

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

THERESA SWEET, CHENELLE
ARCHIBALD, DANIEL DEEGAN, SAMUEL
HOOD, TRESA APODACA, ALICIA DAVIS,
and JESSICA JACOBSON on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ELISABETH DEVOS, in her official
capacity as Secretary of the United States
Department of Education,

And

THE UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Case No.: 19-cv-03674-WHA

AFFIDAVIT OF RUDOLPH HOWELL

I, Rudolph Howell, state as follows:

1. I am submitting this affidavit in relation to the above-captioned case.
2. I borrowed federal student loans in order to the ITT Technical Institute (“ITT”) – San Bernardino Campus.
3. In or around Fall 2019, I submitted a borrower defense application to the United States Department of Education (“Application”), asking for these loans to be cancelled. A copy of that application is attached as Exhibit A.
4. On June 11, 2020, I received correspondence from the Department of Education, stating that my claim had been denied (“Denial Notice”). A copy of that correspondence is attached as Exhibit B.
5. In between the time that I first submitted an application for loan cancellation and when I received the notification of denial, my loans were in administrative forbearance. I received no updates from Department in that time.

1 6. The Denial Notice says that my Application provided insufficient evidence that
2 ITT engaged in misconduct related to Employment Prospects. My application provided an
3 account of my first-hand experience with the recruiter who falsely pitched to me that going to
4 ITT would guarantee a high paying job in the technology sector.

5 7. The Denial Notice says “ [y]ou allege that ITT Technical Institute engaged in
6 misconduct related to Insufficient Evidence. This allegation fails for the following reason(s):
7 Insufficient Evidence.” Because the Denial Notice is listing the reason for denial as the title of
8 the claim, I do not know how to respond or why my claim was denied.

9 8. The Denial Notice says that my Application provided insufficient evidence that
10 ITT engaged in misconduct related to Transferring Credits. I provided a first-hand account of
11 being told that ITT credits were transferable, and a local community college telling me that ITT
12 credits were useless and that they would not accept them.

13 9. The Denial Notice says that “[y]ou allege that ITT Technical Institute engaged in
14 misconduct related to Career Services. This allegation fails for the following reason(s): Career
15 Services.” Because the Denial Notice is listing the title of the claim as the reason for denial, I do
16 not understand why my claim was denied.

17 10. The Denial Notice says that “You allege that ITT Technical Institute engaged in
18 misconduct related to Educational Services. This allegation fails for the following reason(s):
19 Educational Services.” Because the Denial Notice is listing the title of the claim as the reason for
20 denial, I do not understand why my claim was denied.

21 11. The Denial Notice says “[y]ou allege that ITT Technical Institute engaged in
22 misconduct related to Admissions and Urgency to Enroll. This allegation fails for the following
23 reason(s): Admissions and Urgency to Enroll.” Because the Denial Notice is listing the title of
24 the claim as the reason for denial, I do not understand why my claim was denied.

25 12. The Denial Notice says that my Application failed to state a legal claim that ITT
26 engaged in misconduct related to “other.”

27 13. The Denial Notice does not respond to any of the claims I made or information I
28 provided.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

14. The Denial Notice states that evidence was considered from the following sources: the Consumer Financial Protection Bureau; evidence obtained by the Department in conjunction with its regular oversight activities; IA Attorney General's Office; MA Attorney General's Office; NM Attorney General's Office; Transcript of Testimony of ITT Tech Recruiter before the National Advisory Council on Institutional Quality and Integreity; Materials compiled by ITT Tech's accreditor, the Accrediting Council for Independent Colleges and Schools (ACICS); materials compiled by non-profit group, Veterans Education Success (VES); Materials prepared by ITT Educational Services, Inc.

15. The Denial Notice does not explain why this evidence was deficient. I believe that these materials establish that ITT engaged in widespread fraud and misconduct, which makes me wonder if the Department even reviewed them.

16. I am concerned that in response to the class action settlement in this case, decisions are being made on applications without having actually reviewed and considered each individual application. I feel these denials are being rubber stamped and that the Department has not taken the time to consider and analyse the merits of each decision.

17. The notification of denial states that I may ask for reconsideration. I am unsure of what additional information I could possibly submit. I also cannot tell what evidence I submitted was considered and was found to be deficient.

I swear under penalty of perjury that the foregoing is true.

Executed on: August 17, 2020
Oakland, CA

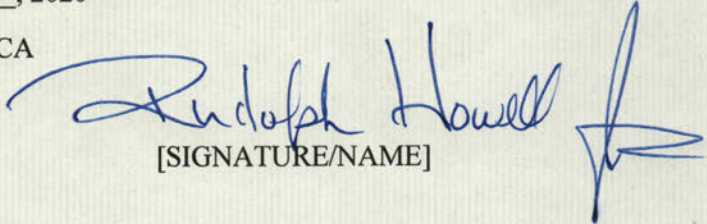

[SIGNATURE/NAME]

EXHIBIT A



U.S. DEPARTMENT OF EDUCATION APPLICATION FOR BORROWER DEFENSE TO LOAN REPAYMENT

OMB Number: 1845-0146
Expiration Date: 12/31/2019

If your school misled you or engaged in other misconduct, you may be eligible for "borrower defense to repayment," which is the forgiveness of some or all of your federal student loan debt.

FORM INSTRUCTIONS: To apply, you must complete, sign, and submit this form to the U.S. Department of Education for review.

You may attach additional documents, such as transcripts, enrollment agreements, and promotional materials from your school. Once completed, please submit this form and any additional documents you believe will help us review your application by email to BorrowerDefense@ed.gov or mail to US Department of Education - Borrower Defense to Repayment, PO Box 1854, Monticello, KY 42633.

Fields marked with an asterisk (*) are required for your application to be considered complete.

SECTION I: BORROWER INFORMATION

Please provide contact information for the borrower:

*Name (First, Middle, Last) Rudolph Howell Jr.	*Date of Birth (mm/dd/yyyy) [REDACTED]	*Social Security Number [REDACTED]
*Telephone Number [REDACTED]	*Email Address [REDACTED]	
Street Address [REDACTED]	*City [REDACTED]	*State [REDACTED]
*Zip Code [REDACTED]		

*Are you a PARENT who took out a federal loan on behalf of the student?

Yes No

*If yes, please enter the full name of the student (Last, First, Middle):

*If yes, please enter the student's Social Security Number:

SECTION II: SCHOOL INFORMATION

*School
ITT Technical Institute - San Bernardino Campus

Campus (including on-line campuses for distance education borrowers)
670 E Carnegie Dr

*Location (City, State)
San Bernardino, CA 92408

* Enrollment Dates at this school:
*From (month/year): 9/87 *To (month/year): 9/89

If you are still attending this school/campus, please indicate by checking the box.

Check if the enrollment dates above are approximate, or if you are unsure of them.

If your attendance at the school listed above was not or has not been continuous (for example, from October 2015 to March 2016, then again from August 2016 to November 2016), please describe all dates that you attended.
Approx September 1987 to June 1989

*Program Name or Major (e.g. Nursing, Medical Assistant, Paralegal).

Electronics

Credential/Degree Sought (e.g. Certificate, Diploma, Associates, Bachelors, Masters).

Associates

If you enrolled in multiple programs at the school listed above, please describe all programs that you were enrolled in.

*Current Status at school listed above

Graduated Transferred Out Withdrew Attending

SECTION III: OTHER LOAN REDUCTION OR TUITION RECOVERY REQUESTS

*Have you made any other requests to have your Federal loans forgiven (for example, under a closed school discharge or false certification discharge from the U.S. Department of Education)?

Yes No

*If yes, please describe these other request(s), including the amount of any loan forgiveness that you received, and attach any documentation about the requests, if available.

*Have you made any requests to anyone else to recover tuition amounts that you paid to your school (for example, a lawsuit against the school or a claim made to a tuition recovery program)?

Yes No

*If yes, please describe these other request(s), including the amount of the payment that you received (if any), and attach any documentation about the requests, if available.

SECTION IV. BASIS FOR BORROWER DEFENSE

Answer the questions for each section below that applies to you.

For each section below that applies to you, please provide a **detailed** description of why you believe you are entitled to borrower defense, including the following information:

1. How the school communicated with you, whether in a brochure, online, over the phone, by email, or in person
2. The name/title of people who you believe misled you (if known)
3. What the school told you or failed to tell you.
4. Why you believe you were misled.

Attach any related documents, such as transcripts, enrollment agreements, promotional materials from the school, emails with school officials or your school's manual, or course catalog.

Note: You only need to provide information for the sections below that apply to you, but you must complete at least one section. If you are a Parent PLUS borrower, the word "you" in the following sections also refers to the student.

If you need more space to complete any section, please attach additional pages to your application.

