

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

In the Matter of the Statement of Issues Against:

Avid Career College, Respondent.

Case No. 1003430

OAH No. 2019050154

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above entitled matter.

The Decision shall become effective _____.

DATED: _____

RYAN MARCROFT

Deputy Director, Legal Affairs

Department of Consumer Affairs

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

In the Matter of the Statement of Issues against:

AVID CAREER COLLEGE, MANLI YU, OWNER,

**Application for Renewal of Approval to Operate an
Institution Non-Accredited**

Institution Code: 1941551

Respondent.

Agency Case No. 1003430

OAH No. 2019050154

PROPOSED DECISION

ALJ Glynda B. Gomez, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on September 23 and 24, 2019, in Los Angeles, California.

Deputy Attorney General Gillian Friedman, represented Complainant Dr. Michael Marion, Chief of the Bureau for Private Postsecondary Education (Bureau or BPPE), Department of Consumer Affairs (Complainant), in his official capacity.

Respondent Avid Career College (Avid), Manli Yu (Yu), owner (collectively Respondent) was represented by Yu.

A Cantonese language interpreter translated the proceedings.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on September 24, 2019.

FACTUAL FINDINGS

Jurisdictional Matters

1. Complainant brings this Statement of Issues solely in his official capacity as the Chief of the Bureau.
2. On May 7, 2014, the Bureau received an Application for Renewal of Approval to Operate an Institution Non-Accredited (Application) from Respondent for Avid. The Application was signed under penalty of perjury by Yu. The Bureau denied the Application on February 23, 2018. Respondent timely appealed the denial, and this hearing ensued.

The Application History

3. On May 7, 2014, the Bureau received Respondent's Application. An enrollment agreement, financial resources documentation and a catalog were included with the Application.

4. On June 18, 2014, the Bureau issued a Notice of Incomplete Application letter to Respondent outlining deficiencies in sections 5, 12 and 16 of the Application and noting Respondent's outstanding 2012 annual fee, 2013 fourth quarter fee and 2014 first quarter fee.

5. On August 21, 2014, the Bureau received Respondent's response to the June 18, 2014 Notice of Incomplete Application. The response included sections 5, 9, 12, 16 and 21 of the Application, the 2012 annual fees, and the Student Tuition Recovery Fund Assessment Reporting forms for the first quarter of 2014 and fourth quarter of 2013.

6. On December 1, 2016, the Bureau sent all institutions a letter summarizing new legislative changes that would take effect in 2017. The letter to Respondent was returned as undeliverable.

7. On January 9, 2017, the Bureau contacted Amir Shafe, the person designated on the Application as Respondent's contact person. Mr. Shafe advised Bureau personnel that Yu was out of the country and expected to return on January 17, 2017.

8. On January 20, 2017, Bureau representatives spoke with Yu and her associate Jean Lang. Bureau representatives confirmed that Respondent did not have any students, Yu had taken time off and was ready to restart Avid, the previous location had closed, and a new location was established.

9. On April 4, 2017, the Bureau requested a status update from Respondent about the previously requested Non-Substantive Change of Location less than 10 miles as well as the current contact information for Respondent.

10. On May 8, 2017, the Bureau received Respondent's Notification of a Non-Substantive Change of Location Less than 10 Miles and updated contact information for Respondent.

11. On May 10, 2017, the Bureau received an email from Yu's associate, Ms. Lang, requesting confirmation of receipt of the above referenced materials.

12. On May 10, 2017, the Bureau mailed a First Deficiency letter to Respondent.

13. June 2, 2017, the Bureau received an unsigned letter from Yu. The Bureau representatives contacted Mr. Shafe and requested that Respondent send a signed letter on company letterhead.

14. On June 8, 2017, the Bureau received an email with Respondent's Enrollment Agreement, 2015 and 2016 financial reports, 2015 annual report certification and Contact/Agent/Representative information.

15. On June 14, 2017, the Bureau received an email with Respondent's catalog, advertisement and enrollment agreement.

16. On June 16, 2017, Bureau representatives confirmed receipt of additional documents from Respondent. The additional documents included change of ownership information. However, Respondent did not provide a new application or the required fees for a change of ownership or location. The Bureau contacted Respondent's representative, Mr. Shafe, and advised him that a complete application with all of the supporting documentation associated with the current owner of record and current school information was required.

