 6 (1) Provide all of the educational programs that the institution represented it would provide.
- 7 (2) Ensure that all students admitted to its educational programs have a reasonable
8 opportunity to complete the programs and obtain their degrees or diplomas.
- 9 (3) Maintain the minimum standards required by the Act and this chapter.
- 10 (4) Pay timely refunds as required by Article 13 of the Act.
- 11 (5) Pay all operating expenses due within 30 days.

12”

13 26. California Code of Regulations, title 5, section 71750, states:

14 “(a) Every institution shall make refunds that are no less than the refunds required under the
15 Act and this Division.

16 (b) An institution may not enforce any refund policy that is not specified in the catalog as
17 required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges
18 upon a student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)(8)(B) of
19 the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw;
20 whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to
21 whom the notice to withdraw must be delivered; and the date that the notice to withdraw is
22 considered effective, which shall be no later than the date received by the institution.

23 (c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall
24 be no less than the total amount owed by the student for the portion of the educational program
25 provided subtracted from the amount paid by the student, calculated as follows:

26 (1) The amount owed equals the daily charge for the program (total institutional charge,
27 divided by the number of days or hours in the program), multiplied by the number of days student
28 attended, or was scheduled to attend, prior to withdrawal.

1 (2) Except as provided for in subdivision (a)(3) of this section, all amounts paid by the
2 student in excess of what is owed as calculated in subdivision (a)(1) shall be refunded.

3

4 (e) An institution shall refund any credit balance on the student's account within 45 days
5 after the date of the student's completion of, or withdrawal from, the educational program in
6 which the student was enrolled. For purposes of this subdivision and section 94919(d) of the
7 Code, 'day' means calendar day.

8 (f) The institution shall maintain a cancellation and withdrawal log, kept current on a
9 monthly basis, which shall include the names, addresses, telephone numbers, and dates of
10 cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or
11 withdrawn from, the institution during the calendar year.”

12 27. California Code of Regulations, title 5, section 71770, subdivision (a), states: “The
13 institution shall establish specific written standards for student admissions for each educational
14 program. These standards shall be related to the particular educational program. An institution
15 shall not admit any student who is obviously unqualified or who does not appear to have a
16 reasonable prospect of completing the program. In addition to any specific standards for an
17 educational program, the admissions standards must specify as applicable that:

18 (1) Each student admitted to an undergraduate degree program, or a diploma program, shall
19 possess a high school diploma or its equivalent, or otherwise successfully take and pass the
20 relevant examination as required by section 94904 of the Code.

21 (2) Each student admitted into a post-baccalaureate degree program shall possess a
22 bachelor's degree or its equivalent. If a graduate program leads to a profession or an occupation
23 requiring state licensure and the licensing agency does not require that a member of the
24 profession or occupation possess a Bachelor's degree or its equivalent, this subdivision does not
25 apply.”

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1 28. California Code of Regulations, title 5, section 71800, states: “In addition to the
2 requirements of section 94911 of the Code, an institution shall provide to each student an
3 enrollment agreement that contains at the least the following information:

4

5 (b) Period covered by the enrollment agreement.

6

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

10 ”

11 29. California Code of Regulations, title 5, section 71920, states:

12 “(a) The institution shall maintain a file for each student who enrolls in the institution
13 whether or not the student completes the educational service.

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

16

17 (4) Records of the dates of enrollment and, if applicable, withdrawal from the institution,
18 leaves of absence, and graduation; and

19 (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all
20 of the following:

21 (A) The courses or other educational programs that were completed, or were attempted but
22 not completed, and the dates of completion or withdrawal;

23 (B) Credit awarded for prior experiential learning, including the course title for which credit
24 was awarded and the amount of credit;

25 (C) Credit for courses earned at other institutions;

26 (D) Credit based on any examination of academic ability or educational achievement used
27 for admission or college placement purposes;

28 (E) The name, address, website address, and telephone number of the institution.

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(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;

....”

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

“(a) An institution shall maintain all records required by the Act and this chapter. The records shall be maintained in this state.

(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.

....”

31. California Code of Regulations, title 5, section 74006, states:

“(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval.

