



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

May 6, 2022

*Via Overnight Mail*

The Honorable Miguel Cardona  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, D.C. 20202

James Kvaal  
Under Secretary of Education  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, D.C. 20202

Richard Cordray  
Chief Operating Officer  
Federal Student Aid  
U.S. Department of Education  
830 First Street, N.E.  
Washington, D.C. 20002

RE: Illinois Westwood Students

Dear Secretary Cardona, Under Secretary Kvaal, and Chief Operating Officer Cordray:

I write you today in light of the Department's release of its detailed findings of fraud relating to Westwood's Illinois criminal justice program.<sup>1</sup> As we have known for some time, and as the Department itself has now found, Westwood misrepresented that its criminal justice program in Illinois could lead to employment as police officers when, in fact, the Chicago Police Department, Illinois State Police, and other law enforcement agencies would not accept Westwood credits or degrees. This fraud has harmed Illinois Westwood students for far too long.

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<sup>1</sup> See Westwood Statement of Facts, Parts 1 and 2, available at <https://studentaid.gov/announcements-events/borrower-defense-update> (last visited March 28, 2022).

I am pleased that the Department agrees with the allegations made in my office's 2012 litigation against Westwood, as well as in our 2016 group discharge application. However, with return to repayment looming for all federal student loan borrowers, I again ask the Department to grant our group discharge application immediately. There is simply no reason to prolong these students' suffering.

***I. The Department Has Made Important Strides in Borrower Defense and for Westwood Students***

I acknowledge and appreciate the Department's strides to address the backlog of borrower defense applications, including for Westwood students. My office knows well the importance of a thorough investigation and commends the Department's efforts on this front to review thousands of borrower defense applications and analyze additional evidence gained from its own investigation and from the investigations of other law enforcement agencies, like mine. Since this administration has come into office, the Department has provided much-needed relief for many harmed borrowers, including approving 1,600 claims totaling approximately \$53 million in relief for former Westwood students just this past July.<sup>2</sup>

Understanding that complexity, we have been happy to see the Department repeatedly agree with my office's findings regarding Westwood's systemic fraud: "the Department found that, from 2004 until its closure in 2015, Westwood made widespread, substantial misrepresentations to students that its criminal justice program would lead to careers as police officers in Illinois, particularly in the Chicago area."<sup>3</sup> Now, the Department has released more-detailed findings outlining Westwood's fraudulent conduct and concluding, in part:

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.

Westwood Statement of Facts, Part 1, at p. 28. The Department further concluded "[b]etween 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". *Id.*

I trust that the Department has been exceedingly thorough in its review of Westwood's fraudulent conduct. I commend the able investigators who remained dedicated to this investigation and have concurred with the findings of my own office. Given these fundamental, programmatic findings of fraud, it is time to finally grant impacted borrowers relief to prevent ongoing harm.

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<sup>2</sup> *Department of Education Approves Borrower Defense Claims Related to Three Additional Institutions*, Department of Education, available at <https://www.ed.gov/news/press-releases/department-education-approves-borrower-defense-claims-related-three-additional-institutions> (July 9, 2021).

<sup>3</sup> *See supra*, note 1; *see also Westwood College Borrower Defense Executive Summary*, Department of Education, available at <https://studentaid.gov/sites/default/files/westwood-executive-summary.pdf> (last viewed Feb. 25, 2022).

## ***II. The Westwood Group Discharge Application Should Be Granted Immediately***

My office sued Westwood over its fraudulent practices in 2012 and eventually settled that suit in 2015. While my office secured the discharge of all Westwood's institutional loans for Illinois students enrolled in its criminal justice program from the program's inception, many of those students had taken out federal loans to attend Westwood. For these students, the Department is their only potential source of relief.

In November, 2016, my office submitted a group discharge application to the Department for all Illinois students who attended Westwood's criminal justice program from its inception in 2004 until the school closed in early 2016. My office also provided extensive evidence to the Department in support of that application both at the time and since, including interrogatory responses, Westwood's Answer to the complaint in our litigation, and deposition transcripts. Now, the Department has made clear that it concurs that Westwood deceived borrowers about the fundamental nature of its criminal justice program here in Illinois. To date, however, the Department has not acted upon our group discharge application.

