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8
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
13 Against:

14 **GETCUTZ LLC**
dba KAWS BARBER AND BEAUTY
15 **COLLEGE**
aka GETCUTZ COLLEGE

16 **Application for Approval to Operate an**
17 **Institution Non-Accredited**

18 Respondent.

Case No. 1006211

STATEMENT OF ISSUES

19
20 **PARTIES**

21 1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his
22 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
23 Consumer Affairs.

24 2. On or about March 5, 2019, the Bureau for Private Postsecondary Education (Bureau)
25 received an Application for Approval to Operate an Institution Non-Accredited from Respondent
26 GetCutz LLC, doing business as Kaws Barber and Beauty College, also known as GetCutz
27 College (Respondent). On or about May 4, 2020, the Bureau denied the application. On

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1 or about July 5, 2020, Respondent requested an administrative hearing regarding the Bureau's
2 denial of its application.

3 **JURISDICTION**

4 3. This Statement of Issues is brought before the Director of the Department of
5 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
6 authority of the following laws. All section references are to the Education Code unless
7 otherwise indicated.

8 4. Section 94875 states:

9 "The Bureau for Private Postsecondary Education, as established by Section 6 of Chapter
10 635 of the Statutes of 2007, is continued in existence and shall commence operations. This
11 chapter establishes the functions and responsibilities of the bureau, for the purposes of Section 6
12 of Chapter 635 of the Statutes of 2007. The bureau shall regulate private postsecondary
13 educational institutions through the powers granted, and duties imposed, by this chapter. In
14 exercising its powers, and performing its duties, the protection of the public shall be the bureau's
15 highest priority. If protection of the public is inconsistent with other interests sought to be
16 promoted, the protection of the public shall be paramount."

17 5. Section 94887 states:

18 "An approval to operate shall be granted only after an applicant has presented sufficient
19 evidence to the bureau, and the bureau has independently verified the information provided by the
20 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant
21 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application
22 for an approval to operate if the application does not satisfy those standards."

23 6. Section 94888 states:

24 "(a) The bureau shall adopt by regulation both of the following:

25 "(1) The process and procedures whereby an institution seeking approval to operate may
26 apply for and obtain an approval to operate.

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1 “(2) The process and procedures governing the bureau's approval and denial of applications
2 for approval to operate, including the process and procedures whereby an applicant for which an
3 application has been denied may appeal that denial.

4 “(b) The bureau shall, by regulation, establish both of the following:

5 “(1) A process for issuing a notification of a denial of an approval to operate to an
6 institution that submits an application for approval to operate and for which that application is
7 denied. The notification of denial shall include a statement of reasons for the denial.

8 “(2) Application processing goals and timelines to ensure an institution that has submitted a
9 complete application for approval to operate has that application promptly reviewed for
10 compliance within 30 days of bureau receipt of the application, or within an appropriate timeline
11 as determined by the bureau. The timelines shall ensure that an institution that has submitted a
12 complete and compliant application receives approval within 30 days of the application being
13 deemed compliant by the bureau, or within an appropriate timeline as determined by the bureau.”

14 7. Section 94889 states:

15 “(a) Except as provided in subdivision (b) of Section 94890 and subdivision (b) of this
16 section, an approval to operate shall be for a term of five years.

17 “(b) The bureau may adopt, by regulation, a process by which an institution with an
18 approval to operate may request, and be approved by the bureau for, an inactive status. To regain
19 an active approval status with the bureau, the institution shall apply for an approval to operate in
20 accordance with this chapter.”

21 **STATUTES AND REGULATIONS**

22 8. Section 94909, subdivisions (a)(5) and (a)(7) state:

23 “(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a
24 prospective student, either in writing or electronically, with a school catalog containing, at a
25 minimum, all of the following:

26 . . .

27 “(5) A description of the programs offered and a description of the instruction provided in
28 each of the courses offered by the institution, the requirements for completion of each program,

1 including required courses, any final tests or examinations, any required internships or
2 externships, and the total number of credit hours, clock hours, or other increments required for
3 completion.

4 . . .

5 “(7) Information regarding the faculty and their qualifications.”

6 9. California Code of Regulations, title 5, § 71210, subdivision (c)(4) states:

7 “(c) In addition, the institution shall list the following for each educational program offered:

8 . . .