(b) An institution shall pay its annual fee in addition to any other applicable fees.

....”

32. California Code of Regulations, title 5, section 76120, subdivision (a), states:

“Each qualifying institution shall collect an assessment of zero dollars (\$0) per one thousand dollars (\$1,000) of institutional charges, rounded to the nearest thousand dollars, from each student in an educational program who is a California resident or is enrolled in a residency

1 program. For institutional charges of one thousand dollars (\$1,000) or less, the assessment is zero
2 dollars (\$0).”

3 33. California Code of Regulations, title 5, section 76130, states:

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

8 (2) The assessment to be collected from a re-enrolling student shall be limited to any
9 amount that is due after crediting any prior assessment amount paid by the student. The
10 enrollment agreement shall clearly identify any prior STRF assessment paid by the student.

11 (b) A qualifying institution shall complete the STRF Assessment report and remit it with
12 the STRF assessments collected from students to be received by the Bureau no later than the last
13 day of the month following the close of the quarter as follows:

- 14 (1) April 30 for the first quarter,
- 15 (2) July 31 for the second quarter,
- 16 (3) October 31 for the third quarter, and
- 17 (4) January 31 for the fourth quarter.

18 If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be
19 extended to the next regular business day for the Bureau.

20 (c) The STRF Assessment report shall contain the following information:

21 (1) Total number of students who signed enrollment agreements for educational programs
22 during the reporting period; and

23 (2) Total number of students eligible for STRF who signed enrollment agreements for
24 educational programs during the reporting period; and

25 (3) The total number of students who signed their enrollment agreement during the
26 reporting period, were eligible for STRF, and who made their first payment during the reporting
27 period; and

28

1 (4) The total number of students who signed their enrollment agreement in a previous
2 reporting period, were eligible for STRF, and who made their first payment during the current
3 reporting period; and

4 (5) Total amount of institutional charges after rounding each student's institutional charges
5 to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the
6 reporting period; and

7 (6) Current contact telephone number of the person preparing the form; and

8 (7) A declaration dated and signed under penalty of perjury by the person preparing the
9 form that the form and any attachments are true and correct.

10 (d) In the event of a school closure, any collected assessments shall be remitted to the
11 Bureau within seven days following the cessation of instruction.

12 (e) Submission of all prior reports and assessments required by this section is a condition of
13 renewal.”

14 **COST RECOVERY**

15 34. Section 94937, subdivision (c), provides that the Bureau may seek reimbursement
16 costs of investigation and enforcement pursuant Business and Professions Code section 125.3.

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

23 **CONSUMER COMPLAINTS AGAINST RESPONDENT**

24 36. On January 6, 2022, the Bureau received an anonymous complaint from the Board of
25 Vocational Nursing and Psychiatric Technicians (BVNPT) alleging that Advanced College,
26 located at 5258 Pirrone Court, in Salida, California (Salida Campus) failed to follow admissions
27 guidelines for Respondent’s Vocational Nursing program. The complaint stated that:

28

1 (1) complainant was dropped from the program for being unable to pass the class; (2) the school
2 enrolled students into the program who did not pass the entrance exam; and (3) school employees
3 took the entrance exam for students that could not pass. The complaint also stated that the school
4 committed fraud by not allowing students to complete the program. The Bureau received prior
5 complaints against the school alleging that the school failed to: (1) provide the supplies needed
6 for programs; (2) disclose admissions requirements; and (3) provide timely enrollment refunds.

7 37. The Bureau also received complaints against Advanced College located 13180
8 Paramount Boulevard in South Gate, California (Main Campus), and 8338 West Lane in
9 Stockton, California (Stockton Campus), alleging that the schools: (1) failed to properly teach
10 their students and disclose the loss of financial aid; (2) enrolled students without providing the
11 required education; and (3) falsified records.

12 38. On December 22, 2021, the Bureau received notice from the United States
13 Department of Education (DOE) of the DOE's denial of Respondent's application to continue
14 participating in the federal student financial assistance programs. The DOE provided Respondent
15 with several reasons for the denial, including Respondent's failure to pay timely refunds to
16 students, submission of false information during the DOE's investigation, failure to meet
17 standards of financial responsibility, and failure to demonstrate administrative capability.

