

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND ) BEFORE THE SOUTH CAROLINA  
 ) COMMISSION ON HIGHER EDUCATION

IN THE MATTER OF: )  
 )  
 Southern Technical College, ) PROPOSAL FOR DECISION  
 )  
 Respondent. )  
 \_\_\_\_\_ )

TO: J. EMORY SMITH, JR., ATTORNEY FOR COMPLAINANT  
 and LARKIN V. CAMPBELL, ATTORNEY FOR RESPONDENT

Attached is a proposed Order which constitutes my proposal for decision in this case as a member of the Commission on Higher Education designated to hear this matter. Because this Order is adverse to the Respondent, the Respondent will have an opportunity to file exceptions and present briefs and oral argument to the Commission on Higher Education at its meeting on August 24 and 25, 1992 at the Commission's Conference Room, 1333 Main Street, Suite 300, Columbia, SC. In advance of the meeting, you will be informed of the time and exact date for argument at this meeting. Complainant, by its attorney, J. Emory Smith, Jr., Assistant Attorney General, for the Staff of the Commission on Higher Education, may respond in writing and orally to any such briefs, exceptions and oral argument.

If the Respondent waives the opportunity to file exceptions, briefs and make oral argument, the Respondent may sign the attached stipulation and return it in the enclosed envelope. If the Respondent agrees to the stipulation, the attached Order will be considered at the August meeting of the

Commission without the opportunity of Complainant or Respondent to file exceptions, present briefs or make oral argument.

SOUTH CAROLINA COMMISSION  
ON HIGHER EDUCATION

By:

*William J. Whitener*

William J. Whitener, Chairman  
South Carolina Commission on  
Higher Education Hearing Officer  
Suite 300, 1333 Main Street  
Columbia, South Carolina 29201

22 June, 1992.

STATE OF SOUTH CAROLINA     )  
                                  )     BEFORE THE SOUTH CAROLINA  
COUNTY OF RICHLAND         ) COMMISSION ON HIGHER EDUCATION

IN THE MATTER OF:                     )  
                                  )                     ORDER  
Southern Technical College,         )  
                                  )                     Respondent.  
                                  )  
\_\_\_\_\_ )

This matter was initiated by service of a Notice and Complaint dated May 7, 1992, alleging that Respondent Southern Technical College had failed to meet the minimum requirements for licensure as a non-public educational institution pursuant to S.C. Code Ann. § 59-46-30 (1990) and regulations of the Commission on Higher Education (Commission), 25A S.C. Code Ann. Regs. 62-5, 62-8 - 62-13 and 62-17 (1976). The Respondent submitted an Answer dated June 3, 1992.

Pursuant to authorization from the Commission, a hearing was held before William J. Whitener, Chairman of the Commission at the offices of the Commission on June 11, 1992 at 10:30 a.m. Appearing for Complainant was J. Emory Smith, Jr., Assistant Attorney General, and appearing for the Respondent was Larkin V. Campbell, Esquire. Mr. Whitener rendered his proposal for a decision in accordance with S.C. Code Ann. § 1-23-340 (1986) which attached and incorporated this Order as his proposal. The Commission has reviewed the proposal including the incorporated Order and concludes that Respondent Southern Technical College has failed to maintain the requirements for licensure as a non-public educational institution and that its license should be revoked.

## FINDINGS OF FACT

1. Respondent was evicted from its building under a warrant issued by a magistrate and has not re-established operation at another location. See Complaint and Answer. According to the testimony of Cheryl Maly, a student of Respondent at the time of the closing, and Karen Morell, the closing occurred at the end of February 1992 before the conclusion of a school term. Ms. Morell, an employee of Wyman-Boozer Realty, testified that the closing occurred as a result of a February 12, 1992 Order of the Honorable Mel Maurer, Magistrate, directing that the premises be vacated. Exhibit C5, Order, Boozer v. Kenneth Shuler, d/b/a Southern Technical College, et al. The Order was obtained because Respondent had not paid past due rent. See testimony of Morell; Complaint and Answer.

The inventory of Respondent was sold at the direction of another Order of the Magistrate in the matter dated March 16, 1992, at which time Wyman-Boozer purchased the inventory for less than \$3,000.00. Exhibit C6 and testimony of Morell. No other bids were made at the sale of the inventory. According to Ms. Morell, Respondent had owed the landlord, Wyman-Boozer Realty Company over \$40,000.00 in rent and other costs and none of that money had been repaid by Respondent except for approximately \$3,000.00 that Wyman-Boozer obtained as a result of the sale of some of the inventory that it purchased. Id. Respondent argued that it no longer had a debt to Wyman-Boozer

because of the seizure of its inventory; however, the testimony showed that the inventory had not, as of the time of the hearing, brought sufficient return to satisfy the debt nor was it shown that its value would equal the debt.

2. Respondent has not made arrangements to move back into the building from which it was evicted nor has it provided any notice of its operation at another location. See Complaint and Answer. According to the testimony of Ms. Maly, the school provided no notice of its closing other than posting a notice with a phone number on it. She called that number but her calls were not returned. She was not refunded her fees paid for the term in which she was enrolled when the school closed down nor was she provided any information about whether the school would resume operation. Counsel for Respondent conceded that the school was shut down now.

#### CONCLUSIONS OF LAW

##### I.

Under section 59-46-30 and 59-46-40, the Commission must prescribe regulations for the licensing of non-public educational institutions which shall specify the minimum standards required for a license to confer degrees including standards as to course offerings, adequate faculty, maintenance of records, adequate personnel and facilities and financial stability.

II.

The Commission has promulgated minimum standards for the educational program of such institutions (Reg. 62-8), their financial resources (Reg. 62-9), their faculty (Reg. 62-10), their libraries (Reg. 62-11), their student services (Reg. 62-12), and their facilities (Reg. 62-13). Respondent's Answer admits that it has failed to comply with the minimum requirements for licensure by failing to meet these standards. Complaint and Answer. Having shut down mid-term without resuming operation, the school is not meeting such standards.

III.

Because Respondent is not operating now, because it has not been shown to have sufficient financial resources to resume operation, because it has not repaid money due its students for, at least, the term in which the school shut down, because it fails to meet the minimum standards of the Commission and for the other reasons set forth above, the Commission concludes that the license of Respondent must be revoked.

THEREFORE, IT IS ORDERED that the license to confer degrees of Respondent Southern Technical College be revoked.

AND IT IS SO ORDERED.

SOUTH CAROLINA COMMISSION  
ON HIGHER EDUCATION

By: \_\_\_\_\_

\_\_\_\_\_, 1992.