EMPLOYMENT PROSPECTS

Did the school mislead you *(or fail to tell you important information)* about promises of future employment, likelihood of finding a job, eligibility for certification or licensure in your field of study, how many students graduate, and/or earnings after graduation?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

I was 19 years old and ITT recruiter promised high paying career and job placement through an ITT career center. Career center amounted to a cork board with classified ads pinned to it. Employment opportunities were not careers they were minimum wage jobs . ITT promoted top notch Phd professors but education and training were sub-par. Credits were not accepted at any other school and therefore worthless. I could not transfer to any local community college and felt trapped. I became incarcerated and went into default on ITT required student loans and interest accrued for 21 years during my incarceration.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

PROGRAM COST AND NATURE OF LOAN

Did the school mislead you *(or fail to tell you important information)* about how much your classes would cost, how you would pay for your education, the terms of loan repayment, and/or other issues about the cost of your education?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

There was no discussion about loans. I was brought to an office and was told to sign papers to begin my path to a high paying career in the high tech electronic industry. Unsatisfied with the quality of the education I withdrew. Loan payments were becoming due. I did not have the means to pay. I got in trouble as a result of trying to get money to live and pay loans. I received a 25 year sentence and interest accrued my whole incarceration.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

TRANSFERRING CREDITS

Did the school mislead you *(or fail to tell you important information)* about transferring your credits from this school to other schools?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

ITT staff assured me that credits were transferable to any college in the U.S. When I went to spoke with a Chaffey College counselor I was told that ITT's accreditation was not recognized at Chaffey college. I told ITT staff member what Chaffey College counselor said and he said he would speak to them on my behalf and get to the bottom of it. I never heard anything again. After realizing that nothing was being done I withdrew. Out of economic necessity and scared of going into default I got into trouble and became incarcerated for 25 years.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

CAREER SERVICES

Did the school mislead you *(or fail to tell you important information)* about the availability or quality of job placement, career services assistance, or the school's connections to employers within your field of study?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

ITT recruiter boasted of part-time job placement in the electronic industry while attending ITT because of ITT network with electronic industry employers. No such thing was true. ITT Career Center was a cork board with classified ads. Frustrated with the realization that everything about ITT was sub-par, I needed money and acted irrationally and got in trouble that led to a 25 yr prison sentence for a 1st offense. I could not repay loans and went into default without any notification from loan agencies. Interest accrued for 21 years.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

EDUCATIONAL SERVICES

Did the school mislead you *(or fail to tell you important information)* about educational services, such as the availability of externships, qualifications of teachers, instructional methods, or other types of educational services?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

ITT recruiter boasted of top notch Phd professors. Also, that ITT had top notch network of electronic industry employers. Professors were recovering unorganized alcoholics. Financial harm came from already taking out loans then realizing that I should have went to a community college.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

ADMISSIONS AND URGENCY TO ENROLL

Did the school mislead you *(or fail to tell you important information)* about the importance of enrolling immediately, the consequences of failure to enroll, how difficult it was to be admitted, or anything else about the admission process?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

ITT recruiter hounded me with phone calls and the urgency of getting started before the job market becomes saturated and the opportunity for economic advancement was lost. The main part of enrolling was making sure student loan paper work was completed. The checks would go to the office, you are called in to sign it and enrollment was official.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

OTHER

Do you have any other reasons relating to your school that you believe qualify you for borrower defense, such as your school failing to perform its obligations under its contract with you, or that there is a judgment against your school in a Federal court, a State court, or in front of an administrative board or that you believe that you have a state law cause of action against the school?

Yes No

Is there some other reason you feel your school misled you?

Yes No

If yes, you must provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

ITT had a great front. In the late 80's personal computing and electronic were just coming into prominence. ITT recruiters targeted low income minorities with promises of grandeur of being in the lead for tech careers. It was all lies and empty promises. The problem is there was no way to know before signing up for student loans. Student loans were just part of the process. It is not until months after signing over the checks that inconsistency in education and professor turn over is noticed. And when brought up to staff, assurances are made but no corrective action taken on any issue. ITT didn't care because they already got your money.

*Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

SECTION V: FORBEARANCE/STOPPED COLLECTIONS

If you are not currently in default on your federal student loans, you may request to have them placed into **forbearance** status while your application is under review. **Forbearance means that you do not have to make loan payments and your loans will not go into default.** Forbearance will continue until the borrower defense review process of your application is completed. Your servicer will notify you when your loans have been placed into forbearance status.

If your federal student loans are in **default**, you may request to have debt collection on your loan stopped ("**stopped collections status**"). **This means that the federal government or debt collection companies will stop attempting to collect on the loans, including by not withholding money from your wages or income tax refunds.** Stopped collections status will continue until the borrower defense review process of your application is completed.

Please see the "Common Questions and Answers Regarding Forbearance/Stopped Collections" section on the Borrower Defense website (<https://studentaid.ed.gov/borrower-defense>) if you have any questions regarding choosing to enter forbearance or stopped collections.

Note that interest will continue to accumulate on federal loans regardless of what status they are in, including subsidized loans. If your application for borrower defense is denied, or partially approved, the total amount you owe on those loans may be higher.

PLEASE NOTE: You do not have to place your loans in forbearance or stopped collections to apply for borrower defense relief.

For the most current information with regard to your rights and obligations regarding forbearance and stopped collections, please visit the Borrower Defense website at <https://studentaid.gov/borrower-defense>.

*Are you requesting forbearance/stopped collections?

- Yes, I want all of my federal loans currently in repayment to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue.
- No, I do not want all of my federal loans currently in repayment to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue and that I must continue to make loan payments.

If you do not select one of the options immediately above, your federal loans currently in repayment will automatically be placed into forbearance and collections will stop for any defaulted loans, and the Department will request forbearance for any commercially held Federal Family Education Loan (FFEL) program loans currently in repayment and for debt collection to stop for any defaulted, commercially held FFEL program loans that you have currently (*as applicable*).

SECTION VI. CERTIFICATION

By signing this attestation I certify that:

All of the information I provided is true and complete to the best of my knowledge. Upon request, I agree to provide to the U.S. Department of Education information that is reasonably available to me that will verify the accuracy of my completed attestation.

I agree to provide, upon request, testimony, a sworn statement, or other documentation reasonably available to me that demonstrates to the satisfaction of the U.S. Department of Education or its designee that I meet the qualifications for borrower defense.

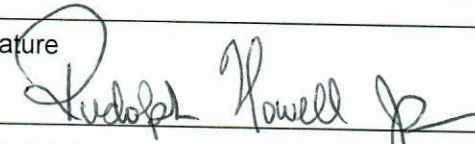
I certify that I received proceeds of a federal loan, in whole or in part, to attend the school/campus identified in Section II (above).

I understand that if my application is approved and some or all of my loans are forgiven, I am assigning to the U.S. Department of Education any legal claim I have against the school for those forgiven loans. By assigning my claims, I am effectively transferring my interests in any claim that I could make against the school relating to the forgiven loans (including the ability to file a lawsuit over those forgiven loans and any money ultimately recovered in compensation for those forgiven loans in court or other legal proceedings) to the U.S. Department of Education. I am not assigning any claims I may have against the school for any other form of relief --including injunctive relief or damages related to private loans, tuition paid out-of-pocket, unforgiven loans, or other losses.

I understand that the U.S. Department of Education has the authority to verify information reported on this application with other federal or state agencies or other entities. I authorize the U.S. Department of Education, along with its agents and contractors, to contact me regarding this request at the phone number above using automated dialing equipment or artificial or prerecorded voice or text messages.

I understand that any rights and obligations with regard to borrower defense to repayment are subject to the provisions currently in effect under Title 34 of the Code of Federal Regulations.

I understand that if I purposely provided false or misleading information on this application, I may be subject to the penalties specified in 18 U.S.C. § 1001, including fines. I understand that I may be asked to confirm the truthfulness of the statements in this application to the best of my knowledge under penalty of perjury.

*Signature 	Date 9/10/2019
---	-------------------

Submit this form and any additional documents you believe will help us review your application by email to BorrowerDefense@ed.gov or by mail to: U.S. Department of Education - Borrower Defense to Repayment, PO Box 42633, Monticello, KY 42633.

PRIVACY ACT NOTICE

Information required by subsection (e)(3) of the *Privacy Act of 1974*, as amended (*Privacy Act*) (5 U.S.C. 552a(e)(3)) requires the following notice be provided to you:

The authorities for collecting the requested information from and about you are Section 455(h) of the *Higher Education Act of 1965*, as amended (*HEA*) (20 U.S.C. 1087e(h)) and 34 C.F.R. § 685.206(c) and the authorities for collecting and using your Social Security Number (SSN) are the same but also include 31 U.S.C. 7701(b). The primary purpose of the information collected is for the use and administration of the U.S. Department of Education's office of Federal Student Aid (ED/we) for borrower defense to loan repayment program. The information you provide ED on this form and your SSN are voluntary, but you may need to provide the requested information on this form, including your SSN and/or a Federal Student Aid ID (FSA ID) that provides ED your verified SSN and other individual information pertaining to a student's or parent's Student Financial Assistance Programs account(s), for ED to process or complete our review of your borrower defense to loan repayment application. You may submit a form without your SSN or an FSA ID by filling out a form and sending it to ED via email or physical mail because disclosure of the information requested on this form is voluntary. However, without providing all the requested information on this form, ED may not be able to conduct a full investigation and complete the review of your application.

