

I. Westwood's Operational and Procedural History

A. History and Scope of Operations

1. Westwood College, Inc. ("Westwood") was a holding company and wholly-owned subsidiary of Alta Colleges, Inc. ("Alta"),¹ a privately held for-profit education company,² headquartered in Denver, Colorado.³ At least as recently as 2012, Alta's principal owner was a Boston private equity firm, Housatonic Partners.⁴
2. Alta's predecessor, the Radio and Television Repair Institute, was founded in 1953 in Denver, Colorado.⁵ The school changed its name to the National Electronics Institute in 1958 and was later acquired by the Denver Institute of Technology ("DIT") in 1974.⁶ In 1987, Alta acquired DIT.⁷ In 1997, DIT officially became Westwood College of Technology⁸ and then rebranded as Westwood College in 2004.⁹
3. Alta operated Westwood until the school closed on March 8, 2016.¹⁰ During that span, Westwood operated nineteen campuses across six states,¹¹ as well as a robust online program ("Westwood Online") that operated at least as early as 2005.¹² At the time of its closure in 2016, Westwood operated fourteen brick and mortar campuses across five states and an online program.¹³

¹ Alta and Westwood College, Inc., together with its subsidiaries and the Westwood College brand, are referred to herein collectively as "Westwood."

² Exhibit 1 (S. Health, Educ., Labor & Pensions Comm., 112th Cong., For-Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success (Comm. Print 2012)), at 206 and n. 777, <https://www.govinfo.gov/content/pkg/CPRT-112SPRT74931/pdf/CPRT-112SPRT74931.pdf> (last visited Mar. 1, 2021) [hereinafter HELP Report]. According to a complaint filed by the Colorado Attorney General, Alta and Westwood College, Inc. were incorporated in Delaware; also, Westwood College, Inc. wholly owned five subsidiary corporations that operated Westwood College brand campuses. See Exhibit 2 (Complaint, *State ex rel. Suthers v. Alta Colls., Inc. et al.*, No. 2012-CV-1600 (Colo. Dist. Ct. Mar. 13, 2012)), at ¶¶ 4, 6 [hereinafter Colorado Complaint]; see also Exhibit 3 (Defendants' Answer, *State of Illinois v. Alta Colls., Inc.*, No. 14-CV-3786 (N.D. Ill. Oct. 3, 2014)), at ¶ 22 (identifying three Westwood subsidiaries). According to the Illinois Attorney General, the five subsidiary corporations were dissolved as of June 2016. See Exhibit 4 (Letter from Illinois Attorney General to [REDACTED], Attorney-Advisor, Federal Student Aid, U.S. Department of Education (Nov. 28, 2016) (on file with Department)), at 2 [hereinafter Illinois AG Letter Nov. 28, 2016].

³ Exhibit 5 (*About Us*, WESTWOOD COLL. (Sept. 5, 2015), <http://www.westwood.edu/why-westwood/about-us> [<https://web.archive.org/web/20150905131702/http://www.westwood.edu/why-westwood/about-us>]).

⁴ Exhibit 1 (HELP Report), at 206 (Housatonic Partners first became a shareholder in 2002).

⁵ Exhibit 6 (WESTWOOD COLL., *Westwood College 2012 Academic Catalog: California/Colorado/Georgia/Virginia* (Mar. 2012)), at 7 [hereinafter 2012 Catalog].

⁶ *Id.* at 7.

⁷ Exhibit 7 (Terry Wilson, *Riedinger, Turner head the class with Alta College*, DENVER BUS. J. (June 23, 2002), <http://www.bizjournals.com/denver/stories/2002/06/24/focus1.html?page=all> (last visited Mar. 1, 2021)).

⁸ Exhibit 6 (2012 Catalog), at 7.

⁹ *Id.* at 7.

¹⁰ Exhibit 8 (Letter from ACICS to [REDACTED], [REDACTED] of Westwood College (Mar. 29, 2016) (on file with Department)).

¹¹ See Appendix A (Westwood Campus Open and Close Information).

¹² See Exhibit 9 (WESTWOOD COLL., *Westwood Online Enrollment Agreement* (2004/2005)), at ALTA_0000153967; see also Exhibit 10 (WESTWOOD COLL., *Westwood Online Enrollment Agreement* (2006)), at ALTA_000006709. But see Exhibit 6 (2012 Catalog), at 7 (stating the first term for Westwood Online started in May 2009).

¹³ See Appendix A (Westwood Campus Open and Close Information).

4. Westwood offered a variety of certificate programs as well as associate's, bachelor's, and master's degree programs.¹⁴ The programs Westwood offered included Criminal Justice, Information Technology, Business Administration, Design, and Medical Assisting, among others.¹⁵
5. Alta increased its revenue — most of which was attributable to its Westwood campuses and Westwood Online — from approximately \$100 million in 2002 to approximately \$269 million in 2006,¹⁶ then to \$380 million in 2009,¹⁷ a 280% increase over seven years.
6. Around the same time, Alta increased its enrollment — the bulk of which was attributable to its Westwood campuses and Westwood Online¹⁸ — from 4,273 students in fall of 2001 to 19,190 students in fall of 2010,¹⁹ a nearly 350% increase over nine years.
7. Most of Alta's revenue was derived from federal student loan dollars. For example, in 2010, Alta reported 83.9% of its revenue came from Title IV federal financial aid programs.²⁰ Westwood received an additional 4.6% of its revenue from Department of Defense Tuition Assistance and post-9/11 GI Bill funds.²¹ Thus, 88.5% of Alta's total revenue in 2010 was comprised of federal education funds.²²

B. Colorado Attorney General's Office ("Colorado AG") Actions Related to Westwood, Including Group Application for Borrower Defense Relief

1. Colorado AG Investigation and Litigation Against Westwood

8. At least as early as April 2010, the Colorado AG began an investigation of Westwood.²³ The investigation sought to determine whether Westwood had violated the Colorado Consumer

¹⁴ Exhibit 1 (HELP Report), at 207.

¹⁵ See, e.g., Exhibit 6 (2012 Catalog); Exhibit 1 (HELP Report), at 207 and n.781 (citing Alta presentation entitled *Program Portfolio Review* (Feb. 2010), at HELP-ALTA-000167, https://www.help.senate.gov/imo/media/for_profit_report/Appendixes/Appendix_25/AltaDocument08FINAL.pdf (last visited Dec. 11, 2020)).

¹⁶ Exhibit 11 (*Alta Colleges, Inc. Performance Highlights*, WESTWOOD COLL. (Mar. 1, 2009), <http://www.westwood.edu/about/performance-highlights.asp> [<http://web.archive.org/web/20090301013118/http://www.westwood.edu/about/performance-highlights.asp>] [hereinafter March 2009 Performance Highlights]; Exhibit 1 (HELP Report), at 208.

¹⁷ Exhibit 1 (HELP Report), at 208.

¹⁸ See, e.g., Exhibit 11 (March 2009 Performance Highlights).

¹⁹ Exhibit 1 (HELP Report), at 207-08.

²⁰ *Id.* at 208. For more information regarding Westwood's revenue and receipt of Title IV funds, see materials available at <https://studentaid.gov/data-center/school/proprietary>. Based on this publicly available data, between July 1, 2006 and June 30, 2015 Westwood's total revenue was over \$2.5 billion — over \$2 billion of which came from Title IV funds.

²¹ Exhibit 1 (HELP Report), at 208-09.

²² *Id.* at 209.

²³ See generally Exhibit 12 (Subpoena duces tecum, *In the Matter of Alta Colls., Inc.*, (Apr. 5, 2010), at 1 [hereinafter April 5, 2010 Subpoena].

Protection Act (“Colorado CPA”)²⁴ and the Colorado Uniform Consumer Credit Code (“Colorado UCCC”).^{25,26}

9. On March 13, 2012, the State of Colorado filed a lawsuit against Westwood for violations of the Colorado CPA and the Colorado UCCC relating to Westwood’s recruiting, marketing, and enrollment practices.²⁷
10. Specifically, the Colorado complaint alleged that between at least 2002 and 2012,²⁸ Westwood routinely violated the Colorado CPA²⁹ by engaging in the following conduct:
 - Inflating and misrepresenting post-graduation employment statistics for certain Westwood programs and campuses, including by (1) misleadingly aggregating employment rates of poor performing but popular programs with the employment rates of other programs and (2) relying on inaccurate, unverified, and improper classifications of graduates as working in employment “relate[d] to the field of study”;³⁰
 - Misrepresenting post-graduation salary statistics, including by making misleading “representations [that] are often based on Bureau of Labor Statistics (‘BLS’) data and not on actual Westwood graduates” salary data, which was typically lower than BLS data;³¹
 - Misrepresenting tuition costs, including by (1) “not disclos[ing] the full total cost to complete a degree program at Westwood until after the student had applied to Westwood” and (2) misleadingly suggesting students would only owe up to \$150 per month for the price of tuition, and only while in attendance at Westwood, when in reality the \$150 charge was only covered payment toward any Westwood-provided financing (“APEX financing”) the student received, rather than the full cost of tuition and financing;³²
 - “Fail[ing] to meaningfully and affirmatively disclose to prospective students that the credits they would earn at Westwood would not transfer to most other schools or serve as a basis for enrolling in a graduate degree program at other schools”;³³
 - Misrepresenting the tuition costs covered by military benefits under the GI Bill, available under U.S.C.A. Title 38;³⁴ and

²⁴ Colorado Consumer Protection Act, COLO. REV. STAT. §§ 6-1-101 to -115 (2012).

²⁵ Colorado Uniform Consumer Credit Code, COLO. REV. STAT. § 5-1-101 *et seq.*

²⁶ Exhibit 12 (April 5, 2010 Subpoena), at 1.

²⁷ *See generally* Exhibit 2 (Colorado Complaint).

²⁸ *See id.* at ¶ 16.

²⁹ Specifically, Westwood is alleged to have violated Colorado CPA § 6-1-105(1)(e), (1)(l), and (1)(u). Exhibit 2 (Colorado Complaint), at ¶¶ 59–67.

³⁰ Exhibit 2 (Colorado Complaint), at ¶¶ 30–44.

³¹ *Id.* at ¶ 35.

³² *Id.* at ¶¶ 36–38, 48.

³³ *Id.* at ¶ 39.

³⁴ *Id.* at ¶¶ 41–44.

- “[F]ailing to disclose to students certain information required by the Code [*i.e.* the Colorado UCCC]”³⁵ regarding Westwood-provided APEX financing, including information, disclosures, and notices required by the federal Truth in Lending Act.³⁶
11. The Colorado AG settled the lawsuit and Westwood entered into a consent decree on March 14, 2012.³⁷ Westwood agreed to various conditions as part of the consent decree,³⁸ including that:
- Westwood would not represent that a particular Westwood degree program leads to certain job titles and functions unless Westwood could substantiate such claims with data from the preceding year’s Westwood graduates;³⁹
 - Westwood would not represent that its accreditation status meant that credits earned at Westwood would be transferable to other schools;⁴⁰
 - Westwood would not represent that payments made by a student while enrolled at Westwood would be the only payments the student must make to obtain a degree;⁴¹
 - Westwood admissions representatives would disclose the total tuition and fees a student would need to incur to complete a degree program at Westwood;⁴²
 - Westwood would not compensate its admissions representatives or financial aid employees with bonuses, salary increases, or other incentive payment based upon enrollment numbers;⁴³ and
 - Westwood would retain an independent third party to conduct audits of Westwood’s graduate employment data and recorded admissions calls, with resulting audit reports to be submitted to the Colorado Attorney General.⁴⁴
12. In addition, Westwood agreed to pay two million dollars to the Colorado Attorney General’s Office, to be used in the state’s sole discretion, and to provide debt reduction and reimbursements for certain students who engaged in consumer credit transactions with Westwood around 2002 through 2011.⁴⁵

2. Colorado AG’s Request for Group Borrower Defense Relief

³⁵ *Id.* at ¶ 66.

³⁶ Exhibit 2 (Colorado Complaint), at ¶¶ 47–50.

³⁷ See Exhibit 13 (Final Consent Judgment with Alta Colleges, Inc. and Westwood College, Inc., *State ex rel. Suthers v. Alta Colls., Inc. et al.*, No. 2012-CV-1600 (Colo. Dist. Ct. Mar. 14, 2012)) [hereinafter Colorado Consent Judgment].

³⁸ Although the Colorado Consent Judgment dealt with the context of Colorado law, the settlement does not indicate that the conditions agreed to were restricted to only those interactions with Colorado residents or at Colorado campuses. See, e.g., Exhibit 13 (Colorado Consent Judgment), at ¶ 1.1 (explaining that consent judgment applies to Alta Colleges, Inc. and Westwood College, Inc., among others, rather than any specific campus).

³⁹ *Id.* at ¶ 3.1.b.

⁴⁰ *Id.* at ¶ 3.1.e.

⁴¹ *Id.* at ¶ 3.1.g.

⁴² *Id.* at ¶ 3.3.a.1.

⁴³ *Id.* at ¶ 3.2 f.

⁴⁴ Exhibit 13 (Colorado Consent Judgment), at ¶ 3.3.c–d.

⁴⁵ *Id.* at 14–15.

13. On August 27, 2020, the Colorado AG wrote to the Department of Education (“Department”), alleging Westwood committed violations of the Colorado CPA and requesting a group discharge of and refunds for the more than 27,000 students who enrolled at Westwood’s Colorado campuses (including Westwood Online) between at least 2002 to 2015.⁴⁶
14. In support of the Colorado AG group application, the Colorado AG provided the Department with evidence, including documents and materials obtained from Westwood, affidavits, transcripts of depositions, and transcripts of recordings of admissions telephone calls.
15. According to the Colorado AG group application, Westwood violated the Colorado CPA, because, among other misconduct:
- “Westwood made false and misleading statements about job and salary prospects after graduation, frequently stating that more than 80 percent of Westwood’s graduates find employment in their fields of study, and advertising salaries and jobs that did not reflect the reality of most Westwood graduates”;⁴⁷
 - “Westwood misled students about the cost to attend by minimizing it and deceptively advertising payments toward its institutional financing (‘low monthly payments of \$150’) that many students believed was the only monthly payment they would need to make while in school and after graduation. Most Westwood students took out federal and private loans that required repayment far exceeding \$150 per month after graduation”;⁴⁸ and
 - “Westwood misled students about the likelihood credits earned at Westwood would transfer to other schools. Westwood recruiters referenced the school’s national accreditation as a reason why Westwood credits would be widely recognized and accepted. In fact, few schools accepted Westwood credits.”⁴⁹

C. Illinois Attorney General’s Office (“Illinois AG”) Actions Related to Westwood, Including Group Application for Borrower Defense Relief

1. Illinois AG Investigation and Litigation Against Westwood

16. In 2011, the Illinois AG began an investigation of Westwood and its Illinois campuses.⁵⁰ The primary purpose of the investigation was to determine if Westwood “misrepresented the ability of its graduates to pursue careers in law enforcement.”⁵¹

⁴⁶ Exhibit 14 (Colorado Dep’t of Law, Application for Borrower Defense on Behalf of Westwood Students (Aug. 27, 2020) (on file with Department)).

⁴⁷ *Id.* at 1.

⁴⁸ *Id.* at 1–2.

⁴⁹ *Id.* at 2.

⁵⁰ Exhibit 15 (Letter from Illinois Attorney General to [REDACTED], Dep’t of Educ. (Dec. 13, 2016) (on file with Department)), at 1 [hereinafter Illinois AG Letter Dec. 13, 2016].

⁵¹ *Id.* at 1.

17. On January 18, 2012, the Illinois AG filed suit⁵² against Westwood for violations of the Illinois Consumer Fraud and Business Deceptive Practices Act (“Illinois CFA”).⁵³ On August 17, 2012, the court denied Westwood’s motion to dismiss the complaint.⁵⁴
18. The complaint, as amended on September 30, 2014, alleged that Westwood “engaged . . . in deceptive, unfair, and abusive practices in the marketing and selling of their Criminal Justice program.”⁵⁵ Specifically, the complaint identified numerous actions by Westwood that the Illinois AG alleged violated the Illinois CFA, including:
- “[M]isrepresenting that a Criminal Justice degree from Westwood would help students get jobs as police officers, and omitting the material fact that a number of police departments [would] hire only graduates from regionally accredited schools,⁵⁶ and Westwood’s Illinois institutions are not regionally accredited”;⁵⁷
 - “[M]isrepresenting to prospective and current students the potential salaries, placement or employment rates for Criminal Justice graduates, and omitting the material facts that: (1) the average salary for a Westwood Criminal Justice graduate is less than the median salary of a 25 year old high school graduate; (2) the largest field in which Westwood Criminal Justice graduates are employed is private security; and (3) the total percentage of Westwood Criminal Justice graduates employed in law enforcement is less than 5%”;⁵⁸
 - “[M]isrepresenting to prospective and current students . . . the status and prospects of the accreditation of Westwood College’s Illinois institutions” by, for example, leading students to believe either that Westwood was regionally accredited (or would become regionally accredited shortly) or that Westwood’s national accreditation was equal to any regional accreditation;⁵⁹

⁵² See Exhibit 16 (Order, *State of Illinois v. Alta Colls., Inc.*, No. 12-CH-1587 (Cir. Ct. Cook Cty. Aug. 17, 2012)), at 1 [hereinafter *Illinois v. Alta Order*]. The original state court case was subsequently removed to federal court, and the complaint was later amended to include a second count alleging additional violations of the Illinois CFA, and a third and fourth count each alleging violations of the Consumer Financial Protection Act of 2010, 12 U.S.C. § 5552(a)(1), *et seq.* See Exhibit 17 (Memorandum Opinion and Order, *State of Illinois v. Alta Colleges, Inc.*, No. 14-CV-3786 (N.D.Ill. Sep. 4, 2014)), at 2 [hereinafter *Memorandum Opinion and Order*]. On September 4, 2014, the court denied Westwood’s motion to dismiss the amended complaint. See Exhibit 17 (Memorandum Opinion and Order), at 13.

⁵³ Consumer Fraud and Deceptive Practices Act, 815 ILL. COMP. STAT. 505/1, *et seq.*

⁵⁴ See Exhibit 16 (*Illinois v. Alta Order*).

⁵⁵ See Exhibit 18 (Second Amended Complaint, *Illinois v. Alta Colls., Inc.*, No. 14-CV-03786 (N.D. Ill. Sep. 30, 2014)), at ¶ 3 [hereinafter *Illinois Complaint*].

⁵⁶ There are two kinds of institutional accreditation: national and regional. National accreditation applies “mainly [to] for-profit, career-based, single-purpose institutions, both degree and non-degree,” while regional accreditation applies to “public and private, mainly nonprofit and degree-granting, two- and four-year institutions.” See Exhibit 19 (Judith S. Eaton, AN OVERVIEW OF U.S. ACCREDITATION (The Council for Higher Education (rev. Nov. 2015)), at 2–3, <https://www.chea.org/sites/default/files/other-content/Overview%20of%20US%20Accreditation%202015.pdf> (last visited Mar. 1, 2021) [hereinafter *An Overview of U.S. Accreditation*]). Westwood held national, rather than regional, accreditation. See *infra* ¶¶ 25–26.

⁵⁷ See Exhibit 18 (*Illinois Complaint*), at ¶ 456(a). The Illinois Complaint noted that this misrepresentation was also made specifically with regard to employment as police officers for the City of Chicago, the state of Illinois, and in certain suburban police departments. *Id.* at ¶¶ 456(b)–(d).

⁵⁸ See *id.* at ¶ 456(h).

⁵⁹ See *id.* at ¶¶ 155–58, 164–89, 456(f).

- Misrepresenting to prospective and current students that academic course credits and degrees from Westwood would transfer to other institutions of higher learning or be accepted as a prerequisite for their graduate programs, and omitting the material fact that this transferability and acceptance was greatly limited due to its national accreditation;⁶⁰ and
 - “[M]isrepresenting individual financial aid packages and the projected cost of an individual student’s Westwood education,”⁶¹ for instance by only disclosing Westwood’s tuition costs on a per-term basis without mentioning that Westwood offered five terms per year, “unlike the majority of other colleges that have two terms per year.”⁶²
19. In October 2015, the Illinois AG settled the lawsuit, and Westwood agreed to “discharge all institutional loans for Illinois criminal justice students since the inception of the program in Illinois, amounting to over \$15 million in loan forgiveness.”⁶³ By the time the settlement was executed, Westwood was no longer offering a Criminal Justice program at its Illinois campuses.⁶⁴

2. Illinois AG Request for Group Borrower Defense Relief

20. On November 28, 2016, the Illinois AG wrote to the Department, requesting a group discharge of federal student loans on behalf of over 1,200 Illinois students who attended Westwood’s Criminal Justice program from 2004 until the school closed in March of 2016, for violation of the Illinois CFA.⁶⁵
21. In support of the Illinois AG group application, the Illinois AG provided the Department with evidence obtained through civil discovery from its litigation with Westwood, including documents and materials obtained from Westwood, transcripts of depositions, expert reports, and recordings of admissions telephone calls.⁶⁶
22. According to the Illinois AG group application, the materials provided to the Department “provide comprehensive and largely irrefutable evidence that Westwood engaged in a pattern and practice of deception surrounding its criminal justice program in Illinois by misrepresenting or omitting material facts concerning career outcomes, accreditation, cost of

⁶⁰ See *id.* at ¶¶ 456(k)–(l).

⁶¹ See *id.* at ¶ 456(p).

