

Making Takshila in California



*A tale of revealing corruption, collusion, and
abuse of power by the State of California*

~Ryan Baidya, PhD, MBA

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California Takshila University



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satyameva jayate

- ✓ 'Truth stands Invincible'
- ✓ 'Truth alone triumphs'
- ✓ 'Truth alone conquers, not falsehood'
- ✓ 'The truth prevails, not the untrue'
- ✓ 'Truth alone conquers, not untruth'

About the Author - who I am

I have 25+ years of experience in executive roles in academic and industry. I worked and/or taught at various university programs. I taught at the University of California, Santa Cruz, and the University of California Berkeley extension program, National Singapore University, International Technology University, Herguan University, and California Takshila University. All these universities are authorized institutions.

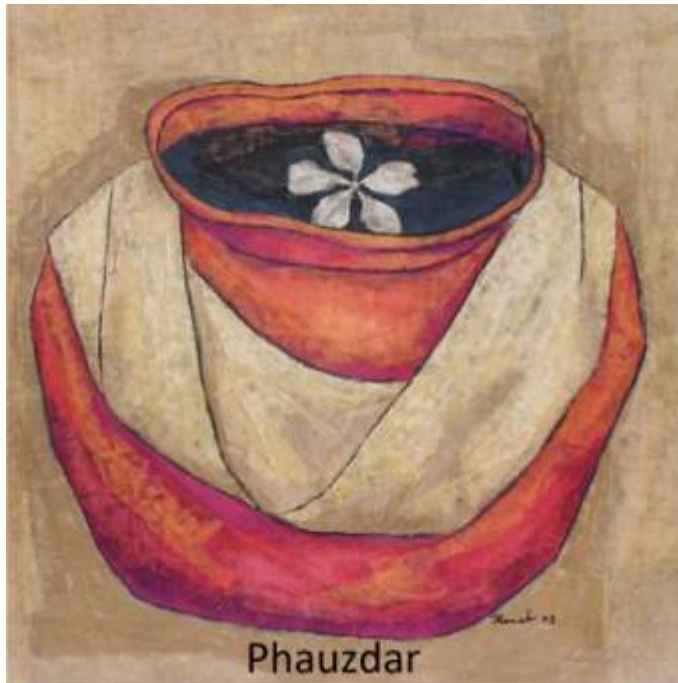
I gave numerous lectures and training on entrepreneurship, management, and high-tech business topics at conferences, primarily in the USA, and Japan and served as a Thought Leader at Frost & Sullivan Executive Summits. I authored books, articles, patents, and commentaries.

I received my MBA at the *San Jose State University (SJSU)*; a doctoral degree (Ph.D.) in Science at the University of California, Santa Cruz (UCSC); and a Master's Degree from the *Indian Institute of Technology (IIT) Kanpur*. As a fellow of the *Damon Runyon Walter-Winchell Foundation*, I conducted research for four years at the University of Colorado, Boulder.

I enjoy learning and sharing knowledge and wisdom. I have an immense appetite for history, specifically history of human civilization - *Itihasam* - "this happened exactly this way". I am a Takshila.

Acknowledgments

I BLAME ALL of YOU. Writing this book has been reliving an arduous journey that we all had been through. The casual reader may opt out herself/himself from excessive guilt, but for those of you who have played the greater role in prolonging my agonies with your encouragement and support, well....you know who you are, and you owe me.



Dedication

To my Family and Friends, who have inspired,
motivated and supported me through this onerous
journey of shedding light on the wrongs and a quest
for the justice.



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Preamble

Preamble

Hello, my name is Ryan, Ryan Baidya. That is my popular name derived from my official name Narayan Baidya. I am a naturalized citizen of the United States of America. It gives immense pride to call myself a citizen of a free world where merits and justice prevail.

I arrived in the USA in September 1987 with 24 years' worth of hard work, grinding educational training, drive to learn and contribute to the betterment of humanity. I was not trained to go after the money; in fact, the opposite was true, I was trained to hate

“Hello, my name is Ryan, Ryan Baidya. That is my popular name derived from my official name Narayan Baidya. “

money, and worship education, knowledge and wisdom.

I spent 10 years in the nation's thriving institution working with scientists many of whom later recognized the National Academy of Science and the Nobel

Foundation. Some of my close

peers went on to become Professors, entrepreneurs and some of them may even be in-line for Nobel Prizes (CRISPER, I predict). At first, I wanted to be in education, but not the education that I am a product of. Since that is not possible, I went on to become an entrepreneur.

I am an educator. This education bug started growing in me since I was a seventh-grade student. During my middle school days, I used to teach some of my fellow classmates, and later to the junior classes with some honorarium (fancy word for lunch money).

During my doctoral time, I taught students from a diverse academic, cultural and economic background. Most of us think

educator teaches, that is to some extent true. However, in reality, students teach many-fold more to the educator. An educator gets to learn from 20-30 students per class, while students get to learn from only one teacher per class. There is a very favorable ROI (return-on-Investment). Unfortunately, the contemporary system does not allow room for such learning philosophy.

When I was a middle school student I used to ponder upon a lyric by Nobel laureate poet Rabindranath Tagore "If no one answers your call, go alone." (*in Bengali: "Jodi Tor Dak Soone Keu Na Asse, Tobe Ekla Chalo re"*). I did not clearly understand this at that time, but it stayed with me. Later it became a mantra for my every initiative small or large, easy or hard.

During my K-12 days, I watched a movie about a most mystic hero of India, Netaji Subhash Chandra Bose. It was not about his activities that made him an iconic hero of India. It was the making of him. It was his childhood days. I do not recall all of it but only one scene that stayed all through my development. He was with his teacher standing by a river bank while the sun was setting. His teacher told him "... today is over and it will never ever come back again. Use every day, and every moment as precious as possible." I never forget that scene. It had a profound effect on my life.

I want to teach. I want to teach those who genuinely want to learn with an open mind. Those who want to challenge, question and progress uninhibitedly. I

believe freedom of a human soul is not only by abolishing monarchism, autocracy, dictatorship, pseudo-democracy, asymmetric financial policies, religious boundaries, and blindness

“ I believe freedom of a human soul is not just abolishing monarchism, autocracy, dictatorship, pseudo-democracy, asymmetric financial policies, religious boundaries, and blindness, but much more.

“

but also through “holistic education of souls” taught by free mind uninhibited by ignorance, bias, fear, greed, and lust.

I believe education should be a separate state of affairs that is free from all of the above and completely independent of anyone’s influence. Education should flow forward as “Time” does. Rivers used to flow on their own. We managed to interrupt it. Wind used to blow on their own whims we learned to manipulate them. However, time remains free of any interruption. Education should and must be of the same class as time. The human race will perish if we do not honor Education’s right to be free and absolutely free.

Could this be possible?

An answer to this question is both Yes and No depending upon how one approaches addressing this question. If one seeking to make it work and looking for a positive answer, one will find all the means and goals to make it work. If one starts with a no answer, one will have nothing to worry about and his/her quest would short and simple – none.

In the USA we have many institutions of higher learning have achieved significant freedom, but not all. And, that “not all” is hindering our progress as a human race. The outcomes breed multiple episodes of failure of democracy, financial inequality, lack of understanding of skin pigmentation, confusion in understanding the differences race, culture, ethnicity, skin-tone, mother tongue, and physical appearance.

Our current education system is forced to fail to clear the cloud that our leadership put on the beautiful mind of our children 24/7. We have mistaken that education only happens inside the school’s wall. In fact, education is a 24/7 affair. Our children - as well as we, the adults - learn every day and every moment from all the information that we absorb from all the means that we encounter. The higher the value source greater the impact is on our children’s mind and their education.

Every country in the world is a failed State of Education. In the economic sense, education is a collective investment that ensures all aspect of our lives – the state’s safety, security, peace and happiness, economic prosperity and growth, and global tranquility and harmony. Yet, every country in the world dedicated a small fraction of their gross domestic product (GDP). Why? Could this be that education makes a human soul completely free? Free souls are good for the universal progress of peace and prosperity, and may not necessarily mirror minor “Tribal” activities – accumulation of food, wealth, and power.

“Tribal” activities –
accumulation of
food, wealth, and
power

Chapter: I

The Genesis of Takshila University in California

The Genesis of Takshila University in California

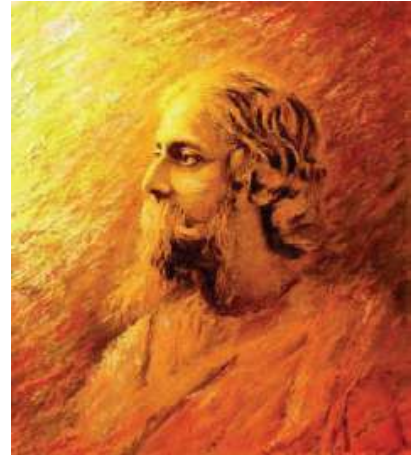
The Quark energy, the soul, and the glue that binds numerous facets of an organization are simply called a fundamental philosophy of that organization. I draw this innate source of energy through my life path, understanding of the world- present and past, my education and the drive to give to the generations to come. I have a keen interest in history, people and education. Early on in my life I learned about different education systems and educated in multiple educational systems. I also had opportunities to learn about education reformers and their life-long works. These shaped significantly the path of formation of an institution in California.

I was moved by the lifelong work of Nobel Laureate Rabindranath Tagore and John Amos Comenius. Tagore built an institution from scratch - it is called Visva Bharati. Many scholars and leaders notably, Nobel Laureate Amartya Sen and Indian Prime minister Indira Gandhi received their education from this institution.

Rabindranath Tagore

Rabindranath Tagore was a Bengali poet, writer, playwright, composer, teacher, painter, philosopher, and supporter of independence of India and Indian cultural heritage.

Tagore was born on 6th of May 1861 in Calcutta as the fourteenth and last child of his parents. He grew up in an environment of education and culture – his grandfather financially supported the local school of medicine, his father was a religious reformer and teacher. Tagore himself started writing poems when he was eight years old.



Tagore was initially educated by lecturers coming to his home, later he attended several schools in his hometown, e.g. the Bengal Academy, where he studied history and culture. In 1873 he went on a trip around India with his father, who shared his knowledge of English, Sanskrit, astronomy, and history with him. In October 1878 Tagore traveled to England, where he was to study law. After two years he returned to India.

From 1890 to 1901 Tagore lived in East Bengal, where he managed family farms and collected local legends and poetry, which brought him into close touch with common humanity and increased his interest in social reforms. In 1901 Tagore moved to West Bengal, where he established his ashram (meditation temple), which also included a school, library, gardens, and groves.

Tagore had early success as a writer in his native Bengal. With his English translation of his poems, he became well known in the West. In fact, his fame attained a luminous height, taking him across continents on lecture tours and tours of friendship. For the world he became the voice of India's spiritual heritage; and for India - especially for Bengal, he became a great living representative of its cultural riches. He promoted spiritual values and the creation of a new world culture founded in multi-culturalism, diversity, and tolerance.

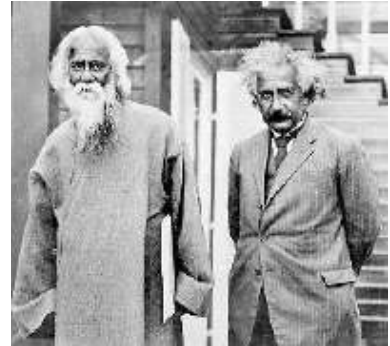
Poetry of India

Heritage of Rabindranath Tagore

"Who are you, reader, reading my poems a hundred years hence? I cannot send you one single flower from this wealth of the spring, one single streak of gold from yonder clouds. Open your doors and look abroad. From your blossoming garden gather fragrant memories of the vanished flowers of a hundred years before. In the joy of your heart may you feel the living joy that sang one spring morning, sending its glad voice across a hundred years."

In 1913 Tagore published *Gitanjali*, the English translation of his spiritual lyrical poems, with the foreword by William Butler Yeats.

His collection soon became famous both in Europe and America and earned him Nobel Prize for Literature in 1913, with Tagore being the first non-European Nobel laureate. The Swedish Academy appreciated his poetry for his “search for discovery of a true relation between faith and thought, which makes him stand out as a poet of a rich endowment, characterized by his great profundity of thought, but most of all by his warmth of feeling and by the moving power of his figurative language.” (Presentation Speech by Harald Hjärne, Chairman of the Nobel Committee of the Swedish Academy, on December 10, 1913).



In 1915 Tagore was knighted by the British king George V, however, he renounced this title in 1919 as a protest against the massacre in Amritsar, which involved the killing of hundreds of unarmed, defenseless Indians protesting against repressive laws ratified by the British colonial government.

Tagore visited more than thirty countries on five continents; among his friends were William Butler Yeats, Ezra Pound, Robert Frost, George Bernard Shaw, Thomas Mann, Albert Einstein, and many others.

Tagore composed two national anthems: India’s Jana Gana Mana and Bangladesh’s Amar Shonar Bangla. Tagore was an exceptional poet and a man of refined wisdom, capable of expressing with equal harmony and grace the emotions of every mood from the longing of the soul after eternity to joy prompted by the innocent child at play. His poetry was truly universally human in character, radiating his unusual ability to capture beauty, essence and spiritual self-reflection. Tagore was the most important representative of modern Indian cultural renaissance, which introduced Indian literature to the world context while including its millennia-long heritage.

The last years of Tagore's life were affected by illness; however, the poetry that he wrote during these years was considered his best, reflecting his thoughts of the nearing end of his life, mysticism and search for the meaning of human existence. Tagore died on August 7, 1941 in Kolkata.

John Amos Comenius

John Amos Comenius is another personality that has much to do in making me and making a school known as California Takshila University. John Amos Comenius is a very important personality in the history of education. In his writings, he expressed many new ideas on universal educational principles, and he is considered the father of modern didactic teaching methods.



Comenius was a great visionary in the field of organization of all human knowledge. He was a respected scholar and many of his ideas are implemented in education even today. His works have been published in many languages and greatly influenced education systems all over the world.

John Amos Comenius was born on 28th of March 1592. There are no accurate records of the location of his birth, his birthplace might have been in the Uhersky Brod region in Moravia, in nowadays Czech Republic. Regarding his ethnicity, he described himself as "Moravus ego natione, lingua Bohemus" – Moravian by birth, speaker of Czech language.

Comenius' life was closely connected to his faith – both of his parents belonged to the church of Moravian Brethren, which was established by religious reformer John Huss. Comenius himself later became one of the pastors and rectors of the Moravian Brethren, and with his work, he supported innovative ideas of

humanism of John Huss. Because of strong Habsburg Counter Reformation movements in Bohemia, in 1621 he lost all his property and his writings, and six years later he was forced into exile. While being banished from his home country, he became respected throughout Europe.

Initially, Comenius took refuge in Leszno in Poland, in 1638 Queen Cristina invited him to Sweden, where he was to create a new system for the

management of Swedish schools. In 1641 he was requested by the English Parliament to work on a commission to reform the system of public education in England. He also presented his ideas to the Royal Academy in London. Comenius



returned to Sweden a year later because of the political situation in England.

From 1650 to 1654 Comenius taught at the first Hungarian Protestant College in Sárospatak, where he wrote some of his most important works. After his stay in Hungary, he returned to Leszno. During the Northern Wars in 1655, he declared his support for the Swedish Protestant side, which infuriated the Polish peasants, who burned his house and many of his valuable manuscripts. Among these manuscripts was also his monumental Czech-Latin dictionary, on which he worked almost his whole life, and he never really recovered from this significant loss. From Leszno Comenius fled to Amsterdam, where he died on 4th of November 1670.

Comenius' heritage in education and education theory supports the principle that every theory, which is being taught, has to be functional in practical use, therefore has to be didactic. Comenius' book *Janua linguarum reserata* (The Gate of Languages Unlocked,

1631) brought him widespread prominence and fame. In his *Didactica Magna* (Great Didactic), Comenius outlined a new system of education, he was a supporter of “education according to nature”. In 1657 he published the *Orbis Sensualium Pictus*, which is probably the most renowned and most widely circulated of school textbooks. It was also the first successful application of illustrations to the work of teaching.

Comenius’ rules:

- Rule of Experience: Students should learn by practice
- Rule of Continuity: Learning materials should be continuous and interconnected, not only in individual subjects but also among various subjects. It is necessary to ensure that education is systematic
- Rule of Activity: Students should strive to gain experience and use it in their learning and actions
- Rule of Lasting Effect: It is necessary to refresh learned knowledge
- Rule of Ability: A teacher should base his work on the age and individual abilities of his students

Naming the School Takshila

The genesis of the school became official with identifying it with a proper noun. We named our institution California Takshila University.

Why Takshila

India has a very long and fascinating history in the field of education. Two millennia ago, India were known to be the home of one of the oldest universities in the world, Takshila. The world’s first university was established in Takshila (sometimes also Taxila or Takshashila, nowadays in Pakistan) in about 700 BCE. It was an important Vedic, Hindu and Buddhist center of learning. Its

geographic position made Takshila the crossroad of knowledge and meeting place of many amazing cultures.

Takshila was a center of higher education, commerce, and trade. From Takshila Buddhism traveled to the Far East, influencing many cultures including the Persians, Greeks, and Hindus, who left their cultural heritage there. More than ten thousand students from all over the world came to Takshila to obtain their knowledge. The students came from as far as Babylonia, Greece, Arabia, and China.

Different lectures in science, mathematics, medicine, politics, political economy, warfare, astrology, astronomy, music, religion, law, and philosophy were taught, along with archery, hunting, and elephant lore. After finishing the courses of studies in these schools and colleges students wandered far and wide to acquire practical experience and develop the faculty of personal observation. As a result of its fame for education, Takshila grew into a cosmopolitan city.

Takshila was Alma Mater of Panini (famous Sanskrit linguist) Chanakya (famous strategist of ancient India, his well-known treatise Arthashastra (The Knowledge of Economics) is believed to have been written during his residence in Takshila) and Ayurvedic healer Charaka.

The city of Takshila was destroyed in 5th century CE, probably as a result of an invasion of the nomadic tribe of Huns from the East, who, according to the legends, brought ruin and desolation to everywhere they set their feet.

For its value in the history of education of humankind and as an important archeological site, Takshila has been listed by the UNESCO as one of the World Heritage sites in 1980.

Chapter: II

Purpose of Education

The Wall Street Journal, October 9, 1959

"The Purpose of Education" by Richard M. Weaver (1959), which deals with "... the real province of education." (See Supplement for the full article)

THE WALL STREET JOURNAL, FRIDAY, OCTOBER 9, 1959

The Purpose of Education

"Life Adjustment" Theory Neglects Disciplines Life Requires

The greatest school that ever existed, it has been said, consisted of Socrates standing on a street corner with one or two interlocutors. If this remark strikes the average American as merely a bit of fancy, that is because education here today suffers from an unprecedented amount of aimlessness and confusion. This is not to suggest that education in the United States, as compared with other countries, fails to command attention and support. In our time we have endorsed it without qualification, and our provision for it, despite some claims to the contrary, has been on a lavish scale. But we behind a situation in which, as the educational plants become larger and more finely appointed, what goes on in them becomes more diluted, less serious, less effective in training mind and character; and correspondingly what comes out of them becomes less equipped for the rigorous tasks of carrying forward an advanced civilization.

It is an educational breakdown which has occurred. Our failure in these matters traces back to a failure to think hard about the real province of education.

An alarming percentage of our citizens, it is to be feared, stop with the word "education" itself. It is for them a kind of conjurer's word, which is expected to work miracles by the very utterance. If politics becomes stiflen and shortighted, the cure that comes to mind is "education." If juvenile delinquency is rampant, "education" is expected to provide the remedy.

Somewhat better off, but far from sufficiently informed and critical, are those who recognize that education must, after all, take some kind of form, that it must be thought of as a process that does something one can recognize. Most of these people, however, see education only as the means by which a person is transported from one economic plane to a higher one, or in some cases from one cultural level to another that is more highly esteemed. Education as a conjurer's word and education viewed as a means of insuring one's progress in relation to his fellows both divert attention from what needs to be done for the individual as a person.

Something Better

Education is a process by which the individual is developed into something better than he would have been without it. For one thing, it involves the promise that some human beings can be better than others, a supposition that is resisted in some quarters. Yet nothing can be plainer, when we consider it, than the fact that education is, essentially, it takes what is less good physically, mentally, and morally and transforms that by various methods and techniques into something that more nearly approaches our ideal of the good. Every educator who ac-

This article is excerpted from a paper prepared for the Intercollegiate Society of Individualists, Inc., by Richard M. Weaver, professor of English at the University of Chicago.

inherited from times and places that sat in darkness. Now it is quite true that "progressive" education represents a departure from an ideal that has prevailed ever since the ancient Hebrews, the people of the Bible, thought about religion, and the Greeks envisioned the life of reason. This new education is not designed for man as an immortal soul, nor is it designed to help him measure up to any ideal standard. The only goal which it professes to have in view is "adjustment to life."

"Adjustment" has an immediate kind of appeal, because no one likes to think of himself as being "maladjusted"; that suggests failure, discomfort, and other unpleasant experiences. But as soon as we begin to examine the phrase both carefully and critically, we find that it contains a subtle trap. It is far from likely that the greatest men of the past, including not only famous ones but also great benefactors of humanity, have been "adjusted" in this sense. When we begin to study their actual lives, we find that these were filled with toil, strenuousness, anxiety, self-sacrifice, and sometimes a good bit of friction with their environment. This is characteristic of the life of genius. And when a culture ceases to produce vital creative spirits, it must cease to endure, for these are necessary even to sustain it.

When we begin to elicit what they have in mind, we begin to wonder what kind of thing they imagine "life" to be. They do not contemplate adjusting students to life in its fullness and mystery, but to life live in some kind of projected socialist commonwealth, where everybody has as conformed to a political pattern that there really are no problems any more. Adjustment to real life must take into account pain, evil, passion, tragedy, the limits of human power, heroism, the attraction of ideals, and so on. The education of the "progressives" does not do this. It educates for a world conceived as without serious conflicts. And this is the propaganda of ignorance.

Men's Ideals

Furthermore, nearly all of the great lives have involved some form of sacrifice for an ideal; nearly all great individuals have felt the call for that kind of sacrifice. But sacrifice does not exist in the vocabulary of "progressive" education, since for them everything must take the form of "adjustment" or self-realization.

liberal education because it alone can provide a structure for organizing our experiences and a ground for the hierarchical ordering of our values. But under "progressive" education there is but one kind of philosophy, that of experimental inquiry in adapting to an environment. This has no power to yield insight and no means of indicating whether one kind of life is higher than another if both show an adjustment to the externals around them.

Thus with amazing subtlety the "progressive" educators have turned their backs upon those subjects which throughout civilized history have provided the foundations of culture and of intellectual distinction.

If this has been stressed at some length, it is in order to deny the claim that "progressive" education fosters individualism. It may have the specious look of doing so because it advocates personal experience as a teacher and the release of the natural tendencies of the person. Yet it does this in a level which does not make for true individualism.

Individualism in the true sense is a matter of the mind and the spirit; it means the development of the person, not the well-adjusted automaton. What the progressives really desire to produce is the "smooth" individual adapted in some favorite scheme of collectivized living, not the person of strong convictions, of refined sensibility, and of deep personal feeling of discipline in life.

Any doubt of this may be removed by noting how many "progressive" educators are in favor of more state activity in education. Under the cloak of devotion to the public schools, they urge an ever greater state control, the final form of which would be, in our country, a Federal educational system directed out of Washington and used to instill the collectivist political notions which are the primary motives of this group.

The Theater

Those Texans

Happy Town, a new musical play presented at the 56th Street (Adolph) Theater by B & M Productions, Bill McGone, Lee Venable and Chely Robins are featured. Allen A. Buchanan directed, Curt Nations designed the settings and Lee Scott did the choreography. Music by Gordon Duffy, lyrics by Harry M. Halliwell.

New York City
Those who still believe that where there's a will there's a way...

Purpose of Education

In cementing my vision in making Takshila in California I was grappled with the question "what is the purpose of education". Before me, many scholars and educators had to struggle with this question. And, I believe, long after today many will ask the same eternal question. Why? You may wonder!

The "Purpose of Education" is simply not a static issue, it is a dynamic goal which is and should be changing with human and technology development. In fact, philosophers and educators put forward their views and perspective on purpose of education since the beginning of time.

Philosophers and educators as diverse as Vyasa, Chanakya, Adi Shankara, Aristotle, Plato, Rousseau, Mozi, and Confucius gave their theses on the purpose and purpose of education in their respective time and societies. They shared many common characteristics and principles about what it is that education's role should in human development, but each of them also had their own unique views on the role of education within a given time and society.

Some of the examples are:

According to John Dewey, "Individual Psychology and Education," The Philosopher, 12, 1934

"The purpose of education has always been to everyone, in essence, the same – to give the young the things they need in order to develop in an orderly, sequential way into members of society. This was the purpose of the education given to a little aboriginal in the Australian bush before the coming of the white man. It was the purpose of the education of youth in the golden age of Athens. It is the purpose of education today, whether this education goes on in a one-room school in the mountains of Tennessee or in the most advanced, progressive school in a radical community. But to develop into a member of society in the Australian bush had nothing in common with developing into a member of society in ancient Greece, and still

less with what is needed today. Any education is, in its forms and methods, an outgrowth of the needs of the society in which it exists."

Views of Martin Luther King Jr., speech at Morehouse College, 1948

"The function of education is to teach one to think intensively and to think critically. But education which stops with efficiency may prove the greatest menace to society. The most dangerous criminal may be the man gifted with reason but no morals. ... We must remember that intelligence is not enough. Intelligence plus character – that is the goal of true education."

An opinion of Arthur W. Foshay, "The Curriculum Matrix: Transcendence and Mathematics," Journal of Curriculum and Supervision, 1991

"The one continuing purpose of education, since ancient times, has been to bring people to as full a realization as possible of what it is to be a human being. Other statements of educational purpose have also been widely accepted: to develop the intellect, to serve social needs, to contribute to the economy, to create an effective workforce, to prepare students for a job or career, to promote a particular social or political system. These purposes offered are undesirably limited in scope, and in some instances, they conflict with the broad purpose I have indicated; they imply a distorted human existence. The broader humanistic purpose includes all of them, and goes beyond them, for it seeks to encompass all the dimensions of human experience."

Philosopher and educator Mortimore Adler (1982) advocated that the purpose of education has three major components:

- Individual growth or self-improvement
- Trade/occupational preparation
- Development of societal membership

Professor David Tyack (1988), an educator and historian, viewed the purpose of education as related to the social and economic needs.

More recently, sociologists D. F. Labaree, K. B. deMarrais, and M. D. LeCompte (1995) collective views can be summarized into four major purposes of education:

- Academic purposes such as the development of mathematical and reading skills;
- Economic purposes such as trade/job preparation; and
- Political purposes such as the integration of immigrants;
- Collective purposes such as the development of societal and ethical responsibility.

More recently,

Dr. Philip J. Guo, Professor of Cognitive Science, University of California, San Diego (2010) stated, "the main purpose of education is to strengthen your mind so that you can more easily learn to deal with specific challenges you will face throughout your life. Even though you will forget most of what you learned in school, the intense effort you spend struggling with difficult academic material tones your mind, just like how physical conditioning tones your body (even though it serves almost no practical purpose)."

Kwame Anthony Appiah wrote, "College is about building your soul as much as your skills. Students want to test out their ideas and ideals in the campus community. College, in this view, is where you hone the tools for foundational American Project, the pursuit of happiness" (*The New York Times Magazine*, Sept 8, 2015)

And, in the politics

What is the purpose of education? The question came to life in early 2015 in politics when Wisconsin Gov. Scott Walker tried to modify the century-old mission of the University of Wisconsin system by replacing the words in the state code that mandate the university to "search for truth" and "improve the human condition" with "meet the state's workforce needs." Gov. Walker backed off when the issue sparked intense criticism from academics and others. This issue remains a topic of national debate even today - (*Washington Post*, By Valerie Strauss February 12, 2015)

Moving Together Forward

Poet, singer, painter, educationist and Nobel laureate Rabindranath Tagore wrote: '*Jaretumi niche phalo se tomare bandhibe je niche, poschate rekhecho jare se tomare poschate taniche.*'

Literally, this means: "Those whom you put down will tie you down; those whom you leave behind will pull you back." In other words, who we put down will hinder our societal progress; and those we leave behind will pull the whole nation back. Every soul needs a mission for its existence. Without a mission the soul falls behind. Work ethics are mission for entrepreneurs. Climbing mountains, finding new lands, oceans and stars are missions for the explorers. Inventing the existence of new processes in sciences, and materials to defeat the attacking pathogens are missions for scientists. And so on.

Those souls that could not set missions are those who need assistance to find their missions. If a society fails to provide them assistance, opportunists will exploit them and harm society. These opportunists come in different shapes, forms and sizes with different colors and aromas. They come as educators, preachers, religious guides, politicians, and business persons.

These groups of opportunists turn those souls without mission into terrorists of all grades, into corrupt business persons, into fanatical political leaders, into out-of-order bearers of laws-and-order, into flawed law-makers, into justices who hold themselves as being above the law, and even to many - to far too many who become corrupt rulers of nations.

Why some souls do not find mission?

Like a plant every soul comes from a seed. Like a germinated plant seedling, soul needs simple, clean and nurturing environment. Every soul receives its nourishment for body and mind through

food, shelter and education. Education means a learning process that goes on for an unending 24-7 nonstop duration. Learning happens even in sleep. Learning takes place actively and passively. It is the lack of positive passive learning that harms a soul and deprives the soul from having a mission. It is observed that the places where passive learning is recognized, respected and protected, souls are flourishing; and happiness is of higher order of magnitude. Social and political discourses are harmonious and directed to greater goods. Whereas, in places where no respect for positive passive learning exists, what thrive are: corrupt leaders, dishonest politicians, immoral business people, and unjust justices. Unfortunately these personages are far too prevalent.

Takshila's purpose of education gives sincere attention to the soul's mission building. Takshila provides an environment of education where its students either find their life's mission or strengthen their own-defined mission. Takshila acts as a catalyst in this process. The school refines the good the student finds.

Chapter: III

I am Takshila:

CTU learning transforms its pupils to Takshila

I am Takshila



Throughout our interaction with the students, faculty, and administrators we learned to ask the questions given in the table below. These questions are the essence of Takshila learning. Our students began to ask these questions while they are here and take this ensemble of questions with them to use as a navigator of their life-journey hereafter. These questions are pluripotent (as in stem-cells) and are applicable in any circumstances at any time of life.

The Quest

Know what you know
Know what you don't know
Know what you don't know that you know
Know what you don't know that you don't know

Assessments

Know who you are
Know what you are
Know where you are
Know where you have been
Know where you are going
Know where you want to be
Know where you want to go

Projections

Know your value today
Know your value one year later
Know your value five years later
Know your value ten years later

Purpose

Know what you love
Know who you love
Know who loves you

Here and Now

Know your favorite drink
Know your favorite snack
Know your favorite meal

Connecting the dots

Know your roots
Know your roots' roots
Know what your roots' mission was

Being human

Know how to express gratitude
Know when to express gratitude
Know how to accept gratitude

Ignorance and wisdom – side by side

To know all is to know nothing; to know nothing is to know it all
To create a void is to create thunderstorm; to create thunderstorm is to create a void.

Charaiveti Charaiveti - चरैवेति चरैवेति

Keep going, keep going this is the mantra. Never stopping and never tiring, and keep steadfastly moving forward.

Quench your thirst
Begin your quest

[Happy Journey begins now](#)

These questions help our students formulate their lives cardinal rules that guide them for years to come to be a bonafide citizen of this world. We have seen, unfortunately, many individuals even with the highest accolade fail to perform as a bonafide citizen of our highly delicate societal frameworks. These individuals without the preparation to be a part of this delicate society are prone to bring chaos and instability to the society. Sometimes they even harm our global system to an extent that takes decades to repair.

When our students are given the accolade to utter the phrase "I am Takshila", they inherently vowed to adhere to the rule of living as stated below:

Rules of Living

- Rule 1: Wrong thinking is the only problem in life
- Rule 2: Right knowledge is the ultimate solution to all our problems
- Rule 3: Selflessness is the only way to progress and prosperity
- Rule 4: Every act can be an act of hope
- Rule 5: Renounce the ego of individuality and Rejoice in the Bliss of Infinity
- Rule 6: Connect to your Higher Consciousness Daily
- Rule 7: Live what you learn
- Rule 8: Never give up on yourself
- Rule 9: Value your blessings
- Rule 10: See divinity all around
- Rule 11: Have enough open minds to see the Truth as it is
- Rule 12: Absorb your mind in the bigger than life goals
- Rule 13: Detach from mediocrity and attach to excellent
- Rule 14: Live a lifestyle that matches your vision
- Rule 15: Give priority to the truth
- Rule 16: Being good is a reward in itself
- Rule 17: Choosing the right over the pleasant is a sign of power
- Rule 18: Let Go, Lets you move to Peace and Happiness

Takshila's students are unique in this regard that they have the opportunity to acquire not only the subject knowledge to economically sustain their livelihood, but also take part in building an equitable and sustainable peaceful society. They most often avoid emotionally expensive and professionally disastrous circumstances with relative ease since they were given the tools and wisdom to take over the steering of life-journey.

Chapter: IV

Takshila in California



Takshila in California

Scholars and their thesis on the purpose of education were my guiding principles in cementing my vision in making Takshila in California. I was inspired by the writings of Richard M. Weaver, Professor of Chicago University, 1959; (Appendix IV.A).

I asked myself what is the specific purpose of our educational institution and for answers to this question; I drive into the wisdom from historical past to the present days. And, we derived our mission and vision -

Mission:

The mission of California Takshila University is to discover, preserve and disseminate knowledge through education, research, and artistic and scholarly endeavors. To provide students with a multidisciplinary and intercultural understanding of the world that enriches their lives while they are actively participating in the global economy, and to develop leaders and citizens who will challenge the present and enrich the future.

Vision:

California Takshila University aspires to be a comprehensive university of choice that equips students to become life-long learners, capable of achieving excellence within an ever-changing professional environment.

The Motto: Tamaso ma Jyotirgamaya **From Darkness to Light**

In many cultures and beliefs, light is the symbol of knowledge and understanding of the world. In many ways, light represents something that enriches us as human beings. Whatever our spiritual beliefs might be, what connects us as humans is our desire for knowledge. With our knowledge, which we share, we ignite light in the hearts of the people near us. This act of sharing will bring happiness to many.

Please share your knowledge, go from darkness to Light.

Maa Asato maa sad gamaya
Tamaso maa jyotir gamaya
Mrityor maa amritan gamaya
Om shaanti shaanti shaanti

Lead us from falsehood to truth,
from the unreal to the Real,
from darkness to Light,
from death to Immortality.
Om peace, peace, peace.

Brihdaranyaka Upanisada 1:3:27



*Lead us from falsehood to truth,
from the unreal to the Real,
from darkness to Light,
from death to Immortality.*

California Takshila University

California Takshila University (CTU) is a private institution which has been approved to operate by the Department of Consumer Affairs (DCA) since 2008. DCA is the highest authority which governs and regulates all Private Post-Secondary institutions in the State of California. CTU entered into a Voluntary Agreement in or around June 2008. DCA formally published CTU along with all other existing institutions that were approved by the DCA.

The Institutional Core Competency statements are a promise to the communities that support California Takshila University that students graduating with Masters Degree will be able to demonstrate the knowledge, skills, and attitudes contained within all of the five competency areas, based on general education and discipline-specific courses. Students are expected to demonstrate the knowledge, skills, and attitudes specified within one (or more) of the five competency areas.

Communication and Expression

Students will communicate clearly, express themselves creatively, interpret thoughtfully and logically, and engage actively in dialogue and discussion while paying attention to the audience, situation and (inter) cultural context. Communication and expression may be written or oral, verbal or nonverbal, informational or artistic.

Information Literacy

Students will recognize when information is needed and locate, critically evaluate, synthesize and communicate information in various formats, they will use appropriate resources and technologies while understanding the social, legal and ethical issues for information and its use.

Physical/Mental Wellness & Personal Responsibility

Students will recognize lifestyles that promote physical and mental well-being, engage in self-reflection and ethical decision-making, explore career choices and life goals, practice effective individual and collaborative work habits, and demonstrate a commitment to ongoing learning.

Global, Cultural, Social & Environmental Awareness

Students will recognize their role as local, national and global citizens. They will participate in a democratic process, respect social and cultural diversity, appreciate the complexity of the physical world, and understand the significance of both environmental sustainability and social justice.

Critical Thinking

Students will analyze arguments, create and test models, solve problems, evaluate ideas, estimate and predict outcomes based on underlying principles relative to a particular discipline, interpret literary, artistic, and scientific works, utilize symbols and symbolic systems, apply qualitative and quantitative analysis, verify the reasonableness of conclusions, explore alternatives, empathize with differing perspectives, and adapt ideas and methods to new situations.