We use the information that you provided on this form including your name, SSN, date of birth, address, email address, telephone number(s), and / or an FSA ID, to receive, review, evaluate, and process requests for relief under the borrower defense to loan repayment regulations, to render decisions on the merits of such requests for relief, and, where requests for borrower defense to loan repayment are successful, to determine the relief that is appropriate to borrowers under the circumstances as well as to initiate appropriate proceedings to require schools whose acts or omissions resulted in the successful defenses against repayment to pay ED the amounts of the loans that apply to the defenses. Without your consent, ED may disclose the information that you provided and as otherwise allowed by the *Privacy Act*, pursuant to the routine uses identified in the system of records notice (SORN) entitled "Customer Engagement Management System (CEMS)" (18-11-11) and published in the Federal Register as [83 FR 27587-27591 \(June 13, 2018\)](#). These routine uses include, but are not limited to, a routine use that permits ED to disclose your information to foreign agencies, Federal agencies, State agencies, Tribal, or local agencies, accreditors, schools, lenders, guaranty agencies, servicers, and private collection agencies when further information is relevant to ED's resolution of your complaint, request, or other inquiry, tracking your application or your inquiry, and, where a request for borrower defense to loan repayment is successful, to determine the relief that is appropriate under the circumstances as well as to initiate the appropriate proceeding to require the school whose acts or omissions resulted in the successful defense against loan repayment to pay ED the amount of the loan that apply to the defenses. We may use your information for reporting, analyzing the data to make recommendations in student financial assistance programs, and assisting in the informal resolution of disputes. Disclosure of relevant information also may be made to the responsible foreign, Federal, State, Tribal or local agencies charged with investigating or prosecuting a violation or potential violation of law in the event that information indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority.

In the event of litigation or alternative dispute resolution (ADR) involving ED or that we have an interest in and if that a party is either any component of ED, any ED employee in his or her official capacity, any ED employee in his or her individual capacity where representation for the employee has been requested or has been agreed to by ED or the Department of Justice (DOJ), or the United States where ED determines that the litigation is likely to affect ED or any of its components, we may disclose your information to DOJ, a court, adjudicative body, a person or an entity designated by ED or otherwise empowered to resolve or mediate disputes, or a counsel, party, representative, or witness if the disclosure is relevant and necessary to the litigation or ADR. ED also may disclose your information to DOJ to the extent necessary for obtaining DOJ's advice on any matter relevant to an audit, inspection, or other inquiry. We may send information to members of Congress if you ask them to help you with federal student aid or Student Financial Assistance Programs account(s) questions. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. As part of such a contract, we will require the contractor to maintain safeguards to protect the security and confidentiality of the records that are disclosed to the contractor. If a record is relevant and necessary to a borrower complaint regarding participants in any Federal Student Financial Assistance Programs under title IV of the *HEA*, ED may disclose a record only during the course of

processing, reviewing, investigating, fact-finding, or adjudicating the complaint to: any party to the complaint; the party's counsel or representative; a witness; or a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter. ED also may disclose records to the DOJ or Office of Management and Budget (OMB) if ED concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the *Freedom of Information Act (FOIA)* or the *Privacy Act*. ED may disclose your information to appropriate agencies, entities, and persons when ED suspects or has confirmed that there has been a breach of the system maintaining your information; which poses a risk of harm to individuals, ED (including its information systems, programs, and operation), the Federal agencies, or national security and the disclosure made to such agencies, entities, and persons is reasonably necessary to assist ED's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm. ED also may disclose your information to another Federal agency or Federal entity, when ED determines that your information is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal agencies, or national security, resulting from a suspected or confirmed breach.

PAPERWORK REDUCTION ACT NOTICE

According to the *Paperwork Reduction Act of 1995*, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-0146. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit (20 U.S.C. 1087e(h)). If you have comments or concerns regarding the status of your individual submission of this application, please contact BorrowerDefense@ed.gov directly.

EXHIBIT B



Borrower defense discharge ineligibility information for you [ref: 00Dt0Gyiq. 500t0MDVCE:ref]1 message



6/11/2020

Borrower Defense Application [REDACTED]

Dear RUDOLPH HOWELL JR

The U S Department of Education (ED) has completed its review of your application under the applicable Borrower Defense to Repayment regulations for discharge of your William D Ford Federal Direct Loans (Direct Loans) made in connection with your or your child's enrollment at ITT Technical Institute "You" as used here should be read to include your child if you are a Direct PLUS Loan borrower who requested a discharge for loans taken out to pay for a child's enrollment at ITT Technical Institute. ED has determined that your application is ineligible for relief based on review of the facts of your claim and the regulatory criteria for relief; this decision means that your Direct Loans will not be discharged ED explains the reasons below

Applicable Law

For Direct Loans first disbursed prior to July 1, 2017, a borrower may be eligible for a discharge (forgiveness) of part or all of one or more Direct Loans if the borrower's school engaged in acts or omissions that would give rise to a cause of action against the school under applicable state law. See § 455(h) of the Higher Education Act of 1965, as amended, 20 U S C § 1087e(h), and 34 C.F.R. § 685.206(c) and 685.222 (the Borrower Defense regulations) ED recognizes a borrower's defense to repayment of a Direct Loan only if the cause of action directly relates to the Direct Loan or to the school's provision of educational services for which the Direct Loan was provided. 34 C.F.R. §§685.206(c)(1), 685.222(a)(5); U.S. Department of Education, Notice of Interpretation, 60 Fed Reg 37,769 (Jul. 21, 1995).

Why was my application determined to be ineligible?

ED reviewed your borrower defense claims based on any evidence submitted by you in support of your application, your loan data from

National Student Loan Data System (NSLDS®), and evidence provided by other borrowers.

Allegation 1: Employment Prospects

You allege that ITT Technical Institute engaged in misconduct related to Employment Prospects. This allegation fails for the following reason(s): Insufficient Evidence.

Your claim for relief on this basis therefore is denied.

Allegation 2: Insufficient Evidence

You allege that ITT Technical Institute engaged in misconduct related to Insufficient Evidence. This allegation fails for the following reason(s): Insufficient Evidence.

Your claim for relief on this basis therefore is denied.

Allegation 3: Transferring Credits

You allege that ITT Technical Institute engaged in misconduct related to Transferring Credits. This allegation fails for the following reason(s): Insufficient Evidence.

Your claim for relief on this basis therefore is denied.

Allegation 4: Career Services

You allege that ITT Technical Institute engaged in misconduct related to Career Services. This allegation fails for the following reason(s): Career Services.

Your claim for relief on this basis therefore is denied.

Allegation 5: Educational Services

You allege that ITT Technical Institute engaged in misconduct related to Educational Services. This allegation fails for the following reason(s): Educational Services.

Your claim for relief on this basis therefore is denied.

Allegation 6: Admissions and Urgency to Enroll

You allege that ITT Technical Institute engaged in misconduct related to Admissions and Urgency to Enroll. This allegation fails for the following reason(s): Admissions and Urgency to Enroll.

Your claim for relief on this basis therefore is denied.

Allegation 7: Other

You allege that ITT Technical Institute engaged in misconduct related to Other. This allegation fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

What evidence was considered in determining my application's ineligibility?

We reviewed evidence provided by you and other borrowers who attended your school. Additionally, we considered evidence gathered from the following sources:

- Consumer Financial Protection Bureau (CFPB)
- Evidence obtained by the Department in conjunction with its regular oversight activities
- IA Attorney General's Office
- MA Attorney General's Office
- NM Attorney General's Office
- Transcript of Testimony of ITT Tech Recruiter before the National Advisory Council on Institutional Quality and Integrity (NACIQI) (June 23, 2016).
- Materials compiled by ITT Tech's accreditor, the Accrediting Council for Independent Colleges and Schools (ACICS).
- Materials compiled by non-profit group, Veterans Education Success (VES).
- Materials prepared by ITT Educational Services, Inc.

What if I do not agree with this decision?

If you disagree with this decision, you may ask ED to reconsider your application. To submit a request for reconsideration, please send an email with the subject line "Request for Reconsideration [ref: [Redacted]:ref]" to BorrowerDefense@ed.gov or mail your request to U.S. Department of Education, P.O. Box 1854, Monticello, KY 42633. In your Request for Reconsideration, please provide the following information:

1. Which allegation(s) you believe that ED incorrectly decided;
2. Why you believe that ED incorrectly decided your borrower defense to repayment application; and
3. Identify and provide any evidence that demonstrates why ED should approve your borrower defense to repayment claim under the applicable law set forth above.

ED will not accept any Request for Reconsideration that includes new allegations. If you wish to assert allegations that were not included in your application, please see the following section. Additionally, your loans will not be placed into forbearance unless your request for reconsideration is accepted and your case is reopened. Failure to begin or resume repayment will result in collection activity, including administrative wage garnishment, offset of state and federal payments you may be owed, and litigation. For more information about the reconsideration process, please

contact our borrower defense hotline at 1 855 279 6207 from 8 a.m. to 8 p.m. Eastern time (ET) on Monday through Friday.

Can I apply for borrower defense if I have additional claims?

If you wish to file a new application regarding acts or omissions by the school other than those described in borrower defense application [Case Number], please submit an application at StudentAid.gov/borrower-defense. In the new application, you should explain in the relevant section(s) the basis for any new borrower defense claim(s) and submit all supporting evidence.

