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9	BEFORE THE				
10	DEPARTMENT OF CONSUMER AFFAIRS FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION				
11	STATE OF C.				
12	i .				
13					
14	In the Matter of the Statement of Issues	Case No. 1003875			
15	Against:				
16	NEW AMERICA BEAUTY EDUCATION CORP.	STATEMENT OF ISSUES			
17	DBA HAIR CALIFORNIA BEAUTY ACADEMY				
18	Applicant for Renewal of Approval to Operate an Accredited Institution				
19	Institution Code 3003191				
20	Respondent.				
21					
22					
23	Complainant alleges:				
24	PARTIES				
25	1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his				
26	official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of				
27	Consumer Affairs.				
28	///				

1	2. On or about August 11, 2017, the Bureau for Private Postsecondary Education		
2	received an application for Renewal of Approval to Operate an Accredited Institution from New		
3	America Beauty Education Corp., doing business as Hair California Beauty Academy		
4	(Respondent). The Bureau denied the application on August 10, 2018. On October 9, 2018,		
5	Respondent submitted to the Bureau a request for administrative hearing.		
6	JURISDICTION		
7	3. This Statement of Issues is brought before the Director of the Department of		
8	Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the		
9	authority of the following laws. All section references are to the Education Code unless		
10	otherwise indicated.		
11	4. Section 94885, subdivision (a) provides, in part:		
12	(a) The bureau shall adopt by regulation minimum operating standards for an institution that shall reasonably ensure that all of the following occur:		
13			
14	(9) The institution is maintained and operated in compliance with this chapter		
15	and all other applicable ordinances and laws.		
16	5. Section 94886 provides:		
17	Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.		
1819			
20	6. Section 94887 provides:		
21	An approval to operate shall be granted only after an applicant has presented		
22	sufficient evidence to the bureau, and the bureau has independently verified the information provided by the applicant through site visits or other methods deemed appropriate by the bureau, that the applicant has the capacity to satisfy the minimum operating standards. The bureau shall deny an application for an approval to operate if the application does not satisfy those standards.		
23			
24	REGULATORY PROVISIONS		
25	7. California Code of Regulations, title 5, section 71390, subdivision (b) provides:		
26	(b) An applicant shall submit to the Bureau the form required by subdivision		
27	(a) of this section, a certified copy of its current verification of accreditation granted by its accrediting agency, and the appropriate application fee, as provided in Section		
28	94930.5(a)(3) of the Code.		

- 1				
1	8.	California Code of Regulations, title 5, section 71480, subdivision (d) and (e)		
2	provides:			
3	appropriate renewal fee as provided in Section 94930.5(b)(3) of the code to the Bureau, and verification that its accreditation has been renewed by its accreditation agency. (e) The institution demonstrates its continued capacity to meet the minimum operating standards by submitting the application signed and dated, and each fact			
4				
5				
6				
7	stated therein and each attachment thereto declared to be true under penalty of perjury, as follows:			
8	(1) Signatories;			
9	(a) Each owner of the institution, or			
10	(B) If the institution is incorporated, the chief executive officer of the corporation and each person who owns or controls 25 percent or more of the stock or interest in the institution, or			
11				
12		(C) Each member of the governing body of a nonprofit corporation.		
13		(2) The declaration shall be in the following form:		
14	"I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct."			
15				
16		(Date) (Signature)		
17		(3) The application will include the date signed, the name and title of each		
18	signor of the application.			
19	FIRST CAUSE FOR DENIAL OF APPLICATION			
20	(Incomplete Application) (Educ. Code § 94887; and			
21	Cal. Code Regs., title 5, § 71480(e))			
22	9.	Respondent's application is subject to denial because it fails to demonstrate that		
23	Respondent has the capacity to satisfy minimum operating standards, in that its application was			
24	not signed under penalty of perjury by all of the individuals who were identified in the Bureau's			
25	records as owners. (Educ. Code § 94887; and Cal. Code Regs., title 5, § 71480, subd. (e)).			
26	///			
27	///			
28	///			
		3		

SECOND CAUSE FOR DENIAL OF APPLICATION

(Lack of Accreditation)
(Educ. Code § 94887; and

Cal. Code Regs., title 5, § 71480, subd. (d) and 71390, subd. (b))

10. Respondent's application is subject to denial because it failed to submit verification that its accreditation has been renewed by its accreditation agency (i.e., failed to submit a certified copy of its current verification of accreditation). (Cal. Code Regs., title 5, § 71480, subd. (d) and 71390, subd. (b).)

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged in this Statement of Issues, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

- Denying Respondent's Application for Renewal of Approval to Operate an Accredited Institution; and
 - 2. Taking such other and further action as deemed necessary and proper.

DATED: 2/12/19

DR. MICHAEL MARION, JR.

Bureau Chief

Bureau for/Private Postsecondary Education

Department of Consumer Affairs

State of California Complainant

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