CTU Students will be expected to demonstrate the knowledge, skills, and attitudes. They are expected to communicate, be honest, ethical and socially responsible. These are very simple and small expectations that CTU will have from its students. In regards to this, CTU will use its primary subject curriculum and assist students to either learn, augment or mold said skills. That would be CTU's differentiating approach of developing core competencies in these areas.

Fundamentals of education are transferring wisdom that makes an individual wholesomely human first, then impart tools and trades of knowledge and information for that individual to sustain his/her well-being in the society. Many contemporary educational

institutions, programs, and processes, wittingly and/or unwittingly have deviated from that cardinal objective of education.

No single course or an ensemble of courses can be assigned in building an individual into a wholesome human. It is the whole institution and the culture that institution sets forth is the key to achieving this educational objective. In CTU's view, failure to achieve this goal is the fundamental failure of the institution and the programs that institution offers.

These qualities only develop in an individual by being in an environment and around people who recognize, respect and value these qualities - a culture and philosophy of the organization. CTU aspires to have that culture and environment in both a top-down and bottom-up feedback looping manner.

To evaluate the said outcome one has to wait several years after the program had graduated its students. It is like one hope to evaluate empathy, love, and affection in a quantitative manner. These attributes and traits can only be felt and recognized at a future time under certain specific circumstances. To support this philosophical view I would like to review article entitled "The Purpose of Education" by Richard M. Weaver (1959), which deals with "... the real province of education" as well as the previous chapter "What is the Purpose of Education".

Takshila Learning

Information --→ (facilitator/catalyst) --→ knowledge --→ -

-→ practice/reflect/modify/ practice/reflect--→Wisdom

[Academic institutions and educators are the catalysts of this process]

Our teaching methodology encourages young talents to take challenges to tackle social issues, fulfill their goals and dreams through professional growth and entrepreneurship

What We Believe About Learning

- We believe students learn best when they teach each other.
- We believe students learn best in small groups or teams.
- We believe students learn best when they respect one another.
- We believe students learn best when they are expected to do well.
- We believe students learn best from teachers who are students.
- We believe students learn best when they are challenged to think, feel, and do.
- We believe students learn best when they enjoy learning.
- We believe students learn best when they can relate learning to their lives

What We Do

- To help students learn about themselves, others and the great questions and responses of the philosophical traditions.
- To inspire students to think deeply, live well, and grow in understanding.
- To hope students want to learn more than we can possibly teach.
- To create an environment in which we learn together.
- To leave students feeling they have succeeded.
- To expect the best in students and ourselves.
- To help students apply what they learn to their lives.

Getting to be a Formal Institution

Initially, my teaching activities in the Silicon Valley were revolved around entrepreneurship and mentoring. I also traveled mostly to Japan to teach biotech entrepreneurship (biopreneurship) to

Japanese Government officials, educators, and entrepreneurs. I wrote a series of articles on entrepreneurship that were published in Japanese. Then the time came to take my educator hat to a more formal stage.

It was the second quarter of 2007, I explored possibilities of setting up a think tank style higher educational institution where we would not only teach content but also assist professionals to learn who they are and what they are. We planned in starting a school to offer master degrees in Business and computer science fields.

After checking California regulators and a few consultants, we discovered that the California regulator, the Bureau Private Postsecondary and Vocational Education (BPPVE) would be ceasing its operation and all the schools approved by BPPVE would no longer have any state approval (License to Operate) in California. We were advised to not proceed with any application. We were also told by the agency and the consultant to wait until cloud over the Private Postsecondary Education was cleared.

So we went on to do our things to study several MS in Computer Science program that was offered by just started, small and medium universities from both the private and state-owned and/or operated. We also studied MBA programs from those institutions. At the same time, we utilized this blackout period to understand which programs are appropriate for the Silicon Valley Professionals who would like to come to schools for a Master's degree - the feasibility study.

In June 2008 California Takshila University applied to and was accepted by the DCA as a state-approved educational institution. An Agreement was executed via publishing CTU's name on the roster that was regulated by DCA as a legal institution in California. DCA published that roster on its websites and it was regularly updated. DCA by doing so formally notified all State and Federal agencies about the status of those institutions as DCA regulated schools and legally operating in California under the

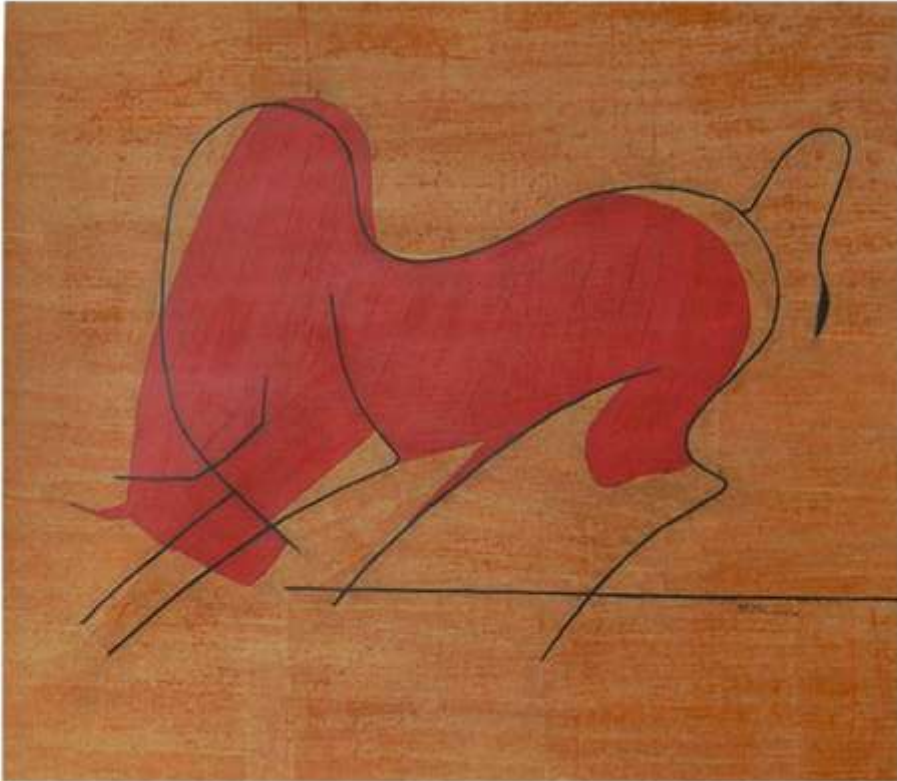
state regulatory oversight by the DCA. DCA is the highest authority that governs and regulates all Private Post Secondary institutions in the State of California.

California Takshila University (CTU) is a private institution which has been approved to operate by the Department of Consumer Affairs (DCA) since 2008. DCA formally published CTU along with all other existing institutions that were approved by the DCA.

Chapter: V

Abuse of Power

The Bureau for Private Post Secondary Education (BPPE), and Department of Consumer Affairs (DCA) of California engaged in abusive and unconstitutional activities.



ABUSE OF POWER

ABUSE OF POWER

Takshila is in Limbo. CTU has been bullied, threatened and subjected to injustice, prejudice, and discrimination. CTU and my constitutional rights were violated.

And the question is WHY?

This WHY will take all of us to the land where state Assembly members, state Senators, the U.S. Congressman, and some media do not want to go. But, we live in an age-of-truth-prevails faster than one can imagine. Thus, I am here to open the chapter that sheds light on some of the state regulator's corruptions, collusions, fabrications that culminated in the spoliation of evidence, lying under oath, and disobedience to civil laws and regulations. When all is said and done, you will be surprised or you may have a hard time believing that your tax money is being used for the salaries of the people who are involved in such heinous activities.

We accidentally questioned BPPE, DCA and California Attorney General (both Kamala Harris and Xavier Becerra). We (unintentionally) flashed light on the wrongdoing of the system. That did not go very well. We were, thus, systematically bullied,

**Takshila is in Limbo.
CTU was bullied, threatened; and
subjected to injustice, prejudice, and
discrimination. CTU's and my personal
constitutional rights were violated**

threatened, discriminated against and violated of our constitutional rights. The following chapters will **lead us from darkness to light!**

The Bureau for Private Post Secondary Education (BPPE) and the Department of Consumer Affairs (DCA), California engaged in abusive and unconstitutional activities

Highlights of the chapter:

- Department of Consumer Affairs and the Bureau for Private Postsecondary Education: guilty of an abuse of power and money extraction through creative and questionable taxation.
- I did not plan go any further into this comparative analysis of the regulated industries, but I am so glad that I did.
- It is illegal and unconstitutional to tax the revenue of the schools that BPPE regulates.
- BPPE has exhibited extreme prejudice and blatantly open discrimination towards legal immigrants, naturalized citizens and their descendants
- DCA was the de-facto licensing agency for Private Postsecondary Schools in California after the sunset of BPPVE (June 2007) and until the debut of BPPE (December 2009)
- BPPE's Funding Scheme - Innovative and troubling - reaches to the federal level.
- DCA breached its contracts with hundreds - well over 1,000 - private postsecondary schools in California while BPPE shredded the contracts and destroyed the database of the official roster of California approved schools.
- DCA may not be willing to give an account of its actions but once its scheme has been exposed, it will have to answer to the U.S. Department of Education and the U.S. taxpayers.

Department of Consumer Affairs and the Bureau for Private Postsecondary Education: guilty of an abuse of power and money extraction through creative and questionable taxation.

Most of you know that California has two major education systems for postsecondary education (1) State colleges and universities and the University of California. However, there is a third leg that

supports California education systems in private postsecondary education – some are for for-profit and some are not-for-profit. Yes, in recent days many news and blogs that had written thousands of words on misdeeds of some of the for-profit colleges. Regulators and accreditation agencies also got their share of blames for not policing the for-profit schools in California.

Should we be hard on the education systems only, and force them to close their doors and thereby ruin thousands of students' lives. We should not. In fact, we did. Why our government uses two standards for businesses - (1) The banking industry committed and continues to commit egregious cases of misconduct, while only getting a slap on the wrist, and (2) whereas, the educational industry remains heavy-handed with a tombstone in hand and lots of victims from all sides.

I did not plan go any further into this comparative analysis of the regulated industries, but I am so glad that I did.

I want to raise some questions about how the California Department of Consumer Affairs and its daughter organization, the Bureau for Private Postsecondary Education extorted money from the very institutions it approves and regulates. You see ACICS lost its authority to accredit educational institutions in December 2016. There were hundreds of schools in California that were accredited by ACICS. These schools also had BPPE's License, which means they were legal to operate in California. In fact, in order to be accredited a school first needs to be licensed by the state regulator (i.e., BPPE or DCA)

However, as soon as ACICS died, BPPE asked all those schools to submit an initial Application to become a school, with a payment of \$5,000; these fees are being levied on institutions that were already approved schools. But, the question is how so many previously approved schools that had operated for many years (some are older than the BPPE itself) are now being demanded to apply for a new school license. There are due processes and protocols in place to

terminate a license. And, when the license was given to those schools, there was no condition that they have to reapply if ACICS or any other accreditation body should lose their authority to accredit. In fact to be accredited a school must be approved (or have an exemption certification) by the state licensing agency.

These issues lie somewhere else; it goes back to 2007 and earlier. But, for now, I would like to point out; BPPE gets large sums of its operational expenses from charging fees, fines, and from imposing penalties on the schools it regulates. It is like asking our police department to support their sizable salaries by the issuance of traffic tickets, asset seizures, and other forfeitures.

It is illegal and unconstitutional to tax the revenue of the schools that BPPE regulates.

The Fundraising effort to gain enough revenue for staff salaries is not easy. One has to be creative as well as aggressively abusive. Not only that, but one also has to find appropriate subjects to ask for fees, fines, and penalties (or protection fees). BPPE not only threatened to incarcerate school administrators, but it levied hefty fines of \$50,000 (now it has been raised to \$100,000) or more per any alleged incidence. Targeted schools were forced to either pay the fees or face closure of their institutions. The closure of said institutions would also affects other victims: such as students, employees and their families who worked hard to build an educational system over a period of 5-10 years or more.

One other way BPPE collects fees from the schools is by taking a percentage out of schools' revenue - student tuition fees. It is a creative TAXATION. Can any agencies other than the Franchise Tax Board tax businesses? Would any commerce law allow that? Even if even state lawmakers allowed BPPE to craft such an innovative revenue scheme, the question remains, "Is it constitutional?" California had its day with the constitutionality of its private postsecondary education code in the past. In 2007 the

U.S. District Court rendered over 200 BPPVE regulations as unconstitutional.



POWER CORRUPTS

I do not know of any other regulatory agencies, such as Department of Health and Human Services (DHHS), Environment Protection Agency (EPA), Food and Drug Administration (FDA), and Securities and Exchange Commission (SEC) that are allowed to collect such fees that link to the revenue of a business. This gives a strong motivation to kill the smaller schools since the total revenue collection from the small schools would be insignificant. In addition, those smaller schools would need more guidance and support. This would cut into BPPE's revenue streams and lower its net revenue. This certainly does not make sense since it was based purely on an ill-gain-revenue-motive.

Thus, we see more citations and more forced closures of smaller and new schools. To give a quantitative understanding BPPE's predecessor, BPPVE, issued **only five citations in 2006-7 and sixteen in 2005-6, whereas** BPPE issued citations in hundreds every year (2010 to today). Yes, each citation comes with fines (or taxation).

Also, we see strong deterrents for applicants to obtain licenses to open new schools. BPPE now takes on average one year to review a new application. During this one year period, BPPE requires applicants to have a leased school building fully furnished and equipped. In addition, the school incurs expenses due to a sizable overhead that requires contracts (including salaries) with the faculty and staff. This means that a new owner could be forced to spend thousands of dollars before receiving a license to operate a school in California. Even after spending large sums of money for all those expenses there is no guarantee that the owner will ever receive a license.

According to BPPE's website, a large number of new applicants were denied approval every year (application fees were collected as revenue). Now the question is why BPPE forces new applicants to spend so much money before granting a license. **It is purely a model of deterrence.** This will keep BPPE lean and slim, hence less operating expenses and more compensation on the top. By the

way, BPPE bolstered its financial self-sufficiency in its annual reports and review meetings.

BPPE has exhibited extreme prejudice and blatantly open discrimination against legal immigrants, naturalized citizens and their descendants

Regarding the subjects, it appears; BPPE creatively and primarily attacked the most vulnerable sections of California's educational institutions. This includes the first generation immigrants, the naturalized U.S. citizens, and their descendants. BPPE handed out more fines, issued more citations, and forcibly closed down more educational institutions than all educational regulators in California since 1980. Over 80% of this combined list of schools represents those that were owned by naturalized citizens and/or first-generation immigrants. Ms. Joanne Wenzel, BPPE's Bureau Chief, stated her disdain of legal immigrants openly at an Annual Review Summit in 2012.

Did their aggressive money generating enforcement make California Private Postsecondary education any better? The answer is no. Recently, when Lt. Governor Gavin Newsom was running around and giving talks at NPR on education and more specifically on - computer education, BPPE was running around and sending out threatening letters to computer Boot-camps and crash course centers to CLOSE DOWN or PAY!. Lt. Governor Newsom said that the California education system has been failing us. We need more innovative and creative ways to train our new generation. Does BPPE have anyone who can support that, or at least not hinder the process of innovation in education by putting blocks of 20 years old methodologies under the throat of new and budding innovative educational institutions?

One might wonder how BPPE became so aggressive in collecting money from the very institutions it authorizes to operate and regulate. This takes us to BPPE's birth time. BPPE was born in January 2010. Before that, all private postsecondary schools in

California were approved by the Department of Consumer Affairs (DCA), the parent organization of BPPE.

Before July 1, 2007, all of California's private postsecondary schools were approved and regulated by the Bureau of Private Postsecondary and Vocational Education (BPPVE). With its share of problems, mismanagement, and lawsuits, then Governor Arnold Schwarzenegger allowed the failing BPPVE to shut down on June 30, 2007.

So what happened on July 1, 2007?

All Private Postsecondary schools in California became un-licensed since there was no legal authorization document to show to the Federal Government and/or other agencies that require a valid and current State License. As a result, thousands of schools and hundreds of thousands of students were on

Now the Questions are:

1. *Did DCA authorize the continuation of schools that lost their license on July 1, 2007?*
2. *Did DCA continue to license then current and new schools after July 1, 2007, and until June 30, 2008?*
3. *Did DCA publish a list of schools that DCA Authorized to Operate in California?*

the verge of losing their federal loans, grants, and other funding (The law requires them to be state approved). Students from those schools also lost eligibility to participate in the federal student aid programs authorized under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §1070 et seq. (Title IV).

As a follow-up communication Mr. James Manning from the office of Assistant Secretary, US Department of Education stated if any state agency continued the license and oversight of those

institutions, they would not lose Title IV funding (January 23, 2007 letter to DCA Director Rosario Marin, (shown below, and Appendix V.A).

DCA was the de-facto licensing agency for Private Postsecondary Schools in California after the sunset of BPPVE (June 2007) and until the debut of BPPE (January 2010)

To mitigate this dire situation, State lawmakers and the Governor passed several laws to give authority to DCA, the parent of BPPVE, to legally approve private postsecondary schools in California. Mr. Scott Reid, Chief Deputy Director of DCA, immediately sent out letters and a form to all previously licensed schools with BPPVE to be legally approved again by DCA. Thousands of schools completed the Agreement and signed it. DCA published the list of those schools that became licensed, meaning, they were approved to operate in the state of California.

DCA published this full list of approved schools on its website as a way of announcing their acceptance and of letting the Federal Government know which schools were legally operating in California. Clearly, those schools whose names were not on DCA's master roster and published on the DCA website were not approved schools. Because of this transition, California schools and the students who received financial aid did not have to face any financial interruptions as the law was enacted retroactively to July 1, 2007. DCA continued to approve new schools through the same mechanism until July 1, 2008. DCA published and updated the list of DCA approved schools in California. DCA published this in its annual report as one of its key accomplishments. Life should have been smoother thereafter.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF POSTSECONDARY EDUCATION

JAN 23 2007

THE ASSISTANT SECRETARY

RECEIVED

JAN 25 2007

STATE AND CONSUMER
SERVICES AGENCY

The Honorable Rosario Marin
Secretary of State and Consumer Services Agency
915 Capitol Mall, Suite 200
Sacramento, CA 95814-2719

Dear Secretary Marin:

Thank you for your agency's letter dated November 17, 2006. I understand from your letter, and from discussing this matter with you on the phone, that the authority of California's Bureau of Private Postsecondary and Vocational Education (Bureau) will cease, effective July 1, 2007. You have asked whether abolition of the Bureau will cause institutions presently approved by the Bureau to lose eligibility to participate in the federal student aid programs authorized under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070 et seq. (Title IV).

As I mentioned when we spoke, except to the extent, if any, that California law continues to require schools in the State to maintain approval from the Bureau in order to offer postsecondary education in the State, abolition of the Bureau will have no effect on Title IV eligibility.

On the other hand, even if the Bureau is abolished, to the extent, if any, that there are other state laws requiring various kinds of schools to obtain other kinds of licenses or approvals from other bodies in order to offer postsecondary education in the state, such laws would remain relevant to Title IV eligibility. These state laws would go to the Title IV requirement that schools be "legally authorized within [the] State to provide a program of education beyond secondary education." 20 U.S.C. § 1001(a)(2).

In addition, licensing laws limiting the ability of individuals to pursue various occupations in the State may have relevance in determinations made by the U.S. Department of Education as to whether non-degree programs meet Title IV requirements that they prepare students for "gainful employment in a recognized occupation." *See*, e.g., 20 U.S.C. § 1002(b)(1)(A).

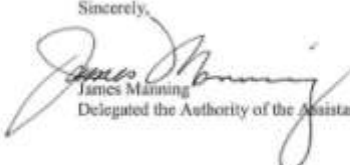
1000 K STREET, N.W. WASHINGTON, D.C. 20006

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Page Two - The Honorable Rosario Marin

If a school were to lose Title IV eligibility on July 1, 2007, that would not abrogate any pre-repayment "grace period" otherwise available to the borrower under the terms of the loan, nor would it preclude a student who transferred to a Title IV-eligible school from maintaining any in-school deferment then in place. Thank you for calling this matter to my attention and please let me know if my office or I can be of further assistance.

Sincerely,

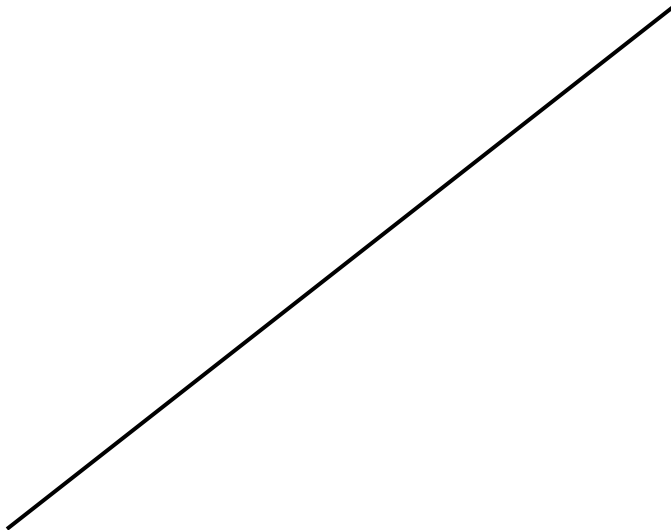

James Manning
Delegated the Authority of the Assistant Secretary

cc: Dorothea Johnson

DCA published its schools' list multiple times in 2008, and up until December 31, 2009. The Federal Government continued to use DCA's list to fund schools, provide aid, grants, and loans to students. Even the Police department (e.g., LAPD) and workforce development agencies, supported its clients by giving reimbursements and funds to use in DCA approved schools only.

Here are some murky things to watch for that exposes BPPE's abuse of power. On or about January 1, 2010, DCA transferred custodial responsibility of the entire list of California approved schools to BPPE. Now BPPE began its operation in early January 2010. At the time of the start of this operation, BPPE had not approved a single school. Instead, BPPE relied wholly and solely on the school roster database it had received from DCA. What BPPE did next was unheard of; it was unconscionable.

BPPE created a list of schools from the DCA approved schools' list by deleting the schools that started between July 1, 2007, and June 30, 2008. BPPE did not have any authority to do this. Things get



California Department of Consumer Affairs 2007-2008 Annual Report



Arnold Schwarzenegger, Governor
State of California

Carrie Lopez, Director
Department of Consumer Affairs

- Launched the Drive Healthy public awareness campaign, promoting the importance of the Smog Check Program and proper car maintenance.
- Retired 20,000 high-polluting vehicles, an increase of 19.5% over the previous year, removing nearly 4,000 tons of smog-forming pollutants.
- Participated in more than 190 community events and speaking engagements, and tripled the number of ethnic events it attended in the past.
- Repaired 40,800 vehicles and removed 3,994 tons of smog-forming pollutants through the Smog Check program's Repair Assistance Program, which provides state assistance for emissions-related repairs to qualified consumers.
- Completed 1,109 investigations by sworn personnel in our Division of Investigation, made a number of arrests, executed search warrants, and referred 107 cases for criminal filings.
- Published 1.5 million printed pieces, with our Office of Publications, Design and Editing garnering 15 international, national and state awards for graphic design and writing.
- Partnered with Univision, Sacramento to hold a number of consumer call-a-thons and to put Lemon Law public service announcements on the air which inform consumers about their rights if they have purchased a vehicle that is defective.

Maintaining Student Consumer Protections in Place

Following the sunset of the Private Postsecondary and Vocational Education Reform Act on July 1, 2007, the Department of Consumer Affairs has accomplished the following in an attempt to mitigate the impact of the sunset of the law on the people of the state of California:

- Developed and mailed voluntary agreements outlining student protections to those institutions approved as of 6/30/07.
- Modified the Web site of the former BPPVE to provide additional information regarding the sunset of the BPPVE, www.bppve.ca.gov.
- Created a list of 1,725 California schools eligible for participation in the voluntary agreement and posted it to the revamped website. Continually updated the list with schools that volunteered to sign and return the voluntary agreement.
- Created a series of six brochures designed to assist consumers with choosing careers and private postsecondary schools.
- Conducted a series of 17 workshops in 9 cities (including a webcast) to assist school owners, students and other interested parties of the requirements of Assembly Bill 1525 and Senate Bill 45.

continued on next page

List of School was Periodically Updated.

Announcement of: Version 10.8 Announcement (January 9, 2009):

<https://web.archive.org/web/20090207074403/http://hppe.ca.gov/schools/index.shtml>

Department of Consumer Affairs

**Private Postsecondary & Vocational
Education Information**

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

QUICK HITS

- [Students/Consumers](#)
- [Private Postsecondary and Vocational Education Reform Act](#)
- [Bureau Regulations](#)
- [Options for Students Faced with a School Closure](#)
- [Subscribe for E-Mail Updates on the Bureau's Sunset](#)
- [Helpful Resources for Schools and Students - Links](#)
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RIGHT COLUMN

Schools

- [List of Schools Eligible for the Voluntary Agreement](#) - Updated January 9, 2009 version 10.8
- [Options for Students Faced with a School Closure](#)
- [Helpful Resources for Schools and Students - Links](#)

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[of]

more interesting when we look at the money trail; follow the money!. And, that is what we started this discussion with.

BPPE's Funding Scheme - Innovative and troubling - reaches to the federal level.

BPPE was not really funded by the Governor. It had only two million dollars. So, BPPE came up with this creative idea of extorting money from the schools that were legally operating since July 2007. BPPE forced many of these educational institutions to close or submit a new application along with a \$5,000 new application fee. Schools that did not comply with these orders could find that some of their administrators had been arrested and forced to pay fines as high as \$50,000 per incident. Furthermore, BPPE offered no guidance, training or support to these schools to help them properly file a new application that would allow these approved schools to become approved schools. Does this ring a bell? It does,

BPPE continued to perfect its money extorting methodologies under the nose of our fifth pillar - the media. Private schools serve a large sector of our society. They support our growing demand for skilled service providers (plumbers, electricians, truck drivers, hair stylists, barbers, food specialists, nurses, physician assistants, and tax accountants) and technology professionals (such as IT-software technicians, system administrators, and phone/internet technicians), and this fuels our economic engine.

After collecting the \$5,000 application fee, BPPE began to handout deficiency letters (Statement of Issues) against a large number of applicants that were primarily remedial and documentary in nature. BPPE's collection of fees and fines were not just handed out to new applicants that had never been approved; rather, BPPE began handing out deficiency notices and Statement of Issues against schools that were legally operating. These schools were ordered to close down or pay \$50,000 fines and in addition, there was always the threat of imprisonment. This is such a heinous

threat and it is humiliating to think that the state of California would be engaged in such mafia style behavior. Imagine the professor, the president of a targeted university, and see him/her in a jail cell as a prisoner among so many ruffians. His/her crime and fines brought down the hammer of injustice and put him/her in the slammer! This is shocking!

However, California law clearly stated that if a school should be closed down the school would have to be found guilty of committing such heinous and unscrupulous illegal actions; or, the administrators of the school could be accused of committing errors that are deemed by BPPE to be so severe that they simply cannot be remedied.

BPPE's Chief was apparently very much aware of that. For this reason, BPPE's bureau chief Joanne Wenzel stated during the Annual Review meeting of 2014 that she did not know what to do with the schools that had been previously approved by DCA. However, Ms. Wenzel had already handed out hundreds of closure notices to previously approved schools before the 2014 summit convened.

DCA breached its contracts with hundreds of private postsecondary schools in California while BPPE shredded the contracts and destroyed the database of the official roster of California approved schools.

DCA had contracts with over 2500 schools in California. After the sunset of BPPVE, all California schools had to be approved by DCA and this requirement remained in force until the debut of BPPE. However, shortly after BPPE took over it set up its own database of approved schools and established its own website that would showcase all the approved schools it recognized. Many schools that were on the previous DCA roster were no longer in the system. Not only did BPPE claim to have lost the DCA listing of approved schools, but neither DCA nor BPPE had a single backup copy of the database. By this very act of removing hundreds of schools from

BPPE's official website of approved schools indicates that both BPPE and DCA broke the contract without cause. It was incumbent on them to maintain a pristine listing with a robust backup of California schools at all times! The loss or destruction of these files has never brought BPPE under any investigation or caused it to receive a single fine. And it did not matter if a previously approved school could provide evidence that it was approved by DCA.

To wit, BPPE recognizes no approval other than its own! This is clear evidence that crimes have been committed, that allowed BPPE to breach DCA's contractual obligation to approve schools under the authority it had been given by the Assembly Bills of the Senate and by the Governor of the State of California. **Such a crime comes with at least two years of imprisonment.**

DCA may not be willing to give an account of its actions but once its scheme has been exposed, it will have to answer to the U.S. Department of Education and the U.S. taxpayers.

BPPE's Bureau Chief Joanne Wenzel under oath stated that there were no valid contracts ever issued by DCA. She argued that DCA never countersigned its own agreement. Hence she argued that DCA never approved any schools and even DCA did approve schools that approval ended on July 1, 2008. If that is true, why did DCA continue to publish its list up until December 31, 2009.

Furthermore, if DCA approval ended on July 1, 2008, DCA had to lie to Federal Government (Department of Education) in order to receive funding for the schools and the students.

To cover up this massive fraud, DCA, BPPE and the Office of the Attorney General colluded with the Administrative Law Judges of the Office of the Administrative Hearing (OAH) who are now also saying that no schools were ever approved by DCA. Judge, Mr. Perry O. Jonson, for example, wrote the following in one of his decisions:

"But, the so-called voluntary agreement, which was issued to hundreds, if not thousands, of postsecondary training programs, for-profit colleges, and vocational instructional facilities, were acknowledged as merely operating during the period after the "sunset" of laws and regulations of the Bureau's predecessor agency."

I will visit this aspect in the following chapter in detail. Interestingly, this same judge did not even spend any investigative time for either looking up the laws or in constructing a clear sentence containing a legal opinion on this issue of the authority of the DCA Agreement. Instead, it seems, he studied Wikipedia, a free online-content encyclopedia.

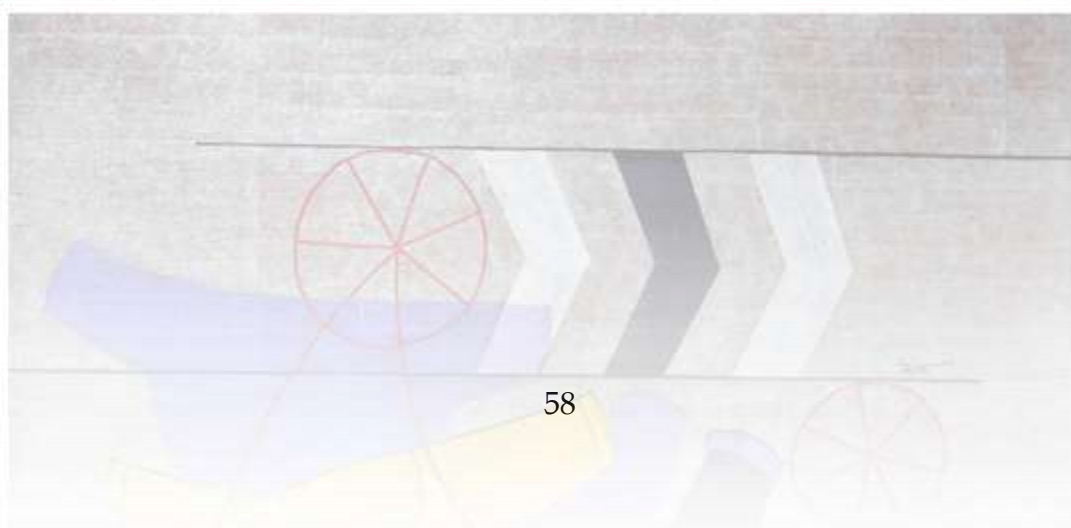
The deputy attorney general sings the same tune as did Judge Johnson: "I never heard of any DCA approved school". BPPE's employees, under oath, stated that there was no such thing as DCA approved schools. BPPE, Administrative Law Judges, and the Office of the Attorney General have joined together in a determined effort to quash and to crush any schools who point out this wrongdoing. They are determined to shut down any dissenters and any schools that will not play by its Golden Rules. BPPE rule is quite simple; send more gold and just do as you are told! We will reserve more criticisms against BPPE in comments made at one of its Summits in which it targeted the closure of schools owned and operated by foreigners and minorities!

DCA historically housed corrupt leadership and continue to do so (Appendix V.B).



Chapter: VI

A treacherous Saga



A treacherous Saga

As I mentioned in the previous chapter that to meet its federal regulatory obligations, the DCA instituted a "Voluntary Agreement" program, authorized by Assembly Bill (AB) 1525. Under this program, California Private Postsecondary Educational institutions entered into agreements with the DCA to abide by the California Education Code provisions and regulations in effect on June 30, 2007.

This allowed the United States Department of Education to extend federal privileges to voluntary agreement registrants in exchange for a school's agreement to abide by the laws that existed on June 30, 2007. It also allowed California Private Postsecondary Educational institutions to satisfy federal immigration regulations.

Senate Bill 45 extended DCA's Voluntary Agreement program to July 1, 2008, and schools were allowed to enroll during this new window period. Again, it placed schools approved under the DCA Voluntary Agreement program under the laws as they existed by the close of business on June 30, 2007.

Note: On October 10, 2007, the United States District Court for the Central District of California held that 299 (Private Postsecondary and Vocational Education Reform Act (the "Reform Act"), 1989 Cal. Stat. ch. 1307 (codified as amended at CAL. EDUC. CODE §§ 94700-94999), was unconstitutional) provisions of the California Education Code were unconstitutional under the Commerce Clause.

Yet DCA ordered its approved schools to adhere to those regulations.

In February 2008, I became aware of the Voluntary Agreement program. To investigate the program, I looked at a DCA website concerning the program and I examined links on the DCA website.

I continued to follow the website and its links over the next four months, as I planned to file a Voluntary Agreement application on behalf of California Takshila University, an Educational Corporation that was established on June 3, 2008. The DCA website and the links stated that a school operating under the Voluntary Agreement program would be authorized to operate, and thus licensed to operate, as a private postsecondary school of higher learning.

The information I obtained from the website is corroborated by SB 45, which extended AB 1525. By the time that I saw the DCA website, Senate Bill 45 had already taken effect. Section 1(b)(3) extended the DCA deadline for entering into voluntary agreements until July 1, 2008.

In June 2008, CTU accepted DCA's invitation to enter into a Voluntary Agreement with DCA to operate as an official California School of Higher Learning, and executed a form provided by the DCA website, and I mailed the executed form to the DCA. On June 25, 2008, CTU's name appeared on the DCA website as a California Approved Institution. CTU interpreted this DCA action in its ordinary fashion: CTU reasonably understood the DCA website publication meant that CTU had been accepted by the DCA as an official California School of Higher Learning. To this day, CTU operates under the authority granted by that Agreement.

The DCA website relied upon by CTU failed to disclose in any way that SB 45 included a June 30, 2008 sunset provision. As a result, I was not made aware of this provision. Had I been aware, I would not have understood its significance. Absolutely no one would have believed that an agreement to operate an educational institution entered into on June 25, 2008, would expire five days later!

I, in any case, continued to check the website and continued to see CTU's name listed on the DCA's website list of institutions operating under the Voluntary Agreement program. During the

period of June 25, 2008, through December 31, 2009 CTU's name continued to be published on the DCA's official website.

During this period, moreover, the DCA website at no time suggested that CTU's status as a DCA approved school had been terminated as a result of June 30, 2008, unsetting of SB 45. On the contrary, the continuous posting of CTU's name as a Voluntary Agreement institution led CTU, and other Voluntary Agreement applicants, to believe that the June 30, 2008 deadline for submitting applications was simply a cutoff date for the submission of Voluntary Agreement applications.

Pursuant to the Voluntary Agreement program, many CTU students have continuously since CTU's inception been eligible for and received, federal supports based on the existence of the Voluntary Agreement program. Since its inception, CTU has always been recognized by SEVIS, which has allowed CTU to place students in such Federal Immigrations programs as Students and Exchange Visitor Program (SEVP) and to assist students with their Visa as they may need to exit or re-enter the United States. Thus, the United States and its agencies, and CTU's students have relied upon the existence of the Voluntary Agreement program, as they were intended to rely upon.

On January 1, 2010, pursuant to AB 48, BPPE became active. In early 2010, CTU noted that its name had been deleted from the list of California approved schools. This was in direct violation of Business and Professions Code § 27(a), and (b)(13) which provided that BPPE "shall disclose [on the Internet] information on private postsecondary institutions under its jurisdiction." It is undisputed that CTU is subject to BPPE's jurisdiction. Indeed, CTU's journey with DCA and BPPE is entirely based on this premise.

After noticing that CTU's name was deleted from the website, I contacted BPPE and asked for an explanation, but no one at BPPE could provide an explanation. I was instead advised that CTU needed to submit an application for BPPE approval. In July 2010, CTU complied and submitted its application as a new registrant for BPPE approval.

Notwithstanding the 2008 DCA approval, and CTU's July 2010 compliance, BPPE has engaged in repeated acts of threat and slander against CTU. BPPE has advised individuals that they should not attend

BPPE in violation of Business and Professions Code § 27(a), and (b)(13) which provided that BPPE "shall disclose [on the Internet] information on private postsecondary institutions under its jurisdiction." It is undisputed that CTU is subject to BPPE's jurisdiction.