What should I do now?

Because your borrower defense to repayment application was found to be ineligible, you are responsible for repayment of your loans. ED will notify your servicer(s) of the decision on your borrower defense to repayment application within the next 15 calendar days, and your servicer will contact you within the next 30 to 60 calendar days to inform you of your loan balance. Further, if any loan balance remains, the loans will return to their status prior to the submission of your application. If your loans were in forbearance as a result of your borrower defense to repayment application, the servicer will remove those loans from forbearance. ***See COVID 19 Note below.**

If your loans are in default and are currently in stopped collections, your loans will be removed from stopped collections. Failure to begin or resume repayment could result in collection activity such as administrative wage garnishment, offset of state and federal payments that you may be owed, and litigation. ***See COVID-19 Note below.**

While normally interest would not be waived for unsuccessful borrower defense applications, given the extended period of time it took ED to complete the review of this application, the Secretary is waiving any interest that accrued on your Direct Loans from the date of the filing of your borrower defense application to the date of this notification. Your servicer will provide additional information in the coming months regarding the specific amount of interest adjusted. ***See COVID-19 Note below.**

***COVID-19 Note:** On March 27, 2020, the president signed the *CARES Act*, which, among other things, provides broad relief in response to the coronavirus disease 2019 (COVID-19) for federal student loan borrowers whose loans are owned by ED. For the period March 13, 2020, through September 30, 2020, the interest rate on the loans will be 0% and no payments will be required. During this same period for defaulted borrowers, all proactive collection activities, wage garnishments, and Treasury offsets will be stopped. Your federal loan servicer will answer any questions you have about your specific situation. In addition, Federal Student Aid's COVID 19 information page for students, borrowers, and parents is located at StudentAid.gov/coronavirus. Please visit the page regularly for updates.

What if I have another pending borrower defense application?

If you have additional pending borrower defense to repayment applications, this information applies to you:

- If your loans associated with an additional borrower defense to repayment application that is still pending are in forbearance or another status that does not require you to make payments, your loans will remain in forbearance or that other status. Similarly, if your loans associated with that borrower defense application are in default and you are currently in stopped collections, those loans will remain in stopped collections
- If you are unsure if you have additional pending applications, or if you would like to check on the status of your loans associated with an additional application, contact our borrower defense hotline at 1-855 279 6207 from 8 a m to 8 p m ET on Monday through Friday

ED offers a variety of loan repayment options, including the standard 10-year repayment plan, as well as extended repayment, graduated repayment, and income-driven repayment plans. For more information about student loan repayment options, visit [StudentAid.gov/plans](https://studentaid.gov/plans). If you have questions about the status of your loans or questions about repayment options, please contact your servicer(s). If you do not know the name of your federal loan servicer, you may go to StudentAid.gov to find your servicer and view your federal loan information.

Sincerely,

U S Department of Education
 Federal Student Aid

Federal Student Aid
AN OFFICE of the U.S. DEPARTMENT of EDUCATION

830 First Street, NE, Washington, D.C. 20202
StudentAid.gov/borrower-defense

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA SWEET, CHENELLE
ARCHIBALD, DANIEL DEEGAN,
SAMUEL HOOD, TRESA APODACA,
ALICIA DAVIS, and JESSICA JACOBSON
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

ELISABETH DEVOS, in her official
capacity as Secretary of the United States
Department of Education,

And

THE UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Case No.: 19-cv-03674-WHA

AFFIDAVIT OF SEAN [REDACTED]

I, Sean [REDACTED] state as follows:

1. I am submitting this affidavit in relation to the above-captioned case.
2. I borrowed federal student loans in order to attend Academy of Art University in San Francisco, California.
3. On September 6, 2016, I submitted a borrower defense application to the United States Department of Education ("Application"), via e-mail, asking for these loans to be cancelled. A copy of that Application, with personal information redacted, is attached as Exhibit A.
4. On October 20, 2018, I submitted a second Application, via the Department of Education's website, asking for these loans to be cancelled. In this second Application, I

1 included the same attachments I included in my first Application, *see* Ex. A, and a copy
2 of the first Application. *See* Ex. A. A copy of my second Application, with personal
3 information redacted, is attached as Exhibit B.

4 5. On June 29, 2020, I received correspondence from the Department of Education,
5 stating that my claim had been denied ("Denial Notice"). A copy of that Denial Notice,
6 with personal information redacted, is attached as Exhibit C.

7 6. In between the time that I first submitted an application for loan cancellation and
8 when I received the notification of denial, my federal student loans have been in
9 forbearance.

10 7. The Denial Notice that I received from the Department states "failure to state a
11 claim" as the reason for denying my allegations regarding "employment prospects,"
12 "transferring credits," "program cost and nature of loans," "career services," and
13 "educational services." *See* Ex. B.

14 8. I do not understand how all of the evidence that I submitted failed to state a legal
15 claim and I do not know what "failure to state a legal claim" means. My applications
16 were as detailed as they could be, and the Denial Notice I received does not respond to
17 any of the information I provided in my Applications.

18 9. The Denial Notice states that I may ask for reconsideration. I am unsure of what
19 additional information I could possibly submit. I also cannot tell what evidence I
20 submitted was considered and was found to be deficient.

21 10. On June 29, 2020, the same day I received the Denial Notice, I e-mailed the
22 Borrower Defense Unit, and my senators, asking for more information regarding my
23 denial. I specifically asked for all the documents and evidence showing and supporting
24 the Department's decision in denying my claim. A copy of that e-mail and the response,
25 with personal information redacted, is attached as Exhibit D.

26 11. On June 30, 2020, I received a response to my e-mail from the Borrower Defense
27 Unit. The response said "We are reaching out to you, regarding your application for
28

1 borrower defense. Our office does not have access to this documentation, we just have
2 access to the letter that was sent to you. If you wanting that documentation you would
3 need to fill a Freedom of Information Act on FOIA.gov." See Ex. D.

4 12. I don't understand how the Borrower Defense Unit does not have "access to [the]
5 documentation" that was used to deny my claim. If they do not have it, then I do not
6 know who would. They would have to have the documentation to deny my claim.

7 13. I am upset that I waited over four years to get a decision, and it seems like the
8 Department did not even read my Applications, and just gave me a template response.

9
10 I swear under penalty of perjury that the foregoing is true and correct.

11
12 Executed on: August 19, 2020

13 Los Angeles, California

14
15 
16 Sean 

17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

[REDACTED]

Subject: FW: Borrower Defense to Repayment - Academy of Art University - [REDACTED], Sean
Attachments: Spring2013.pdf; Summer2011.pdf; Spring2011.pdf

From: Sean [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, August 18, 2020 4:44 PM
To: [REDACTED]
Subject: Fwd: Borrower Defense to Repayment - Academy of Art University - [REDACTED] Sean

Sean [REDACTED]
[REDACTED]

----- Forwarded message -----

From: Sean [REDACTED]
Date: Tue, Sep 6, 2016 at 10:59 PM
Subject: Borrower Defense to Repayment - Academy of Art University - [REDACTED], Sean
To: <FSAOperations@ed.gov>

To Whom It May Concern:

I wish to assert a borrower defense to repayment based on being among defrauded by for-profit and real estate powerhouse, Academy of Art University. During my attendance I heard a lot of discouraging comments but I tried to stay positive because I wanted to be in advertising. I put AAU in my resume while I looked for entry-level agency jobs. After noticing the reports on their bad practices, I wanted no part in it and removed AAU from my resume. The result? I finally was able to be taken seriously and got a job because I removed any kind of affiliation with them. In addition to the poor quality curriculum, the absurd rising costs didn't match their value. I was experiencing their shady sales tactics on top of reading about them. It was the last straw. I finally took peers', others in the ad industry's, and the general public's advice and stopped attendance. Even worse, none of the credits earned and paid for, are transferrable. Is any of this fair? No.

Ultimately, I didn't get what was advertised and I'm left with crippling debt from a school that doesn't get respect nor the jobs their graduates were promised. I can't even mention being associated with them, let alone having attended. As a result of the ups and downs of trying to refinance repayment, I've acquired more debt just trying to make ends meet. Please consider forgiving the unwarranted debt from loans for AAU. It's truly unjust.

Name: Sean [REDACTED]
DOB: [REDACTED]
Last 4 of SSN: XXXX
Home Address: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]
School: Academy of Art University
Location: San Francisco, CA
Program of study/degree sought: MFA Advertising

Dates of enrollment: 2011-2013

Examples of failures and misconduct:

<http://www.forbes.com/sites/katiasavchuk/2016/05/06/san-francisco-sues-for-profit-academy-of-art-university-for-illegal-conversion-of-23-buildings/#4129faaa17d2>

<http://observer.com/2015/08/for-profit-arts-school-in-san-francisco-under-fire/>

http://sfist.com/2015/08/19/forbes_comes_after_academy_of_art_t.php

http://www.huffingtonpost.com/2012/07/13/academy-of-art-fraud_n_1672162.html

<http://www.sfgate.com/education/article/Academy-of-Art-financial-aid-fraud-alleged-3703847.php>

<http://www.forbes.com/sites/katiasavchuk/2016/05/06/san-francisco-sues-for-profit-academy-of-art-university-for-illegal-conversion-of-23-buildings/#4129faaa17d2>

About Low graduation rates:

<http://www.gradreports.com/colleges/academy-of-art-university>

Thank you for taking the time to read.

