

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

In the Matter of the Accusation Against:

**SAN DIEGO BEAUTY COLLEGE,
3501 El Cajon Blvd.
San Diego, CA 92104**

School Code 3709511

Respondent.

Case No. 1000683

OAH No. 2017041297

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 as the Decision and Order in the above entitled matter.

This Decision shall become effective on FEB 16 2018.

It is so ORDERED January 8, 2018



RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS
DEPARTMENT OF CONSUMER AFFAIRS

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

12 In the Matter of the Accusation Against:	Case No. 1000683
13 SAN DIEGO BEAUTY COLLEGE,	OAH No. 2017041297
14 3501 El Cajon Blvd,	STIPULATED SURRENDER OF
15 San Diego, CA 92104	APPROVAL TO OPERATE AND
16 School Code 3709511	ORDER
17 Respondent.	

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

20 PARTIES

21 1. Joanne Wenzel (Complainant) is the Chief of the Bureau for Private Postsecondary
22 Education (Bureau). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Marichelle S.
24 Tahimic, Deputy Attorney General.

25 2. San Diego Beauty College (Respondent) is representing itself in this proceeding and
26 has chosen not to exercise its right to be represented by counsel.

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1 3. On or about June 6, 1996, the Bureau for Private Postsecondary and Vocational
2 Education¹ (hereinafter "BPPVE") issued San Diego Beauty College (Respondent), an approval
3 to operate a private postsecondary non-accredited institution (School Code Number 3709511) at
4 the main campus located at 3501 El Cajon Blvd., San Diego, CA 92104. Respondent was
5 approved to offer the following non-degree programs: Cosmetician, Cosmetology, and
6 Manicuring and Teacher Training. On or about June 18, 2007, Respondent was also approved to
7 offer non-degree programs in Health Holistic Practitioner, Massage Technician and Massage
8 Therapist. On or about September 28, 2011, Respondent was approved to offer a non-degree
9 program in Barbering. The Approval to Operate was in full force and effect at all times relevant
10 to the charges brought herein and will expire on March 21, 2021, unless renewed.

11 JURISDICTION

12 4. Accusation No. 1000683 was filed before the Director of the Department of
13 Consumer Affairs (Director) and is currently pending against Respondent. The Accusation and
14 all other statutorily required documents were properly served on Respondent on February 7, 2017.
15 Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation
16 No. 1000683 is attached as Exhibit A and incorporated by reference.

17 ADVISEMENT AND WAIVERS

18 5. Respondent has carefully read, and understands the charges and allegations in
19 Accusation No. 1000683. Respondent also has carefully read, and understands the effects of this
20 Stipulated Surrender of Approval to Operate and Order.

21 6. Respondent is fully aware of its legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
23 its own expense; the right to confront and cross-examine the witnesses against them; the right to
24 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
25 the attendance of witnesses and the production of documents; the right to reconsideration and
26

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 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

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

5 CULPABILITY

6 8. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 1000683, agrees that cause exists for discipline and hereby surrenders its approval to operate
8 a private postsecondary non-accredited institution (School Code Number 3709511) (hereinafter
9 "approval to operate") for the Bureau's formal acceptance.

10 9. Respondent understands that by signing this stipulation Respondent enables the
11 Director to issue his order accepting the surrender of its approval to operate without further
12 process.

13 CONDITIONS PRECEDENT

14 10. Respondent understands and agrees that it must fully comply with the conditions
15 precedent set forth below. Respondent understands and agrees this Stipulation shall be null and
16 void unless and until Respondent does all of the following:

17 a. Respondent shall cease enrollment of new students in all educational programs
18 commencing on September 15, 2017;

19 b. On or before September 15, 2017, Respondent shall provide to the Bureau the School
20 Closure Plan, inclusive of the names, addresses, phone numbers, email addresses, programs of
21 study and the amount of tuition collected from students who were enrolled at San Diego Beauty
22 College from within 120 days of the issuance of the Accusation against San Diego Beauty
23 College to September 15, 2017.

