

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

In the Matter of the First Amended Accusation
Against:

DAVID'S ACADEMY OF BEAUTY, INC.
8652 E. Whittier Blvd.
Pico Rivera, CA 90660

Institution Code: 1937111

Respondent.

Case No. 1001405

OAH No. 2017090288

DECISION AND ORDER

The attached Stipulated Surrender of Approval to Operate and Order is hereby adopted by the Director of the Department of Consumer Affairs and the Bureau for Private Postsecondary Education as the Decision and Order in the above entitled matter.

This Decision shall become effective on

JUL 1 2018

It is so ORDERED

May 20, 2018



RYAN MARCROFT
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Attorneys for Complainant
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9 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
STATE OF CALIFORNIA
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16 Respondent.
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Case No. 1001405

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**STIPULATED SURRENDER OF
APPROVAL TO OPERATE AND
ORDER**

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

21 **PARTIES**

22 1. Joanne Wenzel ("Complainant"), the former Chief of the Bureau for Private
23 Postsecondary Education ("Bureau"),¹ brought this action solely in her official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
25 Kevin J. Schettig, Deputy Attorney General.

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27 ¹ The former Bureau for Private Postsecondary and Vocational Education sunsetted on
28 July 1, 2007. On October 11, 2009, the Bureau for Private Postsecondary Education Act of 2009
(AB 48) was signed into law. The Act, which became operative on January 1, 2010, established
the Bureau for Private Postsecondary Education (hereinafter "Bureau").

1 2. David's Academy of Beauty, Inc. ("Respondent") is represented in this proceeding by
2 attorney Jesse Thaler, Esq. whose address is: 3101 W. Sunflower Ave. #28892, Santa Ana, CA
3 92799.

4 3. On or about April 21, 2012, the Bureau issued Respondent an Approval to Operate
5 (Institution Code Number 1937111). The Approval to Operate was in full force and effect at all
6 times relevant to the charges brought in the First Amended Accusation. On or about September
7 30, 2016, the Approval to Operate expired.

8 JURISDICTION

9 4. First Amended Accusation No. 1001405 was filed before the Director of the
10 Department of Consumer Affairs ("Director") and is currently pending against Respondent. The
11 First Amended Accusation was properly served on Respondent on July 19, 2017. Respondent
12 timely filed his Notice of Defense contesting the Accusation. A copy of First Amended
13 Accusation No. 1001405 is attached as Exhibit A and incorporated by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in First Amended Accusation No. 1001405. Respondent also has
17 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
18 Surrender of Approval to Operate and Order.

19 6. Respondent is fully aware of its legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
21 cross-examine the witnesses against it; the right to present evidence and to testify on its own
22 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
23 production of documents; the right to reconsideration and court review of an adverse decision;
24 and all other rights accorded by the California Administrative Procedure Act and other applicable
25 laws.

26 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

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1 CULPABILITY

2 8. Respondent understands that the charges and allegations in First Amended
3 Accusation No. 1001405, if proven at a hearing, constitute cause for imposing discipline upon its
4 Approval to Operate Institution Code Number 1937111.

5 9. For the purpose of resolving the First Amended Accusation without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the First Amended Accusation and that those charges
8 constitute cause for discipline. Respondent hereby gives up its right to contest that cause for
9 discipline exists based on those charges.

10 10. Respondent understands that by signing this stipulation Respondent enables the
11 Director to issue an order accepting the surrender of Respondent's Approval to Operate
12 Institution Code Number 1937111 without further process.

13 CONDITIONS PRECEDENT

14 11. Respondent understands and agrees that it must fully comply with the conditions
15 precedent set forth below, to the satisfaction of the Bureau. Respondent understands and agrees
16 that this Stipulation shall be null and void unless and until Respondent satisfies the conditions
17 precedent set forth herein. Within fifteen (15) days from the parties agreeing to this Stipulation
18 and before the Director signs the stipulated Order:

19 a. Respondent shall provide to the Bureau a School Closure Plan, as outlined in
20 California Code of Regulations, title 5, section 76240.

21 b. Respondent shall provide refunds to those students who were charged for educational
22 transcripts and proof of training, and provide the Bureau with proof of such refunds.

23 c. Respondent shall provide electronic copies of transcripts to the Bureau, pursuant to
24 Education Code section 94927.5.