⁶² See Exhibit 18 (Illinois Complaint), at ¶¶ 7, 68. In addition, the Illinois AG characterized Westwood as having “Aggressive Marketing and Recruiting Practices [that] Target Vulnerable Consumers in an Effort to Enroll as Many Students as Possible, as Quickly as Possible.” *Id.* at 9.

⁶³ See Exhibit 15 (Illinois AG Letter Dec. 13, 2016), at 1.

⁶⁴ Exhibit 20 (Assurance of Voluntary Compliance, *In the matter of Alta Colls., Inc.*, (Oct. 9, 2015)), at ¶ 24.

⁶⁵ Exhibit 4 (Illinois AG Letter Nov. 28, 2016), at 1; Exhibit 15 (Illinois AG Letter Dec. 13, 2016), at 1; Exhibit 21 (WESTWOOD COLLS., *Graduate Detail Employment Rate Chart* (WEST001-0000000006)) [hereinafter GDER Chart] (Illinois AG-provided list of borrowers with enrollment dates of 7/1/2007–6/30/2013 enrolled in the Criminal Justice program); Exhibit 22 (Exhibit B to Assurance of Voluntary Compliance, *In the Matter of Alta Colls., Inc.*, (Dec. 14, 2015)) [hereinafter AVC Exhibit B].

⁶⁶ Exhibit 4 (Illinois AG Letter Nov. 28, 2016), at 2; Exhibit 15 (Illinois AG Letter Dec. 13, 2016), at 2.

tuition, and financing, with the intent that students rely on such misrepresentations and omissions.”⁶⁷

23. In a follow-up letter on December 13, 2016, the Illinois AG noted that Westwood’s Criminal Justice degree in Illinois “produced disastrous results for its students: nearly 80% of students dropped out, while the typical graduate earns only \$22,048,” in spite of Westwood “charg[ing] over \$75,000 for its criminal justice degree.”⁶⁸
24. In a follow-up letter dated June 3, 2019, the Illinois AG renewed its request for a group discharge and specifically noted that its prior settlement with Westwood had not included federal loan relief.⁶⁹

D. Westwood’s Relevant Accreditation History

Westwood’s National Accreditation

25. From around 2000 to Westwood’s closure in 2016,⁷⁰ each of Westwood’s campuses held national⁷¹ accreditation with either the Accrediting Council for Independent Colleges and Schools (“ACICS”) or the Accrediting Commission of Career Schools and Colleges⁷² (“ACCSC”).⁷³
26. Westwood was not regionally accredited at any time during its operations. Westwood began actively preparing to obtain regional accreditation from the Higher Learning Commission of

⁶⁷ Exhibit 4 (Illinois AG Letter Nov. 28, 2016), at 2.

⁶⁸ Exhibit 15 (Illinois AG Letter Dec. 13, 2016), at 2. The Department also received letters from Senator Dick Durbin of Illinois requesting federal student loan debt relief for Illinois students defrauded by Westwood College. *See, e.g.*, Exhibit 23 (Letter from the Hon. Richard Durbin, United States Senator for Illinois, to the Hon. John King, Secretary, Dep’t of Educ. (Dec. 9, 2016) (on file with Department), <https://www.durbin.senate.gov/imo/media/doc/Westwood%20relief%2012.9.16.pdf>) [hereinafter Senator Durbin Letter]; Exhibit 24 (Press Release, U.S. Senator Dick Durbin of Illinois, Durbin, Murray, Dem Senators Seek Status of Group Discharge Applications Submitted By State AG’s (June 18, 2019), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-murray-dem-senators-seek-status-of-group-discharge-applications-submitted-by-state-ags>) [hereinafter Senator Durbin Press Release].

⁶⁹ Exhibit 25 (Letter from Illinois Attorney General to the Hon. Elisabeth DeVos, Secretary, Dep’t of Educ. (June 3, 2019) (on file with Department)), at 1–2 [hereinafter IL AG Letter to DeVos].

⁷⁰ This memo does not discuss Westwood’s accreditation prior to 2000. For more information on Westwood’s pre-2000 accreditation, *see* Appendix B (Westwood Campus Accreditation Information).

⁷¹ There are two kinds of institutional accreditation: national and regional. National accreditation applies “mainly [to] for-profit, career-based, single-purpose institutions, both degree and non-degree.” *See* Exhibit 19 (An Overview of U.S. Accreditation), at 2–3. Regional accreditation applies to “public and private, mainly nonprofit and degree-granting, two- and four-year institutions.” *Id.*

⁷² Prior to 2009, ACCSC was named the Accrediting Commission of Career Schools and Colleges of Technology (“ACC SCT”). *See* Exhibit 26 (*Announcement from the Accrediting Commission of Career Schools and Colleges of Technology*, ACC SCT (June 2, 2009), <http://www.accsc.org/UploadedDocuments/Alert%20June%202009.pdf> (last visited Mar. 1, 2021)) (announcing name change). This memo refers to the organization as “ACCSC” for ease of reference.

⁷³ *See* Appendix B (Westwood Campus Accreditation Information) (accreditation information for individual campuses).

the North Central Association of Colleges and Schools (“HLC”) beginning in 2004.⁷⁴ HLC recognized Westwood’s candidacy for accreditation in 2007, but Westwood never progressed beyond the candidacy stage.⁷⁵ Westwood ultimately withdrew its candidacy in 2010.⁷⁶

1. ACCSC’s Show-Cause and Probation Orders

ACCSC’s Show-Cause Order for Westwood’s Denver North Campus

27. At least as early as August 2005, ACCSC began imposing additional reporting requirements (known as “Outcomes Reporting”⁷⁷) on an increasing number of programs at Westwood’s Denver North campus because student graduation or employment placement rates for each program fell below ACCSC student achievement benchmarks.⁷⁸
28. On November 24, 2008, ACCSC determined through a Show-Cause Order⁷⁹ that Westwood College’s Denver North campus — Westwood’s main campus — had not demonstrated compliance with ACCSC accreditation criteria.⁸⁰
29. In the Show-Cause Order, ACCSC required Westwood to “show cause as to why its accreditation should not be withdrawn.”⁸¹
30. The Show-Cause Order raised various concerns, including that:

⁷⁴ Exhibit 27 (WESTWOOD COLL., *Admissions 110CN – New Hire Classroom Training Agenda and Workbook: Techniques and Scripts for Handling the Most Common Objections* (Jan. 20, 2010)), at WP000036099 [hereinafter Westwood Objections Training Document].

⁷⁵ See Exhibit 28 (HIGHER LEARNING COMMISSION, *Review Committee Report* (Sept. 24, 2007)), at 2. Another HLC document explained “Westwood d[id] not yet meet the Criteria for Accreditation, but that it d[id] continue to meet the requirements for continued candidacy.” Exhibit 29 (HIGHER LEARNING COMMISSION, *Public Disclosure Notice on Westwood College* (Mar. 15, 2010)), at 1.

⁷⁶ Exhibit 30 (Letter from Westwood College to [REDACTED], [REDACTED], Higher Learning Commission (Nov. 1, 2010) (on file with Department)), at 1; see also Exhibit 31 (HIGHER LEARNING COMMISSION, *Public Disclosure Notice on Westwood College* (Nov. 6, 2010)), at 1.

⁷⁷ “For any program that has a graduation or employment rate that falls below the Commission’s established benchmark rate, the Commission will require a school to submit to heightened monitoring or reporting of student achievement outcomes” — i.e. Outcomes Reporting. Exhibit 32 (ACCSC, *Standards of Accreditation* (Oct. 1, 2009), at 88.

[<https://web.archive.org/web/20100215173952/http://www.accsc.org/Content/Accreditation/documents/StandardsofAccreditationandBylaws-100109.pdf>)] [hereinafter *Standards of Accreditation*].

⁷⁸ See generally Exhibit 33 (Letter from ACCSCT to [REDACTED], [REDACTED], Westwood College-Denver North (Nov. 24, 2008) (on file with Department)) [hereinafter *Show-Cause Order*] (discussing the history of ACCSC’s review of Westwood, beginning in 2005).

⁷⁹ Exhibit 33 (Show-Cause Order). “In cases where the [ACCSC] Commission has reason to believe that a school is not in compliance with accreditation standards and other requirements, the Commission may order the school to show cause as to why accreditation should not be withdrawn. A school that receives a Show Cause Order will be required to demonstrate corrective action and compliance with accrediting standards.” Exhibit 32 (Standards of Accreditation), at 42.

⁸⁰ Exhibit 33 (Show-Cause Order), at ACCSC05708.

⁸¹ *Id.*

- Westwood’s reporting history since 2005 showed that graduation and employment rates at Westwood had “continued to fall below [ACCSC’s] student achievement benchmarks”;⁸²
- There were “[d]iscrepancies found in the supporting documentation” for the employment rates and graduation rates Westwood reported;⁸³
- Westwood had engaged in a practice of “modifying” programs (rather than discontinuing them, as it had previously promised to ACCSC) so that it could avoid reporting the outcomes to ACCSC;⁸⁴ and
- Westwood had shifted its emphasis away from implementing strategies agreed upon with ACCSC to increase student achievement and instead toward “a change in the Satisfactory Academic Progress Policy which Westwood believe[d] may have been too rigorous.”⁸⁵

31. At ACCSC’s May 2009 meeting, it voted to vacate the Show-Cause Order and to continue Westwood on Outcomes Reporting.⁸⁶ The decision to do so was based on Westwood’s representation that it would discontinue several of the programs that were not meeting student achievement and graduation rate benchmarks and to improve those metrics for remaining programs.⁸⁷ Despite the vacated Show-Cause Order, ACCSC continued to raise concerns regarding Westwood and its student achievement, as discussed below.

ACCSC’s Order Placing Westwood’s Denver North Campus on Probation

32. On June 2, 2010, ACCSC sent Westwood a letter indicating it was deferring action on Westwood’s application for Renewal of Accreditation for Westwood’s Denver North campus “based on concerns related to . . . institutional assessment and improvement; student achievement; Program Advisory Committee (‘PAC’); and faculty qualifications.”⁸⁸

33. On September 1, 2010, ACCSC placed Westwood College’s Denver North campus⁸⁹ on probation (“2010 Probation Order”).⁹⁰ A significant difference between show-cause orders

⁸² *Id.*

⁸³ *Id.* at ACCSC05710.

⁸⁴ *Id.* at ACCSC05710–11.

⁸⁵ *Id.* at ACCSC05711. The purpose of measuring and enforcing Satisfactory Academic Progress standards is to ensure that students who are being supported by Federal Student Aid funds are progressing towards academic program completion with respect to qualitative performance (e.g. GPA) and quantitative performance (e.g. at a required pace, within a maximum timeframe). See 34 C.F.R. § 668.34.

⁸⁶ Exhibit 34 (Letter from ACCSC to [REDACTED] Westwood College-Denver North (Sept. 1, 2010) (on file with Department)), at WDN00003 n.2 [hereinafter 2010 Probation Order].

⁸⁷ *Id.* at WDN00003–04.

⁸⁸ *Id.* at WDN00003.

⁸⁹ *Id.*

⁹⁰ *Id.* According to ACCSC, “[a] school subject to a Probation Order will be required to demonstrate corrective action and compliance with accrediting standards. Failure to demonstrate compliance with accrediting standards or other accrediting requirements by the end of the probationary period may result in the school being removed from the accredited list.” *Id.* at WDN00012.

and probation orders is that a summary of the probation order is made public and schools must inform students that they have been placed on probation.⁹¹

34. The 2010 Probation Order raised various concerns, including that:

- Westwood’s graduation and employment rates continued to fall below ACCSC benchmarks;⁹²
- “[I]nformation submitted by the school contain[ed] significant discrepancies and questionable information such that the [graduation and employment] rates are not verifiable”;⁹³
- Westwood was subject to a state license revocation proceeding by the Texas Workforce Commission against Westwood’s Houston South campus;⁹⁴ and
- Westwood was the subject of several lawsuits.⁹⁵

35. As a result of ACCSC’s 2010 Probation Order, the Colorado Commission on Higher Education (“CCHHE”) also placed the Denver North campus on probation pursuant to a state law requiring schools operating in Colorado to maintain their accreditation.⁹⁶

ACCSC’s Continued Probation Order to Westwood Denver North

36. On December 9, 2010, ACCSC issued a continued probation order (“2010 Continued Probation Order”), finding that Westwood had not “demonstrated compliance with the Commission’s requirements relative to student achievement outcomes; . . . student complaints; and student recruitment.”⁹⁷ The order also stated that even for programs Westwood reported had met the required graduation and employment benchmarks, “the Commission found that the information submitted by the school contains discrepancies and questionable information such that the rates are not verifiable.”⁹⁸

⁹¹ See Exhibit 32 (Standards of Accreditation), at 42–44.

⁹² Exhibit 34 (2010 Probation Order), at WDN00003–04.

⁹³ *Id.* at WDN00004.

⁹⁴ *Id.* at WDN00006–07. This action is discussed in further detail *infra* ¶¶ 43–44. Though the Probation Order was issued only to the Denver North campus — Westwood’s main campus — ACCSC noted that its accreditation standards “provide that a main school is responsible and accountable to the Commission for compliance with accrediting standards by its separate facilities and that the accreditation of the main school requires adherence to accrediting standards by its separate facilities.” Exhibit 34 (2010 Probation Order), at WDN00006.

⁹⁵ *Id.* at WDN00008–09. These lawsuits are discussed in further detail *infra* n. 108.

⁹⁶ Exhibit 35 (Dennis Huspeni, *Westwood College in settlement deal with AG Suthers over consumer issues*, DENVER BUS. J. (Mar. 14, 2012), <https://www.bizjournals.com/denver/news/2012/03/14/westwood-college-in-settlement-deal.html> (last visited Mar. 2, 2021)).

⁹⁷ Exhibit 36 (Letter from ACCSC regarding Denver-North’s continued probationary status to [REDACTED], [REDACTED], Westwood Denver-North (Dec. 9, 2010) (on file with Department)) [hereinafter 2010 Continued Probation Order], at ACCSC10825.

⁹⁸ *Id.* at ACCSC10827. For example, ACCSC noted that “the school did not show how graduates from the Criminal Justice program can be considered employed in the field with job descriptions such as Line Staff at CEC-Phoenix Center; Healthcare Technician at University of CO Outpatient Women’s Treatment; and Eligibility Technician at the City of Denver Career Service Authority.” *Id.* at ACCSC10828.

37. Both ACCSC and CCHE lifted the probations in March 2011 after Westwood took corrective actions, restoring Westwood’s full accreditation.⁹⁹

Transition from ACCSC Accreditation to ACICS Accreditation

38. By the time ACCSC issued the 2008 Show-Cause Order, Westwood had already begun the process of transitioning its ACCSC-accredited schools to ACICS accreditation. Michale McComis, the Executive Director of ACCSC, testified to the Senate Committee on Health, Education, Labor and Pensions (“HELP Committee”) that after the 2008 Show-Cause Order was issued: “Westwood indicated to us that they had chosen to make application to another agency. They told us directly that it was because they were unable to meet our standards particularly with regard to student achievement.”¹⁰⁰
39. By February 3, 2012, Westwood had relinquished its ACCSC accreditation and transitioned all Westwood campuses to ACICS accreditation.¹⁰¹

2. ACICS’s Concerns About Westwood’s Job Placement Reporting

40. In an evaluation of Westwood Online conducted in February 2014, ACICS evaluators found that Westwood Online was “not in compliance with the *Accreditation Criteria*,” including that “[t]he school does not keep adequate records as it relates to accreditation and licensure or the CAR [Campus Accountability Report], specifically regarding placement classifications, attestations, and waiver verification.”¹⁰²

E. Additional State and Federal Agency Investigations

United States Department of Justice Intervention in and Settlement of False Claims Act Lawsuit

41. A group of former Westwood admissions representatives filed a False Claims Act case on February 15, 2005, alleging that Westwood represented to the Department of Education that

⁹⁹ Exhibit 1 (HELP Report), at 233; Exhibit 37 (Yesenia Robles, *Accreditation restored to for-profit Westwood College*, THE DENVER POST (Mar. 4, 2011), <https://www.denverpost.com/2011/03/04/accreditation-restored-to-for-profit-westwood-college/>).

¹⁰⁰ Exhibit 38 (Examining For-Profit Schools, Focusing on the Student Recruitment Experience, and Undercover Testing to Observe Marketing Practices Before the S. Health, Educ., Labor & Pensions Comm., 111th Cong. 115 (2010) (statement of Michale S. McComis, Ed.D., Executive Director, Accrediting Commission of Career Schools and Colleges), at 115, <https://www.govinfo.gov/content/pkg/CHRG-111shrg78780/pdf/CHRG-111shrg78780.pdf> (last visited Mar. 2, 2021)). Mr. McComis then added: “I think that’s indicative of a problem throughout with regard to accreditation shopping and the opportunity for that to occur. And I would encourage the committee to look at this as a particular issue.” *Id.*

¹⁰¹ See Appendix B (Westwood Campus Accreditation Information).

¹⁰² Exhibit 39 (ACICS, *Initial, Reevaluation, or Additional Location Inclusion Report* (Jan. 1, 2014)), at ED00018737.

it was in compliance with various Title IV eligibility criteria when it was not.¹⁰³ The complaint made various allegations:

- Westwood’s Texas campuses had misrepresented its job placement rates to the Texas Workforce Commission, which grants certificates of approval for career schools and colleges to operate in Texas.¹⁰⁴
- Westwood maintained an incentive compensation system for its admissions representatives that violated Department regulations.¹⁰⁵
- Westwood had enrolled students by misrepresenting to them that Westwood’s interior design program would make them eligible to register as interior designers in the State of Texas.¹⁰⁶
- Westwood had instructed admissions representatives to falsely certify on Federal Student Loan Applications that students had a high school degree or GED.¹⁰⁷

42. The United States intervened on September 28, 2007. In April of 2009, Westwood agreed to pay the United States seven million dollars to settle the case.¹⁰⁸

Texas State Agency Actions

43. In December of 2009, the Texas Workforce Commission (“TWC”) shut down Westwood Online’s operations in Texas because it was operating in the state without a Certificate of Approval.¹⁰⁹

¹⁰³ Exhibit 40 (Third Amended False Claims Complaint, *United States ex. rel. Brazell v. Alta Colls., et al.*, No. 3:05-CV-0319N (N.D. Tex. Dec. 20, 2005)), at ¶¶ 25, 78, 79 [hereinafter Brazell Complaint].

¹⁰⁴ *Id.* at ¶¶ 22, 66.

¹⁰⁵ *Id.* at ¶¶ 44–45.

¹⁰⁶ *Id.* at ¶¶ 28–32.

¹⁰⁷ *Id.* at ¶ 54.

¹⁰⁸ Exhibit 41 (Press Release, Dep’t of Justice, Alta Colleges to Pay U.S. \$7 Million to Resolve False Claims Act Allegations (Apr. 20, 2009), <https://www.justice.gov/opa/pr/alta-colleges-pay-us-7-million-resolve-false-claims-act-allegations> (last visited Mar. 2, 2021)). In addition to the lawsuits filed or joined by government entities, former Westwood students filed a number of private lawsuits against Westwood, alleging a variety of consumer protection violations. *See, e.g., Walker v. Alta Colls., Inc. et al.*, No. 1:2009-CV-00894 (W.D. Tex. 2009) (class action complaint alleging that Westwood had enrolled students in Texas without the required certificate of approval from the Texas Workforce Commission); *Bernal v. Burnett*, No. 10-CV-01917-WJM-KMT (D. Colo. 2011) (class action lawsuit alleging misrepresentations regarding tuitions costs, job placement rates, and transferability); *Westwood Apex v. Contreras*, No. CIVDS1007166 (Cal. Super. Ct. 2010) (breach of contract case brought by Westwood’s Apex financing division to collect on debt; class action counterclaims asserted alleging fraud and unfair and deceptive business practices); *Willes v. Alta Colleges, Inc.*, No. 3:2010-CV-00441 (W.D. Wis. 2010) (alleging that Westwood enrolled students in Westwood Online without approval from the Wisconsin Education Approval Board); *Sims v. Westwood College*, No. 1:2012-CV-00369 (N.D. Ill. 2012) (breach of contract case alleging misrepresentations regarding Westwood’s accreditation).

¹⁰⁹ Exhibit 42 (Press Release, Texas Workforce Commission, Westwood College Texas Campuses Fined and Placed on Probation, High-pressure recruitment practices and other violations resulted in unprecedented penalties (Dec. 16, 2010), https://static.squarespace.com/static/52693fc7e4b0b1f7d80a45c9/527ab97ce4b0c352f93020b5/527ab97ee4b0c352f930285c/1294066779035/TWC_PR_Westwood_121610.pdf).

44. In December 2010, the TWC fined Westwood \$41,000 and ordered probation for its two brick and mortar campuses in Texas due to a pattern of noncompliance, including “marketing and recruiting-related violations” and “failure to comply with applicable Texas law.”¹¹⁰ As a condition of its probation, Westwood agreed to contract with a third party to perform “secret shopper testing” of compliance for Westwood’s Texas campuses.¹¹¹
45. In addition, also in December 2010, the Texas Veterans Commission, the State Approving Agency for the U.S. Department of Veterans Affairs, disqualified Westwood’s Texas campuses from receiving GI Bill funding.¹¹²

Government Accountability Office (“GAO”) Undercover Investigation

46. On August 4, 2010, the GAO issued a report detailing the results of its undercover testing of fifteen for-profit colleges.¹¹³ Though the colleges were not named in the report, they were later identified during a hearing before the HELP Committee.¹¹⁴ One of the schools identified was one of Westwood’s Texas campuses.¹¹⁵
47. The GAO found that each of the fifteen schools it investigated made “deceptive or otherwise questionable statements to GAO’s undercover applicants.”¹¹⁶ The detailed results of the undercover communications with Westwood’s campus included an admissions representative telling the undercover investigator that “the program would cost between \$50,000 and \$75,000 instead of providing a specific number.”¹¹⁷
48. In a separate call, the admissions representative “did not disclose the graduation rate after being directly asked.”¹¹⁸ The admissions representative also encouraged the undercover caller to falsely add dependents on the Free Application for Federal Student Aid (“FAFSA”) to qualify for grants.¹¹⁹

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Exhibit 43 (*For-Profit School Deceives Vets, VA Pulls GI Bill Funds*, VANTAGE POINT, Official Blog of the U.S. Dep’t. of Veterans Affairs (Mar. 8, 2011), <https://www.blogs.va.gov/VAntage/1687/for-profit-school-deceives-vets-va-pulls-gi-bill-funds-2/> (last visited Mar. 2, 2021)).