Sincerely,

Sean [REDACTED]

--
[REDACTED]



Home

Classes



Sean [redacted]
Advertising

- [Profile](#)
- [Portal](#)
- [Grades](#)
- [Homework Help](#)

ENROLLMENTS

Semester: Spring 2013

[Homework Help](#)

	ADV 604 OL1: MS: Copywriting Techniques		Final Grade: B-	All Modules Closed
Grades				
			Enter Class	
	GLA 713 OL1: Creative Writing		Final Grade: B-	All Modules Closed
Grades				
			Enter Class	

ONLINE HELP DESK

Phone 1-888-431-ARTS (2787) or 415-618-3545

Email: online@academyart.edu

Online Help Desk

The Online Help Desk is here to assist you 24 hours a day, 7 days a week. If you need any technical assistance pertaining to your online classes, please don't hesitate to contact us.



Sean (ADV) September 06, 2016

PORTAL | PROFILE | ENROLLMENTS | | | HELP | LOGOUT



Home

Classes



Sean [redacted]
Advertising

- Profile
- Portal
- Grades
- Homework Help

ENROLLMENTS

Semester: Summer 2011

[Homework Help](#)



ADV 622 OL1: MS: Perspectives in Advertising



Final Grade: C

All Modules Closed

[Grades](#)



Enter Class



ADV 623 OL1: MS: Account Planning



Final Grade: B-

All Modules Closed

[Grades](#)



Enter Class

[Home](#) | [Portal](#) | [Privacy & Terms](#) | [Help](#) | [Logout](#)

79 New Montgomery Street, San Francisco, CA 94105-3410 | Telephone: 800.544.2787

ONLINE HELP DESK

Phone 1-888-431-ARTS (2787) or 415-618-3545

Email: online@academyart.edu

Online Help Desk

The Online Help Desk is here to assist you 24 hours a day, 7 days a week. If you need any technical assistance pertaining to your online classes, please don't hesitate to contact us.



©2016 Academy of Art University

Sean (ADV) September 06, 2016

PORTAL | PROFILE | ENROLLMENTS |  |  | HELP | LOGOUT

ACADEMY of ART UNIVERSITY

ONLINE EDUCATION



Home

Classes



Sean [redacted]
Advertising

[Profile](#)
[Portal](#)
[Grades](#)
[Homework Help](#)

ENROLLMENTS

Semester:

[Homework Help](#)

	ADV 603 OL1: MS: Advertising Survey		Final Grade: B-	All Modules Closed
Grades			<input type="text" value=""/> <input type="button" value="Enter Class"/>	
	ADV 605 OL1: MS: Digital Graphics		Final Grade: B+	All Modules Closed
Grades			<input type="text" value=""/> <input type="button" value="Enter Class"/>	
	GS 602 OL9: The Art & Ideology of the 20th Century		Final Grade: A-	All Modules Closed
Grades			<input type="text" value=""/> <input type="button" value="Enter Class"/>	
	LA 25 OL41: Online Sample Class			
			<input type="text" value=""/> <input type="button" value="Enter Class"/>	

[Home](#) | [Portal](#) | [Privacy & Terms](#) | [Help](#) | [Logout](#)

79 New Montgomery Street, San Francisco, CA 94105-3410 | Telephone: 800.544.2787

ONLINE HELP DESK

Phone 1-888-431-ARTS (2787) or 415-618-3545

Email: online@academyart.edu

Online Help Desk

The Online Help Desk is here to assist you 24 hours a day, 7 days a week. If you need any technical assistance pertaining to your online classes, please don't hesitate to contact us.



©2016 Academy of Art University

EXHIBIT B

[ENGLISH \(?language=en_US\)](#) | [ESPAÑOL \(?language=es\)](#)

[LOG OUT](#)



PROUD SPONSOR of the AMERICAN MIND

U.S DEPARTMENT OF EDUCATION APPLICATION FOR BORROWER DEFENSE TO LOAN REPAYMENT

[SAVE & EXIT](#)

1	2	3	4	5	6 SECTION VI : CERTIFICATION
---	---	---	---	---	------------------------------

SECTION I: BORROWER INFORMATION

[Edit](#)

First Name: Sean

Middle Name:

Last Name:

Date of Birth (MM/DD/YYYY):

Social Security number (XXX-XX-XXXX): Show SSN

Telephone Number (#-###-###-####):

Email Address:

Street Address:

City:

State: CA

Zip Code:

Are you a PARENT who took out a federal loan on behalf of the student?

Yes No

Please enter the full name of the student and his/her Social Security number:
N/A

Is your application based on an allegation that a Corinthian College (Everest, WyoTech, and/ or Heald) misrepresented job placement rates to you and your first date of attendance at that school was on or after July 1, 2010?

Yes No

SECTION II: SCHOOL INFORMATION

Edit

School: Academy of Art University

Campus (including online campuses for distance education on borrowers): Online

City: San Francisco

State: CA

Enrollment Dates at this School (MM/DD/YYYY):

From: 01/01/2011

To: 12/31/2013

Still Enrolled

Check if the enrollment dates are approximate, or if you are unsure of them.

If your attendance at the school listed above was not or has not been continuous (for example, from October 2015 to March 2016, then again from August 2016 to November 2016), please describe all dates that you attended:

Program or Major: Advertising

Credential: Master

If you enrolled in multiple programs at the school listed above, please describe all programs that you were enrolled in:

Current status at school:

Attending Withdrew Transferred Out Graduated

SECTION III: OTHER LOAN REDUCTION OR TUITION RECOVERY REQUESTS

Edit

Have you made any other requests to have your federal loans forgiven (for example, under a closed school discharge or false certification discharge from the U.S. Department of Education)?

Yes No

Please describe these other request(s), including the amount of any loan forgiveness that you received, and attach any documentation about the requests, if available:

I've emailed (because this was the original way to ask for a Borrower Defense to Repayment) and sent a pdf form online many times with no response.

Have you made any other requests to recover tuition amounts that you paid to your school (for example, a lawsuit against the school or a claim made to a tuition recovery program)?

Yes No

SECTION IV: BASIS FOR BORROWER DEFENSE

Edit

Answer the questions for each section below that applies to you.

For each section below that applies to you, please provide a detailed description of why you believe you are entitled to borrower defense, including the following information:

- what the school told you or failed to tell you;
- how the school communicated with you, whether in a brochure, online, over the phone, by email, or in person;
- the name/title of people who you believe misled you (if known); and
- why you believe you were misled.

Attach any related documents, such as transcripts, enrollment agreements, promotional materials from the school, emails with school officials, or your school's manual or course catalog.

- Spring2011.pdf - 318.86 KB
- Spring2013.pdf - 230.32 KB
- Summer2011.pdf - 302.52 KB
- Borrower Defense to Repayment - Academy of Art University - [redacted] Sean - [redacted] Gmail - Sept 6 2016 copy.pdf - 66.04 KB

Note: You only need to provide information for the sections below that apply to you, but you must complete at least one section. If you are a parent PLUS borrower, the word "you" in the following sections also refers to the student.

EMPLOYMENT PROSPECTS

Did the school mislead you (or fail to tell you important information) about promises of future employment, likelihood of finding a job, eligibility for certification or licensure in your field of study, how many students graduate, and/or earnings after graduation?

- Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

That their graduates get industry jobs. They have an extremely low graduation rate and those who do end up in massive debt and without jobs that can actually pay back that debt.
For example, someone in graphic design employed at Kinko's counts as employed.
I spiraled into debt trying to pay it back and eventually becoming bi-polar, then manic/major depression and filing bankruptcy after being unable to work for more than a year. I now have to slowly return to work at the recommendation of my doctors, which means I will not be able to pay the loan realistically and indefinitely.
Brochure, online, and all forms of marketing.

Did you choose to enroll in your school based in part on the issues you describe above?

- Yes No

PROGRAM COST AND NATURE OF LOANS

Did the school mislead you (or fail to tell you important information) about how much your classes would cost, how you would pay for your education, the terms of loan repayment, and/or other issues about the cost of your education?

- Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

That many students attend on loans. This implied that it's not a big deal and that there'll be a way to pay them off since most student who go there pay with loans.

This implied that it's not a big deal and that there'll be a way to pay them off since most student who go there pay with loans.

I discovered after a year and a half that the quality was not up to par and seemed below average. On top of that, the credits are not transferrable. I dropped after noticing that if I put on my resume that I was a current student I would not get a call back. When I removed it, I got more call backs and landed a job. I lost money and time from being associated with the school because of their shady practices in the news. Phone, in person, email and online.

Did you choose to enroll in your school based in part on the issues you describe above?

- Yes No

TRANSFERRING CREDITS

Did the school mislead you (or fail to tell you important information) about transferring your credits from this school to other schools?

- Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

They never mentioned that I could not transfer.