18 **BUREAU INVESTIGATION OF RESPONDENT**

19 39. On January 6, 2022, a Bureau Investigator ("Bureau Investigator") and a BVNPT
20 Nurse Education Consultant visited the Salida Campus. The Bureau Investigator requested
21 specific documents during the visit, including the school's current student roster, school catalog,
22 School Performance Fact Sheets and backup data, financial report, and faculty list. The Bureau
23 Investigator reviewed the limited documents provided by school employees and interviewed
24 school employees. The Bureau Investigator also reviewed and obtained copies of student files for
25 students enrolled at the Salida Campus, Main Campus, and Stockton Campus. Respondent failed
26 to provide student rosters for current or former students, a complete school catalog, complete
27 student files for several students, the School Performance Fact Sheet backup data, a student
28 withdrawal/drop log from 2019 to the present, a current financial report, or faculty list.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Prohibited Business Practices)**

3 43. Respondent is subject to disciplinary action under section 94937, for violating
4 section 94897, subdivisions (j), (k), and (m), as follows:

5 44. The student file for S. C.¹ (Salida Campus) included three different Enrollment
6 Agreements. Two of the Enrollment Agreements did not accurately state the number of course
7 hours, and the date S. C. signed the Enrollment Agreements.

8 45. Respondent falsified admissions test results for students enrolled in the Vocational
9 Nursing program that were unable to meet the admissions requirements.

10 46. The R2T4² form for A. C. (Stockton Campus) contained false information. The date
11 A.C. signed the R2T4 form predated the date of creation of the form. The form included a
12 statement that A. C. was notified of a post-withdrawal disbursement on September 11, 2021, but
13 the form was not created until December 6, 2021.

14 47. Respondent provided an Enrollment Agreement dated December 17, 2020, that
15 included Student Tuition Recovery Fund (STRF) fees that did not go into effect for that student
16 until February 8, 2021, and had a document revision date of February 25, 2021. Respondent
17 falsified the date that the document was signed, and represented that the document was created
18 and signed on December 17, 2020, when it was created and signed on or after February 25, 2021.

19 48. Payment ledgers for A. R. (Stockton Campus), J. M. (Stockton Campus), E. A.
20 (Stockton Campus), A. T. (Stockton Campus), L. Y. C. (Stockton Campus), L. P. (Stockton
21 Campus), and R. G. (Stockton Campus) reflected a STRF charge for \$17.50 that was not paid by
22 the student, and was not itemized on their Enrollment Agreements.

23 49. Respondent admitted students without verifying that the students were qualified
24 based on the school's admissions standards. The student files for E. A., L. Y. C, L. P., and R. G.
25 contained a letter dated February 16, 2021, stating that they had been admitted to the program

26 ¹ Individuals' initials are used to protect their identities.

27 ² R2T4 refers to the calculation required when a recipient of Title IV aid withdraws from
28 an institution during a payment period/period of enrollment in which the recipient began
attendance.

1 and had met all nursing admissions requirements prior to passing the HESI (Health Education
2 Systems, Inc.) exam, which they took February 19, 2021.

3 50. Respondent admitted a student without verifying that the student was qualified based
4 on the school's admissions standards. The student file for S. H. (Salida Campus) contained a
5 letter dated January 16, 2019, stating that S. H. had been admitted to the Vocational Nursing
6 program, and had met all admissions requirements, including passing a HESI exam. The student
7 file did not have documentation that the student completed a HESI exam, and the required
8 admissions policy was for an ATI TEAS (Test of Essential Academic Skills) exam. The student
9 file did not contain a copy of an ATI TEAS test.

10 51. The Enrollment Agreement for V. G. (Salida Campus) stated that the Vocational
11 Nursing program was 62 instructional weeks. However, the program start, and scheduled
12 completion date was for only 30 weeks. V. G.'s student file contained a payment ledger that did
13 not accurately reflect the charges based on the Enrollment Agreement. The payment ledger
14 included a STRF fee of \$4.00, while the Enrollment Agreement identified a STRF fee of \$17.50.
15 The payment ledger identified a certification fee of \$7.81, while the Enrollment Agreement
16 represented the fee as \$500.00. There were several other fees charged on the payment ledger that
17 were not accurately reflected on the Enrollment Agreement.