17. On June 19, 2017, a Bureau representative emailed Mr. Shafe and reiterated that the Application must be associated with the current owner and current school information. The Bureau also noted that if the ownership and location changes had been completed then the institution should submit the additional application accordingly. Mr. Shafe replied that he understood and also stated that he had finished the change of location and ownership forms and had issued checks for the fees associated with them. He expected to send them after he received approval of the current renewal.

18. On October 27, 2017, the Bureau mailed a Second Deficiency letter to Respondent outlining deficiencies in sections 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21 of the Application, delinquent Annual Fees and delinquent Student Tuition Recovery Fund fees.

19. On December 29, 2017, the Bureau received a response to deficiencies in sections 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 21 of the Application, Annual Fees and Student Tuition Recovery Fund fees.

20. On February 23, 2018, the Bureau issued Yu a Notice of Denial of Application for Renewal of Approval to Operate. The notice outlined the history of Respondent's interactions with the Bureau dating back to May 7, 2014 and also detailed the deficiencies in Respondent's Application that required denial including the following:

- A. Respondent did not provide the separate statement requested by the Bureau on October 27, 2017, explaining how it would provide the enrollment agreements to students when they are unable to understand the terms and

conditions of the enrollment agreement due to English not being their primary language.

B. Respondent's enrollment agreement, received by the Bureau on December 29, 2017 (enrollment agreement), does not contain the period covered by the enrollment agreement.

C. Respondent's enrollment agreement did not contain the specific required statement related to the Student Tuition Recovery Fund.

D. Respondent's enrollment agreement did not contain a clear and conspicuous caption, "STUDENT RIGHT TO CANCEL," with an explanation that the student has a right to cancel and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later, as required.

E. Respondent's enrollment agreement did not contain a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of money not paid from federal student financial aid program funds, as required.

F. Respondent's enrollment agreement did not include a statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the

responsibility to repay the full amount of the loan plus interest, less the amount of any refund, as required.

G. Respondent's enrollment agreement does not include a statement, as required, specifying that, if the student defaults on federal or state loans, both the following may occur:

(1) The federal or state government or a loan guarantee agency may take action against the student including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan.

(2) The student may not be eligible for any other federal student financial at another institution or other government financial assistance until the loan is repaid.

H. Respondent's enrollment agreement did not include the transferability disclosure that is required.

I. Respondent's enrollment agreement did not include specific required statements directing students to the Bureau for unanswered questions and for filing a complaint with the Bureau.

J. Respondent did not provide a description of the job duties and responsibilities for the Chief Academic Officer (CAO). Respondent did not provide a job description, duty statement or other description of the job duties and

responsibilities for the CAO as requested by the Bureau on October 27, 2017, and as required.

K. Respondent did not provide a Curriculum Vitae or resume and relevant certification or licenses for the CAO as requested by the Bureau on October 27, 2017 for the Bureau to determine if the institution's CAO possessed a degree or equivalent acceptable experience at least equal to the highest qualifications required of the institution's faculty, as required.

L. Respondent failed to submit a current financial statement as required and as requested by the Bureau of October 27, 2017. Instead, Respondent submitted compiled financial documents dated July 4, 2017, for the period ending December 31, 2016. The documents were not reviewed financial statements and were not current, as required.

M. Respondent did provide a separate statement indicating how often the catalog is updated, as requested by the Bureau on October 27, 2017.

N. Respondent did not provide a separate statement indicating how the institution provides the school catalog to a prospective student or to the general public, as requested by the Bureau on October 27, 2017, and as required.

O. Respondent's catalog did not contain the objectives underlying each of the educational programs, as required.

P. Respondent's catalog did not contain compliant admission policies. Admissions policies on page 3 of the catalog do not require each student admitted to a diploma program to possess a high school diploma.

Q. Respondent's catalog did not contain the policies and procedures for the award of credit for prior experiential learning, and the provisions for appeal.

R. Respondent's catalog did not contain language proficiency information including the level of English language proficiency required for students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost.

