

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CARTER OTT
Deputy Attorney General
4 State Bar No. 221660
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2219
Facsimile: (510) 622-2270
7 E-mail: Carter.Ott@doj.ca.gov
Attorneys for Complainant

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

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12 In the Matter of the Accusation Against:

Case No. 999780

13 **NORTHERN CALIFORNIA INSTITUTE**
OF COSMETOLOGY
14 **601 East 14th St.**
San Leandro, CA 94577

OAH No. 2016060417

15 **Accredited Institution Approval to Operate**
16 **No. 0107101**

STIPULATED SURRENDER OF
APPROVAL TO OPERATE AND
ORDER

17 Respondent.

18
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") is the Chief of the Bureau for Private Postsecondary
23 Education. She brought this action solely in her official capacity and is represented in this matter
24 by Kamala D. Harris, Attorney General of the State of California, by Carter Ott, Deputy Attorney
25 General.

26 2. Respondent Northern California Institute of Cosmetology ("Respondent") is
27 representing itself in this proceeding and has chosen not to exercise its right to be represented by
28 counsel.

1 3. On or about February 25, 2003, the Bureau for Private Postsecondary Education
2 granted Accredited Institution Approval to Operate Number 0107101 to Respondent. Respondent
3 is jointly and equally owned by two shareholders: Rodrigo Solis and Rosalinda Solis. The
4 Accredited Institution Approval to Operate will expire on September 30, 2017. Pursuant to
5 Respondent's Accredited Institution Approval to Operate, Respondent is permitted to offer the
6 following programs: Barbering, Cosmetology, Nail Care, and Skin Care.

7 JURISDICTION

8 4. Accusation No. 999780 was filed before the Director of the Department of Consumer
9 Affairs ("Director"), for the Bureau for Private Postsecondary Education ("Bureau"), and is
10 currently pending against Respondent. The Accusation and all other statutorily required
11 documents were properly served on Respondent on April 21, 2016. A copy of Accusation No.
12 999780 is attached as Exhibit A and incorporated by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, and understands the charges and allegations in
15 Accusation No. 999780. Respondent also has carefully read, and understands the effects of this
16 Stipulated Surrender of Approval to Operate and Order.

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

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

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CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 999780, if proven at hearing, constitute cause for imposing discipline upon Accredited Institution Approval to Operate Number 0107101. For the purpose of resolving Accusation No. 999780 without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in Accusation No. 999780 and that those charges constitute cause for discipline. Respondent gives up his right to contest that cause for discipline exists based on those charges.

9. Respondent understands that by signing this stipulation it enables the Director to issue an order accepting the surrender of Respondent's Accredited Institution Approval to Operate Number 0107101 without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for Private Postsecondary 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 it may not withdraw its 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 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,

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

5 13. 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 Accredited Institution Approval to Operate Number
10 0107101, issued to Respondent Northern California Institute of Cosmetology is surrendered and
11 accepted by the Director of the Department of Consumer Affairs.

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

16 2. Respondent shall lose all rights and privileges as a private post-secondary education
17 institution in California as of the effective date of the Director's Decision and Order.

18 3. If Respondent ever files an application for approval to operate or a petition for
19 reinstatement in the State of California, the Bureau shall treat it as a petition for reinstatement.
20 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
21 revoked approval to operate in effect at the time the petition is filed, and all of the charges and
22 allegations contained in Accusation No. 999780 shall be deemed to be true, correct and admitted
23 by Respondent when the Director determines whether to grant or deny the petition.

24 4. Respondent shall pay the agency its costs of investigation and enforcement pursuant
25 to California Education Code section 94937 and Business and Professions Code section 125.3 in
26 the amount of \$5,657.50 prior to issuance of a new or reinstated approval to operate.

27 5. If Respondent should ever apply or reapply for a new approval to operate or
28 certification, or petition for reinstatement of an approval to operate, all of the charges and

1 allegations contained in Accusation No. 999780 shall be deemed to be true, correct, and admitted
2 by Respondent and/or any of Respondents' officers and/or agents for the purpose of any
3 Statement of Issues or any other proceeding seeking to deny or restrict approval to operate.

