



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

April 25, 2018

Mohammad (David) Mojadidi, Owner
 David's Academy of Beauty
 13521 Eton Place
 Santa Ana, CA 92705

Date of Issuance	Citation Number	Institution Code
April 25, 2018	1718013	1937111

On April 5, 2018 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1718013 (Citation) against Mohammad (David) Mojadidi, owner of David's Academy of Beauty. In attendance were Yvette Johnson, Enforcement Chief; Mina Hamilton, DCA Legal; Mohammad Mojadidi, owner and Jesse J. Thaler Attorney for David's Academy of Beauty.

Pursuant to Business and Professions Code, §125.9; California Education Code, §94936; and Title 5 of the California Code of Regulations, §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1718013

It is the decision of the Enforcement Chief that on April 18, 2018, Citation No. 1718013 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p><u>AFFIRMED</u></p> <p><u>Violation:</u></p> <p>Article 15 Orderly Institutional Closure and Teach-Outs.</p> <p>94926(a)(b)- Procedures Prior to Closing, Teach-Outs</p> <p><i>At least 30 days prior to closing, the institution shall notify the bureau in writing of its intentions to close. The notice shall be accompanied by a closure plan, which shall include but not necessarily be limited to, all of the following:</i></p>

- (a) A plan for providing teach-outs or educational programs, including any agreements with any other postsecondary educational institution to provide teach-outs.
- (b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.

4, CCR 76240(a)(4)(A)(B)(6) Required Notices and Teach-Out Plan

"(a) at least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan.

(4) If any student will not be provided complete educational services or the educational program, the institution shall provide.

(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.

(B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.

(6) A plan to notify students of their rights and options under the Act and this chapter.

David's Academy of Beauty notified the Bureau on December 27, 2017, via written documentation attached to an email that both campuses of the school had closed on December 22, 2017 and had ceased all instruction for all programs due to financial hardship.

The Institution failed to provide written notice of closure to the Bureau at least 30 days prior to closing.

The Bureau did not receive a written school closure plan, which would have included arrangements for a teach-out plan and arrangements for making refunds to the students.

Assessment of Fine

The fine for this violation is \$5,000.00

AFFIRMED

2. **Violation:**

Article 15 Orderly Institutional Closure and Teach-Outs.

94927.5(a)(2)- Provision of Records to Bureau Prior to Closing

(a) Prior to closing, an institution shall provide the bureau with the following:

(2) If the institution is an accredited institution, a plan for the retention of records and transcripts, approved by the institution's accrediting agency, that provides information as to how a student may obtain a transcript or any other information about the student's coursework and degrees completed.

David's Academy of Beauty is in default of maintaining students records and student transcripts. In a telephone conversation with Mohammad (David) Mojadidi on January 29, 2018, he stated to the Bureau's Closed School Analyst that he shredded all of the student records, including the most recently graduated students. He also stated that he did not know where any of the students' transcripts were housed or stored.

	<p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
3.	<p><u>AFFIRMED</u> <u>Violation:</u> 4, CCR 71930(a)(f) Maintenance of Records</p> <p><i>(a) An institution shall maintain all records required by the Act and this chapter. The records shall be maintained in this state.</i></p> <p><i>(f) If an institution closes, the institution and its owners are jointly and severally responsible to arrange at their expense for the storage and safekeeping in California of all records required to be maintained by the Act and this chapter for as long as those records must be maintained. The repository of the records shall make these records immediately available for inspection and copying, without charge except as allowed under subdivision (c)(4) of this section, during normal business hours by any entity authorized by law to inspect and copy records.</i></p> <p>The Institution failed to maintain students' records and transcripts. The Institution failed to maintain records in California. In a telephone conversation with Mohammad (David) Mojadidi on January 29, 2018, he stated to the Bureau's Closed School Analyst that he shredded all of the student records, including the most recently graduated students. He also stated that he did not know where any of the students' transcripts were housed or stored.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$5,000.00</p>
	<p>TOTAL ADMINISTRATIVE FINE DUE: <u>\$15000.00</u></p>

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **April 25, 2018**. The order of abatement and payment are due by **May 25, 2018**

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Notice of Appeal
- Statement of Rights
- Copy of Citation Order Number
- Withdrawal – Request for Administrative Hearing