



UTAH SYSTEM OF HIGHER EDUCATION
STATE BOARD OF REGENTS

355 West North Temple • 3 Triad Center • Suite 560 • Salt Lake City, Utah 84180-1205
Telephone (801) 538-5247 Fax Number (801) 521-6930

WM. ROLFE KEARR
Commissioner and
Chief Executive Officer

Dr. Oliver DeMille → January 5, 1993

George Wythe College
PO Box 519
Hatch, UT 84735 682-2073

Dear Dr. DeMille:

Thank you for conversing with our secretary on the telephone concerning private school registration. As the State Board of Regents which administers the "Utah Postsecondary Proprietary School Act" (Title 53B, Chapter 5, Utah Code Annotated), we are enclosing a copy of the law together with the appropriate application forms for registration for completion and submission.

We do not act as an accrediting or licensing agency. Rather, our function is to properly register schools and their agents or determine their status, as prescribed by the statute and rules. After reading the law, you must satisfy one of the following options:

1. IF YOU NEED TO REGISTER (for instance, if you wish to operate a postsecondary institution to prepare persons for the job market), you must first complete the entire registration statement application for your school and also, if appropriate, the enclosed agent's permit application for any agents who will be operating within the State of Utah (see Sections 106 and 107, pages 9-17). Keep a copy of all completed forms and return to us the originals with the correct fees (see subsection 7.8, page 16).

2. IF YOU ARE EXEMPT FROM REGISTRATION (for example, if you are accredited by a nationally recognized accrediting agency), you must complete and return just the green statement of exemption in the enclosed registration statement application along with a copy of the accrediting agency's letter accrediting your school and the expiration or next review date of that accreditation. A completed copy of Exhibit IV of the school registration application must also accompany the exemption statement. (see Section 105, pages 6-8). No fees for either your school or agents are required with exemption.

Either an accepted REGISTRATION or authorized EXEMPTION is required before an institution can advertise, recruit students, or operate a proprietary school in Utah. Pursuant to Section 107(1), page 13, and subsection 4.2, page 5, any school found in violation of the law would be subject to investigation and prosecution in accordance with Section 111, pages 25-28.

If you have any concerns, please do not hesitate to call or write. We will be happy to answer any questions you may have.

Sincerely,

Sterling R. Provost, Asst. Commissioner
Veterans Education & Proprietary Schools

UNIVERSITY OF UTAH
Salt Lake City
1850

WEBER STATE UNIVERSITY
Ogden
1888

SNOW COLLEGE
Ephraim
1888

COLLEGE OF EASTERN UTAH
Price
1937

SALT LAKE COMMUNITY COLLEGE
Salt Lake City
1947

UTAH STATE UNIVERSITY
Logan
1888

SOUTHERN UTAH UNIVERSITY
Cedar City
1897

DIXIE COLLEGE
St. George
1911

UTAH VALLEY COMMUNITY COLLEGE
Orem
1941

GWU 000005

This is the first Tuesday after New Years Day, and if it was a long weekend with a Monday holiday (as is often the case) it is the first day of business in 1993. At most, it is the second day of business, and therefore this is evidence of Oliver's account that this dialog ensued in 1992. What is clear is that this letter is a follow-up to a prior conversation, consistent with Oliver's recollection.

It is also important to note the Dr. Sterling defines the scope of the Board of Regents' oversight: to determine status of a school and to properly register a school. Under Utah Code at the time, there were three options: 1) Exempt by accreditation (such a school was answerable for its policies and protocols to an agency other than the state; 2) Exempt by religious affiliation (such a school was answerable to its internal governance for its policies and protocols; 3) Registered under the Act (obligated to follow the Post Secondary Act).



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Commissioner and
Chief Executive Officer

Dr. Provost switched gears at some point to interact directly with Dr. Burnsed. This was appropriate, as GW was operating as a satellite of CRBU at the time, and Burnsed was the head.

tuesday, march second 1993

Dr. Oliver DeMille
GEORGE WYTHE COLLEGE
Post Office Box 519
Hatch, Ut 682-2073

I sincerely regret that we have been unable to communicate with you since our initial correspondence of Jan 05, concerning the registration of "GWC" under the Utah Postsecondary Proprietary School Act & Rules !