9 “(4) The title of the educational programs and other components of instruction offered,
10 including a description of the level of the courses (e.g., below college level, undergraduate level,
11 graduate level);”

12 10. California Code of Regulations, title 5, § 71220, subdivisions (c) and (e) state:

13 “For each educational program that the institution offers or proposes to offer, the Form
14 Application 94886 shall contain a statement that the educational program meets the requirements
15 of section 71710, as well as the following:

16 . . .

17 “(c) A description of the number and qualifications of the faculty needed to teach the
18 educational program.

19 . . .

20 “(e) A description of the learning, skills, and other competencies to be acquired by students
21 who complete the educational program.”

22 11. California Code of Regulations, title 5, § 71250 states:

23 “The Form Application 94886 shall include a statement that the institution has contracted
24 with sufficient duly qualified faculty members who meet the qualifications of section 71720.”

25 12. California Code of Regulations, title 5, § 71260 states:

26 “(a) For each program offered, the Form Application 94886 shall contain a description of
27 the facilities and the equipment which is available for use by students at the main, branch, and
28 satellite locations of the institution.

1 “(b) For facilities that are leased or rented, the Form Application 94886 shall contain the
2 name and address of the lessor or landlord, together with a copy of any use, lease, or rental
3 agreements for the facilities.

4 “(c) The description of the physical facilities shall include building diagrams or campus
5 maps to assist the Bureau in locating these facilities. The diagrams or maps shall identify the
6 location of classrooms, laboratories, workshops, and libraries.

7 “(d) The description shall include specifications of significant equipment that demonstrate
8 that the equipment meets the standards prescribed by the Code and this chapter and is sufficient to
9 enable students to achieve the educational objectives of each education program.

10 “(e) For each item of significant equipment, the description shall indicate whether the
11 equipment is owned, leased, rented, or licensed for short- or long-term, or owned by another and
12 loaned to be used without charge.

13 “(f) The Form Application 94886 shall contain a list of all permits, certifications, or other
14 evidence of inspections or authorizations to operate required by the jurisdictions within which the
15 institution operates that the institution has obtained, and/or an explanation as to why those
16 permits, certifications, or inspections have not yet been obtained.”

17 13. California Code of Regulations, title 5, § 71270 states:

18 “The Form Application 94886 shall include a description of library holdings, services, and
19 other learning resources, including policies and procedures for supplying them to students who do
20 not receive classroom instruction. The description need not consist of a list of each holding. The
21 description shall include an explanation of how the library and other learning resources are
22 sufficient to support the instructional needs of students and, if no facilities exist at the institution,
23 how and when students may obtain access to a library and other learning resources as required by
24 the curriculum.”

25 14. California Code of Regulations, title 5, § 71700 states:

26 “The Bureau may request that an institution document compliance with the standards set
27 forth in the Act and this Division to obtain and maintain an approval to operate.”

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29

1 15. California Code of Regulations, title 5, § 71710 state, in part:

2 “In order to meet its mission and objectives, the educational program defined in section
3 94837 of the Code shall be comprised of a curriculum that includes:

4 “(a) those subject areas that are necessary for a student to achieve the educational objectives
5 of the educational program in which the student is enrolled;

6 “(b) subject areas and courses or modules that are presented in a logically organized manner
7 or sequence to students;

8 . . .

9 “(c) course or module materials that are designed or organized by duly qualified faculty.

10 For each course or module, each student shall be provided with a syllabus or course outline that
11 contains:

12 . . .

13 “(2) a statement of educational objectives;

14 “(3) length of the educational program;

15 “(4) sequence and frequency of lessons or class sessions;

16 . . .

17 “(e) specific learning outcomes tied to the sequence of the presentation of the material to
18 measure the students' learning of the material; and”

19

20 16. California Code of Regulations, title 5, § 71735 states:

21 “(a) An institution shall have sufficient facilities and necessary equipment to support the
22 achievement of the educational objectives of all of the courses and educational programs in which
23 students are enrolled. If an institution represents that the educational service will fit or prepare a
24 student for employment in a particular occupation or as described in particular job titles, either of
25 the following conditions shall be met:

26 “(1) The equipment used for instruction or provided to the student shall be comparable in
27 model type or features to equipment generally used in those occupations or job titles at the time
28 the instruction is offered.