25 d. Respondent shall remit payment to the Bureau for any and all outstanding fees owed
26 to the Bureau, including but not limited to annual and late penalty fees owed for 2017.

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1 e. Respondent shall provide to the Bureau proof of refunds made to those students
2 enrolled at David's Academy of Beauty who were unable to complete their education due to
3 David's Academy of Beauty's closure, pursuant to Education Code section 94927.

4 12. In the event Respondent fails to comply with the Conditions Precedent above, this
5 matter shall be placed back on the hearing schedule.

6 CONTINGENCY

7 13. This stipulation shall be subject to approval by the Director or the Director's
8 designee, subject to the provisions of Paragraph 10, "Conditions Precedent," above. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Bureau may
10 communicate directly with the Director and staff regarding this stipulation and surrender, without
11 notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent
12 understands and agrees that it may not withdraw its agreement or seek to rescind the stipulation
13 prior to the time the Director considers and acts upon it. If the Director fails to adopt this
14 stipulation as the Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
16 the parties, and the Director shall not be disqualified from further action by having considered
17 this matter.

18 14. The parties understand and agree that Portable Document Format ("PDF") and
19 facsimile copies of this Stipulated Surrender of Approval to Operate and Order, including PDF
20 and facsimile signatures thereto, shall have the same force and effect as the originals.

21 15. This Stipulated Surrender of Approval to Operate and Order is intended by the parties
22 to be an integrated writing representing the complete, final, and exclusive embodiment of their
23 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
24 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
25 Approval to Operate and Order may not be altered, amended, modified, supplemented, or
26 otherwise changed except by a writing executed by an authorized representative of each of the
27 parties.

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1 16. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Director may, without further notice or formal proceeding, issue and enter the following
3 Order:

4 ORDER

5 IT IS HEREBY ORDERED that the Approval to Operate Institution Code Number
6 1937111, issued to Respondent David's Academy of Beauty, Inc. is surrendered and accepted by
7 the Director of the Department of Consumer Affairs.

8 1. The surrender of Respondent's Approval to Operate and the acceptance of the
9 surrendered Approval to Operate by the Bureau shall constitute the imposition of discipline
10 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
11 of Respondent's approval history with the Bureau.

12 2. Respondent shall lose all rights and privileges to operate as a private postsecondary
13 institution in California as of the effective date of the Decision and Order.

14 3. If Respondent, or any of Respondent's officers, agents and/or administrative staff
15 submits an application for an Approval to Operate in California, they must comply with all laws,
16 regulations and procedures for approval to operate in effect at the time the application is filed, and
17 all charges contained in First Amended Accusation No. 1001405, shall be deemed to be true,
18 correct and admitted by Respondent or any of Respondent's officers, agents and/or administrative
19 staff, when the Bureau determines whether to grant or deny the approval of the application.

20 4. If Respondent, or any of Respondent's officers, agents and/or administrative staff
21 submits an application for approval to operate in California and is granted an approval to operate,
22 Respondent, or Respondent's officers, agents, or administrative staff shall pay to the Bureau the
23 costs associated with its investigation and enforcement pursuant to Education Code section 94937
24 and Business and Professions Code section 125.3 in the amount of \$10,802.37.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of Approval to Operate and Order and have fully discussed it with my attorney, Jesse Thaler. I understand the stipulation and the effect it will have on my Approval to Operate (Institution Code Number 1937111). I enter into this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

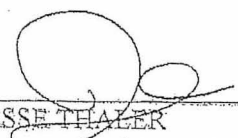
DATED: 

2-26-18

MOHAMMAD MOJADIDI, owner and authorized agent of DAVID'S ACADEMY OF BEAUTY, INC.
Respondent

I have read and fully discussed with Respondent David's Academy of Beauty, Inc. the terms and conditions and other matters contained in this Stipulated Surrender of Approval to Operate and Order. I approve its form and content.

DATED: 2-26-2018


JESSE THALER
Attorney for Respondent

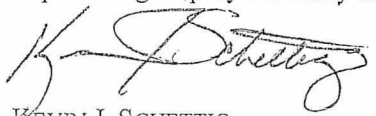
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ENDORSEMENT

The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs.

Dated: 2/27/18

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



KEVIN J. SCHETTIG
Deputy Attorney General
Attorneys for Complainant

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