18 52. Respondent made an untrue statement on an Enrollment Agreement for S. C.
19 regarding the total credits charged for, and the associated tuition fees for that Enrollment
20 Agreement. Respondent made an untrue statement related to the charges on S. C.'s payment
21 ledger by charging for, but not providing, uniforms and a background check.

22 53. Respondent made misleading statements regarding attendance records. Respondent
23 provided 60 minutes of credit for 15 minutes of participation in an educational program.

24 54. Respondent made a false or misleading statement on a record of attendance. The
25 student file for D. V. (Stockton Campus) contained leave of absence paperwork created on
26 March 16, 2022, which is the date that Respondent provided the file to the Bureau Investigator.
27 The paperwork stated that D. V. was on a leave of absence from October 3, 2021, until March
28 21, 2022, which was inconsistent with the information provided by D. V. Respondent charged

1 D. V. tuition fees on October 4, 2021, for an entire term, although the paperwork indicated that
2 she had taken a leave of absence.

3 55. Respondent made a misleading and false change in a test score to admit A. R. into
4 the Vocational Nursing program. Respondent also made a false statement regarding fees charged
5 to A. R. for services and supplies that were not provided, including a background check,
6 uniforms, books, and supplies.

7 56. Respondent directed an employee to make false statements on annual reports to its
8 accreditor regarding placement and graduation rates. Respondent also falsified a record of
9 completion for a former student.

10 57. Respondent made a misleading and false change in a test score to admit J. M. into
11 the Vocational Nursing program. Respondent also made a false statement regarding fees charged
12 to J. M. for a background check, uniforms, books, and supplies, which were not provided.
13 Respondent made false statements regarding an attendance record showing that J. M. attended
14 the full course period, but did not provide educational services for the entire scheduled class
15 time.

16 58. Respondent admitted C. H. (Salida Campus) without verifying that the student met
17 the admissions standards. C. H. did not take Respondent's required admissions test.

18 59. Respondent instructed students to refrain from reporting unlawful behavior and
19 providing complaints to the Bureau and other government agencies.

20 60. On March 30, 2022, Respondent's Chief Operating Officer, J. M., provided
21 statements to the Bureau Investigator that test scores were fraudulently altered by school staff.
22 On April 5, 2022, Respondent's Director of Nursing, K. F., provided an email from HESI
23 regarding admissions tests taken fraudulently at the school. Respondent falsified test scores for
24 students to admit them into educational programs.

25 61. Respondent made a false statement regarding collection of tuition. Respondent
26 provided a statement to students on January 27, 2022, stating payments for tuition charges
27 incurred after December 31, 2021, were not required. Respondent subsequently demanded
28 payments before providing a diploma to Main Campus graduates M. Z., B. P., and L. J.

1 vendors regarding past due payments for required educational materials. Student files also
2 revealed that Respondent failed to provide refunds to students, or to the federal government
3 when due, or at all. The U. S. Department of Education also provided documents to the Bureau
4 demonstrating that the school failed to meet its fiduciary responsibility.

5 Complainant incorporates paragraphs 36-42, as though fully stated here.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Merging Classes, Converting Method of Delivery, Changing Locations)**

8 67. Respondent is subject to disciplinary action under section 94937, for violating
9 section 94898, subdivision (a), as follows: on April 11, 2022, D. L., a former Vocational Nursing
10 Instructor at the Main Campus informed the Bureau Investigator that the school merged the
11 Medical Assisting program courses with the Surgical Technology program courses due to a lack
12 of instructors. The school merged two or more classes where all students have not received the
13 same amount of instruction, and were not enrolled in the same courses.