24 c. On or before September 15, 2017, Respondent shall comply with the California
25 Education Code section 94927.5 including providing the Bureau with all records in a readable
26 electronic format for all students who attended San Diego Beauty College for the last two years.

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1 d. On or before September 15, 2017, Respondent shall provide official transcripts, at no
2 additional charge, to all students who attended San Diego Beauty College, and/or completed their
3 education at San Diego Beauty College, within 120 days of the Bureau issuing the Accusation
4 against San Diego Beauty College. Respondent shall provide proof to the Bureau that
5 Respondent has provided transcripts to students on or before September 30, 2017.

6 e. On or before September 30, 2017, Respondent shall provide to the Bureau, proof of
7 refunds made to those students enrolled at San Diego Beauty College that were unable to
8 complete their education due to San Diego Beauty College's closure.

9 11. In the event Respondent fails to comply with the Conditions Precedent above, this
10 matter shall be placed back on the hearing calendar.

11 CONTINGENCY

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

24 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Surrender of Approval to Operate, including Portable Document Format
26 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

27 14. This Stipulated Surrender of Approval to Operate is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Surrender of Approval to
3 Operate and Order may not be altered, amended, modified, supplemented, or otherwise changed
4 except by a writing executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Director may, without further notice or formal proceeding, issue and enter the following
7 Order:

8 **ORDER**

9 IT IS HEREBY ORDERED that the approval to operate a private postsecondary non-
10 accredited institution (School Code Number 3709511) issued to Respondent San Diego Beauty
11 College is surrendered and accepted by the Director of the Department of Consumer Affairs.

12 1. The surrender of Respondent's approval to operate and the acceptance of the
13 surrendered approval to operate by the Bureau shall constitute the imposition of discipline against
14 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
15 Respondent's approval history with the Bureau for Private Postsecondary Education.

16 2. Respondent shall lose all rights and privileges as a private postsecondary institution in
17 California as the effective date of the Decision and Order.

18 3. If Respondent or any of Respondent's officers and/or agents submits an application
19 for approval to operate in California, they must comply with all the laws, regulations and
20 procedures for approval to operate in effect at the time the application is filed, and all charges
21 contained in Accusation No. 1000683, shall be deemed to be true, correct and admitted by
22 Respondents or any of Respondent's officers and/or agents, when the Bureau determines whether
23 to grant or deny the approval of the application.

24 4. If Respondent, or any of Respondent's officers and/or agents, submits an application
25 for approval to operate in California and is granted an approval to operate, Respondent, or
26 Respondent's officers and/or agents, shall pay to the Bureau the costs associated with its
27 investigation and enforcement pursuant to Cal. Education Code section 94937 and Business and
28 Professions Code section 125.3 in the amount of \$64,429.94.

1 5. Acceptance of the stipulated surrender of approval to operate in no way precludes the
2 filing of civil claims against Respondents by individuals arising from the charges and allegations
3 in Accusation No. 1000683.

4 ACCEPTANCE

5 I have carefully read the Stipulated Surrender of Approval to Operate and Order. I
6 understand the stipulation and the effect it will have on San Diego Beauty College's approval to
7 operate a private postsecondary non-accredited institution (School Code Number 3709511). I
8 enter into this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and
9 intelligently, and agree to be bound by the Decision and Order of the Director of the Department
10 of Consumer Affairs.

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12 DATED: AUGUST 04, 2017

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14 TRANGLE, owner and authorized agent of
SAN DIEGO BEAUTY COLLEGE
Respondent

15 ENDORSEMENT

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

18 Dated:

Respectfully submitted,

19 XAVIER BECERRA
20 Attorney General of California
ANTOINETTE CINCOTTA
21 Supervising Deputy Attorney General

22
23 MARICHELLE S. TAHIMIC
24 Deputy Attorney General
Attorneys for Complainant

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