CTU and has interfered with CTU's efforts to obtain accreditation. Indeed, BPPE has twice sent notices to CTU ordering CTU to shut down. The first shut down notice was sent on April 7, 2011. The second shut down notice was sent on November 29, 2012, and was not withdrawn until February 20, 2013, i.e., nearly three months later. As a result of these continuing slanders and threats, CTU ultimately lost all of its students.

These continuing slanders and threats have profoundly damaged CTU's development as an institution of learning, and have made it difficult for CTU to defend its interests in the legal proceedings. Indeed CTU and I continue to struggle financially as a result of these threats and slanders, and both my children and I have even suffered extreme embarrassment over claims that I am defrauding the public.

On September 26, 2013, during the official BPPE site inspection visit, CTU no longer had any students left. These circumstances severely prejudiced every aspect of CTU's application and

interfered with the development of CTU as an institution of learning.

On December 24, 2013, the Bureau mailed its Visiting Committee report to CTU containing its criticisms of CTU's operations. The authors of the report were unaware of the fact that CTU, at the time of the Visiting Committee inspection, had been severely damaged by the Bureau's violation of CTU's rights.¹

On October 17, 2014, based on the site inspection, BPPE issued its Statement of Issues with nine stated causes of denial of CTU's application for Bureau approval. On or about February 23, 2016, BPPE dismissed causes for denial one through seven, and cause for denial nine.

The Saga:

Appendix VI.A shows the entire saga of CTU. We will explore together to uncover the corruption and concealments.

CTU's approval by the Department of Consumer Affairs (DCA) was a joyous moment and fulfillment of my life's dream. However, that dream became a nightmare after the 2010 debut of BPPE. For most of the past eight (8) years we - CTU staff members - have worked diligently to address every challenge and concern presented by BPPE.

¹ AB 48 required the Bureau to post CTU's name as an institution subject to its

jurisdiction. Respondent also submits that AB 48 required the Bureau to post information concerning the Voluntary Agreement under which CTU received DCA approval to operate. Education Code section 94878, moreover, the law currently in place, requires the Bureau to maintain a directory of approved institutions on an internet website. As above noted, an institution operating under a voluntary agreement is deemed approved by BPPVE. Pursuant to Education Code section 94800.5 of AB 48, this is also deemed BPPE approval. Pursuant to Education Code 94897(l) Bureau approval to operate means that an institution "may indicate that the institution is 'licensed' or 'licensed to operate'."

But, the question is why the hell BPPE was putting CTU through such an egregious path. Rule of thumb is -when you are small, and under a highly powerful agency, you put your head down and follow the order and satisfy their indulgences until you break.

We were doing just that - believing that at some point they may find something more productive and profitable to do and let us do what we do the best - teach. However, you will see that during the process of satisfying the abuses we end up uncovering dark holes and heinous darts that were not supposed to be uncovered. Hence our path with BPPE became treacherous.

Early Events

Early 2010 - BPPE is now active; does not recognize CTU as being under any Voluntary Agreement program or as a duly licensed school (breach of the DCA Agreement, and note

that DCA is BPPE's parent body); nor does it allow conformance under the June 30, 2007 requirements but insists that all schools that were approved via the DCA Voluntary Agreement restart the process as new applicants and follow BPPE's current rules.

During the process of satisfying the abuses, we would end-up uncovering the darts that must not be uncovered. Hence our path with BPPE became treacherous.

BPPE illegally sought to force all institutions that had been approved by DCA to complete an application to become what they already were under its parent authority, DCA. – That is, to force these previously approved schools to become recognized schools. [CTU was at this time - and all subsequent times since - an approved school via its DCA Voluntary Agreement. DCA has never rescinded this approval and since the terms of the Agreement have never come into question CTU now believes that it was threatened and coerced into filing as a new applicant.



CTU submitted an application under duress. CTU submitted its application as a new registrant for approval as a school of higher learning under threats of closure, imprisonment and a \$50,000 fine. Articles were surfacing then regarding sting operations and arrests, plus a levy of these hefty fines. CTU felt compelled to cooperate and sent in the application plus the \$5,000 application fees. The extortion had begun!

Very First Communication from BPPE: A Threat

The first time after the submittal of the application that CTU heard from BPPE in April 2011. It was a Notice ordering CTU shut-down the school or pay \$50,000 fine. Hereafter everything went downhill -down, down, down - and that is a fact that we would realize years later.

As law mandated that BPPE should publish the name of all previously approved school that were legally operating in California and published their name on its website, BPPE did so discriminatorily. BPPE only gave a new License under BPPE's banner to some schools that were approved by DCA. CTU and others continued to ask for that piece of paper - the BPPE's license of CTU - not with-coming, with prejudice, ended CTU's accreditation processes and put any progress to obtain accreditation on hold as Western Association of Schools and Colleges (WASC) demanded that paper, which was not forthcoming.

There were many communications and exchanges with the BPPE executive department. Each time we felt that we had submitted documents that were requested by BPPE we immediately responded with a timely submittal but it was never enough. To be sure, there would be a delay then we would get a letter after a long delay asking us to submit additional documents. Those additional documents/ information requested were not the result of the new documents that we then submitted rather from the documents that we had submitted much earlier.

In each occasion, we failed to understand why BPPE did not ask us for any and all the requested documentation it needed in the first place instead of demanding document after unrelated document that would be followed by more demands for more documents. Altogether, put together, it was an exercise in futility. It felt like we were submit something and BPPE put something else on the plate from somewhere else. No matter what we submitted there was never enough to feed and satisfy the proverbial BPPE-bin.

We had been sincerely obliging with BPPE's requests and requirements; and we were patiently waiting for the process to end. Due to this delay, we postponed our accreditation process with the Western Association of Schools and Colleges (WASC) several times just as we had done in the past. However, after believing that we had completed our process with the submission of our 2011 financial, we requested WASC to visit our site for the initial accreditation process. WASC indicated that they would most likely visit us during this summer (July-August) of 2012. We were quite excited and tense about our accreditation process - we were ready with all our documents except the BPPE Letter of Confirmation of License or Approval.

BPPE was mandated by the law to include all the schools that were approved by DCA, the only educational regulatory agency existed for nearly three years before its creation and the inception of BPPE. We did not receive any letter from BPPE stating that CTU was an approved school in California. WASC, therefore, did not continue its accreditation process with CTU even though CTU secured initial eligibility qualification to be part of the WASC accreditation process.

As shown on the early chronology (Appendix VI.A), BPPE for almost two years, dragged CTU through a landfill of BPPE's abuses, mismanagement and gross disregards for the laws and regulations of its governing body. BPPE lost CTU's application,

sent someone else's requirements to CTU and failed to provide appropriate feedback.

At that point, we had no choice but to ask for help from our State Senator Ms. Elaine Alquist. She was willing to provide her assistance. On May 18, 2012, the university contacted the Senator's Office and explained the problems the university had been facing with BPPE. On June 14, 2012 from the Senator's office - Shreya Desai contacted BPPE and enquired if there was any update on California Takshila University's application. BPPE gave multiple statements of misinformation about its intent and activities related to CTU's approval from BPPE.

On November 29, 2012, BPPE sent a Denial letter and illegally ask - correction, demanded - CTU shut down its operation. Causes of denial contained mostly misinformation. For example, BPPE stated that CTU then currently offered 24 programs including a doctoral program. CTU did not. During the application evaluation process that the Analyst Jennifer Juarez conducted from June 2011, CTU gave detail information about its program and included related documentation.

Furthermore, BPPE stated that CTU did not have premises to teach. Again, during the said evaluation process CTU provided detail information on school's premise, its staff, and faculty members.

It is important to note regulation required BPPE to make a site visit before giving an evaluation. BPPE did not visit CTU before writing that denial letter.

BPPE abused its power to crush anyone who challenges it wrongdoings and ineffectiveness. BPPE did not follow the law and regulation to give a shutdown letter to CTU. BPPE not only illegally asked CTU to shut down, but also hundreds of other DCA approved schools without any valid reason and/or legal violation that cannot be rectified.

Regulation to shut a school down states:

“

94933.

The bureau shall provide an institution with the opportunity to remedy noncompliance, impose fines, place the institution on probation, or suspend or revoke the institution's approval to operate, in accordance with this article, as it deems appropriate based on the severity of an institution's violations of this chapter, and the harm caused to students.

94933.5.

As much as is practicable, the bureau shall seek to resolve instances of noncompliance, including the use of alternative dispute resolution procedures in Article 5 (commencing with Section 11420.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

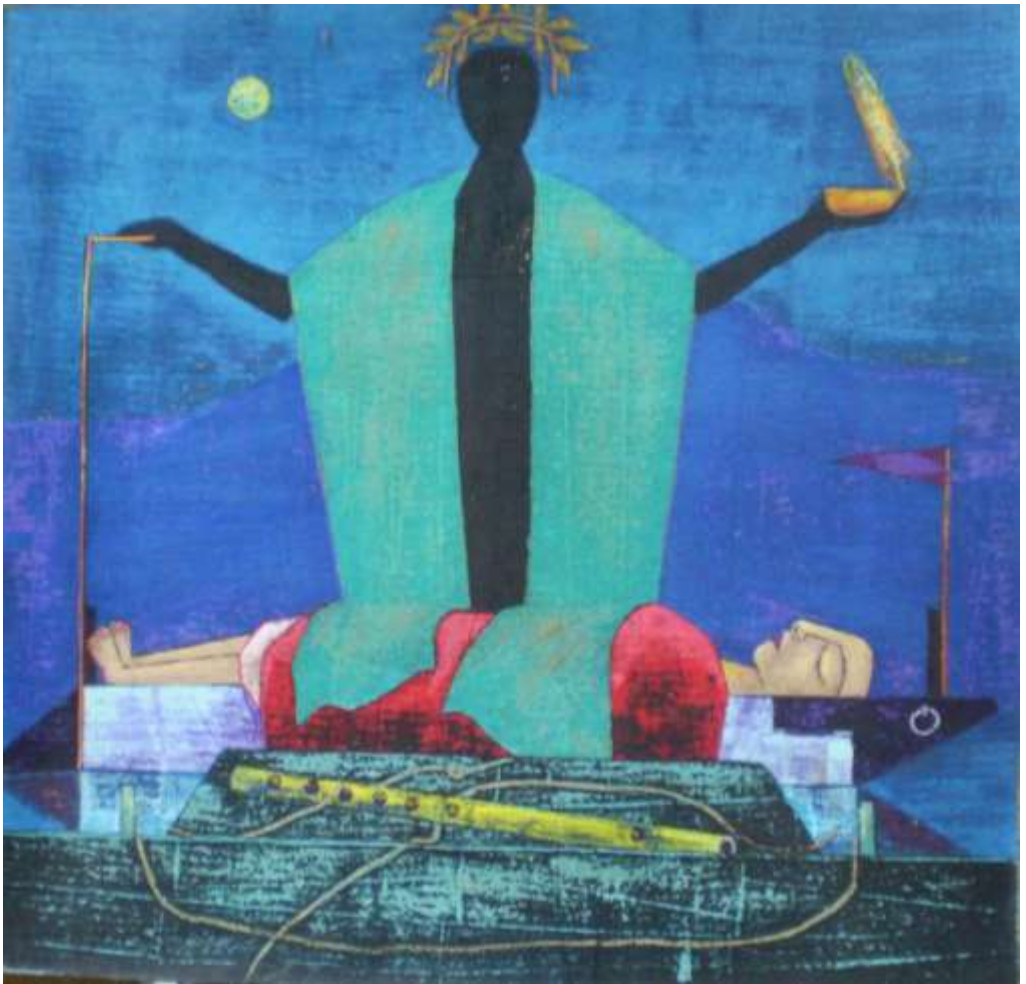
”

It felt like retaliation. It is pure retaliation. BPPE certainly retaliated against CTU as it shed light on BPPE's ineffectiveness and incompetence.

An unfortunate thing happened. I went back to Senator Alquist's office to find out that she

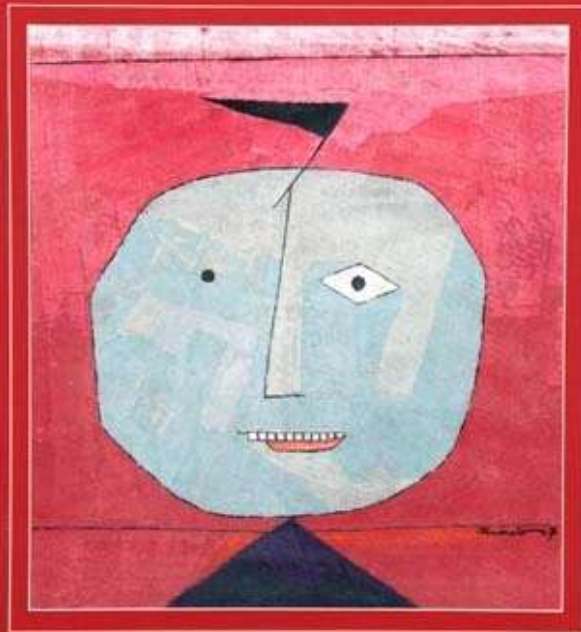
**It felt like retaliation. It is
pure retaliation.**

was no longer a senator. At that point, I was quite broken and called the Governor's office. A representative from the Governor's office suggested me to hire a lawyer. That would be a completely new endeavor to deal with as I had never imagined that I would have to impeach in order to teach, that is, to litigate in order to educate.



Chapter: VII

BPPE Serves Illegal Shut-down order



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The Chieftain

BPPE Serves Illegal Shut-down order

At least first three years since its inception in January 2010, Bureau for Private Postsecondary Education had not gotten its acts together. Agency was full of chaos and mismanagement. Lawmakers increasingly got frustrated and that was evident in the annual review report and media articles. As a result, internal infighting and resignations became common at BPPE. Karen Newquist, head of the enforcement division, and the Bureau Chief Laura Metune left the bureau. It certainly felt like an internal soft coup at BPPE. The winner of the coup was then Deputy Chief, Ms. Joanne Wenzel. She became the bureau chief. To solidify her position, she took steps that defied state laws and regulations, which she started doing since 2011.

To satisfy regulators needs and perceptions, Joanne Wenzel abused power, gave citations, statement of issues and shut-down perfectly ok schools. Citations and statement issues were given for simple clerical matters and items that were subject to interpretation. There were very few sustentative violations. This whole process generated a buzz that there were new cops in town and be ready with your money to pay protection money (fine). BPPE boasted in its annual review report that it had generated significant revenue to support itself (meaning pay them salaries and other compensations) and got rid of many bad apples.

Under this backdrop, BPPE was bullying CTU. First, it gave a closure notice with innumerable erroneous and false allegation. BPPE attempted to make CTU believe that it did not have any rights and threatened to fine the school and even put me in prison. Upon advice from the Governor's office CTU hired a law firm, Simas and Associates. Attorney Steven Simas immediately wrote to Susan L Hertle, Staff Services Analyst, DCA and raised a legal concern. Mr. Simas wrote:

“

In your November 29, 2012 Notice of Denial of Application for Approval to Operate, which our client will be timely appealing, the Bureau has indicated that CTU has 60 days to implement the institution closure process. Other than Title 5, California Code of Regulations section 76240, the Bureau cites no legal authority. Section 76240 merely provides what CTU must do before closing but does not address any timeframe. Similarly, the California Private Postsecondary Education Act, Education Code sections 94800, et seq. does not provide for a 60 days closure period. Accordingly, please provide the legal basis for this 60-day time frame. As you may know, CTU has been in operation since 2007, during a time period before the Bureau was reformed within the Department of Consumer Affairs. Now the Bureau has suddenly denied CTU's license after years of inaction and cured deficiencies and expects this up-and-running university to suddenly close down with 60 days' notice that is not required anywhere in the law.

”

On January 28, 2013, Mr. Simas again wrote in detail to BPPE's deputy chief Ms. Joanne Wenzel:

“

In the BPPE's November 29, 2012 letter, the BPPE outlined alleged deficiencies in the Application, many of which are not supported by the evidence and many of which the Bureau has failed to address. In addition, CTU objected to the BPPE's attempt to require CTU to cease operations and close since CTU has been operating since 2008, prior to the enactment and effective date of the Private Postsecondary Education Act of 2009 and the emergence of the BPPE. (Education Code, sections 94800, et seq.).

General Objections to Notice of Denial

To the extent the Notice of Denial attempts to deprive me the right to practice my profession operating CTU since 2008 without a pre-deprivation hearing, the BPPE's actions are unlawful and violate my due process rights. As the California Supreme Court confirmed in 1968:

Any person whose freedom to pursue his profession is seriously restricted by an official action or course of conduct designed to discourage his employment may compel the government to afford him a hearing complying with the traditional requirements of due process.

It is clear that the BPPE is interfering with my liberty interest to earn a living and to operate CTU by engaging in the following:

1. Refusing to accept CTU's supplemental responses and corrections to deficiencies, including those deficiencies CTU cured by submitting its updated catalog;
2. Delaying the application process for over two years from the date CTU initially submitted its application in July 2010 until the sudden denial in November 2012, without any advanced notice, even in the deficiency letters; and
3. Demanding that I close CTU's doors and cease to operate within 60 days without prior notice, that we would have to do so and without legal authority within the 60 day period to shut down.

In addition to the due process concerns, the BPPE's actions in attempting to close CTU and deny its application without advanced notice are barred by the doctrine of laches. Due to the Bureau's unreasonable delay in processing the Application and resulting prejudice to CTU, not only I was out of business, but our faculty were without their positions and CTU students were displaced in the midst of their education.

The BPPE in its Notice of Denial letter confirmed that it failed to consider all of the information that CTU has provided. For example, the then CTU current catalog provided for only **two study and degree programs -the Master of Science in Software Engineering/Computer Science and the Master of Business Administration.**

The denial letter confirms that the BPPE denied the Application based upon a catalog that was two years old and represents the

BPPE abused CTU's timely submittals at its discretion and chose to ignore CTU's information

potential plan for the future of CTU. And despite CTU providing the updated catalog, **BPPE abused CTU's timely submittals at its discretion and chosen to ignore CTU's information.**

Credits - CTU clarified its basis for granting credits in June and July 2011 when CTU submitted its revised Catalog dated February 21, 2011. This catalog provided for the basis of granting credits and how long the program lasted and was modified according to the BPPE and Accrediting Commission of Career Schools and Colleges (ACCSC) Guidelines.

Faculty - As CTU indicated to BPPE, the faculty are independent contractors. Further, Regulation 71720(a) does not define "employ" as a legal employment relationship versus an independent contractor. CTU has a very skilled faculty and a faculty handbook that was never requested by BPPE during the alleged deficiency process. In addition, CTU has the resumes and curricula vitas of its faculty and an academic freedom policy which similarly were never requested.

Facilities and Library - CTU has had 1200 reference books in its library for the past year and has a computer lab for computer science students. In addition, **it is not offering 24 degrees** at this time as the BPPE **incorrectly assumed** and it leases a number of classrooms to accommodate its students. Accordingly, the BPPE's deficiency therefore was not supported by the evidence.

Catalog- CTU had also addressed these deficiencies already. It did not offer distance education as the denial letter assumed. CTU only

offers in-class direct instruction. In addition, both the student handbook and catalog provide a withdrawal policy. The current catalog also discusses the Advanced Credit Examination for experiential learning. Finally, CTU's initial application mentions the old administration office in 2010, which was not used for instructional purposes but only for office work. In the summer of 2010, CTU used conference rooms - called Launch Pad - and provided the rental lease agreement and floor plans (these were never requested).

Currently, CTU has two rooms and two office spaces, a library and a computer lab in Suites 116

Sima's certainly understood the issues that BPPE had in its mismanaged house and thus asked Ms. Joanne Wenzel *"Please have your legal counsel contact me to discuss this case and to discuss resolving it without the need for protracted litigation."*

and 120 at 3003 Bunker Hill Lane, Santa Clara. Also, in the fall of 2011, CTU leased two rooms and two office spaces, a library, and a computer lab, at Suites 160 and 260 at 4633 and 4655 Old Ironsides Drive, Santa Clara. CTU also rents an office at 2953 Bunker Hill Lane, Santa Clara.

”

As you can see, CTU has provided much information to BPPE that was overlooked or not considered during this 2 ½ year review process. CTU proved substantial compliance with all of the requirements and alleged deficiencies alleged by BPPE in the application process, most of which have been clarified in a more recent catalog.

At that time, I request an expedited hearing on this matter and that the hearing takes place prior to any unlawful attempts to close CTU without providing due process.

Sima's certainly understood the issues that BPPE had in its mismanaged house and thus asked Ms. Joanne Wenzel

” Please have your legal counsel contact me to discuss this case and to discuss resolving it without the need for protracted litigation.”

However, BPPE was in turmoil at that time. It took nearly 90 days to revise its illegal decision. By then the word about CTU's flight had gotten out and the damage was done. CTU lost all of its students and no new students were willing to join CTU as a cloud of doubt had been created by BPPE's illegal actions. CTU literally stopped its operation.

On April 2013, Attorney Nicole D. Hanley from Simas and Associates wrote to BPPE:

“

For BPPE's review and reference.

Our review of these events and their evidentiary support lead us to conclude that poor communication and clarification between CTU and BPPE resulted in our current predicament. Specifically, any valid reasons to deny CTU's application were thwarted by BPPE's repeated failure to clearly and timely communicate the alleged deficiencies to CTU. Furthermore, that the BPPE's application review process took over two years and refused to account for changes in CTU's circumstances and materials is unreasonable. And it directly contributed to CTU's confusion and impression that the BPPE was not providing it with a fair opportunity to gain approval.

BPPE's denial fails to account for the above-referenced discrepancies. In addition, BPPE's denial fails to account for a number of mitigating factors presented to it by CTU during the

intervening review period. Examples of these discrepancies and mitigating factors are listed below:

1. Excessive Delays

a. BPPE took over two years to review CTU's application.

b. BPPE failed to efficiently review documents. Specifically, instead of identifying all deficiencies within a document before issuing a deficiency notice, BPPE would send individualized deficiency notices for each deficiency. Although CTU responded immediately to each deficiency notice, BPPE would take months to review the documents and then find new deficiencies in the same document.

c. For example, instead of stating all the deficiencies in the catalog and enrollment agreement at once, deficiencies were identified over the course of two years making the process unproductive, time-consuming and ineffective.

d. Nevertheless, the reasons for the denial were for yet further deficiencies to these same, original documents. None of these further deficiencies were previously identified or discussed with CTU. As a result, CTU had no opportunity to correct any alleged deficiency prior to the denial.

2. Miscommunication

a. BPPE erroneously informed CTU it was operating without a license 11 months after CTU's application was submitted.

b. BPPE lost documents that were sent via certified mails which were signed as received by an employee at BPPE.

c. BPPE sent a deficiency letter to CTU that was addressed to another university.

d. CTU repeatedly requested updates from BPPE and repeatedly received no response.

e. BPPE informed the university via e-mail to not submit new documents but only updated versions of the original. This communication led CTU to believe they should not send any new documents unless requested by BPPE.

f. There was confusion over who was working CTU's file.²

3. Lack of Discretion

a. BPPE insisted that changes only be made to the original documents rather than accepting CTU's new catalogs and enrollment agreements. Therefore, only nominal changes were made to the original documents, rather than BPPE acknowledging that CTU had created new catalogs and enrollment agreements, addressing the underlying deficiencies.

b. Most of the deficiencies are based on old, irrelevant documents (i.e., mainly the old catalog). The new documents were not considered, even though they were provided to BPPE for consideration.

c. BPPE's first denial letter required CTU to close its doors within 60 days despite CTU's due process rights to remain open until an evidentiary hearing—all costing CTU the expense of their attorney preparing a petition for a writ of mandate and request for a stay on CTU's behalf.

CTU Addressed All of BPPE's Concerns

Despite all of the above, CTU has effectively addressed all of BPPE's present concerns. CTU is willing to and has made corrections for all of the deficiencies previously identified.

Furthermore, CTU has taken substantial steps to ensure that these deficiencies do not arise again. Specific efforts towards rehabilitation include:

- Operating in compliance with BPPE and continuously improving compliance with regulations and standards set forth by BPPE and Accrediting Commission of Career Schools and Colleges (ACCSC).
- Working towards accreditation, having attended training workshops with ACCSC in Virginia and they have incorporated under BPPE and ACCSC requirements with current documents which are under constant review. Corrected and submitted all the deficiencies communicated by BPPE.

With all the documentation and records, it is evident that the university does meet and is capable of operating under the minimum operating standard of BPPE and is able enough to run a legitimate and functional institution. Ideally, their efforts would be appropriate and sufficient steps CTU needed to take to adequately resolve this matter.

Proposed Settlement - Reconsideration of Application

At this time, we are proposing that BPPE withdraw its denial and reconsider CTU's application in light of all updated materials. Simply stated, we believed that if BPPE would consider the updated information (all of which is enclosed and explained below in greater detail) that BPPE would determine that all deficiencies have been adequately addressed and that CTU should receive its approval.

**CTU Addressed All of
BPPE's Concerns**

Furthermore, if the below and enclosed is not sufficient or requires additional changes, CTU is willing to work with BPPE to immediately address and update the materials in a manner deemed appropriate by BPPE. Alternatively, CTU and our office is more

than happy to meet in person to discuss, review, and finalize the materials to your specifications, if that will expedite a resolution of this matter.

If the enclosed is not acceptable, CTU is willing to make any changes or address any issues immediately in order to settle this matter. We are also more than happy to meet in person to discuss and finalize if that will expedite a resolution of this matter.

Evidence in Support of CTU's Application

The enclosed documents are provided to you for consideration by the Bureau in reaching a possible resolution in this matter.

”

Attorney Hanley provided thousands of pages of documents to BPPE. These documents included but not limited to Catalog, Syllabi, Enrollment Agreement, CTU's accreditation plan, Self-evaluation process, Faculty and Staff profiles, Financials, performance data, and employers' testimonials.

On May 24, 2013, attorney Justin D. Hein, from Simas and Associates informed me that the BPPE's legal office now fully understood the issues and admitted to the poor communication between BPPE and CTU. They wanted to make the wrongs right.

Mr. Hein communicated with me as follows:

“

I write to you today to provide you with an update. As you will recall, we have continued our efforts to informally resolve the above-referenced matter on behalf of California Takshila University (CTU) with the Bureau of Private Postsecondary Education (Bureau). On May 23, 2013, Kurt

Heppler, Legal Counsel from the Department of Consumer Affairs (DCA) contacted our office to discuss your application matter. He had been assigned to your case and had already reviewed our informal settlement communications we had sent to the Bureau on April 11, 2013.

The DCA is here not only to protect consumers, but also to protect professionals. Specifically, while the DCA is supposed to ensure compliance by its professionals, it is also charged with ensuring that the bureaus, boards, and commissions under it are engaged in competent and fair oversight of the professionals.

During our conversation, he indicated that after his initial review of the matter he came to the conclusion that this matter was the culmination of poor communication between CTU and the Bureau over a number of years. He agreed that now that CTU and the Bureau had third parties representing them hopefully the disagreements between the two can be ironed out informally and expeditiously. He told me he is scheduling a meeting with the Bureau and will contact me with any questions or information he needs. We expressed appreciation and let him know that we are an open channel of communication and to please contact us with any questions, concerns, or requests for additional information.

This is fantastic news and significant progress on informally resolving this matter. The DCA is here not only to protect consumers, but also to protect professionals. Specifically, while the DCA is supposed to ensure compliance by its professionals, it is also charged with ensuring that the bureaus, boards, and commissions under it are engaged in competent and fair oversight of the professionals. Our initial communication with Mr. Heppler leads us to believe that CTU's present application will be given a fair opportunity to proceed. Furthermore, we believe that the DCA will take action to ensure that the Bureau is better equipped to

exercise discretion, communicate clearly and timely, and no longer engaged in excessive delays.

”

Soon after Mr. Hein's communication with BPPE's attorney Kurt Heppler process became quieter as BPPE was itself going through a soft internal rearrangement (a coup of some sort). Ms. Joanne Wenzel was formulating her aspiration to become the Bureau Chief.

Instead of reviewing all the documents that we provided, BPPE requested for a site visit. I found that to be more like an oxymoron or a hidden ploy since BPPE forced us virtually close down our operation by publically announcing our shut-down, posting that announcement on its website and telling students not to join CTU. At that time we did not have any students, no classes were conducted, no teacher was on contract, and we only had a very limited staff. What site visit do they want to do?

Chapter: VIII

A Farce Ploy

BPPE's Site Visit after the illegal Shutdown Order



Planners' plan (a hidden one)

BPPE's Site Visit

after the illegal Shutdown Order

BPPE failed to provide any feedback or report on the materials that CTU's counsel provided. BPPE also diverted from its assertion of settlement. It was evident that BPPE had no intention to review any documents that CTU provided. Attorney S. Simas wrote to BPPE – Joanne Wenzel (Deputy Chief of BPPE) and Susan L. Hertle (Closed School Unit, DCA) – noting that both have been non-responsive and questioning the legal basis they had to give a shutdown order to CTU. Soon after that, on June 12, 2013, BPPE wrote that it would review CTU's information. However, we never received any report of any such review process. CTU waited, waited, and waited.



Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



June 12, 2013

Nicole Hanley
Simas and Associates
3835 North Freeway Boulevard, Suite 228
Sacramento, CA 95834

RE: Request for Informal Reconsideration; California Takshila University

This letter responds to your correspondence of April 11, 2013, in which you 1) requested reconsideration of the Bureau for Private Postsecondary Education's (BPPE) decision to deny the application for approval to operate submitted by California Takshila University (CTU) and 2) provided additional information regarding CTU's application. BPPE had previously denied CTU's application in 2012 and revised that denial in February 2013, and CTU timely requested a hearing. A Statement of Issues has not been filed as of yet.

In response to your request, please be advised that BPPE will reconsider CTU's application. It will review and evaluate the information you provided, as well the information contained in CTU's application and supporting documentation, and this review will commence promptly. Please also be advised that BPPE specifically reserves the right to conduct an onsite review of CTU should the circumstances warrant.

BPPE will keep you apprised of developments in this matter.

Sincerely,

Joanne Wenzel
Deputy Bureau Chief

Then there was a long silence. On August 2, 2013, we wrote to BPPE's legal counsel Mr. Kurt Heppler delineating how BPPE's negligence was destroying CTU.

“

On August 2, 2013, to Kurt Heppler, Staff Counsel, Department of Consumer Affairs:

Dear Mr. Heppler:

I write you today to attempt to convey a sense of urgency on behalf of California Takshila University (CTU) concerning their application before the Bureau of Private Postsecondary Education (Bureau). Specifically, CTU is continuing to suffer consequential damages as a result of the Bureau's continued failure to approve their application, originally submitted over three years ago! As a result, CTU must have a decision on their application by no later than October 20, 2013.

As you are aware, in July 2010, CTU submitted their Application for Approval to Operate an Institution Non-Accredited in California (Application) which was received by the Bureau on August 20, 2010. The Bureau first denied CTU's Application on November 29, 2012. CTU timely filed their Appeal for Denial on January 28, 2013, and requested a hearing. Later, the Bureau issued a Revised Notice of Denial on February 20, 2013. On April 11, 2013, CTU requested reconsideration of the Bureau's denial. And on June 12, 2013, CTU was notified that Bureau was reconsidering CTU's application.

I contacted you recently for a status update on reconsideration of CTU's application with the Bureau. On July 29, 2013, I received your voicemail that you spoke to the Bureau Chief Joanne Wenzel and she informed you that CTU's application was still under review. She also informed you that the Bureau was trying to

assemble a site visit team and they hope to have one out to CTU by mid- to late-September at the earliest.

While this sounds promising, our client has reached a point where it can no longer wait indefinitely for the Bureau to act.

Bureau's Delays Continue to Unfairly Affect CTU's Application

At the outset of this application process, CTU had a reasonable expectation that the Bureau would comply with its obligations to review CTU's application with care and attention. Three years later, the Bureau has disrupted CTU's work and investment, forced them to expend additional amounts of capital, manpower and other resources, resulting in a number of missed business opportunities. This occurred as a result of the Bureau's direct actions and inactions, previously communicated to you, for which CTU has been unjustly handled. Nevertheless, CTU was happy to hear that you had "corralled" the Bureau and were sending the matter back to them for reconsideration.

However, when I informed CTU that they are to expect at least another two month delay for a site visit, they again voiced their concern that this was merely a re-do of the same delay tactics that the Bureau had previously engaged in. They are concerned that this will not be a mere 2-month delay for a site visit, but rather is the start of a litany of delays that they have already experienced.

CTU has already been experiencing declining rates of enrollment due to their licensing uncertainty and they fear that the continuation of this process will result in them having to take drastic measures to keep CTU viable financially. Furthermore, CTU notified me of some further significant negative consequences that appear to be due to the Bureau's ongoing delays. In April 2013, CTU communicated to the Bureau their intent to offer more programs and degrees. However, when prospective students might ask CTU its status with the Bureau, CTU must answer honestly. Obviously, CTU is still not on the Bureau's approved list on the

website and prospective students take notice of this. Students, like consumers, do not like uncertainty. Thus, continued delays are causing enrollment to decrease.

In addition, CTU's business model continues to make adjustments. This process with the Bureau is an endless cycle of reporting as CTU continues to lose money due to the Bureau's inefficiency and CTU has had to resort to subletting some of its office space. After paying rent for almost a year, CTU recently subleased out two of the suites [4633 Old Ironside Dr., Suite 160 (starting July 2013) and 4655 Old Ironside Dr., Suite 260 (4 months ago)]. And as you can see, CTU is in a never-ending reporting cycle to the Bureau about any changes it makes to its business.

The university cannot grow so long as the Bureau does not take action on CTU's application. It has been three (3) years since this process began and another four (4) months since CTU has asked for reconsideration. Given the continuing delays, we are very concerned that CTU will be irreparably damaged. And we are concerned that CTU will not be treated in a fair and equitable manner based on contradictory, arbitrary and unreasonable actions of the Bureau. CTU's viability or business model may be compromised and it is directly due to the Bureau's actions and inactions.

Delays Will Further Negatively Affect CTU

CTU is a Student and Exchange Visitor Program (SEVP)/United States Immigration and Customs Enforcement (USICE) approved-school, meaning authorized to accept international students on F1 - VISA. This month, CTU received notification to submit their re-certification application. It is one of the requirements for an F1-student school. By November 10, 2013, they must submit State approval/legal to operate information with the re-certification package. As a significant majority of CTU's students are international students on F1-Visas, if CTU does not have a decision from the Bureau, they will be forced to shut down.

Proposed Options

We understand that consideration of these applications take time, but the impact of the Bureau's delays on CTU is causing significant harm and we need a decision rendered on their application in the next 50 days to prevent further irreparable harm to CTU. Thus, I propose the following options to attempt to expedite this process:

1. We are willing to schedule a meeting with you, Bureau representatives, and our clients to discuss any and all compliance issues, and to schedule dates and deadlines by which CTU's application process must be completed;

2. We are willing to schedule such a meeting in Sacramento or at CTU's facilities in Santa Clara (perhaps the Bureau's inspection team could attend that day); or

3. We propose an agreement from the Bureau that a decision will be rendered no later than October 20, 2013. We are aware of the lengthy and involved process the Bureau undergoes in issuing licenses, but it already has all pertinent information from CTU and is familiar with its operations.

We would appreciate a response from you no later than August 9, 2013. If we cannot come to an agreement with the Bureau, we will pursue a petition for writ of mandate to compel the Bureau to complete the licensing process and a claim for damages this unreasonable delay has caused CTU.

Thank you for your time and consideration. We look forward to your response.

Sincerely,
Nicole D. Hanley
Simas & Associates, Ltd.

”

Instead of reviewing all the documents that we provided, BPPE requested a site visit on September 26-27, 2013. To recall, BPPE's dealing with CTU's application, I want to point out it had been over three years since CTU first submitted its application in July 2010. BPPE is required by law to complete an application review process within one year. Furthermore, all the deficiencies that BPPE raised had been quashed with documented pieces of evidences that had never been challenged by BPPE. At this point, BPPE's desire to do a site visit was received with grave concerns.

I found BPPE's request for a site visit as an oxymoron or a hidden ploy since BPPE forced us to virtually close down our operation by publically announcing our shut-down, posting that announcement on its website and telling students not to join CTU. At that time we did not have any students, no classes were conducted, no teacher was on contract, and we only retained a limited staff. What site visit do they want to do?

We were somewhat suspicious about BPPE's intention of its site visit. Could it be a ploy to create false narratives to issue a new denial letter to CTU?

BPPE conducted a farce site visit on September 26, 2013. We had our attorney witness the entire process.

