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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:

Case No. 1000397

14 **WEST COAST BARBER COLLEGE;**
15 **TRAVIS YALDO, OWNER**

STATEMENT OF ISSUES

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
22 Consumer Affairs.

23 2. On or about June 20, 2014, the Bureau for Private Postsecondary Education received
24 an Application for an Approval to Operate a Non-Accredited Institution (Application Number
25 27436) from West Coast Barber College, Travis Yaldo, owner (Respondent). On or about June
26 17, 2014, Travis Yaldo certified under penalty of perjury to the truthfulness of all statements,
27 answers, and representations in the application. The Bureau denied the application on February
28 10, 2015.

1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Director of the Department of
3 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
4 authority of the following laws.¹ All section references are to the Education Code unless
5 otherwise indicated.

6 4. Education Code (hereinafter "Code") Section 94886 states:

7 Except as exempted in Article 4 (commencing with section 94874) or in
8 compliance with the transition provisions in Article 2 (commencing with
9 Section 94802), a person shall not open, conduct, or do business as a private
10 postsecondary educational institution in this state without obtaining an approval
11 to operate under this chapter.

12 5. Code Section 94887 states:

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

19 **STATUTORY AND REGULATORY PROVISIONS**

20 6. Title 5, California Code of Regulations ("CCR"), section 71100 states:

21 (a) An applicant seeking approval to operate pursuant to Section 94886 of the
22 Code, other than Approval to Operate by Accreditation pursuant to Section
23 94890(a)(l) of the Code, shall complete the "Application for Approval to
24 Operate for an Institution Not Accredited," Form Application 94886 (rev. 2/10).
25 An applicant seeking approval to operate by accreditation pursuant to Section
26 94890(a)(l) of the Code shall comply with section 71390.

27 (b) An applicant shall submit the completed form, the information or
28 documentation required by this Article, the appropriate application fee as
provided in Section 94930.5(a)(l) of the Code, and any appropriate annual fee
as required by Article 1 of Chapter 5 of this Division, to the Bureau.

(c) An application that fails to contain all of the information required by this
article shall render it incomplete.

¹ On October 11, 2009, the Bureau for Private Postsecondary Education Act of 2009 (SB 48 and hereinafter, "the Act") was signed into law. The Act, which became operative on January 1, 2010, established the Bureau for Private Postsecondary Education (hereinafter "Bureau"). The California Private Postsecondary Education Act of 2009 was recently amended, effective January 1, 2015. See Senate Bill No. 1247. This Statement of Issues is based on the amended version of the Act.

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7. Code Section 94909 states in part:

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

(1) The name, address, telephone number, and, if applicable, Internet Web site address of the institution.

...

(4) The address or addresses where class sessions will be held.

...

8. Title 5, CCR, section 71110 states in part:

An institution shall provide the following information on the Form Application 94886:

...

(c) The mailing address of the institution, identified either by street address or by post office box number.

(d) The street address of each campus and branch at which the educational programs will be offered, including the identification of the institution's main location and branch locations. If an institution is applying for a branch in conjunction with the main location, all required information must be provided for each location.

...

9. Title 5, CCR, section 71810 states in part:

...

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

...

(9) A description of the facilities and of the types of equipment and materials that will be used for instruction;

...

10. Title 5, CCR, section 71260 states in part:

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

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

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

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

12 ...

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

18 11. Title 5, CCR, section 71290 states, "The Form Application 94886 shall include a
19 copy of the institution's catalog, in published or proposed-to-be-published form. The catalog shall
20 meet the requirements of the Act and of section 71810."

21 **FACTS**

22 12. On June 20, 2014, the Bureau received an Application for Approval to Operate a
23 Non-accredited Institution (Application# 27436) from Travis Yaldo, owner of West Coast Barber
24 College (Respondent).

25 13. On June 23, 2014, the Bureau sent Respondent a letter advising that the application
26 was incomplete and requesting additional information and documentation regarding the
27 institution's organization and management and facilities.

28 14. On July 10, 2014, the Bureau received Respondent's response to the deficiency letter
in which Respondent described the organization and management and advised that a location for
the institution had not been secured. On August 8, 2014, the Bureau received another letter from
Respondent again advising that a location for the institution had not been secured.

15. On December 11, 2014, the Bureau sent Respondent a second letter advising of
deficiencies in the application, including deficiencies in the organization and management,
facility, and exemplar enrollment agreement and student catalog, among other things.

1 16. On or about December 23, 2014, the Bureau received Respondent's response to the
2 second deficiency letter, which included additional information regarding the organization and
3 management, the enrollment agreement, and a school catalog, among other things. However,
4 deficiencies remained in the application.

5 17. On February 10, 2015, the Bureau sent Respondent a Notice of Denial of the
6 Application for Approval to Operate because deficiencies in the application, and the documents
7 submitted with the application, rendered the application incomplete.

8 **FIRST CAUSE FOR DENIAL**

9 **(Deficiencies Regarding Facility)**

10 18. Respondent's application is subject to denial under title 5, CCR, section 71100 in that
11 Respondent failed to:

12 a. provide a street address for West Coast Barber College at which the educational
13 program will be offered, as required by title 5, CCR, section 71110, subdivisions (c) and (d).

14 b. provide a description of the facilities and all equipment that is available for use by
15 students at the main, branch, and/or satellite locations of the institution, as required by title 5,
16 CCR, section 71260, subdivision (a).

17 c. provide copies of the facility's rental or lease information, or address of the lessor or
18 landlord, together with copies of any use, lease or rental agreement for the facility, as required by
19 title 5, CCR, section 71260, subdivision (b).

20 d. provide a physical description of the facility, including building diagrams or campus
21 maps, as required by title 5, CCR, section 71260, subdivision (c).

22 e. provide specifications of significant equipment that demonstrates that the equipment
23 meets the standards prescribed by the Act and regulations, and is sufficient to enable students to
24 achieve the educational objectives of the educational program, as required by title 5, CCR, section
25 71260, subdivision (d).

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1 **SECOND CAUSE FOR DENIAL**

2 **(Lack of Required Language in School Catalog)**

3 19. Respondent's application is subject to denial under title 5, CCR, sections 71100 in
4 that the school's catalog submitted with Respondent's application failed to comply with the Act
5 and regulations in that the school catalog did not include:

6 a. the name, address and telephone number of the institution, as required by Code
7 section 94909, subdivision (a)(1).

8 b. an address where class sessions will be held, as required by Code section 94909,
9 subdivision (a)(4).

10 c. a description of the facilities where class sessions will be held, as required by title 5,
11 CCR, section 71810, subdivisions (b)(9).


12 **PRAYER**

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

16 1. Denying the application of West Coast Barber College, Travis Yaldo (owner) for an
17 approval to operate a non-accredited institution; and,

18 2. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 7/27/15


21 JOANNE WENZEL
22 Chief
23 Bureau for Private Postsecondary Education
24 Department of Consumer Affairs
25 State of California
26 Complainant

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