Not mentioning it seems to trap you after finding out the scams, bad press, and poor quality of education.

Lost time and money.

Phone, in person, email and online.

Did you choose to enroll in your school based in part on the issues you describe above?

- Yes No

CAREER SERVICES

Did the school mislead you (or fail to tell you important information) about the availability or quality of job placement, career services assistance, or the school's connections to employers within your field of study?

- Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

That their grads get industry jobs. They failed to tell me that their graduation rate is EXTREMELY LOW and on top of that the grads who do get jobs get awful job placement with terrible pay. They are unable to pay back their loans.
They did not mention the low grad rate (due to poor education quality) and the job placement for the grads being low and unequal to the expected pay/roles and loan/tuition amounts.
I am in major debt and my credit is ruined. To stay with payments I paid for things with credit very often. I also felt hopeless and later would be diagnosed with bi-polar, then manic/major depression and finally unable to work for more than a year. Leaving me unable to pay back my loans, debt and eventually filing for bankruptcy. My life is ruined.

Did you choose to enroll in your school based in part on the issues you describe above?

- Yes No

EDUCATION SERVICES

Did the school mislead you (or fail to tell you important information) about educational services, such as the availability of externships, qualifications of teachers, instructional methods, or other types of educational services?

- Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

They never revealed the teachers backgrounds.
It meant the teachers were either under qualified or of poor quality.
Spent money and time on something that didn't help my career at all.
Brochures, phone, email, etc.

Did you choose to enroll in your school based in part on the issues you describe above?

- Yes No

ADMISSIONS AND URGENCY TO ENROLL

Did the school mislead you (or fail to tell you important information) about the importance of enrolling immediately, the consequences of failure to enroll, how difficult it was to be admitted, or anything else about the admittance process?

Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

They often would send emails as if there were a flash sale. Aggressively pushing that this was what I needed to push my career. They also had a portfolio to be reviewed.
The portfolio was nonsense. They let in anyone, no matter the quality of the portfolio. They often rushed students who weren't responding to their sales calls, letting them know they could fit them in for the semester.
For someone with (at the time undiagnosed bi-polar/manic and major depression) impulsiveness led to a huge mistake costing me thousands of dollars. I tried to stay to justify my huge expensive mistake but after hearing all the bad press and reviews, and noticing people turning me away if I mentioned them on my resume, I couldn't stand to keep giving them money.
Phone conversations definitely. And a lot of emails.

This is also proven in the following articles and current suit (one of many):
<https://www.sfchronicle.com/education/article/Academy-of-Art-could-face-federal-trial-over->

Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

OTHER

Do you have any other reasons relating to your school that you believe qualify you for borrower defense, such as your school failing to perform its obligations under its contract with you, or that there is a judgment against your school in a federal court, a state court, or in front of an administrative board or that you believe that you have a state law cause of action against the school? Is there some other reason you feel your school misled you? For more information about the basis for borrower defense relief, see [StudentAid.ed.gov/borrower-defense \(http://www.StudentAid.ed.gov/borrower-defense\)](http://www.StudentAid.ed.gov/borrower-defense).

Yes No

Provide detailed information about how the school misled you. Please also describe any financial harm to you as a result of the school's conduct.

The school gets you to think that your portfolio and skills got you in. That's far from the case. For that, I'm embarrassed to have been misled and to discover my skills are just not to standard for an MFA. The aggressive sales tactics along with my yet-to-be-known mental condition led to me spiraling into debt. They're constantly battling lawsuits on their shady practices and association with them cost me time, money, and job prospects. Please do the right thing and grant/approve my defense to repayment.

I wish to assert a borrower defense to repayment based on being among defrauded by for-profit and real estate powerhouse, Academy of Art University. During my attendance I heard a lot of discouraging comments but I tried to stay positive because I wanted to be in advertising. I put AAU in my resume while I looked for entry-level agency jobs. After noticing the reports on their bad practices, I wanted no part in it and removed AAU from my resume. The result? I finally was able to be taken seriously and got a job because I removed any kind of affiliation with them. In addition to the poor quality curriculum, the absurd rising costs didn't match their value. I was experiencing their shady sales tactics on top of reading about them. It was the last straw. I finally took peers', others in the ad industry's, and the general public's advice and stopped attendance. Even worse, none of the credits earned and paid for, are transferrable. Is any of this fair? No.

Did you choose to enroll in your school based in part on the issues you describe above?

Yes No

SECTION V: FORBEARANCE/STOPPED COLLECTIONS

Edit

If you are not currently in default on your federal student loans, you may request to have them placed into forbearance status while your application is under review. **Forbearance means that you do not have to make loan payments and your loans will not go into default.** Forbearance will continue until the borrower defense review process of your application is completed. Your servicer will notify you when your loans have been placed into forbearance status.

If your federal student loans are in **default**, you may request to have debt collection on your loan stopped ("stopped collections status"). **This means that the federal government or debt collection companies will stop attempting to collect on the loans, including by not withholding money from your wages or income tax refunds.** Stopped collections status will continue until the borrower defense review process of your application is completed.

Please see the "Common Questions and Answers Regarding Forbearance/Stopped Collections" section on the Borrower Defense website ([StudentAid.gov/borrower-defense](https://studentaid.gov/borrower-defense)) if you have any questions regarding choosing to enter forbearance or stopped collections.

Note that interest will continue to accumulate on federal loans regardless of what status they are in, including subsidized loans. If your application for borrower defense is denied, or partially approved, the total amount you owe on those loans may be higher.

PLEASE NOTE: You do not have to place your loans in forbearance or stopped collections to apply for borrower defense relief.

For the most current information with regard to your rights and obligations regarding forbearance and stopped collections, please visit the Borrower Defense website at <https://studentaid.gov/borrower-defense>.

Are you requesting forbearance/stopped collections?

- Yes, I want all of my federal loans currently in repayment to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue.
- No, I do not want all of my federal loans currently in repayment to be placed in forbearance and for collections to stop on any loans in default while my borrower defense application is reviewed. During this time period, I understand that interest will continue to accrue and that I must continue to make loan payments.

If you do not select one of the options immediately above, your federal loans currently in repayment will automatically be placed into forbearance and collections will stop for any defaulted loans, and the Department will request forbearance for any commercially held Federal Family Education Loan (FFEL) program loans currently in repayment and for debt collection to stop for any defaulted, commercially held FFEL program loans that you have currently (as applicable).

IMPORTANT NOTICES

PRIVACY ACT STATEMENT

Information required by subsection (e)(3) of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a(e)(3)) requires the following notice be provided to you:

The authorities for collecting the requested information from and about you are Section 455(h) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1087e(h)) and 34 C.F.R. § 685.206© and the authorities for collecting and using your Social Security Number (SSN) are the same but also include 31 U.S.C. 7701(b). The primary purpose of the information collected is for the use and administration of the U.S. Department of Education's office of Federal Student Aid (ED/we) for borrower defense to loan repayment program. The information you provide ED on this form and your SSN are voluntary, but you may need to provide the requested information on this form, including your SSN and/or a Federal Student Aid ID (FSA ID) that provides ED your verified SSN and other individual information pertaining to a student's or parent's Student Financial Assistance Programs account(s), for ED to process or complete our review of your borrower defense to loan

repayment application. You may submit a form without your SSN or an FSA ID by filling out a form and sending it to ED via email or physical mail because disclosure of the information requested on this form is voluntary. However, without providing all the requested information on this form, ED may not be able to conduct a full investigation and complete the review of your application.

We use the information that you provided on this form including your name, SSN, date of birth, address, email address, telephone number(s), and / or an FSA ID, to receive, review, evaluate, and process requests for relief under the borrower defense to loan repayment regulations, to render decisions on the merits of such requests for relief, and, where requests for borrower defense to loan repayment are successful, to determine the relief that is appropriate to borrowers under the circumstances as well as to initiate appropriate proceedings to require schools whose acts or omissions resulted in the successful defenses against repayment to pay ED the amounts of the loans that apply to the defenses. Without your consent, ED may disclose the information that you provided and as otherwise allowed by the Privacy Act, pursuant to the routine uses identified in the system of records notice (SORN) entitled "Customer Engagement Management System (CEMS)" (18-11-11) and published in the Federal Register as 83 FR 27587-27591 (June 13, 2018). These routine uses include, but are not limited to, a routine use that permits ED to disclose your information to foreign agencies, Federal agencies, State agencies, Tribal, or local agencies, accreditors, schools, lenders, guaranty agencies, servicers, and private collection agencies when further information is relevant to ED's resolution of your complaint, request, or other inquiry, tracking your application or your inquiry, and, where a request for borrower defense to loan repayment is successful, to determine the relief that is appropriate under the circumstances as well as to initiate the appropriate proceeding to require the school whose acts or omissions resulted in the successful defense against loan repayment to pay ED the amount of the loan that apply to the defenses. We may use your information for reporting, analyzing the data to make recommendations in student financial assistance programs, and assisting in the informal resolution of disputes. Disclosure of relevant information also may be made to the responsible foreign, Federal, State, Tribal or local agencies charged with investigating or prosecuting a violation or potential violation of law in the event that information indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority.