1 “(2) The institution shall establish that the equipment used for instruction or provided to a
2 student is not obsolete and is sufficient for instructional purposes to reasonably assure that a
3 student acquires the necessary level of education, training, skill, and experience to obtain
4 employment in the field of training and to perform the tasks associated with the occupation or job
5 title to which the educational program was represented to lead.

6 “(b) An institution's facilities, including heating and cooling, ventilation, lighting,
7 classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall
8 maintain all valid permits required by any public agencies relating to the health and safety of the
9 institution's facilities and equipment on file, and such permits shall be available to the Bureau
10 upon request.”

11 17. California Code of Regulations, title 5, § 71740, subdivision (c) states:

12 “(c) An institution shall describe onsite library and other learning resources, if any, that
13 enable students to pursue inquiries, searches for information and documentation, and assignments
14 connected with their study programs.”

15 18. California Code of Regulations, title 5, § 71810, subdivisions (b)(2) and (b)(10) state:

16 “(b) The catalog shall contain the information prescribed by Section 94909 of the Code and
17 all of the following:

18 . . .

19 “(2) A statement of the institution's missions and purposes and the objectives underlying
20 each of its educational programs;

21 . . .

22 “(10) A description of library and other learning resources and the procedures for student
23 access to those resources;”

24 **FIRST CAUSE FOR DENIAL OF APPLICATION**
25 (Components of Instruction Offered)

26 19. Respondent’s application is subject to denial because Respondent’s application fails
27 to provide the components of instruction offered for its Barber Crossover and Nail Technician
28 programs. In particular, for these programs, in different parts of its application, Respondent

1 refers to the components of instruction for those programs inconsistently. Therefore, the Bureau
2 is unable to determine the nature and length of the programs. (Educ. Code §§ 94887 and Cal.
3 Code of Regs., title 5, § 71210, subd. (c)(4).)

4
5 **SECOND CAUSE FOR DENIAL OF APPLICATION**
(Descriptions of Educational Programs)

6 20. Respondent’s application is subject to denial because Respondent’s application fails
7 to offer compliant descriptions of its educational programs. (Educ. Code §§ 94887 and 94899;
8 and Cal. Code of Regs., title 5, §§ 71220, subds. (c) and (e) and 71710, subds. (a), (b), (c)(2),
9 (c)(3), (c)(4), and (e).) In particular:

10 a. Respondent’s syllabi for its Esthetician, Nail Technician, Barbering and Barber
11 Crossover programs fail to offer compliant descriptions of the learning, skills, and other
12 competencies to be acquired by students who complete those educational programs. Specifically,
13 the syllabi for those programs state that the student will be awarded a diploma “When a student
14 has completed the required theory hours and practical operations in Cosmetician with a GPA of
15 C.” But Esthetician, Nail Technician, Barbering and Barber Crossover are not “Cosmetician”
16 programs. Accordingly, it is not clear how students in those programs will acquire requisite
17 competencies. (Cal. Code of Regs., title 5, § 71220, subd. (e).)

18 b. Respondent’s syllabus or course outline fails to offer a statement of educational
19 objectives and specific learning outcomes tied to the sequence of the presentation of the material
20 to measure the students’ learning of the material. (Cal. Code of Regs., title 5, § 71710, subd.
21 (c)(2) and (e).)

22 c. Respondent’s proposed Esthetician and Barbering programs do not satisfy the
23 requirements of the California Board of Barbering and Cosmetology for licensure. Accordingly,
24 Respondent’s curriculum for those programs is not sufficient to allow students to achieve those
25 programs’ educational objectives. (Educ. Code § 94899 and Cal. Code of Regs., title 5, § 71710,
26 subd. (a).)

27 d. Respondent’s application and supporting documents, including its syllabus or
28 course outline, inconsistently represent the length of its Barber Crossover, Nail Technician, and

1 Barbering programs. (Cal. Code of Regs., title 5, § 71710, subd. (c)(3).) Respondent’s syllabus
2 or course outline for its Cosmetology program does not state the program length. (Cal. Code of
3 Regs., title 5, § 71710, subd. (c)(3).)

