



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

TO: James Knauss Jr., Owner
San Francisco Barber College
3025 West Capitol Avenue
West Sacramento, CA 95691

CITATION NUMBER: 1112002
FINE AMOUNT: \$50,000.00

Joanne Wenzel, issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Deputy Bureau Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

BACKGROUND

James Knauss Jr., owner of San Francisco Barber College (S.F. Barber College), Institution Code 3800151, located at 64 Sixth Street, San Francisco, CA 94103 does not have a current approval to operate a private postsecondary institution issued by the Bureau.

James Knauss Jr., owner of S.F. Barber College was issued an approval to operate by the former Bureau for Private Postsecondary and Vocational Education (BPPVE) on March 25, 2005. The approval to operate was effective March 25, 2005 with an expiration date of March 24, 2008. The BPPVE was sunset on June 30, 2007 until January 1, 2010. During this period, private postsecondary institutions in California were not regulated.

On January 1, 2010, pursuant to California Education Code (Cal. Ed Code) section 94802, institutions that had valid approvals to operate prior to June 30, 2007 were able to maintain their approval to operate. S.F. Barber College's approval to operate was extended and valid for three years from the date of expiration (March 24, 2008). The new expiration date was changed to March 24, 2011.

On August 12, 2011 the Bureau sent Mr. James Knauss Jr., owner of S.F. Barber College a letter informing him that he must submit a renewal application by September 24, 2011, and if the renewal application was not received by that date the school's approval to operate would expire. Mr. Knauss was also informed that if the approval to operate expired he would be required to submit a new application for Approval to Operate a Non-Accredited Institution. To date, the Bureau has not received a renewal application or an Application for Approval to Operate a Non-

Accredited Institution from Mr. James Knauss for S.F. Barber College located at 64 Sixth Street, San Francisco, CA 94103.

CITATION

A citation is hereby issued to James Knauss Jr., owner of San Francisco Barber College located at 64 Sixth Street, San Francisco, CA 94103, in accordance with Cal. Ed. Code section 94944 for the violations described below.

VIOLATION

Cal. Ed. Code section 94858 defines "private postsecondary educational institution" as a private entity with a physical presence in this State that offers postsecondary education to the public for an institutional charge.

Cal. Ed. Code section 94886 prohibits a person from opening, conducting, or engaging in a business as a private postsecondary education institution in this State without obtaining an approval to operate from the Bureau.

Cal Ed. Code section 94899 requires approval for programs leading to a licensed profession so that a student who completes the education program is eligible to sit for any required licensure examination.

You are hereby notified that you are in violation of section(s) 94886 and 94899 of the California Education Code and cause for issuance of a citation and assessment of an administrative fine exists.

PENALTY – ASSESSMENT OF A FINE

In accordance with Cal. Ed. Code section 94944, the Bureau hereby orders the issuance of a Citation and the assessment of a fine in the amount of \$50,000.00 (fifty thousand dollars) for operating an institution without proper approval to operate issued by the Bureau.

ORDER OF ABATEMENT

The Bureau orders that you cease operating as a private postsecondary educational institution and submit evidence of compliance to the Bureau within 45 days of the date of this order. This means you must stop enrolling students, and cease all instructional services, advertising (including Web sites), programs, and/or operations. You must also refund all monies (tuition and fees) to all students that were enrolled at S.F. Barber College after March 24, 2011.

The Bureau orders that you provide a complete list of all students enrolled at S.F. Barber College after March 24, 2011, including contact information (name, address, telephone number and email address) to the Bureau.

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Deputy Bureau Chief, or her designee; or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must make a written request for an informal conference and/or an administrative hearing within 30 days from the service of the Citation. Deliver or mail your written request to:

Yvette Johnson, Manager-Complaint Investigations and Discipline
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833

If you request an administrative hearing you may, but need not be, represented by counsel at any or all stages of the proceeding. You also have the right to be present at the hearing, to cross-examine witnesses, and to present evidence. If you request an administrative hearing, further information regarding your rights to discovery and to request postponement of the hearing for good cause will be provided to you with the Notice of Hearing.

Unless a written request for an informal conference and/or an administrative hearing is signed by you or on behalf of S.F. Barber College and delivered to the Bureau by March 1, 2012, you will be deemed to have waived or forfeited your right to a hearing in this matter.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

If you do not request an administrative hearing, this Citation shall become effective on February 1, 2012 and payment due by March 1, 2012. If a hearing is requested, you will not be required to comply with this Citation until a final order is entered against you. If a hearing is not requested, your payment of the administrative fine shall not constitute an admission of the violation charged.


PAYMENT OF ADMINISTRATIVE FINE

Payment of the administrative fine must be made to the Bureau for Private Postsecondary Education by check or money order. Please include the Citation number on the payment of the fine assessment. Payments may be mailed to:

Bureau for Private Postsecondary Education
Enforcement Section, Citation Program
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Yvette Johnson, Complaint Investigations Unit Manager, at (916) 431-6915.



Joanne Wenzel, Deputy Bureau Chief

2/1/12

Date