We wondered. As previous two denial letters were proven to be illegally issued. Attorney Mr. Hein did not want to keep anything undocumented or unclear. Thus, on September 19, 2013, Attorney Hein wrote to Mr. Drew Seateune, the BPPE's Education Specialist:

“

I write you today in preparation for the upcoming site visit to be conducted by the Bureau for Private Postsecondary Education (Bureau) at California Takshila University (CTU). As you know, the site visit is currently scheduled for September 26-27, 2013. We have received the Bureau's correspondence dated August 19, 2013. In response, we have prepared six (6) sets of binders, one for each member of the visiting committee in advance of the visit.

Please review the enclosed materials and contact us to discuss any questions or concerns you may have. Please find enclosed the following documents in each of the marked binders:

”

Exhibits were: A Campus map or floor plan of the institution, Current Catalog, Institution's Organizational Chart, Program Curriculum, Faculty Teaching Assignments by Program and Course, Faculty Resumes, or curriculum vitae, List of faculty working or who have worked at the institution since January 2010, Schedule of classes from 2010 until spring 2013, current Enrollment Agreement, List of all recent graduates with the last 12 months including phone number and email, list of all recent withdraws within the last 12 months including phone number and email, List of students enrolled since January 1, 2011 including phone number and email.

Mr. Hein further asserted that the BPPE had been mishandling CTU's application process.

“

As you may be aware, in July 2010, CTU submitted their Application for Approval to Operate an Institution Non-Accredited in California (Application) which was received by the Bureau on August 20, 2010. The Bureau first denied CTU's Application on November 29, 2012. CTU timely filed their Appeal for Denial on January 28, 2013, and requested a hearing. Later, the Bureau issued a Revised Notice of Denial on February 20, 2013. On April 11, 2013, CTU requested reconsideration of the Bureau's denial.

CTU's request for reconsideration included a detailed chart of significant dates and communications with the Bureau throughout the application process. We have attached a copy of this timeline to this correspondence for your review and reference. In addition, the request for reconsideration detailed the excessive delays, failures to communicate, and failures to exercise reasonable discretion in

reviewing CTU's application and rendering a denial. Specifically, any valid reasons the Bureau had to deny CTU's application were thwarted by the Bureau's repeated failure to consider CTU's changing circumstances over the two years that their application was under review. In addition, deficiencies were not communicated clearly or in a timely fashion, resulting in requests to change materials that had long since already been updated, voluntarily, by CTU. Further and more specific examples are provided in the request for reconsideration. This confused CTU and gave it the impression that the Bureau was not providing it with a fair opportunity to gain approval.

Furthermore, while CTU was happy to hear on June 12, 2013, that the Bureau was reconsidering their application, it has come at a great cost. Three years of uncertainty forced CTU to expend additional amounts of capital, manpower, and other resources toward the application process. CTU had a reasonable expectation of a smooth application process, with the Bureau conducting its review with reasonable care and attention. When that did not occur, it resulted in significant disruption to CTU and impacted its ability to grow and attract new students.

Current Status of Enrollment

Upon initial denial from the Bureau, CTU began experiencing declining rates of enrollment. In April 2013, CTU communicated to the Bureau their intent to offer more programs and degrees. However, when prospective students began asking CTU their status with the Bureau, CTU answered honestly. Obviously, CTU is still not on the Bureau's approved list on the website and prospective students took notice of this. Students, like consumers, do not like uncertainty.

As a result of the uncertainty of the Bureau process, since January 2013, CTU has had no new enrollment. Furthermore, all current students transferred to other schools. They have had several near-enrollment students for the current semester. But upon learning of CTU's uncertain status with the Bureau, these students have

enrolled in other local private schools. As a result, CTU currently has no students enrolled. Thus, you will notice CTU has not enclosed the following documents:

- I. A current schedule of classes with instructors assigned to each;
2. A list of all students by program

Although the Bureau and CTU are aware they may operate, due to the previous denial by the Bureau, students have not enrolled in CTU. Therefore, we asked that CTU's application be reviewed similar to other applicants who would also not be in operations until their application has been approved. In other words, we ask that the current non-enrollment status of CTU not be held against CTU as this is due to the current status of their application and previous denial by the Bureau.

Degrees Offered by CTU

In the most recent correspondence from the Bureau, we noticed one of the visiting consultants, Dr. Anne-Louise Radimsky, is from the electrical engineering field. On April 4, 2013, correspondence sent to the Bureau notified them that CTU offers only three degrees: MBA and MS in Computer Science and Software Engineering. CTU no longer offers an MS in Electrical Engineering.

As of now, the university only offers MBA and MSCS programs. Therefore, we wanted to make sure this was clear and confirmed with the Bureau before the site visit on September 26-27, 2013. Specifically, we did not want the Bureau to have to enlist the assistance of Dr. Radimsky if her sole purpose was to review an electrical engineering program that no longer exists.

”

Preparations for the Visiting Committee

On the day of the site visit, CTU gave the Visiting Committee with a tour of the facility. The tour was included introductions to other administrative staff, including the admissions officer, and placement officer. A campus map and floor plan have been provided in each binder as Exhibit A, which included each of these individual's locations as introductions occur and the location of records. The Visiting Committee was shown the location of student records, and accounting records, as well as classrooms, labs, and instructional equipment.

CTU also arranged for the Visiting Committee to have a private office/conference room in which to work. The Visiting Committee had access to a photocopy machine. Each faculty would either be present or reachable by phone. CTU ensured access to all institution policy and procedures; or, if electronic, had them printed. The visiting committee had access to all classrooms and laboratories. They would also had access to all student records either hardcopy or electronic, and if electronic access CTU provided access to a printer. CTU ensured access to all administrative staff and faculty.

CTU ensured the committee that it could review lesson plans, tests, texts, and other collateral classroom materials. Student records can be reviewed to determine if these records were complete and contained the required information. Admission and placement records were also reviewed. Job descriptions, personnel records, faculty handbooks, institutional policies and procedures, and financial records were made available for review. All of these documents were complete and accessible for the visiting committee on the date of the site visit.

We reminded Mr. Saeteune to review the contents of the binder.

We notified our attorney regarding the following observations and issues relating to the BPPE's site visit

- (1) Site Visit-Committee (VC) was not aware of our situation and mishandling of our application that dragged over 3 years.
- (2) The VC's questions to me were not so much to determine the minimum standard required by California Education Code of Regulation but rather to compare our program with the California State University at Sacramento (CSU Sacramento).
- (3) I asked Mr. Saeteune why he wanted to compare only with CSU Sacramento. Why not compare with Stanford University, University California, Berkeley, and other top-tier universities in the country. Furthermore, I asked why he did not compare CTU with BPPE approved private postsecondary schools. To that Mr. Saeteune remained quite.

I was surprised by the comparison. I directed a question to Mr. Saeteune, the Education Specialist for BPPE asking him if they had any outline as to what should be in a specific course –his answer was no.

- (4) It also appeared that VC's queries and questions to Prof. Ajit Renavikar, Prof. Gayathri Subramanian and me were of ranking style-in-nature. I believe BPPE does not have a scope for ranking an institution. According to the California Education Code of Regulation, BPPE is mandated to make sure every institution under its jurisdiction meets a minimum standard, not to do ranking.

Example:

Prof. Gayathri Subramanian was asked why she chose to have healthcare text to teach Business Analysis....the same question was asked to me, "why health care was chosen to teach in Business Analysis..." it was a judgmental question that did not have any relevance to the site visit. It was not about Healthcare business structure but the business model it had used, it was as an innovation on its own. This was an approach to business analysis – it was an additional reference text for a case study.

Students' learning outcomes are best measured by the end-goal of the institution. Our performance factsheets are one of the best among our league.

All our graduates are employed in the high-tech, pharmaceuticals and banking industries. Majority of them are part of the high-tech economy.

A few of our students went to establish high-tech businesses (e.g., solar and IT).

(5) Our application was from July 2010. The requirements and BPPE's instruction that we followed during our application process were of the initial stage of BPPE's inception. Our documents were oked by mid-2012 by Jennifer Juarez (BPPE Licensing Analyst).

(6). Purpose of the Site Visit- the objective of the site visit: The visiting committee was supposed to be looking at the deficiencies defined in the BPPE report and not comparing the university's instruction with other institutions. Note: if any comparison is done, it must be with BPPE standards and guidelines.

The team was not aware of the documents provided by the CTU's attorney Mr. Hien, they asked me for faculty names and qualification. I read out the list with qualification, the list was with the team but one of the visiting members asked if they could get that list. I had to inform all of them that the list was also with all of them.

This was another example that BPPE's Visiting Committee came to CTU unprepared and for other reasons than evaluating CTU's deficiencies, if any. When BPPE did not find any, they resorted to creating or picked made up stuff up from out of thin air. Also, some unknown reasons to us, BPPE's Visiting Committee shortened the site visit by 50%.

We repeatedly ask for the evaluation-reports by each individual member of the visiting committee. We never received any. Under a legal discovery request, we asked BPPE to provide all documents related to the site visit and other review processes that BPPE performed on CTU. Until today we have not received any responses to those repeated requests.

Our suspicion of BPPE's misrepresentation of the VC's report solidified when we learned that one of the subject specialists was quite impressed with our development and program. He also noted during the visit that he liked our small library. Yet, BPPE wrote in its report that we did not have a library to support students. (Note, we did not have any students when BPPE visited CTU).

During the site visit, BPPE's Education Specialist and Visiting Committee Chair, Mr. Drew Saeteune stated that CTU would receive a site visit report as early as within 30 days but no later than 45 days. As you can see from the letter below, BPPE again failed to meet its obligation and brought harm to CTU's existence.

Attorney Hein, therefore, requested that Mr. Saeteune provide the Status Update first on October 28, 2013:

“

In addition to updating you, I was hoping to receive an update on the VC's progress on its report and the overall application process. As previously communicated to you, CTU has further deadlines associated with the Student and Exchange Visitor Program (SEVP), Department of Homeland Security recertification process I that it must meet in the coming weeks. In addition, CTU is currently enrolled in the Initial Accreditation Workshop of the ACCSC2 for December 9, 2013. So any update regarding timing would be appreciated as it helps CTU meet these deadlines.

Thank you for your continued assistance in this matter. Please feel free to contact me if you require anything further.

”

And, again on November 18, 2013

“

Dear Mr. Saeteune:

I write today to follow up on the status of the above-mentioned application. It has now been fifty-two (52) days since the committee completed the site visit to California Takshila University (CTU). It has been forty-seven (47) days since we submitted the requested supplementary documentation and three (3) weeks have now passed since we submitted the enrollment information and graduate employer recommendation on October 28, 2013. Our October 28, 2013 correspondence also contained information regarding several upcoming deadlines CTU is facing and stressed the need for resolution of this matter prior to those deadlines. As of this date, we have not received any responsive communication or update on the CTU's application status.

Please contact my office at your earliest convenience and let us know where things are and if there is anything else we need to do on our end to expedite this matter. We look forward to hearing from you.

Sincerely,
Justin D. Hein.

”



Steven L. Simas
Justin D. Hein
Nicole D. Hanley

—OF Counsel—
Richard K. Turner



November 18, 2013

TELEPHONE
916.799.9999

FACSIMILE
916.799.9921

SACRAMENTO
SAN LEON 000000

VIA U.S. MAIL AND EMAIL
drew.saeune@doe.ca.gov

Drew Saeune
Education Specialist
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

Re: **California Takshila University**
Application Number 2269

Dear Mr. Saeune:

I write today to follow up on the status of the above-referenced application. It has now been fifty-two (52) days since the committee completed the site visit to California Takshila University ("CTU"). It has been forty-seven (47) days since we submitted the requested supplementary documentation and three (3) weeks have now passed since we submitted the enrollment information and graduate employer recommendations on October 28, 2013. Our October 28, 2013 correspondence also contained information regarding several upcoming deadlines CTU is facing and stressed the need for resolution of this matter prior to those deadlines. As of this date, we have not received any responsive communication or update on CTU's application status.

Please contact my office at your earliest convenience and let us know where things are and if there is anything else we need to do on our end to expedite this matter. We look forward to hearing from you.

Sincerely,



Justin D. Hein
Simas & Associates, L.P.

JDH:ja

cc: Narayan Baidya (via email)
Kurt Hoppler, Counsel for Department of Consumer Affairs (via email)
Steven L. Simas, Esq. (via email)
Nicole D. Hanley, Esq. (via email)

North Point Business Centre
3832 North Broadway Blvd., Ste. 220, Sacramento, CA 95834
www.simasgovlaw.com

November 18, 2013

916.780.9801
SACRAMENTO
SAN LUIS OBISPO

VIA U.S. MAIL AND EMAIL
drew.saeteune@dca.ca.gov

Drew Saeteune
Education Specialist
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

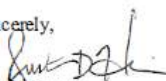
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Sincerely,


Justin D. Hein

We received visiting committee's review report on December 30, 2013, during the year-end holiday break. This report was mostly misleading and erroneous. On January 14, 2014, Attorney Mr. Steven Simas sent a rebuttal to report to Ms. Joanne Wenzel (BPPE):

“

I write to you today on behalf of our client Narayan Baidya, Ph.D. and California Takshila University (CTU). Please take notice that this shall be considered CTU's Response to the Visiting Committee's Onsite Review Report (Response), dated December 24, 2013. A copy of the Visiting Committee's Onsite Review Report (Report or VCR) enclosed as Exhibit A. It was received by my office on December 30, 2013. As you will recall, on that date you confirmed via email correspondence that CTU's Response would be considered timely filed if received by you no later than January 14, 2014.

In its Report, the Visiting Committee ultimately recommends that CTU's application be denied. Its recommendation is based upon the following:

1. The Visiting Committee's findings regarding CTU's compliance with the California Private Postsecondary Education Act of 2009 and Title 5 of the California Code of Regulations.
2. The Visiting Committee's assessment of CTU's ability to meet stated objectives of each educational program.
3. The Visiting Committee's assessment of CTU's ability to implement its mission.

Each of the above sections had various subsections and sub-subsections on how the Visiting Committee rendered its findings and reached its assessment of CTU. Ultimately, the Visiting Committee found that CTU was "out of compliance" or "deficient" in thirteen (13) specified areas:

1. VCR§ l(a)(l) -Minimum Operating Standards for the Educational Programs
2. VCR § 1 (a)(3) -Minimum Operating Standards for the Faculty
3. VCR§ l(a)(6) Minimum Operating Standards for the Library and Other Learning Resources
4. VCR§ l(a)(7) Minimum Operating Standards for the Financial Resources
5. VCR§ l(a)(8) -Minimum Operating Standards for the Withdraws and Refunds
6. VCR§ l(a)(9) Minimum Operating Standards for the Self-Monitoring Procedures
7. VCR § 1 (b)(1) Admissions and Academic Achievement Standards: Admission Standards and Transfe1Ted Credit Policy
8. VCR§ l(b)(2) -Admissions and Academic Achievement Standards: Enrollment Agreement
9. VCR§ l(b)(3) Admissions and Academic Achievement Standards: Catalog

10. VCR§ 1(b)(4)-Admissions and Academic Achievement Standards: Minimum Educational Requirements to Award a Graduate Degree
11. VCR § 1 (c)-Maintenance and Production of Records
12. VCR§ 2 Assessment to Meet the Stated Objectives of Each Program
13. VCR§ 3 -Assessment of Ability to Implement its Mission
14. VCR § 4 -Recommendation -Deny Application

In rendering these findings, the Visiting Committee made no mention of CTU's peculiar status under the law and history with the Bureau for Private Postsecondary Education ("BPPE").

Specifically, the Report fails to note any of CTU's prior history or interactions with the BPPE. A copy of the chronological events concerning CTU's BPPE application is enclosed as Exhibit B. As you know, CTU had come into operation in the state of California in 2008, during a time period in which the Bureau for Private Postsecondary Education (BPPE) did not yet exist and its predecessor had been abolished. Furthermore, that CTU had timely filed for approval in July 2010 with the BPPE but were initially incorrectly notified that it was operating without proper approval in April 2011. After two years of working with the BPPE, and receiving mixed signals as to whether its programs, enrollment agreement, and catalog, among other items, met the requirements, CTU was informed that its application was going to be denied, without a right to hearing, on November 28, 2012 and that it must immediately shutdown, by no later than January 28, 2013.

As you know, CTU timely filed an appeal on January 28, 2013, and demanded a pre-deprivation hearing. Thereafter, BPPE revised its denial on February 20, 2013, by removing the request to immediately shutdown. On April 11, 2013, CTU filed a Request for Reconsideration of the denial of its application, which was accepted by BPPE on June 12, 2013. This then resulted in the on-site visit at CTU being scheduled for September 26, 2013; over three (3) years

after CTU submitted its original application and five (5) years after CTU had come into operation.

However, none of the above is mentioned in the Visiting Committee Report.

In addition, the Visiting Committee analyzed CTU's purported Master of Science in Software Engineering (MSSE) Program throughout its report. However, CTU does not offer an MSSE program. BPPE was notified that CTU no longer offered an MSSE program prior to the September 26, 2013 visit. Specifically, BPPE was notified on September 19, 2013 that CTU would no longer be offering and would no longer be seeking approval for an MSSE program. A copy of that correspondence is enclosed as Exhibit C.

CTU Response to Report

Below, please find a breakdown of all the findings and assessments rendered by the Visiting Committee in the Report. In addition, please find CTU's response to these findings and assessments. Please note that CTU's response may include refutations and explanations for purported deficiencies, evidence of cured purported deficiencies, or a plan to cure purported deficiencies in an expedited and reasonable timeframe.

1. VCR§ 1(a)(1) - Minimum Operating Standards for the Educational Programs

This section of the Report is based upon the Visiting Committee's purported review and application of Title 5 of the California Code of Regulations (5 CCR) section("§") 71710. In finding CTU out of compliance regarding the Minimum Operating Standards for the Educational Programs, the Visiting Committee rendered the following findings:

- Masters of Business Administration (MBA) Program
 - o 13 of 38 course syllabi were missing.

- o The course "Industrial Organization and Business Strategy" was missing a course number and was not in the course catalog.
 - o The mid-term exam for the course "Financial Management and Accounting" was not robust and difficult enough.
 - o The course "Green Business and Ethics" was missing a course number.
 - o The course "Clean Technology and Management" was missing a course number, descriptive title, length of course, frequency and sequence of lessons, and a detailed outline of the subject matter.
 - o The course "BA 512 Global Business Marketing" was missing a description and course objective
 - o The course "BA 511 Financial Management" was not in the course catalog
 - o The course "BA 542" was missing a course title, instructor identity, length of program, and instructional mode/method.
- MSCS
 - o 15 of 49 courses syllabi were missing.
 - o Review of total curriculum indicates it to be the equivalent of an undergraduate degree program.
 - o Majority of courses offered contain no prerequisites.

However, **assessing CTU as out of compliance is not supported by the evidence.** CTU first brings to your attention that syllabi were only provided for the courses actually taught in both the MBA and MSCS Program. The courses indicated as having missing syllabi were never taught or even offered, and were only prospective courses. These future courses will have syllabi developed by the instructors. As a result, the vast majority of these future courses have been removed from CTU's course offering in each program. A copy of the current course curriculum, containing a list of actual course offerings for both programs, and template syllabus for courses is enclosed as Exhibit D.

Within the MBA program, the specified courses with de minimis missing information (i.e. course numbers, etc.) have been corrected or removed, if their status was only that of a future course. Furthermore, CTU is working with current faculty to further develop more rigorous courses with prerequisites. This will be an organic process, but it is anticipated that significant progress will be made for offering during the Fall 2014 semester.

Within the MSCS program, CTU is working with the current faculty to further develop more rigorous courses with prerequisites. It will conduct an audit and ensure that its program expectations are in-line with competing programs. It will also work to identify and retain a more diverse faculty. Nevertheless, CTU does not agree that the program's courses are the equivalent of an undergraduate degree and points to the consistent and exemplary employment of its graduates. Copies of letters from local businesses (enclosed as Exhibit E) demonstrate that CTU's program is consistently producing graduates who meet the expectations of a graduate-level education.

Furthermore, these letters were provided to the Visiting Committee on October 28, 2013. That the Visiting Committee Report does not address these letters demonstrates that they failed to consider and address all relevant evidence, including that evidence that cut against their overall assessment.

Finally, CTU does not offer an MSSE program. This was communicated to BPPE and the Visiting Committee. That the Visiting Committee Report nonetheless considered the MSSE program in rendering findings, calls into question their overall assessment of finding CTU out of compliance for this minimum operating standard.

2. VCR§ 1(a)(3) Minimum Operating Standards for the Faculty

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR § 71720. In finding CTU

out of compliance regarding the Minimum Operating Standards for the Faculty, the Visiting Committee rendered the following findings:

- Missing academic transcripts of the faculty.
- Missing contracts or work agreements for faculty.
- The faculty teaches courses for which they are not qualified

However, assessing CTU as out of compliance is not supported by the evidence. CTU retained and maintained, "*records documenting that each faculty member is duly qualified and was qualified to perform the duties to which the faculty member was assigned*" as specified in the underlying regulation. (5 CCR§ 71720.) The relevant regulation does not mention the word "academic transcript." Rather, CTU obtained, retained, and maintained degree verification and a copy of the diploma certificate from its faculty members. Nevertheless, CTU is now gathering academic transcripts for its current faculty members and will maintain them for all current and future faculty moving forward.

CTU has contract appointment documents. They were not maintained in the faculty personnel file but in the Accounting Department. These will be copied and maintained in the faculty personnel file as well, moving forward.

In order to ensure that faculty personnel files have all required documents, CTU has developed a checklist. A copy of the checklist is enclosed as Exhibit F.

As part of its review and audit of its two program-offerings, CTU will work to identify and retain a more diverse faculty. Nevertheless, CTU does not agree that its faculty is not qualified to teach within its programs and points to the consistent and exemplary employment of its graduates (see Exhibit E). That the Visiting Committee Report does not address these letters when making its assessment of the competence of the faculty demonstrates that they failed to consider and address all relevant

evidence, including that evidence that cut against their overall assessment.

Finally, CTU does not offer an MSSE program. This was communicated to BPPE and the Visiting Committee. That the Visiting Committee Report nonetheless considered the MSSE program in rendering findings, calls into question their overall assessment of finding CTU out of compliance for this minimum operating standard.

3. VCR§ 1(a)(6) - Minimum Operating Standards for the Library and Other Learning Resources

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR§ 71740. In finding CTU out of compliance regarding the Minimum Operating Standards for the Library and Other Learning Resources, the Visiting Committee rendered the following findings:

- The library does not contain a copy of each required text for its courses.
- Majority of the library consists of trade publications.
- No qualified librarian present.
- No written instructions provided to access online library.

However, assessing CTU as out of compliance is not supported by the evidence. CTU's library is primarily online. CTU uses Safari Online Library as well as another open source library system. All students are provided instruction for how to use the library during their orientation and in-class by the instructors. A copy of those written instructions is enclosed as Exhibit G.

Notwithstanding CTU's primary reliance on a virtual library, CTU has a physical library. It is currently maintained by a school administrator, as CTU is in the process of finding an information specialist. CTU is in the process of acquiring physical versions of all required texts to store in its physical library.

4. VCR§ 1(a)(7) - Minimum Operating Standards for the Financial Resources

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR§ 71 745(a)(6). In finding CTU out of compliance regarding the Minimum Operating Standards for the Financial Resources, the Visiting Committee rendered the following findings:

- As of December 31, 2010, the Asset-to-Liability Ratio of CTU was 0.25 to 1.

However, assessing CTU as out of compliance is not supported by the evidence. The Visiting Committee Report only reviewed an old version of CTU's financial statement. CTU's financial statement has since been updated twice, with the first updated version having been received, reviewed, and approved by BPPE on or around May 2012.

Enclosed as Exhibit H, please find CTU's Financial Statement as of December 31, 2011. Enclosed as Exhibit I, please find CTU's Financial Statement as of December 31, 2012. Both demonstrate that CTU's Asset-to-Liability Ratio exceeds 1.25-to-1, as required by regulation.

5. VCR§ 1(a)(8)-Minimum Operating Standards for the Withdraws and Refunds

This section of the Report is based on the Visiting Committee's purported

- No compliant withdrawal list was provided.
- Student records identified as "withdrawn" did not have required documents: enrollment agreement, refund calculation, withdrawal document.

However, assessing CTU as out of compliance is not supported by the evidence. The list of students provided to the Visiting Committee had not withdrawn from their respective programs in

the middle of a semester. Rather, they had completed their semester, and then left the program:

- Student V. - completed fall semester 2012. Did not register or return to the program in spring semester 2013, as the student had taken a job elsewhere. CTU was notified through his SEVIS record (F1 student record).
- Student K. P. - completed fall semester 2012. Transferred to another school thereafter. CTU retained transfer request and transfer record with the SEVIS file.
- Student S. V.- completed fall semester 2012. Did not register or return to the program in spring semester 2013. CTU made multiple attempts to contact, via telephone, mail, and email correspondence, without success.

As a result, there is no applicable refund to calculate, record, or maintain.

6. VCR§ 1(a)(9)-Minimum Operating Standards for the Self-Monitoring Procedures

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR§ 71760. In finding CTU out of compliance regarding the Minimum Operating Standards for the Self-Monitoring Procedures, the Visiting Committee rendered the following findings

- The absence of any self-monitoring procedures.

However, assessing CTU as out of compliance is not supported by the evidence. The Visiting Committee was provided extensive procedures for self-monitoring. This was provided in the supplemental materials on October 2, 2013, and is enclosed as Exhibit J. It included a description of process and procedures used, data collected, tools used, course evaluations, graduate survey, as well as student demographics, goals, and achievement. It also included work-in-progress monitoring such as annual course

audits and weekly reports. It also made reference to the self-monitoring standards it wished to implement that emulated that of the Accrediting Commission of Career Schools and Colleges (ACCSC).

Furthermore, CTU provided the procedures in its original application, filed in July 2010. It was Exhibit 23. Yet, the Visiting Committee Report fails to mention hundreds of pages of documentation and determines the program to be non-existent.

7. VCR§ 1(b)(1)-Admissions and Academic Achievement Standards: Admission Standards and Transferred Credit Policy

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR§ 71770. In finding CTU out of compliance regarding the Admission Standards and Transferred Credit Policy, the Visiting Committee rendered the following findings:

- MBA
 - GRE test required for admission.
 - No process for evaluating foreign credits implemented.
 - Catalog permits President/Committee to contravene the underlying regulation.
 - Permitted students with over 20% transfer credits to graduate.
- MSCS
 - Students without a background in computer science (i.e. undergraduate degree) permitted into the program.
 - No course prerequisites for admission into program.
 - Foundation should be achieved prior to admittance, not in a masters-level program

However, assessing CTU as being out of compliance is not supported by the evidence. CTU has operated in compliance with the underlying regulation. Admittedly, how it communicates that

compliance through its underlying Catalog and Enrollment Agreement is not clear. And as a result, it has updated both documents to better reflect its compliance.

Specifically, the GRE test has only been a preferred mechanism for admittance when other achievement parameters have not been established or are clearly insufficient. However, CTU will now clearly indicate that it is "preferred".

CTU has always abided by the less-than-or-equal-to 20% transfer credit rule. However, in the past, it had interpreted 5 CCR§ 71770(b)(2) and 71770(c)(7)(C) and (D) to permit experiential training in addition to transfer credits, not as part of the transfer credits. Thus, two (2) students are believed to have been permitted to exceed the 20% threshold where the experiential training is included as part of the transfer credit calculation. CTU will now include the experiential training as being within the 20% transfer credit rule.

In the past, CTU has relied upon assessments of foreign student competence by its faculty. Most are qualified to assess the performance of the students in both the U.S. and Indian systems of education. In addition, most foreign students had already attained an undergraduate or graduate-level education at another U.S.-based educational institution, prior to enrollment at CTU. Nevertheless, going forward, CTU will work with a third-party accreditation facility for its foreign transfers.

Within the MSCS program, CTU is working with the current faculty to further develop more rigorous courses with prerequisites. It will conduct an audit and ensure that its program expectations are in-line with competing programs. Students unable to meet prerequisites will be required to take undergraduate courses from local colleges or online to fulfill those requirements. And any student found deficient in remedial skills will be offered tutoring and one-on-one training to bring foundational knowledge

to a level it needs to be from which graduate-level training can be built upon.

8. VCR§ 1(b)(2) Admissions and Academic Achievement Standards: Enrollment Agreement

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR§ 71800. In finding CTU out of compliance regarding the Enrollment Agreement, the Visiting Committee rendered the following findings:

- Defects found in the following sections within the Enrollment Agreement: 5(a), 5(b), 5(d), 6(e)(2), 6(e)(3), 6(e)(8), 6(e)(9), 6(e)(10), 6(e)(11), 7, 8, 9, 10(2), 13, 15, 17, 18.

However, assessing CTU as out of compliance is not supported by the evidence. These were merely de minimis errors in the Enrollment Agreement. A corrected copy of the Enrollment Agreement is enclosed as Exhibit K.

The determined-to-be defective Enrollment Agreement had previously been provided to and approved by the BPPE in or around September 2011 and then May 2012. As there were many miscommunication and delay by the BPPE throughout CTU's application process, it is quite possible that both CTU and BPPE were responsible for the identified deficiencies. However, the Visiting Committee Report does not mention that prior review and approval.

9. VCR§ 1(b)(3)-Admissions and Academic Achievement Standards: Catalog

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR § 71810. In finding CTU out of compliance regarding the Catalog, the Visiting Committee rendered the following findings:

- Defects found on the following pages within the Catalog: 10, 11, 12, 16, 18, 21, 22, 23, 24.

However, assessing CTU as out of compliance is not supported by the evidence. These were merely de minimis errors in the Catalog. A corrected copy of the Catalog is enclosed as Exhibit L.

The determined-to-be defective Catalog had previously been provided to and approved by the BPPE in or around September 2011 and then May 2012. As there was much miscommunication and delay by the BPPE throughout CTU's application process, it is quite possible that both CTU and BPPE were responsible for the identified deficiencies. However, the Visiting Committee Report does not mention that prior review and approval.

10. VCR§ 1(b)(4) Admissions and Academic Achievement Standards: Minimum Educational Requirements to Award a Graduate Degree

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR § 71865. In finding CTU out of compliance regarding the Minimum Educational Requirements to Award a Graduate Degree, the Visiting Committee rendered the following findings:

- MBA
 - The prior student received MBA with only twelve (12) business-related semester credits.
 - Several courses are not suitable for graduate education:
 - BA 500 Organizational Management
 - BA 501 -Accounting Managerial
 - BA 505 Managerial Economics - Micro and Macro
 - BA 510 - Marketing - Fundamentals and Principles
 - BA 552 - Financial Management
 - Textbook for the course "Marketing - Fundamental and Principles" does not contain content covering marketing.
 - No prerequisites for courses.
- MSCS
 - Several courses are not suitable for graduate education:

- MSCS 547 - Data Structures and Computer Architecture
- MSC S 513 - Advanced Programming Languages
- The final exam for the course "Intermediate Programming" contained questions typical for a lower level programming course.
- Prior students repeated courses from undergraduate level to attain credits needed to obtain a graduate degree.
- Senior Theses were more of a final project; no research and no contribution to the field of study was found.

However, assessing CTU as out of compliance is not supported by the evidence. The programs offered are consistent with numerous, graduate-level examples. The syllabi for these courses were, in fact, based upon a review of the corresponding syllabi of this competing institution.

CTU does not agree that its programs are not graduate-level. As proof, it points to the consistent and exemplary employment of its graduates (see Exhibit E). That the Visiting Committee Report does not address these letters when making its assessment demonstrates that they failed to consider and address all relevant evidence, including that evidence that cut against their overall assessment. Nevertheless, CTU is engaging with faculty in both programs to audit them and develop a more rigorous program. It is developing prerequisites for a number of its courses. Furthermore, it is working to identify new, more diverse faculty to teach a number of its offerings. Through conducting this audit, CTU aims to develop a more difficult curriculum and testing requirements.

11. VCR§ 1(c)-Maintenance and Production of Records

This section of the Report is based upon the Visiting Committee's purported review and application of 5 CCR § 71920, 71930. In addition, the Visiting Committee purportedly reviewed and applied California Education Code (CEC) section ("§") 94900, 94900.5. In finding CTU out of compliance regarding the

Maintenance and Production of Records, the Visiting Committee rendered the following findings:

- Student records were deficient; failed to maintain enrollment agreements, evaluation of undergraduate degree, copies of completed theses or senior projects.
- Faculty records were deficient; failed to maintain transcripts and agreements.

However, **assessing CTU as out of compliance is not supported by the evidence.** CTU maintained all student records; however, they were not always in the individual student record file. CTU will work with its administration to ensure that copies of all relevant documents are duplicated and accessible in a centralized, student file. Furthermore, CTU obtained and maintained all faculty records. As referenced above, CTU was unaware that the regulation specified retention of academic transcripts. CTU will work with its administration to ensure that copies of all other relevant faculty documents are duplicated and accessible in a centralized, faculty file.

12. VCR § 2 – Assessment to Meet the Stated Objectives of Each Program

This section of the Report is based upon the Visiting Committee's purported review of CTU's stated objectives for both education programs. In assessing CTU out of compliance regarding its ability to Meet the Stated Objectives of Each Program, the Visiting Committee rendered the following findings:

- MBA
 - A limited number of faculty.
 - Faculty does not have sufficient experience for courses being taught.
 - Missing syllabus for each course makes it difficult to assess the overall program.
- MSCS

- A limited number of faculty.
- Faculty does not have sufficient experience for courses being taught.
- The program is the equivalent of an undergraduate program.

However, assessing CTU as out of compliance is not supported by the evidence. As previously indicated herein, CTU stands by its track record of graduating students who are able to not only function in the real world but excel. This has only occurred because CTU is preparing the students for their actual work. And this has been accomplished, in large part, due to the programs and faculty in place.

That stated, CTU will not be blinded by its pride. As previously indicated herein, CTU is actively reassessing both programs and working with its current faculty to develop a more rigorous MBA and MSCS programs. This will include expanding and diversifying the faculty, developing new prerequisites for courses, developing new courses, and increasing the difficulty of exams. The intent of engaging in this organic process is to address the perceived shortcomings in the programs while still maintaining the foundational elements that have made them successful.

13. VCR § 3 - Assessment of Ability to Implement its Mission

This section of the Report is based upon the Visiting Committee's purported review of CTU's stated mission statement for the educational institution. In assessing CTU out of compliance regarding its Ability to Implement its Mission, the Visiting Committee rendered the following findings:

- Mission is attainable.
- Programs are more suitable as undergraduate programs

However, assessing CTU as out of compliance is not supported by the evidence. As previously indicated herein, CTU stands by its

track record of graduating students who are sought by employers and perform well in their positions.

Despite all of the adversity CTU has faced and is facing, its offerings are still being sought by students. Four (4) students completed the Fall 2013 semester. And seven (7) students will be enrolled for the spring 2014 semester.

14. VCR§ 4 - Recommendation to Deny

Given the totality of the purported deficiencies, the Visiting Committee recommended that the BPPE should deny CTU's application. However, in rendering the recommendation, they gave no consideration to the ease of curing the vast majority of the perceived administrative deficiencies. As indicated above, CTU has cured almost all of the actual deficiencies identified in fifteen (15) days.

As to perceived substantive deficiencies, CTU points to its track record. CTU's graduates secure employment and perform well in their positions. This is not an opinion, but a fact established by evidence provided to the BPPE and Visiting Committee but ignored. Attached and incorporated as Exhibit E, please review the letters from businesses that employ graduates of CTU. If CTU's program was not rigorous enough to confer actual, graduate-level education, why is there so much support from those members of their local community regarding how prepared and trained CTU's graduates are for work in the real business world? The fact that not a single graduate has had his or her credentials functionally stressed as the Visiting Committee would have you to assume, calls into question the Visiting Committee's ability to properly assess educational programs as meeting the rigors of graduate-level education.

Conclusion

As you can see, CTU has provided much information to the Visiting Committee and to the BPPE that the Visiting Committee overlooked or did not consider during the onsite review or within

the Report. In addition, the Visiting Committee assessed minor, immediately curable deficiencies as terminal. Furthermore, assessing CTU without consideration of its unique history and relationship with the BPPE permits the BPPE to absolve itself of any responsibility for the protracted delay in rendering a decision, miscommunication of standards and assessment of compliance, and CTU's tenuous present position in terms of an ability to attract students, faculty, and resources. Mind you, this is despite CTU having an extensive and proven track record of transforming students into the desired commodity for businesses within CTU's immediate community.

Given the above, at worst, CTU should be provided tentative approval pending confirmation that it addresses those remaining deficiencies in the matter as described above. CTU has every reason to believe that the remaining deficiencies can be addressed in no more than ninety (90) days.

However, in the event that BPPE accepts the Visiting Committee's recommendation and denies CTU's application, again, please be on notice that CTU will appeal the denial. Furthermore, CTU will request the pre-deprivation hearing to which it is entitled. Thank you for your attention to this matter. If you have any questions or concerns, please contact me at your convenience.