During this time, my secretary has, however, spoken with Dr. Jeff Burnsed of Coral Ridge Baptist University & Seminary (Jacksonville, Florida). In addition, she received a FAX letter, with several verifications from AAAT (Cecil Johnson, Exec Dir/Pres), in which approval was extended by them to "George Wythe College" as a subsidiary school.

As to your being exempted from the UPPSA because of a possible religious affiliation, I am extracting the provisions of the Utah's private school law that pertain to this situation.

The relevant portions of 53B-5-105 are as follows :

(4) a private, postsecondary educational institution that is owned, controlled, operated, or maintained by a bona fide church or religious denomination, which is exempted from property taxation under the laws of this state;

5.2. In order for the church or religious denomination to be "bona fide" such that the institution is exempt from registration, the institution may not be the church or religious denomination's primary purpose, function or asset.

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1850

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1859

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Price
1937

SALT LAKE COMMUNITY COLLEGE
Salt Lake City
1947

UTAH STATE UNIVERSITY
Logan
1888

SOUTHERN UTAH UNIVERSITY
Cedar City
1897

DIXIE COLLEGE
St. George
1911

UTAH VALLEY COMMUNITY COLLEGE
Orsm
1941

DR. OLIVER DEMILLE
03/02/93
page 2

(5) a school or institution which is accredited by a regional or national accrediting agency recognized by the United States Department of Education. An institution, branch, extension, or facility operating within the state which is affiliated with an institution operating in another state must be separately approved by the affiliate's regional or national accrediting agency to qualify for this exemption. If available evidence suggests that an accredited institution is not in compliance with the standards for registration under this chapter and applicable board rules, the board shall contact the institution and, if appropriate, its accrediting association and request corrective action;

5.3. An institution accredited by an accrediting organization recognized by the Council on Postsecondary Accreditation is exempt from registration for the purposes of this chapter.

5.4. Any institution which claims an accreditation exemption must furnish acceptable documentation upon request by the board.

Concerning (5), the American Accrediting Association of Theological Institutions of Rocky Mount North Carolina, is not included on the listing of recognized accrediting agencies recognized by the U.S. Department of Education. Thus, we are unable to accept the verification letters of Dr. Johnson for the purpose of exempting "GWC" from registration in Utah.

the word "institution" is written in hand.

It is therefore necessary that if you do, in fact, operate your ~~business~~ ^{business}, you must submit a COMPLETE registration statement application. This is enclosed.

Please remember that an accepted application is required before a proprietary institution can advertise, recruit students or otherwise operate in Utah. Pursuant to Section 107(1), page 13, and subsection 4.2, page 5, any school found in violation of the law is subject to investigation and prosecution in accordance with Section 111, pages 25-28.

We will be pleased to respond to any questions you may have.

Sincerely,

S R PROVOST

enclosure

IC : Dr. Cecil Johnson,
A. A. A. T. I.

GW is notified in March that they have not yet proven compliance/exemption, but as of yet there is no reference to a cease and desist; just an obligatory declaration of potential penalties. Dr. Provost's declarations via phone were friendly and reassuring - just keep doing what you're doing and get registered asap.

GWU 000007

L. EDWARD ROBBINS
ATTORNEY AT LAW
218 SOUTH MAIN STREET
SUITE 1200
SALT LAKE CITY, UTAH 84101
(801) 966-7080

March 31, 1993

Dr. Sterling R. Provost
Assisant Commissioner
Utah State Board of Regents
No. 3 Triad Center, Suite 550
355 West North Temple
Salt Lake City, Utah 84180-1205

Re: George Wythe College

Dear Dr. Provost:

Thank you for your communications respecting registration of the above entity under the Utah Postsecondary Proprietary School Act. They have been forwarded to me and I intend to provide all the assistance I can in working through the registration issue.

