

Worksession Agenda Item: III.E.

DATE: April 22, 2015

SUBJECT: DPSA Complaint #13-0135

ACTION RECOMMENDED: Proceed to Appoint an Administrative Law Judge to
Conduct an Administrative Hearing Sitting Alone

BACKGROUND INFORMATION: The Division of Postsecondary School Authorization (DPSA) received a complaint on behalf of a student of Concord School of Grooming in Knoxville, Tennessee. The only issue raised in the complaint is whether the student is due a refund after withdrawing from the institution's program.

DPSA investigated the complaint and notified the institution of its findings and determination that the student is owed a refund. DPSA provided the institution an opportunity to respond to the notification, and the institution responded and disagreed. Thereafter, the parties made a final attempt to resolve the complaint informally; however, the parties did not reach a resolution.

In this case, DPSA opines that it is appropriate to proceed to a hearing pursuant to Tenn. Code Ann. § 49-7-2011(b) and (c). DPSA is of the opinion that the complainant has suffered a loss as a result of the institution's actions and is due a refund. Additionally, it may be appropriate to assess a fine or alter the institution's authorization status as a result of a rule violation.

RECOMMENDATION: Given these facts, on April 9, 2015, the Committee on Postsecondary Educational Institutions voted unanimously to recommend to the Commission that it direct DPSA to discuss an agreement with the Secretary of State's office to allow this complaint (as well as any future cases, as necessary) to proceed to a hearing to be conducted by an Administrative Law Judge sitting alone.

This recommendation is now before the Commission. DPSA recommends that the Commission adopt the Committee's recommendation and allow the proceeding to move forward.