Sincerely
Steven L. Simas
Simas & Associates,

”

BPPE again went silent for months without responding or giving any feedback to CTU. When asked, BPPE's legal counsel wrote: *"CTU's application for approval to operate remains denied, and the matter will proceed to the requested administrative hearing."*

That was not true. Immediately CTU's counsel Mr. Hein wrote to Mr. Heppler (April 8, 2014)

“

I write today regarding your recent correspondence dated April 3, 2014, a copy of which is enclosed for your reference. In it, you indicate:

The Bureau [for Private Postsecondary Education] initially denied CTU's

[California Takshila University] application for approval to operate and CTU requested a hearing to contest that decision. It was then suggested that the Bureau empanel a visiting committee (committee) to conduct a site visit and assess CTU, which was done. The committee prepared a report, which has been provided to you, and in fact, you have commented on the report. At this time, CTU's application for approval to operate remains denied, and the matter will proceed to the requested administrative hearing.

The statement is inaccurate in a number of respects:

1. CTU requested and was granted reconsideration of the denial of its application by Joanne Wenzel, Deputy Bureau Chief, on June 12, 2013. A copy of that correspondence is attached for your reference.
2. There was no suggestion by CTU of empanelling the Visiting Committee. Rather, the Bureau requested a site visit for September 26-27, 2013, which CTU provided.
3. The "report" you reference was, in fact, the Visiting Committee Onsite Review Report for CTU, which was issued on December 24, 2013. This report is required by 5 CCR§ 71465.
4. The "comments on the report" you reference are CTU's Response to the Visiting Committee's Onsite Review Report, which was filed on January 14, 2014. The responses are authorized by 5 CCR§ 71465(b).
5. Finally, you indicate that CTU's application "remains denied" and that "the matter will proceed to an administrative hearing." Unfortunately, CTU has not been given Notification of a Denial, including a statement of reasons for the denial, post-

reconsideration and Visiting Committee, as required by California Education Code section 9488(b). Surely the Bureau does not intend to move to a hearing based upon the Notification of Denial dated November 29, 2012. Furthermore, the Visiting Committee Onsite Review Report cannot serve that function as it was neither issued by the Bureau nor accounts for CTU's response.

Please take the above into consideration as you and the Bureau proceed with handling this matter.

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Chapter: IX

Outlaw the Law: California Government Agencies and Legal System



California Government Agencies and Legal System

made Law the OutLaw

As we discussed that Governor Arnold Alois Schwarzenegger passed a law in 2007 to give power and authority to the Department of Consumer Affairs, California (DCA) to authorize and approve Private Postsecondary Educational institutions to operate in California.



Again the law stated as follows:

AB 1525 CH 67 (July 12, 2007)

***SEC. 3.** (a) It is the intent of the Legislature to provide institutions with a legal method by which they may comply with applicable federal statutes, rules, and regulations from July 1, 2007, to January 31, 2008, inclusive, and to affirm for the United States Department of Education that **voluntary agreements**, as referenced in paragraph (3) of subdivision (b) of Section 1 of this act, demonstrate the legal authorization to operate schools under California law from July 1, 2007, to January 31, 2008, inclusive.*

(c) From the July 1, 2007, to December 31, 2007, inclusive, any institution approved by the Bureau of Private Postsecondary and Vocational Education as of the close of business on June 30, 2007, shall disclose to all prospective and current students, to the United States Department of Education, and to any other interested parties whether it is legally authorized by the State of California. Only those schools that have entered into a voluntary contract under paragraph (3) of subdivision (b) of Section 1 of this act may claim to be authorized by the State of California.

SB 45, CH 635 (Oct 13,2007)

(2) Existing law authorizes the Director of Consumer Affairs to enter into voluntary agreements with institutions that state that the institutions agree to comply with state statutes, rules, and regulations applicable to these institutions as of June 30, 2007. Existing law requires institutions to disclose to their current and prospective students in writing, within 60 days of the effective date of the bill, whether they entered into, or declined to enter into, a voluntary agreement with the director. These provisions are repealed on February 1, 2008.

This bill would extend these provisions by 5 months, providing for their repeal on July 1, 2008.

AB 48, CH 310 (Oct 11, 2009)

Article 2. Transition Provisions

94809.

(b) An institution that did not have a valid approval to operate issued by, and did not have an application for approval to operate pending with, the former Bureau for Private Postsecondary and Vocational Education on June 30, 2007, that began operations on or after July 1, 2007, may continue to operate, but shall comply with, and is subject to, this chapter, and shall submit an application for an approval to operate to the bureau pursuant to this chapter within six months of that application becoming available.

According to Cal. Code of Regulation 94817.5, "Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.

All institutions those were approved via voluntary agreement but did not submit an application before were required to submit an application. Note: Did not require to be re-approved.

However, on August 17, 2014 California Attorney General Kamala Harris (2014), Diann Sokoloff, Supervising Deputy Attorney General, and Aspasia A. Papavassiliou, Deputy Attorney General



issued a Statement of Issues (Case No: 998701) on Behalf of Ms. Joanne Wenzel, Chief, Bureau for Private Post Secondary Education, Department of Consumer Affairs. This Statement of issues was full of misrepresentation and

omission of facts. It deprived California Takshila University and me the property right that is vested upon us through the constitutional right.

BPPE/DCA and Attorney General's office issued tens of hundreds of SOIs to small private postsecondary schools primarily owned by the people of the minority groups. Many of those schools simply went away rather deal with the mighty Californian Agencies.

It is important to note that Current U.S. Senator Kamala Harris simply ignored CTU's constitutional rights. Now (in 2018), however, she fights for people's constitutional right. Is there a double standard or opportunistic motive? Perhaps, she can undo the wrongdoing she overlooked during her time

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in California.

Furthermore, Ms. Kamala Harris simply wrote off the misrepresentation of the California Education Code (Minimum Educational Requirements in Order to Award a Graduate Degree) (Cal. Code Regs., tit. 5, § 71865, subd. (a)).

SOI stated that "The institution's MSCS program lacks the rigor for a graduate degree and is not equivalent to 30 semester-credits of graduate study."

True Code:

5 CCR §71865

(a) A Master's degree may only be awarded to a student who demonstrates at least the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the Bachelor's degree.

There is no definition of rigor in the California Code of Regulation. In fact, rigor is not a measurable standard that a regulatory body can use. There is a minimum standard and that the bar a regulatory agency can put forth. CTU always demonstrated that its program is on par with the many state universities in California.

Xavier Becerra occupies the office of the California Attorney General and the emblem of which reads "**Liberty and Justice Under Law**" (see image below). Is he upholding the doctrine? Did Ms. Kamala Harris fulfill her oath of the office? Is the current deputy attorney general Ms. Aspasia A. Papvasilliou serving the California Citizen without violating that doctrine?



We raised that question. We brought our concerns to Current State Senators: Mr. Bob Wieckowski, and Mr. Jim Beall; Assembly members: Mr. Kansen Chu, and Mr. Marc Berman, and the US Congressman Mr. Ro. Khanna. None of these publicly elected officials follow through with the information and pieces of evidences that we provided to them. None have done any simple investigation to these wrongdoings by state agencies.

I believe they failed to do their oversight duties that allowed overzealous government officials to abuse power and enrich their lives and allow hardworking California students and families (mostly minorities) to be subject to bullying and financial burden. Many families' lives were ruined while elected officials in California looked the other way in the name of protecting students.

Director of Consumer Affairs, Chief of the Bureau for Private Postsecondary Education, Ms. Joanne Wenzel, and Attorney for the DCA Mr. Ryan Marcroft continued to deny that CTU and other hundreds of other private postsecondary institutions did not have

any constitutional right. DCA never authorized any schools to operate in California.

However, by using the Wayback Machine we found that DCA maintained a clean website to communicate with the schools, students and other government (Federal, State and Local) agencies as well as private citizens. DCA regularly published updated school lists as new schools were being authorized to operate in the state of California.

State Police department, workforce development agencies, Federal immigration agencies and US Department of Education relied on the list that DCA published on its website.

Los Angeles Police department asked its beneficiary to check schools name on that list before enrolling. US financial AID office gave financial assistance to the students who were enrolled in the schools that were on the list - a criterion for eligibility for financial aid.

Judge Perry Johnson

Mr. Perry Johnson is a qualified legal professional who has been



serving as an Administrative law Judge for a long time. He presided over the proceeding of California Takshila University case hearing. He stated that he conducted hearing for hundreds of cases. And, usually hearing concluded within hours. There is some truth to that. We saw our first day of the hearing on February 23, 2016, under Judge Cox when 8 of the 9 issues (frivolous) were dismissed within one hour. Last issues (SOI # 8) should have been dismissed had it not been hidden motive (later became clear).

On September 26, 2016, Judge John stated (transcript pages: 110-111, 145):

"ADMINISTRATIVE LAW JUDGE JOHNSON: I've heard this from the outset of this hearing and around 9:15 of some promise of a report. And this hearing turns upon the Statement of Issues. And I've dealt with more than a thousand hearings with the Office of Administrative Hearings, and many of them deal with the Statement of Issues.

And again, the Agency -- the Respondent/Applicant has no property right has no springboard to demand a report coming from the Agency. The Agency could have produced no report at all and still could have presented with this hearing. There's no promise under the APA dealing with the Statement of Issues.

[Again on page 145 of the transcript:]

ADMINISTRATIVE LAW JUDGE JOHNSON: It's been some argument. There's no evidence, but the argument that there's been a license issued to California Takshila University. What knowledge do you have of licensure that's been granted by an agency of the State of California to the California Takshila University?

MR. SAETEUNE: *None that I know of.*

ADMINISTRATIVE LAW JUDGE JOHNSON: Now, does the Department of Consumer Affairs separate and apart from the Bureau of Private Postsecondary Education has the authority in law to grant licensure to California Takshila University?

MR. SAETEUNE: *That, Your Honor, I do not know.*

ADMINISTRATIVE LAW JUDGE JOHNSON: I've heard this from the outset of this hearing and around 9:15 of some promise of a report. And this hearing turns upon the Statement of Issues. And I've dealt with more than a thousand hearings with the Office of Administrative

February 22, 2016 (transcript pages 11-12) Mr. Johnson stated that

"Firstly, this hearing turns upon one cause for denial: Number eight in the Statement of Issues. And the statement of issues long ago was defined in the Administrative Procedure Act, Government Code Section 11504. And a statement of issues just shows if there's any review of this matter, just read the first sentence:

"A hearing to determine whether a right, authority, license or privilege should be granted, issued or renewed shall be initiated by filing a statement of issues."

There are many, many cases that dealt with the statement of issues. And the key is that there's no license in existence, therefore, there's no property right as recognized under the state constitution or U.S. constitution. Property right flows from a license having been issued.

And I've certainly, again, studied all of this material. And I can see that there's no license that's been issued. There's some period of time that there was a sunset of the previous bureau before this bureau for Postsecondary Education reconstituted. And during that period there was a Department of Consumer Affairs that granted some authorization so as to allow some institutions to proceed."

Mr. Johnson acknowledged that the DCA granted authorization to some schools to operate. There was only one mechanism that DCA had a mandate to and that was the **"Voluntary Agreement"**.

Yet, Mr. Johnson contradicted even denigrated the legality of Voluntary Agreement by calling it **"so called voluntary agreement"**.

Hearing Transcript February 22, 2017

ADMINISTRATIVE JUDGE JOHNSON: *These so-called "voluntary agreements" for educational institutions they have been long destroyed?*

To that Mr. Baxter objected:

MR. BAXTER: *Yes. I'm troubled by the way you're phrasing it "so-called voluntary agreement," as if this is a -- as if this was not a state program, not passed by the legislature, Your Honor.*

On his legal decision Mr. Perry Johnson wrote:

".... After June 25, 2008, when a voluntary agreement was dated and purportedly issued to respondent, CTU was never included on any published list, which was created by DCA, as an officially recognized institution of higher learning,..."

Concerted arguments that DCA never used the Voluntary Agreement" to authorized private postsecondary schools in California do hold good according to the written laws and action performed by DCA. Current elected officials and judicial system must explain to Californian Citizen and to the US Department of Education. It is the most important matter for the integrity of the court and our judicial system to be unbiased and cleanly blind.

BPPE/DCA's decision is founded on structural error. The decision clearly states that the decision has nothing to do with CTU's improvements since May 2014. This claim is contrary to the custom and practice of BPPE, contrary to the facts

and the record in this case, and contrary to the decision itself. The decision is based on clear error, and the findings are not supported by the evidence (**Appendix IX.A**).

Current elected officials and judicial system must explain to Californian Citizen and to the US Department of Education. It is the most important matter for the integrity of the court and our judicial system to be unbiased and cleanly blind.

The Administrative Hearing Officer was biased - For the reasons set forth in respondent's-post-trial brief filed April 12, 2017, respondent's reply to complainant's closing arguments filed May

12, 2017, and respondent's objections to complainant's reply closing arguments, filed May 29, 2017.

This is to not provide California Takshila University and me our constitutional rights.

California Deputy Attorney General, Ms. Aspasio A. Papavassiliou aggressively stated that there was no such law existed that gave DCA the authority to license or approve private postsecondary schools in California.

Ms. Papavassiliou in the court hearing and in writing asserted that the DCA never approved California Takshila University or any other private postsecondary schools.

Ms. Joanne Wenzel, Bureau Chief (Retired) California Bureau of Private Postsecondary Schools. For the last 19 years, Joanne Wenzel worked in various capacities for the California State oversight agency for private postsecondary schools in California, most recently serving as the Bureau Chief, California Bureau of Private Postsecondary Schools, a position from which she retired in 2017. Currently, she is a Commissioner at Accrediting Commission of Career Schools and Colleges and Schools (ACCSC).



Prior to becoming the Chief of the Bureau for Private Postsecondary Education, Ms. Joanne Wenzel was a manager for keeping records of DCA approved schools. DCA handed over all the documents related to California private postsecondary institutions to the Bureau. During the hearing, Ms. Wenzel stated that she kept all the schools' records that were approved by DCA through the voluntary agreement-the only mechanism that DCA employed to approve and authorize schools in California.

Ms. Wenzel Testified on February 22, 2017.

Deputy Attorney General Aspasia A. Papavassiliou asked Ms. Wenzel: "What is meant by the term "Voluntary Agreement"?

MS. WENZEL replied:

*"Voluntary Agreement," if I may kind of go backwards to go forwards, when the Bureau sunset back in 2007, the legislature realized that with the sunset, with the veto of the Sunrise Bill basically the renewal of the Private Postsecondary and Vocational -- So when they vetoed the bill that would have renewed the Bureau for Private Postsecondary and Vocational Education, and the Private Postsecondary and Vocational Education Reform Act of 1989, the legislature realized that there were schools that were **at risk because they relied upon the state authorization that were provided by the former Bureau.***

*There are also other practice acts that **require approval** by the Bureau in order to allow graduates of specific programs to sit for licensure. So they created a voluntary agreement, and the first iteration of the bill, which was Senate Bill 45, which was an urgency bill and went into effect on -- no. I'm sorry.*

It was 1522. Went into effect on July 12 of 2007, allowed those institutions that were approved by the Bureau for Private Postsecondary and Vocational Education at the time of sunset to enter into a voluntary agreement with the director of the Department of Consumer Affairs.

And the agreement was really one-sided in that what that agreement did was basically the institution was agreeing to comply with basically the law that had the sunset."

There are two problems with Ms. Wenzel's attempted cover-up:

(1) She correctly stated that "the legislature realized that there were schools that were at risk because they relied upon the state authorizations that were provided by the former Bureau. There's also other practice acts that require approval by the Bureau..."

Therefore, to mitigate these situations a bills were passed and law was made to legally approve and authorize private postsecondary schools in California.

(2) Ms. Wenzel stated that "And the agreement was really one-sided in that what that agreement did was basically the institution was agreeing to comply with basically the law that had sunset." I was surprised to hear such an affirmation asserted in a court of law, under oath. Voluntary agreement was required to send to the DCA. DCA then published the school's name online notifying whole world that the school and the DCA entered into that "Voluntary Agreement. With that DCA announced to whole world including local, state and Federal agencies that the school is authorized to operate in California. It is a Contract.

In general there is a two year imprisonment for defrauding or attempt to defraud and/or violating a contract in California. DCA entered into over **2500** such contracts.

MS. WENZEL continued and stated:

"That provision of the statutes of 635 actually sunset and was repealed on July 1st of 2008. So the window for those institutions that were not previously approved by the Bureau for Private Postsecondary and Vocational Education was six months to enter into a voluntary agreement. And then, again, that law sunset on July 1st of 2008.

And the ability to enter into a voluntary agreement and the provisions surrounding the voluntary agreement went away at that point in time."

Therefore, to mitigate these situations bills were passed and law was made to legally approve and authorize private postsecondary schools in California.

Thus, Ms. Wenzel suggested that there were no private postsecondary schools that ever had legal authorization via any Voluntary Agreement from the state of California. However, Code of Federal Regulations 34 C.F.R. §600.4(a)(3) states that an institution of Higher Education is legally authorized to provide an

educational program beyond secondary education in the State in which the institution is physically located. (*Note: this is an eligibility requirement for Federal Funding*)

If Ms. Wenzel is correct, she and the DCA defrauded the Federal Financial Aid, the students, and the schools by providing false information that those schools are authorized to operate in California by DCA.

There is another problem: DCA continued to update its list of schools approved and authorized via the "voluntary Agreement" several times a year until December 2009. This was a way to announce to the world that those schools on the list were authorized to operate in California and thus eligible for Federal funding, as well as state and local funding.

Ms. Wenzel - under oath - stated that she destroyed the records or roster of the schools that DCA approved during the period of 2007-2009.

Attorney Baxter asked:

"Ms. Wenzel, Now, I've been told that the Bureau we're talking about, the BPPE, no longer has records of all the schools who were under the Voluntary Agreement program."

MS. WENZEL replied: *I believe there was a list that exists that's from archival information from our website, but copies of the actual documents do not exist.*

MR. BAXTER: *Have you brought here today a copy of this list from the archival records?*

MS. WENZEL: *No, I have not.*

MR. BAXTER: *And tell me what -- you've seen this list?*

MS. WENZEL: *I created that list, yes, sir.*

MR. BAXTER: *I mean, you've seen -- you've seen what's in the archival records?*

Wenzel: I've seen the list that has basically all of the names of all of the institutions that signed voluntary agreements during the sunset period.

MR. BAXTER: *And California Takshila University is on that list?*

MS. WENZEL: *Yes, they were.*

MR. BAXTER: *And during what period were they on that list?*

MS. WENZEL: *They signed -- based on -- and I'm basing this off the document that I received (indicating)? Copy of the voluntary agreement?*

BPPE Bureau Chief, Ms. Joanne Wenzel affirmed that she created the list of schools that entered into an agreement that was called "Voluntary Agreement". And, California Takshila University was on that list.

Attorney Baxter asked when was CTU's voluntary agreement approved by the state and Ms. Wenzel answered "No, I do not. DCA keeps records on this. That's because the DCA's records on this subject were destroyed by the State at some point in time?"

Ms. Wenzel admitted to the destruction or spoilage of this evidence by having these records permanently destroyed. This rises to the level of corruption of a Watergate! And she didn't even blink! I sat there in the court astonished at her testimony, which was only missing that infamous tagline, "I am not a crook!"

MS. WENZEL: *Well, the truth of the matter is that institutions via the voluntary agreement were agreeing to comply with the law that had been repealed. The whole thing was very confusing because most of the institutions didn't even understand what they were agreeing to comply with.*

And so when it went away on July 1st of 2008 all of that went away on July 1st of 2008.

MR. BAXTER: *So as I understand, you're saying that these institutions were agreeing to comply with a law that had been repealed and that was a very confusing matter?*

MS. WENZEL: *That's correct.*

MR. BAXTER: *Well, can you throw any light on why the -- you were the transition manager during this period?*

MS. WENZEL: *Yes, I was.*

MR. BAXTER: *So you were in charge of what was happening?*

MS. WENZEL: *Well, not the legislature. I was in charge of what was happening at the Department of Consumer Affairs.*

BPPE Bureau Chief, Ms. Joanne Wenzel affirmed that she created the list of schools that entered into an agreement that was called "Voluntary Agreement". And, California Takshila University was on that list.

MR. BAXTER: *Well, you were in charge of causing this website to post this list of schools.*

MS. WENZEL: *Yes.*

MR. BAXTER: *And you stated it was very confusing. If it was confusing why would you cause a list of schools who had voluntary agreements to be posted on your website for a law that had been repealed?*

MS. WENZEL: *We had -- we believed we had a legislative mandate. And that was the intention of the law was to indicate that these schools were voluntarily complying with the law that no longer existed.*

MR. BAXTER: *Could you tell me what the legislative mandate that you had to provide a list of schools that were complying with the law that no longer existed?*

MS. WENZEL: *Well, the whole legislation was an agreement to -- the whole voluntary agreement was to comply with the law that no longer existed. And if the intention is to provide some level of comfort to other oversight entities that these institutions were in compliance with a law that no longer existed, then it was incumbent upon the Department of Consumers Affairs to have that list posted on that website.*

MR. BAXTER: *So that was to give these institutions some level of comfort?*

MS. WENZEL: *That's my understanding. But, again, I'm not the legislature so it would have to speak to legislative intent.*

MR. BAXTER: *Well, it was your decision to post this list of these schools. Right?*

MS. WENZEL: *No, sir, it was not.*

MR. BAXTER: *Whose decision was it to post --*

MS. WENZEL: *The director of the Department of Consumer Affairs.*

MR. BAXTER: *Okay. But you were in charge of the transition?*

MS. WENZEL: *I was.*

MR. BAXTER: *And did you send out a notice to these schools that they were complying with the law that no longer existed?*

MS. WENZEL: *That was what they were agreeing to when they signed this document (indicating). It says it in the document.*

MR. BAXTER: *Where does it say in the document that they are complying with a law that no longer exists?*

MS. WENZEL: *It says -- and I'm going to read the voluntary agreement.*

BY MR. BAXTER:

MR. BAXTER: *Yes. So when you say the law was repealed, you're saying that these schools agreed to comply with the preexisting law; is that right?*

MS. WENZEL: *If by "preexisting" you mean the law that no longer existed?*

MR. BAXTER: *Yes. That's the terms.*

MS. WENZEL: *Yes.*

MR. BAXTER: *Basically, these schools applied to laws that -- agreed to comply with laws that no longer existed; is that correct?*

MS. WENZEL: *Repealed law, that's correct.*

MR. BAXTER: *And when you say that these laws that with respect to the voluntary agreement was privately held?*

MS. WENZEL: *Yes, the voluntary agreement was privately held by the same law that created it. It gave a sunset date of July 1st of 2008?*

BY MR. BAXTER:

MR. BAXTER: *Okay. Okay. Well, you are aware of the fact that BPPVE went out of existence, right?*

MS. WENZEL: *Yes, I am.*

MR. BAXTER: *And that was because of a decision by the United States District Court?*

MS. WENZEL: *No, it was not.*

MR. BAXTER: *So is it true that all institutions that were functioning under BPPVE, the ones that were -- had been previously approved and also ones that had pending applications, also had the opportunity to sign voluntary agreements; is that correct?*

MS. WENZEL: *That's correct.*

MR. BAXTER: *And one of the reasons for that is that it enabled those institutions to qualify for or students to qualify for certain Federal funding benefits?*

MS. WENZEL: *But it allowed the institutions to qualify because Title Four regulations require state authorization for private postsecondary institutions in order to offer Title Four benefits, which is the federally -- Federal loan program, basically, and programs.*

MR. BAXTER: *Yes. So when the former law went out of effect the voluntary agreement program was created to enable those institutions to qualify for Federal funding?*

MS. WENZEL: *I believe that was part of it.*

MR. BAXTER: *So the program then -- therefore, the voluntary agreement program, therefore, applied to three classes of individuals or institutions: One, those that previously had been BPPVE-approved; second, those who had pending applications; and, third, those who didn't fall within the first category; is that correct?*

MS. WENZEL: *The truth of the matter is anybody could submit a voluntary agreement. There was no -- there was no research done to determine if there was an actual institution or if there was not.*

MR. BAXTER: *Yes, but that's --*

MS. WENZEL: *An individual could do that.*

MR. BAXTER: *Yes, I understand. But there are three classes of institutions. One, those who had previous approvals; two, those who had pending; and three, those who neither had previously approval or had pending; is that correct?*

MS. WENZEL: *Well, actually, it's probably actually two classifications from the Bureau's perspective. It would actually be those that have previous approval and those that didn't. Because a pending application did not make any difference in the way of a voluntary agreement or not. So you were previously approved or you were not.*

MR. BAXTER: *The statute sets forth three classifications, did it not?*

MS. WENZEL: *The statute did, but the voluntary agreement did not.*

MR. BAXTER: *Yes. So statutorily there were three classifications, which is exactly what I described; is that correct?*

Bureau Chief, Ms. Wenzel, and Judge Johnson discussed in the court (under oath) to minimize the fact that DCA entered into agreements with over 2500 private postsecondary institutions in California. Not only that their conversation directed to show that there were no contracts between the institutions and the DCA director. In California falsification and misrepresentation of a contract comes with two years imprisonments per contract. Therefore, DCA director may face up to 5000 years of imprisonment if he stands by Ms. Wenzel's view. If not, Ms. Wenzel misrepresenting the mandate of the law and the Director's action.

Here are their exchanges:

JUDGE JOHNSON: *-- then I'll give him an opportunity to pose further questions. But this form that is marked as Exhibit 7 has "Voluntary Agreement for Educational Institution."*

Where would an entity such as the California Takshila University have secured this form?

MS. WENZEL: *They were on the website.*

JUDGE JOHNSON: *So that's it. Any institution such as California Takshila University could have simply printed off this form?*

MS. WENZEL: *Yes.*

JUDGE JOHNSON: *And then filled in these blanks. And was there any requirement, regulation or statute that would have required the institution to file it, officially file it, submit it to the Department of Consumer Affairs?*

MS. WENZEL: *The statute -- and it would take me a minute to process that question -- but the statute really gave the director of the Department of Consumers Affairs power to enter into that voluntary agreement. So there is an assumption that it is returned to the director.*

JUDGE JOHNSON: *But your previous testimony is that the director of the Department of Consumer Affairs did not sign a single one of these so-called "voluntary agreements."*

MS. WENZEL: *That is correct.*

JUDGE JOHNSON: *And this one that's marked as "17" is blank in terms of the signature, the date, title, name, and title. That's blank. And so from all you know when these may have been mailed into the offices of the Department of Consumer Affairs they could have gone into the round file. They could have gone into the trash can from what you know?*

MS. WENZEL: *They could have. But we did put them on a list that we posted on the website.*

JUDGE JOHNSON: *And a list of so -- somewhere they were stored, these blank forms.*

MS. WENZEL: *Yes, they were.*

JUDGE JOHNSON: *Blank insofar as the director's signature.*

MS. WENZEL: *Right. We did maintain those.*

JUDGE JOHNSON: *Okay. It would have been sometime, some point in time the Department of Consumer Affairs destroyed all these forms.*

Note that the Judge is leading the witness and seeking to protect her testimony at a point that should have resulted in dropping of the gravel and a declaration of a mistrial.

MS. WENZEL: *That is correct.*

JUDGE JOHNSON: *These so-called "voluntary agreements" for educational institutions they have been long destroyed?*

MS. WENZEL: *That's correct.*

**Judge Johnson
disenfranchised the
regulation by calling it
"so-called"**

JUDGE JOHNSON: *And the single Exhibit 17 comes from the Respondent's file which shows no authorized signature. Okay. Any other questions, Mr. Baxter?*

MR. BAXTER: *Yes. I'm troubled by the way you're phrasing it "so-called voluntary agreement," as if this is a -- as if this was not a state program, not passed by the legislature, Your Honor.*

JUDGE JOHNSON: *So you can argue later, but do you have any questions of the witness?*

Judge Johnson disenfranchised the regulation by calling it "so-called" voluntary agreement. He used his belief that Voluntary agreement was not a law and made his decision in deciding CTU's case. DCA/BPPE also did the same with over 150 other institutions

those were approved by DCA under the Voluntary Agreement mandated by the Governor of California.

BY MR. BAXTER again:

MR. BAXTER: *That list that you -- I believe you testified that the director didn't sign any of these agreements, right?*

MS. WENZEL: *That is correct.*

MR. BAXTER: *Instead, they posted them on the website?*

MS. WENZEL: *That is correct. They were added to a list which was updated periodically and filed in banker boxes.*

MR. BAXTER: *Right. And that constituted the DCA's acceptance of the voluntary agreement by posting it on the website?*

MS. WENZEL: *That can be construed that way, yes.*

MR. BAXTER: *Well, you were in charge of the transition provision at the time, right?*

MS. WENZEL: *Yes.*

MR. BAXTER: *So that was the practice of the DCA to post these. And would you say a person who saw their name on the list would reasonably assume that their voluntary agreement had been accepted?*

MS. WENZEL: *Yes.*

MR. BAXTER: *And that list that you have in front of you, does that appear to be the type of list that was posted on the website showing the schools that had been accepted for voluntary agreement program?*

MS. WENZEL: *I think what I said was I couldn't --*

JUDGE JOHNSON: *He's making reference to Exhibit B, which is no longer in front of the witness.*

MS. WENZEL: *Yes.*

JUDGE JOHNSON: *She has it now.*

MS. WENZEL: *Okay. I can't tell because there are no headings on this. But it does appear to be something that would have been a list of institutions that were -- had voluntary agreements.*

Fortunately, we are able to retrieve all the versions of the DCA approved schools from online achieve. These versions include regular updates to the initial list that was first published in early 2008.

On April 23, 2018, we requested that DCA should provide any and all information related to school approval during the period from July 2007-December 2009 under the Freedom of Information Act (FOIA)

Ms. Mina I. Hamilton, Attorney III, Department of Consumer Affairs, Legal Division, provided us via email a list of 1333 California approved institutions that existed on January 14, 2010.

It is important to note that each and every private

postsecondary institution lost its BPPVE approval on June 30, 2007, and the each and every private postsecondary institution - including those that were previously BPPVE

approved - were now approved after July 1, 2008, by DCA via Voluntary Agreement. DCA was the only agency that was authorized to approved schools in California. DCA approved around 2,500 institutions during the period of July 2007 and December 2009.

Bureau Chief, Ms. Joanne Wenzel, misrepresented herself under oath.

Thus the above list of institutions is a partial list of the schools that DCA approved. This further proved that Ms. Joanne Wenzel, Ms. Papavassiliou, Mr. Saeteune, Ms. Harris, Mr. Bacerra, Mr. Marcroft, Mr. Johnson and Grafilo falsely pushed a narrative that DCA never approved schools in California.



It is very clear that Bureau Chief, Ms. Joanne Wenzel, misrepresented herself under oath. Soon after this incident, we discovered that Ms. Wenzel announced her departure from the California Government job.



RYAN MARCROFT, *Deputy Director, Legal Affairs Division*

Ryan Marcroft was appointed in July 2017 as deputy director of the Legal Affairs Division. He previously served as DCA's assistant chief counsel since 2016. Prior to his appointment, Marcroft was a deputy attorney general at the California Department of Justice, Office of the Attorney General, since 2010. He was a deputy legal affairs secretary in the Governor's Office from 2006 to 2010, and a staff attorney at the Institute for Administrative Justice, California Parole Advocacy Program, from 2004 to 2006.

Mr. Ryan Markroft wrote

“

But, the so-called voluntary agreement was issued to hundreds, if not thousands, of postsecondary training programs, for-profit colleges, and vocational instructional facilities, which were acknowledged as merely operating during the period after the "sunset" of laws and regulations of the Bureau's predecessor agency. The voluntary agreement did not grant a license to operate based upon an authorized state agency having first examined the credentials, competence, and ability of a holder of a voluntary agreement to act as an institution of higher learning. The voluntary agreement constituted a promise or pledge on the part of an institution to "comply with all ...

state statutes, rules, and regulations
pertaining to private postsecondary
institutions ... as [existing] on June 30,
2007 .. for the purpose of ensuring
continued student protection after ...
[portions of] the Education Code became
inoperative.

”

This is a false statement. As I demonstrated above that the Voluntary Agreement was a legal process that DCA director used to authorize over 2,500 institutions in California - both for-profit and not-for-profit private postsecondary schools. It was also false statement that DCA only used voluntary agreement with for-profit schools.

Moreover, California notified the US Department of Education that the signatories of THE VOLUNTARY AGREEMENT were authorized institutions in the State of California and they continued to publish the list of the signatories on its website.



DEAN R. GRAFILO, Director

Dean R. Grafilo was appointed director at the Department of Consumer Affairs in February 2017. With DCA's executive team, he led the regulatory entities and other divisions within DCA. Prior to his appointment, Grafilo was chief of staff in the office of state Assembly Member Rob Bonta since 2012. He was associate director of government relations at the California

Medical Association from 2009 to 2012, chief of staff in the office of Assembly Member Warren T. Furutani from 2008 to 2009, and a senior legislative assistant in the office of Assembly Member Alberto Torrico from 2004 to 2008. Grafilo was an organizer representative at Service Employees International Union Local 925

from 2003 to 2004, and a political intern at the M.L. King County Labor Council in Seattle in 2002. Starting in 1996 through 2001, he was a field representative and organizer at International Longshore and Warehouse Union Local 142 in Hawaii. Grafilo earned a Master of Public Administration degree from the University of Washington.

DCA Director Grafilo failed to protect Californian citizens from its abusive staff. Soon after we received Mr. Johnson's decision of the hearing that consists of more than 33 false findings and structural errors, we communicated with Mr. Grafilo in order to bring to his attention all the matter that we just discussed. However, his office sent us a copy of the Notice of Rejection of Proposed Decision No. 998701 from the Bureau for Private Postsecondary Education. It is also noted that "The Director of the Department of Consumer Affairs will decide the case upon the record, and upon written arguments (no more than 15 pages in length) as you may wish to submit."

I wrote to Mr. Grafilo that BPPE and its head, education specialist Drew Saeteune, Discipline Analyst, Christina Villanueva **are engaged in A DELIBERATE and PREJUDICIAL EFFORT TO CREATE FALSE REASONS to DENY CTU.**

We also forwarded the same package hundreds of pages to the following officials and representatives

Christina Villanueva,
Discipline Analyst
2535 Capitol Oaks
Drive, Ste. 400,
Sacramento, CA 95833
*Christina.Villanueva@dc
a.ca.gov*

Ryan Marcroft,
Deputy Director, Legal
Affairs Division
Department of
Consumer Affairs
1625 North Market Blvd.,
Suite N 112
Sacramento, CA 95834

Jim Beall
Senator
2105 S. Bascom Ave
Ste. 154
Campbell, CA 95008
Phone: (408) 558-
1295

Kansen Chu
Assembly Member

Ro Khanna
Congressman, USA

Bob Wieckowski
Senator

1313 N. Milpitas Blvd
Suite #255
Milpitas, CA 95035
Tel: (408) 262-2501

900 Lafayette Street
Suite 206
Santa Clara, CA 95050
Phone: 408-436-2720

39510 Paseo Padre
Parkway, Suite 280
Fremont, CA 94538
(510) 794-3900

Marc Berman
Assembly Member
050 El Camino Real,
Suite 117
Los Altos, CA 94022
Tel: (650) 691-2121

Aspasia Papavassiliou
Deputy Attorney General
1515 Clay Street, 20th
Floor
Oakland, CA 94612
Aspasia.Papavassiliou@doj.ca.gov



- King's New Dress -

No one dares to say it as it is!

Chapter: X

Kamala D. Harris and BPPE: Wrongful SOIs



BPPE sat on the CTU's rebuttal against the Visiting COMmittee's onsite-visit report. Notedl, BPPE did not even address or respond to this issue for a long time. BPPE chief Ms. Wenzel notified us that they were going forward with the denial of the application. This is important to remember here that CTU holds a DCA approval and had the constitutional right to continue its operation. Yet, BPPE gave two options: Close down the school or request for hearing with the Attorney general, Kamala Harris's office.

CTU opted for the Hearing. Kamala Harris sent us a lawsuit with Nine Statement of Issues.

Summaries of those Statements of Issues are:

1. FIRST CAUSE FOR DENIAL OF APPLICATION
(Educational Program) (Cal. Code Regs., tit. 5, § 71710)
2. SECOND CAUSE FOR DENIAL OF APPLICATION
(Faculty) (Cal. Code Regs., tit. 5, § 71720, subd. (a))
3. THIRD CAUSE FOR DENIAL OF APPLICATION
(Withdrawals and Refunds) (Cal. Code Regs., tit. 5, §§ 71750, subd. (f), 71920, and 71930)
4. FOURTH CAUSE FOR DENIAL OF APPLICATION (Self-Monitoring Procedures) (Cal. Code Regs., tit. 5, § 71320)
5. FIFTH CAUSE FOR DENIAL OF APPLICATION
(Admission Standards and Transferred Credit Policy) (Cal. Code Regs., tit. 5, §71770, subds. (a)(2) and (b)(2))
6. SIXTH CAUSE FOR DENIAL OF APPLICATION
(Enrollment Agreement) (Ed. Code§§ 94911, 94920, subd. (d); Cal. Code Regs., tit. 5, §§ 71800 and 76120, subd. (a))
7. SEVENTH CAUSE FOR DENIAL OF APPLICATION
(Catalog)
(Ed. Code§§ 94909 and 94920, subd, (a); Cal. Code Regs., tit. 5, §§ 71810 and 76120, subd. (a))
8. EIGHTH CAUSE FOR DENIAL OF APPLICATION

- (Minimum Educational Requirements in Order to Award a Graduate Degree) (Cal. Code Regs., tit. 5, § 71865, subd. (a))
9. NINTH CAUSE FOR DENIAL OF APPLICATION
(Maintenance and Production of Records) (Ed. Code § 94900.5, subd. (b); Cal. Code Regs., §§ 71720, subd. (a)(9), 71920, and 71930)

One can clearly see in the SOIs that BPPE never reviewed documents that CTU provided before and after the site visit. SOIs itself not based on facts. This became evident later on the first day of the hearing.