S. Section 15 of Respondent's December 29, 2017 submission, states: "We may conduct classes in Chinese Language." The catalog submitted December 29, 2017 does not contain information about any instruction that will occur in a language other than English nor the proficiency required and the kind of documentation of proficiency, such

as the United States Foreign Service Language Rating System, that will be accepted.

T. As of December 29, 2017, Respondent's catalog did not contain a description of the requirements for completion of each program, including required courses, and any final tests or examinations.

U. The catalog does not contain a statement specifying whether the institution is accredited by any agency recognized by the United States Department of Education.

V. Respondent's catalog does not contain the required verbatim description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund.

W. Page 6 of Respondent's catalog states: "A student may receive financial aid during the probationary period." The catalog does not contain all consumer information that is required to be disclosed to the student pursuant to federal and state financial aid programs.

X. Respondent's catalog does not contain a description of the instruction provided in each of the courses offered. The following courses were listed on pages 19 and 25 as requirements for the Practical Massage Therapy and Massage Therapy Programs in the catalog: MBP-101, Anatomy and Physiology; MBP-102, Kinesiology; MBP-103,

Pathology; MBP-104, Massage and Bodywork Assessment; MBP-105, Swedish Massage; MBP-106, Business Practice and Ethics I; MBP-107, Acupressure and Tui-Na; MBP-108, CPR and First Aid; MBP-109, Reflexology, and MBP-110, Hydrotherapy. No description of these courses is provided in the catalog.

Y. Respondent failed to provide the educational objectives for each program and for the Tui Na Therapy Program, as requested by the Bureau on October 27, 2017.

Z. On October 27, 2017, the Bureau requested that the Respondent provide a statement of the language in which each educational program would be offered. The institution provided the following statement in Section 15 of its response on December 29, 2017: "We may conduct classes in Chinese Language." In addition, the Respondent provided page 1 of a syllabus written in Chinese for a course titled "Anatomy, PhysioloHy (sic) and KinesioloHy (sic)."

Respondent is not approved to offer courses in the Chinese Language.

AA. Respondent submitted a Non-Substantive Change of Location Less than 10 miles on May 1, 2017. However, Respondent did not include all of the required information. On October 27, 2017, the Bureau sent Respondent a deficiency letter with six requests for information. Respondent did not provide the requested information.

BB. Respondent did not provide a syllabus for each course/module with the required components, as required and requested by the Bureau on October 27, 2017.

CC. Pages 17 and 18 of Respondent's catalog lists class schedules that are inconsistent with the class schedules on pages 19, 25, 30 and 31 of the catalog.

DD. Page 19 of Respondent's catalog lists the Massage Therapy program as 1010 clock hours, however, the total clock hours for the 16 courses comprising the program is 1020.

EE. Page 25 of Respondent's catalog lists the Practical Massage Therapy program as 500 clock hours. However, the total clock hours for the 12 courses comprising the program is 510.

FF. Page 25 of Respondent's catalog lists the course MBP-102, Kinesiology as 80 total clock hours with 20 hours of lecture and 60 hours of lab. Page 19 of the catalog lists the same course as 20 clock hours.

GG. Page 25 of Respondent's catalog lists the course MBP-104, Massage and Bodywork Assessment as 180 total clock hours with 80 hours of lecture and 100 hours of lab. Page 19 of the catalog lists the same course as 100 total clock hours.

HH. Page 6 of Respondent's catalog contains the following statement: "1 quarter credit hour=10 clock hours of lecture, 1 quarter credit hour=20 clock hours of laboratory time." While page 30 of the catalog lists the course Ref-100: The science and art of Reflexology as 100 clock hours/9 Quarter Credit hours. The course description included "In the hands on practice class." Respondent did not specify the number of lecture hours and the number of laboratory hours for the course.

II. Page 31 of Respondent's catalog indicates the Acupressure program is "100 Clock hours/ 8 Quarter Hours" and comprised of two courses: Accu-101 Introduction to Acupressure, 40 hours; and Accu-102 Deep Tissue Massage, 40 hours. The number of clock hours and quarter credit hours listed for the program are inconsistent with the number of hours listed for the two individual courses comprising the program.

