

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

In the Matter of the Statement of Issues Against:

GETCUTZ, LLC. Dba KAWS BARBER AND BEAUTY COLLEGE AKA GETCUTZ COLLEGE

Case No.: 1006211

OAH No. 2020120117

Respondent.

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter with the following typographical error corrected pursuant to Government Code section 11517, subdivision (c)(2)(C). Page 4, Factual Finding 8, should read "The proposed catalog identifies only one instructor, but respondent's application proposes two other faculty members."

This Decision shall become effective on "August 11, 2021."

It is so ORDERED "July 9, 2021."

"Original signature on file"

RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU FOR PRIVATE POSTSECONDARY
EDUCATION
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**GETCUTZ LLC, DBA KAWS BARBER AND BEAUTY COLLEGE,
Respondent.**

Case No. 1006211

OAH No. 2020120117

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter on April 12, 2021, as a virtual hearing in California.

Carter Ott, Deputy Attorney General, represented the complainant Dr. Michael Marion, Jr., Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs. Applicant Vinh Nguyen was present by video and represented Getcutz, LLC, dba Kaws Barber and Beauty College and himself as the applicant.

The record closed on April 12, 2021, and the matter was submitted for decision on that date.

FACTUAL FINDINGS

Jurisdictional Matters

1. Dr. Michael Marion, Jr., Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs (Bureau) made this statement of issues in his official capacity.

2. On March 5, 2019, the Bureau received an application for approval to operate an institution non-accredited for Getcutz LLC, doing business as Kaws Barber and Beauty College, also known as GetCutz College (respondent) listing the contact person as Vinh Nguyen. On May 4, 2020, the Bureau denied the application. On July 5, 2020, respondent requested an administrative hearing regarding the Bureau's denial of its application.

Cause for Denial of Applicaiton

3. Respondent's application is subject to denial because the application fails to provide the components of instruction offered for its Barber Crossover and Nail Technician programs. In particular, for these programs, in different parts of its application, respondent refers to the components of instruction for those programs inconsistently. The Bureau is unable to determine the nature and length of the programs.

4. Respondent's application is subject to denial because the application fails to offer compliant descriptions of its education programs. Respondent's syllabi for various programs fail to offer compliant descriptions of the learning, skills, and other competencies to be acquired by students, specifically using the term cosmetician for

programs that are not cosmetician programs. Respondent's syllabus fails to offer a statement of educational objectives and specific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material. Respondent's proposed Esthetician and Barbering programs do not satisfy the requirement of the California Board of Barbering and Cosmetology for licensure. Respondent's curriculum for those programs is not sufficient to allow students to achieve those programs' educational objectives. Respondent's application and supporting documents, including its syllabus, inconsistently represent the length of its barber crossover, nail technician, and barbering programs. Respondent's syllabus for its cosmetology program does not state the program length. Respondent's syllabi for its "Day Time Course Structure" and "Night Time Course Structure" schedules do not include subject areas and courses or modules that are presented in a logically organized manner or sequence to students. In addition, the syllabi for those schedules do not reflect a realistic sequence and frequency of lessons or class sessions. Respondent fails to offer a compliant description of the qualification of its faculty. In particular, in describing the qualifications of its faculty, respondent states "they need to have the state (sic) of California of Barber and Cosmetology to teach any course that they will be teaching" which may mean, but does not state, that faculty member must hold licensure, in the area he or she instructs, from the California Board of Barbering and Cosmetology (Board). In addition, proposed faculty member T.V. is not licensed by the Board, and therefore is not qualified as faculty.

5. Respondent's application is subject to denial because the application does not include contracts for proposed instructors B.W. and T.V. As a result, the Bureau is unable to determine if respondent has contracted with a sufficient number of duly qualified faculty who meet the qualifications required by law.

6. Respondent's application is subject to denial because the application fails to demonstrate that it has sufficient facilities and necessary equipment to support the achievement of its educational objectives. Respondent has not provided an executed lease agreement for its proposed location, and therefore has not acquired a campus location. And, respondent admits it lacks certain necessary equipment to support the achievement of its educational objectives, and does not intend to acquire that equipment until it receives approval from the Board of Barbering and Cosmetology.

