

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

**TONI & GUY HAIRDRESSING
ACADEMY**
1019 South Main Street
Manteca, CA 95337

Applicant for Approval to Operate an
Accredited Institution

Respondent.

Case No. 1002692


OAH No. 2017110012

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of the Department of Consumer Affairs as the Decision and Order in the above-entitled matter.

This Decision shall become effective on APR - 7 2018.

IT IS SO ORDERED March 3, 2018.



RYAN MARCROFT
Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
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Deputy Attorney General
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9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
STATE OF CALIFORNIA

11
12 In the Matter of the Statement of Issues
Against:

13 **TONI & GUY HAIRDRESSING**
14 **ACADEMY**
15 **1019 South Main Street**
Manteca, CA 95337

16 **Applicant for Renewal of Approval to**
17 **Operate an Accredited Institution**

18 Respondent.

Case No. 1002692

OAH Case No. 2017110012

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Dr. Michael Marion, Jr. ("Complainant") is the Chief of the Bureau for Private
24 Postsecondary Education ("Bureau"). He brought this action solely in his official capacity and is
25 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
26 Summer D. Haro, Deputy Attorney General.

27 2. Respondent Toni & Guy Hairdressing Academy ("Respondent") is representing itself
28 in this proceeding and has chosen not to exercise its right to be represented by counsel.

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2 3. On or about November 12, 2015, Respondent filed an application dated November 3,
3 2015, with the Bureau to obtain a Renewal of Approval to Operate an Accredited Institution.

4 **JURISDICTION**

5 4. Statement of Issues No. 1002692 was filed before the Director, and is currently
6 pending against Respondent. The Statement of Issues and all other statutorily required
7 documents were properly served on Respondent on August 23, 2017.

8 5. A copy of Statement of Issues No. 1002692 is attached as "Exhibit A" and
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Statement of Issues No. 1002692. Respondent has also carefully read, and understands the effects
13 of this Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of its legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
16 counsel at its own expense; the right to confront and cross-examine the witnesses against them;
17 the right to present evidence and to testify on its own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Statement of
25 Issues No. 1002692.

26 10. Respondent agrees that its Application for Renewal of Approval to Operate an
27 Accredited Institution is subject to denial and they agree to be bound by the Director's imposition
28 of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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2 11. This stipulation shall be subject to approval by the Director of the Department of
3 Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for
4 Complainant and the staff of the Bureau for Private Postsecondary Education may communicate
5 directly with the Director and staff of the Department of Consumer Affairs regarding this
6 stipulation and settlement, without notice to or participation by Respondent. By signing the
7 stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek
8 to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director
9 fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and
10 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
11 in any legal action between the parties, and the Director shall not be disqualified from further
12 action by having considered this matter.

13 12. The parties understand and agree that Portable Document Format ("PDF") and
14 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
15 facsimile signatures thereto, shall have the same force and effect as the originals.

16 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
17 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
18 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
19 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
20 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
21 writing executed by an authorized representative of each of the parties.

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Director may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

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1 DISCIPLINARY ORDER

2 15. The Bureau conditionally approves Respondent's Application for Renewal of
3 Approval to Operate an Accredited Institution, through April 1, 2018, on the following terms:

4 a. Respondent shall pay the Bureau \$8,439.19 for past due annual fees and late
5 penalties, by no later than close of business on January 31, 2018;

6 b. Respondent shall pay the Bureau \$8,439.19 for past due annual fees and late
7 penalties, by no later than close of business on March 30, 2018;

8 c. If the above-referenced payments are not made on time, then the conditional
9 approval is rescinded and the denial is upheld;

10 d. If the denial is upheld based on failure to comply with the above terms, then
11 Respondent does not have an approval to operate;

12 e. Respondent will need to submit a new application for approval if the
13 conditional approval is rescinded and denial is upheld.

14 16. Respondent's payments to the Bureau may be delivered either in person or by
15 overnight mail scheduled for delivery no later than the deadlines set forth above, to:

16 Bureau for Private Postsecondary Education
17 2535 Capitol Oaks Drive, Suite 400
18 Sacramento, CA 95833

19 ACCEPTANCE

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
21 stipulation and the effect it will have on my Approval to Operate an Accredited Institution. I
22 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
23 intelligently, and agree to be bound by the Decision and Order of the Director of the Department
24 of Consumer Affairs.

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26 DATED: 1/30/18

27 
28 SAM RASHO, Chief Executive Officer, for
TONI & GUY HAIRDRESSING ACADEMY
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs

Dated: 1/31/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General


SUMMER D. HARO
Deputy Attorney General
Attorneys for Complainant

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