In the event of litigation or alternative dispute resolution (ADR) involving ED or that we have an interest in and if that a party is either any component of ED, any ED employee in his or her official capacity, any ED employee in his or her individual capacity where representation for the employee has been requested or has been agreed to by ED or the Department of Justice (DOJ), or the United States where ED determines that the litigation is likely to affect ED or any of its components, we may disclose your information to DOJ, a court, adjudicative body, a person or an entity designated by ED or otherwise empowered to resolve or mediate disputes, or a counsel, party, representative, or witness if the disclosure is relevant and necessary to the litigation or ADR. ED also may disclose your information to DOJ to the extent necessary for obtaining DOJ's advice on any matter relevant to an audit, inspection, or other inquiry. We may send information to members of Congress if you ask them to help you with federal student aid or Student Financial Assistance Programs account(s) questions. Disclosures may be made to our contractors for the purpose of performing any programmatic function that requires disclosure of records. As part of such a contract, we will require the contractor to maintain safeguards to protect the security and confidentiality of the records that are disclosed to the contractor. If a record is relevant and necessary to a borrower complaint regarding participants in any Federal Student Financial Assistance Programs under title IV of the HEA, ED may disclose a record only during the course of processing, reviewing, investigating, fact-finding, or adjudicating the complaint to: any party to the complaint; the party's counsel or representative; a witness; or a designated fact-finder, mediator, or other person designated to

resolve issues or decide the matter. ED also may disclose records to the DOJ or Office of Management and Budget (OMB) if ED concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the Freedom of Information Act (FOIA) or the Privacy Act. ED may disclose your information to appropriate agencies, entities, and persons when ED suspects or has confirmed that there has been a breach of the system maintaining your information; which poses a risk of harm to individuals, ED (including its information systems, programs, and operation), the Federal agencies, or national security and the disclosure made to such agencies, entities, and persons is reasonably necessary to assist ED's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm. ED also may disclose your information to another Federal agency or Federal entity, when ED determines that your information is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal agencies, or national security, resulting from a suspected or confirmed breach.

PAPERWORK REDUCTION ACT NOTICE

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-0146. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit (20 U.S.C. 1087e(h)). If you have comments or concerns regarding the status of your individual submission of this application, please contact BorrowerDefense@ed.gov (mailto: BorrowerDefense@ed.gov?Subject=) directly.

SECTION VI : CERTIFICATION

By signing this attestation, I certify that:

I agree to provide, upon request, testimony, a sworn statement, or other documentation reasonably available to me that demonstrates to the satisfaction of the U.S. Department of Education or its designee that I meet the qualifications for borrower defense.

I certify that I received proceeds of a federal loan, in whole or in part, to attend the school/campus identified in Section II.

I understand that if my application is approved and some or all of my loans are forgiven, I am assigning to the U.S. Department of Education any legal claim I have against the school for those forgiven loans. By assigning my claims, I am effectively transferring my interests in any claim that I could make against the school relating to the forgiven loans (including the ability to file a lawsuit over those forgiven loans and any money ultimately recovered in compensation for those forgiven loans in court or other legal proceedings) to the U.S. Department

of Education. I am not assigning any claims I may have against the school for any other form of relief—including injunctive relief or damages related to private loans, tuition paid out-of-pocket, unforgiven loans, or other losses.

I understand that the U.S. Department of Education has the authority to verify information reported on this application with other federal or state agencies or other entities. I authorize the U.S. Department of Education, along with its agents and contractors, to contact me regarding this request at the phone number above using automated dialing equipment or artificial or prerecorded voice or text messages.

I understand that any rights and obligations with regard to borrower defense to repayment are subject to the provisions currently in effect under Title 34 of the Code of Federal Regulations.

I understand that if I purposely provided false or misleading information on this application, I may be subject to the penalties specified in 18 U.S.C. § 1001. I understand that I may be asked to confirm the truthfulness of the statements in this application to the best of my knowledge under penalty of perjury.

SIGNATURE:

(required) First Name

Middle Initial

(required) Last Name

Sean

█

██████████

Your application is not complete. Please select the "SUBMIT" button to complete your application. Please select the "SAVE & EXIT" button at the top right of the screen to save your progress and exit your application.

BACK

SUBMIT



EXHIBIT C

[REDACTED]

Subject:

FW: Borrower defense discharge ineligibility information for you [REDACTED]

----- Forwarded message -----

From: **Borrower Defense** <borrowerdefense@ed.gov>

Date: Mon, Jun 29, 2020 at 3:50 PM

Subject: Borrower defense discharge ineligibility information for you [REDACTED]

To: [REDACTED]



6/29/2020

Borrower Defense Application #: [REDACTED]

Dear Sean [REDACTED]:

The U.S. Department of Education (ED) has completed its review of your application under the applicable Borrower Defense to Repayment regulations for discharge of your William D. Ford Federal Direct Loans (Direct Loans) made in connection with your or your child's enrollment at Academy of Art University. ED has determined that your application is ineligible for relief based on review of the facts of your claim and the regulatory criteria for relief; this decision means that your Direct Loans will not be discharged. ED explains the reasons below.

Applicable Law

For Direct Loans first disbursed prior to July 1, 2017, a borrower may be eligible for a discharge (forgiveness) of part or all of one or more Direct Loans if the borrower's school engaged in acts or omissions that would give rise to a cause of action against the school under applicable state law. See § 455(h) of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1087e(h), and 34 C.F.R. § 685.206(c) and 685.222 (the Borrower Defense regulations). ED recognizes a borrower's defense to repayment of a Direct Loan only if the cause of action directly relates to the Direct Loan or to the school's provision of educational services for which the Direct Loan was provided. 34 C.F.R. §§685.206(c)(1), 685.222(a)(5); U.S.

Department of Education, Notice of Interpretation, 60 Fed. Reg. 37,769 (Jul. 21, 1995).

Why was my application determined to be ineligible?

ED reviewed your borrower defense claim based on any evidence submitted by you in support of your application, your loan data from the National Student Loan Data System (NSLDS®), and evidence provided by other borrowers.

Allegation 1: Employment Prospects

You allege that Academy of Art University engaged in misconduct related to Employment Prospects. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 2: Program Cost and Nature of Loans.

You allege that Academy of Art University engaged in misconduct related to Program Cost and Nature of Loans. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 3: Transferring Credits

You allege that Academy of Art University engaged in misconduct related to Transferring Credits. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 4: Career Services.

You allege that Academy of Art University engaged in misconduct related to Career Services. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 5: Educational Services.

You allege that Academy of Art University engaged in misconduct related to Educational Services. This claim fails for the following reason(s):
Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

What if I do not agree with this decision?

If you disagree with this decision, you may ask ED to reconsider your application. To submit a request for reconsideration, please send an email with the subject line "Request for Reconsideration [ref: [REDACTED]]" to BorrowerDefense@ed.gov or mail your request to U.S. Department of Education, P.O. Box 1854, Monticello, KY 42633. In your Request for Reconsideration, please provide the following information:

1. Why you believe that ED decided incorrectly your borrower defense to repayment claim; and
2. Identify and provide any evidence that demonstrates why ED should approve your borrower defense to repayment claim under the applicable law set forth above.

ED will not accept any Request for Reconsideration that includes new allegations. If you wish to assert allegations that were not included in your application, please see the following section. Additionally, your loans will not be placed into forbearance during the reconsideration process. Failure to begin or resume repayment will result in collection activity, including administrative wage garnishment, offset of state and federal payments you may be owed, and litigation. For more information about the reconsideration process, please contact our borrower defense hotline at 1-855-279-6207 from 8 a.m. to 8 p.m. Eastern time (ET) on Monday through Friday.

Can I apply for borrower defense if I have additional claims?

If you wish to file a new application regarding acts or omissions by the school other than those described in borrower defense application [REDACTED] please submit an application at StudentAid.gov/borrower-defense. In the new application, you should explain in the relevant section(s) the basis for any new borrower defense claim(s) and submit all supporting evidence.

What should I do now?

Because your borrower defense to repayment application was found to be ineligible, you are responsible for repayment of your loans. ED will notify your servicer(s) of the decision on your borrower defense to repayment

application within the next 15 calendar days, and your servicer will contact you within the next 30 to 60 calendar days to inform you of your loan balance. Further, if any loan balance remains, the loans will return to their status prior to the submission of your application. If your loans were in forbearance as a result of your borrower defense to repayment application, the servicer will remove those loans from forbearance. ***See COVID-19 Note below.**

If your loans are in default and are currently in stopped collections, your loans will be removed from stopped collections. Failure to begin or resume repayment could result in collection activity such as administrative wage garnishment, offset of state and federal payments that you may be owed, and litigation. ***See COVID-19 Note below.**

While normally interest would not be waived for unsuccessful borrower defense applications, given the extended period of time it took ED to complete the review of this application, the Secretary is waiving any interest that accrued on your Direct Loans from the date of the filing of your borrower defense application to the date of this notification. Your servicer will provide additional information in the coming months regarding the specific amount of interest adjusted. ***See COVID-19 Note below.**

***COVID-19 Note:** On March 27, 2020, the president signed the *CARES Act*, which, among other things, provides broad relief in response to the coronavirus disease 2019 (COVID-19) for federal student loan borrowers whose loans are owned by ED. For the period March 13, 2020, through September 30, 2020, the interest rate on the loans will be 0% and no payments will be required. During this same period for defaulted borrowers, all proactive collection activities, wage garnishments, and Treasury offsets will be stopped. Your federal loan servicer will answer any questions you have about your specific situation. In addition, Federal Student Aid's COVID-19 information page for students, borrowers, and parents is located at [StudentAid.gov/coronavirus](https://studentaid.gov/coronavirus). Please visit the page regularly for updates.