7. Respondent's application is subject to denial because the application fails to describe its library and other learning resources. The application and proposed catalog offer different descriptions of those resources.

8. Respondent's applicant is subject to denial because respondent failed to offer a compliant school catalog. The proposed catalog offers a description of respondent's library and other learning resources that differ from the description offered in the application. Respondent's proposed catalog fails to consistently describe the program descriptions, including, but not limit to, components, hours, and outcomes. The proposed catalog identifies only on instructor, but respondent's application proposes two other faculty members. The proposed catalog fails to contain information regarding faculty and their qualifications.

9. Respondent did not present any documentation at the hearing that would correct any of the deficiencies cited by the Bureau. Vinh Nguyen, representing respondent, requested more time to comply. He has had over two years to comply and has not been able to do so. The Deputy Attorney General offered respondent to submit corrections even after this statement of issues was filed. There is nothing to

indicate that even given more time, respondent will be able to comply with the requirements of the law, rules and regulations.

10. Respondent did not establish that he can provide the Bureau with an application for approval to operate an institution non-accredited that meets the qualifications required by the law, rules and regulation.

LEGAL CONCLUSIONS

1. Education Code sections 94875, 94887, and 94888 authorize the Bureau to deny an application if the applicant has not provided information deemed appropriate by the Bureau, that the applicant has the capacity to satisfy the minimum operating standards. The burden of proof is on the applicant and the standard of proof is a preponderance of the evidence. (*Owen v. Sands* (2009) 176 Cal.App.4th 985, 991-93.)

2. Education Code section 94887 and California Code of Regulations, title 5, section 71210, subdivision (c)(4) authorize the Bureau to deny an application if the application fails to provide the components of instruction offered for its Barber Crossover and Nail Technician programs. Cause for denial was established pursuant to the matters set forth in Factual Finding 3.

3. Education Code sections 94887 and 94899, and California Code of Regulations, title 5, sections 71220, subdivisions (c) and (e), and 71710, subdivisions (a), (b), (c)(2), (c)(3), (c)(4), and (e) authorize the Bureau to deny an application if the application fails to offer compliant descriptions of its educational programs. Cause for denial was established pursuant to the matters set forth in Factual Finding 4.

4. Education Code section 94887 and California Code of Regulations, title 5, sections 71250, 71720, and 71700 authorize the Bureau to deny an application if the application does not include contracts for qualified faculty. Cause for denial was established pursuant to the matters set forth in Factual Finding 5.

5. Education Code section 94887 and California Code of Regulations, title 5, sections 71260, subdivisions (b) and (e), and 71735, subdivisions (a) and (b) authorize denial of the application if the application fails to demonstrate sufficient facilities and necessary equipment to support the achievement of its educational objectives. Cause for denial was established pursuant to the matters set forth in Factual Finding 6.

6. Education Code section 94887 and California Code of Regulations, title 5, sections 71270 and 71740, subdivision (c) authorize denial of the application if it fails to describe its library and other learning resources. Cause for denial was established pursuant to the matters set forth in Factual Finding 7.

7. Education Code sections 94887 and 94909, subdivisions (a)(5) and (a)(7) and California Code of Regulations, title 5, sections 71810, subdivisions (b)(2) and (b)(10) authorize denial if applicant fails to offer a compliant school catalog. Cause for denial was established pursuant to the matters set forth in Factual Finding 8.

8. The matters set forth in Factual Findings 9, and 10 have been considered in making the following order. Applicant did not present any evidence to show that it can comply with the requirements of the law, rules, and regulations governing the application for approval to operate an institution non-accredited.

ORDER

The appeal by Getcutz, LLC dba Kaws Barber and Beauty College aka Getcutz College of the denial of approval to operate an institution non-accredited is denied. The denial of the application by the Bureau for Private Postsecondary Education is affirmed.

DATE: "5/06/2021"

"Original signature on file"

RUTH S. ASTLE

Administrative Law Judge

Office of Administrative Hearings