¹¹³ See generally Exhibit 44 (U.S. Gov’t Accountability Office, Testimony Before the S. Comm. on Health, Educ., Labor, and Pensions, *For-Profit Colleges: Undercover Testing Finds Colleges Encouraged Fraud and Engaged in Deceptive and Questionable Marketing Practices* (Aug. 4, 2010)) [hereinafter GAO Report].

¹¹⁴ Exhibit 45 (Examining For-Profit Schools, Focusing on the Student Recruitment Experience, and Undercover Testing to Observe Marketing Practices Before the S. Comm. On Health, Educ., Labor, and Pensions, 111th Cong. 10 (2010) (statement of Gregory Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office), <https://www.govinfo.gov/content/pkg/CHRG-111shrg78780/pdf/CHRG-111shrg78780.pdf> (last visited Mar. 2, 2021)) [hereinafter Kutz Testimony].

¹¹⁵ Exhibit 45 (Kutz Testimony), at 10.

¹¹⁶ Exhibit 44 (GAO Report), at 7.

¹¹⁷ *Id.* at 26 (Appendix I: Detailed Results of Undercover Tests).

¹¹⁸ *Id.*

¹¹⁹ *Id.*

HELP Committee Investigation

49. The U.S. Senate’s HELP Committee investigated the for-profit sector of higher education, including Westwood. The HELP Committee issued a report setting out detailed findings on July 30, 2012.¹²⁰
50. The HELP Committee found that Westwood “engaged in practices designed to mislead and deceive students” and that the tactics used “included obscuring the true cost of programs, providing inaccurate graduation and job placement rates and placing students in private loans without their knowledge.”¹²¹
51. The Committee also found that Westwood had “a high rate of student loan default, with 24 percent of students defaulting within 3 years” which likely reflected “an inability on the part of some students to find jobs that allow them to repay the debt they incur.”¹²²
52. Ultimately, the report concluded that “[t]aken together, these issues cast serious doubt on the notion that [Westwood’s] students are receiving an education that affords them adequate value relative to the cost and calls into question the hundreds of millions of dollars American taxpayers invest in the company.”¹²³

¹²⁰ *See generally* Exhibit 1 (HELP Report).

¹²¹ *Id.* at 234.

¹²² *Id.*

¹²³ *Id.* The HELP Committee also noted that Westwood was “one of the most expensive schools examined by the committee” and its “default rates are higher than most” as well. *Id.* at 206.

II. Westwood Trained Admissions Representatives in Aggressive Sales Tactics and Pressured Them to Enroll as Many Students as Possible

1. From at least 2002 to 2010, Westwood trained its admissions representatives to use high-pressure sales techniques designed to convince students to enroll at Westwood immediately, without conducting independent research or discussing the decision with friends and family. As detailed below, these techniques included:
 - Building rapport with prospective students and presenting themselves as advisors looking out for the students' best interests;¹
 - Identifying and manipulating prospective students' motivations or emotional "drivers" to convince them to enroll;²
 - Presenting Westwood as a selective institution that would only accept a certain number of students;³
 - Offering "personal recommendations" to assist prospective students in being admitted;⁴
 - Creating a sense of urgency and pushing prospective students to enroll on the initial phone call or during the initial meeting;⁵ and
 - "Overcoming objections" expressed by prospective students rather than taking "no" for an answer.⁶
2. Westwood admissions representatives used these tactics to enroll as many students as possible so that they could increase their enrollment numbers, thus increasing their compensation in the form of higher salaries and bonuses. Admissions representatives that failed to obtain a minimum number of enrollments were placed on probation, given additional recruitment-focused training, and ultimately fired if they could not perform.⁷ This mix of incentives and consequences created a high-pressure sales environment for Westwood's admissions representatives.
3. The aggressive recruitment tactics detailed in this section demonstrate the high-pressure context in which prospective students would have been presented with misrepresentations.

A. Westwood Used High-Pressure Sales Tactics to Convince Prospective Students to Enroll

¹ *Infra* § II(A)(1).

² *Infra* § II(A)(1).

³ *Infra* § II(A)(2).

⁴ *Infra* ¶¶ 26–28.

⁵ *Infra* ¶¶ 29–34.

⁶ *Infra* § II(A)(4).

⁷ *Infra* § II(B).

4. Westwood provided centralized training to admissions representatives, which taught representatives to use a variety of aggressive and high-pressure sales tactics to enroll as many prospective students as possible.⁸
5. During their initial contact with a prospective student, admissions representatives were trained to build rapport with the prospect and to gain their trust.⁹ They pretended to have the student's best interests at heart, when the real goal was to obtain information they could use to "close the sale."¹⁰
6. Westwood also trained its admissions representatives to present Westwood as a selective school that would only accept a certain number of students each term, and to use that selectivity to create a sense of urgency for prospects to enroll before classes filled up.¹¹ Admissions representatives would also make an offer of a time-limited "personal recommendation" to further play up the selectivity narrative and the necessity to enroll right away.¹²
7. Once a prospective student was convinced to enroll, admissions representatives would rush them through the enrollment paperwork.¹³ If a prospective student was not convinced, the admissions representative would not give up, instead responding to the prospect's concerns (which Westwood called "objections") with scripted responses to convince them to enroll.¹⁴

1. Westwood's Admissions Representatives Built Rapport with Prospects to Identify and "Manipulate" Their Motivations and Emotional "Drivers"

8. Westwood trained its admissions representatives to build a rapport with each prospect and to present themselves as advisors with the students' best interests in mind. Admissions

⁸ See Exhibit 46 ([REDACTED] Dep. (Vice President of Training & Operations, [REDACTED], [REDACTED]), [REDACTED], at 51:24–52:2 [hereinafter 2013 Deposition] (testifying that new hires are trained on same materials), and at 52:16–19 (testifying that eighty percent of the job each representative does is the same); Exhibit 47 ([REDACTED] Dep. (Chief Operating Officer, [REDACTED], [REDACTED]), at 39:7–13 [hereinafter [REDACTED] Deposition] (testifying that training is centralized); Exhibit 48 ([REDACTED] Dep. (Chief Administrative Officer, [REDACTED], [REDACTED]), at 62:14–25 (testifying that "the general focus of the admissions organization was to try to be as consistent as possible in its execution"); Exhibit 49 (WESTWOOD COLL., *Admissions 100C – New Hire Training Workbook* (Jul. 16, 2010)), at ALTA_000004716 (stating the importance of consistency in admissions policies and procedures); Exhibit 50 (ALTA COLLS., INC., *220WN: First Time Close Effectiveness* (Sept. 30, 2006)), at WC-1-1-018949 [hereinafter 2006 First Time Close Document] (detailing various aggressive sales tactics for "closing" a sale despite prospective student objections).

⁹ *Infra* § II(A)(1).

¹⁰ *Infra* ¶ 14.

¹¹ *Infra* § II(A)(2).

¹² *Infra* ¶¶ 26–28.

¹³ *Infra* ¶¶ 35–40.

¹⁴ *Infra* § II(A)(4).

representatives would do this during each call or meeting with a prospective student by asking questions about their background, interests, and motivations for going to school.¹⁵

9. Westwood called prospects' motivations their "drivers" and admissions representatives were encouraged to use these "drivers" to pressure the prospects to enroll.¹⁶
10. Westwood's training materials stressed that prospective students "enrolled at the school because they connected with and liked their Admissions Representative."¹⁷ Between at least 2006 and 2010, admissions representatives were expected to find prospective students' "drivers," which were "[t]ypically . . . one or a number of the following: 1) Fear; 2) Discomfort; 3) Security; 4) Desire."¹⁸
11. If a prospect showed hesitation about enrolling at Westwood, admissions representatives were instructed to "touch the drivers. When prospective students resist, its [sic] imperative that you review with them their motivations for wanting to further their education."¹⁹
12. One former admissions representative, in his testimony before the Senate Committee on Health, Education, Labor, and Pensions, explained:

During the interview, we were taught to portray ourselves as advisors looking out for the students' best interests and ensuring they were a good fit for the school. This fake interview would allow the representative to ask students questions to uncover a student's motivators and pain points – their hopes, fears, and insecurities – all of which would later be used to pressure a student to enroll.²⁰

13. A former Director of Admissions for [REDACTED] authored his own training presentation which instructed admissions representatives to "identify pain point[s] and dig," specifically during the part of the presentation dealing with paying for school.²¹ The document told representatives, with regard to the information they obtained in the beginning

¹⁵ Exhibit 51 (WESTWOOD COLL., *The Art of Closing Without Closing: Deep Thoughts* by [REDACTED] (undated)), at WW:HNSY:00869 [hereinafter [REDACTED] Presentation].

¹⁶ *Infra* ¶¶ 10–11.

¹⁷ Exhibit 52 (ALTA COLLS., INC., *Key Responsibility #2, Lead Development, Maintaining High Conversion Rates* (Apr. 12, 2006)), at WC-1-01-017636 [hereinafter Alta Lead Development Training Document].

¹⁸ Exhibit 50 (2006 First Time Close Document), at WC-1-1-018949; Exhibit 53 (WESTWOOD COLL., 236: *First Time Finalization* (Mar. 23, 2010)), at ALTA_000005034.

¹⁹ Exhibit 50 (2006 First Time Close document), at WC-1-1-018958.

²⁰ Exhibit 54 (Examining For-Profit Schools, Focusing on the Student Recruitment Experience, and Undercover Testing to Observe Marketing Practices Before the S. Health, Educ., Labor & Pensions Comm., 111th Cong. (2010) (prepared statement of [REDACTED], Former Admissions Representative, Alta College, Inc., [REDACTED])), at 84 [hereinafter [REDACTED] Statement].

²¹ See Exhibit 51 ([REDACTED] Presentation), at WW:HNSY:00875. Aside from the centralized training admissions representatives received as new hires, the admissions directors working in the different admissions channels or at different campuses were charged with ensuring that the admissions representatives under their supervision received any additional training. Exhibit 55 (WESTWOOD COLL., *Admissions 500 – Director On-Boarding Training Workbook* (Feb. 1, 2010)), at ALTA_000005073 ("Our Admissions training philosophy is that the Director of Admissions is the primary training resource for their team.").

of their conversation with the student, “use what you gathered previously to match the student to the school!!!!!!”²²

14. One admissions representative, who worked for [REDACTED] from 2008 to 2010, summed up this approach: “We were trained to talk with [prospective students] like we were their friends, but our goal was to get information we could use to manipulate their emotions in order to close the sale.”²³
15. Another former admissions representative confirmed that she was trained to find prospective students’ pain points or motivations, stating that when she started at Westwood in 2004, she was trained to ask “a lot of B.S. questions, trying to dig out, why aren’t you in school right now... Why don’t you have a job. Trying to pull out their pains, you know, kind of make them feel like they needed to go to school.”²⁴
16. A recorded call between a Westwood admissions representative and a prospective student portrays exactly how these techniques were put into practice. The representative first asked the prospect open-ended questions about his life and then seized on his recent job loss to persuade him to enroll.²⁵ Despite the prospective student’s objections that he first needed to worry about finding a job, the representative turned the issue on its head: “I’d like to wrap it up by saying, I really would like to definitely consider you for presentation to my director of admissions, because I really think, from what you have said to me, you realize the value of this after having been laid off.”²⁶
17. Borrowers have also raised allegations that reflect attempts by admissions representatives at Westwood to play on prospective students’ emotions and fears of failure. For example, one borrower states:

In high school I got into some legal problems. I was in a bad place emotionally I felt that I would never be able to obtain a decent job because of the problems I had gotten my self [sic] into. I explained this to my recruiter and I felt that he used my emotions to get me to enroll. I wanted so bad to prove to my parents that I was not a failure and he took advantage of my situation to convince me that by enrolling I would be doing just that.²⁷

²² Exhibit 51 ([REDACTED] Presentation), at WW:HNSY:00873. [REDACTED] testified that the presentation authored by [REDACTED] was not approved by the training and development group and indicated that he believed the presentation was shared only with the admissions representatives under [REDACTED] supervision. Exhibit 46 ([REDACTED] 2013 Deposition), at 76:9–23, 78:2–16.

²³ Exhibit 56 ([REDACTED] Aff. (Admissions Representative, 2008–2010, [REDACTED]), [REDACTED]), at ¶ 7 [hereinafter [REDACTED] Affidavit].

²⁴ Exhibit 57 ([REDACTED] Sworn Statement (Director of Admissions, 2004–2010, [REDACTED]), [REDACTED]), at 29:19–23 [hereinafter [REDACTED] Statement].

²⁵ See Exhibit 58 (Transcripts of Audio Recordings Document 1, No. 32_rcd (Mar. 7, 2014)), at OAG.Prod.005607 ll.13–18 [hereinafter Transcripts of Audio Recordings Doc. 1].

²⁶ Exhibit 58 (Transcripts of Audio Recordings Doc. 1), at OAG.Prod.005607 ll.13–18.

²⁷ Application [REDACTED] (2005, Torrance).

2. Admissions Representatives Presented Westwood as a Selective Institution That Filled Its Classes Fast, in Order to Create a Sense of Urgency

18. Westwood's admissions representatives told students that Westwood was a selective institution that would not allow just anyone to enroll.²⁸ They conducted phone calls or initial in-person meetings as "interviews" or "evaluations," to further the impression that the prospective student was in competition for one of a few spots available and that they should enroll immediately, before classes filled up.²⁹
19. Admissions representatives would then offer their time-limited "personal recommendation" to assist the prospective student in being accepted to Westwood, even though no such recommendation was required.³⁰ Westwood's internal documents explain the importance of building this sense of urgency, citing an analysis that prospective students were less likely to enroll the more time they had to consider their decision.³¹

Admissions Representatives Presented Westwood as a
Selective Institution Despite Its Open Enrollment Policy

20. Westwood was an open enrollment school with minimal criteria for admission.³² Prospective students were required to complete an application, submit proof that they had obtained a high school diploma or its equivalent, and "demonstrate proficiency in basic college-level skills" by submitting an ACT or SAT score,³³ or by taking the Accuplacer Computerized Placement

²⁸ *Infra* ¶¶ 20–23.

²⁹ *Infra* ¶¶ 21–25.

³⁰ *Infra* ¶¶ 26–28.

³¹ *Infra* ¶ 34.

³² See, e.g., Exhibit 59 (Interview with [REDACTED] (Director of Education, 2004–2013, [REDACTED]) (undated) (on file with Department)), at ALTA_000035201 (testifying that Westwood was an "open enrollment institution"); Exhibit 60 ([REDACTED] Dep. (Vice President of Marketing & Enrollment Management, [REDACTED]), at [REDACTED]), at 70:9–71:3 (testifying that he could not recall a time when a prospective student who met all of the basic criteria was told they could not attend Westwood); Exhibit 57 ([REDACTED] Statement), at 30:24–31:1 (stating that Westwood wanted to sign up any student "as long as you had a high school diploma, you know, and you had a pulse"); Exhibit 61 ([REDACTED] Sworn Statement (Assistant Director of Admissions, 2002–2010, [REDACTED]), [REDACTED]), at 185:2–21 [hereinafter [REDACTED] Statement] (stating that [REDACTED], the [REDACTED], told her Westwood "probably could use some better quality students, but whoever comes in, we've got to enroll no matter what").

³³ There was a minimum required ACT/SAT score, but if the student's score was below the minimum, Westwood would administer the Accuplacer Computerized Placement Test. See, e.g., Exhibit 62 (WESTWOOD COLL., *Westwood College 2005 Academic Catalog: Illinois* (Feb. 2005)), at ALTA_000014778 [hereinafter Feb. 2005 Catalog].

Test, administered by a Westwood employee.³⁴ If a prospective student met these minimal requirements, Westwood would admit them.³⁵

21. Despite this open enrollment policy, Westwood trained its admissions representatives to conduct their recruiting activities as an interview or evaluation process. For example, training documents confirm that at least as early as 2006, Westwood admissions representatives were trained to “treat the [admissions] process as an ‘evaluation’ – not open enrollment.”³⁶
22. Likewise, a 2006 training document explained that if a prospective student questioned the need for an “interview,” admissions representatives should respond that, “we are a private school and a personal interview is a required part of the process. It is the best way to see if this is the right school for you and we can determine if you can be recommended for acceptance.”³⁷
23. Recorded calls from Westwood Online admissions representatives demonstrate similar statements regarding Westwood’s purported selectivity:
 - “[Y]ou got to understand, Westwood College, we’re a private college, so to get into our college, I mean, we have to conduct an interview.”³⁸
 - “[W]hat we do here just not anybody can enroll in Westwood.”³⁹ “And, well, now, now let me ask you, I mean, other people that are getting evaluations, you know, for

³⁴ Exhibit 62 (Feb. 2005 Catalog), at ALTA_000014778 (listing admissions requirements, including a high school diploma or its equivalent; not including a recommendation); Exhibit 63 (WESTWOOD COLL., *Westwood College 2004 Academic Catalog: Illinois* (Oct. 2003)), at ALTA_000014709 (listing similar requirements); Exhibit 64 (WESTWOOD COLL., *Westwood College 2007 Academic Catalog: Illinois* (Oct. 2006)), at ALTA_000015261–62; Exhibit 65 (WESTWOOD COLL., *Westwood College 2009 Academic Catalog: Colorado* (Jan. 2009) [https://web.archive.org/web/20090515003734/http://www.westwood.edu/media/files/pdf/catalogs/CO_catalog.pdf]), at 5–6; Exhibit 66 (WESTWOOD COLL., *Westwood College 2010 Academic Catalog* (Aug. 2010) [https://web.archive.org/web/20101010234855/http://www.westwood.edu/media/files/pdf/catalogs/WCO_Catalog_6363.pdf]), at 55–56. However, in at least one instance, from a False Claims Act lawsuit against Westwood from 2005, a former Westwood admissions representative alleged that his admissions director ordered him to “make sure [a prospective student] passed his Accuplacer exam because they [i.e. the admissions team] needed to make budget.” Exhibit 40 (Brazell Complaint), at 10.

³⁵ Exhibit 67 ([REDACTED] Sworn Statement (Vice President of Training & Operations, [REDACTED], [REDACTED] 2011 Statement) (testifying that a “recommendation” has never been an entrance requirement at Westwood); see also Exhibit 47 ([REDACTED] Deposition), at 44:3–15 (testifying that to not accept a student who showed proof of high school graduation and passed the Accuplacer test would be “discriminatory”).

³⁶ Exhibit 68 (ALTA COLLS., INC., *Close and Affirmation: Writing an Applicant who will Graduate* (Apr. 10, 2006)), at ALTA_000000924 [hereinafter *Close and Affirmation Training Document*].

³⁷ Exhibit 69 (ALTA COLLS., INC., *Key Responsibility #3, Phone Contact* (Apr. 3, 2006)), at ALTA_000000917; see also Exhibit 70 (ALTA COLLS., INC., *Westwood College National Interview Guide* (Mar. 20, 2007)), at WW:HNSY:00487 (scripted statement that an “evaluation” and “personal assessment” of student was required for admission); Exhibit 71 (ALTA COLLS., INC., *Admissions Book of Knowledge* (Nov. 14, 2007)), at WC-1-12-057802, WC-1-12-057808 [hereinafter *Admissions Book of Knowledge*] (training recruiters to “[e]stablish Alta Colleges’ Image of quality and selectivity”).

³⁸ Exhibit 58 (Transcripts of Audio Recordings Doc. 1), at OAG.Prod.005291, 14:3–7.

³⁹ Exhibit 72 (Transcripts of Audio Recordings Document 2, No. 000284 (Aug. 6, 2004)), at OAG.Prod.006242, 4:2–7 [hereinafter *Transcripts of Audio Recordings Doc. 2*].

the criminal justice, what makes you feel you would deserve that spot in one of the classes?”⁴⁰

Westwood Admissions Representatives Used
This Aura of Selectivity to Create a Sense of Urgency

24. Although the evidence indicates that Westwood would admit anyone who met its minimal criteria, admissions representatives would tell prospective students that only a certain number or percentage would be admitted:

- “I want you to know that on a day-to-day basis, we probably interview maybe 50 to 60 students. And out of those 50 to 60 students, we probably are able to, you know, on a good day recommend five to six.”⁴¹
- “We are, as I said, a private university, private college. And only 25 percent or maybe 30 percent of the students that we actually interview do we actually present to our director of admissions.”⁴²
- “I’ve had five evaluations today, and this is the first one that I felt really, really good about. We’ve got – I’ve actually got, you know, three spaces left in my criminal justice for May, and I would like to offer you a spot.”⁴³
- “We speak to right around about 150-200 students a week. Out of those, we probably end up taking only about three or four.”⁴⁴

25. Similarly, borrowers have alleged that they were told spots in Westwood classes were so sought after and limited that students had to move immediately to secure their chance to attend.⁴⁵

- “I was told that I needed to apply ‘immediately’ because the ‘Criminal Justice program was very competitive and that if I waited, I would be put on a waiting list and have to wait until the following semester to be admitted.’”⁴⁶

⁴⁰ *Id.* at 13:13–17.