14 Complainant incorporates paragraphs 36-42, as though fully stated here.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Educational Program, Instruction, and Faculty)**

17 68. Respondent is subject to disciplinary action under section 94937, for violating
18 California Code of Regulations, title 5, section 71710, subdivisions (a), (b), (c), and (f),
19 California Code of Regulations, title 5, section 71715, subdivisions (a), (b), (c), (d), (d)(3),
20 (d)(4), (d)(5), and (d)(6), and California Code of Regulations, title 5, section 71720, subdivision
21 (a)(1), as follows:

22 69. Respondent failed to offer an educational program that included the areas necessary
23 for B. P. to achieve the educational objectives of the student's program. Respondent failed to
24 provide a laboratory environment for the required laboratory component of the course.
25 Respondent failed to provide B. P. with the required variety of specialties in the externship
26 component of the educational program. Respondent failed to provide the courses organized in a
27 logical manner to students. Respondent did not provide the required educational courses to

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1 prepare B. P. for the experience of working at an externship site as part of the educational
2 program.

3 70. Respondent failed to present an educational program in a logically organized
4 sequence. Respondent admitted D. V. in the middle of a term, and did not provide the course in
5 the required sequence. Respondent also failed to provide course materials designed by qualified
6 faculty, including a course syllabus.

7 71. Respondent failed to provide an educational program (Vocational Nursing) that
8 included evaluation by duly qualified faculty of the learning outcomes for each course or
9 module. A. R., J. M., M. Z, B. P., and L. J. were not provided with an instructor for the distance
10 education courses provided by the school.

11 72. Respondent failed to have instruction as the central focus of the services and
12 resources of the institution. Respondent failed to employ sufficient duly qualified faculty to
13 provide instruction, and to ensure that the educational program included meaningful interactions
14 between faculty and students, failed to provide the required materials for the program, and failed
15 to ensure that learning outcomes were evaluated by duly qualified faculty. Students participating
16 in distance education were not provided with meaningful interaction with qualified faculty.

17 73. Respondent failed to have instruction as the central focus of the services and
18 resources of the institution. Former employees provided statements that the school failed to
19 provide instruction for distance education programs, and failed to provide the necessary supplies
20 and equipment to instructors and students to achieve the educational objectives of the programs.
21 Current and former students provided statements that instruction was not provided while they
22 attended the school.

23 74. Respondent failed to document instruction to achieve the learning objectives of the
24 course. Students completed the Vocational Nursing course, but did not pass the NCLEX
25 (National Council Licensure Examination), a stated learning objective of the course. Respondent
26 only had 34% of their graduates attempt to take the NCLEX, and only 14% of the entire eligible
27 cohort population passed the exam.

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1 75. Respondent failed to have instructors present when the students were enrolled, and
2 attending courses provided by direct instruction.

3 76. Respondent failed to provide instruction in its distance education offerings. The
4 distance education did not provide for interaction between students and faculty. Students were
5 deprived of meaningful interaction with qualified faculty.

6 77. Respondent failed to maintain clear standards for satisfactory academic progress.
7 Several students failed to maintain academic progress and the school did not follow its published
8 policy regarding academic progress. A. R., J. M., and A. T. failed their first course and should
9 not have been permitted to continue based on Respondent's 2021 School Catalog, which required
10 that the student "earn and maintain a 'C' grade in each term according to their current enrolled
11 course."

12 78. Respondent failed to ensure that learning outcomes were evaluated by duly qualified
13 faculty.

14 79. Respondent failed to employ duly qualified faculty to provide instruction, student
15 advisement, and learning outcome evaluation for D. V.'s degree program.

16 Complainant incorporates paragraphs 36-42, as though fully stated here.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Distance Educational Programs – Specific Provisions for Instruction Not in Real Time)**

19 80. Respondent is subject to disciplinary action under section 94937, for violating
20 California Code of Regulations, title 5, section 71716, subdivision (a), as follows: Respondent
21 failed to transmit all materials to students within seven days after accepting the student for
22 admission. Respondent failed to provide textbooks and educational materials necessary to
23 participate in the educational program within seven days of the start of a term.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Facilities and Equipment)**

26 81. Respondent is subject to disciplinary action under section 94937, for violating
27 California Code of Regulations, title 5, section 71735, subdivision (a), as follows: Respondent

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1 failed to have sufficient equipment for enrolled students to achieve the educational objectives of
2 several educational programs.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Professions Requiring Licensure, Internships, and**
5 **Admissions Standards and Transferred Credits Policy)**

6 82. Respondent is subject to disciplinary action under section 94937, for violating
7 section 94905, subdivision (a), and California Code of Regulations, title 5, section 71770,
8 subdivision (a), as follows:

9 83. Respondent did not exercise reasonable care to ensure that a student enrolled in an
10 educational program that leads to a profession requiring licensure would be eligible to obtain
11 licensure in the state, and did not follow their admissions policy to ensure that the student
12 had an ability to benefit from the program.