By then CTU lost all of its students and near close down situation. CTU also lost its attorney under the burden of legal fees. I began to represent the school as Pro-se as we ran out of fund and I had no means to support this fight. I became physically ill due to the stress and anxiety introduced by BPPE's bullying and illegal acts.

Fortunately, in and around August 2015 I was able to borrow some funds from a hard-money lender to hire attorney Joseph Baxter to represent CTU. Mr. Baxter then began communicating with the Deputy Attorney General Ms. Aspasia Papavassiliou regarding the SOIs. Mr. Baxter after reviewing all our documents and receiving experts opinion on the SOIs he was convinced that CTU's then current stage of operation should satisfy all the SOIs that Attorney General Kamala Harris brought against CTU (as stated above). Mr. Baxter communicated with the Attorney General's office and provided documents to address all those issues again. It was agreed upon that BPPE will provide CTU with their feedback in writing. Almost four months passed by and neither BPPE nor Attorney General's Office provided any feedback up until the 3rd week of February 2016. Yet Attorney General Office set a date for hearing on February 23, 2016. To that, Attorney Joseph Baxter wrote to the Judge Cheryl Tompkin on February 17, 2016.

“

Dear Judge Tompkin:

I am in receipt of Ms. Papavassiliou's response to our request for a settlement conference and continuance.

I do believe that a settlement can be reached, once the facts are aired for a review by a settlement judge. Contrary to Ms. Papavassiliou's claim, any and all deficiencies in CTU's application were long ago cured. Indeed, Ms. Papavassiliou has in her possession well over 1,000 pages of proof of this. A settlement conference would help to identify what, if any, deficiencies remain. Given that the alleged deficiencies are all technical, if they exist as now claimed, they can be cured.

Significantly, Ms. Papavassliou fails to address the DCA's failure to respond to CTU's discovery request. If the alleged deficiencies are severe, then certainly the DCA will want to call witnesses and put on evidence. As a result of their failure to produce discovery, DCA will not be able to do either.

If this matter does go forward on February 23, 2016, I will have no choice but to appear to argue the motion in limine to preclude testimony and evidence. But I cannot possibly be prepared to go to trial in this complex case, if that request is denied. Thus, it may be appropriate to have the motion in limine heard on Friday, February 26, before proceeding to a settlement conference.

As to the question of whether CTU has "had ample time to secure an attorney that would be available for the new hearing date," there are a number of facts that bear on that issue which are beyond the scope of this letter. CTU has long been approved to operate under the transitional provisions of the Educational Code. CTU will continue to have that right, irrespective of what happens in conjunction with their application. Unfortunately, however, the DCA has since at least 2011, wrongly interfered with CTU's ability to operate under the transitional provisions. Before this interference, CTU was a financially healthy institution. As a result of the interference, however, CTU had only three students at the time of the DCA site inspection, and had lost all of its students

by January, 2014. This interference has made it difficult, if not impossible, for CTU to afford legal representation. I am the only attorney who has come forward to help CTU.

By any measure, this is a complex, multi-faceted case.

There are therefore many issues that can and should be resolved before a full blown hearing:

- *Whether the DCA will be allowed to call any witnesses or put on any evidence*
- *Whether the DCA has interfered with CTU's ability to defend itself*
- *Whether the Nine Causes of Action can be settled in their entirety*
- *Whether some or most of the Nine Causes of Action can be settled so as to simplify the trial of this matter*
- *Whether the DCA has interfered with CTU's rights to operate under the transitional provisions of the education code*
- *The effects of these proceedings on CTU's ability to operate under the transitional provisions of the Education Code*

Sincerely,

Joseph Baxter

BPPE spent about an hour to review our documents and withdrew eight of the nine issues that they raised through the Statement of Issues. Judge ordered BPPE to remove those eight issues.

”

Interestingly, a day after (February 18, 2016) Mr. Baxter letter to Judge Tompkin BPPE completed its review of documents containing over 1000 pages. On Friday the February 19, 2016, Deputy Attorney General Ms. Papavassiliou emailed a review report to CTU's attorney Mr. Baxter. BPPE took more than 4 months to review and gave its feedback only 3 days before the

hearing date. That left CTU a very little time to prepare for the hearing. This may not be illegal, but certainly not clean.

On February 23, 2016, we met at the Oakland court for the hearing. However, we did not go through the hearing. Our Attorney Mr. Baxter told Judge Juliet Cox that if BPPE reviewed the documents that we brought along, BPPE would find that CTU had satisfied all of the issues that BPPE had. Officials from BPPE's side presents were: Ms. Leeza Rifredi (Licensing Chief), Mr. Drew Saeteune (Senior Education Specialist, and it was informed that Dr. Anne L. Radimsky (Subject Specialist) would be available over the phone. Ms. Jennifer Juarez (Associate Analyst) who reviewed the CTU's programs and application material supposed to attend but could not.

In fact, BPPE spent about an hour to review our documents and withdrew eight of the nine issues that they raised through the Statement of Issues. The judge ordered BPPE to remove those eight issues. It is important to recollect CTU had been providing primarily the same information to BPPE for the past three years. It is fair to assume, BPPE never read those documents. If they did, we did not have to reach to this point.

Deputy Attorney General confirmed that 8 of the 9 SOIs satisfied. Remaining is SOI #8 and that too based on 'rigor' which is not a legal requirement by the California Education Code of regulation.

“

From: Aspasia Papavassiliou <Aspasia.Papavassiliou@doj.ca.gov>

Date: Fri, Feb 26, 2016 at 4:52 PM

Subject: RE: California Takshila University

*To: Heather Fineren <baxterlawhf@gmail.com>, appeals
<appeals@sonic.net>*

Thank you. The Bureau is willing to deem the deficiencies cured except for Condition No. 8 (the rigor of the program). Regarding Condition 8, the Bureau is NOT willing to review further documentation other than what has already been provided, other than the capstone projects if you provide them by the close of business Monday.

”

SOI#8: Eighth Cause for Denial (Minimum Educational Requirements in Order to Award a Graduate Degree).

(Minimum Educational Requirements in Order to Award a Graduate Degree) (Cal. Code Regs., tit. 5, § 71865, subd. (a)) Respondent's application is subject to denial because the institution fails to meet minimum educational requirements for awarding a graduate degree. (Cal. Code Regs., tit. 5, § 71865, subd. (a).) The institution's MSCS program lacks the rigor for a graduate degree and is not equivalent to 30 semester credits of graduate study.

There is a problem with the SOI#8. Attorney General, BPPE Cheif, Judge, BPPE's officials, and BPPE/DCA counsel made a misleading representation of this regulation.

Actual Code is:

5 CCR §71865

(a) A Master's degree may only be awarded to a student who demonstrates at least the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the Bachelor's degree.

(d) No more than 25 percent of the credits required for graduate degree programs may be awarded for a final product such as a

thesis, dissertation, or product.

(e) Dissertations, theses and other products submitted by a student as part of a graduate program shall be signed by all faculty members recommending the student for an award of a degree.

Please take a judicial notice that there is no requirement for **"rigor"**. Even though Rigor is not part of the regulation and BPPE/DCA never was able to show this requirement in the law, CTU demonstrated with pieces of evidence and experts' testimonials (both from CTU and BPPE) that CTU's program met and exceeded this requirement. CTU's program not only on-par with many BPPE approved school and California State Universities but in many instances much higher standard than those schools. This was evident CTU's graduation and placement records and those were also provided to BPPE.

You may wonder what sinister strategy BPPE adopting that required them to push through discriminatory and illegal criteria - "rigor" in evaluating CTU's program. You see, BPPE failed to illegally shut-down CTU twice, whereas BPPE were extremely successful in shutting down hundreds of small schools (all private schools). This became a challenge for BPPE and not only that CTU, in fact, shaded light on the BPPE's list of illegal activities that put them out of commission. It is a survival issue for many executives and officials at that organization.

One of the key reasons BPPE sneakily moving rigor - a fluidic parameter - to evaluate CTU's program is to compare CTU's program with an institution of their choosing. And, that is what BPPE did, it tried to compare CTU's program with the Sacramento State University's Master of Science in Computer Science Program. I asked BPPE's education Specialist Mr. Saeteune why not compare CTU's MSCS program with that of Stanford University, the University of California Berkeley or other BPPE approved schools. To that, he remained mum.

In the following chapters, you will see, BPPE terribly flunked in their sinister strategy. First, CTU presented in court and in publication that CTU's program is on-par with many BPPE approved and State Universities; second, CTU demonstrated that CTU's program and course offering are most contemporary and demanding in the computer science

field, and finally, we presented data that showed CTU's graduation and placement rate within top crops of the schools in the state.

These facts did not stop BPPE, DCA, and the Judge to abuse their power. Judge Johnson erroneously took a stand of not accepting information after 2014. We have provided a list of 20+ cases where BPPE had accepted new information after the SOI was issued. It is at best erroneous at worst discriminatory.

BPPE's legal counsel argued in the court that CTU lack rigor. It is clear they are arguing with something that is not a requirement for approval to operate in California.

Hearing Transcript : September 26, 2016 page 16

MS. PAPAVALASSILIOU: Thank you. Complainant respectfully requests that the hearing be allowed to commence today. Respondent is correct that the only issue is the eighth cause for denial. Shortly after the hearing date in February, Respondent provided certain documentation that reasonably satisfied the other causes for denial, leaving the eighth cause for denial, which concerns the rigor of the program.

Now, the issues related to the rigor of the program have been at issue for years. The basis for this denial is not new. For years the Bureau has sent letters regarding the lack of the rigor of the program. There have been some changes, some improvements, but the fact remains the program is not rigorous enough.

Again on Page 29:

MS. PAPAVALASSILIOU: Yes, Your Honor. As previously stated on the record, the Respondent has submitted paperwork showing reasonable satisfaction of the other causes for denial. So at this time, the Bureau is only pursuing the eighth cause for denial, which concerns the rigor of the program. That is the issue.

We objected to BPPE's illegal demand. Rigor is used by accreditation agencies. BPPE does not have a mandate or capability and scope to measure rigorousness of program.

Thus, not only BPPE's officials and subject expert - only one for over 35 subjects matters - fabricated review reports, but also contradicted each other testimony and lied under oath.

Later Judge Johnson used those fabricated information and false testimony to make his decision against CTU. Four days long court hearing was in and itself a farce. At time we were unable to distinguish between BPPE's officials, witnesses, and Judge Johnson. It was patently clear that CTU was one side and the entire court was on the other side.

Judge Johnson wrote on his decision:

"Respondent did not overcome its burden of establishing that the Bureau erred when that state agency determined respondent's application is subject to denial because the institution failed to meet minimum educational requirements for awarding a graduate degree. Respondent did not refute the Bureau's determination that CTU's Master of Science in Computer Science degree program lacks the rigor for a graduate degree because, among other things, the program is not equivalent to 30 semester credits of graduate study."

The judge made his ruling based on "rigor" but calling it as the minimum requirements. Judge Johnson mixed two different processes that are applicable at two different stages: (1) Application step - minimum requirements, and (2) Academic rigor - a peer-reviewed process that involves feedback and recommendation to an approved institution that has the benefit of utilizing peer-reviewed process (e.g., accreditation process). CTU was deprived of this process. CTU attempted to access an accreditation process through multiple agencies. However, BPPE did not provide the required document that those agencies asked for.



Chapter: XI

SOI Hearing Part -II: Rigor isn't a minimum requirement



SOI Hearing Part -II:

Rigor isn't a minimum requirement

BPPE Chief Joanne Wenzel and Attorney General Kamala Harris fired nine bullets (SOIs) to destroy CTU. But, of the nine, eight were annihilated with one hour. Only remaining SOI was SOI#8. I mentioned earlier that the SOI#8 was about the minimum requirements to offer a graduate degree. However, BPPE and its administrative and legal machinery forced through the court hearing that as "RIGOR". In this chapter, we will present inner doing of DCA, BPPE and the Office of the Administrative Hearing (OAH) in quashing regular bonafide citizens of California.

Attorney Baxter requested BPPE to provide all materials of the review process. BPPE did not give any documents other than a final memorandum (dated September 20, 2016). BPPE notified that there were no other materials related to the review of SOI #8. BPPE also asserted that there were only two meetings between Mr. Drew Saeteune and Dr. Anne L. Radimsky, and Mr. Saeteune took notes whatever Dr. Radimsky stated on a piece of paper that he discarded after drafting the final memorandum (dated September 20, 2016).

We later discovered that BPPE had at least four versions of the memorandum that they had worked on over a period of four months. I brought these to the attention to the DCA's director. I also brought to his attention that there was a fabrication of report.

Fake Evaluation Process to support the act of crafting memorandum to fit negative views:

BPPE's expert witness, Dr. Radimsky (PhD Electrical Engineering, UC Berkeley) was a retired computer science professor at California State University Sacramento California. With all due respect to Dr. Radimsky, it reasonably appears that she has been detached from the developments in the field of computer science for the past 30 years. Indeed, during the past 30-year period, Dr. Radimsky has

not published any significant research papers on any subject, and Google Scholar research identifies her as having only published two articles of any kind during this entire period. She has no peer reviewed published works (bibliography search since 2001). During her testimony in court, she admitted that she has not kept current on the ever advancing computer science technology.

According to the website for California State University Sacramento and ratings by her students, her recent teaching activities having been limited to relatively few subject areas of computer science, and her students gave her mixed ratings for her teaching abilities.²

Based on her testimony, Dr. Radimsky also did not appear to have sufficient information to evaluate CTU's graduate program in Computer Science.

Dr. Radimsky admitted that she was not presented with CTU's course syllabi³. Dr. Radimsky also admitted that she did not interview, nor did she recall interviewing any of the professors at CTU and that she did not interview any of CTU's students.

Respectfully, as a retired professor, we were not surprised to hear that Dr. Radimsky was not familiar with contemporary, cutting-edge and high demand computer courses such as BigData, Cloud Computing, Agile Software, CyberSecurity and Blockchain that currently taught at CTU.

Computer Science, moreover, is a very broad field that is advancing at an increasingly rapid pace. As a result, it is difficult for any one

² <http://www.ratemyprofessors.com/ShowRatings.jsp?tid=655718>,
<http://www.sacrate.net/comments/List.aspx?ProfessorId=643>,
<http://athena.ecs.csus.edu/~radimsky/#papers1>

³ Transcript Dated 02/22/2017, page 214

person to make a fair assessment of all of the classes in an MSCS program. Thus, during their testimony, CTU's experts only focused on classes in the syllabi that they had taught. Dr. Radimsky, by contrast, appears to be willing to offer her opinion regarding all the classes in the syllabi, even though BPPE did not present her with the syllabi.

During the court hearing Dr. Radimsky stated the following:

- (i) On 02/22/2017 during her testimony, she stated that she did not have access to the documents (referring to the Exhibit 9, syllabi). Dr. Radimsky also said nobody gave her the documents⁴.
- (ii) On 02/24/2017 Dr. Radimsky said, "... I went online, looked at the description of the early books and I got tired and look only at the title of the others."⁵
- (iii) On 02/24/2017 Dr. Radimsky acknowledged that she was not familiar with BigData⁶
- (iv) She also testified that she did not check all of the courses.⁷
- (v) She further stated that she did not do the research ...her assessment was based on the title of the course,⁸

While Mr. Saeteune, the 2nd reviewer stated that he did not do the analysis, he just wrote down what Dr. Radimsky told him. Mr.

⁴ Transcript Dated 02/22/2017, Page 214

⁵ Transcript Dated 02/24/2017, Page 59

⁶ Transcript Dated 02/24/2017, Page 60

⁷ Transcript Dated 02/24/2017, Page 39

⁸ Transcript Dated 02/24/2017, Page 52

Saeteune also stated that he did not have a computer science background.

Page 223

Hearing 9/26/2016:

MR. BAXTER: This course continues, promised by the word continues, continues the study of data structure and algorithms. Do you know what algorithm is?

MR. SAETEUNE: A. No, I don't.

Therefore, the evaluation that BPPE provided certainly a cooked-up work as we saw through the different version of the memorandum. However, note that the court records indicate clearly that both Mr. Lalu Drew Saeteune (Senior Education Specialist, chairman for the Visiting Committee) and Dr. Anne-Louise Radimsky stated under oath that there was no document and/or communication of the review process. It is very clear that these two individuals lied under oath, perjured themselves. Chronologically, there were at least four (4) actual documented discussions sent from the desk of Mr. Saeteune on four (4) different versions of the memorandum that BPPE was engaged in constructing a final memorandum dated September 20, 2016.

What I want to bring to your attention that the extent these individuals under their official capacity and under the BPPE leadership conspired to fabricate, manufacture and collude together to construct an official Memorandum on the BPPE/DCA letterhead with one goal in mind – to silence CTU. With that, they wanted to wipe out years of wrongdoing and abuse of power that BPPE has been engaged in.

Mr. Saeteune mentioned that he met Dr. Radimsky May 26, 2016, to review CTU's documents and wrote down Dr. Radimsky's comments on scratch papers. This was also written on the memorandum. Under oath, Mr. Saeteune stated that he first typed their discussion for the memorandum sometime in September 2016

and gave that to Dr. Radimsky. You will see below that both Mr. Saeteune and Dr. Radimsky lied under oath - committed perjury.

On May 27, 2016, Mr. Saeteune sent his report with only five paragraph's worth of findings with a title of the memorandum *"Denial of Approval to Operate Application #22629, California Takshila University"* - a target decision.

Attorney Baxter repeatedly asked Mr. Saeteune for documents for that review process. He testified under oath that there were no other documents (Transcript Dated: 09/26/2016, pp 188-193). Similarly Dr. Radimsky under oath denied of having any documents of this review process (Transcript Dated: 09/26/2016, pp126-127) Attached we present at least four version of that review process (Appendix XI.A-D). We were given these documents along with other exhibits on or about February 27, 2017 at the end of that day's trial session by Judge Johnson.

Then BPPE collectively proceeded to construct and fabricate rational to fit the targeted goal stated on the title of the memorandum.

June 14, 2016's version is not just an edited version of May 27, 2016, but the further packaging of rationale to Deny CTU's existence. Packagings of the rationales were the issues that most schools including best of the best schools in the country as well as Dr. Radimsky's own school faced with.

More interestingly, on June 17, 2016 version Dr. Radimsky set the alarm by commenting on the document "Is this a safe assumption?"

BPPE collectively proceeded to construct and fabricate rational to fit the targeted goal stated on the title of the memorandum.

Yes, the authors of the memorandum were not reporting on their findings, they were assuming thing to create "there there".

But for the dubious description that CTU's MSCS program "lacks rigor" there were no other complaints by BPPE. The phantom "scratch paper" Mr. Saeteune allegedly relied upon from a single meeting (on May 26, 2016) with Dr. Radimsky was never presented in court.

Attorney Baxter repeatedly asked Mr. Saeteune for documents for that review process. He testified under oath that there were no other documents (Transcript Dated: 09/26/2016, pp 188-193). Similarly Dr. Radimsky under oath denied of having any documents of this review process (Transcript Dated: 09/26/2016, pp126-127) Attached we present at least four versions of that review process (**Appendix XI.A-D**). We were given these documents along with other exhibits on or about February 27, 2017 at the end of that day's trial session by Judge Johnson.

MR. BAXTER: I would, in addition, request that Professor Radimsky brings with her copies of any and all records she possesses regarding this case, including her e-mails, including her memos and notes and letters to counsel. These are the things that had been originally promised, not just the report. So I request that she bring those with her on Wednesday.
ADMINISTRATIVE LAW JUDGE JOHNSON: If such exist.

And why don't you confer with the Deputy Attorney General on this point, namely any additional items?
And we'll hear from the Deputy Attorney General after the lunch in terms of whether or not Dr. Radimsky has any other materials to produce.

You may not.

Insert: One page from the memorandum drafted and collaborated (dated June 16, 2016)

A clear evidence of Fabrication and Corruption



Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95716-0818
P (916) 421-6059 F (916) 283-1287 www.bppe.ca.gov



MEMORANDUM

DATE	June 17, 2016
TO	Christina Villanueva
FROM	Drew Saeteune
SUBJECT	Denial of Approval to Operate Application #22629, California Takshila University

1. Eighth Cause for Denial (Minimum Educational Requirements in Order to Award a Graduate Degree)

On Thursday, May 26, 2016, Dr. Ann-Louis Radimsky and I met to go over the curriculum, syllabi, and student transcripts for the Master of Science in Computer Science (MSCS) program. These are our findings:

The program accepts students from various educational fields with no prior background in computer science. The pre-requisite requirements for the MSCS program are very minimal and do not include materials essential to success in the graduate courses. Industry standard in this field requires either a Bachelor of Science in Computer Science or have prerequisite requirements, which cover a significant portion of such program, for admission.

Commented [D5]: Dr Radimsky: Is this a safe assumption?

Catalogs dated from October 16, 2012 – December 31, 2013 states that the program's core courses consisted of: MSCS 501, MSCS 511, MSCS 507 and MSCS 526. In a catalog (Revised 01/13/2014), the institution attempted to strengthen the program by adding pre-requisites in: 2 Course sequence in C++ or C, Assembly Language/Computer Organization, Data Structures, Programming Language Theory, Computer Architecture, Operating Systems, and Basic Mathematics: Calculus, Linear Algebra, and discrete mathematics. Furthermore, the core requirements added MSCS 547. In a catalog (Revised 04/2015), the institution added an additional three courses: MSCS502, MSCS525, and MSCS528, but removed MSCS 547 from its core requirements. In another revised catalog, revised January 2016, the institution revised its program, furthermore, by making MSCS 501, MSCS 511, MSCS 507, and MSCS 526 pre-

Dr. Radimsky: Is this a Safe assumption?

(Whole document: see Appendix XI.A-D)

DR. RADIMSKY: Does it include the e-mail which --the schedule and things like that? That's all I have.

ADMINISTRATIVE LAW JUDGE JOHNSON: Okay. So essentially, what I gather is that the Agency's expert witness has minimal additional materials. And she alluded to just a memo, an e-mail rather, I guess, from the Deputy Attorney General reminding her of the hearing. Is that correct what you're alluding?

DR. RADIMSKY: That's basically all the meetings that I had with Drew.

ADMINISTRATIVE LAW JUDGE JOHNSON: Thank you so much. Okay.

RADIMSKY: Is that what I need to provide?

ADMINISTRATIVE LAW JUDGE JOHNSON: Yes, ma'am. So talk to the Deputy Attorney General. She'll talk to Mr. Baxter and clarify it so that Mr. Baxter is properly informed as to what additional materials he can expect. And there may not be anything at home, but you'll make a representation on the record after the lunch break.

Transcript Dated: 09/26/2016, p188

BY MR. BAXTER:

MR. BAXTER: Exhibit 7, it refers to a May 26th, 2006, meeting that you had with Professor Radimsky; is that correct?

MR. SAETEUNE: Yes.

MR. BAXTER: And after that meeting, did you then reduce your talks to writing as to what Professor Radimsky had told you?

MR. SAETEUNE: Can you repeat the question, please? I'm sorry.

MR. BAXTER: You had a meeting with Professor Radimsky in which she gave you her opinions; is that correct?

MR. SAETEUNE: Yes.

MR. BAXTER: And this meeting occurred on May 26th, 2016?

Mr. Saeteune: Yes.

MR. BAXTER: *Did you have subsequent meetings with her?*

MR. SAETEUNE: *I did. I believe I had one additional meeting after that.*

MR. BAXTER: *When was that?*

MR. SAETEUNE: *Sometime in August, I believe.*

MR. BAXTER: *Do you have a record of that meeting?*

MR. SAETEUNE: *As far as a record, no. I don't believe so.*

MR. BAXTER: *Are you aware of the fact that the Deputy Attorney General represented to Judge Cox that this report, Exhibit 7, will be provided to CTU by May 27?*

MR. SAETEUNE: *A report to be provided by May 27th, I do not recall or I do not recall that date. I know that in the --*

MR. BAXTER: *Is that your answer to the question? You don't recall being told that this report had to be provided to CTU by May 27th?*

MR. SAETEUNE: *Not by May 27th, no.*

MR. BAXTER: *No one ever told you that?*

MR. SAETEUNE: *No.*

The first version of the memorandum was typed up on May 27, 2016. And, memorandum crafting collaboration and exchanges between Mr. Saeteune and Dr. Radimsky happened before September 2016. Mr. Saeteune made false statements

Transcript Dated: 09/26/2016, p192-194

MR. SAETEUNE: *So just to clarify, I really want to clarify on this report. Even though I am the one that writes the report, Dr. Radimsky is the one who does the groundwork. She is the expert here. I'm the one who puts everything together, types it up, puts it in order, sends it to Dr.*

Radimsky. She reads it, she goes through it, and then if it's sound, then we submit the memo.

MR. BAXTER: So when did you type it up and send it to her?

MR. SAETEUNE: I want to say September something.

MR. BAXTER: September something?

MR. SAETEUNE: Just of this month.

MR. BAXTER: Right. Was that after we filed a motion to dismiss the complaints?

MR. SAETEUNE: No. That was before.

MR. BAXTER: Before. So when did you send it?

MR. SAETEUNE: I can't remember the exact date, but it was September something.

ADMINISTRATIVE LAW JUDGE JOHNSON: You want to look at the calendar? Would that help?

MS. PAPA VASSILIOU: Your Honor, I would still object as to the relevance. We're spending time on this --

ADMINISTRATIVE LAW JUDGE JOHNSON: Let's press on.

MS. PAPA VASSILIOU: -- when the issue is, is the program rigorous.

MR. BAXTER: No, it's not the issue. It's not the only issue. The issue is what I've already stated. What the issue is, is the fact that they had this information and they gave this report at the last minute when they had represented to the Court that it was going to be provided to us on May 27.

ADMINISTRATIVE LAW JUDGE JOHNSON: Okay, sir. So your next question, sir.

Transcript Dated: 09/26/2016, p205

MR. BAXTER: *This meeting that you had with Professor Radimsky on May 26, 2016, did you keep any notes from what you depicted in that meeting?*

MR. SAETEUNE: *Did I keep any notes? I don't believe so, no.*

MR. BAXTER: *No notes?*

MR. SAETEUNE: *No.*

MR. BAXTER: *You just kept it all in your head?*

MR. SAETEUNE: *No, the notes -- once I write this report here or once I write the report, then I toss it. I don't keep it.*

MR. BAXTER: *So once you write the report, you destroy your notes?*

MR. SAETEUNE: *Yes.*

MR. BAXTER: *Is there a reason for that?*

MR. SAETEUNE: *That's just my practice.*

**INTERNAL BPPE MEMO DRAFTS SHOW BPPE DELIBERATE
and PREJUDICIAL EFFORT TO CREATE FALSE REASONS to
DENY CTU**

BPPE staff worked to draft a Memorandum Regarding the "rigor" issue, with the final version dated September 20, 2016 (Trial Exhibit 7). The BPPE's INTERNAL process for writing that memorandum had at least four revisions (dated: May 27, 2016, June 14, 2016, June 17, 2016, and September 20, 2016) (Attachment B). The notes and comments of these versions prove their intention to FALSELY FIND another reason to smash CTU, to deny CTU. They had to MAKE UP a reason.. On the version dated June 17, 2016, BPPE's subject expert, Dr. Radimsky commented: **"Is this a safe assumption?"**

This simple and short sentence is a strong indicator of the conspiratorial nature of the review process that the BPPE was engaged in for CTU. This unethical and unprofessional behavior should not be tolerated.

On these fabricated memorandums (final versions February and September 2016) BPPE pushed its invented rigor narrative through the administrative hearing. However, CTU successfully proved with the abundance of evidences that each and every issue raised on their memorandum was false.

BPPE's stated in its fabricated memorandum report (February 18, 2016) that:

"The elective courses may be considered as graduate level coursework in a not so demanding graduate program."

This affirmed that CTU's elective courses met BPPE's minimum requirements. In general, most MSCS programs have two types of courses (1) Elective and (2) Core courses. For the sake of debate and deliberation according to BPPE the remaining one issue, therefore, was core course requirement.

For some fictitious reasons, BPPE's position was that CTU's core courses were of undergraduate level. We had demonstrated that then current core courses were on par with many state and private MSCS programs in California. A matrix of comparison of core courses is shown in Appendix XI.E.

BPPE also wrote:

"However, the core curriculum does not lay the foundation for students to build to the advanced material..."

Core courses are breadth courses not for a foundation. This is why some institutions called them "Breadth Courses".

These statements raised the question of BPPE's motive and the qualifications of its reviewers. In pushing "rigor" as a legal requirement BPPE displayed extreme carelessness in its assessment of CTU's program.

As a part of our continuous program improvement and advancement plan, we had recently adopted further advance core courses modeled after California State Universities, such as San Francisco State University and San Jose State University, and University of California (UC), Such as UC Davis, and UC Irvine.

Along with the other materials we gave the syllabi of these newly updated core courses. According to the prior agreement, BPPE supposed to have its education specialists to review these materials. Unfortunately, BPPE did not have anyone to evaluate our materials that day in court. It was in and of itself was confusing. They came to court to debate on CTU's course requirements yet no one came with them to understand the course materials. The judge could have dropped the SOI #8 as unchallenged.

However, the judge let BPPE take our materials home for further review. We got that review back after five months. Eight items took only an hour while one item took five months.

Question is why?

BPPE made various contradictory and false statements. For example, BPPE wrote (on the February 18, 2016 memorandum):

" In a graduate program, students are not taught programming language."

This is a false statement. Programming languages are taught on a regular basis at various graduate programs offered by the BPPE approved schools, California State Universities and other schools in the USA (also see chapter XIV).

- One key area of studies in computer science is programming languages, and we found over 80% institution offers one or more programming languages course(s) in their MSCS programs

University Offering Programming Language



Table XI.A: Programming Language Taught at:	Prog. Language
California Takshila University	Yes
California National University	Yes
International Technological University	Yes
Pacific State University	Yes
Silicon Valley University	Yes
Herguan University	Yes
California Southbay University	Yes
Northeastern University	Yes
National University	Yes
California State University Channel Islands	Yes
California State University, Chico	No
California State University, East Bay	Yes
California State University, Fresno	Yes
California State University, Long Beach	No
California State University, Los Angeles	Yes
California State University, Northridge	No
California State Polytechnic University, Pomona	Yes
California State University, Sacramento	Yes
California State University, San Bernardino	Yes
San Francisco State University	Yes
San José State University	Yes
California Polytechnic State University	Yes
California State University San Marcos	Yes
Universities Offering Programming Language	87%
Universities Not Offering Programming Language	13%

Mr. Saeteune stated under oath that he just wrote down Dr. Radimsky's comments on a scratch paper to prepare his Memorandum. All findings and analysis were of Dr. Radimsky. However, during the hearing testimony, Dr. Radimsky disowned several negative comments on the memorandum (transcript).

Transcript 02/22/2017 Page 115

In which you talked about course mapping, it did not provide the level of structure, et cetera. The remaining portion of that finding regarding HA is it fair to say that that's basically Professor Radimsky's findings and not your own?

A. That's correct, sir. Radimsky in that case. Let's look next at the student IS.

Page 117-118

Mr. BAXTER: And, yes. Actually, I didn't mention during IS after the first three sentences beginning "Institution's course mapping" do you see that?

MR. SAETEUNE: Yes, I do.

Mr. BAXTER: And those are basically what you wrote down with respect to Professor Radimsky's findings; is that correct?

MR. SAETEUNE: That's correct, sir.

Mr. BAXTER: They were not your findings?

MR. SAETEUNE: That's correct, sir.

Here is what Dr. Radimsky said during the hearing (Transcript 2/22/2017, pp168-170)

MR. BAXTER: Okay. Let's look at another question. I believe you testified that a rigorous computer science master's program must build from basic to advanced and not be a, you put it, "too flat."

Do you recall your testimony on that subject?

Dr. RADIMSKY: No.

ADMINISTRATIVE JUDGE JOHNSON: *Are you talking about back on September 26?*

MR. BAXTER: *Yes. I believe it's also in your report here, too.*

ADMINISTRATIVE JUDGE JOHNSON: *Exhibit Seven. THE WITNESS: I have it.*

MR. BAXTER: *I believe so.*

MR. BAXTER: *Let me see if I can find something in your testimony on that subject where you used the term "flatness." But before I do, you recall using the word "flatness" to describe -*
-

Dr. RADIMSKY: *No.*

MR. BAXTER: *- a science program which -- science program which I believe something like doesn't have adequate course mapping, something like that?*

Dr. RADIMSKY: *Flatness would not have anything to do with course mapping.*

ADMINISTRATIVE JUDGE JOHNSON: *Well, Exhibit Seven, the fourth page. I'll point out the document.*

MR. BAXTER: *Oh, I believe maybe I can find it now.*

ADMINISTRATIVE JUDGE JOHNSON: *Do you see that?*

Dr. RADIMSKY: *"Course mapping" would not be my expression but --*

Page 170

MR. BAXTER: *I see. "The Institute's course mapping is flat." There we go.*

Dr. RADIMSKY: *And "course mapping" was not my --*

ADMINISTRATIVE JUDGE JOHNSON: *Well, again, that's Mr. Saeteune's writing. That's not the doctor's writing. Correct?*
Mr. Saeteune, he wrote that, correct, ma'am?

Dr. RADIMSKY: *I assume he wrote that.*

Mr. Saeteune under oath admitted his errors and affirmed that the CTU's students completed required courses to graduate. Dr. Radimsky affirmed on multiple occasions during her testimony that CTU's MSCS program was graduate level.

What the minimum requirements say about SOI#8 are these:

(Minimum Educational Requirements in Order to Award a Graduate Degree)

(Cal. Code Regs., tit. 5, § 71865, subd. (a)): (Cal. Code Regs., tit. 5, § 71865, subd. (a)): *A Master's degree may only be awarded to a student who demonstrates at least the achievement of learning in a designated major field that is equivalent in depth to that normally acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the Bachelor's degree.*

Conversely, BPPE states (SOI#8):

"Respondent's application is subject to denial because the institution fails to meet minimum educational requirements for awarding a graduate degree. (Cal. Code Regs., tit. 5, §71865, subd. (a).) The institution's MSCS program lacks the rigor for a graduate degree and is not equivalent to 30 semester credits of graduate study."

So IT IS CLEAR that BPPE PURPOSELY twisted the Code's wording above from the actual wording and injected "rigor" into it. That is not what the Code says. Judge Johnson did not seem to know the minimum requirements when he made his decision.

A Comparative Study of MSCS Program in California

CTU has performed a Comparative Analysis with other California MSCS programs. We reviewed 23 MSCS programs (14 State Universities and 9 Private Universities).

California Takshila University's (CTU) MSCS Program is on-par and/or better than many of the MSCS programs in California.