JJ. Page 18 of Respondent's catalog lists a Tui Na Therapy program: However, the catalog does not contain a description of the program.

KK. Page 24 of Respondent's catalog describes courses Accu-103, Tui-Na and Accu-103, Advanced Massage and Bodywork Techniques. The numbering system for these two courses is inconsistent.

LL. Page 23 and 24 of Respondent's catalog lists the course, "Accu-101 Acupressure." The course titles are the same on both page 23 and page 24, but the course descriptions are different.

MM. Page 24 of Respondent's catalog lists the course Accu-103 Tui-Na as 40 total clock hours consisting of 20 lecture hours and 20 lab hours. However, the course description provided was for the clinical educational setting and does not include lecture.

NN. On October 27, 2017, the Bureau requested that Respondent provide a list of faculty members assigned to teach each course. Respondent did not provide the information requested.

OO. On October 27, 2017, the Bureau requested that Respondent provide a resume, signed employment contracts and other relevant certifications or licenses for each faculty member. Respondent did not provide the requested information.

PP. On October 27, 2017, the Bureau requested that Respondent provide a copy of its School Performance Fact Sheet. Respondent did not provide the requested information.

Testimony

21. Joanna Murray, a Bureau Senior Education Specialist, gave concise, credible and knowledgeable testimony at the administrative hearing. Ms. Murray has worked for the Bureau for four years. Her job is to review and investigate applications for private postsecondary education institutions. Ms. Murray's educational background includes 12 years of teaching at a private postsecondary institution. She receives regular training and updates from the Bureau relevant to law and regulations governing private postsecondary education. She was assigned to review Respondent's case a few months before the hearing. The Application had been previously investigated by another Bureau representative.

22. Ms. Murray reviewed the Application file and all materials produced by Respondent including those produced during the administrative hearing. Ms. Murray opined that Respondent had satisfied the concerns set forth in paragraphs 27, 29, 30, 31, 34, 37, 40, 41, 43, 44, 45, 46, 50, 55(b), 57(e), 57(f), 57(g), 57(j), 57(k), 57(l), and 58(a) of the Statement of Issues and partially satisfied the concerns of paragraph 59(a) by providing a School Performance Fact Sheet for one of the two programs Respondent offers. Ms. Murray opined that Respondent had failed to remedy the remaining deficiencies alleged in the Statement of Issues.

23. Respondent offered no testimony or documentary evidence rebutting Ms. Murray's testimony about the remaining deficiencies.

24. Jonathan Tam, M.D., is a volunteer with Respondent. His prospective role with Respondent was not clearly established by the evidence. Dr. Tam was the sole witness for Respondent. He gave heartfelt testimony about Yu and "her mission." Dr. Tam testified that his wife suffered from two forms of cancer and received care from

Yu, who is a medical doctor in China and an acupuncturist in the United States. Yu treated Dr. Tam's wife with therapeutic massage, and his wife benefited from the care. Dr. Tam is impressed with Yu's philosophy of care and treatment and her advocacy of therapeutic massage. Dr. Tam has personal and professional interests in the blend of eastern/western medicine and therapeutic massage as a preventative health measure. He expects that Yu will be "very hands on" and thorough in her training of students. He is excited about the possibility of training students to go out into the community and treat patients, especially older women, with therapeutic massage.

Other Matters

25. On August 16, 2018, the Bureau issued a Citation: Assessment of Fine and Order of Abatement No. 181019 (Citation) to Respondent for failure to electronically file its 2016 annual report. Respondent was ordered to submit its Annual Report in accordance with California Code of Regulations, title 5 (CCR), section 74110, subdivisions (a)-(d) and Education Code (Code) section 94935, subdivision (a) (1-9), and pay of fine of \$5,000. The Citation was modified on November 6, 2018 and the fine was reduced to \$500. The Statement of Issues alleges that the \$500 fine was not paid. However, Complainant failed to proffer evidence sufficient to establish by a preponderance of the evidence that the fine remained unpaid at the time of the hearing.

