1	Kamala D. Harris		
2	Attorney General of California		
	THOMAS L. RINALDI Supervising Deputy Attorney General		
3	CRISTINA FELIX Deputy Attorney General		
4	State Bar No. 195663 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 897-2455 Facsimile: (213) 897-2804		
6	E-mail: Cristina,Felix@doj.ca,gov		
7	Attorneys for Complainant		
8	BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS		
9	FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION STATE OF CALIFORNIA		
10		AND THE LEE THE STATE OF THE ST	
11	In the Matter of the Accusation Against:	Case No. 996999	
12	AMERICAN SPORTS UNIVERSITY	,	
13	American Sports University,	OAH No. 2015110124	
14	Owner, Non-Profit Public Benefit 399 North D. Street	STIPULATED SURRENDER OF APPROVAL TO OPERATE AND	
15	San Bernardino, CA 92401  Institution Code 14960906	ORDER	
<del>1</del> 6-			
17	Respondent.		
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
19	entitled proceedings that the following matters are true:		
20	PARTIES		
21	1. Joanne Wenzel (Complainant) is the Chief of the Bureau for Private Postsecondary		
22	Education (the Bureau). She brought this action solely in her official capacity and is represented		
23	in this matter by Kamala D. Flarris, Attorney General of the State of California, by Cristina Felix,		
24	Deputy Attorney General.		
25	2. American Sports University (Respondent) Owner, Non-Profit Public Benefit		
26	Corporation, is represented in this proceeding by attorney James C. Stevens, Esq., whose address		
27	is 402 W. Broadway, Suite 400, San Diego, CA 92101.		
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Stipulated Surrender of Approval to Operate (Case No. 996999)

- 3. On or about, May 23, 2007, the former Bureau for Private Postsecondary and Vocational Education issued Full Approval to Operate Institution Code Number 14960906 to American Sports University, American Sports University, Owner, Non-Profit Public Benefit Corporation. Harry Hwang is chair and member of the board of directors, and Chun Y. Lee and Charles T. Moffitt are members of the board of directors. Said Full Approval to Operate expired on June 30, 2014.
- 4 On July 30, 2014, the Bureau received an Application for Renewal of Approval to Operate an Institution Non-Accredited from American Sports University, Jane Hwang, 50% owner, and Harry Hwang, 50% Owner. On August 11, 2014, the Bureau advised Respondent that the application was incomplete. On or about September 12, 2014, the Bureau received another Application for Renewal of Approval to Operate an Institution Non-Accredited from American Sports University. The application listed Jane Hwang as 100% owner, and Harry Hwang as Chief Executive Officer. The Bureau denied the September 12, 2014 application on February 9, 2015. Respondent appealed the denial on April 1, 2015.

#### JURISDICTION

-Accusation-No.-996999-was-filed-before the-Director-of-the-Department-of-Consumer Affairs (Director), for the Bureau for Private Postsecondary Education (Bureau), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 24, 2015. Respondent timely filed his Notice of Defense contesting the Accusation. The First Amended Accusation was filed and served on Respondent on June 21, 2016. A copy of First Amended Accusation No. 996999 is attached as Exhibit A and incorporated by reference.

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<sup>&</sup>lt;sup>1</sup> The former BPPVE sunsetted on July 1, 2007. On October 11, 2009, the Bureau for Private Postsecondary Education Act of 2009 ("Act") (AB 48) was signed into law. The Act, became operative on January 1, 2010, and established the Bureau for Private Postsecondary Education ("Bureau").

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- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. 996999. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of Approval to Operate and Order.
- 7. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### **CULPABILITY**

- 9. Respondent admits-the-truth-of-each-and-every-charge-and-allegation-in-First
  Amended Accusation No. 996999, agrees that cause exists for discipline and hereby surrenders its
  Full Approval to Operate Institution Code Number 14960906 for the Bureau's formal acceptance.
- 10. Respondent understands that by signing this stipulation he enables the Director to issue an order accepting the surrender of its Full Approval to Operate Institution Code Number 14960906 without further process.

#### RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Bureau or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

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#### CONTINGENCY

- Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for Private Postsecondary Education may communicate directly with the Director and staff regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of Approval to Operate and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. This Stipulated Surrender of Approval to Operate and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of Approval to Operate and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 15. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Approval to Operate Institution Code Number 14960906 issued to Respondent American Sports University is surrendered and accepted by the Director of the Department of Consumer Affairs.

- 1. The surrender of Respondent's Approval to Operate and the acceptance of the surrendered Approval to Operate by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's Approval to Operate history with the Bureau for Private Postsecondary Education.
- 2. Respondent shall lose all rights and privileges to operate as a private post secondary institution in California as of the effective date of the Director's Decision and Order.
- 3. If Respondent or any of Respondent's officers and/or agents, including Harry Hwang and Jane Hwang, submit an application for an Approval to Operate in the State of California, they must comply with all the laws, regulations and procedures for approval to operate in effect at the time the application is filed, and all of the charges and allegations contained in First Amended Accusation-No. 996999-shall-be-deemed-to-be-true, correct-and-admitted by Respondent, or any of Respondent's officers and/or agents, including Harry Hwang and Jane Hwang when the Bureau determines whether to grant or deny the application.
- 4. If Respondent or any of Respondent's officers and/or agents, including Harry Hwang and Jane Hwang, submit an application for an Approval to Operate or apply to any other professional licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 996999 shall be deemed to be true, correct, and admitted by Respondent or any of Respondent's officers and/or agents, including Harry Hwang and Jane Hwang, for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict approval to operate.
- 5. If Respondent is granted an Approval to Operate, it shall pay to the Bureau costs associated with its investigation and enforcement pursuant to Education Code section 94937 and Business and Professions Code section 125.3 in the amount of \$15,870.31.

- 6. Within fifteen days of the effective date of this Decision, Respondent must provide to the Bureau the names, addresses, phone numbers, email addresses and programs in which they were or were enrolled, of all persons who are currently or were students of the institution within sixty days prior to the effective date of the Decision, and those students who were enrolled at the time of the conduct that is the subject of this action.
- 7. Respondent's acceptance of this Stipulated Surrender of Approval to Operate and Order in no way precludes the filing of civil claims against Respondents by individuals arising from the charges and allegations contained in Accusation No. 996999.

#### **ACCEPTANCE**

I have carefully read the above Stipulated Surrender of Approval to Operate and Order and have fully discussed it with my attorney, James C. Stevens. I understand the stipulation and the effect it will have on my Approval to Operate I enter into this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: 7/8/2016

AMERICAN SPORTS UNIVERSITY

Name: JANE Harang Title: ENNER

Respondent

I have read and fully discussed with Respondent American Sports University, Harry

Hwang, and Jane Hwang the terms and conditions and other matters contained in this Stipulated

Surrender of Approval to Operate and Order. I approve its form and content.

DATED:

7/6/14

AMES C. STEVENS, ESQ.

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Automore for respondent

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,	ENDORSEMENT	
2	The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully	
3	submitted for consideration by the Director of the Department of Consumer Affairs.	
4	Dated: 07/00/1001 Respectfully submitted,	
5	KAMALA D. HARRIS	
б	Attorney General of California THOMAS L. RINALDI	
7	Supervising Deputy Attorney General	
8	AND E	
9	CRISTINA FELIX Deputy Attorney General Attorneys for Complainant	
10	Attorneys for Complainant	
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Stipulated Surrender of Approval to Operate (Case No. 996999)

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

In the Matter of the Accusation Against:

AMERICAN SPORTS UNIVERSITY American Sports University, Owner, Non-Profit Public Benefit

399 North D. Street San Bernardino, CA 92401

Institution Code 14960906

Respondent.

Case No. 996999

OAH No. 2015110124

DECISION AND ORDER

The attached Stipulated Surrender of Approval to Operate and Order is hereby adopted by the Director of the Department of Consumer Affairs and the Bureau for Private Postsecondary Education as the Decision and Order in the above entitled matter.

This Decision shall become effective on

SEP 3 0 2016

Dated:

Deputy Director, Legal Affairs

Department of Consumer Affairs