13 84. Respondent failed to have a written admissions policy that related to the particular
14 educational program. Respondent provided a School Catalog, and made statements that
15 Respondent did not include a background check as a part of the admissions process for the
16 Surgical Technology program, although a clean background check was required to complete
17 the externship portion of the educational program.

18 85. The student file for P. W. (Stockton Campus) contained documentation reflecting a
19 score of 41.3% on the ATI TEAS test. The required passing score is 55%. The school admitted
20 unqualified students based on the school's admissions standards. The student files for E. A.,
21 L. Y. C, L. P., and R. G. contained a letter dated February 16, 2021 stating that they had been
22 admitted to the program and had met all nursing admissions requirements prior to the passing
23 HESI exam, taken on February 19, 2021.

24 86. The student file for S. H. contained a letter dated January 16, 2019 stating that S. H.
25 had been admitted to the program and had met all nursing admissions requirements, including
26 passing a HESI exam. S. H.'s student file did not contain documentation that S. H. completed a
27 HESI exam, and the admissions policy required an ATI TEAS exam, not a HESI exam. S. H.'s

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1 student file did not contain a copy of an ATI TEAS test. The student file for P. P. (Salida
2 Campus) contained a HESI exam score, and but no documentation of an ATI TEAS exam.

3 87. Respondent's admission policy required a score of 25 or more on a Wonderlic
4 Scholastic Level Exam (SLE), and 55 or more on an ATI TEAS exam. The student file for C. A.
5 (Stockton Campus) contained a copy of an ATI test with a score of 98%, with a testing time of
6 57 minutes. The ATI test score was questionable, based on other tests having taken 3 or more
7 hours, and not scoring as high. Additionally, C. A. scored 25 out of 50 on the Wonderlic SLE.
8 When asked for testing details, staff responded that ATI did not have a login for C. A. But the
9 student file contained a letter stating that C. A. had been admitted to the program, and had met
10 all nursing admissions requirements, including passing an ATI TEAS exam.

11 88. The student file for B. M. (Main Campus) contained a document stating that B. M.'s
12 school district was closed, and B. M. was unable to obtain a transcript reflecting high school
13 completion. No additional documentation was provided in lieu of a high school transcript.
14 Respondent did not ensure that B. M. had a reasonable prospect of completing the program.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Administration)**

17 89. Respondent is subject to disciplinary action under section 94937, for violating
18 California Code of Regulations, title 5, section 71730, subdivisions (a), (c), (d), and (f), as
19 follows:

20 90. Respondent failed to employ a Chief Academic Office and a Chief Executive
21 Officer. Respondent failed to employ administrative personnel with expertise to achieve
22 Respondent's mission and objectives, and the operations of the educational programs.

23 91. Respondent failed to have written policies regarding the division and sharing of
24 administrative responsibilities among its branches.

25 92. Respondent failed to have administrative staff at a branch location reflecting the
26 purpose, size, and educational objectives of the school. The documents provided from the Salida
27 Campus, Stockton Campus and Main Campus were full of discrepancies, missing information,

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1 and missing documents. Respondent provided several versions of the same document with
2 different information, demonstrating a complete lack of administration at the branch level.

3 93. Respondent failed to timely provide required paperwork to BVNPT for students to
4 take their licensing exam upon completion of their educational program. Respondent failed to
5 maintain accurate records of students who completed an educational program. Respondent did
6 not have the capacity to meet the administrative needs of its student population related to
7 admissions, financial ledgers, educational resources, and educational materials.

