



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office of Higher Education
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October 5, 2006

Stefano Elio D'Anna
President
European School of Economics
350 Fifth Avenue, 33rd Floor
New York, NY 10118

Dear President D'Anna:

The New York State Education Department has been informed by the Texas Higher Education Coordinating Board that the European School of Economics is advertising that it appears to be operating a college campus in New York State. The enclosed materials from your website refer to "New York City Campus," New York ESE College" and to the offering of undergraduate and graduate programs. The European School of Economics must immediately cease and desist from advertising and offering programs leading to degrees from New York a New York State address and cease from using the word "college" in New York State. Such activities violate New York law.

New York State Education Law, §224(1) states that:

No individual, association, copartnership or corporation not holding university, college or other degree conferring powers by special charter from the legislature of this state or from the regents, shall confer any degree or use, advertise or transact business under the name university or college, or any name, title or descriptive material indicating or tending to imply that said individual, association, copartnership or corporation conducts, carries on, or is a school of law, medicine, dentistry, pharmacy, veterinary medicine, nursing, optometry, podiatry, architecture or engineering, unless the right to do so shall have been granted by the regents in writing under their seal.

To implement §224's prohibition, §3.29 of the Rules of the Board of Regents (8NYCRR3.29) makes the following provisions:

(a) Except as provided in subdivisions (b) and (c) of this section, no individual proprietorship, association, co-partnership or corporation, other than the State University of New York and the City University of New York and their respective component institutions, a community college as defined in section 6301 of the Education Law, and an institution chartered by the Regents or by special act of the Legislature for the purpose of offering registered undergraduate and/or graduate courses of study creditable towards a degree, shall use the words "college" or "university" in its name.

(b) This section shall not apply to corporations which are now using the word "college" in their corporate names and which had used the word "college" in their corporate names prior to the enactment of chapter 378 of the Laws of 1892, or to individual proprietorships, associations, co-partnership or corporations which do not offer educational programs and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

(c) The commissioner, pursuant to Education Law section 216, may consent to the amendment of the certificate of incorporation of a corporation formed under the Business Corporation Law, whose purposes include the operation of a program or programs of postsecondary education, to include the word "college" in the corporate name, provided that:

- (1)
- (2)
- (3)
- (4)
- (5)

The European School of Economics has no legal status as a college in New York State. Consequently, I ask for your written assurance by October 23, 2006 that the organization will cease immediately to advertise and offer programs leading to degrees from a New York State address and to advertise that it has authority to operate a college or college campus in New York State.

If you have any questions, please do not hesitate to contact me at the address, telephone, or fax numbers above, or at bmeinert@mail.nysed.gov.

Sincerely,

Barbara D. Meinert
Coordinator

Enclosure

c: Kathy A. Ahearn, Esq., Counsel
bc: Byron Connell, Theresa Czapary, Ellen Zunon