⁴¹ Exhibit 58 (Transcripts of Audio Recordings Doc. 1), No. 000011, at OAG.Prod.005347, 70:11–15.

⁴² *Id.*, No. 32_rcd, at OAG.Prod.005347, 50:9–13.

⁴³ Exhibit 72 (Transcripts of Audio Recordings Doc. 2), No. 000299, at OAG.Prod.006314, 70:19–23.

⁴⁴ Exhibit 73 (_____, Aff. (Attorney, Colorado Attorney General’s Consumer Fraud Unit), _____, _____ at ¶ 31.

⁴⁵ *See, e.g.*, Application _____ (2005, Dallas) (“They walked me through the school and told me that they needed to ensure each student was qualified and/or ready to enter into a program that was difficult, elite and progressive. Rather than just checking out the school, getting information and leaving, I was pressured into coming in later for an interview and called several times after my visit.”); Application _____ (2008, Anaheim) (“The school told me that I had to enroll immediately in the school because there were few student openings available in the program. I was told that if I waited who knew when the next opportunity would occur.”); Application _____ (2007, Online) (“Yes I was told that spots are very limited and that I needed to get enrolled as soon as possible or risk not being able to attend. Even now looking back I feel like the whole process was rushed, I went from no enrollment to fully enrolled in less than a week with multiple loans under my name as well as one cosigned by my mother.”); Application _____ (2003, Denver) (“They gave me a little interview and acted like they had to ‘accept’ me first. Then went on to tell me that I would be a good fit for this school. They built me up to try and gain my trust by telling me how smart I seemed....”).

⁴⁶ Application _____ (2008, Chicago).

- “The admission counselor was very pushy. They where [sic] not really counselors either. It seems that they were more sales-people than anything. I was told that classes were filling up fast and that spots were limited. Was told if I didn’t sign now, I lacked commitment to better myself then I’d lose my loans and grants and would have to pay for college myself.”⁴⁷
- “The school did tell me that I had to enroll soon or there would not be enough space for me in the current semester as they fill up fast. They also told me they don’t just accept anyone, they were looking for students that had talent and that they were very picky in the selection process.”⁴⁸

Westwood Admissions Representatives Used Their Personal Recommendation
to Convince Prospective Students to Enroll

26. Having presented Westwood as a selective institution that admitted only a certain number of candidates, admissions representatives would use their own time-limited⁴⁹ “personal recommendation” to sell the prospect on enrolling. Westwood encouraged admissions representatives to help sell the school using their competitive “recommendation” between around 2004 and 2010.⁵⁰
27. Westwood’s Vice President of Admissions Training and Operations, who began working for Westwood in [REDACTED], testified that Westwood had trained admissions representatives to tell prospective students that the representative would “recommend” them for acceptance, even though a recommendation was not actually needed.⁵¹
28. One training presentation instructed representatives to state: “Now (prospect name), as I mentioned before, in order for you to move forward, it is a requirement that I recommend you to my Director of Admissions. If you were an Admissions Representative, or we were to trade places briefly, what would you say to my Director on your behalf?”⁵²

⁴⁷ Application [REDACTED] (2007, Fort Worth).

⁴⁸ Application [REDACTED] (2006, Online).

⁴⁹ Transcripts of admissions calls indicate admissions representatives told prospects they must enroll right away to get the representative’s “recommendation.” See, e.g., Exhibit 72 (Transcripts of Audio Recordings Doc. 2), No.000299, at OAG.Prod.006303, 27:17–22. (telling prospect that representative “can only hold the spot [in the class] after the conversation for 24 hours without an application fee and a letter of recommendation”); Exhibit 72 (Transcript of Audio Recordings Doc. 2), No. 0000213, at OAG.Prod.005926, 65:7–15, 66:18–21 (telling prospect that representative has to provide director of admissions his recommendations “daily,” and “if I don’t turn in a letter of recommendation, I have to tell them why, and it requires you to fill out a letter of intent. So, there’s extra steps there.”); Exhibit 58 (Transcripts of Audio Recordings Doc. 1), No. 000011, at OAG.Prod.005291, 14:9–14 (“So, basically, if we did conduct an interview with you, we were able to get you recommended into the school, that’s huge. I mean, that’s the first part. Getting — again, part of that recommendation process or completing that process is getting applied and registered.”).

⁵⁰ Exhibit 57 ([REDACTED] Statement), at 28:18–29:2, 29:24–31:1 (testifying that the personal recommendation was part of admissions script at least as early as [REDACTED]); Exhibit 67 ([REDACTED] 2011 Statement), at 130:1–131:8 (testifying that the Westwood-promoted use of personal recommendations was discontinued by [REDACTED]).

⁵¹ Exhibit 67 ([REDACTED] 2011 Statement), at 127:23–129:25, 130:13–131:8.

⁵² Exhibit 68 (Close and Affirmation Training Document), at ALTA_000000937.

The Sense of Selectivity and Urgency Admissions
Representatives Created Was by Design

29. The tactics described above — creating a sense of selectivity and urgency, then offering a personal recommendation to students — were all designed to convince prospective students to enroll at Westwood as soon as possible, preferably during the initial phone call or meeting.⁵³
30. Westwood emphasized that an admissions representative's goal should be to obtain a prospective student's enrollment during the initial interview, whether by phone for Westwood Online students or in-person for the brick-and-mortar campuses.⁵⁴
31. One admissions representative for [REDACTED] testified: "I was trained to 'close the sale' by the end of the initial phone call. 'Closing the sale' meant convincing the student to electronically sign the enrollment paperwork and pay the application fee."⁵⁵ She further explained:
- Our supervisors told us that the sales call was like a rollercoaster. We were instructed to 'keep the lead going up, never let them go down.' We were told that there was a time for the lead to go down. That time was after we hung up the phone, and after the lead had signed the enrollment paperwork and paid the application fee.⁵⁶
32. Another former admissions representative explained that the importance of enrolling the student on the initial call was that "in Westwood's eyes...once, you let the student off the phone, you're probably not going to get back in touch with them."⁵⁷
33. A training document from 2006 elaborated on the reasons for emphasizing a first-time close:⁵⁸

⁵³ *Infra* ¶¶ 24–28.

⁵⁴ Typically, for prospective *online* students, the interview was to occur during an initial call, whereas for prospective *brick-and-mortar campus* students, the interview was to occur during an in-person meeting after an initial call (which Westwood instructed should ideally occur on the same day or soon after the initial call). *See generally, e.g.*, Exhibit 74 (ALTA COLLS., INC., *Online Interview Guide* (Nov. 20, 2008)); Exhibit 52 (Alta Lead Development Training Document).

⁵⁵ Exhibit 56 ([REDACTED] Affidavit), at ¶ 5.

⁵⁶ *Id.* at ¶ 8.

⁵⁷ Exhibit 57 ([REDACTED] Statement), at 118:17–20. The former employee took issue with that approach, specifically because she felt "like it's important to talk to your wife about a \$70,000 commitment and talk to your mom or dad." *Id.* at 119:4–8.

⁵⁸ Exhibit 50 (2006 First Time Close Document), at WC-1-1-018947 (partial screenshot).

Why is the first-time close important?



- In many respects, this is very much an emotional sell. Closing the first time and continual follow up with the prospect to maintain their desire is key to a student successfully starting school.
- In most cases, your chances of closing the student at a later time diminishes.
- The prospect will allow their fears to take over and it will become more difficult for you to contact them at a later point (i.e. prospect will not return phone calls, e-mails, etc.).
- It will be hard to get the prospect to reconnect to the "drivers" (fear, discomfort, desire, greed).

34. That same training document, titled "First Time Close Effectiveness," summed up Westwood's main reason for seeking first-time closes.⁵⁹

CONFIDENTIAL

Closing Exercise!



GO

AND

GET

THE

MONEY!

⁵⁹ *Id.* at WC-1-1-018946 (partial screenshot).

Westwood's internal data confirmed that prospective students were more likely to enroll during the first contact or within a few days. A training document from 2010 indicated that, "57% of all prospective students enroll within the first four days of the original lead date," and "[o]f the 57% enrolled, more than 50% enroll on the first day."⁶⁰ The lead date is the date admissions representatives would add to the Student Relationship Management portal when they first contacted a prospective student.⁶¹

3. Admissions Representatives Rushed Students Through the Enrollment Paperwork

35. Admissions representatives also rushed prospective students through the process of filling out the enrollment paperwork without explaining or providing time for students to read any of the disclaimers or disclosures included in the paperwork.⁶²
36. Training materials instructed admissions representatives to rush the final steps of enrollment, also known as "assum[ing] the sale," in order to "close" an enrollment, as shown in the following script and instructions that representatives were expected to follow:

Great, let's get started (pull out the Enrollment Paperwork and fill in name). What is your current address (fill in on application)? How would you like to take care of your application fee today? We accept cash, credit card, or check (accept payment). I will get you a receipt, and then we will meet with a Financial Aid Representative so they can go over your packet with you. Next, we will schedule you for testing, which is when you will bring in your completed financial aid forms, and your Proof of Graduation.⁶³

If the prospective student expressed any hesitation or asked for time to consider whether to enroll, the training script instructed the representative to "gather up the [enrollment] paperwork, pile it all together, and put it away," and say, "My mistake. I thought that you were ready to get started."⁶⁴

37. Former students testified that they were rushed through the enrollment process and admissions representatives told them where to initial or sign documents without explaining what they were signing:
- One former student, who attended Westwood's DuPage, Illinois campus, testified "I was rushed through the process of signing up. I was in and out like 20 minutes of signing up with Westwood."⁶⁵ The student reiterated "they rushed me through to sign,

⁶⁰ Exhibit 75 (WESTWOOD COLLS., 255WN: *Effective Lead Contact: Best Practices to Maximize Lead Effectiveness* (Mar. 3, 2010)), at WC-1-01-017413 (emphasis in original).

⁶¹ See Exhibit 67 (██████████ 2011 Statement), at 69:5–10; see also Exhibit 76 (CAMPUS MGMT., *Admissions Representative WebSRM Practice Exercises* (undated)), at WW:HNSY:00473 (representatives were instructed to fill out the "lead date" field).

⁶² *Infra* ¶¶ 36–40.

⁶³ Exhibit 68 (Close and Affirmation Training Document), at ALTA_000000935.

⁶⁴ *Id.* at ALTA_000000938.

⁶⁵ Exhibit 77 (██████████ Dep. (Student, 2005–2008, DuPage), ██████████, at 47:15–18 [hereinafter ██████████ Deposition]).

sign, sign. We'll give you copies. You can read it later. Just sign, sign, sign."⁶⁶ The student testified that her admissions representative told her "we'll worry about that stuff later. Don't worry. These are just normal statements. Everybody signs these. Just sign them. We'll take care of everything else later."⁶⁷

- Another student, who attended the Denver North, Colorado campus, submitted an affidavit, stating: "The admissions and financial aid process was a whirlwind. The speed at which everything was done threw me a bit. Before I knew it, I was enrolled in school."⁶⁸
- Another student, who was recruited to attend Westwood right out of high school and attended Westwood's Chicago Loop campus, testified "we glanced at it, flew through, sign here, sign there, sign here, sign there or initial here, initial there."⁶⁹ The student added "I trusted [the admissions representative's] explanation....It wasn't like well, read the fine print and make you understand that you are not guaranteed a job....It was just like okay, well, sign it and we can keep it moving."⁷⁰

38. A former admissions representative testified that, on average, she and other admissions representatives would spend "[p]robably 5 to 10 seconds" getting a prospective student to sign the enrollment agreement.⁷¹

39. Another former admissions representative testified that prospective students did not read the paperwork they were signing because they trusted the admissions representatives' explanation of the documents: "[T]he reality is they did not look at what they're signing, and they're trusting the person they're talking to."⁷² She explained that students did not look at the enrollment agreement "[b]ecause it's so elaborated [sic]. It's hard to understand, so they don't look at that. 90 percent of them just trust the representative."⁷³

40. Similarly, borrowers have raised allegations that reflect they felt pressured to enroll immediately, despite wanting more time to consider whether to enroll.⁷⁴

⁶⁶ *Id.* at 48:17–19.

⁶⁷ *Id.* at 49:12–16.

⁶⁸ Exhibit 78 (██████████ Aff. (Student, 2005–2008, Denver South), ██████████, at ¶ 11.

⁶⁹ Exhibit 79 (██████████ Dep. (Student, 2005–2008, Chicago Loop), ██████████ at 84:18–23 [hereinafter ██████████ Deposition].

⁷⁰ *Id.* at 274:9–22.

⁷¹ Exhibit 57 (██████████ Statement), at 215:25–216:13.

⁷² Exhibit 61 (██████████ Statement), at 116:12–16.

⁷³ *Id.* at 118:5–7.

⁷⁴ *See, e.g.*, Application ██████████ (2009, Atlanta) ("Upon touring the campus they were trying to enroll me right then and there. Hasty enrollment was pushed even when I said I'd like to think about enrolling first to see if school will fit with my working schedule. I was aggressively encouraged to enroll as soon as possible because class availability."); Application ██████████ (2013, Online) ("I feel as though I was pushed into enrolling despite my hesitation. The financial adviser was constantly hounding me and telling me how great all the opportunities will be."); Application ██████████ (2009, Online) ("Westwood-College employees were extremely pushy. They made me feel as if I had to hurry because school would start and I'd miss out."); Application ██████████ (2000, Los Angeles) ("The admissions recruiter pressured me to enroll by telling me that the tuition costs were going to significantly increase within next thirty to sixty days. That turned out to be a lie as well.").

- “Everything felt rushed, made me sign on the dotted line when I got there. I said I wanted to go over the information and they told me no you need to sign now because the price will go up ... they said if I don’t do it now I’ll never do it and I’ll never change my life. They were very manipulative and knew all the right things to say and do but none of their promises on their end fell through, they just wanted my money.”⁷⁵
- “[I]f I wasn’t pressured I would of had more time to think about it and read thoroughly. And would have done my research but because I was cornered I didn’t feel as I had anytime [sic] to waste but to sign up as soon as i could to not lose my placement. This impacted financially because if I wouldn’t of [sic] felt the pressure I would of not signed up.”⁷⁶

4. Westwood Admissions Representatives Were Trained not to Take “No” for an Answer

41. Westwood admissions representatives were equipped with scripted responses for a wide variety of possible reasons a prospective student might give for not wanting to enroll.⁷⁷
42. For example, different versions of a document entitled “Techniques and Scripts for Handling the Most Common Objections,” which were used at least as early as June of 2006⁷⁸ and at least until January of 2010,⁷⁹ offered techniques for avoiding various objections from prospective students:
 - Prospective students who stated they did not have the money necessary for the application fee (\$100 in 2006 and \$50 in 2010) were encouraged to simply put it on a credit card.⁸⁰ The admissions representative would have the prospect fill out a “budget worksheet,” which allowed them to “discover credit and debit card availability.”⁸¹ If the prospect raised any objection about the application fee, the representative would respond: “I am confused. When we worked through the budget worksheet together, you told me you had an available balance on your master card. We can put the application fee on that card.”⁸²

⁷⁵ Application [REDACTED] (2004, Anaheim).

⁷⁶ Application [REDACTED] (2009, Anaheim).

⁷⁷ *Infra* ¶¶ 42–46.

⁷⁸ Exhibit 80 (ALTA COLLS., INC., *Techniques and Scripts for Handling the Most Common Objections* (Jun. 8, 2006)), at ALTA_000001180 [hereinafter 2006 Techniques and Scripts].

⁷⁹ Exhibit 27 (Westwood Objections Training Document).

⁸⁰ See Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001180; Exhibit 27 (Westwood Objections Training Document), at WP000036090.

⁸¹ See Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001180; Exhibit 27 (Westwood Objections Training Document), at WP000036090.

⁸² See Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001180; Exhibit 27 (Westwood Objections Training Document), at WP000036090. Westwood’s accreditor, ACCSC, highlighted this specific training as “more in keeping with high-pressured recruitment practices rather than focusing on the qualifications of the student candidate and their expected ability to successfully complete the intended program of study.” Exhibit 36 (2010 Continued Probation Order), at ACCSC10833. The accreditor also raised this concern with respect to trainings that provided similar scripted responses, such as: “You told me your Mom (Aunt, sister, etc...), was supportive of you going back

- If an admissions representative had concerns about a prospect's lack of engagement or commitment, they were to "set proper expectations after the application and hold your student accountable to the process."⁸³ Representatives were instructed to call their prospects and "[l]eave a voicemail stating that you do not want them to be financially responsible for anything (can occur if they have received their books or signed loan paperwork)," and to tell them "[i]t is imperative that you call me right away."⁸⁴
 - Admissions representatives were even told that if a student mentioned a medical reason for not wanting to enroll at Westwood, that they "may be able to spin the issue as a selling point."⁸⁵ The suggested script stated "[s]ince you will be at home for the next three weeks, you can spend even more time dedicated to your class work. This could be a great way for you to kill time while you are recovering at home."⁸⁶
43. Similar "overcoming objections" scripts and strategies were used to address a variety of concerns regarding transferability of credits earned at Westwood to other schools, the cost of tuition, and job placement rates.⁸⁷
44. Westwood even trained admissions representatives to pressure prospective students into enrolling without speaking to family members first. For example, from at least 2006 through 2010, Westwood trained its admissions representatives to avoid objections like "I have to talk with my husband, wife or significant other" by pushing the prospective student to enroll first, and only speak with their family member (who would possibly be the one paying for the student's tuition) afterward.⁸⁸

to school. Do you think she would loan you the money?" and "We need to submit your application right away so you can take care of your FA [financial aid] paper work and have a monthly amount that you and [your spouse] can further discuss." *Id.*

⁸³ Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001180; Exhibit 27 (Westwood Objections Training Document), at WP000036093.

⁸⁴ Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001180; Exhibit 27 (Westwood Objections Training Document), at WP000036093. The context of this script (in overcoming a prospective student's "Lack of engagement/commitment") implies that the purpose here is to pressure the student to commit further to Westwood (i.e., in the form of finishing the enrollment process or continuing to attend), rather than helpful guidance on how to avoid prospects from becoming "financially responsible," contrary to the scripted statement to the prospective student. *Id.*

⁸⁵ Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001181.

⁸⁶ *Id.*

⁸⁷ *See id.* at ALTA_000001180–82; Exhibit 27 (Westwood Objections Training Document), at WP000036090-95.

⁸⁸ Exhibit 80 (2006 Techniques and Scripts), at ALTA_000001180 (partial screenshot); *see also* Exhibit 81 (WESTWOOD COLLS., *Most Common Objections and How to Overcome* (Feb. 2008)), at ALTA_000002956 [hereinafter 2008 Scripts and Techniques]; Exhibit 27 (Westwood Objections Training Document), at WP000036093.

I have to talk with my husband, wife or significant other:

Technique to avoid this objection: When you ask them, who will be affected by this decision the spouse should come up. You should then follow-up by asking them if the spouse is supportive. Next question: Who is going to decide which school you should attend?

Script: Joe is going to want to know the monthly investment that you are going to make. You have already mentioned that you feel this is the right school for you and that you would like to better yourself and that Joe is supportive. We need to submit your application right away so you can take care of your FA paperwork and have a monthly amount that you and Joe can further discuss.

45. Westwood also trained admissions representatives to prepare prospective students to argue (including through role playing exercises) against family and friends who might pose obstacles to the student enrolling at Westwood — referring to such people as “dream-killers,” who Westwood portrayed as merely “envious”:⁸⁹

Technique to avoid many objections: Use during Step 9: Welcome.

“_____ (prospect), I know you are very excited about going (back) to college and you will be anxious to talk to people about your decision. You will come across those people who are “cheerleaders” and those who are “dream-killers”. The cheerleaders are those who support your decision about college like, _____ (those individuals they mentioned during the interview i.e.: mom, sister, etc....). However, the dream-killers will give you negative reactions. Generally, these reactions come from people that are envious of your decision. What I need to know from you is what are you going to say when you get negative feedback from one of the dream-killers? (Role play with them so they feel comfort with their responses)

46. As one admissions representative who worked for Westwood’s [REDACTED] group in 2007 explained:

It was our job to overcome any requests for more time to think about it, or to consult with a family member. Our goal was to obtain the students electronic signature before the call ended....Students were told that they could read through all the information later but that they needed to sign now.⁹⁰

B. Westwood Cultivated a High-Pressure Work Environment Where Admissions Representatives Were Expected to Enroll as Many Students as Possible

⁸⁹ Exhibit 82 (ALTA COLLS., INC., *Techniques and Scripts for Handling the Most Common Objections* (undated)), at ALTA_000003113 (partial screenshot).

⁹⁰ Exhibit 83 ([REDACTED] Aff. (Admissions Representative, 2007, [REDACTED])), [REDACTED], at ¶ 11 [hereinafter [REDACTED] Affidavit].

