1	KAMALA D. HARRIS	
. 2	Attorney General of California DIANN SOKOLOFF	•
3	Supervising Deputy Attorney General GEOFFREY S. ALLEN	
J	Deputy Attorney General	
4	State Bar No. 193338 1515 Clay Street, 20th Floor	
5	P.O. Box 70550 Oakland, CA 94612-0550	
6	Telephone: (510) 879-0004	
7	Facsimile: (510) 622-2270 E-mail: Geoffrey.Allen@doj.ca.gov	
	Attorneys for Complainant	
8	DEEC	יקוצירי קונד
9	BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS	
10	FOR THE BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION	
	STATE OF CALIFORNIA	
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13	In the Matter of the Accusation Against:	Case No. 1001008
14	SAN JOSE BARBER COLLEGE Carlos Romero, Owner	OAH No. 2016070372
15	1686 Monterey Hwy., Bldg. A San Jose, CA 95112	STIPULATED SURRENDER OF APPROVAL TO OPERATE AND
16	School Code 4304951	ORDER
17	Dogwandont	
	Respondent.	
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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	<u>PARTIES</u>	
22	1. Joanne Wenzel (Complainant) is the Chief of the Bureau for Private Postsecondary	
23	and Vocational Education (Bureau). She brought this action solely in her official capacity and is	
24	represented in this matter by Kamala D. Harris, Attorney General of the State of California, by	
25	Geoffrey S. Allen, Deputy Attorney General.	
26	2. San Jose Barber College, Carlos Romero (Respondent) is representing himself in this	
27	proceeding and has chosen not to exercise his right to be represented by counsel.	
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3. On or about October 1, 1991, the Bureau for Private Postsecondary and Vocational Education issued Approval to Operate to San Jose Barber College, Carlos Romero, Owner (Respondent). The Approval to Operate was in full force and effect at all times relevant to the charges brought in this Accusation.

JURISDICTION

4. Accusation No. 1001008 (Accusation) was filed before the Director of the Department of Consumer Affairs (Director), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 23, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of Approval to Operate and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf, the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the Accusation agrees that cause exists for discipline and hereby surrenders his Approval to Operate for the Bureau's formal acceptance.

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9. Respondent understands that by signing this stipulation he enables the Director to issue an order accepting the surrender of his Approval to Operate without further process.

CONTINGENCY

- Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for Private Postsecondary and Vocational Education may communicate directly with the Director and staff regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of Approval to Operate and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of Approval to Operate and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of Approval to Operate and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

ORDER.

IT IS HEREBY ORDERED that Approval to Operate issued to Respondent San Jose Barber College, Carlos Romero, owner, is surrendered and accepted by the Director of the Department of Consumer Affairs.

- 1. The surrender of Respondent's Approval to Operate and the acceptance of the surrendered Approval to Operate by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's history with the Bureau for Private Postsecondary Education.
- 2. Respondent shall lose all rights and privileges to operate a private postsecondary school in California as of the effective date of the Director's Decision and Order.
- 3. If Respondent ever files an application for an approval to operate or petitions for reinstatement in the State of California, the Bureau shall treat it as a new application for an approval to operate. Respondent must comply with all the laws, regulations and procedures for an approval to operate in effect at the time the application or petition is filed, and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.
- 4. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,507.50 prior to issuance of a new or reinstated approval to operate.
- 5. Within 30 days prior to December 31, 2016, Respondent shall provide the Bureau its school closure plan, inclusive of the names, address, phone numbers, email address, programs of study and the amount of tuition collected from students who were enrolled at Respondent's institution at any time between 120 days prior to the effective date of the closure of Respondent's institution.
- 6. Respondent shall provide official transcripts to all students that attended Respondent's institution at any time within 120 prior to the effective date of the closure of Respondent's institution.

- Within 30 days of the effective date of the Decision and Order, Respondent shall provide to the Bureau a list of all students that have been provided official transcripts, including their contact information and the date the transcript was provided to students.
- Within 30 days of the effective date of the Decision and Order, Respondent shall provide to the Bureau proof all refunds made to those students enrolled at Respondent's institution that were unable to complete their education due to the institution's closure.
- Within 30 days of the effective date of the Decision and Order, Respondent shall provide to the Bureau a list of all students to whom a refund was provided, including the student's contact information, the amount of the refund and the date the refund was provided and copies of cancelled checks
- 10. Respondent shall comply with the California Education Code section 94927.5, including providing the Bureau with all records in a readable electronic format for all students who attended Respondents institution
- 11. Any failure to comply with these terms shall nullify this stipulation, and the Bureau may continue to prosecute any disciplinary action against San Jose Barber College, owner Carlos Romero, Institution Code 4304951, including the cause for discipline alleged in Accusation Number 1001008.

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<u>ACCEPTANCE</u>

I have carefully read the Stipulated Surrender of Approval to Operate and Order. I understand the stipulation and the effect it will have on my Approval to Operate. 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:

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SAN JOSE BARBER COLLEGE, CARLOS ROMERO

Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Director of the department of Consumer Affairs.

Dated: 10/27/16

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California DIANN SOKOLOFF Supervising Deputy Attorney General

GEOFFREY S. ALLEN Departy Attorney General Attorneys for Complainant

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

In the Matter of the Accusation Against:

SAN JOSE BARBER COLLEGE Carlos Romero, Owner 1686 Monterey Hwy., Bldg. A San Jose, CA 95112

School Code 4304951

Case No. 1001008

OAH No. 2016070372

Respondent.

DECISION

The attached Stipulated Surrender of Approval to Operate and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective

OCT 1 2 2017

DATED.

RYAN MARCROFT

Deputy Director

Legal Affairs Division

Department of Consumer Affairs