8 **TENTH CAUSE FOR DISCIPLINE**

9 **(Collection of Tuition, Institution Participating in Federal Student Financial Aid Programs, 10 and Withdrawals and Refunds)**

11 94. Respondent is subject to disciplinary action under section 94937, for violating
12 section 94899.5, subdivision (b), section 94919, subdivisions (a) and (c), and California Code of
13 Regulations, title 5, section 71750, subdivisions (a), (b), (c)(1), (c)(2), (e), and (f), as follows:

14 95. The student files for A. R., J. M., E. A., A. T., L. Y. C., L. P., R. G., and C. H.
15 contained a payment ledger indicating that the student was required to pay for more than 4
16 months of tuition upon enrollment. The tuition charges noted on the payment ledger covered in
17 excess of four months of the clock hour program.

18 96. Respondent provided several student files for students who had been dropped, or
19 withdrawn from their programs, which showed that Respondent failed to accurately calculate the
20 amount of entitled Title IV funding. Respondent failed to provide a return of Title IV funds to
21 the federal government within 45 days of a student's last day of attendance. Respondent also
22 failed to return Title IV funds for dropped or withdrawn students. A. G., a former Financial Aid
23 Advisor for Respondent, provided statements that Respondent habitually missed required
24 deadlines for overpayment returns to students, refunds owed to the federal government for Title
25 IV refunds, and the application of funds to students' accounts while attending the school.

26 97. The student files for S. C. and A. C. showed that Respondent failed to follow federal
27 regulations requiring Respondent to complete the R2T4 within 45 days of the student's last date

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1 of attendance. Respondent also failed to calculate and provide a pro rata refund of non-title IV
2 funds for the student.

3 98. Respondent provided student files for dropped and withdrawn students which
4 showed that Respondent failed to calculate a refund based on the state refund requirements.

5 99. Student files for dropped and withdrawn students showed that Respondent failed to
6 comply with the refund policy in the School Catalog.

7 100. Respondent provided a refund calculation worksheet for T. H. (Stockton Campus)
8 that did not accurately reflect the amount of money due to be refunded. Based on the Enrollment
9 Agreement and date of withdrawal, T. H. was entitled to a refund of \$1,162.26, but was refunded
10 \$1,052.26. Respondent fixed the mistake in the calculations, changing the number for
11 Kit/Books/Supplies to \$308 rather than \$398, but did not correct the error in the final total of the
12 refund, as reflected on the final line of the paper, and the check that was included with the form.
13 Respondent failed to refund a credit balance within 45 days of the date of T. H.'s withdrawal
14 from the school. The student file contained a status change form stating that T. H.'s last day of
15 attendance was October 21, 2021. The refund calculation was not completed until February 8,
16 2022.

17 101. Respondent failed to maintain accurate records of the dates that students dropped or
18 withdrew from their programs, updated on a monthly basis.

19 **ELEVENTH CAUSE FOR DISCIPLINE**

20 **(Required Student Records, General Enrollment Requirements,**

21 **Minimum Requirements for Enrollment Agreements, Enrollment Agreement,**

22 **Student Records, and Amount of STRF Assessment)**

23 102. Respondent is subject to disciplinary action under section 94937, for violating
24 section 94900, subdivisions (a), (b)(1), (b)(2), (b)(3), section 94902, subdivision (a), 94911,
25 subdivisions (a) and (c), California Code of Regulations, title 5, section 71800, subdivisions (b)
26 and (d), California Code of Regulations, title 5, section 71920, subdivisions (a), (b)(4), (b)(5)(A-
27 E), and (b)(10), and California Code of Regulations, title 5, section 76120, subdivision (a), as
28 follows:

1 103. Respondent failed to maintain required student records including the name, address,
2 email address and telephone number for students enrolled in an educational program.

3 104. Respondent did not maintain transcripts for students who had dropped, withdrawn, or
4 completed their program.

5 105. Respondent provided two Enrollment Agreements for S. C. that did not include a
6 signature from an authorized employee of the institution. The Enrollment Agreement for P. W.
7 contained signatures from the student and school dated September 13, 2018, after P. W.'s
8 program began on August 13, 2018.