47. Westwood's admissions representatives implemented these high-pressure sales tactics because their compensation, including salary and bonuses, was tied to their enrollment numbers.⁹¹ Westwood also held competitions and awarded prizes to admissions representatives with the highest enrollment numbers. Conversely, admissions representative with low enrollment numbers would result in disciplinary action and ultimately termination of their employment.⁹²

1. Westwood Tied Compensation to Enrollment Numbers

48. From at least 2002 to 2010, Westwood adhered to a compensation structure that emphasized an admissions representative's enrollment numbers as the most important factor in determining the representative's base salary.⁹³

49. While the compensation structure did not explicitly tie raises or bonuses to enrollment numbers, admissions representatives understood that their compensation was based on their enrollment numbers. For example:

- One admissions representative explained: "I was trained that enrolling the student was our goal. We were told that our pay would be determined by how many students we enrolled. Salespeople that signed up large numbers of students made very good money. If you didn't make your sales numbers you could move down a pay grade or lose your job."⁹⁴
- Another representative, stated: "The more [salary] you made, the more enrollments were required."⁹⁵ In addition, going at least as far back as when she started in 2002, Westwood "had something in place where they could take money out of your salary if you would not meet the goal" for enrollments.⁹⁶
- One Director of Admissions stated: "A recruiter could get a \$20,000 raise if he met his enrollment and start goals. Conversely, he could see a \$20,000 decrease in pay if he didn't meet those goals."⁹⁷

50. These requirements were not limited to low-level admissions representatives. One former Director of Admissions explained: "I typically received 35 to 45 leads each week; I had to make 75 calls a day; I had to spend 3–4 hours talking to students each day; I had to enroll at

⁹¹ *Infra* § II(B)(1).

⁹² *Infra* § II(B)(2).

⁹³ See generally Exhibit 84 (WESTWOOD COLLS., *Admissions Representative Compensation Plan* (May 15, 2009)), at HELP-ALTA-000002 [hereinafter 2009 Compensation Plan]. [REDACTED] — who held various positions at Westwood from 1999 to at least 2013 (including Chief Admissions Officer from [REDACTED]) — testified that the same compensation plan remained in place from 2002 to 2010. Exhibit 85 ([REDACTED] Sworn Statement (Chief Operating Officer, [REDACTED], [REDACTED] at 11:5–12:23, 68:14–24 [hereinafter [REDACTED] Statement]).

⁹⁴ Exhibit 83 ([REDACTED] Affidavit), at ¶ 5.

⁹⁵ Exhibit 61 ([REDACTED] Statement), at 39:10–11.

⁹⁶ *Id.* at 38:14–39:2.

⁹⁷ Exhibit 86 ([REDACTED] Aff. (Director of Admissions, 2004–2011, [REDACTED]), [REDACTED], at ¶ 12 [hereinafter [REDACTED] Affidavit]).

least 2 students each week; and I had to conduct 8–10 admissions interviews each week. If I wanted to earn more money, I had to reach higher numbers in each of these categories.”⁹⁸

51. According to Westwood’s Chief Admissions Officer, Westwood changed its compensation structure in 2010, shifting away from metrics relating to enrollment.⁹⁹ A revised admissions compensation plan dated January 1, 2012 specifies that “[s]uccess in enrolling students is not considered in determining merit increases.”¹⁰⁰

2. Westwood Held Competitions and Awarded Prizes for High Enrollment Numbers

52. Westwood also held competitions among its admissions representatives from at least 2004 to 2011 to encourage them to maximize their enrollment numbers.¹⁰¹ Westwood admissions’ top senior executives encouraged participation in these competitions.¹⁰²
53. The competitions took various forms, but generally focused on increasing numbers related to enrollments, such as the number of interviews conducted, and resulted in monetary benefits like gift cards.¹⁰³ Incentives for achieving high enrollment numbers also included benefits such as additional time off before a holiday weekend,¹⁰⁴ the option to wear jeans to the office,¹⁰⁵ and lottery tickets.¹⁰⁶

⁹⁸ *Id.* at ¶ 4.

⁹⁹ Exhibit 85 (██████████ Statement), at 77:5–11.

¹⁰⁰ Exhibit 87 (WESTWOOD COLLS., *Admission Representative Compensation Plan* (Jan. 1, 2012)), at ALTA_000005974 (emphasis in original). As a term of the Consent Decree entered with the Colorado Attorney General’s Office on March 14, 2012, Westwood agreed that it would refrain from “compensating WESTWOOD’s student facing admissions or financial aid employees with bonuses, salary increases, or other incentive payments based fully or in part, directly or indirectly, upon enrollment and/or Starts [sic], of students . . . upon enrollment by a student in any particular degree program....” Exhibit 13 (Colorado Consent Judgment), at 8.

¹⁰¹ See generally, e.g., Exhibit 88 (ALTA COLLS., *Recognition and Rewards Guide: Fiscal Year 2005* (Oct. 1, 2004)), at ALTA_000005768 (“Top Representative of the Month” criteria based on enrollment-related criteria); Exhibit 89 (WESTWOOD COLLS., *Recognition and Rewards Guide Admissions Year 2011* (Jul. 1, 2011)), at ALTA_000005951.

¹⁰² See Exhibit 90 (Email from ██████████, ██████████, Westwood Colls., to Westwood Admissions Representatives (Jul. 6, 2009) (on file with the department)), at WW:HNSY:00233.

¹⁰³ See, e.g., Exhibit 91 (WESTWOOD COLLS., *3 Magic Bags* (undated)) (where recruiters could win gift cards and “College Cash” and recruiters received one ticket for an interview or “Same call close” and three tickets for “an Enroll”); Exhibit 92 (WESTWOOD COLLS., *Battle of the Sexes* (undated)) (admissions contest between male and female recruiters, based on the average applications received per recruiter, where losing team bought lunch for winning team); Exhibit 93 (WESTWOOD COLLS., *Contest Time* (undated)) (admissions contest where recruiters received a “box” for each day they completed an interview, an application, and 180 minutes of “talk time”); Exhibit 94 (WESTWOOD COLLS., *Candyland* (undated)) [hereinafter Candyland] (admissions game where recruiters progressed or regressed on the board depending on obtaining or failing to obtain each day “180 minutes” talk time, interviews, or enrollments, and won prizes such as move tickets, gift certificates, lottery tickets, and paid time off); Exhibit 95 (WESTWOOD COLLS., *Chop for RGL’s* (undated)) (recruiters competed for dining at Denver ChopHouse & Brewery by obtaining applications); Exhibit 96 (WESTWOOD COLLS., *Deal or No Deal* (undated)) (recruiters competed for gift cards, movie tickets, lottery tickets, lunch, or paid time off by obtaining the most signed enrollment agreements over a two-week period).

¹⁰⁴ See Exhibit 97 (WESTWOOD COLLS., *Independence Day Incentive* (undated)).

¹⁰⁵ See Exhibit 98 (Email from ██████████ to WOLCR Admissions (Jul. 15, 2009) (on file with the Department)), at WW:HNSY:00240.

¹⁰⁶ See Exhibit 94 (Candyland).

54. From at least 2004 to 2009, the highest performing or “elite” admissions representatives were invited to a conference in Cancun, with all expenses paid.¹⁰⁷

3. Westwood Disciplined and Ultimately Fired Admissions Representatives Who Could Not Meet Enrollment Numbers

55. In contrast to the compensation, incentives, and prizes given to admissions representatives who met or exceeded certain enrollment numbers, those representatives who failed to meet their numbers would be disciplined and eventually fired.¹⁰⁸

56. Under-performing admissions representatives would be subjected to additional training and additional scrutiny from their supervisors. For example, one admissions representative described her experience after initially being “named one of the top representatives in the first few months of my employment”¹⁰⁹:

My enrollment numbers started to drop as I started to ask more questions about the statements I was told to make to prospective students. After my Director of Admissions put me on a performance plan, she listened to my admissions calls more frequently. She ridiculed me for not putting more pressure on students to enroll. I left Westwood voluntarily.¹¹⁰

57. Admissions representatives were also in danger of being fired if they did not meet their enrollment numbers:

- One former Director of Admissions explained: “There was a lot of pressure in admissions to meet high enrollment numbers” and “[i]f we did not hit our enrollment and start numbers we could be fired.”¹¹¹
- One representative recalled: “Our supervisors told me and the other admissions representatives that we would be fired if we did not meet our sales quota. During the time I worked at Westwood, several admissions representatives were fired for not meeting their quota.”¹¹² Ultimately, she herself was terminated “due to lack of ‘performance’” — i.e., her “sales numbers were slightly below the Westwood quota for admissions representatives.”¹¹³

58. Westwood’s mix of incentives and consequences created enormous pressure on admissions representatives to meet their enrollment targets. For instance, one admissions representative swore under oath that “the pressure applied to the representative by [Westwood] was absolutely unbearable.”¹¹⁴

¹⁰⁷ Exhibit 54 (██████ Statement), at 84–85; Exhibit 57 (██████ Statement), at 10:2–7, 103:14–104:15, 106:23–107:4 (██████ attended the annual conference three or four times before it was cancelled in 2009).

¹⁰⁸ See, e.g., Exhibit 84 (2009 Compensation Plan), at HELP-ALTA-000005. (“Failure to attain established levels of performance will result in corrective action including probation and/or termination of employment.”).

¹⁰⁹ Exhibit 83 (██████ Affidavit), at ¶ 14.

¹¹⁰ *Id.* at ¶ 15.

¹¹¹ Exhibit 86 (██████ Affidavit), at ¶ 7.

¹¹² Exhibit 56 (██████ Affidavit), at ¶ 6.

¹¹³ *Id.* at ¶ 19.

¹¹⁴ Exhibit 61 (██████ Statement), at 34:8–10.

4. Westwood Turned a Blind Eye to Recruiting Practices Used by Admissions Representatives with High Enrollment Numbers

59. Westwood’s compensation structure incentivized aggressive sales practices. Moreover, as detailed below, Westwood’s discipline practices not only failed to reign in such behavior, but rather Westwood actually encouraged admissions representatives to emulate such aggressive behavior while Westwood targeted representatives with low enrollment numbers (i.e., the representatives who were often less aggressive).
60. A former Director of Admissions and Admissions Trainer explained: “[A]dmissions recruiters copied the aggressive behavior of the high enrollers,” and when “admissions recruiters touted high graduate employment rates to prospective students and, as a result, those recruiters got a lot of enrollments, other recruiters saw their success and adopted their behavior.”¹¹⁵
61. Likewise, higher-level staff, such as Directors of Admissions (“DAs”), “were financially incentivized to look the other way if a recruiter was brin[g]ing in a large number of enrollments. If a DA did not maintain high enrollments and high ‘starts’ in his team, he would be written up.”¹¹⁶
62. According to a former Director of Admissions, in 2009 he worked with a Westwood vice president to run an audit of admissions offices, in which he “observed a handful of top recruiters who were misleading during the financial aid and tuition portions [of enrollments], so I wrote up my observations and submitted recommendations to correct the situation.”¹¹⁷ The former Director of Admissions recorded his observations for “executive leadership,” but Westwood “essentially ignored” his complaints and “nothing was done to address issues with top recruiters making misleading statements on calls with prospective students. These recruiters were part of a protected group, in a sense.”¹¹⁸ He “observed that instead of reprimanding the top performers, Westwood rewarded them.”¹¹⁹
63. For instance, the former Director of Admissions stated: “It was frustrating as a DA because I saw recruiters doing things the right way and acting ethically but I had to write them up because they weren’t meeting their enrollment and start numbers.”¹²⁰
64. Another admissions representative described the pressure to do whatever it took to enroll enough students.¹²¹

Over time, I began to feel like Westwood was manipulating its employees to make sales — just like we were manipulating the leads. I was afraid I would

¹¹⁵ Exhibit 86 (██████████ Affidavit), at ¶¶ 2–3, 8.

¹¹⁶ *Id.* at ¶ 9.

¹¹⁷ *Id.* at ¶ 15.

¹¹⁸ *Id.* at ¶ 16.

¹¹⁹ *Id.* at ¶ 17.

¹²⁰ *Id.* at ¶ 12.

¹²¹ Exhibit 56 (██████████ Affidavit), at ¶¶ 15–16.

lose my job if I didn't meet my sales quota, and I wanted to sign up as many students as possible so I could get bonuses and other rewards. The pressure was so great that I and some other women had prayer groups in the ladies room. I asked God to send me leads who were a good fit for Westwood, so I didn't have to manipulate them into signing up.

C. Conclusions

65. From at least 2002 to 2010, Westwood trained admissions representatives to employ aggressive sales tactics and to manipulate prospective students to enroll. First, admissions representatives would build trust by learning about prospects personal lives, and then use that information to manipulate the students' emotional "drivers" and pressure them to enroll.
66. Next, admissions representatives would build a sense of urgency to enroll by claiming that Westwood was highly selective, only allowing in a limited number of students, and required the representatives' time-limited personal recommendation.
67. Westwood admissions representatives would not take "no" for an answer, instead providing scripted responses to nearly every possible reason a prospective student might have for not wanting to enroll.
68. Once they had obtained a prospective student's agreement to enroll, admissions representatives would rush them through the enrollment paperwork without explaining the documents they were signing.
69. Westwood incentivized its admissions representatives to engage in the above-described, high pressure sales tactics by creating an environment where enrollments were valued above all else. The school imposed a severe penalty/reward incentive system that required recruiters to meet minimum enrollment numbers to avoid termination and increase their enrollments numbers to make more money.

III. Westwood Misled Prospective Students to Believe that its Criminal Justice Degree Would Make Them Eligible to Work as Police Officers in Illinois

1. Westwood launched its bachelor's degree in Criminal Justice online and at its four Illinois campuses — all of which were located in the Chicago area — in 2004.¹
2. From 2004 to 2015, Westwood marketed the Criminal Justice program as a career-focused degree program that would equip students to work as police officers upon graduation. Through television advertisements, internet marketing, and verbal statements by its admissions representatives, Westwood created the impression that its Criminal Justice degree would make students eligible for jobs as police officers in Illinois, particularly the Chicago area.²
3. However, most police departments in the Chicago area, including the Chicago Police Department (until 2010) and the Illinois State Police, required candidates for police officer positions to have a minimum number of credits or a degree earned from a regionally accredited institution.³
4. Westwood was never regionally accredited. Instead, Westwood's Illinois campuses were nationally accredited by the Accrediting Council for Independent Colleges and Schools ("ACICS").⁴
5. Thus, from 2004 to 2010 Westwood graduates were ineligible to become police officers for the Chicago Police Department, and from 2004 to 2015, and continuing after Westwood's closure, they were ineligible to work as police officers for the Illinois State Police and other county and municipal law enforcement departments in the Chicago area.⁵
6. Because Westwood graduates were ineligible for most police officer jobs in the Chicago area, Westwood's representations to Illinois Criminal Justice students that they could become police officers were misleading. Direct statements from admissions representatives that students would be able to work for the Chicago Police Department or the Illinois State Police were false.⁶
7. As discussed in Section I, the Illinois Attorney General's Office ("Illinois AG") submitted a group application requesting borrower defense relief for more than 1,200 Illinois students

¹ Exhibit 99 (*Illinois*, WESTWOOD COLLS. (Mar. 2, 2016), <http://www.westwood.edu/locations/illinois> [<https://web.archive.org/web/20160302043836/http://www.westwood.edu/locations/illinois>]) [hereinafter *Illinois Webpage*]; Exhibit 100 (WESTWOOD COLLS., *Addendum to 2004 Illinois Academic Catalog*. Vol. 22, No. 1 (May 4, 2004)), at ALTA_000110695 [hereinafter *Addendum to 2004 IL Academic Catalog*]; Exhibit 101 (*Welcome to Westwood College Online*, WESTWOOD COLLS. (Apr. 1, 2004), <http://www.westwoodonline.edu:80/> [<https://web.archive.org/web/20040401163047/http://www.westwoodonline.edu:80/>]).

² *Infra* § III(A).

³ *Infra* § III(B)(1).

⁴ *Infra* ¶ 55.

⁵ *Infra* § III(B)(1).

⁶ *Infra* ¶¶ 30, 32, 37–38.

careers as police or law enforcement officers, while others created that impression using images of police cars and crime scene investigations:

- One commercial, entitled “Crime Happens,” began with a voiceover, saying “crime happens, sometimes leaving victims to fend for themselves. And too often, the criminals go free. You can help. Westwood College can train you for a career as a law enforcement officer, crime scene technician, victim’s advocate, or parole or probation officer.”¹⁶ The screen listed these career options in large brightly colored font over the image of a police car:



- Another commercial, titled “Better World,” began with a voiceover saying, “We don’t live in a perfect world. But you can help make it better. Train in criminal justice, and you could have lots of opportunities. You could work as a parole officer, youth advocate, correctional treatment specialist, and more.”¹⁷ The commercial featured police cars with spinning lights, a suspect being handcuffed, and officers in police jackets investigating a crime scene.¹⁸
- A commercial entitled “Outsmart” also started with voiceover: “Criminals never take a day off. But neither does justice. Now you can make a difference and help get criminals off the streets. Train in criminal justice, and you could become a patrol officer, border patrol agent, correctional officer, legal investigator, and more . . . Call

¹⁶ Exhibit 105 (WESTWOOD COLLS., *Crime Happens V2* (Mar. 17, 2005)) [hereinafter *Crime Happens V2 Commercial*].

¹⁷ Exhibit 106 (WESTWOOD COLLS., *Better World V2* (Mar. 7, 2006)), at 0:00:02–0:00:18 [hereinafter *Better World V2 Commercial*].

¹⁸ *Id.*

now to find out how fast Westwood College can train you for a career in criminal justice.”¹⁹

- A commercial called “Changing Backgrounds” featured a young man shown working in a variety of undesirable jobs before looking into the camera and saying: “I saw a commercial for Westwood College, and decided to give them a call. I started taking classes in my major from day one. I’m even getting hands on training.” The young man was pictured in the front passenger seat of a police car with two individuals in the back seat, who had presumably been arrested by the police officer the young man was accompanying.²⁰ At the end of the commercial, a narrator in voiceover read various career options which were also listed on the screen:



- Another commercial titled “Shower/Criminal Justice” begins with an actor talking to himself in the shower, practicing delivering the Miranda rights. A narrator then says, “Ready for a career in criminal justice? Stop practicing. There’s a place for people like you, at Westwood College.” The commercial then displays images of police cars, a state trooper making a traffic stop, and officers in police jackets investigating a crime scene.²¹ The narrator continues, “Get the tools and skills you need for a rewarding career serving people who need your help. Become a law enforcement,

¹⁹ Exhibit 107 (WESTWOOD COLLS., *Outsmart* (Aug. 28, 2006)), at 0:00:02–0:00:19 [hereinafter *Outsmart Commercial*].

²⁰ Exhibit 108 (WESTWOOD COLLS., *Changing Backgrounds* (May 30, 2008)), at 0:30:00 [hereinafter *Changing Backgrounds Commercial*].

²¹ Exhibit 109 (WESTWOOD COLLS., *Shower/Criminal Justice* (May 1, 2007)), at 0:10:00 [hereinafter *Shower/Criminal Justice Commercial*].

correctional or probation officer.” These career options appear on the screen as the narrator lists them.²²



12. The information screen that appeared at the end of each of these television commercials listed the four Chicago-area campuses.²³ Four of the commercials described above included an introductory screen, which would not have been aired, but indicates that the “spot number” ended in the letters “CHI.”²⁴ This evidence indicates that these commercials were intended for the Chicago market.

13. Several former students who enrolled at Westwood’s Chicago-area campuses between 2004 and 2007 testified that they first heard about Westwood through its television ads, which created the impression that a Criminal Justice degree would allow them to become police officers:

- One former Westwood Criminal Justice student testified, “I was like a junior or senior in high school, ’04 and ’05, and they would be running on TV.” The student recalled the content of the ads as “[b]ecome a policeman, become a correctional officer,

²² *Id.*

²³ Exhibit 103 (Crime Happens Commercial), at 0:00:23–0:00:32; Exhibit 105 (Crime Happens V2 Commercial), at 0:00:24–0:00:33; Exhibit 106 (Better World V2 Commercial), at 0:00:27–0:00:34; Exhibit 108 (Changing Backgrounds Commercial), at 0:01:05–0:01:10; Exhibit 107 (Outsmart Commercial), at 0:00:27–0:00:33; Exhibit 109 (Shower/Criminal Justice Commercial), at 0:01:07–0:01:10.

²⁴ Exhibit 103 (Crime Happens Commercial), at 0:00:00; Exhibit 105 (Crime Happens V2 Commercial), at 0:00:00; Exhibit 106 (Better World V2 Commercial), at 0:00:00; Exhibit 107 (Outsmart Commercial), at 0:00:00.

become whatever you want to be. The sky is the limit, reach for the sky type deal back in '04, '05.”²⁵

- Another Westwood graduate testified about seeing a Westwood commercial in 2004: “It’s a criminal justice program . . . They were accredited . . . They, you know, could get you a job. Showed all these police departments and stuff like that.”²⁶ The student testified at a deposition in 2013 that the ads in 2004 were “the same ads that they’re using now. They have newer ones now, but they show some of the same ads.”²⁷
- Another former Criminal Justice student testified that they saw a television commercial that “started to tell what positions you were qualified for with this degree, and I see this police officer running through, you know, chasing a suspect.”²⁸

14. Allegations in the borrower defense applications received from former Westwood Criminal Justice students also mention Westwood’s television commercials and describe the impression they created.²⁹

- “Westwood College was always advertising on television about the criminal justice field. How it has ‘hands-on’ schooling and promising a good paying career!”³⁰
- “The schools commercials lead you to believe that you could become a police officer or crime scene investigator.”³¹
- “They made nothing but false promises about being a cop. They broadcast so many commercials and had ads that were deceiving as well.”³²

2. Westwood’s Internet Marketing

15. Westwood’s internet marketing also targeted prospective students living in the Chicago area. [REDACTED], an expert designated by the Illinois AG in its lawsuit against Westwood, examined evidence purporting to be keywords exported from Westwood’s Google AdWords account in 2011.³³ He noted that the naming conventions for the various advertising campaigns suggested that Westwood was targeting the Illinois area and Chicago area.³⁴

16. For example, [REDACTED] noted that one ad campaign was titled “WWCJ-HL-SEARCH-IL-Criminal Justice: Chicago,” indicating that ads in that campaign were geo-targeted to the Chicago area.³⁵ He also noted that keywords such as “police training in Illinois” appeared

²⁵ Exhibit 79 ([REDACTED] Deposition), at 44:7–17.