Important Findings:

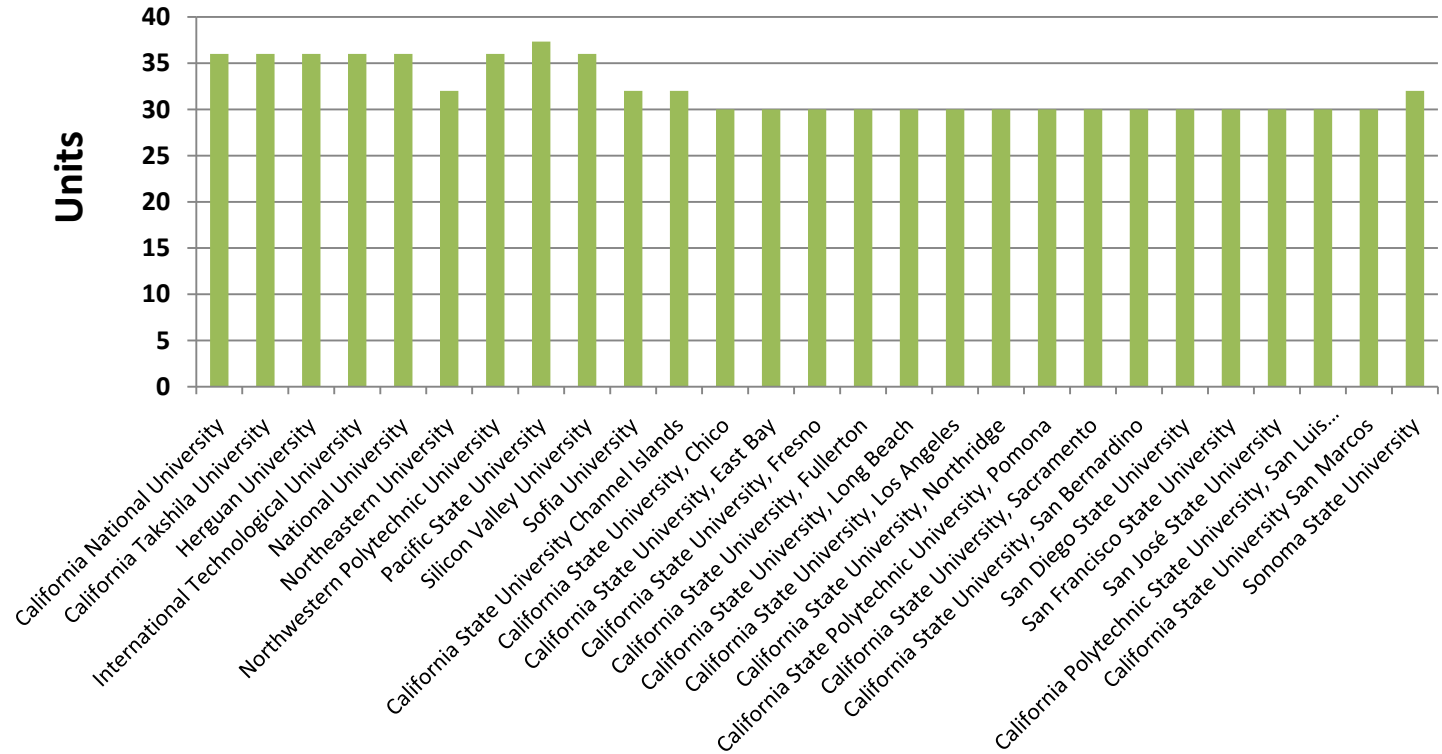
- (a) All universities offered at least six (6) **CTU** courses, sixteen (16) universities offered 10 or more **CTU** courses, and eight (8) universities offered 15 or more **CTU** courses.
- (b) We were excited to find that 11 of the 23 universities offered 50% or more CTU courses for their MSCS programs.
- (c) Several **CTU** courses stand out as unique and contemporary, such as Agile and BigData. Only two (2) other universities were offering Agile, and three other universities have BigData in their course curriculum.
- (d) **CTU's** admission and graduation requirements are on-par with the state and private MSCS programs in California.
- (e) **CTU** has excellent graduation and employment rates (performance)

• University Name	# of CTU Courses Offered
• California National University	6
• International Technological University	20
• Pacific State University	11
• Silicon Valley University	18
• Sofia University	18
• Herguan University	11
• California Southbay University	12
• National University	11
• Northeastern University	15
• California State University Channel Islands	12
• California State University, Chico	13
• California State University, East Bay	16
• California State University, Fresno	10
• California State University, Long Beach	8
• California State University, Los Angeles	11
• California State University, Northridge	8
• California State Polytechnic University, Pomona	9
• California State University, Sacramento	15
• California State University, San Bernardino	14
• San Francisco State University	16
• San José State University	18
• California Polytechnic State University	8
• California State University San Marcos	14

On average, students need to complete 12-15 courses to graduate

The chart below shows that the CTU's semester credits unit required is on par with these Californian private and state universities.

Minimum semester units required for MSCS degree



CTU's Program is a Graduate Level:

The Code requirement of whether the program is “graduate” level. CTU believes that issue should be taken off the table since BPPE’s expert consultant; Dr. Radimsky herself admitted the program IS graduate level on the following occasions at the court hearing:

(1) Transcript Dated 02/22/2017, Page 172 (twice) and again Page 191

Page 172:

Mr. BAXTER: Now, it's a more graduate program?

Dr. RADIMSKY: It has improved, yes.

Mr. BAXTER: And now we'll agree it's a graduate program?

Dr. RADIMSKY: It's more like a graduate program, yes.

Page 191:

Mr. BAXTER: I'm talking about you made some findings in 2016 regarding this subject. At that time the program was a graduate program, correct?

Dr. RADIMSKY: Had improved to something which could be called a graduate program, yes.

(2) Transcript Dated 02/24/2017, Page 30, 36, 37, 38

Mr. BAXTER: You said that most of the classes in this Exhibit 9 you described them as first-year graduate courses; is that right or upper?

Dr. RADIMSKY: They could be first-year graduate courses.

Mr. BAXTER: You said that most of them are either upward division undergraduate courses or first-year graduate courses. Correct?

Dr. RADIMSKY: That's correct.

Mr. BAXTER: Tell us which one you're referring to when you say that?

Dr. RADIMSKY: All of them.

Mr. BAXTER: All of them?

Dr. RADIMSKY: There may be an exception with artificial intelligence, which is a course which is often found --

(3) Transcript Dated 03/03/2017, Page 153-154

MS. PAPA VASSILIOU: Professor Radimsky, having heard the testimony of this hearing, do you have any modification to your opinion that CTU's program is not rigorous enough for a master's of science in computer program [sic]?

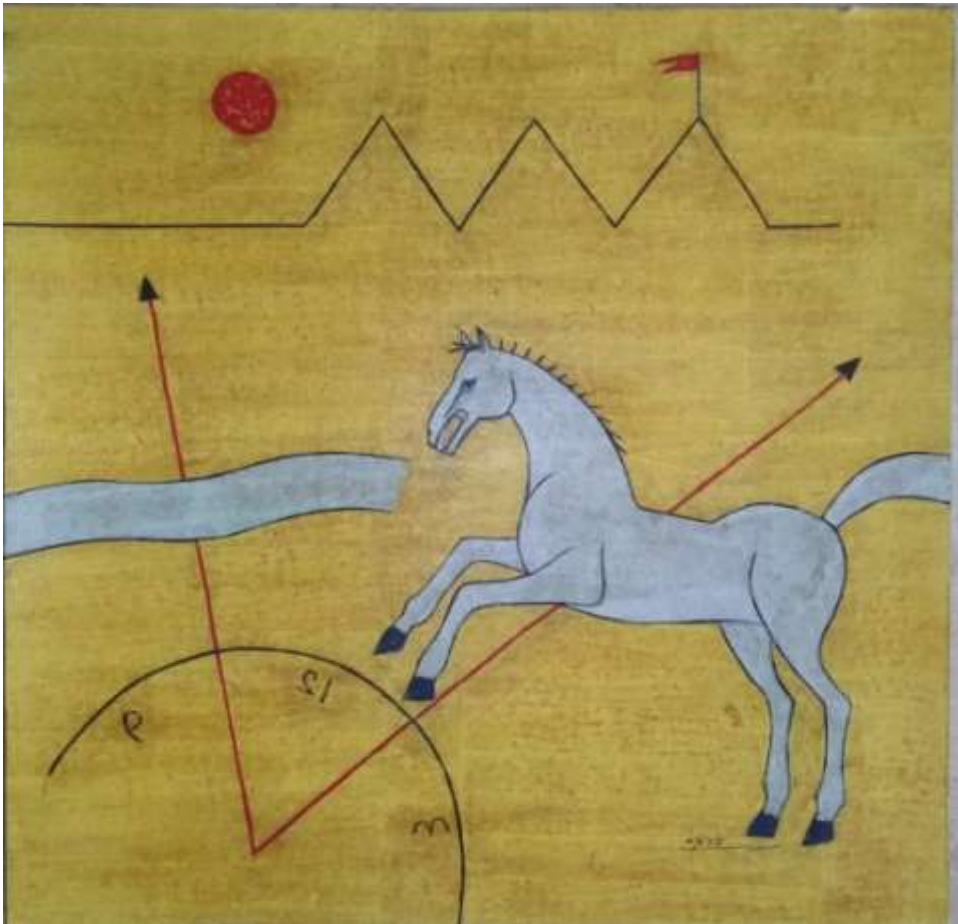
Dr. RADIMSKY: The three courses which were submitted, the 581, 582, 583, seem to demonstrate more rigor....

Therefore along with these statements and the previous assertion of Dr. Radimsky that CTU's elective courses were graduate level, there should not be any doubt for BPPE, DCA and the Judge that CTU's MSCS program is a graduate level and met both the original California code of regulation for minimum educational requirements and the twisted SOI#8 that asks for rigor.



Chapter XII

A Comprehensive review of CTU's MSCS Program



A Comprehensive review of CTU's Computer Science Program

A Comprehensive review of CTU's MSCS Program

We requested Professor Vwani Roychowdhury from the University of California, Los Angeles to independently review CTU's program. Prof. Roychowdhury is an internationally recognized researcher in mathematics, statistics, physics, electrical engineering and computer science and is known for innovative problem solving in the fields of learning theory and systems, statistical modeling and processing of large-scale and high dimensional datasets, peer-to-peer (P2P) networking and complex systems, distributed and parallel processing, bioinformatics, quantum computing and nano-electronics. He has published over 250 peer-reviewed articles in computer science and related areas. He has authored multiple books, patents, and commentaries.

I shared his opinions on CTU's MSCS program and the processes through which BPPE evaluated CTU's MSCS program.

Professor Vwani Roychowdhury wrote:

“

I have an extensive and in-depth background in Computer Science and Computer Engineering, and am qualified to offer an opinion regarding computer science and the teaching of computer science. My PhD from Stanford University is in Electrical Engineering with emphasis on Computer Science, and I have continued to teach Computer Science courses since I became a professor in 1991, and in addition, I have continued to publish in the top Computer Science journals. My research papers have appeared in preeminent Computer Science journals and conferences, including the SIAM Journal on Computing, SIAM Journal on Discrete Mathematics, IEEE Transactions on Computers,

Computer Magazine, Foundations of Computer Science (FOCS), Symposium on Theoretical Computer Science (STOC), Neural Information Processing Systems (NIPS), and the Journal of Cryptology. As yet another example of my credentials as a computer scientist, Prof. Marvin Minsky (a long-time professor at MIT), widely recognized as the father of Artificial Intelligence and a pioneering computer scientist, wrote a long Foreword to my book titled, "Discrete Neural Computation: A Theoretical Foundation."

I currently teach Computer Science courses that are jointly listed in the Electrical Engineering and Computer Science departments at the University of California Los Angeles. Incidentally, starting from July 1, 2017, my department will be officially renamed as the Department of Electrical and Computer Engineering, and I was part of the faculty team that revised our curricula and upgraded them to include more computer science courses at both the undergraduate and graduate levels. For example, the two graduate courses I currently teach are "Large-Scale Data Mining: Models and Algorithms (EE219)" and "Graphs and Network Flows (EE232E)". These courses deal with computer science topics related to recent advances in the field, including Machine Learning, Artificial Intelligence, and Social Networks. Given that I have taught Computer Science courses for many years and that I continue to publish widely in the Computer Science journals, I consider myself highly qualified to evaluate computer science teaching programs at the graduate level.

I served as a witness in this case and attended the hearing on March 3, 2017, during which I closely listened to the testimony of Dr. Radimsky. I have reviewed both her testimony and the September 20, 2016, BPPE report, which she continues to stand behind despite the numerous obvious errors in the document. I have also met with the members of the CTU faculty to evaluate the MSCS program, and reviewed their testimony. I have also met with Dr. Narayan Baidya to evaluate the MSCS program and reviewed his testimony.

Dr. Radimsky is the state's primary witness and one of the primary evaluators of the MSCS program offered by CTU. In my long career, I have witnessed many evaluations of MS and Ph.D. programs, and I am well aware of the standard practices that are followed during such evaluations. In particular, the evaluators are expected to have exemplary records in teaching and research, and are expected to be actively involved in the most recent developments in the field so that they can judge what is needed to prepare a student for the future. Moreover, no single evaluator is expected to be able to judge the entire program, especially in a highly interdisciplinary field such as Computer Science. The usual norm is to have a panel of highly-qualified evaluators who together have the expertise to judge the entirety of the program. In a fast evolving field such as Computer Science, one has to be aware of the most recent advances and then determine the skills and fundamentals that students need to learn so that they can be lifetime contributors and leaders. Judging from this perspective, and with all due respect to Dr. Radimsky, it reasonably appears that she has been detached from the developments in the field of computer science for the past 30 years.

Indeed, during the past 30-year period, Dr. Radimsky has not published any significant research papers on any subject, and Google Scholar search identifies her as having only published two articles of any kind during this entire period. According to the website for California State University Sacramento and ratings by her students, her recent teaching activities having been limited to relatively few subject areas of computer science, and her students give her poor ratings for her teaching abilities.⁹ It seems apparent to me that someone with Dr. Radimsky's background would not

⁹ <http://www.ratemyprofessors.com/ShowRatings.jsp?tid=655718>,
<http://www.sacrate.net/comments/List.aspx?ProfessorId=643>,

<http://athena.ecs.csus.edu/~radimsky/#papers1>

meet the minimum requirements expected of an expert evaluator of any graduate level CS program.

Based on her testimony, Dr. Radimsky also does not appear to have sufficient information to evaluate CTU's graduate program in Computer Science. Thus, Dr. Radimsky admitted that she was not presented with CTU's course syllabi.¹⁰ Dr. Radimsky also admitted that she has not interviewed, or does not recall interviewing, any of the professors at CTU, and that she did not interview any of CTU's students.

As already mentioned, Computer Science is a very broad field that is advancing at an increasingly rapid pace. As a result, it is difficult for any one person to make a fair assessment of all of the classes in an MSCS program. Thus, during my testimony in this case, I focused on classes in the syllabi that I myself had either taught or have done research on. Dr. Radimsky, by contrast, appears to be willing to offer her opinion regarding all the classes in the syllabi, even though BPPE did not present her with the syllabi.

Dr. Radimsky's opinions regarding the admission requirements and prerequisites at CTU are especially troubling. Indeed, she employs a double standard. One standard for CTU, and a different standard for every other university. In my opinion, it would be fair to judge her conduct in this case as unprofessional.

Let me first begin by providing a general description of the most common admission prerequisites for Masters of Science and Computer Science (MSCS) programs. Generally, there are two primary types of admission requirements:

Category 1. Admission standards that require a Bachelors of Science in Computer Science, or a closely related field. The term "closely related field" generally means the fields of Science (Physical Sciences), Technology, Engineering, or

¹⁰ Radimsky 02/22/2017, p. 214

Mathematics. This background is commonly known as a “STEM” background.

Category 2. Admission requirements which require a Bachelors Degree in any field, including Liberal Arts and Humanities, for students who do not have a STEM background.

For schools that admit students in category I, a Bachelor of Science in Computer Science satisfies the basic admission prerequisites. For students with a degree in a STEM field, however, the applicant must have taken a certain number of foundational courses in areas such as:

- (a) Algorithms and Data Structures
- (b) Operating Systems
- (c) Computer Architecture and Performance
- (d) Programming Languages
- (e) Foundations of Computing or Discrete Mathematical Structures

To the best of my knowledge, examples of schools that employ this Category 1 approach are the following institutions:

California State University (CSU) Chico, CSU Channel Islands, CSU Long Beach, Sonoma State University, Cal Poly Pomona, CSU Sacramento, San Francisco State University, CSU Dominguez Hills California Takshila University, Stanford University, Arizona State University, New Jersey Institute of Technology, New York University, Northwestern Polytechnic University, National University, University of California Santa Cruz, Pacific State University, University of California Davis, Johns Hopkins University, Boston University, Carnegie Mellon University, University of California Los Angeles, Columbia University, University of San Francisco, Illinois Institute of Technology, Drexel University, The University of North Carolina at Charlotte, Florida Atlantic University, University of California Riverside, (See Exhibit A, attached hereto)

Applicants in Category II would include students who have a degree in Liberal Arts, Humanities, or any other typical programs that would result in a Bachelor of Arts Degree. Generally, these schools require students to first become *STEM standard* by taking most of the undergraduate courses (approximately 40 to 60 units in mathematics and undergraduate Computer Science) that many of the STEM applicants would have taken. In addition, these applicants would need to take the prerequisites that are required for STEM applicants.

Examples of schools which allow Category II applicants are:
Fresno State University, CSU Northridge, CSU, CSU San Bernardino, CSU Los Angeles, CSU San Marcos, California State Polytechnic University Pomona, CSU Sacramento, CSU Dominguez Hill, San Francisco State University, the University of California Riverside (*See Exhibit A, attached hereto*)

A small minority of institutions, however, do not require any particular prerequisites for admission to a Master of Science in Computer Science Program. The University of California at Los Angeles, the institution where I teach, falls into this category. The International Technological University also falls into this category. (*See Exhibit A, attached hereto*)

The majority of institutions with Masters Degree programs in Computer Science require that STEM applicants have satisfied three or four prerequisites in Computer Science. Examples of institutions which require three prerequisites in Computer Science are:

Columbia University, Computer Science, Boston University, California State University, Dominguez Hill, University California, Davis, and Johns Hopkins University (*See Exhibit A attached hereto*)

Examples of Masters Degree Programs in Computer Science that require four prerequisites in Computer Science for STEM candidates are:

The University of North Carolina at Charlotte, New Jersey Institute of Technology, Fresno State University, University of Texas, Dallas, University of San Francisco, Stanford University, California Takshila University (*See Exhibit A, attached hereto*)

CTU's MSCS program, like that of Stanford University, also requires four prerequisites in Computer Science for STEM applicants. The four Computer Science prerequisites required by CTU are:

- A. MSCS501 Data Structures and Algorithms
 - B. MSCS502 Computer Architecture
 - C. MSCS507 Operating System Design
 - D. MSCS511 Programming Languages
- (See Exhibit A, attached hereto)*

Examples of MSCS Programs that require two prerequisites in Computer Science for STEM applicants are New York University and The Illinois Institute of Technology. (*See Exhibit A, attached hereto*)

Examples of MSCS Programs that require five prerequisites in Computer Science for STEM applicants are University of California, Riverside, Fresno State, and Arizona State University.

As can be seen from Exhibit A, attached hereto, Dr. Radimsky's March 3, 2017 testimony, which suggested that California Takshila University's Admission requirements were less rigorous than the admission requirements at many other institutions, was plainly incorrect. Given that CTU requires four prerequisites in Computer Science for STEM students with a STEM Bachelor's in Science, it falls well within the norm. Indeed, CTU's admission requirements fall on the more rigorous side of the norm.

In light of the foregoing information, and more details provided in the following discussions, I find that Dr. Radimsky's reliance upon BPPE Exhibit 20 is confused, misplaced and misleading.

Dr. Radimsky was a bit confused regarding her citation of Exhibit 20 and admitted in court that she wrote San Francisco State by mistake, and that some of the answers were actually from San Jose State.¹¹ The document, however, was from San Jose State University. Dr. Radimsky also stated that all other content on the original SJSU document included financial aid and other totally irrelevant issues.¹² However, there is only one paragraph of 69 words in the original document on financial assistance.

Her description of San Jose State University's admission requirements for its graduate program in Computer Science was also misleading. Simply stated, the SJSU admission requirements are far less extensive than suggested by either Dr. Radimsky or her Exhibit 20 excerpts. While it is beyond the scope of this declaration to detail SJSU's admission requirements, it would be fair to describe the SJSU admission requirements as an outlier. While SJSU falls within Category I, SJSU has a mixed standard for STEM applicants. On the one hand, SJSU has a list of 11 prerequisites (not 24 as suggested by Dr. Radimsky),¹³ on the other hand, SJSU requires its STEM applicants to work with an advisor to determine which of these 11 courses the applicant must satisfy. Generally, California State University only requires three to five prerequisites for STEM students. (See Exhibit A at page 7)

I have also reviewed Exhibits 21A and B which Dr. Radimsky submitted. Unfortunately, she fails to discuss this exhibit in any depth, and the exhibit itself is not self-explanatory. As noted in Exhibit A, attached hereto, Exhibits 21A and B exclusively concern prerequisite requirements for non-STEM applicants. As a general

¹¹ Radimsky 03/03/2017 pp. 132, 155

¹² *Id.* at p. 155

¹³ [http://www.sjsu.edu/cs/programs/bs_computer_science/2016-](http://www.sjsu.edu/cs/programs/bs_computer_science/2016-17_requirements/graduation_requirements/)

[17_requirements/graduation_requirements/](http://www.sjsu.edu/cs/programs/bs_computer_science/2016-17_requirements/graduation_requirements/),

http://www.sjsu.edu/cs/programs/bs_computer_science/2016-17_requirements/4-year-sample/,

Exhibit 412A, p7

rule, California State University only requires three to five prerequisites for STEM students.

Nonetheless, the exhibit is limited to California State Universities, and does not examine the practices of the University of California and major private universities. Exhibit A, attached hereto, however, does address the prerequisite requirements of three California State Universities: California State University Dominguez Hills, Fresno State University, and San Jose State University. Professor Radimsky's exhibit ignores California State University, Dominguez Hills. Her exhibit, moreover, incorrectly suggests that Fresno State requires nine Computer Science courses for students with STEM backgrounds. This is incorrect. Fresno State University only requires five of these prerequisites.¹⁴

I am firm of the belief that Dr. Radimsky is unwilling to exercise objectivity in matters concerning CTU. Thus, Dr. Radimsky, during her testimony, suggested that the CTU admission requirements were less rigorous because CTU applicants were not required to complete the prerequisites to CTU's four STEM applicant prerequisites.¹⁵ Her position, however, was absurd since applicants who completed the four prerequisites would necessarily have completed any required prerequisites to those prerequisites at their undergraduate institution. While Dr. Radimsky was willing to assume that this would be the case for applicants to *other* MSCS programs, such as the Stanford program, she was unwilling to assume this for CTU.¹⁶ This by itself demonstrates that Dr. Radimsky was applying a double standard. In my opinion, this would qualify as an unprofessional line of reasoning.

Another example of Professor Radimsky's lack of objectivity was her continuing stereotyping of CTU's MSCS Program as a Computer Science Program for applicants with undergraduate degrees in biology.¹⁷ As Dr. Baidya testified, however, CTU has

¹⁴ Exhibit A, p. 9.

¹⁵ Radimsky 02/22/2017, p. 142

¹⁶ *Id.* at 143,154

¹⁷ Radimsky 02/22/2017, p. 144,149,153, and 159

never had a student with an undergraduate degree in biology in its program.¹⁸

Dr. Radimsky's unfounded claim that CTU's admission standards are outside of the norm, and her misleading description of SJSU's admission standards are further evidence of her lack of objectivity. Aside from Dr. Radimsky's unfounded claim that CTU's admission standards are outside of the norm, Dr. Radimsky's principal contention appears to be that CTU's MSCS program is not sufficiently rigorous because many of CTU electives do not have any prerequisites. Thus, in the September 20, 2016 report prepared by Drew Sateune, which Dr. Radimsky approved, only eight electives were identified as lacking in prerequisites: "MSCS 570, 571, 581, 582, 583, 630, 610, and SDP 700 A/B." (Exhibit 7 at page 4) It is undisputed, however, that MSCS 610 is not a class at CTU.¹⁹ It is also undisputed that MSCS classes 581, 582, 583, 630 and SDP 700A/B have prerequisites. (Exhibit: FF, OO, PP, 9 at pages 155 & 167) Professor Radimsky was apparently mistaken regarding these prerequisite requirements.²⁰

Insofar as MSCS 570 (Security, IT Disaster Recovery and Business Continuity) and MSCS 571 (Foundations of Digital System Security) are concerned, Professor Ben Ayed testified that prerequisites were not necessary for these classes and his testimony is persuasive.²¹ Dr. Radimsky also testified that CTU's electives were as rigorous as classes typically offered in the first year of a graduate program in Computer Science, but that the classes were not any more advanced than that.²²

Dr. Radimsky's opinion on this matter makes very little sense since MSCS programs can be completed in as little as one year. To the best of my knowledge, while CTU students take longer than this to

¹⁸ Baidya 02/27/2017 p. 92.

¹⁹ (Exhibit 9)

²⁰ Radimsky 02/22/2017, p 214)

²¹ Ayed 02/24/2017, p. 175

²² Radimsky 02/24/2017, pp. 30, 36, 37

complete the program, it is because as they complete their lecture-based courses they engage and participate in hands-on training in the computer-software industry as a part of their curriculum to augment their in-class learning.

While Dr. Radimsky's testimony offered no specific basis for her opinion that CTU's electives were not advanced, it appears that her opinion was based on her mistaken belief that CTU's electives do not require prerequisites. Given the fact that Dr. Radimsky was not presented with a copy of the syllabi, and did not interview the professors at CTU, and given the fact that her opinion regarding the prerequisites for the CTU election is mistaken, it should be clear to any reasonable person that Dr. Radimsky was not qualified to offer an opinion regarding the level of the CTU electives.

As best as can be determined, Dr. Radimsky appears to be opposed to the contemporary teaching of cutting edge technology in MSCS programs, and appears to be of the view that the MSCS Program should remain traditional, rather than try to keep abreast of the ever-increasing pace of innovation in the field of Computer Science. The advances that have revolutionized the computing industry are not just technological, but are also fundamental and theoretical in nature. Thus, concepts such as Deep Learning, stochastic gradient algorithms, and reinforcement learning, are new theoretical and analytical concepts that CS graduates are expected to master. They are not simple technological details. If students do not learn such new analytical and theoretical techniques, then they will be ill-prepared to be productive in their careers and a program that refuses to upgrade itself will be doing a great disservice to the students.

The finest universities, like UCLA and Stanford, however, are listening to industry experts and student demands, and they are introducing new and high demand courses through their programs. By contrast, I heard Dr. Radimsky state, "A course which prepares students in the industry is not necessarily the hallmark of an appropriate course for an MS in computer science.

When we visit companies, they always tell us that they would like us to teach one thing or another. And often we have to say, this is nice. We will, if possible, use this as a tool to demonstrate something else. But the theory is what will allow students to survive in an ever changing field over a long period of time. Learning a particular technology will not." (Radimsky 3/3/2017 at page 154) Again as noted in the above, the recent advances in Machine learning, Big Data, data-bases, cloud computing, online ecommerce and auctions, cyber-security, and cryptography-based currency techniques, are not just "technologies" that anyone can pick up. They have their own theoretical and analytical foundations that are as relevant and as deep as "traditional theoretical" fields such as discrete mathematics, Automata theory, and recursive functions. These new analytical concepts are based on ideas that have flowed in from mathematics, physics, and economics and modern students of computer science are expected to know these concepts. All top-tier universities in the country are revising their curricula and upgrading them to introduce these recent topics into their programs. Dr. Radimsky would be woefully behind the curve if she really believes that MS electives should not cover such material.

It is clear from my discussions with CTU faculty, and my review of the CTU syllabi (which Dr. Radimsky did not have) that CTU is clearly engaged in teaching important and highly relevant theories of Computer Science. Fortunately, CTU's classes are not limited to older theories, which may have less relevance to computer science advances. Thus, CTU also introduces theories that are relevant to cutting edge Computer Science subjects that deal with advances in the computer science field, both in the industry and in academics.

CTU's MSCS curriculum consists of solid core courses for breadth and very strong and diverse elective courses encompassing traditional and fundamental subjects with large emphasis on theory such as MSCS581 (Advanced Analysis of Algorithms), MSCS582 (Advanced Operating System), MSCS583 (Advanced Object Oriented Design and Development), MSCS513 (Advanced

Programming Languages Principles), MSCS527 (Advanced Database Systems), MSCS529 (Networks and Distributed Systems), MSCS 542 (Artificial Intelligence), MSCS544 (Foundations of Machine Learning), and MSCS553 (Introduction to Cryptography). (Exhibit 8d)

CTU's program, however, also includes more advanced and contemporary subjects such as MSCS621 Big Data, MSCS630 Agile Software Development, MSCS623 Mobile Application Programming, MSCS572 Computer and Network Security, MSCS571 Foundations of Digital Systems Security, MSCS570 Security, IT Disaster Recovery and Business Continuity, MIT610 Management and IT, and MSCS640 Cloud Computing. (Exhibit 8d) CTU's MSCS course structure is well thought out and its background preparation/prerequisite and core courses appropriately lay down a strong foundation for its robust and diverse elective courses.

In my opinion, CTU's MSCS program meets and exceeds California Educational Minimum requirements. Indeed, CTU's rigorous curriculum is on a par with many of the better MSCS programs offered by public and private universities in California, and by other states.

CTU's program offers its students an opportunity to advance to the forefront of their profession by teaching them the most advanced and contemporary subjects, which are in high demand in the IT industry.

This declaration is true and correct and executed under penalty of perjury at Los Angeles, California, on April 12, 2017.

Vwani P Roychowdhury, Ph.D.

”

In the same token, I present here a few other opinions on CTU's MSCS program. **(More detail on Appendix XII.A)**

CTU's Program reviewed by Mr. Nathaniel Reeves, Retired Technologist.

“

I have been asked to review and comment on California Takshila University (CTU)'s Master of Science in Computer Science (MSCS) course curriculum. I have reviewed CTU's MSCS curriculum and found it to be comparable and even in some cases better than many of the MSCS programs offered by other universities in California, including both state and private universities.

CTU's MSCS course structure appears to have been well thought out and its background preparation/prerequisite and core courses appear to lay down a great foundation for its strong and diverse elective courses.

I also found CTU's MSCS program is a good fit for the computer science field and is suitable for the high-tech environment found in Silicon Valley, CA. For example, CTU offers courses such as Agile Software, Big Data, Management IT, Security, and Data Warehousing. These will not only advance the student's learning as a graduate student, but they can also give the student a unique competitive edge in the global high-tech market place.

I have not had the opportunity to interface with any of the CTU students (current or alumni). I am however certain that if I do interface with them, I will find them to be well-qualified technologically and extremely dependable. I would consider them as viable candidates for working on some of the most important projects at our corporation.

As a hiring manager in the semiconductor field for 20 years, I had the privilege of interviewing and hiring many college graduates over the years. The biggest issue we found with many of the students from lower level universities is that while the students did not remember the course work they took before their final semester. I am glad to see that CTU has their students perform a number of projects during their course work that they can use to demonstrate their work performance but can also be used as a platform to show what they learned during the program.

Simply stated, CTU's MSCS curriculum is a very solid program that is keeping up with the rapid advancement of the field - even in a place like Silicon Valley - where technology moves faster than it does in the rest of the world.

”

CTU's Program reviewed by Mr. Prince Samy, Dell, Inc:

“

I am currently working as a Principal Engineer in Dell's Enterprise Software Group and have 13 years of industrial experience in various system software developments. As a Principal Engineer, I'm involved in system design, vendor evaluations, architecting network products and also implementing software solutions in C/C++ and Python.

I have been asked to review California Takshila University (CTU's Master of Science in Computer Science {MSCS) course curriculum. I reviewed CTU's MSCS program and I found it to be rigorous and appropriate for any professional who desires to advance their understanding of contemporary computer software technologies. CTU's courses are comparable and even in some cases uniquely better than many of the MSCS programs offered by many other universities in California, including state and private universities.

CTU's MSCS curriculum is well thought out. Its background preparation/prerequisite and core courses provide a strong foundation for its diverse elective courses. I also found CTU's MSCS program is contemporary in the computer science field is suitable for the high-tech environment in Silicon Valley, CA. For example, CTU offers courses such as Agile Software, Big Data, Cloud Computing, Management IT, Security, and Data Warehousing. These courses not only advance the students' knowledge and skills, but they also will give them a unique competitive edge in their high-tech professional career.

In conclusion, CTU's MSCS appropriate for Silicon Valley professionals and the industry. I'm pleased to see that CTU is significantly contributing to the advancement of California's economy by producing high quality, high-tech professionals.

”

Professor Ajit Renavikar, Science Applications International Corporation (SAIC)

“

CTU's MSCS curriculum is robust and contemporary that produces graduates with skills and knowledge to supports California's high-tech economy most effectively. Our student body is diverse, and we routinely graduate students who have proven competitive in their computer science professional career. I believe that CTU is doing a valuable task of educating its students as it provides a positive and enriching environment.

”

Ben A. Ayed, PhD, University of the Cumberlands

“

CTU's MSCS curriculum is robust and contemporary that produces graduates with skills and knowledge to supports California's high-tech economy most effectively. All of my students performed well in the courses that I taught. I am very proud to say that my graduates have all secured well-paid employment in the IT-software field. In summary, CTU is an excellent school.

”

Wiselin Mathuram, PhD., Paypal, Inc

“

CTU courses uniquely prepare its graduates for their academic and professional advancement in the contemporary technological environment. This is clearly reflected in CTU's graduate-employment-records. Historically to date, 100% of CTU graduates are employed in the IT-software field within three months. Very few institutions can make this boast.

”

Virupakshaiah Ittigimath, Hirose Electrical USA, Inc.

“

I am very privileged to have chosen CTU to pursue my Master of Science in Computer Science degree. I am very satisfied with CTU's MSCS curriculum, and I am absolutely sure that I will learn a great deal from the program and the faculty.

”

Ken Ling Tan, Apple, Inc.

“

Currently; I'm an intern at Apple, working alongside other interns from top schools i.e. MIT, Stanford, Harvard, etc. Apple, Inc only selects the best of the best. I am honored to have been selected by Apple. And, I'm honored to know that Apple also values California Takshila University's students.

The school may be small, but all startups started that way. The school is no MIT or Stanford, but it does provide a great education for those students that could not afford expensive branded schools.

We are in a new digital era and we need a new breed of schools that provide students with hands on industry experience right from the start, so that when they graduate they can easily slip into their new roles as employees of

high-tech companies in the Silicon Valley as well as the rest of the country.

”

Takshila Performance

By now you may be wondering how our pupils are doing in the real world. Are the students getting employments soon after their graduation? And, are the companies finding CTU's graduates competitively skillful and talented?

The answer is simply yes. Past seven years CTU produced excellent graduates who secured their employments within three months of their graduation. In some cases, students got employments in their field of studies during their final semester. CTU has near 100% placement (see table below).

These bluechip companies enter into cooperative agreement with CTU primarily because they find our students are talented and educated with contemporary high-demand courses. These cooperative agreements enable our students to receive hands-on training to supplement and augment their in-class learning. And, in-return companies prepare their future workforce.

CTU students who worked in these companies as an intern received excellent reviews from their respective supervisors. External academic and industry experts also gave thumbs up to the CTU's program.

Performance: (MSCS Program) - CTU

Calendar Year	Number of students Who Began Program	Transferred out*	Number of Graduates	Graduation Rate*	Graduates Available for Employment	Graduates Employed in the Field	Placement Rate % Employed in the Field	Graduates Employed in the Field at least 32 hours per week
2017	32	6	26	81%	24	24	100%	24
2016	29	11	18	62%	18	17	94%	17
2015	13	6	7	53%	6	6	100%	6
2014	3	0	3	100%	3	3	100%	3
2013	1	0	1	100%	1	1	100%	1
2012	15	3	12	80%	12	12	100%	12
2011	25	0	25	100	23	23	100%	23

For the past seven years, CTU has successfully graduated Master of Science in Computer Science (MSCS) students. To date, all CTU students received employment in their field of studies within three months of graduation. CTU's MSCS curriculum has always been robust and contemporary. It has produced graduates with competitive skills and knowledge to support California's high-tech economy effectively.














Clean Bill of Health:

For the past seven years, CTU has always met or exceeded the state minimum educational requirements, and CTU has not been accused of, or found misrepresenting what it does; has not engaged in unethical or illegal business practices, has not cheated students in any way, and has not failed to meet ethical standards in the university's operations.

CTU has cooperative agreements with many hightech companies in Silicon Valley and elsewhere including, CISCO, APPLE, INTEL, NVIDIA, SALESFORCE, ORACLE, and PAYPAL. A complete list of companies is shown below.