9 106. Respondent did not enroll students after executing an Enrollment Agreement. The
10 Enrollment Agreement for S. H. contained signatures from the student and school dated April 17,
11 2019, after S. H.'s program began on March 25, 2019. The Enrollment Agreement for C. A.
12 contained signatures from the student and school dated September 13, 2018, after C. A.'s
13 program began on August 13, 2018. The Enrollment Agreement for Q. B. (Stockton Campus)
14 also contained an Enrollment Agreement that was signed after Q. B.'s program began.

15 107. The student file for S. C. did not contain an Enrollment Agreement that identified the
16 total number of enrolled credits. S. C.'s transfer credits were credited, but not accounted for on
17 the Enrollment Agreement, or in the cost of tuition on the Enrollment Agreement. The student
18 file for P. P. contained an Enrollment Agreement that did not accurately reflect the length of the
19 educational program. P. P.'s Enrollment Agreement listed the accepted transfer credits, but did
20 not reflect the total clock hours for the enrolled program.

21 108. Respondent failed to accurately identify the charges for a period of attendance on
22 students' Enrollment Agreements.

23 109. Respondent failed to identify the period covered by Enrollment Agreements.

24 110. Respondent failed to identify the date by which the student must exercise their right
25 to cancel in several Enrollment Agreements.

26 111. Respondent failed to maintain records of the dates of enrollment and/or withdrawal
27 from the school, including leave of absences and graduation dates.
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1 112. Respondent failed to maintain student transcripts showing the courses that were
2 completed, or attempted and not completed.

3 113. Respondent failed to maintain records specifying the amount of a refund, and the
4 method of calculating that refund.

5 114. Respondent failed to charge the required STRF fee on the Enrollment Agreement.

6 **TWELFTH CAUSE FOR DISCIPLINE**

7 **(Required Institutional Records)**

8 115. Respondent is subject to disciplinary action under section 94937, for violating
9 section 94900.5, subdivisions (b) and (c), as follows: Respondent failed to maintain records of
10 the names and addresses of the members of Respondent's faculty. Respondent also failed to
11 maintain required records including a withdrawal log, financial records, the School Catalog, and
12 records pertaining to the SPFS.

13 **THIRTEENTH CAUSE FOR DISCIPLINE**

14 **(Maintenance of Records)**

15 116. Respondent is subject to disciplinary action under section 94937, for violating
16 California Code of Regulations, title 5, section 71930, subdivisions (a), (b)(1) and (e), as
17 follows:

18 117. Respondent failed to maintain all of the records required by the Bureau. Respondent
19 failed to provide several required documents that Respondent is required to maintain during the
20 onsite investigation. Respondent also failed to respond to the Bureau's request for required
21 records. Respondent failed to maintain student files for enrolled students. The student files
22 provided by Respondent failed to contain all of the required records, including transcripts,
23 attendance records, withdrawal records, and program completion records.

24 118. The student files for P. T. (Main Campus), V. G., J. A. (Stockton Campus), Q. B.,
25 B. M., and C. H. did not contain a transcript showing the courses completed, or attempted and
26 not completed.

27 119. Respondent failed to immediately provide records required to be maintained by
28 Respondent upon the Bureau's request during the onsite investigation.

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FOURTEENTH CAUSE FOR DISCIPLINE

(Collection and Submission of STRF Assessments)

120. Respondent is subject to disciplinary action under section 94937, for violating California Code of Regulations, title 5, section 76130, subdivisions (a)-(e), for failing to submit STRF invoices for the first, second, and third quarters of 2022.

FIFTEENTH CAUSE FOR DISCIPLINE

(Annual Fees)

121. Respondent is subject to disciplinary action under section 94937, for violating California Code of Regulations, title 5, section 74006, subdivisions (a) and (b), for failing to submit the annual fee and late fee invoices for calendar year 2022.

PRAYER

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

- 1. Revoking or suspending Approval to Operate Institution Code 3013171, issued to Advanced College; Jusrand LLC - Gurpreet Singh, Owner;
- 2. Ordering Respondent 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: 12/19/22

“Original Signature on File”

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

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