²⁶ Exhibit 104 ([REDACTED] Deposition), at 28:23–30:13.

²⁷ *Id.* at 30:23–31:4.

²⁸ Exhibit 110 ([REDACTED] Dep. (Student, 2006–2009, Chicago Loop), [REDACTED], at 31:20–23 [hereinafter [REDACTED] Deposition]).

²⁹ The following excerpts are taken from borrower applications for relief under 34 C.F.R. § 685.206 and/or § 685.222. These excerpts are based on a random sample of 250 borrower applications. Not all potentially relevant excerpts are reflected herein.

³⁰ Application [REDACTED] (2009, O’Hare).

³¹ Application [REDACTED] (2004, Chicago Loop).

³² Application [REDACTED] (2012, Westwood Online).

³³ Exhibit 111 ([REDACTED] Statement (Director of Digital, [REDACTED], [REDACTED]), [REDACTED], at 3 [hereinafter [REDACTED] Statement]).

³⁴ *Id.* at 3.

³⁵ *Id.* at 3, 10.

within that campaign, further indicating that the ad campaign was targeted toward the Chicago area.³⁶

17. [REDACTED] ultimately concluded that Westwood “targeted ads to people in Illinois interested in careers at specific law enforcement agencies” such as the “State Troopers, and Chicago P.D, rather than a general interest in criminal justice.”³⁷
18. Westwood admitted in a public court filing that its “Google AdWords campaign use[d] a variety of terms designed to reach consumers who might be interested in education programs relating to criminal justice or law enforcement. For example, it includes keywords relating to ‘police,’ . . . ‘state troopers,’ and ‘criminal justice.’”³⁸
19. The Vice President of Marketing and Communications for [REDACTED],³⁹ confirmed in a 2013 deposition that Westwood used geo-targeting in its internet marketing, stating that an employee under her supervision “would manage . . . what we call kind of our geo-targeted campaign So those geo-targeted campaigns might be very specific” to a particular geographic location and the programs Westwood wished to focus on in that location.⁴⁰

3. Westwood’s Website

20. From at least 2005 to 2014, Westwood’s website created the impression that graduates would be able to obtain employment as police officers with a Westwood degree.⁴¹
21. Between at least 2005 and 2006, the section of Westwood’s website devoted to its Criminal Justice program introduced its bachelor’s degree in Criminal Justice by saying: “Do you want to make your hometown a safer place to live? Do you want to serve your community and protect people? Are you interested in enforcing the law? If so, a career in Criminal Justice could be a great fit for you.”⁴² The webpage listed “Potential Career Paths” including

³⁶ *Id.*

³⁷ *Id.* at 5.

³⁸ Exhibit 112 (Defendants’ Local Rule 56.1 Statement of Material Facts in Support of Their Motion for Summary Judgment, *State of Illinois v. Alta Colls., Inc.*, No. 2012 CH 01587 (N.D. Ill. Dec. 22, 2014)), at ¶ 19 [hereinafter Defendants’ Rule 56.1 Statement].

³⁹ Exhibit 113 ([REDACTED] Dep. (Vice President of Marketing Communications, [REDACTED]), [REDACTED], at 11:11–13 [hereinafter [REDACTED] Deposition]; Exhibit 114 ([REDACTED], LINKEDIN, [https://www.linkedin.com/in/\[REDACTED\]](https://www.linkedin.com/in/[REDACTED]) (last visited Mar. 4, 2021). [REDACTED] started with [REDACTED] as Senior Director of Marketing. Exhibit 113 ([REDACTED] Deposition), at 15:4–8.

⁴⁰ Exhibit 113 ([REDACTED] Deposition), at 22:22–23:5; *see also* Exhibit 115 (Defendants’ Answer, Objections, and Defenses to the Second Amended Complaint, *State of Illinois v. Alta Colls., Inc.*, No. 14-cv-3786 (N.D. Ill. Oct. 3, 2014)), at ¶ 20 [hereinafter Defendants’ Answer to Second Amended Complaint] (admitting Westwood “targets Illinois consumers through internet marketing”).

⁴¹ *Infra* ¶¶ 21–27.

⁴² Exhibit 116 (*Bachelor Degree: Criminal Justice*, WESTWOOD COLLS. (Apr. 15, 2005), <http://www.westwood.edu/degrees/criminal-justice/criminal-justice.asp> [<https://web.archive.org/web/20050415173144/http://www.westwood.edu/degrees/criminal-justice/criminal-justice.asp>] [hereinafter 2005 Bachelor Degree: Criminal Justice Webpage]; Exhibit 117 (*Bachelor Degree:*

Criminal Investigator and Detective, among others.⁴³ The webpage confirmed that the program was available at all four Illinois campuses.

22. Between at least 2007 and 2008, the Criminal Justice page showed a police officer standing next to a police car (as shown below) next to large, bold-faced and italics type, that stated: “Enter a growing field with your Westwood degree. Police and Sheriff’s Patrol Officer jobs are predicted to increase 15.5% between 2004 and 2014.”⁴⁴ The webpage also stated that students would “[l]earn the techniques, study the technologies and take the first step toward a dynamic career in criminal justice with a degree from Westwood College.”⁴⁵ The right side of the page further indicated that this Criminal Justice program was offered at all Illinois campuses.⁴⁶

Criminal Justice, WESTWOOD COLLS. (Sept. 7, 2006), <http://www.westwood.edu/degrees/criminal-justice/criminal-justice-degree.asp> [<https://web.archive.org/web/20060907062143/http://www.westwood.edu/degrees/criminal-justice/criminal-justice-degree.asp>] [hereinafter 2006 Bachelor Degree: Criminal Justice Webpage]. The Criminal Justice webpage was easily reachable from Westwood’s homepage by clicking the “Criminal Justice” link. Exhibit 118 (*Home*, WESTWOOD COLLS. (Apr. 12, 2005), <http://www.westwood.edu/index.asp> [<https://web.archive.org/web/20050412163317/http://www.westwood.edu/index.asp>] [hereinafter 2005 Home Webpage]; Exhibit 119 (*Home*, WESTWOOD COLLS. (Nov. 16, 2006), <http://www.westwood.edu/index.asp> [<https://web.archive.org/web/20061116131949/http://www.westwood.edu/index.asp>] [hereinafter 2006 Home Webpage].

⁴³ Exhibit 116 (2005 Bachelor Degree: Criminal Justice Webpage); Exhibit 117 (2006 Bachelor Degree: Criminal Justice Webpage).


⁴⁴ Exhibit 120 (*Criminal Justice Overview*, WESTWOOD COLLS. (Jan. 3, 2007), <http://www.westwood.edu/degree-programs/criminal-justice-online/degree.asp> [<https://web.archive.org/web/20070103121909/http://www.westwood.edu/degree-programs/criminal-justice-online/degree.asp>] [hereinafter 2007 Criminal Justice Overview Webpage]; Exhibit 121 (*Criminal Justice Overview*, WESTWOOD COLLS. (Feb. 18, 2008), <http://www.westwood.edu:80/degree-programs/criminal-justice-online/degree.asp> [<https://web.archive.org/web/20080216021934/http://www.westwood.edu:80/degree-programs/criminal-justice-online/degree.asp>] [hereinafter 2008 Criminal Justice Overview Webpage]. To reach this page from Westwood’s homepage, a prospective student would click on “Programs,” then “Criminal Justice,” which was listed under the heading “Institute of Justice.” Exhibit 122 (*Westwood Programs*, WESTWOOD COLLS. (Jan. 3, 2007), <http://www.westwood.edu/degree-programs/programs.asp> [<https://web.archive.org/web/20070103115224/http://www.westwood.edu/degree-programs/programs.asp>] [hereinafter 2007 Programs Webpage]; Exhibit 121 (2008 Criminal Justice Overview Webpage).

⁴⁵ Exhibit 120 (2007 Criminal Justice Overview Webpage); Exhibit 121 (2008 Criminal Justice Overview Webpage).

⁴⁶ Exhibit 120 (2007 Criminal Justice Overview Webpage); Exhibit 121 (2008 Criminal Justice Overview Webpage).

CRIMINAL JUSTICE

Overview
Program Details
Careers
Course Topics



Criminal Justice Bachelor Degree Program

Why are there so many TV shows about the criminal justice system? Because it's exciting. All the dynamic elements that make for great TV also make for a great career. It's challenging, stimulating and constantly evolving. Learn the techniques, study the technologies and take the first step toward a dynamic career in criminal justice with a degree from Westwood College.

Westwood College offers a Criminal Justice degree program that integrates sociology, ethics, and the legal system to prepare students for a variety of exciting careers. Our Criminal Justice program gives graduates the skills and education to enter this dynamic field in areas such as probation and corrections. Our approach is to provide real-world education through the use of computer labs and classroom lecture lead by faculty and staff with industry-relevant experience.

Westwood College Bachelor of Science in Criminal Justice Program

There are many criminal justice colleges, but Westwood College offers a career-focused degree program with the added benefit of qualified, experienced teachers who enhance the value of your education. Our program covers topics such as criminal procedure, criminal investigation, victimology, criminal justice ethics, and juvenile justice along with other interesting aspects of criminology. A degree from Westwood College also includes critical courses more general in nature, with topics including interpersonal communication, project management, success strategies, and career management. The curriculum will provide an understanding of criminal justice methods, techniques, technologies, and the skills and abilities required to enter into a successful career in

*Enter a growing field with your Westwood degree. Police and Sheriff's Patrol Officer jobs are predicted to increase 15.5% between 2004-2014.**

*Bureau of Labor Statistics-2006

Criminal Justice
Westwood College Locations Offering this Program

California
Anaheim - Anaheim, CA
Inland Empire - Upland, CA
South Bay - Torrance, CA
Los Angeles - Los Angeles, CA

Colorado
Denver North - Denver, CO
Denver South - Denver, CO

Georgia
Atlanta Northlake - Atlanta, GA
Atlanta Midtown - Atlanta, GA

Illinois
DuPage - Woodridge, IL
O'Hare Airport - Chicago, IL
River Oaks - Calumet City, IL
Chicago Loop - Chicago, IL

The “Careers” tab on the Criminal Justice webpage led to another page that listed “Law Enforcement Officer” as one of the “Criminal Justice jobs that Westwood College students can qualify for.”⁴⁷

23. Between at least 2009 and 2012, similar statements continued to appear on Westwood’s website. The “School of Justice” webpage, located under the programs tab on the homepage,⁴⁸ proclaimed: “[W]hether you are interested in the correctional system, youth

⁴⁷ Exhibit 123 (*Criminal Justice Careers*, WESTWOOD COLLS. (Jan. 5, 2007), <http://www.westwood.edu/degree-programs/criminal-justice-online/career.asp> [<https://web.archive.org/web/20070105165649/http://www.westwood.edu/degree-programs/criminal-justice-online/career.asp>]) [hereinafter 2007 Criminal Justice Careers Webpage]; Exhibit 121 (2008 Criminal Justice Overview Webpage).

⁴⁸ Exhibit 124 (*Home*, WESTWOOD COLLS. (Apr. 10, 2009), <http://www.westwood.edu/> [<https://web.archive.org/web/20090410143105/http://www.westwood.edu/>]) [hereinafter 2009 Home Webpage]; Exhibit 125 (*Home*, WESTWOOD COLLS. (Apr. 20, 2010), <http://www.westwood.edu/> [<https://web.archive.org/web/20100420081243/http://www.westwood.edu/>]) [hereinafter 2010 Home Webpage]; Exhibit 126 (*Home*, WESTWOOD COLLS. (Apr. 8, 2011), <http://www.westwood.edu/> [<https://web.archive.org/web/20110408081734/http://www.westwood.edu/>]) [hereinafter 2011 Home Webpage]; Exhibit 127 (*Home*, WESTWOOD COLLS. (Mar. 31, 2012), <http://www.westwood.edu/> [<https://web.archive.org/web/20120331071849/http://www.westwood.edu/>]) [hereinafter 2012 Home Webpage];

advocacy, private security or law enforcement a criminal justice degree from Westwood can help you launch the career you desire.”⁴⁹

24. From roughly 2013 to 2015, the “Criminal justice careers” webpage explained that: “From police officers to paralegals to crime scene investigators, there are hundreds of different criminal justice careers available to someone with a related degree” and “[t]here are many career choices within the criminal justice field including police and investigative work, youth counseling, paralegal and administrative positions, private security, corrections, retail loss prevention and victim assistance positions.”⁵⁰
25. Westwood’s website created the impression that its students would find employment in their chosen field within six months of graduation. From 2012 to 2016, Westwood’s website included its “Employment Pledge,” which said, “We’re so confident that you’ll receive the right skills to launch your career and get your first job that if you haven’t found employment within six months of graduation, we’ll help pay your bills. Simple as that.”⁵¹
26. One former Westwood student testified that he first learned about Westwood in around 2005, when he “[g]oogled colleges in Chicago.” The student confirmed that he was looking for a

Exhibit 128 (*School of Justice*, WESTWOOD COLLS. (Apr. 11, 2009), <http://www.westwood.edu/programs/school-of-justice/> [<https://web.archive.org/web/20090411093732/http://www.westwood.edu/programs/school-of-justice/>]) [hereinafter 2009 School of Justice Webpage]; Exhibit 129 (*School of Justice*, WESTWOOD COLLS. (Apr. 1, 2011), <http://www.westwood.edu/programs/school-of-justice/> [<https://web.archive.org/web/20110401034402/http://www.westwood.edu/programs/school-of-justice/>]) [hereinafter 2011 School of Justice Webpage].

⁴⁹ Exhibit 130 (*School of Justice*, WESTWOOD COLLS. (Feb. 19, 2010), <http://www.westwood.edu/programs/school-of-justice/> [<https://web.archive.org/web/20100219230050/http://www.westwood.edu/programs/school-of-justice/>]) [hereinafter February 2010 School of Justice Webpage]; Exhibit 128 (2009 School of Justice Webpage); Exhibit 129 (2011 School of Justice Webpage); Exhibit 131 (*School of Justice*, WESTWOOD COLLS., (Apr. 20, 2012), <http://www.westwood.edu/programs/school-of-justice/> [<https://web.archive.org/web/20120420224022/http://www.westwood.edu/programs/school-of-justice/>]).

⁵⁰ See, e.g., Exhibit 132 (*Criminal Justice Careers*, WESTWOOD COLLS. (June 17, 2013), <http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers> [<https://web.archive.org/web/20130617104308/http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers>]) [hereinafter June 2013 Criminal Justice Careers Webpage]; Exhibit 133 (*Criminal Justice Careers*, WESTWOOD COLLS. (Oct. 30, 2013), <http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers> [<https://web.archive.org/web/20131030035240/http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers>]) [hereinafter Oct. 2013 Criminal Justice Careers Webpage]; Exhibit 134 (*Criminal Justice Careers*, WESTWOOD COLLS. (Dec. 30, 2014), <http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers> [<https://web.archive.org/web/20141230211028/http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers>]) [hereinafter 2014 Criminal Justice Careers Webpage]; Exhibit 135 (*Criminal Justice Careers*, WESTWOOD COLLS. (Sep. 7, 2015), <http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers> [<https://web.archive.org/web/20150907234644/http://www.westwood.edu/programs/school-of-justice/criminal-justice/criminal-justice-careers>]).

⁵¹ Exhibit 136 (*Westwood Employment Pledge*, WESTWOOD COLLS. (Oct. 23, 2012), www.westwood.edu/why-westwood/pledge [<https://web.archive.org/web/20121023032653/www.westwood.edu/why-westwood/pledge>]); Exhibit 137 (*Westwood Employment Pledge*, WESTWOOD COLLS. (Mar. 4, 2016), www.westwood.edu/why-westwood/pledge [<https://web.archive.org/web/20160304114746/www.westwood.edu/why-westwood/pledge>]).

criminal justice program in Chicago “[b]ecause I wanted to go into law enforcement” to work as a “[p]olice officer, maybe like detective, maybe federal.”⁵²

27. Two other former students testified that they visited Westwood’s website for more information after seeing a television commercial for Westwood’s Criminal Justice program:

- One student, the same one who described the television commercial with a “police offer running through . . . chasing a suspect” explained “I saw the ad on TV and then looked online.”⁵³ The student testified that she was looking online “trying to find a decent school for my career goal,” which was to become a detective for the Chicago Police Department.⁵⁴
- Another student testified that he saw a commercial for Westwood and then visited the website, which “said the police program is accredited but it didn’t specify the type of accreditation.”⁵⁵ The student confirmed that he received a call from an admissions representative after completing an online form requesting more information.⁵⁶ The student testified that his “main goal” was to work for the Illinois State Police and that if he had known the Illinois State Police would not recognize a Westwood degree, he would not have enrolled because “that would have been a waste of time and money to go to a school that was not going to help me at all.”⁵⁷

4. Statements by Admissions Representatives

28. In addition to its television and internet advertising, Westwood’s admissions representatives made direct oral representations to prospective students about becoming a police officer after earning a Westwood degree.⁵⁸

29. A review of audio recordings made between 2005 and 2008 of some of Westwood’s admissions representatives speaking with prospective Illinois students interested in the online program provides examples of such representations:

- One criminal justice prospect in Illinois stated, “I want to be, like, a detective or undercover police officer. I want to work my way up,”⁵⁹ and “Ever since I was little I always thought I wanted to be a police officer.”⁶⁰ Later in the conversation, the recruiter asks the prospect to imagine herself “in a patrol car,” stating, “you have a dream that you’ve got, and I think that you’ve got the potential to complete the

⁵² Exhibit 138 ([REDACTED] Dep. (Student, 2005–2008, Dupage), [REDACTED] [REDACTED], at 34:9–11, 102:8–14 [hereinafter [REDACTED] Deposition].

⁵³ Exhibit 110 ([REDACTED] Deposition), at 31:19–24, 33:23.

⁵⁴ *Id.* at 33:23–34:1, 35:20–36:3.

⁵⁵ Exhibit 139 ([REDACTED] Dep. (Student, 2005–2007, O’Hare Airport), [REDACTED] [REDACTED], at 36:20–37:6 [hereinafter [REDACTED] Deposition].

⁵⁶ *Id.* at 37:12–20.

⁵⁷ *Id.* at 39:8–22, 181:7–16.

⁵⁸ *Infra* ¶¶ 29–33.

⁵⁹ Exhibit 72 (Transcripts of Audio Recordings Doc. 2), No. 0000220, at OAG.Prod.005944, 5:8–10.

⁶⁰ *Id.* at OAG.Prod.005979, 40:2–4, and OAG.Prod.006052, 113:22–24 (student is from Illinois).

schooling and do the hard work to get into that dream job of being in the police department.”⁶¹

- One prospective student living in the Chicago suburbs specifically asked “how many people actually are in the law enforcement community right now who had this class? I mean, is this common for police officers to have this class, or is it more police officers looking to have the knowledge behind them, plus have the ability to move up?” The admissions representative responded, “You mean to get this degree? . . . Oh, all of it. To have the knowledge to move up, and many of the students that go to [the] college want to be police officers. The most popular field, our degree is Criminal Justice Degree.”⁶²
- One prospective student located in Chicago stated, “I always wanted to be a police officer,” to which the admissions representative responded, “Sure.” Later in the call, the representative told the prospect that “[t]he criminal justice program is absolutely designed for exactly what you told me you wanted to do.”⁶³

30. These recordings also captured admissions representatives confirming that prospective students could become police officers *specifically* for the Chicago Police Department:

- A Criminal Justice prospect stated that her “long-term goal is to become a Chicago Police Officer” and then a “homicide detective.”⁶⁴ The recruiter replied, “That’s cool. That’s real cool,” and that “[Criminal Justice] is a very good program.”⁶⁵ The recruiter added that a degree from Westwood would ultimately position the prospective student for a role as “captain or lieutenant.”⁶⁶
- One admissions representative listed off potential careers after obtaining a Criminal Justice degree at Westwood to include “law enforcement.... Sheriffs, state patrol police officers,” and later stated, “I’ve been told Chicago pays their police force very well.”⁶⁷

31. Admissions representatives in the recorded admissions calls also highlighted to prospective Criminal Justice students that a high percentage of Westwood graduates were employed in their field within six months of graduation:

- One admissions representative listed off jobs that she explained were “along the lines of almost guaranteed that you’ll get an entry level,” including “law enforcement officer.” She went on to say “83 percent of our students find a job within six months.”⁶⁸

⁶¹ *Id.* at OAG.Prod.005980, 41:18–21, and OAG.Prod.006022, 83:2–6.

⁶² Exhibit 72 (Transcripts of Audio Recordings Doc. 2), No. 0000224, at OAG.Prod.006065, 31:19–32:7.

⁶³ Exhibit 72 (Transcripts of Audio Recordings Doc. 2), at OAG.Prod.006297, 3:3–5, and OAG.Prod.006303, 28:4–9.

⁶⁴ Exhibit 72 (Transcripts of Audio Recordings Doc. 2), No. 000267, at OAG.Prod.006208, 11:11–17.

⁶⁵ *Id.* at OAG.Prod.006208, 11:18–22.

⁶⁶ *Id.* at OAG.Prod.006212, 15:1–7.