Co-op Agreement with

1.	Apple, Inc.	
2.	Intel Corporation	
3.	Paypal, Inc	
4.	Beepi, Inc	
5.	Oracle, Inc	
6.	Cisco Systems, Inc	
7.	Welocalize, Inc	

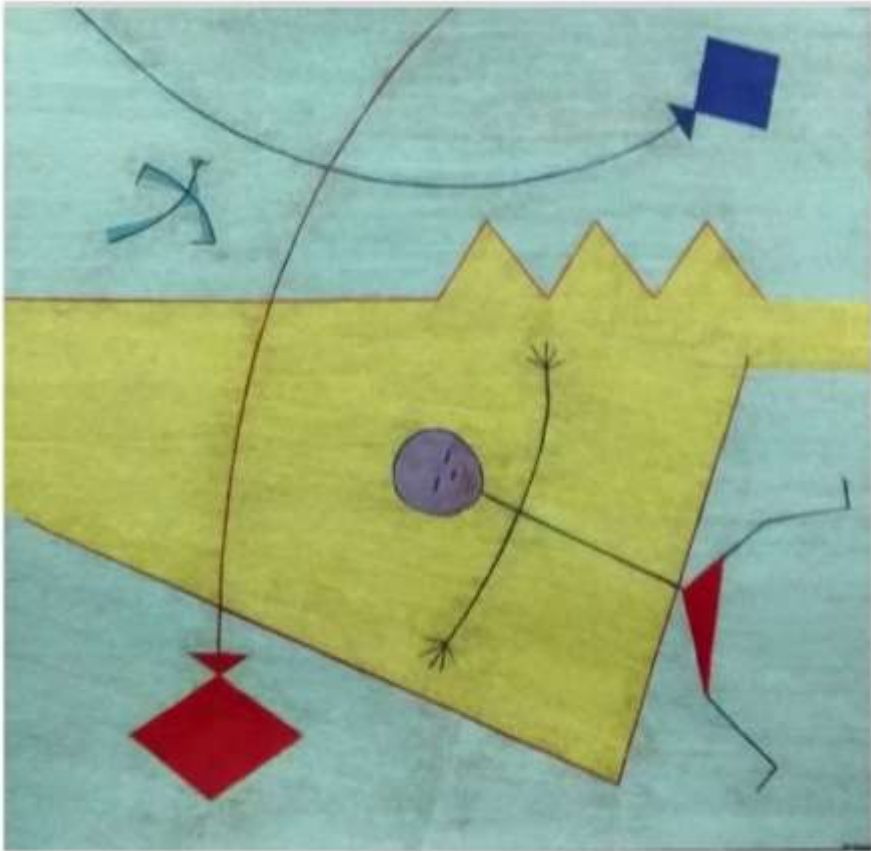
8.	Salesforce, Inc	
9.	Collabera, Inc	
10.	NVIDIA, Inc	
11.	Tekmark globals solutions	
12.	Bank of the Orient	
13.	CDI Corporation	
14.	USIT Solutions	
15.	EduTone	
16.	MesoSphere, Inc	
17.	Spruce Technology, Inc	
18.	Apex Systems, Inc	
19.	Beta Soft Systems, Inc	
20.	Logisoft Technologies, Inc	
21.	Diversant, LLC	
22.	Winwire Technologies,	

	Inc.	
23.	Agama Solutions	
24.	Ness USA, Inc.	
25.	Roblox Corp.	
26.	Horizon Technologies, Inc.	
27.	Logisoft Technologies, Inc.	
28.	Claridyne, Inc	
29.	Pro Unlimited, Inc	
30.	Netpace, Inc.	

Chapter: XIII

MSCS in California

A sound education in information technology fuels the success of individuals as well as corporations in modern life. Information technology offers numerous opportunities but faces unique challenges in the United States. In a populous state like California, where Computer Science (CS) has been taught at the college level since the 1950s, these problems are even acute. California Takshila University built a robust, contemporary Program in Computer Science that offers courses that are of high-demand in the industry.



Two systems and the little guys

In this chapter, I provide findings of a comparative study of 23 MSCS programs in California. We reviewed 23 MSCS programs (14 state universities and nine private universities). This study clearly demonstrated that California Takshila University's (CTU) MSCS Program is on-par and/or better than many of the MSCS programs in California.

Important Findings:

- (a) All universities offered at least six (6) **CTU** courses, sixteen (16) universities offered 10 or more **CTU** courses, and eight (8) universities offered 15 or more **CTU** courses.
- (b) We were excited to find that 11 of the 22 universities offered 50% or more CTU courses for their MSCS programs.
- (c) Several **CTU** courses stand out as unique and contemporary, such as Agile and BigData. Only two (2) and three (3) other universities, respectively, were offering these courses.
- (d) **CTU**'s admission and graduation requirements are on-par with the state and private MSCS programs in California.
- (e) **CTU** has excellent graduation and employment rates (performance)

The Speed of Tech Advancement

- One may recall technologies advancement double every 18 months-the famous Moore's law.
- Now consider this, "The amount of technological advancement that occurred in the year 2000 occurs every 1 hour and 6 minutes in 2013, and will occur every 30 seconds in 2020."
- Are we prepared to meet the challenges of skill deficit in the country

An Overview of Computer Science Master Degree Programs in the State of California

Ever since computer science became a college-level academic program in the 1950s, the level of interest as well as the number of enrolled students in this field has increased rapidly. Currently, computer science education appears to be poised for a stable expansion in the United States (Taylor Soper, 2014).

Nevertheless, there is the probability that the growth in the field might halt just like it did in 2003 following the break of the technology bubble. To keep the pace of innovation and interest in CS, the perception of computer science needs to change from it being perceived as a marginal elective course developed as an afterthought to a fundamental core course that provides problem-solving and critical thinking skills on par with fundamental sciences such as biology, chemistry, and physics.

In addition, colleges should take advantage of the increasing interest in computer science among students and boost the number of course offerings to support the expanding need for engineers in the field. The high demand for computer science engineers is not only limited to the technology field but also to various other sectors (Jay Borenstein, 2014).

Policymakers should support colleges in transforming their computer science programs from a mainly theory based curriculum to one that offers a healthy blend of theory and the relevant applied technologies, emphasizing a hands-on experience in the industry. Colleges must be incentivized to increase their offerings in computer science, and should periodically update these courses as new technologies emerge. With the rapid growth of the computer science field, universities in the United States need to generate highly competent graduates that have the ability to convert concepts into sensible cutting-edge solutions.

As a result of modern technology playing a bigger role in the life of US, growth in the computer science field has been exponential. In the last decade only, CS jobs have grown by about 36% (United States Department of Labor, 2012). Consequently, the need for computer science engineers also increased much faster than any other field. Presently, there are over 545,000 unfilled positions that require computer science expertise (United States Department of Labor, 2012). Simply speaking, the wild demand for computer science engineer within the US is larger than the number of engineers that US universities are producing. About 81% of computer science graduates find jobs in their field and even during recessions, there are 2 positions for each unemployed CS graduate which leads to a higher than average compensation (United States Department of Labor, 2012).

During the next decade, computer science jobs are estimated to increase by about 50,000 opening per year (Change the Equation, 2014). In 2011, Code.org forecasted that the American market will certainly develop about 1.4 million computer science jobs. However, universities will only be able to produce only 400,000 engineers by then (Werf & Sabatier, 2009).

Computer Science education in the US

Currently, the American universities are producing about 50,962 bachelor degrees, 22,777 master degrees, and about 1826 doctoral degree in computer science are insufficient to meet the current growing demand (United States Department of Labor, 2014).

Computer Science education in the United States faces many challenges and opportunities. The obstacle for American institutions is to broaden the pipe of computer science employees getting in the workforce. To achieve this, colleges have to work on creating interest in computer science courses among a wider and more varied population by enhancing the quality of computer science courses and also increasing the variety of offered courses in the undergrad as well as the graduate programs (Michail N. Giannakos, 2017).

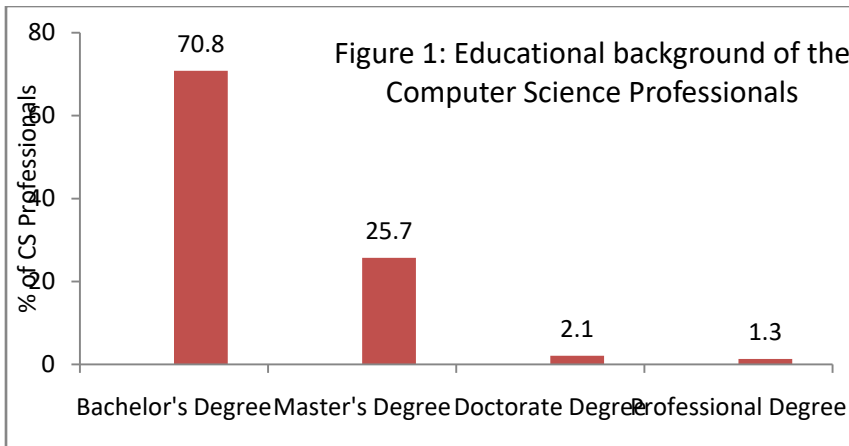
Most of the students who pursue computer science are international – about 49% of graduate student in the computer science field are foreigners and leave the US within 5 years of completing the program (National Science Foundation, 2012). Unlike the undergrad level, graduate computer science programs in the US is considered to be the best in the world and draws brilliant students from across the globe.

Computer Science Education in California

California is the hub of technology where a large number of information technology companies chose to do business. Since the 1990's, California started to attract information technology companies from around the world which pushed universities to invest in computer science education to fill the gap between offer and demand.

Many branded high-tech companies are in Silicon Valley and every year thousands of new high-tech start-ups take their first steps here. This high-tech ecosystem is largely supported by people with computer science and related background. Technologies and product development are driven by the skilled and qualified employees with a college degree, bachelor or higher, creating a strong demand for people with such skills.

According to the *Computer and Information Sciences and Support Services*, the working population in Computer and Information Sciences most commonly hold a Bachelor's degree; some hold a Master's degree and few hold a Doctorate degree (**Figure 1**).



Just to give some perspective, California currently has over **65,000 unfilled jobs in the computer science related field**, while California's universities graduated around 3,500 students in 2014. Therefore, a large demand-supply gap exists at-present. The Hightech industry is in need of employees with technical skills in many new areas that are not part of most computer science programs in the state. This is mainly because of the curriculum structure, the maturity of the students and lack of practical experience of the teaching faculty.

One may recall that the state of technical complexity doubles approximately every 18 months (famous Moore's law). Now consider this --Google CEO Eric Schmidt posits that "**The amount of technological advancement that occurred in the year 2000 occurs every 1 hour and 6 minutes in 2013, and will occur every 30 seconds in 2020.**" To prepare for this rapid paced advancement of the technologies, Governor of California just passed a bill to promote computer science education in K-12 level.

However, nothing has been done to meet the current skill deficit in California. Rather California higher education system remained in the past and slows to act with the required speed. California administration either lacks proper motivation, guidance, and skills to understand higher education in computer science. We do not see how the state can alone solve this skill deficit in California. The

state needs the private organizations to fill this humongous gap. Furthermore, quite often just bachelor degree is not sufficient to keep the necessary edge in innovation and product development.

Employees with a bachelor degree, who are seeking to enhance their skills, changing their fields and joining computer science to keep their employment and/or advancing in the field, are often dissuaded due to lack of appropriate programs and compatibility with the work-school schedule. A Computer Science Master degree program is suitable for working professionals with a bachelor degree in many fields. This is the opinion of many pioneers in the field including Late CEO of Apple, Steve Jobs.

In California, there are handful private institutions (around 10) that are offering MSCS programs. In reality, California needs over 100 private institutions that offer MSCS program to meet the demand of its crown economic engine the innovative high-tech sector. We set out to explore how California overcomes its talent deficit situation with its existing Master of Science in Computer Science (MSCS) programs. In this article, we review MSCS offered by the California state and private Universities.

State Regulation

It is important to note that in California private postsecondary educational institutions are under the California Department of Consumer Affairs (DCA). DCA has delegated its responsibilities of licensing and over sighting state's postsecondary private educational institutions to the Bureau of Private Postsecondary Education (BPPE) since 2010. DCA was solely responsible for these functionalities from June 2007 to December 2009. Prior to 2007, California's Private postsecondary instructions were under the Bureau of Private Postsecondary Vocational Education (BPPVE). BPPVE was under DCA.

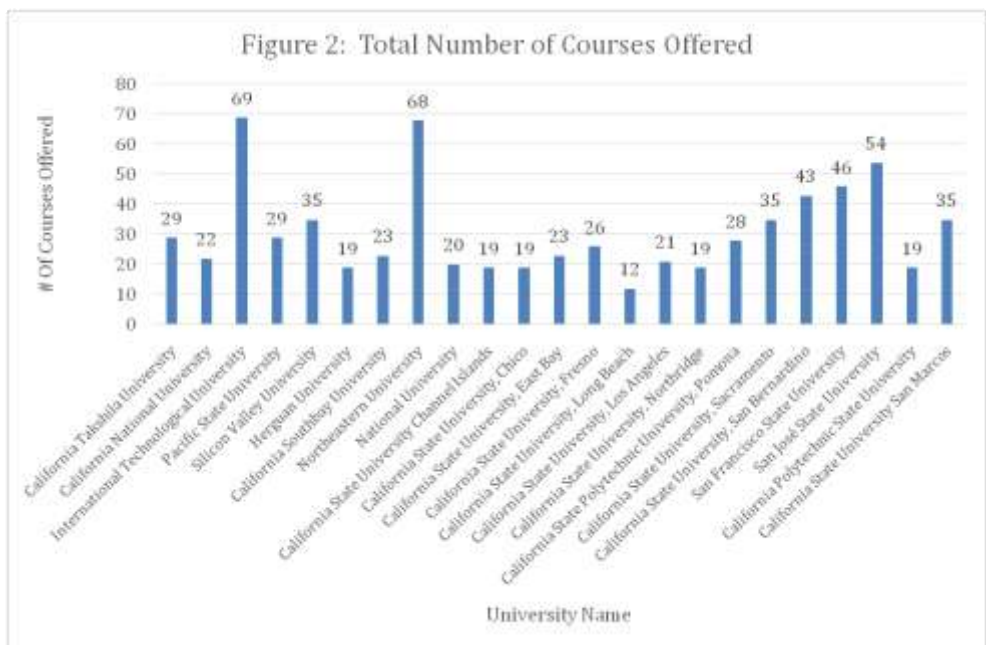
BPPVE mainly was state-funded while the present organization is primarily funded through fees, fines, and charges from the institutions it gives license and regulates. There is some degree of

conflict of interest in this mechanism of funding the bureau's activities. Institutions under BPPE have seen a sharp increase in numerous fines and charges compared to its predecessor, BPPVE.

On the other hand, state universities are fully funded by the state and student's tuition and fees. State universities do not pay any fees to BPPE and/or other organization under the state government.

Data Collection and Discussion

We reviewed the MSCS program curriculum of 14 state universities and 9 private universities. These universities offer various numbers of courses for their MSCS program ranges from 12-69. Most common is the high twenties. In average students need to complete 12-15 courses to graduate.



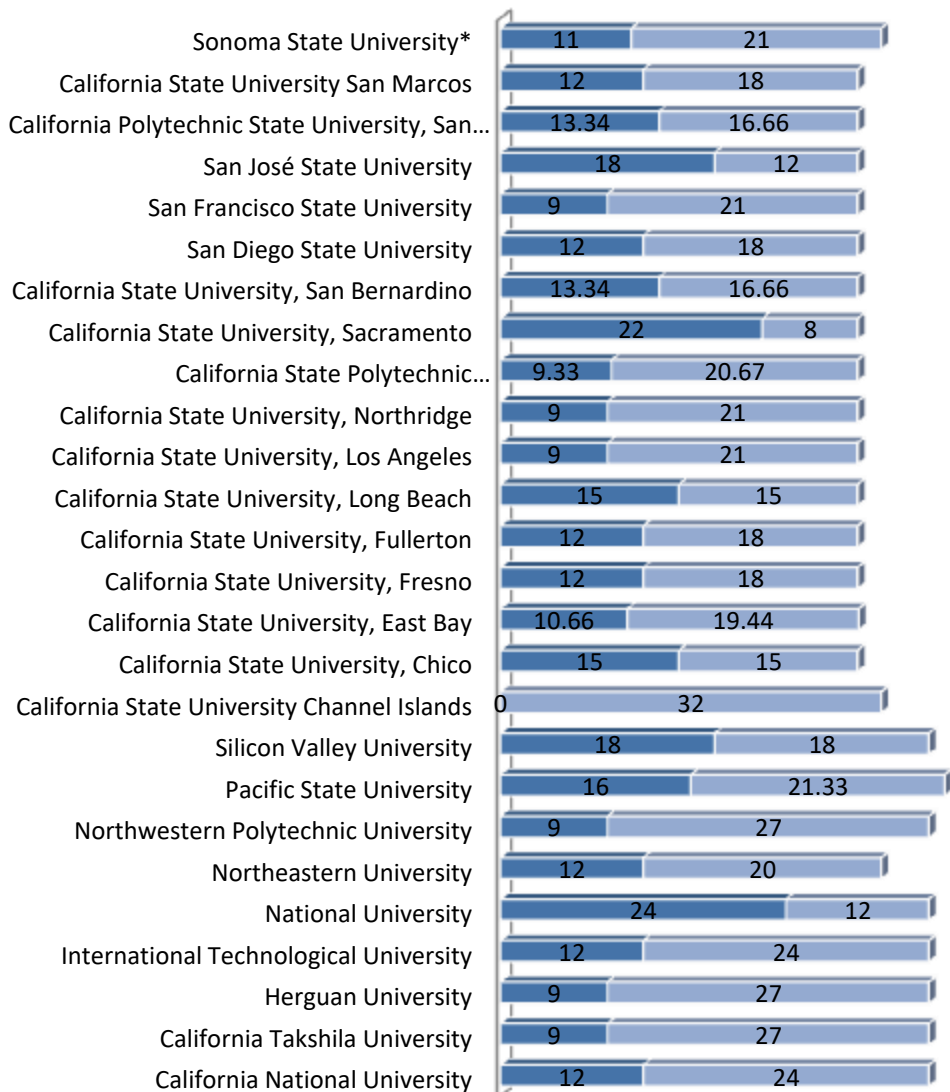
13 state universities require a minimum of 30-semester credit units to graduate from their MSCS program, while one state university requires only 32-semester units (**Table-1**). Whereas private

universities, in general, require 36-semester credit units for an MSCS degree (**Table 1**).

Table 1: Minimum semester units required for MSCS degree	
Universities	Semester Units
California National University	36
California Takshila University	36
Herguan University	36
International Technological University	36
National University	36
Northeastern University	32
Northwestern Polytechnic University	36
Pacific State University	36
Silicon Valley University	36
California State University Channel Islands	32
California State University, Chico	30
California State University, East Bay	30
California State University, Fresno	30
California State University, Long Beach	30
California State University, Los Angeles	30
California State University, Northridge	30
California State Polytechnic University, Pomona	30
California State University, Sacramento	30
California State University, San Bernardino	30
San Francisco State University	30
San José State University	30
California Polytechnic State University, San Luis Obispo	30
California State University San Marcos	30

Core (Breadth)/Elective Units Requirement for Graduation /MSCS

■ Core ■ Elective



Among the 14 state universities, 13 have course requirement that is directional and provides fundamental core concepts, e.g., algorithm, programming and data structures.

However, California State University at Channel Island does not have core concept requirements. All the private universities that we reviewed offer well-balanced core concept curriculum for the MSCS program.

On the task of building broader skills and knowledge that current employers seek, private universities do better jobs than the state universities (**Table 2**).

75% of the California MSCS programs offer courses on software, algorithm, programming, web technologies, system design, database, artificial intelligence, and pattern.

Graduates with knowledge in Bigdata, Agile methodologies, cloud computing, and security are in high demand, however, only two private universities (California Takshila University and International Technological University) regularly taught these course, and three other private universities offer 60% of these courses. State universities primarily shy away from these courses.

Google search provided top IT skills, high demand tech skills for 2016 and 2017. The table below is a good comparative analytics of high demand computer subjects taught at the California institutions at the graduate level.

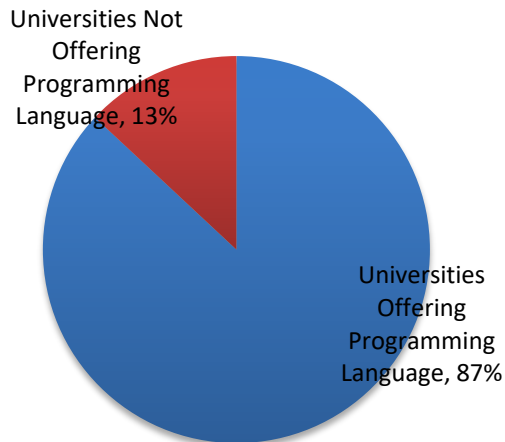
Table 2: Contemporary Tech Skills, with high Demand in the Industry, Related Courses Taught at Various University in California. ["+" denotes course taught, and "-" denotes not taught]

High Demand Tech Skills	California Takshila University	California National University	International Technological University	Pacific State University	Silicon Valley University	Sofia University	California Southbay University	Northeastern University	Herguan University	National University	California State University Channel Islands	California State University, Chico	California State University, East Bay	California State University, Fresno	California State University, Long Beach	California State University, Los Angeles	California State University, Northridge	California State Polytechnic University, Pomona	California State University, Sacramento	California State University, San Bernardino	San Francisco State University	San José State University	California Polytechnic State University
Programming	+	+	+	+	+	-	+	+	+	+	+	-	+	+	-	+	-	+	+	+	+	+	+
Big Data	+	-	+	-	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agile	+	-	-	-	-	+	-	-	+	-	+	-	-	-	-	-	-	-	-	-	-	-	-
Cloud	+	-	+	-	+	+	-	+	+	+	+	-	-	-	-	-	-	-	-	-	+	+	-
Mobile	+	-	+	-	-	+	+	+	+	-	-	+	-	+	-	-	-	-	-	-	+	+	-
Security	+	-	+	-	+	+	-	+	-	-	+	+	+	-	-	+	-	-	+	-	-	+	-
Network Distributed	+	+	+	-	+	+	+	-	-	-	-	+	+	-	-	+	-	+	+	+	+	+	+
Machine	+	-	+	+	+	+	-	+	-	-	-	+	+	-	-	-	-	-	+	+	+	-	-
Artificial	+	+	+	+	-	+	-	+	+	-	+	+	+	+	-	+	-	-	+	+	+	+	+
Cryptograp	+	-	+	-	-	+	-	+	-	-	-	-	+	-	-	-	-	-	+	-	-	+	-

hy																							
Web	+	-	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
warehouse, Data	+	-	+	+	+	+	-	-	-	+	+	-	-	-	-	-	-	-	-	-	-	-	-
Dot Net	+	-	-	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Managemen t IT	+	-	-	+	-	+	-	+	-	-	-	-	-	-	-	-	+	-	+	-	-	-	-
DevOps	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Blockchain	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	16	3	11	5	8	12	5	8	7	4	6	6	7	4	1	5	2	3	8	5	7	8	4
%	100 %	19 %	69 %	31 %	50 %	75 %	31 %	50 %	44 %	25 %	38 %	38 %	44 %	25 %	6 %	31 %	13 %	19 %	50 %	31 %	44 %	50 %	25 %

Programming is one of the key subjects that a computer science student is expected to have knowledge and understanding of. Thus we see over 80 percentages of universities in California are offering programming languages (**Figure 4, Table 2**).

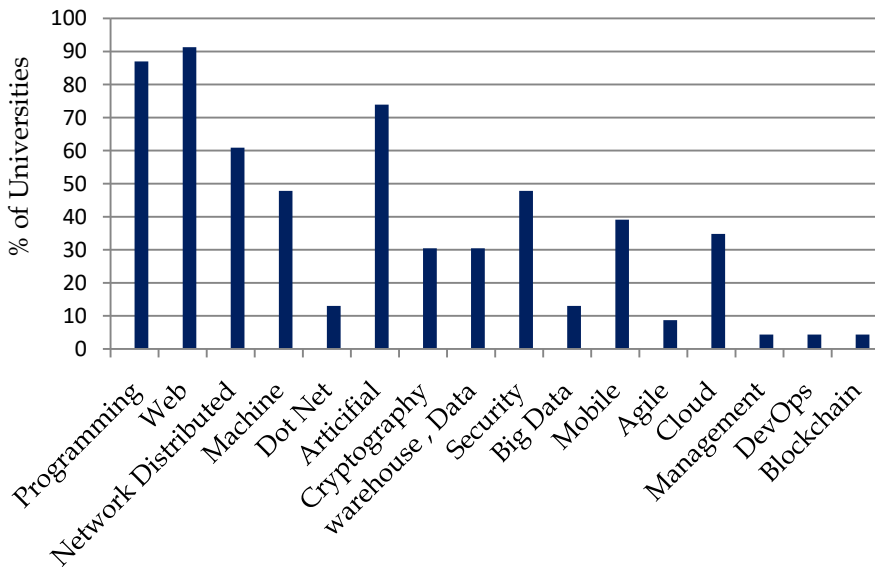
Figure 4: University Offering Programming Language



The Web Technology related course is another subject that most universities teach in their MSCS programs. Artificial Intelligence is very demanding and popular subject for the MSCS curriculum and 70% of institutions included artificial intelligence as an elective course.

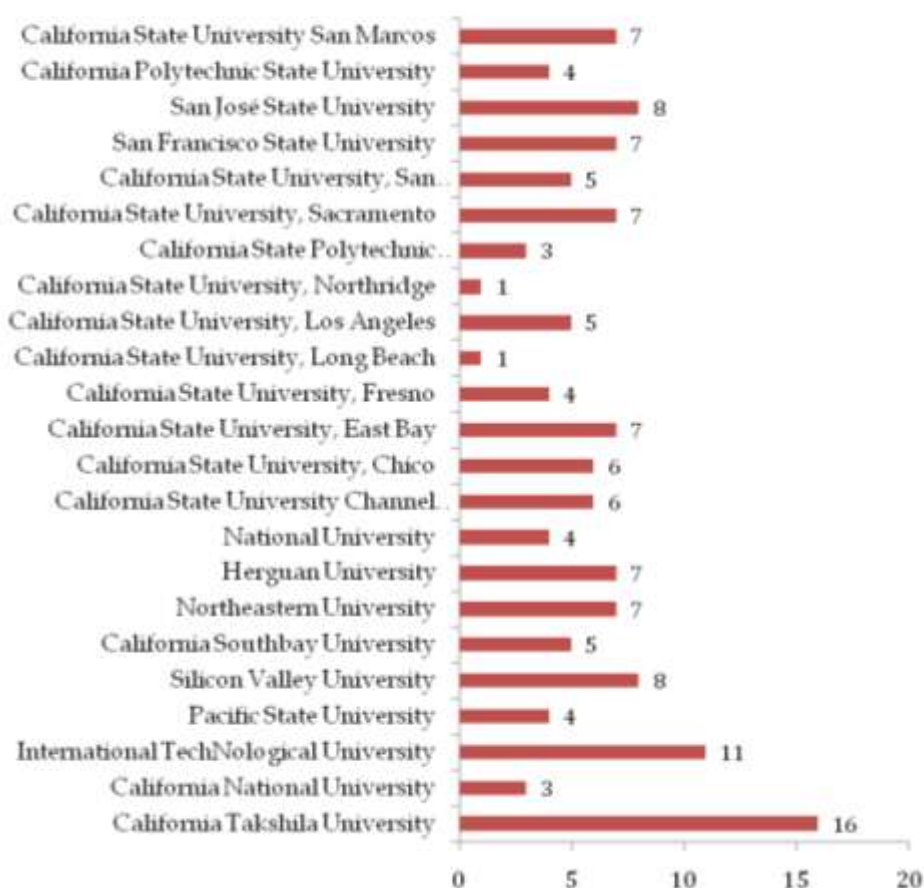
Little over 30% of programs offer cloud computing and less than 20% of programs have big data and Agile methodology courses. Only One institution (California Takshila University) offers a Blockchain course while no institution in California teaches courses on the Self-driving vehicle. The brain of a self-driving vehicle is a complex and highly sophisticated mix of Artificial Intelligence (AI), deep learning and other computer software areas (Figure 5).

Figure 5: % of Universities offering 16 high demand courses



These findings will help current graduates and professionals to gain a better understanding of options they have in identifying programs that best fit their needs and situation. We certainly see that the California MSCS education programs lack innovation and speed to support the state's high-tech economy by graduating students either in numbers or in preparation to take on industry's need from the day one. As the saying goes-"Elephant Can't Dance", the state university is not equipped with the tenacity and urgency to adopt market's needs. However, a small group of private universities, that includes CTU, proved that -"Rabbit Can Jump". And, we certainly need 100s of Rabbits-start-up innovative Universities in the State of California.

Figure 6: Number of Highdemand Courses Offered by the Universities



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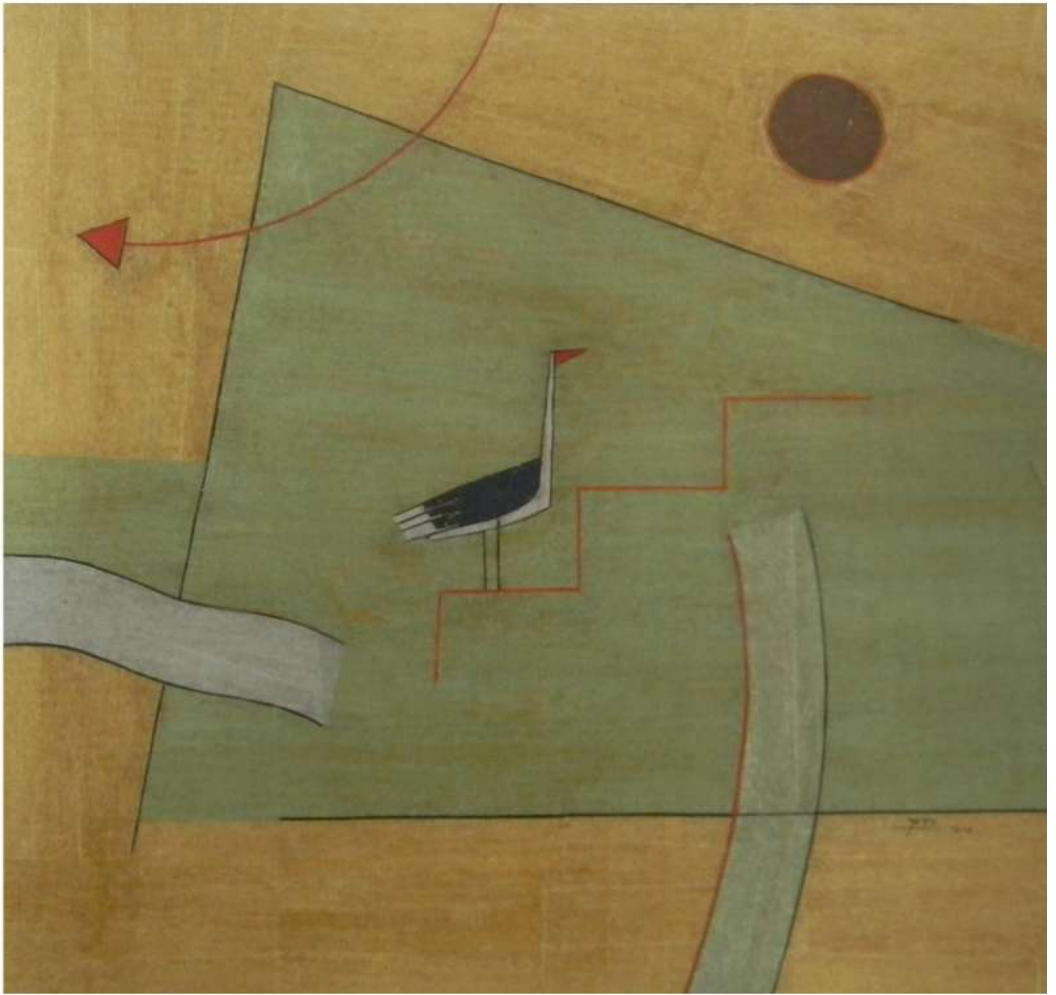
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Chapter: XIV

Accreditation and others



Accreditation and others

CTU had been actively working for Accreditation since
2009

Since 2009 CTU attempted to engage in peer-reviewed accreditation processes. However, BPPE nefariously hindered and blocked our every attempt to pursue (Appendix XIV.A).

I personally had a meeting with the Executive director of ACCSC who noted during our one-on-one meeting at his office that ACCSC cannot move forward without Ms. Wenzel's okay. And, ACICS after approving our initial application and accepting CTU as a candidate for the accreditation process, simply wrote to us that they cannot move with the process based on the information that they received from BPPE.

2009



1) November 18, 2009

CTU Successfully completed WASC's (Western Association of Schools and Colleges, Senior) "Eligibility, Candidacy and Initial Accreditation" workshop to be eligible to apply for accreditation by WASC

Note: BPPE did not exist at this time. CTU was approved as a California School by DCA.

CTU attended multiple workshops, and training, received consultation from outside consultations to prepare for the accreditation application.

2) March 4, 2011

CTU began its accreditation filing process and paid \$10,000 initial application fees to WASC.

We came to a halt due to the emergence of BPPE and subsequently after their removal of CTU's name from the list of approved schools in the state of California.

3) On or around April 27, 2012

WASC designated California Takshila University as one of the Institutions with High Probability to obtain Eligibility during 2012-13; Pathway A or B. (Appendix XIV.B)

4) August 29, 2011

CTU notified BPPE that CTU was progressing with its accreditation process with Western Association of Schools and Colleges, Senior (WASC).

5) October 11, 2011

CTU notified BPPE about our accreditation process and CTU's inability to proceed.

BPPE ignored CTU's appeals.

2012



5) September 17, 2012

CTU Successfully completed Mandatory ACCSC Accreditation Workshop to be accepted as an Applicant

Unable to Apply since **BPPE removed** CTU from the California Approved School list that DCA created.

2013



October 28, 2013

SIMAS notified BPPE about CTU's ACCSC situation of the past and the upcoming Initial Accreditation Workshop of the ACCSC for December 9, 2013.

November 18, 2013

SIMAS again reminded BPPE of the same

**There was no response from BPPE to attorney
SIMAS!**

2015



3) September 21, 2015

CTU's previous ACCSC Initial training certificate lapsed due to BPPE's non-responsiveness. Once again CTU Successfully completed Mandatory ACCSC Initial Accreditation Workshop, which was required to become an applicant. Narayan Baidya had a one-on-one meeting with the ACCSC executive director to explain CTU's legal standing as a DCA-approved school. However, ACCSC's executive director asserted that he will communicate with BPPE. Once again we were unable to proceed due to a failure of any positive statement from BPPE confirming CTU as a DCA-approved school.

4) November 5, 2015

CTU received Certificate of Attendance for Best Practices in Accreditation from ACCSC.

2016



ACICS

1) March 24, 2016

We were accepted to be an applicant by ACICS (a National Accreditation Agency).

2) June 7, 2016

ACICS notified CTU:

” Based on the information we received from the Bureau for Private Postsecondary Education, ACICS has determined that California Takshila University does not meet the minimum eligibility requirements to pursue ACICS initial accreditation, as stated under standard 1-2-100(b) of the ACICS Accreditation Criteria.

”

Note: BPPE provided false information to ACICS which caused CTU to be rejected as an applicant for accreditation.

CTU experience a loss of money, a damaged reputation, hindered enrollments and derailed CTU's academic curriculum development. I personally experienced several stress-related ailments as a result of the pressure caused by BPPE's illegal activities in not acknowledging that CTU is a legal school. This resulted in psychological trauma including stress and anxiety attacks. My physical damages are numerous including emergency-room visit due to symptoms of heart attack. Since then, I visited medical physicians, acupuncturists and physiotherapist for my stress related issues. I still suffer with hair loss, heart palpitations, pinched nerves, and flaring of inflammatory issues.



Chapter: XV

The Last Words:

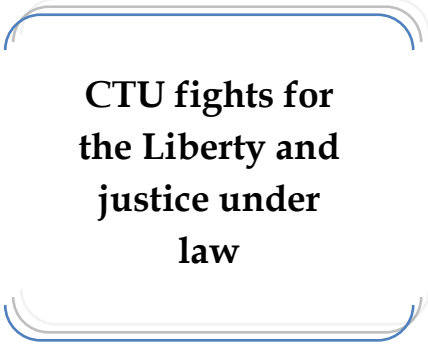


The Last Words

All we wanted to do is teach. And, all we want you - the Senators and Assembly members - to do is perform sincere and honest oversights of the Government agencies and their official, and protect the Californian Citizens from their abuse and corruption.

CTU's MSCS program is a graduate level and met both the original *Minimum Educational Requirements in Order to Award a Graduate Degree* (Cal. Code Regs., tit. 5, § 71865, subd. (a)): (Cal. Code Regs., tit. 5, § 71865, subd. (a)) and the twisted SOI#8 that asks for rigor. Yet Judge Johnson constructed misleading and false finding and drew a decision that CTU's program did not meet the minimum requirement as stated in the above regulation. BPPE, DCA and Attorney General sang the same chorus. Our repeated request to the State senators, Assembly members, DCA director, and BPPE Chief to carefully review the documents, the facts and the regulations; failed to get their sincere attention.

Hence, finally, Mr. Dean R. Grafilo's deputy, Mr. Ryan Marcroft,



**CTU fights for
the Liberty and
justice under
law**

ordered CTU to close down its operation. Fully illegally and all our elected officials looked the other way. With this, State of California not only committed one count of wrongdoing but also committed over 1000 counts of wrongdoing. CTU is the

only one that has the tenacity and conviction to fight against injustices the, as it states on the Attorney General's Emblem, - **"Liberty and Justice Under Law"**.

✓ Justice

- ✓ I want Justice
- ✓ CTU Students want Justice
- ✓ California Citizens want Justice



Thank you



Supplements

All Appendices and other supplemental documents are available at "Making Takshila in California" website

Appendices:

www.makingtakshila.com/Appendices

Supplements:

www.makingtakshila.com/Supplements

General Disclaimer

In many instances, for the sake of language clarity, certain text material is utilized from a variety of sources. Ryan Badya wishes to claim “fair use” of all such material.

In most cases, unless otherwise noted, the chief source in use was GNU Wikipedia, Inc, “the free encyclopedia.”

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Making Takshila in California



✓ Justice

- ✓ I want Justice
- ✓ CTU Students want Justice
- ✓ California Citizens want Justice

✓
Thank you

Ryan Baidya