4 e. Respondent’s syllabi or course outlines for its “Day Time Course Structure”
5 and “Night Time Course Structure” schedules do not include subject areas and courses or
6 modules that are presented in a logically organized manner or sequence to students. (Cal. Code
7 of Regs., title 5, § 71710, subd. (b).) In addition, the syllabi for those schedules do not reflect a
8 realistic sequence and frequency of lessons or class sessions. (Cal. Code of Regs., title 5, §
9 71710, subd. (c)(4).)

10 f. Respondent fails to offer a compliant description of the qualifications of its
11 faculty. (Cal. Code of Regs., title 5, § 71220, subd. (c).) In particular, in describing the
12 qualifications of its faculty, Respondent states “they need to have the state (sic) of California of
13 Barber (sic) and Cosmetology to teach any course that they will be teaching,” which may mean,
14 but does not state, that faculty members must hold licensure, in the area he or she instructions,
15 from the California Board of Barbering and Cosmetology. In addition, proposed faculty member
16 T.V. is not licensed by the California Board of Barbering and Cosmetology, and therefore is not
17 qualified as faculty.

18 **THIRD CAUSE FOR DENIAL OF APPLICATION**

19 (Faculty)

20 21. Respondent’s application is subject to denial because Respondent’s application does
21 not include contracts for proposed instructors B.W. and T.V. As a result, the Bureau is unable to
22 determine if Respondent has contracted with a sufficient number of duly qualified faculty who
23 meet the qualifications of Section 71720. (Educ. Code § 94887 and Cal. Code of Regs., title 5, §§
24 71250, 71720, and 71700).

25 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

26 (Facilities and Equipment)

27 22. Respondent’s application is subject to denial because Respondent’s application fails
28 to demonstrate that it has sufficient facilities and necessary equipment to support the achievement

1 of its educational objectives. (Educ. Code § 94887 and Cal. Code of Regs., title 5, §§ 71260,
2 subds. (b) and (e) and 71735, subds. (a) and (b)). In particular:

3 a. Respondent has not provided an executed lease agreement for its proposed
4 location, and therefore has not acquired a campus location. (Cal. Code of Regs., title 5, §§ 71260,
5 subd. (b) and 71735, subds. (a) and (b).)

6 b. Respondent admits it lacks certain necessary equipment to support the
7 achievement of its educational objectives, and does not intend to acquire that equipment until it
8 receives approval from the California Board of Barbering and Cosmetology. (Cal. Code of
9 Regs., title 5, §§ 71260, subd. (e) and 71735, subds. (a)(1-2).)

10 **FIFTH CAUSE FOR DENIAL OF APPLICATION**
11 (Library and Other Learning Resources)

12 23. Respondent's application is subject to denial because Respondent's application fails
13 to describe its library and other learning resources in that, within the application and proposed
14 catalog, Respondent offers different description of those resources. (Educ. Code § 94887 and
15 Cal. Code of Regs., title 5, §§ 71270 and 71740, subd. (c).)

16 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

17 (School Catalog)

18 24. Respondent's application is subject to denial because Respondent failed to offer a
19 compliant school catalog. (Educ. Code §§ 94887 and 94909, subds. (a)(5) and (a)(7); and Cal.
20 Code of Regs., title 5, §§ 71810, subds. (b)(2) and (b)(10).) In particular:

21 a. Respondent's proposed catalog offers a description of Respondent's library and
22 other learning resources that differs from the description offered in Respondent's application.
23 (Cal. Code of Regs., title 5, § 71810, subd. (b)(10).)

24 b. Respondent's proposed catalog fails to consistently describe the program
25 descriptions, including, but not limited to, components, hours, and objectives/outcomes. (Educ.
26 Code § 94909, subd. (a)(5) and Cal. Code of Regs., title 5, § 71810, subd. (b)(2).)

27 c. Respondent's proposed catalog identifies only one instructor, but Respondent's
28 application proposes two other faculty members. Accordingly, Respondent's proposed catalog

1 fails to contain information regarding faculty and their qualifications. (Educ. Code § 94909,
2 subd. (a)(7).)

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Director of the Department of Consumer Affairs issue a
6 decision:

- 7 1. Denying Respondent’s Application for an Approval to Operate an Institution Non-
8 Accredited; and
9 2. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 10/15/2020

"Original signature on file"

DR. MICHAEL MARION, JR.
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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