⁶⁷ Exhibit 58 (Transcripts of Audio Recordings Doc. 1), No. 14_a_rcd, at OAG.Prod.005396, 36:20–22, and OAG.Prod.005406, 46:15–16.

⁶⁸ Exhibit 72 (Transcripts of Audio Recordings Doc. 2), No. 0000318, at OAG.Prod.006360, 31:6–15, and OAG.Prod.006362, 38:13–19.

- Another representative listed off categories of jobs, including “law enforcement officer,” before telling the prospective students that “83 percent of our graduates from Westwood College are employed within the field of their interest within six months.”⁶⁹

32. Former Westwood students described similar statements by admissions representatives, assuring them they could work for specific law enforcement agencies, including both the Chicago Police Department and the Illinois State Police:

- A 2007 graduate of Westwood’s Criminal Justice program testified that he told the admission representative when he enrolled in 2004 that he wanted to be a Chicago police officer following graduation. He stated, “I told her zike to become a Chicago police officer after the schooling... and she agreed with me that yes, okay, that’s something that you will be able to do.”⁷⁰
- Another Westwood Criminal Justice graduate testified in a deposition that “the first time I ever met with career services,” shortly after enrolling in 2005, “I said I wanted to be an Illinois State Police.”⁷¹ However, no one associated with Westwood disclosed to him that the Illinois State Police would not accept a degree from Westwood.⁷² In fact, the admissions representative told him, “Westwood was a good college taught by people in the field and I should be able to go there and get a good education and go into a career.”⁷³
- Yet another former Criminal Justice student at the Chicago Loop campus testified that when she told an admissions representative in her initial meeting in October of 2005 that she was interested in the Chicago Police Department, the representative “told me that, you know, this is the school for you to get that started, and . . . she just started up the paperwork, and that was it.”⁷⁴

33. Former students explained that they relied on statements by Westwood representatives about their ability to get jobs in the Chicago area when deciding to enroll in Westwood’s Criminal Justice program:

- One former student testified “I clearly asked are you accredited, and if your answer would have been, you know, yeah, but you’re not going to be able to get a job in

⁶⁹ Exhibit 58 (Transcripts of Audio Recordings Doc. 1), at OAG.Prod.005585, 58:10, and OAG.Prod.005603, 76:9–11.

⁷⁰ Exhibit 140 (██████████ Dep. (Student, 2004–2007, Chicago Loop), ██████████, at 44:16–20 [hereinafter ██████████ Deposition]).

⁷¹ Exhibit 138 (██████████ Deposition), at 110:1–4.

⁷² *Id.* at 110:1–4.

⁷³ *Id.* at 104:8–11.

⁷⁴ Exhibit 110 (██████████ Deposition), at 36:4–12. ██████████ testified that she first met with an admissions representative at the River Oaks campus before realizing the Chicago Loop campus was closer to her home. ██████████ stated that she met with the River Oaks representative approximately a week before visiting the Chicago Loop campus and signing an Enrollment Agreement on October 24, 2005, to attend Westwood beginning in January 2006. *Id.* at 34:15–18, 40:16–20, 42:15–24.

Chicago, I live in Chicago. I have no interest in relocating, so why would I sign up to go to school and get a degree and not be able to work in Chicago.”⁷⁵

- Another student, when asked “[i]f you had known that the Illinois State Police wasn’t recognizing Westwood degrees, would that have affected your decision to enroll?” responded: “Yes . . . Because ultimately that’s what I wanted to do, and that would have been a waste of time and money to go to a school that was not going to help me at all.”⁷⁶

5. Borrower Defense Allegations

34. Westwood Illinois Criminal Justice borrower defense applicants also allege that the school told them that a Westwood degree would make them eligible for careers as police officers upon graduation.⁷⁷ For example:

- “We were told we would be able to use our degrees in securing jobs at any police station in the state.”⁷⁸
- “Was told that a job would easily be gotten in law enforcement with their degree.”⁷⁹
- “I was led to believe from Westwood college that after graduation I will be able to start a career with different law enforcement agencies of my choosing.”⁸⁰
- “The school misled me by making me believe that I could get a job as a police officer once I completed their criminal justice program for a bachelor’s degree.”⁸¹

35. In fact, based on a sample of [REDACTED] borrower defense applications submitted by borrower defense applicants who enrolled in Westwood’s Criminal Justice program in Illinois, [REDACTED] % of borrower applications allege that Westwood represented to them that they would be eligible for jobs as police officers after graduation. Borrower applications make similar allegations over a span of several years.⁸²

⁷⁵ Exhibit 141 ([REDACTED] Dep. (Student, 2007–2010, Chicago Loop), [REDACTED]), at 88:6–11.

⁷⁶ Exhibit 139 ([REDACTED] Deposition), at 181:7–16.

⁷⁷ Exhibit 142 (250 Case Sample of Illinois Criminal Justice Borrower Defense Applications (on file with Department)) [hereinafter 250 Case Sample].

⁷⁸ Application [REDACTED] (2006, O’Hare).

⁷⁹ Application [REDACTED] (2004, O’Hare).

⁸⁰ Application [REDACTED] (2004, Chicago Loop).

⁸¹ Application [REDACTED] (2009, O’Hare).

⁸² Though it is unclear why the number of borrower defense applications declined for students who enrolled in 2012 and after, one possible factor is that students enrolled during that time period were eligible for relief under the closed school provisions. Another possible factor is that Westwood entered into a consent judgment with the Colorado Attorney General’s Office in 2012, and may have corrected some of its practices as a result of that agreement. *See* Common Statement of Facts at § I(B).

Case Sample – Law Enforcement Eligibility Allegations by Year of Enrollment			
Year	Number of Sampled Cases	Number of Sampled Cases Making Law Enforcement Eligibility Allegations	Percent of Sampled Cases Making Law Enforcement Eligibility Allegations
2004	1	1	100%
2005	1	1	100%
2006	1	1	100%
2007	1	1	100%
2008	1	1	100%
2009	1	1	100%
2010	1	1	100%
2011	1	1	100%
2012	1	1	100%
2013	1	1	100%
2014	1	1	100%
2015	1	1	100%
Total	12	12	100%

36. Per this sample, similar allegations were included in borrower defense applications from across all of Westwood’s Illinois campuses:

Case Sample – Law Enforcement Eligibility Allegations by Campus			
Campus Location	Number of Sampled Cases	Number of Sampled Cases Making Law Enforcement Eligibility Allegations	Percent of Sampled Cases Making Law Enforcement Eligibility Allegations
Calumet/River Oaks	1	1	100%
Chicago Loop	1	1	100%
DuPage	1	1	100%
O’Hare Airport	1	1	100%
Online	1	1	100%
Total	5	5	100%

37. Of these borrower applications that allege that Westwood represented to them that they could be police officers, many further allege that someone at Westwood told them that with a Criminal Justice degree they would be able to work for one of the specific agencies that required credits from a regionally accredited college — most often the Chicago Police Department:

- “The school admission department as well as other faculty members told me the school had a partnership with Chicago Police Department, Illinois State Police, Dyer,

IN police among other departments. I was also told after graduation, my degree would be accepted for employment for law enforcement.”⁸³

- “When I first inquired about Westwood College I was striving to become an officer for the Chicago Police Dept. By the time I had my first enrollment interview with an Education Advisor, they strongly assured me that I would obtain a position within Law Enforcement by enrolling in their Criminal Justice Program.”⁸⁴
- “I was told credits earned at Westwood would be accepted by the Chicago Police department. . . The Chicago Police Department requires 60 credit hours to apply. I explicitly told the admission counselor [t]hat I inte[n]ded to apply in the city.”⁸⁵
- “I informed them I wanted to work for the Illinois state police or Chicago police department, they said they both accepted their degree. This info was not accurate.”⁸⁶
- “I enrolled based on them telling me I would be able to get placed into a police department in Chicago.”⁸⁷

38. In fact, of the [REDACTED] borrower applications sampled that include criminal justice eligibility allegations, [REDACTED] of them (or [REDACTED]) include allegations that Westwood represented that the borrower would be able to work for a specific Chicago-area agency, most often the Chicago Police Department or Illinois State Police.⁸⁸

39. Borrowers also allege that Westwood admissions representatives told them they would be employed in the criminal justice field within six months of graduation:

- “The school promised that I WOULD be working as a detective less than 6 months after my graduation.”⁸⁹
- “The admissions representative stated that Westwood had a high graduation rate and that most students were able to find a job within 6 to 8 months after graduating.”⁹⁰
- “Westwood told my son that they had a high job placement rate, that once he graduated, he would be able to work in the field within 6 months of graduation.”⁹¹

B. Westwood Criminal Justice Graduates Were Not Eligible for Jobs as Police Officers with the Major Law Enforcement Agencies in the Chicago Area

40. As explained above, Westwood created the impression that with a Criminal Justice degree, its graduates would be able to work as police officers, even going so far as to tell prospective students they could work for specific agencies, including the Chicago Police Department and the Illinois State Police.⁹²

⁸³ Application [REDACTED] (2005, Calumet City).

⁸⁴ Application [REDACTED] (2004, Chicago Loop).

⁸⁵ Application [REDACTED] (2008, Chicago Loop).

⁸⁶ Application [REDACTED] (2006, Online).

⁸⁷ Application [REDACTED] (2010, Calumet City).

⁸⁸ Exhibit 142 (250 Case Sample).

⁸⁹ Application [REDACTED] (2010, Calumet City).

⁹⁰ Application [REDACTED] (2011, O’Hare).

⁹¹ Application [REDACTED] (2004, DuPage).

⁹² See *supra* § III(A).

41. However, these agencies, as well as other county and municipal police departments in the Chicago area, required candidates to have attended a regionally accredited college. Westwood was never regionally accredited; it was nationally accredited by ACICS.⁹³ Thus, Westwood's bachelor's degree in Criminal Justice did not make students eligible for jobs with major employers in the Chicago area.

1. Most Jobs as Police Officers in the Chicago Area Required Credits or a Degree from a Regionally Accredited College

42. From 2004, when it launched its Criminal Justice program, to November 2015, when Westwood stopped enrolling new students, major law enforcement agencies located in Chicago and surrounding areas required candidates for positions as police officers to have a minimum number of credit hours or a degree from a regionally accredited college.⁹⁴

43. For example, from 2004 to 2010, the Chicago Police Department required all candidates for positions as police officers to have obtained a minimum of sixty semester (or ninety quarter) hours of credit from a regionally accredited college.⁹⁵

44. The Chicago Police Department was the largest potential employer for aspiring police officers in the Chicago area. In 2008, the Chicago Police Department was the second largest police force in the United States, and by far the largest law enforcement agency in Illinois.⁹⁶ At that time, the Chicago Police Department employed 13,354 full-time, sworn personnel, more than a quarter of the sworn law enforcement personnel in the entire state of Illinois.⁹⁷

45. The Chicago Police Department changed its educational requirements in July of 2010 to state that it would consider candidates with credits earned at nationally accredited colleges.⁹⁸

46. Westwood informed its students in a 2010 newsletter about this change in the Chicago Police Department's requirements, stating: "In a major change for the Chicago Police Department, they will now accept applications from Westwood students and graduates."⁹⁹

⁹³ See *infra* §§ III(B)(1)–(2).

⁹⁴ See *infra* ¶¶ 43–50. As noted in Section I, there are two kinds of institutional accreditation: national and regional. National accreditation applies "mainly [to] for-profit, career-based, single-purpose institutions, both degree and non-degree," while regional accreditation applies to "public and private, mainly nonprofit and degree-granting, two- and four-year institutions." See also Exhibit 19 (An Overview of U.S. Accreditation), at 2–3.

⁹⁵ See *infra* § III(B)(2) (discussing Westwood's knowledge, beginning in 2003, that the Chicago Police Department did not accept degrees from nationally accredited schools). See also Exhibit 143 (*Chicago Police Department: Police Officer Examination Announcement*, THE BLUELINE (Oct. 21, 2011) (on file with Department)), at 1; see also Exhibit 144 (*Police Officer Examination Announcement*, CITY OF CHICAGO (Jun. 7, 2006)), at 1. The required hours were less for candidates with military service. *Id.*

⁹⁶ Exhibit 145 (*Census of State and Local Law Enforcement Agencies, 2008*, BUREAU OF JUSTICE (Jul. 2011), <https://www.bjs.gov/content/pub/pdf/cslla08.pdf>), at 14 [hereinafter Law Enforcement Census].

⁹⁷ *Id.* at 14–15 (reporting the total number of sworn law enforcement personnel in Illinois as 41,277).

⁹⁸ Exhibit 146 (Emails from [REDACTED] and [REDACTED], Deputy Comm'r, Dep't of Hum. Resources to various recipients (Jan. 19, 2011) (on file with Department)), at OAGCPD.000123 [hereinafter Emails from [REDACTED]].

⁹⁹ Exhibit 147 (WESTWOOD COLLS., *The Buzz: Issue 13* (Oct. 2010)), at ALTA_000016620.

47. Despite this change in policy, any instances of Westwood graduates being hired as Chicago police officers are absent from Westwood's graduate employment data, at least for those who graduated between 2006 and 2013.¹⁰⁰ No evidence in BDG's possession indicates that any Westwood graduate became a Chicago Police Officer, either before or after Westwood discontinued its Criminal Justice program.
48. Additionally, from at least 1999 to 2015, the Illinois State Police required candidates for positions as police officers to have an associate's or bachelor's degree from a regionally accredited college.¹⁰¹ The Illinois State Police was the third largest law enforcement agency in Illinois — in 2008, the Illinois State Police reported that it had 2,105 full-time, sworn personnel.¹⁰²
49. Other Chicago-area law enforcement agencies also required candidates for police officer positions to have minimum number of credits or a degree from a regionally accredited college. For example:
- At least from 2010 to 2012, the Schaumburg Police Department required candidates to possess a bachelor's degree from a regionally accredited college.¹⁰³
 - In September of 2012, the Will County Sheriff's Office website listed the requirements for employment as an entry-level deputy sheriff to include "[a]n Associates Degree or minimum 60 semester hours (From a Regionally accredited college)."¹⁰⁴
50. An internal Westwood document listed additional county and municipal departments in the Chicago area that required police officer candidates to have attended a regionally accredited

¹⁰⁰ See Exhibit 21 (GDER Chart).

¹⁰¹ Exhibit 148 (ILLINOIS STATE POLICE MERIT BOARD, Policy No. MB02, *Recruitment Process* (Nov. 1, 1999, rev. Jul. 11, 2003)), at OAG-ISMB-0009; Exhibit 149 (*Pre-Employment Requirements*, ILLINOIS STATE POLICE MERIT BOARD (Oct. 21, 2011), <http://www.illinoistrooper.com/requirements.html>); Exhibit 146 (Emails from [REDACTED] (Jan. 19, 2011)), at OAGCPD.000124 ("Due to an inquiry from Westwood College . . . and discussion with Police, no one was aware why the City only accepted National [sic] accreditation and therefore made the decision to expand out options and accept all colleges and universities with national or regional accreditation.").

¹⁰² Exhibit 145 (Law Enforcement Census).

¹⁰³ Exhibit 150 (SCHAUMBURG POLICE DEPARTMENT, *Police Officer Recruitment Information* (undated)) (referring to compensation levels for 2010, 2011, and 2012), at 4; Exhibit 151 ([REDACTED] Dep. (Assistant Director of Education, 2004–2008, [REDACTED]), [REDACTED], at 100:7–101:24 [hereinafter [REDACTED] Deposition] (explaining that some of the first Criminal Justice graduates from the [REDACTED] campus told him they had applied "everywhere," specifically the Chicago Police Department, the Illinois State Police, and the Schaumburg Police Department). The Village of Schaumburg is located in Cook County, eleven miles west of O'Hare airport. Exhibit 152 (*About*, VILLAGE OF SCHAUMBURG (undated), <https://www.villageofschaumburg.com/our-village/about> (last visited Mar. 5, 2021)).

¹⁰⁴ Exhibit 153 (*Employment – Deputy Sheriff*, WILL COUNTY SHERIFF'S OFFICE (Sept. 14, 2012), <https://www.willcosheriff.org/employment/deputy-sheriff-employment>), at 1. Will County is Cook County's neighbor to the southwest and includes Chicago suburbs such as Naperville and Bolingbrook. Exhibit 154 (*CookViewer*, COOK COUNTY GOVERNMENT (undated), <https://maps.cookcountyil.gov/cookviewer/mapviewer.html> (last visited Mar. 5, 2021)); Exhibit 155 (*Municipal Limits*, WILL COUNTY ILLINOIS (2021), https://www.willcountyillinois.com/Portals/0/GIS/Interest%20Maps/Municipalities%20Maps/MUNICIPAL_LIMIT_S_A.pdf (last visited Mar. 5, 2021)).

school, including the DuPage County Sheriff's Department, the Bolingbrook Police Department, the Des Plaines Police Department, and the Oak Park Police Department.¹⁰⁵

51. According to Westwood's internal documents, some police departments and law enforcement agencies in the Chicago area would hire students who had not attended a regionally accredited college.¹⁰⁶
52. However, even though some police officer jobs may have been available to Westwood graduates, according to Westwood's own calculations, only twenty-seven out of 1,241 Criminal Justice students who graduated between 2006 and 2013, or 2.2% were employed in jobs as sworn law enforcement officers in the months following their graduation.¹⁰⁷ Another 1.3% were employed in non-sworn, civilian positions at law enforcement agencies, and 1.6% were employed in corrections.¹⁰⁸
53. In contrast, according to Westwood's own numbers, 18.6% of Illinois Criminal Justice graduates were employed in jobs as unarmed security guards.¹⁰⁹ Westwood categorized another 8.9% of criminal justice graduates as employed in "retail," and another 21.4% simply as "other."¹¹⁰ All in all, Westwood calculated that 65.5% of graduates from the Illinois Criminal Justice program between 2006 and 2013 were employed "In Field" or in a "Related Field," including the categories of security, retail, and other. This percentage includes many positions unrelated to the field of criminal justice, such as a Shift Manager at McDonald's, an Assistant Manager at Walgreens, and a Sales Associate at Payless Shoes (all categorized as employed in a related field).¹¹¹ The remaining 34.5% of Westwood graduates from the program were not categorized as employed "In Field" or in a "Related Field," but rather were given designations such as "Employed Out of Field," "Not Working," or "Unemployed."¹¹²

¹⁰⁵ Exhibit 156 (WESTWOOD COLLS., *Illinois Police Departments that Accept a Nationally Accredited Degree* (Feb. 16, 2012)), at ALTA_0000150337–38 [hereinafter Westwood List of PDs Accepting Nationally Accredited Degrees].

¹⁰⁶ Exhibit 156 (Westwood List of PDs Accepting Nationally Accredited Degrees).

¹⁰⁷ Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog., *State of Illinois v. Alta Colls., Inc.*, No. 12 CH 01587 (Cir. Ct. Cook Cty. Oct. 16, 2013)), at 8–9 [hereinafter Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.]; Exhibit 21 (GDER Chart); see also Exhibit 18 (Illinois Complaint), at ¶¶ 261–65. According to the Westwood's interrogatory responses, employment numbers were tracked according to the ACICS reporting period, which required that schools report their employment numbers for all students graduating between July 1 and June 30 of each year. Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.), at 8–9.

¹⁰⁸ Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.), at 8–9; Exhibit 21 (GDER Chart); see also Exhibit 18 (Illinois Complaint), at ¶¶ 261–66.

¹⁰⁹ Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.), at 8–9. Security jobs generally do not require any post-secondary education. See Exhibit 158 (*Occupational Outlook Handbook: Security Guards and Gambling Surveillance Officers*, BUREAU OF LAB. STAT., <https://www.bls.gov/ooh/protective-service/security-guards.htm> (last visited Dec. 23, 2020)) (noting that education beyond a high school diploma or equivalent is not necessary for security guards, though some employers may prefer to hire individuals with additional education).

¹¹⁰ Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.), at 8. The evidence indicates that the "retail" category may include "loss prevention" jobs but it is unclear whether the category is limited to such positions. Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.), at 12.

¹¹¹ Exhibit 21 (GDER Chart).

¹¹² Exhibit 157 (Def.'s Resp. and Objections to Pl.'s Second Set of Interrog.), at 8–9; Exhibit 21 (GDER Chart).

54. Because Westwood graduates were not eligible for jobs as police officers with major law enforcement employers in the Chicago area, and because only a small percentage of Westwood graduates found employment as police officers, it was misleading for Westwood to represent that the Criminal Justice program at the Illinois campuses would lead to careers as police officers.

2. Westwood Knew Graduates Would Not Be Eligible for Most Police Officer Jobs in the Chicago Area Due to its National Accreditation

55. As explained in Section I, Westwood was never regionally accredited, despite its attempts to obtain regional accreditation through the Higher Learning Commission of the North Central Association of Colleges and Schools (“HLC”).¹¹³ Westwood’s four Illinois campuses were nationally accredited by the Accrediting Council for Independent Colleges and Schools (“ACICS”).¹¹⁴

56. Because Westwood lacked regional accreditation, graduates of its Criminal Justice program were not eligible to work for law enforcement agencies that required credits or a degree from a regionally accredited school. As explained above, this included by far the largest employer of police officers in the state, the Chicago Police Department (until 2010), as well as the Illinois State Police, and other county and municipal law enforcement agencies in the Chicago area.