There has been absolutely no intent to slight the Act in any way. It is, however, quite complex, and due to a recent illness and the press of many matters at the same time, I have been unable to get back with you as quickly as I would have preferred.

It occurs to me in reviewing your most recent letter that the exceptions set forth at (4) and (5) of 53B--5-105 operate independently of one another and that the church exemption may still be available notwithstanding the accreditation issue.

Section 5 applies independent of section 4.

It is my intent to get a submittal to your office within the week. In the meantime, I have instructed George Wythe College not to engage in any active promotion, advertisement or recruitment pending resolution of this matter.

Yours truly,


L. Edward Robbins

LER/l

GWU 000008

UTAH STATE BOARD OF REGENTS

EXHIBIT I
(Reference: 53B-5-105)

SEP 16 1993

UTAH STATE BOARD OF REGENTS
HIGHER AND POSTSECONDARY
EDUCATION SERVICE

Institution George Wythe College
Address P. O. Box 519
Hatch, Utah 84739
Telephone 1-582-7121

UTAH STATE BOARD OF REGENTS

STATEMENT OF EXEMPTION

(APR 22 1993)

586-6570

The Utah Postsecondary Proprietary School Act and related rules provide for the exemption of certain institutions. If after examination of the institution and rules, an institution believes it is exempt, it may file with the board this request, including documentation, detailing its reasons, so the board will be able to respond in inquiries concerning the status of the institution.

1. The institution claims exemption from the Act, according to specific subsection marked below:
 - a. Has substantial state or local government support (53B-5-105(1)).
 - b. Gives instruction at or below the 12th grade level (53B-5-105(2)).
 - c. Conducts professional examination review programs (53B-5-105(3)).
 - d. Is owned, controlled, operated, or maintained by a bona fide church or religious denomination (53B-5-105(4)).
 - e. Conducts instruction predominantly for bona fide employees or members (53B-5-105(6)).
 - f. Offers only courses that are remedial, avocational, nonvocational, or recreational in nature (53B-5-105(7)).
 - g. Offers workshops or seminars lasting no longer than three calendar days with no academic credit (53B-5-105(8)).

2. Is accredited by a regional or national accrediting agency (53B-5-105(5)). IF ACCREDITATION IS CLAIMED, COMPLETE THE INFORMATION BELOW AND ATTACH A COPY OF THE ACCREDITING AGENCY'S AUTHORIZATION WITH THE NEXT RENEWAL DATE OF THAT AUTHORIZATION.

Name of accrediting agency _____
Address _____
Telephone _____
Renewal date of current authorization _____

This document was submitted twice - see 2 date stamps for receipt buy UtStBOR. The first time, it included a list of degrees to be offered, and was an application for exemption based on religious accreditation. This application was rejected (see 4/23 letter from Sterling Provost), as it was based on accreditation that the state did not recognize. The second submission of this document was a request for exemption based on ownership by a church. It was submitted in September '93 with that documentation, and subsequently approved.

STATEMENT OF EXEMPTION

3. — Offers programs regulated and approved by a state or federal governmental agency (53B-5-105(9)). IF STATE OR FEDERAL REGULATION IS CLAIMED, COMPLETE THE INFORMATION BELOW AND ATTACH A COPY OF THE RESPECTIVE AGENCY'S AUTHORIZATION FOR YOUR CURRENT PERIOD OF OPERATION:

Name of agency _____

Address _____

Telephone _____

Expiration date of current authorization _____

4. — The institution claims exemption as an OUT-OF-STATE SCHOOL with no sales agents nor admissions representatives actively soliciting students in Utah, but only advertising with a telephone number or out-of-state address so that interested persons may call or write for further information.

a. IF SCHOOL IS LICENSED, REGISTERED, OR AUTHORIZED AS AN EDUCATIONAL ESTABLISHMENT IN A STATE OTHER THAN UTAH, COMPLETE THE INFORMATION BELOW AND ATTACH A COPY OF THE RESPECTIVE AGENCY'S AUTHORIZATION FOR YOUR CURRENT PERIOD OF OPERATION:

Name of Agency _____

Address _____

Telephone _____

Renewal date of current authorization _____

5. Comments _____

I declare that the foregoing is true and correct.