LEGAL CONCLUSIONS

1. Code section 94891, subdivision (b), provides that a renewal of an approval to operate shall be granted only after an applicant has demonstrated to the Bureau that the applicant has the continued capacity to satisfy the minimum operating

standards. The Bureau shall deny an application for a renewal of approval to operate if the application does not satisfy those standards. The legally required minimum operating standards are listed in CCR, section 71700, et. seq.

2. Code section 94894, subdivision (a), provides in pertinent part that "a change in educational objectives, including an addition of a new diploma or a degree educational program unrelated to the approved educational programs offered by the institution" are considered substantive changes and require prior authorization.

3. Code section 94906, subdivision (a), provides in pertinent part that "[a]n enrollment agreement shall be written in language that is easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language."

4. Code section 94906, subdivision (b), provides in pertinent part that "if the recruitment leading to enrollment was conducted in a language other than English, the enrollment agreement, disclosures, and statements shall be in that language."

5. Code section 94909, subdivision (a), provides that prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog. The Code section also prescribes the minimum requirements for the school catalog.

6. Code section 94910, provides that an institution shall provide a prospective student with a School Performance Fact Sheet related to its educational program. The Code section provides the minimum information that must be contained in the School Performance Fact Sheet.

7. Code section 94911, subdivision (e)(1), provides that students must be provide with a disclosure with a clear and conspicuous caption "STUDENT'S RIGHT TO CANCEL" and specifies the details of required disclosures.

8. CCR, section 71700, provides that the Bureau may require an institution to document compliance with the standards set forth in the California Private Postsecondary Education Act of 2009, Code sections 94800, et. seq.

9. CCR, section 71705, provides that the institution shall have a written statement of its mission and objectives for each educational program. The mission and objectives shall indicate the kind of education offered, for whom the instruction is intended and the expected outcomes for graduates.

10. CCR, section 71710, provides the Bureaus' curriculum requirements.

11. CCR, section 71720, subdivision (b), provides requirements for instructors in an educational program not leading to a degree.

12. CCR, section 71730, subdivision (b), provides the qualifications of administrators and the chief academic officer.

13. CCR, section 71770, subdivisions (a) and (c), set forth the admissions requirements and experiential learning credit standards.

14. CCR, section 71800, requires that the institution's enrollment agreement provide the period covered by the enrollment agreement and the date by which students must exercise their rights to cancel or withdraw, and the refund policy.

15. CCR, section 71810, provides that each institution shall have a catalog which shall be updated annually.

16. CCR, section 74112, sets forth the information required in the institution's Performance Fact Sheet.

17. CCR, section 74115, defines current financial statements as, "completed no sooner than 120 days prior to the time it is submitted to the Bureau, and covering no less than the most recent complete fiscal year. If more than 8 months will have elapsed between the close of the most recent complete fiscal year and the time it is submitted, the fiscal statements shall also cover no less than five months of that current fiscal year."

18. CCR, section 76215, sets forth mandatory language regarding the Student Tuition Recovery Fund that must be included in both the institution's enrollment agreement and catalog.

Causes for Denial

19. First Cause for Discipline (Failure to Meet Minimum Requirements of Enrollment Agreement): Respondent's Application is subject to denial under Code sections 94906, subdivisions (a) and (b), 94911 subdivisions (e), (2) and (3), (f), (g), (1) and (2), (h), (j), (1), 94909, subdivision (a),(15), and CCR, sections 71800, subdivisions (b) and (d), and 76215 subdivision (a), (b), in that Respondent failed to meet the minimum requirements for the Enrollment Agreement that was received by the Bureau on December 29, 2017 by reason of factual findings 20A, 20B, 20C, 20G, 20H, 23 and 24. Respondent's Application is not subject to denial based upon Code section 94911, subdivisions (e)(1) and (j)(2), by reason of Factual Findings 22 and 23.

20. Second Cause for Denial (Failure to Meet Minimum Operating Standards-Instruction and Degrees Offered): Respondent's Application is subject to denial under CCR, section 71730, subdivisions (b) and (e) in that Respondent failed to provide :

sufficient documentation to meet the minimum operating standards regarding the instruction and degrees by reason of Factual Findings 20J, 23 and 24.