57. Nevertheless, as described above, Westwood created the impression through its television and internet marketing and directly stated through its admissions representatives that a Westwood Criminal Justice degree would lead to careers as police officers for Illinois Criminal Justice students.¹¹⁵

58. Westwood was aware at least as early as 2003 — before it even launched its Criminal Justice program in 2004 — that the Chicago Police Department would not accept credits or a degree from Westwood because it lacked regional accreditation. In its response to interrogatories served in litigation, Westwood explained that it:

[F]irst learned in September 2003 that there may be an issue regarding hiring by the City of Chicago. This information appears to have come from the [REDACTED] president and was relayed to [Westwood’s] central administration through [REDACTED], who was, at the time, designing the [Criminal Justice] curriculum. During this same period of time, due diligence was being performed on the campus level by persons and each individual Campus.¹¹⁶

¹¹³ See Common Statement of Facts at § I(D).

¹¹⁴ Appendix B (Westwood Campus Accreditation Information). Westwood Online held ACICS accreditation from 2008 to 2016. Before 2008, the Online program was operated through Westwood’s Denver North campus, which was accredited by the Association of Career College and Schools (ACCSC). *Id.*

¹¹⁵ See *supra* § III(A).

¹¹⁶ Exhibit 157 (Def.’s Resp. and Objections to Pl.’s Second Set of Interrog.), at 4.

59. A former employee who worked at Westwood's [REDACTED], testified that in 2004 he was tasked with making inquiries about the educational requirements of various law enforcement departments in Illinois.¹¹⁷ He testified that when he contacted the Chicago Police Department in 2004, he learned that "they did not recognize nationally accredited degrees. I believe you needed 60 credit hours from a regionally accredited school for employment with CPD."¹¹⁸
60. The Executive Director of the [REDACTED] campus in 2004,¹¹⁹ recalled during his deposition that he informed the Director of Admissions at the [REDACTED] campus in 2004 that "if a student wants to be hired by City of Chicago Police Department or any City of Chicago department, you need to let them know this [i.e., Westwood] is not the place for them to go."¹²⁰
61. As early as 2006, Westwood administrators were discussing how best to lobby the Chicago Police Department to accept Westwood degrees.¹²¹ The minutes from a Criminal Justice program directors' conference call on March 29, 2006 included the item: "Follow-up on CJ Task Force — specifically issue of potential lobbyist to work on Chicago PD recognizing our credits," an issue "which is of major importance to the schools in the Chicago Region, because the largest potential employer in the Chicago Region is the Chicago Police Dept."¹²²
62. In a 2009 email, the [REDACTED] Executive Director wrote that "[a]ccreditation has been the biggest issue with our students over the past four years . . . Personally, if we don't get the [regional] accreditation we are in big trouble in Illinois and probably elsewhere."¹²³
63. In early 2012, the Campus President at the [REDACTED] campus, sent an email to Westwood's [REDACTED] which said: "The following entities DO NOT and WILL NOT recognize a Westwood degree," and listed the Illinois State Police, the DuPage County Sheriff, the Will County Sheriff's Department, the Bolingbrook Police Department, the Oak Lawn Police Department, and the Des Plaines Police Department.¹²⁴

¹¹⁷ Exhibit 159 ([REDACTED] Dep. (Director of Product Development, [REDACTED]), [REDACTED], at 61:4-7.

¹¹⁸ *Id.* at 67:17-20.

¹¹⁹ Exhibit 160 ([REDACTED] Dep. (Chief Operations Officer, [REDACTED]), [REDACTED], at 19:15-18, 21:7-10 [hereinafter [REDACTED] Deposition]).

¹²⁰ *Id.* at 147:12-15. [REDACTED] was an Executive Director at the [REDACTED] campus from July 2001 to February 2005, a Regional Vice-President for the [REDACTED] areas from February 2005 to August 2010, and Chief Operating Officer of [REDACTED] from September 2010 to at least August 2013, when the Illinois Attorney General's Office took his deposition. *Id.* at 19:15-18, 18:17-19:18, and 8:2-16.

¹²¹ Exhibit 161 (WESTWOOD COLL., *Criminal Justice Program Director's Conference Call* (Mar. 29, 2006)), at ALTA_0000177078.

¹²² *Id.* at ALTA_0000177078.

¹²³ Exhibit 160 ([REDACTED] Deposition), at 106:12-25.

¹²⁴ Exhibit 162 (Email from [REDACTED], Campus President, [REDACTED] to [REDACTED] and [REDACTED] (Feb. 16, 2012) (on file with Department)), at ALTA_0000150446.

64. Other former Westwood employees have corroborated that staff knew that Westwood Illinois students would not be eligible for police officer positions with many local police departments:

- A former part-time instructor at Westwood's [REDACTED] campus from 2005 to 2008, testified in 2013 that as early as her second term teaching at Westwood, "It was something that was widely discussed at the school, that Chicago Police Department was not taking Westwood students."¹²⁵
- Another former employee, who worked at Westwood's [REDACTED] campus from 2004 to 2008, first as a part-time instructor then as a full-time instructor, Program Director, and Director of Education, testified that during his time at Westwood, he was aware of several students who applied to the Chicago Police Department, the Illinois State Police, and other law enforcement agencies in Illinois and were "told that your school is not accredited or your school doesn't have the right accreditation."¹²⁶

C. Westwood Created the Impression that Students Could Become Police Officers Despite Written Statements Regarding Limitations on Their Employability

65. As detailed below, Westwood included written language about possible limitations on its students' ability to become police officers in its television advertisements, on its webpage, and in some of its enrollment materials.¹²⁷ The language in Westwood's television and internet advertising appeared in fine print and were not prominently displayed. The language in the enrollment materials was also in fine print, and admissions representatives rushed prospective students through the enrollment process without allowing students a meaningful opportunity to review the documents.¹²⁸

66. While the location, prominence, and language of these written statements varied, Westwood consistently orally misrepresented the ability to become a police officer to prospective students.¹²⁹ The evidence indicates that the limited written statements regarding limitations on students' employability did not alter the impression of borrowers regarding their ability to become police officers.¹³⁰

¹²⁵ Exhibit 163 ([REDACTED] Dep. (Part-Time Instructor, 2005–2008, [REDACTED]), [REDACTED] Deposition), at 56:19–57:1 [hereinafter [REDACTED] Deposition].

¹²⁶ Exhibit 151 ([REDACTED] Deposition), at 98:12–98:15. [REDACTED] began teaching as a part-time instructor at the [REDACTED] campus in May 2004, taught at both [REDACTED] campus beginning in August 2004, and was promoted to full-time faculty in December 2004 before becoming program director for the Criminal Justice program at the [REDACTED] campus in April 2006. *Id.* at 12:2–14, 38:1–18, and 72:1–4. [REDACTED] accepted a position as assistant director of education at the [REDACTED] campus in April 2007 before being terminated in September 2008. *Id.* at 172:19–23, 300:2–5, and 301:9–11.

¹²⁷ See *infra* § III(C)(1)–(4).

¹²⁸ Exhibit 71 (Admissions Book of Knowledge), at WC-1-12-057821 to WC-1-12-057827 (nine-step interview ends with admission representative completing enrollment paperwork with prospective student); Exhibit 164 (WESTWOOD COLLS., *All Coaching Overlays* (Aug. 20, 2010)), at WC-2-10-100103 (admission representatives fill out enrollment forms with prospective students after completing interview). See also Common Statement of Facts at § II(A)(3).

¹²⁹ See *supra* § III(A).

¹³⁰ See *infra* ¶¶ 76–78, 82.

1. Written Statements in Westwood's Television Commercials

67. Some of Westwood's television commercials, described *supra*, included written statements regarding possible limitations on students' ability to obtain certain jobs, including as police officers, while others did not.
68. For example, the commercial entitled "Shower/Criminal Justice" included a small written statement, which appeared in the middle of the screen underneath a list of possible careers, including "Law Enforcement Officer."¹³¹ The written statement said: "Not all programs available at all campuses. State and local restrictions may apply. Additional training may be required."¹³² The statement about additional training referenced the law enforcement officer option particularly, using an asterisk.¹³³ The written statement appeared on the screen for roughly seven seconds, while the narrator read through the list of potential careers shown on the screen.¹³⁴
69. The commercial entitled "Outsmart" included two written statements. The first appeared at the bottom of the screen, underneath Westwood's toll-free phone number, below an image of a patrol officer. It said: "State and local restrictions may apply. Additional training may be required."¹³⁵ The written statement appeared for approximately seven seconds, while the narrator read off additional career options, including border patrol, correctional officer, and legal investigator and the image changed to show a picture relating to each career.¹³⁶
70. A second written statement appeared on the final information screen in fine print, underneath the listing of the four Chicago campuses, saying: "This program may not directly lead to all law enforcement related careers."¹³⁷ This written statement appeared for approximately six seconds, while a narrator read Westwood's toll-free number and encouraged viewers to call.¹³⁸ The same written statement that appeared on the final information screen of the "Outsmart" commercial also appeared at the end of the commercial entitled "Better World."¹³⁹
71. The commercials entitled "Crime Happens" and "Changing Backgrounds" included no written statements regarding Westwood graduates' ability to work as police officers or the availability of criminal justice jobs to Westwood graduates.¹⁴⁰

¹³¹ *Supra* ¶ 11.

¹³² Exhibit 109 (Shower/Criminal Justice Commercial), at 0:10:00.

¹³³ *Id.*

¹³⁴ *Id.* at 0:34–0:41.

¹³⁵ Exhibit 107 (Outsmart Commercial), at 0:00:02–0:00:19.

¹³⁶ *Id.* at 0:11–0:18.

¹³⁷ *Id.* at 0:00:02–0:00:19.

¹³⁸ *Id.*

¹³⁹ *Id.* at 0:00:26–0:00:33; Exhibit 106 (Better World V2 Commercial), at 0:00:26–0:00:33.

¹⁴⁰ Exhibit 103 (Crime Happens Commercial), at 0:00:02–0:00:32; Exhibit 108 (Changing Backgrounds Commercial), at 0:00:09–0:01:09.

2. Written Statements on Westwood's Website

72. Written statements also appeared in various places on Westwood's website. In 2007 to 2009, on the careers tab of the Criminal Justice page, which listed both corrections officer and law enforcement officer as "jobs that Westwood College students can qualify for," the following disclaimer appeared in fine print: "State and local restrictions may apply. Additional training may be required."¹⁴¹
73. In 2013 and 2014, Westwood's "Criminal Justice Careers" webpage offered the following written statement: "Each specific option may require additional specialized programs, training and successful completion of tests or exams in order for an individual to achieve certification and gain employment."¹⁴² The site also included a disclaimer similar to the one displayed from 2007 and 2009: "State and local restrictions may apply, and additional training may be required for law enforcement options."¹⁴³

3. Written Statements on Background Disclosure Forms

74. As early as 2005, students enrolling in Westwood's Criminal Justice program were required to sign a separate disclosure form entitled "Student Background Disclosure for Students Enrolling in the Criminal Justice Program."¹⁴⁴ The form inquired into the student's criminal background, explaining that the information would be "used by the school to advise prospective students about their prospects for employment upon graduation, in light of the background checks conducted by some employers seeking to hire our graduates."¹⁴⁵
75. At the bottom of the form appeared the statement "I understand that . . . Westwood College is nationally accredited, not regionally accredited, which could have an impact on opportunities with some Chicago area employers, including the City of Chicago."¹⁴⁶ Some versions of the form required students to initial next to this specific statement.¹⁴⁷
76. One former student testified, when asked if he understood when he signed the form that Westwood was disclosing that it was not regionally accredited, that he "didn't understand it. I guess looking at it, it's talking about a background check for me, so it seems like it was an odd place for it to be at."¹⁴⁸

¹⁴¹ Exhibit 123 (2007 Criminal Justice Careers Webpage); Exhibit 165 (*Careers in Criminal Justice*, WESTWOOD COLLS. (Mar. 12, 2009), <http://www.westwood.edu/degree-programs/criminal-justice-online/career.asp> [<https://web.archive.org/web/20090312061722/http://www.westwood.edu/degree-programs/criminal-justice-online/career.asp>]).

¹⁴² See, e.g., Exhibit 132 (June 2013 Criminal Justice Careers Webpage); Exhibit 133 (Oct. 2013 Criminal Justice Careers Webpage); Exhibit 134 (2014 Criminal Justice Careers Webpage).

¹⁴³ See, e.g., Exhibit 132 (June 2013 Criminal Justice Careers Webpage); Exhibit 133 (Oct. 2013 Criminal Justice Careers Webpage); Exhibit 134 (2014 Criminal Justice Careers Webpage).

¹⁴⁴ Exhibit 166 (WESTWOOD COLLS., *Student Background Disclosure for Students Enrolling in the Criminal Justice Program (Chicago Campuses)* (dated Apr. 2005, signed Sept. 14, 2005)).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ Exhibit 79 (██████████ Deposition), at 101:6–9.

77. One Westwood graduate testified at his deposition that he did read the language and signed it anyway because “[i]t said which ‘could’ have an impact, which means there’s a possibility that it won’t have an impact.”¹⁴⁹

78. Many other Westwood graduates stated that though they initialed and signed the disclosure, they did not read and understand it. These former students testified that Westwood’s admissions representatives either rushed them through the process of signing the paperwork required to enroll, including the disclaimer described above, or simply told them where to initial and sign without explaining the documents:

- One Westwood graduate testified that “I signed it, but they — sign, sign, sign here, here, here... I didn’t read anything. They just said sign, sign, sign.”¹⁵⁰ The student testified that her admissions representative told her, “We’ll worry about that stuff later. Don’t worry. These are just normal statements. Everybody signs these. Just sign them. We’ll take care of everything else later.”¹⁵¹
- Another graduate testified that, “I signed a lot of documents . . . It was more like, this is — just put your signature here and there. This is — this piece of paper, put your signature here and there. This is the document saying that a criminal — your background disclosure, put your signature here and there, initial here.”¹⁵²
- Another former Westwood student, who was recruited directly out of high school, testified about the enrollment paperwork, “We glanced at it, flew through sign here, sign there, sign here, sign there or initial here, initial there.”¹⁵³

4. Written Statements in Course Catalog and Enrollment Agreement

79. At least as early as 2005 until 2010, when the Chicago Police Department changed its policy and began to accept degrees from nationally accredited schools, Westwood’s course catalogs also included a statement regarding the eligibility of Westwood graduates for law enforcement jobs with the Chicago Police Department.¹⁵⁴

80. The catalog included a description and listing of courses for each degree program offered. At the end of the listing for the Criminal Justice program appeared the following statement: “At this time the Chicago Police Department may not recognize course credits or degrees from

¹⁴⁹ Exhibit 167 (██████████ Dep. (Student, 2007–2009, O’Hare Airport), ██████████, at 89:14–18 [hereinafter ██████████ Deposition]).

¹⁵⁰ Exhibit 77 (██████████ Deposition), at 138:12–21.

¹⁵¹ *Id.* at 49:12–16.

¹⁵² Exhibit 168 (██████████ Dep. (Student, 2004–2007, Chicago Loop), ██████████, at 129:21–130:5 [hereinafter ██████████ Deposition]).

¹⁵³ Exhibit 79 (██████████ Deposition), at 84:21–23.

¹⁵⁴ *Supra* ¶ 45; Exhibit 62 (Feb. 2005 Catalog), at ALTA_000014812; *see also* Exhibit 169 (WESTWOOD COLL., *Westwood College 2005 Academic Catalog* (Apr. 2005)), at ALTA_000014910 [hereinafter Apr. 2005 Catalog]; *see also* Exhibit 170 (WESTWOOD COLL., *Westwood College 2006 Academic Catalog* (Oct. 2005)), at ALTA_000015202 [hereinafter 2006 Catalog]; *see also* Exhibit 64 (2007 Catalog).

the college for the purposes of tuition reimbursement, employment, advancement, or compensation.”¹⁵⁵

81. Westwood’s Enrollment Agreement included the following statement to be initialed by each prospective student: “I, the applicant . . . Acknowledge receipt of a College catalog,” followed by the year and volume number of the specific catalog.¹⁵⁶
82. One student testified that despite initialing next to the acknowledgement statement in the enrollment agreement, he could not recall whether he had actually ever received a copy of the catalog, and that he “never looked at the catalog courses because our program director helped us . . . pick our classes for the courses.”¹⁵⁷ Another former student related a similar experience.¹⁵⁸

Q: [D]o you recall having access throughout your time at Westwood to a course catalog?

A: No.

Q: How did you enroll in classes?

A: They would give me like printouts of the courses that I needed to take for my next term, so whatever — I knew what I had to take. They would just print it out for me.

5. Westwood Admissions Representatives Did Not Consistently Discuss Disclosures with Prospective Students

83. The evidence indicates that even though Westwood admissions representatives were supposed to discuss the written statements on the background disclosure form and in the course catalog with students, they did not do so on a consistent basis.
84. One former employee, who held various positions at Westwood from [REDACTED], including Chief Admissions Officer from [REDACTED], testified that admissions representatives, including those in online admissions, were supposed to go over the disclaimer that appeared on the background disclosure form with prospective Criminal Justice students in Illinois.¹⁵⁹ He stated that “we would train the directors of admissions on the document and they were accountable to training each of their representatives in their own meetings.”¹⁶⁰

¹⁵⁵ Exhibit 62 (Feb. 2005 Catalog), at ALTA_000014812; *see also* Exhibit 169 (Apr. 2005 Catalog), at ALTA_000014910; *see also* Exhibit 170 (2006 Catalog), at ALTA_000015202; *see also* Exhibit 64 (2007 Catalog), at ALTA_000015298.

¹⁵⁶ *See e.g.* Exhibit 171 (WESTWOOD COLL., *Illinois Enrollment Agreement* (2005)), at ALTA_000006695; Exhibit 172 (WESTWOOD COLL., *Illinois Enrollment Agreement* (2004)), at ALTA_000007726; Exhibit 173 (WESTWOOD COLL., *Illinois Enrollment Agreement* (2007)), at ALTA_000006990.

¹⁵⁷ Exhibit 167 ([REDACTED] Deposition), at 165:16–19, 166:3–5.

¹⁵⁸ Exhibit 174 ([REDACTED] Dep. (Student, 2005–2007, DuPage), [REDACTED]), at 96:15–24.

¹⁵⁹ Exhibit 47 ([REDACTED] Deposition) at 56:8–13.

¹⁶⁰ *Id.* at 56:20–57:2.

85. The Dean of Education at the [REDACTED] campus from 2000 to 2007 testified that these disclosures were the only explanation she recalled being provided to students about whether a Westwood degree would make them eligible for jobs with certain employers.¹⁶¹

Q: [Y]ou said that it was clearly explained to students that certain employers didn't recognize a nationally accredited degree. Where was it clearly explained to students?

A: On their disclosures.

Q: Anywhere else?

A: Not that I recall at this time.

The former Dean also explained that "[t]hese were documents that, you know, they did when they first came in, and so we kind of go over that information with them."¹⁶²

86. However, the evidence indicates that admissions representatives did not consistently talk about the disclosures with prospective students.¹⁶³ As discussed above, students were rushed through the enrollment process, and the disclosures they signed were not brought to their attention or explained.¹⁶⁴

87. One former Westwood instructor in the Criminal Justice program testified that she did not know of any disclosure that informed students that the Chicago Police Department would not hire Westwood graduates. She explained that the students "seemed to have no clue about that. It seems like there were people at the school who were telling them that they could become Chicago police officers, which is why they went ahead and came on to Westwood."¹⁶⁵

88. Despite the limited disclosure language in Westwood's television commercials, internet advertising, and enrollment paperwork, BDG concludes that the language was ineffective and that students still had the impression that they would be able to obtain jobs as police officers in the Chicago area after completing their Westwood Criminal Justice degree.¹⁶⁶

D. Conclusions

The evidence in the possession of BDG relating to Westwood's misrepresentations regarding its graduates' ability to become police officers after graduation establishes the following facts by a preponderance of the evidence:

¹⁶¹ Exhibit 175 ([REDACTED] Dep. (Interim Campus President, 2007–2016, [REDACTED]), [REDACTED] [REDACTED], at 94:19–95:2.

¹⁶² *Id.* at 85:19–21, 94:19–95:2.

¹⁶³ Exhibit 77 ([REDACTED] Deposition), at 49:12–16; Exhibit 168 ([REDACTED] Deposition), at 129:21–130:6; Exhibit 79 ([REDACTED] Deposition), at 84:18–23.

¹⁶⁴ *Supra* § III(C)(5).

¹⁶⁵ Exhibit 163 ([REDACTED] Deposition), at 96:13–20.

¹⁶⁶ *Supra* § III(C).

- From 2004 to 2015, Westwood's television advertising and internet marketing were targeted at prospective students in the Chicago area, and created the impression that its bachelor's degree in Criminal Justice would lead to careers as police officers after graduation. This advertising and marketing was misleading because most police officer positions in the Chicago area required credits or a degree from a regionally accredited school, and Westwood was not regionally accredited.
- Between 2004 and 2015, Westwood's admissions representatives directly told prospective students in the Chicago area that they could be police officers with a Westwood degree. These statements were misleading for the same reason Westwood's television advertising and internet marketing were misleading.
- Also between 2004 and 2015, some admissions representatives told students they would be able to work as police officers for specific agencies, including the Chicago Police Department and Illinois State Police, which required credits or a degree from a regionally accredited college. Such statements regarding the Chicago Police Department were false from 2004 to 2010; such statements regarding the Illinois State Police and other area police departments were false throughout the time Westwood offered its Criminal Justice program.
- Even after 2010, when the Chicago Police Department changed its requirements to state that it would consider candidates for police officer positions who had earned a minimum number of credit hours from a nationally accredited college, Westwood's representations that its graduates could work for the Chicago Police Department were misleading because the evidence indicates that it was highly unlikely that a Westwood graduate would ever become a police officer with the Chicago Police Department.