There is no more analysis or evidence needed: Westwood defrauded *all* students who attended its Illinois criminal justice program. The Department – and only the Department – knows which defrauded borrowers continue to carry federal loan debt for their time at Westwood. These consumers continue to be harmed by the student loan debt they carry and its negative impact on their lives. With the pause to repayment ending on August 31, 2022,<sup>4</sup> there is no more reason to delay and certainly no reason to return those defrauded borrowers into repayment status. All of these students should have their loans discharged. They have waited too long already.

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Whether Illinois criminal justice program students were defrauded by Westwood is not in dispute. What is not yet determined is how long these students will be made to suffer for Westwood's misconduct. We strongly encourage the Department to grant our group discharge application immediately.

Sincerely,

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Kwame Raoul  
Illinois Attorney General

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<sup>4</sup> *Biden-Harris Administration Extends Student Loan Pause Through August 31*, Department of Education, Apr. 6, 2022, available at <https://www.ed.gov/news/press-releases/biden-harris-administration-extends-student-loan-pause-through-august-31>.



*Via Email*

May 31, 2022

Diana Hooley  
Assistant Attorney General  
Insurance & Financial Services Division  
Office of Attorney General Maura Healey  
One Ashburton Place, 18th Floor  
Boston, Massachusetts 02108

Re: Application for discharge of Federal student loans made to borrowers attending certain programs at Kaplan Career Institute

Ms. Hooley:

Thank you for your letter dated April 1, 2022, regarding borrower defense to repayment (“BDTR”) applications for Federal student loan borrowers who attended Kaplan Career Institute’s Kenmore Square location in Massachusetts. We are reviewing the information you provided in your current letter as well as the material submitted by your office in the application sent in 2016 and the supplemental letters dated May 6, 2016, and May 31, 2016.

When your office submitted the application to the Department in 2016, it was not considered to be an application for each of the individual borrowers included in your list. In light of the decisions addressing a similar submission by your office in Williams v. DeVos, No. 16-11949-LTS, 2018 WL 5281741, at \*15 (D. Mass. Oct. 24, 2018) and Vara v. DeVos, No. 19-12175-LTS, 2020 WL 3489679, at \*29 (D. Mass. June 25, 2020), and in light of the government’s dismissal of its appeal of the Vara decision, Vara v. Cardona, No. 20-1832, 2021 WL 4057798, at \*1 (1st Cir. July 21, 2021), however, we are evaluating your office’s application as covering the 93 borrowers you have specifically identified. We will consider the information you have provided to us as well as other information we have available. We anticipate that it will take 120 days to complete our review and determine if the evidence supports a finding that Kaplan’s actions or inactions create a basis for a BDTR application. However, before we can make any determination regarding an individual borrower covered by your application, we need additional information.

As you know, all Federal student loan borrowers whose loans are held by the Department have been subject to a payment pause since March 2020. In addition, borrowers who have submitted a BDTR application are placed in forbearance or stopped collection pending a decision on their application. Unfortunately, we do not have sufficient information to identify the borrowers on your list so that we can keep them in a forbearance and stopped collection status once the current payment pause ends. If your office can provide us with the Social Security Number and date of birth of each of the borrowers on the list you provided, we will put them in forbearance or stopped collection until a decision can be made on your office’s applications. We also need this

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information to confirm that the borrowers identified in your application received Federal student loans to attend the Kaplan locations in Massachusetts during the period of time covered by any BDTR finding.

We note that your letter of April 1, 2022, also asked about your office's earlier application regarding students who attended Lincoln Technical Institute. We are reviewing our records regarding that matter and will send you a separate response on that application.

Please send the information to Brian Bayne in the Borrower Defense Group, his email address is [Brian.Bayne@ed.gov](mailto:Brian.Bayne@ed.gov).

We appreciate your patience while we work to resolve these matters.

Sincerely

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Nina Schichor  
Director, Borrower Defense Group