21. Third Cause for Denial (Insufficient Financial Resources and Statements): Respondent's Application is subject to denial under CCR, sections 74115, subdivision (d), and 71475, subdivision (e) in that Respondent failed to provide sufficient documentation to meet the minimum operating standard because the financial statement that Respondent provided on December 29, 2017 which covered the period ending December 31, 2016, was not current and was not a reviewed financial statement, by reason of Factual Finding 20L, 23 and 24.

22. Fourth Cause for Denial (Failure to Meet Minimum Requirement for A Catalog): Respondent's Application is subject to denial under Code section 94909, subdivision (a) (5), (14), (16), and CCR, sections 71810, subdivisions (a), (b), (2), (4), (5), (7), 76215, subdivision (a) and (b) in that Respondent failed to provide sufficient documentation to meet the minimum operation standard regarding the catalogue by reason of factual findings 20O, 20T, 20U, 20V, 22 and 23. Respondent's Application is not subject to Denial based upon Code section 94909, subdivision (a)(10), CCR sections 71770, subdivisions (a)(1) and (c), or 71810, subdivisions (b)(4), and (5). (Factual Findings 22 and 23.)

23. Fifth Cause for Denial (Failure to Meet Minimum Operating Standards-Mission and Objectives): Respondent's Application is subject to denial under CCR, section 71705 in that Respondent failed to provide sufficient documentation to meet the minimum operating standard regarding the educational objectives to Tui Na Therapy program. (Factual Findings 20Y, 22 and 23.)

24. Sixth Cause for Denial (Instruction in Language Other than English): Respondent's Application is subject to denial under Code section 94894, subdivision (a), in that on or about December 29, 2017, Respondent advised the Bureau that it may conduct classes in Chinese, however the institution is not approved to offer courses in the Chinese Language. (Factual Findings 20Z, 22 and 23.)

25. Seventh Cause for Denial (facilities and Equipment): Respondent's Application is subject to denial under CCR, section 71475, subdivision (y), in that on May 1, 2017, Respondent submitted a Non-Substantive Change of Location Less than 10 miles which did not include all of the information regarding the new location required on the Application. (Factual Findings 20AA, 22 and 23.)

26. Eighth Cause for Denial (Educational Programs): Respondent's Application is subject to denial under CCR, section 71710, subdivisions (a)-(c)(3), for not meeting the minimum operating standards as to the education programs, by reason of factual findings 20BB, 20CC, 20DD, 20EE and 20JJ, 22 and 23.

27. Ninth Cause for Denial (Faculty): Respondent's Application is subject to denial under CCR, sections 71710, subdivision (f) and 71720, subdivision (b)(1) for not meeting the minimum operating standards for faculty, by reason of Factual Findings 20OO, 22 and 23.

28. Tenth Cause for Denial (School Performance Fact Sheets): Respondent's Application is subject to denial under Code section 94910 and CCR, section 74112 for not meeting the minimum requirements for a School Performance Fact Sheet for all of its programs. Respondent provided a School Performance Fact Sheet for one of its programs the morning of the administrative hearing. The documentation provided at hearing was sufficient to satisfy the Bureau's concerns with respect to only one of the

programs. (Factual Findings 20PP, 22 and 23; Testimony of Murray). However, the failure to provide a School Performance Fact Sheet for all programs is cause for denial. (Factual Findings 20PP, 22 and 23; Testimony of Murray.)

Disposition

29. Respondent's Application fails to meet the minimum requirements for operation. The deficits relate to almost every aspect of operation. Despite ample time to remedy the deficiencies, Respondent has struggled and failed to do so. While Dr. Tam provided heartfelt and eloquent testimony advocating for Respondent's Application, the preponderance of the evidence establishes that Respondent's Application, despite multiple supplements, fails to meet the Bureau's minimum requirements. Accordingly, and in the interest of public protection, the Application must be denied.

ORDER

1. The Statement of Issues is sustained.
2. The Application for Renewal of Approval to Operate an Institution Non-Accredited of Respondent Avid Career College, Manli Yu, Owner is denied.

DATE: October 23, 2019

DocuSigned by:
Glynda B. Gomez
BB367A214FA9483...

GLYNDA B. GOMEZ

Administrative Law Judge

Office of Administrative Hearings