Oliver Demille

Signature

Oliver Demille, Ph.D.

Name

Dean

Title

18 Apr. 1993

Date



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WM. ROLFE KERR
Commissioner and
Chief Executive Officer

friday, april twenty-third 1993

L Edward Robbins
Attorney At Law
310 South Main Street
Suite 1200
Salt Lake City

This letter and the one dated January 5, 1993 from Dr. Sterling Provost both reference a document, "Exhibit IV, Statement of Exemption." GW Foundation did not produce this document in discovery requests. It may be that they do not have it. We could only speculate what this Exhibit might contain or clarify. This document also refers to Exhibits II and III of the exemption documents, and we do not have these either.

Dear Mr. Robbins,

I acknowledge your communication of Mar 31, indicating your intent to assist George Wythe College in satisfying the appropriate registration requirements of the UTAH POSTSECONDARY PROPRIETARY SCHOOL ACT & Rules.

I am in receipt of "Exhibit IV, Statement of Exemption", signed by Dr. Oliver DeMille, Dean of the College. I assume that he has conferred with you concerning its preparation. Therefore, I am corresponding with you as to our determination.

A private, postsecondary educational institution can be exempted in accordance with 53B-5-105(4) if :

. . . it is owned, controlled, operated, or maintained by a bona fide church or religious denomination, which is exempted from property taxation under the laws of this state;

5.2 In order for the church or religious denomination to be "bona fide" such that the institution is exempt from registration, the institution may not be the church or religious denomination's primary purpose, function or asset.

This issue was not addressed in your presentation. Neither do we have record of receiving Exhibits II or III, which are also required with any exemption request.

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St. George
1911

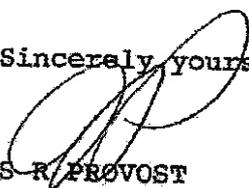
UTAH VALLEY COMMUNITY COLLEGE
Orem
1941

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L EDWARD ROBBINS
04/23/93
page 2

Consequently, because the request cannot be approved in its present form, we are returning the information submitted to us.

Sincerely yours,



S. R. PROVOST

enclosure

IC : Oliver DeMille

GWU 000016



UTAH SYSTEM OF HIGHER EDUCATION
STATE BOARD OF REGENTS

355 West North Temple • 3 Triad Center • Suite 550 • Salt Lake City, Utah 84180-1205
Telephone (801) 538-5247 Fax (801) 521-6930 TDD (801) 538-5253

CECELIA H. FOXLEY
Commissioner and
Chief Executive Officer

September 13, 1993

This document is the exemption from the provision of the Utah Postsecondary Proprietary Schools Act. No exceptions are noted, and the only stipulation is the possible eventuality of a request for updated information.

Institutional reports to update status and offerings "may be required." No such requirement was ever enacted, and changes to the offerings were made without reporting. There was no specification that changes to the offerings should not be made without notification.

Dr. Oliver DeMille
George Wythe College
PO Box 519
Hatch, UT 84735

Dear Dr. DeMille:

Receipt of the "Statement of Exemption" request for George Wythe College pertaining to the provisions of the Utah Postsecondary Proprietary School Act and Rules, is herewith acknowledged. We are, accordingly granting your school a waiver, pursuant to Utah Code Annotated 53B-5-105. If any modifications are made in your exempt status, please inform us immediately so that the appropriate modifications can be made to assure continuing compliance.

Under the above exemption, no applications nor fees are required for agents nor for advertising your school in Utah. However, annual institutional reports may be required to update its exemption status and offerings.

Please feel at liberty to contact us whenever we might be of assistance. Best wishes!

Sincerely,

Sterling R. Provost, Ed.D.
Assistant Commissioner
Veterans Education and
Proprietary Schools

SRP:bg

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