4 6. Respondent hereby understands that, because it is approved by means of
5 accreditation, the Bureau cannot approve any change of ownership until Respondent's accrediting
6 entity certifies that that change was completed in accordance with the accreditor's standards.
7 (Cal. Code Regs., title 5, § 71640, subd. (e)),

8 7. Within 30 days of the effective date of the Decision and Order, Respondent shall
9 provide to the Bureau its School Closure Plan, inclusive of the names, addresses, phone numbers,
10 email addresses, programs of study and the amount of tuition collected from students who were
11 enrolled at Respondent's institution at any time between 120 days prior to the Bureau's issuance
12 of its Emergency Decision against Respondent (on April 13, 2016) until the effective date of the
13 closure of Respondent's institution.

14 8. Respondent shall provide official Northern California Institute of Cosmetology
15 transcripts to all students that attended Respondent's institution and/or completed their education
16 at Northern California Institute of Cosmetology at any time between 120 days prior to the
17 Bureau's issuance of its Emergency Decision against Respondent (on April 13, 2016) until the
18 effective date of the closure of Respondent's institution. Respondent shall provide proof to the
19 Bureau that Respondent has provided transcripts to students.

20 9. Within 30 days of the effective date of the Decision and Order, Respondent shall
21 provide to the Bureau a list of all students who have been provided official transcripts, including
22 their contact information and the date the transcript was provided to the students.

23 10. Respondent shall provide to the Bureau proof of refunds made to those students
24 enrolled at Respondent's institution that were unable to complete their education due to
25 Respondent's closure.

26 11. Respondent shall provide the Bureau a list of all students to whom a refund was
27 provided including a list of student names, current contact information, the amount of the refund,
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1 dates the student was provided the refund and copies of cancelled checks within 30 days after the
2 effective date of the Decision and Order.

3 12. Acceptance of the stipulated surrender of approval to operate in no way precludes the
4 filing of civil claims against Respondents by individuals arising from the charges and allegations
5 in Accusation No. 999780.

6 13. Respondent shall comply with the California Education Code section 94927.5
7 including providing the Bureau with all records in a readable electronic format for all students
8 who attended Respondent's institution from, and including, January 1, 2010 to the date of its
9 closure.

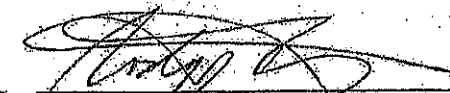
10 14. Any failure to comply with these terms shall nullify this stipulation, and the Bureau
11 may continue to prosecute any disciplinary action against Accredited Institution Approval to
12 Operate Number 0107101, including the causes for discipline alleged in Accusation No. 999780.

13 ACCEPTANCE

14 I have carefully read the Stipulated Surrender of Approval to Operate and Order. I
15 understand the stipulation and the effect it will have on my Accredited Institution Approval to
16 Operate. I enter into this Stipulated Surrender of Approval to Operate and Order voluntarily,
17 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of
18 the Department of Consumer Affairs.


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20 DATED:

9/28/16


Rodrigo Solis, Owner and President
NORTHERN CALIFORNIA INSTITUTE OF
COSMETOLOGY

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25 DATED:

9/28/16


Rosalinda Solis, Owner and Assistant Director
NORTHERN CALIFORNIA INSTITUTE OF
COSMETOLOGY

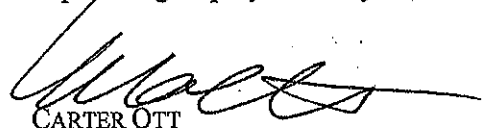
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ENDORSEMENT

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: 9/28/10

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


CARTER OTT
Deputy Attorney General
Attorneys for Complainant

SF2016900264

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

In the Matter of the Accusation Against:

**NORTHERN CALIFORNIA INSTITUTE
OF COSMETOLOGY
601 East 14th St.
San Leandro, CA 94577**

**Accredited Institution Approval to Operate
No. 0107101**

Respondent.

Case No. 999780

OAH No. 2016060417

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 JAN 13 2017.

It is so ORDERED December 7, 2016



DOREATHEA JOHNSON

Deputy Director

Division of Legal Affairs

Department of Consumer Affairs