What if I have another pending borrower defense application?

If you have additional pending borrower defense to repayment applications, this information applies to you:

- If your loans associated with an additional borrower defense to repayment application that is still pending are in forbearance or another status that does not require you to make payments, your loans will remain in forbearance or that other status. Similarly, if your loans associated with that borrower defense application are in default and you are currently in stopped collections, those loans will remain in stopped collections.

- If you are unsure if you have additional pending applications, or if you would like to check on the status of your loans associated with an additional application, contact our borrower defense hotline at 1-855-279-6207 from 8 a.m. to 8 p.m. ET on Monday through Friday.

ED offers a variety of loan repayment options, including the standard 10-year repayment plan, as well as extended repayment, graduated repayment, and income-driven repayment plans. For more information about student loan repayment options, visit [StudentAid.gov/plans](https://studentaid.gov/plans). If you have questions about the status of your loans or questions about repayment options, please contact your servicer(s). If you do not know the name of your federal loan servicer, you may go to [StudentAid.gov](https://studentaid.gov) to find your servicer and view your federal loan information.

Sincerely,

U.S. Department of Education

Federal Student Aid

Federal Student Aid

AN OFFICE OF THE U.S. DEPARTMENT OF EDUCATION

830 First Street, NE, Washington, D.C. 20202

[StudentAid.gov/borrower-defense](https://studentaid.gov/borrower-defense)

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

--

Sean [REDACTED]

EXHIBIT D

[REDACTED]

Subject: FW: FSA Borrower Defense Application: [REDACTED]]

----- Forwarded message -----

From: Borrower Defense <borrowerdefense@ed.gov>

Date: Tue, Jun 30, 2020 at 3:28 PM

Subject: FSA Borrower Defense Application: [REDACTED]

To: [REDACTED]



6/30/2020

Dear Sean [REDACTED]

We are reaching out to you, regarding your application for borrower defense. Our office does not have access to this documentation, we just have access to the letter that was sent to you. If you wanting that documentation you would need to fill a Freedom of Information Act on FOIA.gov.

Sincerely,
U.S. Department of Education (ED)
Federal Student Aid
Borrower Defense Unit

To respond to this email, please reply to this email thread without modifying the Subject line. That way, your response will automatically attach to your application.

Federal Student Aid
U.S. DEPARTMENT OF EDUCATION

1000 First Street, NE, Washington, DC 20002
StudentAid.gov/fromweb/defense

----- Original Message -----

From: Sean [REDACTED]
Sent: 6/29/2020 7:59 PM
To: ca28ima-113@mail.house.gov; borrowerdefense@ed.gov
Cc: info@kamalaharris.org; ca47alima@mail.house.gov; senator@feinstein.senate.gov
Subject: Re: Request for Reconsideration [REDACTED]

Also, where is the actual information about the reasons for the denial? This is a templated empty answer. Where are all the documents and evidence supporting and showing your decision? This templated answer showing no support to your claim that I "failed to make a legal claim" is on the internet among other people with the same word for word denial with the school switched out. Once again, you are unfairly closing this case (the trial for AAU's fraud has been pushed back to 2021) before they are proven to be guilty of defrauding people like me. This is not right.

<https://news.bloomberglaw.com/us-law-week/san-francisco-art-academy-fraud-trial-pushed-back-to-2021>

We deserve better. We deserve justice.

6/29/2020

Borrower Defense Application #: [REDACTED]

Dear Sean [REDACTED]:

The U.S. Department of Education (ED) has completed its review of your application under the applicable Borrower Defense to Repayment regulations for discharge of your William D. Ford Federal Direct Loans (Direct Loans) made in connection with your or your child's enrollment at Academy of Art University. ED has determined that your application is ineligible for relief based on review of the facts of your claim and the regulatory criteria for relief; this decision means that your Direct Loans will not be discharged. ED explains the reasons below.

Applicable Law

For Direct Loans first disbursed prior to July 1, 2017, a borrower may be eligible for a discharge (forgiveness) of part or all of one or more Direct Loans if the borrower's school engaged in acts or omissions that would give rise to a cause of action against the school under applicable state law. See § 455(h) of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1087e(h), and 34 C.F.R. § 685.206(c) and 685.222 (the Borrower Defense regulations). ED recognizes a borrower's defense to repayment of a Direct Loan only if the cause of action directly relates to the Direct Loan or to the school's provision of educational services for which the Direct Loan was provided. 34 C.F.R. §§685.206(c)(1), 685.222(a)(5); U.S. Department of Education, Notice of Interpretation, 60 Fed. Reg. 37,769 (Jul. 21, 1995).

Why was my application determined to be ineligible?

ED reviewed your borrower defense claim based on any evidence submitted by you in support of your application, your loan data from the National Student Loan Data System (NSLDS®), and evidence provided by other borrowers.

Allegation 1: Employment Prospects

You allege that Academy of Art University engaged in misconduct related to Employment Prospects. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 2: Program Cost and Nature of Loans.

You allege that Academy of Art University engaged in misconduct related to Program Cost and Nature of Loans. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 3: Transferring Credits

You allege that Academy of Art University engaged in misconduct related to Transferring Credits. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 4: Career Services.

You allege that Academy of Art University engaged in misconduct related to Career Services. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

Allegation 5: Educational Services.

You allege that Academy of Art University engaged in misconduct related to Educational Services. This claim fails for the following reason(s): Failure to State a Legal Claim.

Your claim for relief on this basis therefore is denied.

What if I do not agree with this decision?

September 30, 2020, the interest rate on the loans will be 0% and no payments will be required. During this same period for defaulted borrowers, all proactive collection activities, wage garnishments, and Treasury offsets will be stopped. Your federal loan servicer will answer any questions you have about your specific situation. In addition, Federal Student Aid's COVID-19 information page for students, borrowers, and parents is located at [StudentAid.gov/coronavirus](https://studentaid.gov/coronavirus). Please visit the page regularly for updates.

What if I have another pending borrower defense application?

If you have additional pending borrower defense to repayment applications, this information applies to you:

- If your loans associated with an additional borrower defense to repayment application that is still pending are in forbearance or another status that does not require you to make payments, your loans will remain in forbearance or that other status. Similarly, if your loans associated with that borrower defense application are in default and you are currently in stopped collections, those loans will remain in stopped collections.
- If you are unsure if you have additional pending applications, or if you would like to check on the status of your loans associated with an additional application, contact our borrower defense hotline at 1-855-279-6207 from 8 a.m. to 8 p.m. ET on Monday through Friday.

ED offers a variety of loan repayment options, including the standard 10-year repayment plan, as well as extended repayment, graduated repayment, and income-driven repayment plans. For more information about student loan repayment options, visit [StudentAid.gov/plans](https://studentaid.gov/plans). If you have questions about the status of your loans or questions about repayment options, please contact your servicer(s). If you do not know the name of your federal loan servicer, you may go to [StudentAid.gov](https://studentaid.gov) to find your servicer and view your federal loan information.

Sincerely,

U.S. Department of Education

Federal Student Aid

On Mon, Jun 29, 2020 at 4:46 PM Sean [REDACTED] wrote:

1.

ED claims that I failed to make a legal claim. This is very vague and implies I should have made a legal claim with a lawyer. If that's the case that should've been stated before wasting 5 years of my time. I would like to reopen this with the actual opportunity and insight now knowing you need me to make a professional legal claim with a lawyer.

2. Identify and provide any evidence that demonstrates why ED should approve your borrower defense to repayment claim under the applicable law set forth above.

I already provided evidence of Academy of Art University's shady practices and recruiting and false claims of success, low job success, omissions of low graduation rate and pitiful 100% acceptance rate. I will bring more to this claim with a lawyer. What you're doing is unethical and will not rest until now you (Dept of Education and this current administration) and Academy of Art are held accountable. The trial date has been pushed 2021 and you are unfairly closing this case before they are proven to be guilty of defrauding people like me. This is not right.

<https://news.bloomberglaw.com/us-law-week/san-francisco-art-academy-fraud-trial-pushed-back-to-2021>

<https://www.sfchronicle.com/bayarea/article/Timeline-Lawsuit-targets-Academy-of-Art-15058160.php><https://www.sfchronicle.com/bayarea/article/U-S-Supreme-Court-passes-on-SF-art-academy-case-13732998.php>

<https://medium.com/@amadeusnotmozart/the-worst-school-in-private-education-aau-8fec24906ab6> <https://www.artforum.com/news/fraud-case-to-proceed-against-san-francisco-s-academy-of-art-university-79252>

--
Sean [REDACTED]

--
Sean [REDACTED]

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

--
Sean [REDACTED]